

**Minutes of the Planning Committee
8 March 2017**

Present:

Councillor R.A. Smith-Ainsley (Chairman)
Councillor H.A. Thomson (Vice-Chairman)

Councillors:

R.O. Barratt	R. Chandler	A.C. Harman
C.B. Barnard	S.M. Doran	A.T. Jones
I.J. Beardsmore	P.C. Forbes-Forsyth	
J.R. Boughtflower	M.P.C. Francis	

Apologies: Apologies were received from Councillor C.M. Frazer and Councillor R.W. Sider BEM

In Attendance:

Councillors who are not members of the Committee, but attended the meeting and spoke on an application in or affecting their ward, are set out below in relation to the relevant application.

337/16 Minutes

The minutes of the meeting held on 8 February 2017 were approved as a correct record.

338/16 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

Councillor R.A. Smith Ainsley declared an interest on behalf of the Committee in relation to application 17/00091/FUL - Hengrove Park, Station Crescent, Ashford - as the applicant was Spelthorne Borough Council.

Councillor R.A. Smith Ainsley reported that he had received correspondence in relation to application 16/00430/FUL - land adjacent to Manor Farm

126 Charlton Road, Shepperton - but had maintained an impartial role, had not expressed any views, had kept an open mind and was not speaking in a personal capacity.

Councillors R.A. Smith Ainsley and P. Forbes-Forsyth reported that they had received correspondence in relation to application 17/00099/FUL - Headline House, Stanwell Road, Ashford - but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor D. Saliagopoulos, speaking as a ward councillor in relation to application 17/00130/HOU - 104 Avondale Avenue, Staines-upon-Thames - declared that she lived in close proximity to the application address but was not personally impacted by the proposal and had kept an open mind.

Councillors R.A. Smith Ainsley, J Boughtflower, S. Doran and M.P.C. Francis reported that they had received correspondence in relation to enforcement item 17/00006/UNDEV -land to the west of Sheep Walk, Shepperton - but had maintained an impartial role, had not expressed any views and had kept an open mind.

339/16 17/00091/FUL - Hengrove Park, Station Crescent, Ashford

Description:

The installation of adult fitness equipment within the park.

Additional Information:

There was none.

Public Speaking:

There was none.

Debate:

During the debate the following key issues were raised:

- Likely to be used by younger people although this was not a major concern or consideration.

Decision:

The application was **approved** as per agenda.

340/16 16/00430/FUL - Land Adjacent to Manor Farm, 126 Charlton Road, Shepperton

Description:

The demolition of existing buildings and the erection of commercial units together with associated car parking, hardstanding and landscaping.

Additional Information:

The Assistant Head of Planning (Development Management) reported the following:

Amendment to Paragraph 3.2 (red text only):

The application site includes the pond adjacent to Charlton Road and access roadway to the west of Manor Farm House. It also includes a strip of land to the east, which has previously been subject to Enforcement Notices (see the planning history section in this report). Whilst I understand that the applicant originally complied with these enforcement notices by clearing the land of the hardstanding and structures (and reducing the metal fencing in height to 2m – the Permitted Development limit), my site visit revealed that this area of land was being used for the parking/storage of lorries. ~~I will raise this issue with the applicant and consider enforcement action if necessary.~~ **The Council's Planning Enforcement Officer is aware of this breach of planning control and is currently in contact with the owner to rectify the breach as soon as possible.**

Amendments to condition 2 (drawing numbers) as follows:

Condition 2

010; 011 Rev. 01; 012; 100 Rev. 01; 101; 030 Rev. 01; 031 Rev. A; 32 Rev. A; 033; 040; 200 Rev. 02; 201 Rev. A; 202 Rev. 02; 203 Rev. 02; 204 Rev. 02; 205 Rev. 02; 206 Rev. 02; 300; 400 received 14 July 2016.

Reason:- For the avoidance of doubt and in the interest of proper planning.

Conditions 20 and 21 are a duplicate, condition 21 should be deleted.

