

Please reply to:

Contact: Chris Curtis
Service: Committee Services
Direct line: 01784 446240
E-mail: c.curtis@spelthorne.gov.uk
Date: 23 December 2019

Notice of meeting

Planning Committee

Date: Wednesday, 8 January 2020

Time: **Call Over Meeting** - 6.45 pm

The Call Over meeting will deal with administrative matters for the Planning Committee meeting. Please see guidance note on reverse

Committee meeting – Immediately upon the conclusion of the Call Over Meeting

Place: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames

To the members of the Planning Committee

Councillors:

R.A. Smith-Ainsley (Chairman)	M. Gibson	R.J. Noble
A. Brar	N. Islam	R.W. Sider BEM
S. Buttar	T. Lagden	V. Siva
S.A. Dunn	J. McIlroy	B.B. Spoor
N.J. Gething	L. E. Nichols	J. Vinson

Councillors are reminded that the Gifts and Hospitality Declaration book will be available outside the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

www.spelthorne.gov.uk customer.services@spelthorne.gov.uk Telephone 01784 451499

Call Over Meeting

Guidance Note

The Council will organise a meeting immediately prior to the Planning Committee meeting (a "Call Over") which will deal with the following administrative matters for the Committee:

- Ward councillor speaking
- Public speakers
- Declarations of interests
- Late information
- Withdrawals
- Changes of condition
- any other procedural issues which in the opinion of the Chairman ought to be dealt with in advance of the meeting.

The Call-Over will be organised by Officers who will be present. Unless there are exceptional circumstances, the meeting will be held in the same room planned for the Committee. The Chairman of the Planning Committee will preside at the Call-Over. The Call-Over will take place in public and Officers will advise the public of the proceedings at the meeting. Public speaking at the Call-Over either in answer to the Chairman's questions or otherwise will be at the sole discretion of the Chairman and his ruling on all administrative matters for the Committee will be final.

Councillors should not seek to discuss the merits of a planning application or any other material aspect of an application during the Call-Over.

Planning Committee meeting

Start times of agenda items

It is impossible to predict the start and finish time of any particular item on the agenda. It may happen on occasion that the Chairman will use his discretion to re-arrange the running order of the agenda, depending on the level of public interest on an item or the amount of public speaking that may need to take place. This may mean that someone arranging to arrive later in order to only hear an item towards the middle or the end of the agenda, may miss that item altogether because it has been "brought forward" by the Chairman, or because the preceding items have been dealt with more speedily than anticipated. Therefore, if you are anxious to make certain that you hear any particular item being debated by the Planning Committee, it is recommended that you arrange to attend from the start of the meeting.

Background Papers

For the purposes of the Local Government (Access to Information) Act 1985, the following documents are to be regarded as standard background papers in relation to all items:

- Letters of representation from third parties
- Consultation replies from outside bodies
- Letters or statements from or on behalf of the applicant

AGENDA

Page nos.

1. Election of Vice-Chairman

To elect a Vice-Chairman of the Committee for the remainder of the Municipal Year, following the amendment to the Conservative Group membership of the Committee in December 2019.

2. Apologies

To receive any apologies for non-attendance.

3. Minutes

5 - 8

To confirm the minutes of the meeting held on 11 December 2019 (copy attached).

4. Disclosures of Interest

To receive any disclosures of interest from councillors under the Councillors' Code of Conduct, or contact with applicants/objectors under the Planning Code.

Planning Applications and other Development Control matters

To consider and determine the planning applications and other development control matters detailed in the reports listed below.

5. Application No. 19/01070/FUL - Drake House, Drake Avenue, Staines-upon-Thames, TW18 2AW

9 - 32

Ward

Staines

Proposal

Demolition of existing building and erection of an apartment block comprising 14 no. flats over three floors of accommodation with associated access from Gresham Road, car parking, landscaping and amenity space. Provision of 2 no. parking spaces for adjacent Gradus premises.

Officer recommendation

To approve the application subject to conditions.

6. Planning Appeals Report

33 - 40

To note details of the Planning appeals submitted and decisions received between 28 November and 18 December 2019.

7. Urgent Items

To consider any items which the Chairman considers as urgent.

**Minutes of the Planning Committee
11 December 2019**

Present:

Councillor R.A. Smith-Ainsley (Chairman)

Councillor H. Harvey (Vice-Chairman)

Councillors:

S. Buttar

T. Lagden

B.B. Spoor

R. Chandler

J. McIlroy

J. Vinson

S.A. Dunn

L. E. Nichols

M. Gibson

R.W. Sider BEM

Apologies: Apologies were received from Councillors C.F. Barnard and V. Siva

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.

Councillor A.J. Harman – Application 19/01237/FUL - Staines Ex-Servicemen's Club Ltd, 6 Laleham Road, Staines-upon-Thames

321/19 Minutes

The minutes of the meeting held on 13 November 2019 were approved as a correct record.

322/19 Disclosures of Interest

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

Councillor R.W. Sider BEM declared a conflict of interest due to the fact that he was himself an ex-serviceman.

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

Councillors R.A. Smith Ainsley and R.W. Sider BEM reported that they had received correspondence in relation to application 19/01237/FUL – Staines Ex-Servicemen's Club, 6 Laleham Road, Staines-upon-Thames but had maintained an impartial role, had not expressed any views and had kept an open mind. Councillor B. Spoor declared that he had visited the site.

323/19 Planning Application No. 19/01237/FUL - Staines Ex-Servicemen's Club Ltd, 6 Laleham Road, Staines-upon-Thames, TW18 2DX

Councillor J. McIlroy arrived late and did not participate in the debate or vote on the matter.

Description:

The Planning application proposed the demolition of the existing clubhouse building and outbuildings to allow for construction of a new ex-servicemen's clubhouse and apartment complex comprising 14 no. apartments with integral car and bicycle parking, refuse storage, landscaping and amenity space together with altered vehicular access point from Laleham Road.

Additional Information:

The Senior Planning Officer advised the Committee that two additional letters had been received, one objecting and one supporting the application.

The objection letter raised the following concerns:

- The proposal will dwarf Regatta House
- Concern that additional items may be placed on the roof
- Proposed flats will be too expensive for local people and will be bought by people from outside the area.

The letter of support raised the following issues:

- The proposal will dramatically improve the site
- The existing building appears run down
- If left as it is, the building will become empty and an eyesore
- The club has 400 members and will be 100 years old next year.

