

**Minutes of the Planning Committee
6 April 2016**

Present:

Councillor R.A. Smith-Ainsley (Chairman)
Councillor C.M. Frazer (Vice-Chairman)

Councillors:

R.O. Barratt	N. Islam	R.W. Sider BEM
Q.R. Edgington	A.T. Jones	H.A. Thomson
N.J. Gething	V.J. Leighton	
A.L. Griffiths	O. Rybinski	

Apologies: Apologies were received from Councillor I.J. Beardsmore and Councillor S.J. Burkmar

75/16 Minutes

The minutes of the meeting held on 9 March 2016 were approved as a correct record.

76/16 Disclosures of Interest

a) Disclosures of interest under the Members' Code of Conduct

There were none.

b) Declarations of interest under the Council's Planning Code

Councillors R.A. Smith Ainsley, V.J. Leighton, and R.W. Sider BEM, reported that they had received correspondence in relation to application 16/00021/FUL –The Bradbury Centre Nursing Home, 68 Manygate Lane but had maintained an impartial role, had not expressed any views and had kept an open mind.

77/16 16/00021/FUL - The Bradbury Centre Nursing Home, 68 Manygate Lane, Shepperton

Description:

Erection of 2 storey 78 bedroom residential care home together with associated works including the provision of 23 car parking spaces, a refuse store and hard and soft landscaping. (Existing care home is to be demolished).

Additional Information:

The Principal Planning Officer notified the Committee that further to paragraph 7.13 in the committee report, another consultation response had been received from Environmental Health's Noise Team. This was in connection with the submission of additional information on plant and its operation and measures to protect any adverse impact on adjoining residential occupiers. The following 2 additional conditions were recommended to address relevant matters not covered in the other conditions:

- 1) The rated noise level from any plant, together with any associated ducting shall be 10 dB (A) or more below the lowest relevant measured LA90 (15min) at the nearest noise sensitive neighbouring premises. Prior to the commencement of the authorised use, a written acoustic report detailing the proposed scheme shall be submitted to and approved by the Local Planning Authority. The method of assessment is to be carried in accordance with BS4142:2014', Rating industrial noise affecting mixed residential and industrial areas'. The plant and equipment shall be installed and constructed in accordance with the approval given and shall be permanently maintained thereafter. Prior to the plant being commissioned a validation test shall be carried out following completion of the development. The results shall be submitted to the Local Planning Authority for approval in writing.

Reason

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance due to plant and machinery in accordance with the National Planning Policy Framework 2012, and Strategic Policy 6 Maintaining and Improving the Environment of the Core Strategy 2009

- 2) Before the first occupation of the development hereby permitted, a Service Management Plan detailing how and when all elements of the site are to be serviced shall be submitted to and approved by the Local Planning Authority. The servicing of the development shall be carried out in accordance with the approval given and the Service Management Plan shall remain extant for as long as the development is occupied.

Reason

To protect the amenities of the adjoining residential occupiers.

The Principal Planning Officer informed the Committee of the following recommended amendments to conditions:

Condition 6

An amendment to condition 6 was suggested by inserting the words 'and car parking' between 'Travel' and 'Plan' in the first sentence. Furthermore an amendment to the reason for the condition to add 'and encourage effective use of on-site parking spaces' in the third line after 'highway users'.

The Principal Planning Officer explained that after receiving a further detailed report on surface water drainage, the Local Lead Flood Authority (SCC) had suggested appropriate changes to the wording of the earlier recommended conditions numbered 10 to 15 which is explained in detail below:-

Condition 10

Delete condition 10

Condition 11

Replace the wording of condition 11 with the following:

Prior to construction of the development hereby approved calculations and details of the complete Drainage network for the 1 in 30 and 1 in 100 year rainfall events must be submitted to and approved by the local planning authority.

Condition 12

Replace the wording of condition 12 with the following: The detailed design and subsequent construction of surface water drainage and finished levels creating surface water exceedance flow routes, shall be undertaken in accordance with the approved plans and documents. Final details of all SuDS elements and other drainage features, including long and cross sections, soakaway design and pipe diameters and respective levels must be submitted to and approved in writing by the local planning authority.