The following informatives are required to be added to the decision notice. (The first informative is recommended in paragraph 7.16 of the committee report and the second and third informatives by Thames Water):

Informatives

1. Works affecting the roof and tiles should be done by hand to ensure any bats which may be sheltering beneath them will not be harmed. These works should ideally be timed to avoid the hibernation season (November to February inclusive). It will also be important to advise roofers removing the tiles to lift each tile carefully before removal and to check the underside does not have a bat clinging to it before moving the tile away. Tiles should be lifted rather than slid along. Workers should keep watch for fur and should be informed that bats take up to half an hour to rouse from the deep sleep that they enter each day called torpor and hence can easily be damaged before they are able to move when disturbed. If a bat is seen

work should cease immediately and advice sought from Natural England or a qualified specialist.

The applicant should be aware of the requirement to apply for a European Protected Species derogation Licence for any activity that may adversely impact on a potential bat roost or disturb bats, in order to avoid contravention of the above referenced legislation.

2. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
3. There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

Public Speaking:

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

- Will attract employment and investment to the borough.

Debate:

During the debate the following key issues were raised:

- Replacement is comparable in size and impact within the green belt.
- Drainage and flooding issues addressed in the report.
- Query over what the comparison was in terms of floorspace and volume.

Decision:

The application was **approved** as per agenda subject to the amendment to condition 2, the deletion of condition 21 and the three additional informatives as reported by the Assistant Head of Planning (Development Management).

341/16 17/00099/FUL - Headline House, Stanwell Road, Ashford

Description:

The erection of a two storey building with second floor accommodation to provide 2 no. one bedroom flats and 7 no. two bedroom flats with associated parking and amenity space.

Additional Information:

The Assistant Head of Planning (Development Management) reported the following:

One late letter of representation had been received raising queries about the boundary treatment and whether the existing wall would be retained.

In response to this, the applicant has indicated that subject to its condition, it is intended to retain the wall and reduce its height to approximately 2m above ground level. Condition 3 deals with boundary treatment details which are required to be submitted for approval.

Amendment to the final sentence of Paragraph 7.14 (red text only):

Furthermore, balconies were approved in these locations in the previous scheme and were considered acceptable and the current balconies will have a very similar impact. It is therefore considered that the impact is acceptable and that refusal ~~can~~ **cannot** be justified on these grounds.

A consultation response had been received from the Council's Tree Officer raising no objection to the proposal subject to the implementation of the submitted Arboricultural Method Statement which is secured by Condition 9.

A consultation response had been received from the County Highway Authority raising no objection subject to conditions including an amendment to condition 19.

Amendments to condition 5 (drawing numbers) are required for the condition to read as follows:

Condition 5

The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

Site survey; L2436/LP Revision A; L2436/02; L2436/03; L2436/04; L2436/05 Revision B; received 20 January 2017 and L2436/06 Revision D; L2436/07 Revision D received 3 March 2017.

Reason:- For the avoidance of doubt and in the interest of proper planning.

Amendments to condition 19 to read as follows:

Condition 19

The development hereby approved shall not be first occupied unless and until the existing vehicular access to Chaucer Road has been modified **and provided with tactile paving** in accordance with ~~the approved plan~~ **a scheme to be submitted to and approved in writing by the Local Planning Authority**, and redundant sections of the existing access have been reinstated to kerb and footway, all to be permanently retained.

Reason:- The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other

highway users, 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.

The following informative is required to be added to the decision notice:

Informative

Please note that this application is subject to the payment of Community Infrastructure Levy (CIL). Full details of the charge, how it has been calculated and what happens next are set out in the CIL Liability Notice which will be sent separately.

If you have not already done so an Assumption of Liability notice should be sent to the Council as soon as possible and before the commencement of development.

Further information on CIL and the stages which need to be followed is available on the Council's website. www.spelthorne.go.uk/CIL

Public Speaking:

There was none.