Public Speaking:

In accordance with the Council's procedure for speaking at meetings, Anne Damerell spoke against the proposed development raising the following key planning points:

- The site should be developed to include a club house
- Proposal is still too high and bulky
- Proposal is not different from the refused scheme
- It is an overdevelopment
- Insufficient landscaping
- It is contrary to the NPPF

In accordance with the Council's procedure for speaking at meetings, Kevin Davies and Anthony Willmott spoke for the proposed development raising the following key planning points:

- Opportunity to regenerate an important site in Staines and on the river
- The club was originally formed in 1920

- The club provides an affordable facility for members and supports many local charities
- The scheme will provide much needed housing and will give the club financial security

In accordance with the Council's procedure for speaking at meetings, Councillor A.J. Harman spoke as Ward Councillor in support of the proposed development raising the following key points:

- Supports development
- Will retain existing function
- Scheme will enhance the riverside location
- Proposed access has been moved away from the junction with Gresham Road
- Layby has opened up street scene and will enable deliveries and safe drop off point without blocking the road

Debate:

During the debate the following key issues were raised:

- Applicant has made enough changes from refused scheme, the revised plans are a significant improvement
- Developer has liaised with planning officers
- Efficient use of land
- Will provide housing
- The site looks old and tired and does little for Staines town
- Meets requirements relating to parking, highways and renewable energy
- Will enhance the street scheme and riverside
- It is a brownfield site surrounded by existing residential development
- Complies with para 11 of NPPF
- Will continue to provide a community function
- Promotes sustainability
- Overdevelopment of the site
- Won't create a sense of community
- Is in a sustainable location

Decision:

The application was **approved**, subject to conditions, as recommended in the Planning Committee report.

324/19 Planning Development Management Performance Report

The Committee received the report from the Planning Development Manager on the Development Management Performance for the period October 2018 to September 2019.

Resolved to note the report.

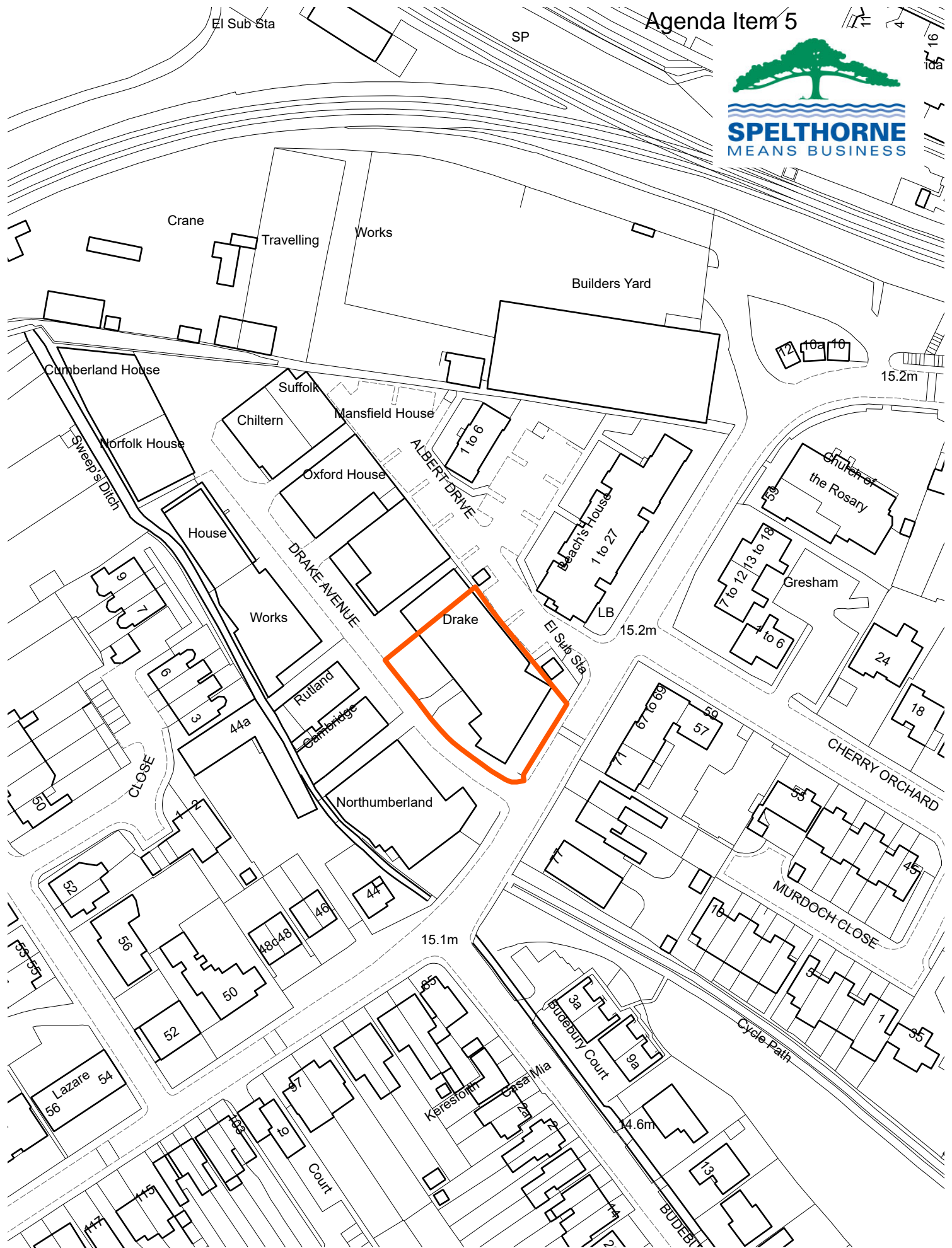
325/19 Planning Appeals Report

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 Planning Development Manager.

Resolved that the report of the Planning Development Manager be received and noted.

326/19 Urgent Items

There were none.



19/01070/FUL - Drake House, Drake Avenue, Staines-upon-Thames.

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Planning Committee

8 January 2020



Application No.	19/01070/FUL		
Site Address	Drake House, Drake Avenue, Staines-upon-Thames.		
Applicant	Mr Scott, Planning and Design Services Ltd.		
Proposal	Demolition of existing building and erection of an apartment block comprising 14 no. flats over three floors of accommodation with associated access from Gresham Road, car parking, landscaping and amenity space. Provision of 2 no. parking spaces for adjacent Gradus premises.		
Case Officer	Paul Tomson		
Ward	Staines		
Called-in	N/A		
Application Dates	Valid: 19/08/2019	Expiry: 18/11/2019	Target: Extension of time agreed
Executive Summary	<p>The proposal involves the demolition of the main part of Drake House, which is an existing industrial building with associated offices, and the erection of a new building with three floors of accommodation to provide 14 flats. Access to the development will be from Gresham Road. The site is located within the urban area. It is not within a designated Employment Area.</p> <p>It is considered that the principle of demolishing the existing commercial building and replacing it with a new residential development is acceptable. The proposal will be in keeping with the character of area, will not cause harm to the amenity of neighbouring residential properties and is considered to meet the requirements of Policy EN1 of the Core Strategy and Policies DPD. Moreover, the proposed units are considered to provide an acceptable standard of amenity for future occupiers. Whilst the proposed parking provision is below the Council's minimum Parking Standards, the site is located a short walk away from the railway station and Staines town centre and consequently, it is considered that the shortfall is acceptable in this particular case. It is not considered that a refusal on highway safety grounds can be justified.</p>		
Recommended Decision	This planning application is recommended for approval subject to conditions set out at Paragraph 8 of the Report.		