Condition 13

Alter the wording of condition 13 to remove the words “both on and offsite” so it reads: Before the commencement of the construction of the development hereby approved details of how the Sustainable Drainage System will cater for system failure or exceedance events, ~~both on and offsite~~ must be submitted to and approved by the local planning authority.

Condition 14

Replace the wording of condition 14 with the following:

Prior to the commencement of construction, Details of how of the site will be adequately Drained (including any phasing of the works), how any surface water pollution risk is to be mitigated and how any existing drainage systems are to be protected during the construction of the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason for Condition 14

Alter the wording of reason 14 as follows: To ensure that the construction works do not compromise the functioning of the agreed Sustainable Drainage System, and the site is adequately drained during construction.

Condition 15

Alter the wording of condition 15 to remove the word “construction” and replace with “the occupation”: Prior to ~~construction~~ the occupation of the development hereby approved, details of the proposed maintenance regimes for each of the SuDS elements must be submitted to and approved by the local planning authority.

Since the committee report has been drafted, 2 further letters of objection had been received, including one which has been made on the behalf of the Shepperton Residents Association. However, these representations do not raise any new grounds for objecting beyond those already highlighted in the committee report.

Public Speaking:

In accordance with the Council's procedure for speaking at meetings Stephane Booroff spoke against the application raising the following key points:

- Represented the five properties opposite.
- Quality of life would be diminished for neighbours as a result of this proposal.
- Insufficient parking as Manygate Lane has a history of congestion.
- 23 parking spaces were not enough especially if residents of the care home had visitors.
- There are not enough on-street parking spaces currently to accommodate additional parking.
- The amount of rooms are excessive.
- Loss of light and privacy for neighbouring properties.
- The scheme is too large.
- Not in-keeping with the conservation area.

In accordance with the Council's procedure for speaking at meetings, John Montgomery spoke for the proposal raising the following key points:

- The proposal is reduced in scale compared to the originally proposed scheme.
- The applicant has ensured that necessary care and attention has been taken to the concerns of the community.
- Fully appreciative that the proposal is controversial however objections themselves must be relevant planning reasons.
- It is not overdevelopment as it is the same footprint as the previous scheme yet slightly smaller and slightly higher.
- The building is set back to create a transition from the bungalows to the main building in order to take into consideration neighbours' concerns of overlooking and loss of light.
- There is a demand for more care homes in the borough.
- There would be no loss of light to neighbours as the officer shows in his report.
- The parking spaces exceed the Council's parking standards therefore it is acceptable.
- This is a care home where residents are more likely to walk and use public transport than to drive and therefore would not require a car parking space.

Debate:

During the debate the following key issues were raised:

- The merit of the long standing established care home on the site and the argument for its replacement was acknowledged;
- The demand / need for the care home was queried given another nearby nursing home not at full capacity;
- The character and mix of buildings in the area including the adjacent conservation area;
- The set back of the new building's location and the stepped change in height of the proposed building and no windows on the northern elevation;
- Existing parking and congestion problems especially when cars parked on both sides of the road and the activity associated with Thamesmead School;
- The increase in the number of proposed bedrooms and associated activity including visitors to the site and their parking needs;
- A query was raised about the Council's policy on dormer windows;
- Need to provide a better designed replacement building;
- Overdevelopment and unacceptable parking provision and overlooking grounds;
- Policy grounds for refusal would need to be considered as the scheme provides in excess of the parking standards and complies with the SPD Guidelines;
- The footprint is marginally smaller than the existing building and would not be an example of overdevelopment;
- The conditions in the update letter recommended by Environmental Health were welcomed;
- Reference was made to the 25 degree lines to preserve good daylight and the distances between the proposed new building the accommodation in the Lyons Estate opposite the site;
- The proposal had been substantially reduced from the original pre-application scheme;
- Reference was made to the summary provided in the committee report.