Debate:

During the debate the following key issues were raised:

- Not a major change.
- Overlooking concerns addressed.
- Marginally bulkier building.
- Condition 3 should be amended to add reference to a wall being provided on the eastern side.

Decision:

The application was **approved** as per agenda subject to the amendments to conditions 5 and 19 and the additional CIL informative set out above together with the following amendment to condition 3:

After "erected" add "The boundary treatment shall include, on the eastern boundary, the retention of the existing wall reduced to a height of 2m. In the event that it is not possible to retain the wall, a replacement wall of 2m shall be provided on the eastern boundary as part of this scheme."

342/16 17/00130/HOU - 104 Avondale Avenue, Staines-upon-Thames

Description:

The erection of an outbuilding situated in the rear garden.

Additional Information:

There was none.

Public Speaking:

In accordance with the Council's public speaking procedures, Councillor Saliagopoulos spoke as ward member raising the following key points:

- Condition 1 is of concern as it is not the responsibility of residents to enforce it.
- Impact on bungalows to the rear.
- Concern over w.c. at the rear and impact on neighbours.
- Flooding concerns.
- Would set a precedent.
- Contrary to policy EN1.

Debate:

During the debate the following key issues were raised:

- There was a similar application recently refused by the Planning Committee and it was allowed on appeal.
- The proposal is similar to what is allowed under permitted development.
- Main concern with height of proposal.
- Concern over appearance of the roof.
- Concern over how the use is to be policed / condition 1 is toothless.
- Can the ridge height be reduced?
- Is it realistic to reduce the ridge height?

Decision:

The application was **OVERTURNED AND REFUSED PLANNING PERMISSION** for the following reason:

The outbuilding would, by reason of its height and close proximity to the common boundary, have an unacceptable and overbearing impact on, and would result in the loss of outlook to, the neighbouring residential properties, contrary to policy EN1 (b) of the Spelthorne Borough Local Plan, 2009.

Councillor P. Forbes-Forsyth was not present for the remaining items on the agenda.

343/16 17/00006/UNDEV - Land to the west of Sheep Walk, Shepperton

Description:

The unauthorised siting and residential use of caravans and storage of trailers, vehicles and other possessions.

Additional Information:

The Assistant Head of Planning (Development Management) reported the following:

Update to Planning History on the site

15/01634/FUL

Importation of top soil to raise the land by approx. 1m to restore the land to agriculture. Stationing of caravans and storage of materials and other associated works (partly on proposed injunction site).

Application invalid.

A planning application was received on Monday 6 March 2017 covering part of the proposed injunction site for retention of hardstanding, tipping of top soil, temporary standing of two residential caravans and the storage of other caravans and equipment used to support the occupation of travelling showman plus the parking of lorries and cars for a temporary period of four years (17/00365/FUL).

The planning application is invalid and we will be writing to the applicant to this effect.

A late letter had been received from the planning agent making the following comments:

- A planning application has been submitted in relation to the proposed injunction land. This includes a landscaping scheme and should be determined first.
- The occupier is very ill and there is nowhere for the family to relocate to. (Officer note: no recent statements have been received concerning this).
- 60 housing plots have already been sold on Sheep Walk. The land is “damaged” green belt and is to be removed from the green belt and flood zone. (Officer note: the land is allocated as flood plain and green belt in the Local Plan).
- The report to committee is inaccurate.

Amendments to Committee Report

1st line on page 86 should read “Reasons for applying for an Injunction”.

1st line of reason 3 on page 86 should read “people” rather than. “peole”.

Public Speaking:

There was none.

Debate:

During the debate the following key issues were raised:

- Previous injunction not relevant.
- Should be treated as a serious nature.

- Health and safety concerns / death trap.
- Commercial trailers on site.

Decision:

Recommendation to apply for an injunction was **agreed** as per the agenda subject to reason 3 being amended to refer to “people” rather than “peole” on page 86.

344/16 Planning 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 Assistant Head of Planning and Housing Strategy.

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

345/16 Urgent Items

There were none.