MAIN REPORT

1. Development Plan

1.1 The following policy in the Council's Core Strategy and Policies DPD 2009 is considered relevant to this proposal:

- LO1 (Flooding)
- HO1 (Providing for New Housing Development)
- HO3 (Affordable Housing)
- HO4 (Housing Size and Type)
- HO5 (Density of Housing Development)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN11 (Development and Noise)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

2. Relevant Planning History

2.1 The site has the following planning history:

18/00446/PDO	Prior approval notification for the change of use of part of the building from (B1) office to residential (C3) consisting of 14 no. units	Refused 17/05/2018
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3. Description of Current Proposal

3.1 The application relates to Drake House, which is a commercial property located on the corner of Drake Avenue and Gresham Road in Staines-upon-Thames. The building comprises the main single storey commercial element covering the centre of the site, but with ancillary two-storey offices fronting Gresham Road. There is existing parking on the forecourt fronting Drake Avenue.

3.2 Drake Avenue comprises an existing small industrial estate. To the north-west is the attached commercial unit occupied by Gradus. This particular unit is owned by the applicant but does not form part of the application site (it is outlined in blue on the site location plan). To the north-east is the residential development of Albert Drive which comprises the blocks of Beach's House and Mansfield House. To the south, on the other side of Drake Avenue, are the existing commercial buildings of Northumberland House, Cambridge House and Rutland House. To the south-west are the residential properties of 67 – 77 Gresham Road. The site is located within the urban area. Whilst Drake Avenue is an existing industrial estate within all of the units in commercial use, it is not designated as an Employment Area in the Core Strategy and Policies DPD (CS & P DPD). The site is located within the

relatively low risk Flood Zone 2 (between 1 in 100 year and 1 in 1000 year chance of flooding).

- 3.3 The proposal involves the demolition of Drake House and the erection of a new building with three floors of accommodation providing 14 flats. The proposed building will measure 39.8 metres in length, between 15 – 23.4 metres in width, and up to 9.34 metres in height. The second floor will be within the roof space with the flats served by dormer windows. The building will be traditional in appearance and faced with a mix of brickwork, white render and roof slates. Private amenity space will be provided in the form of balconies and terraces. Access will be from Gresham Road. 15 no. car parking spaces will be provided for the flats. A further 2 no. spaces are to be provided in the north-western corner (facing Drake Avenue) for the existing commercial unit of Gradus. In terms of dwelling mix, there will be 4 no. 1-bed, 9 no. 2-bed and 1 no. 3-bed units (all market housing).
- 3.4 The proposed site layout plan and elevations are attached as an Appendix.

4. Consultations

- 4.1 The following table shows those bodies consulted and their response.

Consultee	Comment
County Highway Authority	No objection subject to conditions
Environmental Health (Pollution)	No objection on contaminated land grounds subject to a condition.
Environmental Health (Noise)	No objection subject to a condition.
Crime Prevention Officer	Has made various security related comments. These can be addressed as an informative to the applicant
Environment Agency	No objection subject to a condition
Lead Local Flood Authority (Surrey County Council)	No objection subject to conditions
Sustainability Officer	No objection to the renewable energy facilities (photovoltaic solar panels)
Group Head – Neighbourhood Services	No objection.
Cadent (Gas)	No objection. A copy of the response has been forwarded to the applicant
Thames Water	No objection. Recommends informatives relating to groundwater and petrol/oil interceptors.

5. Public Consultation

- 5.1 72 properties were notified of the planning application. A statutory site notice was displayed and the application was advertised in the local press. A total of 15 letters of objection have been received. 3 of the letters are from 1 person,

2 of the letters from another person, whilst a further 3 of the letters are from 1 household. Reasons for objecting include:-

- Loss of commercial/industrial property.
- Impact on the flow of traffic using Drake Avenue, which is a private road. The proposal will lead to the road being narrowed. Adverse impact on highway safety.
- Inappropriate creating a new residential development in an industrial estate. The noise and disturbance from the neighbouring industrial premises will harm the amenity of the new residents.
- The proposal will harm the businesses in Drake Avenue.
- Concern about the existing electricity substation already towards full capacity.
- Impact on flooding.
- Insufficient parking provision. Impact on existing on-road parking
- Impact on existing infrastructure/services.
- Loss of trees [*Officer note: the conifer trees on the Gresham Road frontage have already been removed*]

6. Planning Issues

- Principle
- Need for Housing
- Housing Density
- Design and appearance
- Impact on neighbouring properties
- Amenity space
- Unit size
- Parking provision
- Impact on highway safety

7. Planning Considerations

Principle

- 7.1 The site is located within the urban area. The site is not located within a designated Employment Zone. It is located within Flood Zone 2, which has a relatively low risk of flooding. Consequently, the principle of demolishing the existing commercial building and redeveloping the site for residential purposes is considered acceptable.

Need for Housing

- 7.2 When considering planning applications for housing, local planning authorities should have regard to the government's requirement that they boost significantly the supply of housing, and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF).
- 7.3 The Council has embarked on a review of its Local Plan and accepts that the housing target in its Core Strategy and Policies DPD-Feb 2009 of 166

dwellings per annum is significantly short of its latest objectively assessed need of 552-757 dwellings per annum (Para 10.42 – Strategic Housing Market Assessment (SHMA) – Runnymede and Spelthorne – Nov 2015). On 20th February 2019, the government updated its guidance in respect of Housing and Economic needs assessment which included proposals for a standard method for calculating local authorities' housing need. A figure of 590 dwellings per annum for Spelthorne was proposed by the application of this new approach. This figure of 590 based on the 2014 household formation projections has also been suggested by the Government in its latest consultation (Oct – Dec 2018). Following recent analysis, the figure has been revised to 603. Despite recent uncertainties, the standard methodology provides the most recent calculation of local housing need in the Borough and is consistent with the range of need identified by the Council in their SHMA. It is therefore appropriate for the Council to use the 603 dwellings per annum figure as their local housing need figure that comprises the basis for calculating the five-year supply of deliverable sites.

- 7.4 The sites identified in the Strategic Land Availability Assessment (SLAA) as being deliverable within the first five years have been used as the basis for a revised 5-year housing land supply figure. Whilst this has shown that notionally we have identified sufficient sites to demonstrate that we have a five year supply of housing sites we have recently been advised that we need to apply an additional 20% buffer rather than the previously used 5%. This is because Government guidance (NPPF para 74) requires the application of a 20% buffer “where there has been significant under delivery of housing over the previous three years”. It therefore has no choice now but to apply the additional buffer for the five year period from 1 April 2019 to 31 March 2024. A 20% buffer applied to 603 results in a figure of 724 dwellings per annum which is our current figures. The effect of this increased requirement is that the identified sites only represent a 4.4 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites.
- 7.5 In using the new objectively assessed need figure of 724 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review, the Borough’s housing supply will be assessed in light of the Borough’s constraints, which will be used to consider options for meeting need. The Council has now published its SLAA which identifies potential sites for future housing development over the plan period.
- 7.6 As a result, current decisions on planning applications for housing development need to be based on the ‘tilted balance’ approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless *‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole’*.
- 7.7 It should also be noted that the Housing Delivery Test Result for Spelthorne Borough Council was published by the Secretary of State in February 2019, with a score of 63 percent. This means that the Council had undelivered housing delivery verses need in previous years and as a result the Council

has produced a Housing Delivery Test Action Plan to positively respond to the challenge of increasing its housing delivery. The Action Plan analyses and sets out actions to improve housing delivery within the Borough.