Decision:

The application was **approved** as set out in the report of the Head of Planning and Housing Strategy subject to the following amendments to conditions and removal of condition 10:

Condition 6

Notwithstanding the submitted Travel and car parking Plan prior to the commencement of the development a revised Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, and Surrey County Council's "Travel Plans Good Practice Guide". And then the approved Travel Plan shall be implemented upon first occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users and encourage effective use of on-site parking spaces, and to accord with the National Planning Policy Framework 2012 and policy CC2 (highway Safety) and CC3 (Parking) of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

Condition 11

Prior to construction of the development hereby approved calculations and details of the complete Drainage network for the 1 in 30 and 1 in 100 year rainfall events must be submitted to and approved by the local planning authority.

Reason: To ensure that the design fully meets the requirements of the national SuDS technical standards.

Condition 12

The detailed design and subsequent construction of surface water drainage and finished levels creating surface water exceedance flow routes, shall be undertaken in accordance with the approved plans and documents. Final details of all SuDS elements and other drainage features, including long and cross sections, soakaway design and pipe diameters and respective levels must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the design fully meets the requirements of the national SuDS technical standards.

Condition 13

Before the commencement of the construction of the development hereby approved details of how the Sustainable Drainage System will cater for system failure or exceedance events, must be submitted to and approved by the local planning authority.

Reason: To ensure that the proposal has fully considered system failure.

Condition 14

Prior to the commencement of construction, Details of how of the site will be adequately Drained (including any phasing of the works), how any surface water pollution risk is to be mitigated and how any existing drainage systems are to be protected during the construction of the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the construction works do not compromise the functioning of the agreed Sustainable Drainage System, and the site is adequately drained during construction.

Condition 15

Prior to the occupation of the development hereby approved, details of the proposed maintenance regimes for each of the SuDS elements must be submitted to and approved by the local planning authority.

Reason: To ensure the drainage system is maintained throughout its life time to an acceptable standard.

78/16 14/00214/ENF - Land to the north of 7 Maxwell Road, Ashford, TW15 1RL

Description:

Unauthorised siting and residential use of a caravan.

Additional Information:

There was none.

Public Speaking:

There was no public speaking.

Debate:

During the debate the following key issues were raised:

- The busy parked up nature of Maxwell Road;
- Recent improved appearance of the area generally and the danger of the character of the area returning to its former condition.

Decision:

That an enforcement notice be issued requiring the following steps:

- Cease the unauthorized siting of the residential use of the caravan;
- Removal of the caravan from the land and any associated hardstanding.

Such Notice to be complied with within 3 months of it taking effect.

79/16 16/00078/UNDEV - The Paddocks, land to the rear of 237-245 Hithermoor Road, Stanwell Moor, Stanwell

Description:

Unauthorised siting and residential use of a caravan.

Additional Information:

There was none.

Public Speaking:

In accordance with the Council's procedure for speaking at meetings Gavin Gates spoke against the enforcement action raising the following key points:

- Lives in the caravan as temporary accommodation with his wife and two children.
- Did not intend to be in this situation.
- Did not want his children to go homeless.

Debate:

During the debate the following key issues were raised:

- The particular circumstances of the applicant which he had explained;

- The balance between the circumstances and the Council's planning policies;
- It was proposed and agreed to extend the compliance period to 6 months.

Decision:

That an enforcement notice be issued requiring the following steps:

- Cease the unauthorised siting of the residential use of the caravan;
- Removal of the caravan from the land and any associated hardstanding.

Such Notice to be complied with within 6 months of it taking effect.

80/16 Standard Appeals Report

The Chairman informed the Committee that if any Member had any detailed queries regarding the report on Appeals lodged and decisions received since the last meeting, they should contact the Head of Planning and Housing Strategy.

Resolved that the report of the Head of Planning and Housing Strategy be received and noted.

81/16 Committee's thanks

Councillor C.M. Frazer thanked former Councillor A. Neale on behalf of the Committee, who had recently departed from the Council, for her work as a Planning Committee member and Councillor since her election in May 2015.