- 7.8 Taking into account the above and adopted policy HO1, which encourages new housing development in urban sites for additional housing to meet our Borough's needs, the Action Plan set out ways in which Spelthorne will meet this need. Para 6.11 states that, '*...The policy defines a range of measures including the promotion of specific sites through Allocations DPDs, producing planning briefs, encouraging housing generally on suitable sites, including mixed use scheme, using poorly located employment land, using land effectively and resisting the loss of housing.*'.

Housing Density

- 7.9 Policy HO5 of the CS & P DPD states that within higher density residential areas, including those characterised by a significant proportion of flats and those containing significant Employment Areas, new development should generally be in the range of 40 to 75 dwellings per hectare. Higher density development may be acceptable where it is demonstrated that the development complies with Policy EN1 on design particularly in terms of compatibility with the character of the area and is also within an area which is accessible by non-car based modes of transport.
- 7.10 The proposed density is 117 dwellings per hectare (dph), which is above the recommended 40 to 75 dph range laid out in Policy HO5. It is important to note that any mathematical density figure, is in part, a product of the mix of units proposed. In this case 13 out of the 14 units are either 1 bed or 2 bed and accordingly, it is possible to accommodate many more small units within a given floorspace and an acceptable numerical density can be much higher. Moreover, the site is in a location that is well served by public transport. It is a short walk away from the railway station, which has an extensive and frequent service. It is also within walking distance of the town centre and its many shops and services. It is relevant to note that Paragraph 122 of the NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it. Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities. Accordingly, the proposed housing density is considered acceptable, subject to it complying with Policy EN1 on design (see the paragraphs below).

Design and Appearance

- 7.11 Policy EN1a of the CS & P DPD states that the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions,

building lines, layout, materials and other characteristics of adjoining buildings and land.

- 7.12 It is considered that the proposed design and appearance is in keeping with the character of the area and complies with the requirements of Policy EN1a. The proposed building will be two-storey in scale but with second floor accommodation within the roofspace served by dormers. The proposal will be similar in scale and design to the neighbouring residential blocks of Beach's House to the north-east, and 67 – 71 Gresham Road to the south-east, both which have 3-floors of accommodation with the second floor served by dormers. The proposal will also appear in character with 73, 75 and 77 Gresham Road, and the neighbouring commercial property of Northumberland House further to the south. Moreover, the proposed building will be set-back from Gresham Road by between 5.6m – 5.8m, and will therefore maintain the existing building line in this part of Gresham Road.

Impact on Neighbouring Properties

- 7.13 Policy EN1b of the CS & P DPD states that new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.
- 7.14 It is considered that the relationship with neighbouring residential properties is acceptable. Whilst no part of the proposed development will directly adjoin a neighbouring residential dwelling, it will be located next to the parking area of the Albert Drive to the north. The proposed northern elevation will face onto the adjacent parking area, and the communal garden area of Beach's House. However, because both the adjacent parking area and garden are in communal use, there would not be an adverse loss of privacy from the proposal. Moreover, due to the orientation of the buildings and the substantial separation distance between them, it is not considered that the proposed development would have an overbearing impact on the neighbouring block of Beach's House. It is also considered that the proposal will have an acceptable relationship with Mansfield House further to the north-west, the properties on the other side of Gresham Road, and the neighbouring commercial properties in Drake Avenue.

Amenity Space

- 7.15 The Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development 2011 sets out minimum amenity space standards for new dwellings. For flats, the requirement is 35 sq. m per unit. Where amenity space is shared the requirement will be relaxed to 35 sq. m per unit for the first 5 units, 10 sq. m for the next 5 units, and 5 sq. m for each unit thereafter. Usable balcony floorspace may be counted in this provision. In addition, the SPD states that only usable garden space to the side and rear of a property will be regarded as private amenity space.
- 7.16 All of the proposed units will have private amenity space in the form of balconies and terraces of various sizes. The largest amenity spaces are on

the ground floor. However, all of the spaces are below the minimum SPD standard of 35 sq. m (the plans show a private space of 48 sq. m for Unit 1 but this is mainly located on the Gresham Road frontage and should not be counted). The combined size of the proposed amenity space is 152 sq. m (if communal, the SPD would require at least 245 sq. m).

- 7.17 Whilst the proposed amenity space does not comply with the Council's minimum garden size standards in the SPD, it is not considered that there are sufficient grounds to justify refusal of planning permission in this particular case. Staines Ward where the application site is located is well served by existing public open space. Indeed, the Council's draft 'Open Space Assessment November 2019' has identified Staines Ward as having an acceptable supply of parks and recreation grounds (the ward has the highest level in the Borough), as well as amenity green space. The site is located close to the local park and the leisure centre. The immediate area is largely characterised by flatted development. Some of the nearby flats have relatively small areas of amenity space and the proposed level of amenity space at the application site would not appear out of keeping with this character. Moreover, it is important to note that the Council does not currently have a 5 year housing land supply and consequently the 'tilted balance' must be applied in this particular case (see the Need for Housing above). The benefits of providing an additional 14 dwellings to the Borough's housing stock will clearly outweigh the limited shortfall in amenity space, which in any case, is not considered harmful in this location.

Unit Size

- 7.18 The SPD on the Design of Residential Extensions and New Residential Development 2011 sets out minimum floorspace standards for new dwellings. These standards relate to single storey dwellings including flats, as well as to 2 and 3 storey houses. For example, the minimum standard for a 1-bedroom flat for 2 people is 50 sq. m.
- 7.19 The Government has since published national minimum dwelling size standards in their "*Technical Housing Standards – nationally described space standard*" document dated March 2015. These largely reflect the London Housing Design Guide on which the Spelthorne standards are also based. The standards are arranged in a similar manner to those in the SPD and includes minimum sizes for studio flats. This national document must be given substantial weight in consideration of the current application.
- 7.20 The original plans showed 4 of the 14 units to be slightly below the minimum floorspace standards. Revised plans have since been submitted showing all of the proposed units complying with the minimum size standards in the Technical Housing Standards and accordingly the unit sizes are now acceptable.

Parking Provision

- 7.21 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards. On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how

Policy CC3 should now be interpreted in the light of the Government's recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum (maximum parking standards continue to be applicable to commercial development). The supporting text to the Parking Standards stipulates a number of exceptional situations where a reduction in parking will only be allowed. One of these situations includes town centre locations where the reduction parking will be assessed against the distance from a "public transport node", frequency of public transport, availability of pedestrian and cycle routes, and the range and quality of facilities supportive of residential development within reasonable walking distance.

- 7.22 The proposed residential parking provision is 15 spaces (i.e. just over 1 space per unit), whilst the minimum parking standard for a scheme of this size is 21. The proposed provision is therefore some 6 spaces below the minimum standard. The site is located very close to the train station which has a frequent and extensive service. It is also within easy walking distance of the shops and services of the town centre (which has the largest range of facilities in the Borough) and the bus station. There is a bus route on Laleham Road, and a number of bus services in Kingston Road and nearby London Road. Consequently, I consider that there is clear justification for a reduction in the level of parking on this particular site. Moreover, the County Highway Authority has not raised any objections to the proposed parking provision. It is also considered that the proposed 2 no. commercial parking spaces provided for the adjacent commercial unit are acceptable. These spaces are in addition to the existing space on the forecourt in front of the existing Gradus unit (existing floorspace approximately 240 sq.m), which is capable of accommodating parking for a further two vehicles.

Impact on Highway Safety

- 7.23 Policy CC2 of the CS & P DPD states that the Council will seek to secure more sustainable travel patterns by only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account:
- (i) number and nature of additional traffic movements, including servicing needs,
 - (ii) capacity of the local transport network,
 - (iii) cumulative impact including other proposed development,
 - (iv) access and egress to the public highway,
 - (v) highway safety.
- 7.24 The proposed residential development will be accessed from Gresham Road. The new access roadway will run through an undercroft section of the building and lead to a parking area at the rear. The proposed bin store and cycle store will be accessed from Drake Avenue, as will the 2 no. commercial parking spaces.

- 7.25 The County Highway Authority was consulted and has raised no objection on highway safety grounds. The CHA has recommended some conditions to be imposed on the planning permission. These include a condition requiring the proposed access onto Gresham Road to be constructed with satisfactory visibility zones and tactile paving to form pedestrian crossing facilities. Conditions are also to be imposed requiring the new car parking area and cycle store to be provided and maintained, plus a condition requiring electric vehicle charging facilities. Subject to these conditions it is considered the impact on highway safety is acceptable.
- 7.26 It is noted that a relatively large number of letters of objection have been received from the occupiers of the commercial units in Drake Avenue. Most of the letters are objecting on the grounds of highway safety. One of the issues, for example, relates to the narrowness of the Drake Avenue carriageway, and that removing the forecourt area on the southern side of Drake House would make it even more difficult for lorries and other vehicles to pass each other. Whilst the comments from the third parties are noted, it is not considered that the impact on highway safety would be sufficient to justify a refusal of planning permission. The County Highway Authority has commented on this particular issue, which is set out below:

“Vehicular access to the development will be directly from Gresham Road and the existing access via Drake Avenue will effectively be closed [except the 2 parking spaces for Gradus]. Drake Avenue is a private road and therefore outside the jurisdiction of the County Highway Authority. It serves a number of commercial properties which attract a number of HGV movements. Currently the site has an open frontage to Drake Avenue that is marked out and used for parking as part of the existing industrial use. The proposed development would introduce a boundary fence and wall approximately 1.2m back from the edge of the existing defined carriageway.

It is understood from letters of representation submitted to Spelthorne Borough Council that HGVs occasionally need to exceed the defined carriageway in this location in order to pass traffic in the opposing direction. The defined carriageway of Drake Avenue is approximately 4.5m wide, which is scarcely wide enough for a large HGV and a car to pass, but is sufficient for two light vehicles to pass with relative ease. It is therefore understandable that HGVs do drive over the forecourt in order to pass. As the proposed fence is set back approximately 1.2m, approximately 5.6m would be available if an HGV were to drive over the forecourt. As set out in Manual for Streets, 5.5m is just about sufficient for 2 large HGVs to pass on a straight piece of road. It is accepted that this site is on the corner of Gresham Road, and that there is a kink on Drake Avenue and therefore vehicles will be turning, but this is not materially affected by the proposal - there is already insufficient space for two large vehicles to pass in the proximity of the Gresham Road junction. Notwithstanding the above, the issue of vehicles passing is unlikely to have a material impact on highway safety and is therefore not considered to be an issue for the County Highway Authority.”

Other Matters

- 7.27 The proposed development will include a bin store located towards the southern end of the site. The bin store will be of sufficient size to accommodate the required number of bins for a scheme of this size (6 x 1100 litre communal bins and further space for kitchen waste). The Group Head of Neighbourhood Services has raised no objection to the proposed bin store.
- 7.28 The Council's Sustainability Officer has raised no objection to the renewable energy facilities (photovoltaic solar panels).
- 7.29 With regard to the Crime Prevention Officer's comments, it is not considered appropriate to impose a condition, as requested, relating to "Secured by Design". Many of the requirements are very detailed (e.g. type of laminated glazing), elements which are not normally covered and enforced under the planning regulations. However, a copy of the officer's response has been forwarded to the applicant and it is proposed to add a relevant informative to the decision notice (see below). In addition, a condition is to be imposed requiring an external lighting scheme to be implemented, partly for security purposes.
- 7.30 The site is located within Flood Zone 2, which has between 1 in 100 year and 1 in 1000 year chance of flooding. The principle of creating new residential development in this relatively low risk flood zone is considered acceptable. The Environment Agency was consulted and has raised no objection on flooding grounds.
- 7.31 The Council's Environmental Health Officer has raised no objection on noise ground, subject to the imposition of a condition requiring the development to be constructed in accordance with the recommended noise attenuation and ventilation measures set out in the applicant's noise assessment. Subject to this condition, the proposal is considered acceptable on noise grounds in accordance with Policy EN11.
- 7.32 The proposal will comply with the Council's smaller dwellings policy (HO4), which requires at least 80% of the units to be 1 or 2 bedroom in size.

Conclusion

- 7.33 The proposal seeks the redevelopment the Drake House site with the provision of 14 new flats, which will meet the need for housing and has significant weight. It will make effective use of urban land in a sustainable location. The proposal is considered to respect and make a positive contribution to the street scene and the character of the area in which it is located and pays regard to the characteristics of the neighbouring buildings. The NPPF requires permission for housing to be granted unless the impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. It is considered that the shortfall in the amenity space is not significant, and it will be clearly outweighed by the benefits of providing new housing in this location. Therefore the proposal is considered to conform with Policy EN1 of the Core Strategy and Policies DPD, and the NPPF. Consequently the application is recommended for approval. It should be noted that condition 1 requires the development to be commenced within two years rather than the normal three. This accords with para 76 of the NPPF which allows LPAs to reduce the timescale for

commencement “to help ensure that proposals for housing development are implemented in a timely manner”. This action is also set out in table 8 of the Council’s Housing Delivery Test Action Plan, 2019.

8. Recommendation

8.1 GRANT subject to the following conditions: -

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.

Reason:- This condition is required by Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- 295-19-02; /03 Rev. A; /04; /05; /06; /10; /14; /15; /16; /17; /18 Rev. A; /19 Rev. A; /20 Rev. A received 31 July 2019.
- 295-19-01 Rev. A received 10 September 2019.
- 295-19-09 Rev. A received 22 November 2019.
- 295-19-07 Rev. C and 295-19-08 Rev. B received 05 December 2019.
- 295-19-11 Rev. A; /12 Rev. A; /13 Rev. B received 17 December 2019.

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

3. No development above damp-proof course level shall take place until details of the materials and detailing to be used for the external surfaces of the buildings and surface material for parking areas are submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved materials.

Reason:- To ensure that the proposed development does not prejudice the appearance of the development and the visual amenities and character of the locality, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

4. No development shall take place until:-

- a) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.
- b) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.

- c) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

The site shall be remediated in accordance with the approved method statement, with no deviation from the statement without the express written agreement of the Local Planning Authority.

Reason:- To protect the amenities of future residents and the environment from the effects of potentially harmful substances

NOTE

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences. An information sheet entitled "Land Affected by Contamination: Guidance to Help Developers Meet Planning Requirements" providing guidance can also be downloaded from Spelthorne's website at www.spelthorne.gov.uk.

In accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 5. Prior to the first use or occupation of the development, and on completion of the agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:- To protect the amenities of future residents and the environment from the effects of potentially harmful substances.

- 6. Following construction of any groundwork and foundations, no construction of the development above damp-proof course level shall take place until a report is submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of the building and thereafter retained.

Reason:- To ensure that the development is sustainable and complies with Policy SP7 and CC1 of the Spelthorne Development Plan Core Strategy and Policies DPD.

- 7. Prior to the occupation of the development, details of a scheme of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall

be completed before the buildings are occupied and thereafter maintained as approved.

Reason:- To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

8. No part of the development shall be first occupied unless and until the proposed vehicular access to Gresham Road has been constructed and provided with visibility zones in accordance with the approved plans, and tactile paving to form pedestrian crossing facilities. Thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05 metres high.

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 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

9. The development hereby approved shall not be first occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.

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 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

10. The development hereby approved shall not be first occupied unless and until facilities for the secure storage of bicycles have been provided in accordance with the approved plans. The approved facilities shall be thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason:- The above condition is required in recognition of Section 9 (Promoting Sustainable Transport) of the NPPF.

11. That within 3 months of the commencement of any part of the development permitted, or such longer period as may be approved by the Local Planning Authority, facilities shall be provided within the curtilage of the site for the storage of refuse and waste materials in accordance with the approved plans, and thereafter the approved facilities shall be maintained as approved.

Reason:- To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality, in accordance with policies SP6 and EN1 of

12. Prior to the occupation of the buildings hereby permitted details including a technical specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The agreed external lighting shall be implemented prior to the occupation of the buildings and shall at all times accord with the approved details.

Reason:- To safeguard the amenity of neighbouring residential properties and in the interest of security.

13. Details of a scheme of both soft and hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby approved. The approved scheme of tree and shrub planting and other associated works shall be carried out prior to first occupation of the buildings and/or site. The planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason:- To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development.

14. The development hereby approved shall not be occupied unless and until at least 3 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector – 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: The above condition is required in recognition of Section 9 (Promoting Sustainable Transport) of the NPPF.

15. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. If infiltration is deemed unfeasible, associated

discharge rates and storage volumes shall be provided using a maximum discharge rate of 1 litre/sec.

- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

16. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

17. The proposed noise attenuation and ventilation measures to be implemented in the construction of the building shall be carried out strictly in accordance with the Recommendations and Mitigation in Section 4.2.2 of the Nova Acoustics Noise Survey dated 05/11/2019.

Reason:- To protect the amenity of future occupiers of the building.

INFORMATIVES

1. The applicant's attention is drawn to the ACPO/Home Office Secured by Design (SBD) award scheme, details of which can be viewed at www.securedbydesign.com.

2. The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to the traffic calming infrastructure on Gresham Road. It is noted that speed cushions are located immediately adjacent to the proposed access.
3. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
4. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.
5. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
6. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
7. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
 - a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
 - b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;

- c) Deliveries should only be received within the hours detailed in (a) above;
- d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowlers and wheel washes;
- e) There should be no burning on site;
- f) Only minimal security lighting should be used outside the hours stated above; and
- g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit. In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme (www.ccscheme.org.uk/index.php/site-registration).

8. The applicant is advised that the essential requirements for an acceptable communication plan forming part of a Method of Construction Statement are viewed as:
 - a. how those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme;
 - b. how neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them;
 - c. the arrangements that will be in place to ensure a reasonable telephone response during working hours;
 - d. the name and contact details of the site manager who will be able to deal with complaints; and
 - e. how those who are interested in or affected will be routinely advised regarding the progress of the work. Registration and operation of the site to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements.
9. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

If there are any further queries please contact the Flood Risk Asset, Planning, and Programming team via SUDS@surreycc.gov.uk. Please use our reference number in any future correspondence.

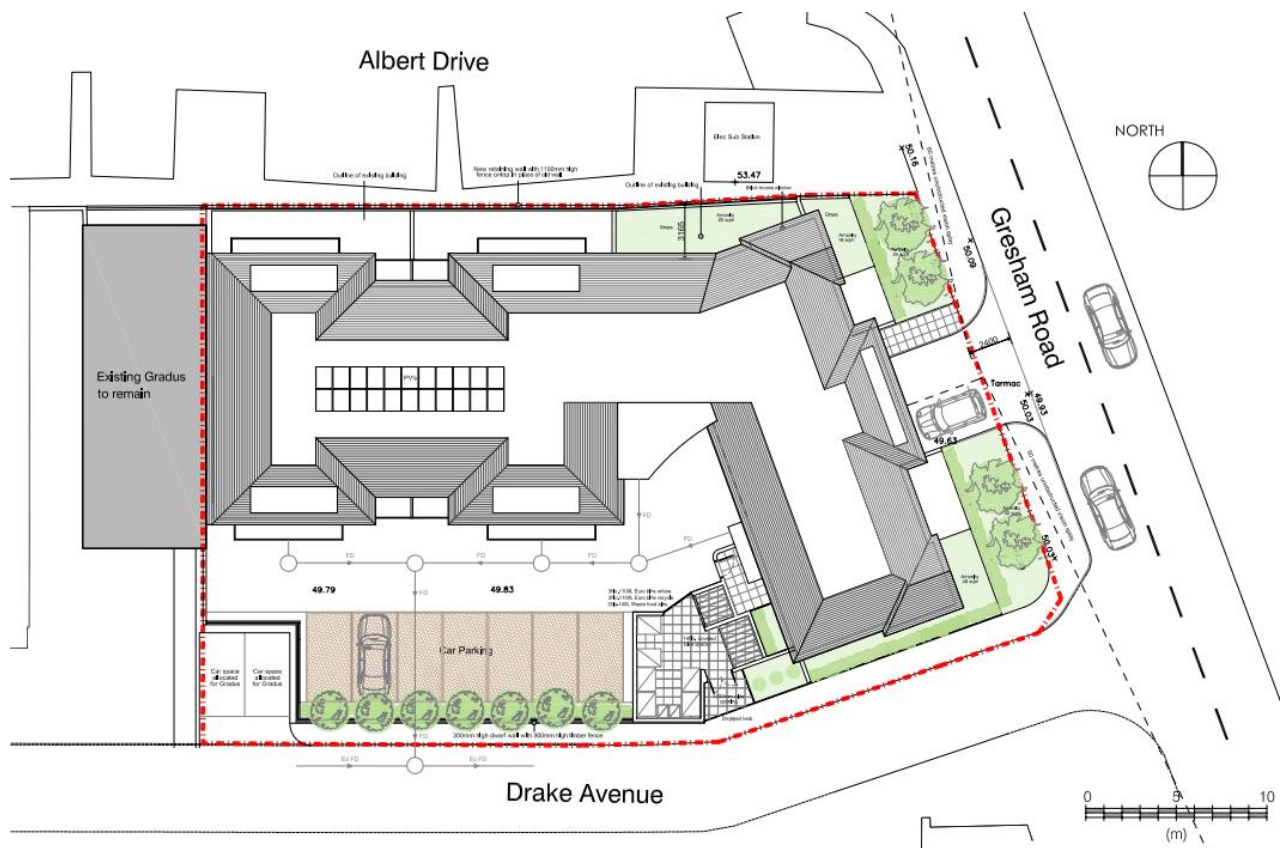
10. The applicant should be mindful to follow best practice when selecting gas-fired boilers. A minimum standard of less than 40mgNO_x/kWh should be met and exhaust gas should be emitted at roof level.
11. The applicant should be mindful to follow best practice dust control measures during demolition, earthworks, and construction to prevent excessive dust emissions.
12. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into the public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

The Town and Country Planning (Development Management Procedure) (England) Order 2015
Working in a positive/proactive manner

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of Section 4 of the NPPF. This included the following:-

- a) Provided pre-application advice to seek to resolve problems before the application was submitted to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered;
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

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Proposed Site Layout



Proposed Elevation

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Planning Committee

8 January 2020



Planning Appeals

List of Appeals Submitted between 28 November and 18 December 2019

Planning Application / Enforcement Number	Inspectorate Ref.	Address	Description	Appeal Start Date
19/00889/FUL	APP/Z3635/W/19/3240130	22 Church Road Ashford TW15 2UY	Erection of two storey rear extension to provide additional office accommodation at ground floor level, a second floor extension and conversion of first floor to form 2 no. 2 bedroom flats.	0612/19

Appeal Decisions Received 28 November and 18 December 2019

Site	22 Willowbrook, Stanwell
Application Nos.:	18/00227/CLD and 18/00675/CPD
Enforcement Notice:	19/00029/ENF
Proposed Development:	<p>Serving of Enforcement Notices for the unauthorised siting of two metal storage containers on the land without the benefit of planning permission.</p> <p>There were also linked appeal cases, namely:</p> <p>18/00227/CLD - Building works to erect a single story garage on the land to the rear of 22 Willowbrook Road, Stanwell, TW19 7AB.</p>

	18/00675/CPD - Single Storey garage being constructed on the current garden. The garage is fully compliant with the requirements of permitted development.
Reason for Refusal	Neither of these applications were made valid as the application site was subject to enforcement action, including the serving of an enforcement notice and subsequent prosecution following a failure to comply with the terms of the notice.
Appeal References:	APP/Z3635/C/19/3225501 APP/Z3635/C/19/3225502 APP/Z3635/X/18/3218294 App/Z3635/X/18/3217627
Appeal Decision Date:	02/12/19
Inspector's Decision	All four appeals were dismissed
Inspector's Comments:	<p>Ground (c) – where the appellant's believed that the matters raised in the enforcement notice do not constitute a breach of planning control.</p> <p>The Inspector concluded that the outbuilding constituted development and required planning permission. The appellant believed that the structure could be built under permitted development. However the Inspector considered that at the time the notice was issued, the structure did not comply with the requirements of the General Permitted Development Order (GPDO) and therefore the appeal under ground (c) should fail.</p> <p>Ground (f) – where the steps required by the Enforcement Notice to remedy the breach of planning control are excessive.</p> <p>The appellants argued that the notice should be varied to allow the structure to be altered to comply with the requirements of the GDPO. However the Inspector considered that under the GDPO it is not possible for a development to become permitted development retrospectively. Therefore the entire structure would have to be removed before any new construction could commence that would benefit from the GDPO. Therefore, the Inspector concluded that the requirements of the Notice did not exceed what was necessary to remedy the breach of planning control and that the appeal on ground (f) failed.</p> <p>Having dismissed the two enforcement appeals considered alongside these two appeals, the Inspector considered that operations may be lawful if they do not contravene any requirements of any enforcement notice then in force. However, in this instance, both applications were submitted when the building was in contravention of the previous</p>

	enforcement notice which was in force at the relevant dates the applications were submitted. Therefore the Inspector concluded that the existing and proposed works would not be lawful and therefore the two appeals must fail.
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Site	6 St Pinnock Avenue Staines-upon-Thames TW18 2HX
Planning Application No.:	19/00528/HOU
Proposed Development:	Erection of a single storey side extension to incorporate a garage.
Reasons for Refusal	<p>The proposal by reason of its location and sitting, would constitute inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will diminish the openness of the Green Belt and conflict with the purposes of including land within it. The proposal would therefore be contrary to the NPPF (February 2019), Saved Policy GB1 and Policy EN2 of the Spelthorne Core Strategy and Policies Development Plan Document (February 2009).</p> <p>The proposal would result in open Green Belt land being incorporated within the curtilage of the existing residential dwelling. This land does not presently benefit from planning permission to be part of the residential curtilage and its incorporation would result in significant harm to the openness of the Green Belt contrary to the objectives of Saved Policy GB1 of the Spelthorne Core Strategy and Policies Development Plan Document (February 2009) and the NPPF 2019.</p>
Appeal Reference:	APP/Z3635/D/19/3234253
Appeal Decision Date:	26/11/19
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	The Planning Inspector noted that the original house including its existing two storey side and single storey rear extensions were not located within Green Belt, whereas the red-line of the appeal site included Green Belt land. Since the Framework does not make reference to similar scenarios, the Planning Inspector felt that the protection aims of the Green Belt policy were clear and as such he

	<p>considered the whole site as a whole when assessing whether the proposal constitutes inappropriate development. The Inspector considered that due to the size of the previous alterations, the proposed garage extension would result in disproportionate addition over and above the size of the original building and as such would represent inappropriate development within the Green Belt.</p> <p>In terms of openness, the Planning Inspector took a view that the proposal would introduce an extension into an area that was currently absent from any structure and as a consequence he considered that the proposal would harm the openness of the Green Belt. The Inspector made reference to the Council's 'Green Belt Assessment (Stage 1) Report: Methodology and Assessment' which forms part of the local plan review and which was referred to the Inspector by the appellant. The inspector noted that the report identifies the area of Green Belt in which the appeal site is located as being 'weak' in relation to the purposes of Green Belt land. However, regardless of this conclusion, the Green Belt boundary had not been altered and consequently, the proposal had to be assessed on this basis and the Inspector attached very little weight to the findings of this report.</p> <p>The Inspector concluded that the harm to the Green Belt would outweigh the other considerations. Consequently, the very special circumstances necessary to justify the proposal do not exist and therefore the proposal fails to accord with the Green Belt protection aims of the NPPF.</p>
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Site	The Anchor Hotel Church Square Shepperton TW17 9JY
Planning Application No.:	19/00474/FUL
Proposed Development:	The partial demolition of the existing hotel with the retention of the front facade. Erection of 3 no. 4 bedroom townhouses 2 no. attached 2 bedroom cottages and 2 no. 2 bedroom apartments with associated landscaping and cobbled parking court.
Reasons for Refusal	The site is located within a dry island surrounded by Flood Zone 3a and 3b, and therefore there is no dry means of escape that avoids the higher risk flood areas and leads to an area entirely outside the flood plain. The creation of new dwellings, which is a 'more vulnerable use' in this area, would be inappropriate and will place more people at risk from flooding. The proposal is therefore contrary to Policy LO1 of the Core Strategy

	<p>and Policies DPD 2009 and the Supplementary Planning Document on Flooding July 2012.</p> <p>The proposed flatted development by reason of its design and siting, close to the footpath of Church Road, forward of the main front building line of the properties to the north, along with the lack of useable amenity space and the position of car parking, in close proximity to the rear of the building, results in a cramped and incongruous form of development. This would be out of character with the surrounding area, would appear at odds with the existing form of spacious development and will be visually obtrusive in the Shepperton Conservation Area. This would also result in a poor standard of amenity for future occupants of the flats. The proposal will be contrary to Policies EN1 and EN6 of the Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on Design 2011.</p>
Appeal Reference:	APP/Z3635/W/19/3233754
Appeal Decision Date:	16/12/19
Inspector's Decision	The appeal is dismissed
Inspector's Comments:	<p>The Inspector noted that the site is within Flood Zone 1 with a low probability of flooding but is located on a 'dry island' which is surrounded by land within Flood Zone 3a and would become cut off from the surrounding area by flood waters. The Council's Flooding SPD states that dry islands should be treated the same as for the level of flood risk in the area surrounding them, regardless of their size.</p> <p>The Inspector noted that para 163 of the NPPF states development should only be allowed in areas at risk of flooding where it can be demonstrated that any residual risk can be safely managed and safe access and escape routes are included where appropriate, as part of an agreed emergency plan.</p> <p>The appellant had submitted an Outline Flood Risk Management Plan and in response, the Inspector commented that , <i>'...while it may be possible to organise the evacuation of residents from the proposed development during this time, this is assuming people are prepared and ready to leave almost immediately on the river flooding and a warning being issued..'...</i> Moreover, vulnerable residents may need more time or assistance from others to evacuate their property which would add further pressure on resources at a time of emergency when they are likely to be stretched..'</p> <p>The Inspector also commented that the Planning Practice Guidance makes clear that even low levels of flooding can pose a risk to people in</p>

situ (because of, for example, the presence of unseen hazards and contaminants in floodwater, or the risk that people remaining may require medical attention). A similar finding is also set out within the Council's Flooding SPD, paragraph 4.37, which states that the Council does not accept that walking through flood water can be safe because where it is fast moving water, even of shallow depth, it can be dangerous.

The Inspector noted that the existing hotel use and the proposed use are both classified as 'more vulnerable' uses and that the hotel incorporates a residential flat and, if all guest rooms were full, could have more residents on site than the proposed development. However she also commented that during a period of flooding, the hotel could shut before the onset of a flood avoiding the risk and local residents could make a choice as to whether to leave their homes or not. She concluded that. *'...in this regard, I consider the proposed use would lead to a greater risk of harm to people from flooding.'*

The Inspector noted that she is not satisfied the proposed evacuation plan would be sufficient as a safe means of escape and therefore that it could ensure the safety of residents concluded that, *'...the appeal site would not be suitable for housing with particular regard to flood risk and the provision of a safe means of access and escape during flooding. It would therefore conflict with Policy LO1 of the CSPDPD and the Flooding SPD. These seek to reduce flood risk and its harmful effects on people and to ensure that there is a safe means of escape.'*

The Inspector noted that Shepperton Conservation Area (CA) retains the character of a traditional village and that the Church Road frontage would be positioned slightly forward of the line of the detached houses along the east with the apartment block bringing the building significantly closer to the pavement thereby appearing very prominent. She noted that the *'...proximity and the angle of the proposed terrace to the pavement would result in an awkward relationship between the building and the public highway, narrowing what is currently a more spacious arrangement. This would make it appear incongruous in the context of the pattern of development on the eastern side of Church Road just outside the Conservation Area (CA).'* She concluded that it would harm the character and appearance of the CA.

The Inspector considered that retaining the facade onto Church Square would help to preserve the setting of the listed buildings also fronting the square, as required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that special regard must be given to the desirability of preserving a listed building or its setting. Furthermore, with a reduction in the bulk of the rear part of the hotel building adjacent to Erasmus House and opposite the listed terrace of cottages, the setting of these listed buildings would be enhanced.

	<p>However, she noted that, '<i>...I have paid special attention to desirability of preserving or enhancing the character or appearance of CA, ... however the unsympathetic layout of the development along Church Road would detract from the street scene which would fail to preserve or enhance the character and appearance of the CA. The harm would be less than substantial and therefore in accordance with the requirement of paragraph 196 of the Framework, this harm should be weighed against the public benefits of the proposal.</i>'</p> <p>The Inspector considered that whilst there are public benefits of the scheme, they would not be sufficient to outweigh the harm to the character and appearance of the Shepperton CA and that the proposed development would not preserve or enhance the character and appearance of the Shepperton CA.</p> <p>Finally, the Inspector considered that the proposed flats would have an irregular shaped rear garden area of which would be small and an awkward shape, behind the parking area for the proposed development. She noted that this would not provide a spacious area for sitting out in private or performing a range of outdoor household tasks, and would feel cramped being unsatisfactory garden space. This, she felt, would significantly harm the living conditions of future occupants of the two-bedroom apartments, with particular regard to the provision of private outdoor garden space.</p>
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Future Hearing / Inquiry Dates

Council Refs.	Type of Appeal	Site	Proposal	Case Officers	Date
19/00518/ FUL and 19/00778/ FUL	Hearing	Rear 37-51 Hithermoor Road Stanwell Moor	Change of use of site from former nursery site to fencing manufacture and supply business. Demolition of existing glasshouses, polytunnels and concrete building and erection of a new workshop building and a 3 metre high acoustic fence. Retention of existing hardstanding and provision of new hardstanding to accommodate car parking and building storage area. Retention of existing fencing and gates.	PT	17/03/19