



Please reply to:

Contact: Chris Curtis
Service: Committee Services
Direct line: 01784 446240
E-mail: c.curtis@spelthorne.gov.uk
Date: 25 February 2020

Notice of meeting

Planning Committee

Date: Wednesday, 4 March 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. Apologies**
To receive any apologies for non-attendance.
- 2. Minutes** **5 - 10**
To confirm the minutes of the meeting held on 5 February 2020 (copy attached).
- 3. 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.
- 4. Planning Application No. 19/01044/FUL - Car park to rear of Tesco, Ashford Hospital, London Road, Ashford, TW15 3AA** **11 - 56**

Ward
Ashford North and Stanwell South

Proposal
Redevelopment of surplus hospital car park to provide 115 residential units, comprising 110 flats and 5 terraced houses with associated access, parking services, facilities and amenity space.

Officer recommendation
To approve subject to the prior completion of a Section 106 agreement.
- 5. Planning Application No. 18/01143/FUL - Open field and lake, west of Nutty Lane and south of New Road, Shepperton, TW17 0RQ** **57 - 84**

Ward
Laleham and Shepperton Green

Proposal
Change of use to provide a water sports leisure facility, car parking and other associated facilities.

Officer recommendation
To approve subject to a temporary permission and conditions set out at paragraph 8 of the report.

- 6. Planning Application Nos. 19/01710/RVC and 19/01709/LBC - Dunally Lodge, Walton Lane, Shepperton, TW17 8LQ** **85 - 100**
- Ward**
Shepperton Town
- Proposal**
Relaxation of condition 3 of Planning Permission 19/00478/HOU and listed building consent, reference 19/01709/LBC to raise the front boundary wall by 0.8m
- Officer recommendation**
To approve planning permission and listed building consent.
- 7. Planning Application No. 19/01699/HOU - 41 Windsor Road, Sunbury on Thames** **101 - 112**
- Ward**
Ashford Town
- Proposal**
Erection of a single storey side and rear extension.
- Officer recommendation**
To approve the application subject to conditions as set out at paragraph 8 of the report.
- 8. Planning Application No. 19/01496/FUL - Riverside Memorial Gardens, Thames Street, Staines upon Thames** **113 - 124**
- Ward**
Staines
- Proposal**
Installation of a steel jetty with hardwood decking to provide a passenger boat landing stage together with the installation of piles.
- Officer recommendation**
To approve subject to conditions set out at paragraph 8 of the report.
- 9. Urgent Items**
To consider any items which the Chairman considers as urgent.

**Minutes of the Planning Committee
5 February 2020**

Present:

Councillor R.A. Smith-Ainsley (Chairman)
Councillor R.J. Noble (Vice-Chairman)

Councillors:

A. Brar	N. Islam	B.B. Spoor
S. Buttar	J. McIlroy	J. Vinson
S.A. Dunn	L. E. Nichols	
N.J. Gething	R.W. Sider BEM	

Apologies: Councillors M. Gibson and V. Siva

In Attendance:

Councillor C.L. Bateson

27/20 Minutes

The minutes of the meeting held on 8 January 2020 were approved as a correct record.

28/20 Disclosures of Interest

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

There were none.

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

Councillors R.A. Smith Ainsley declared an interest on behalf of all members of the Committee in relation to application 19/01676/FUL - The Fordbridge Centre, 91 Clarendon Road, Ashford as the Council was the applicant.

Councillor N. Gething reported that he had had conversations with residents in relation to application 19/01297/FUL - Headline House, Stanwell Road, Ashford but had maintained an impartial role, had not expressed any views and had kept an open mind. Councillor B.B. Spoor declared that he had inspected the site.

29/20 Application No. 19/01297/FUL - Headline House, Stanwell Road, Ashford, TW15 3QH

The Planning Development Manager referred to the document which had been circulated to members of the Committee relating to the Equality Act 2010 and the Human Rights Act 1998. She advised the Committee that although planning applications had always been considered in light of the provisions of both Acts, whereas these had previously been referred to implicitly, in future they would be referred to explicitly in reports before the Committee.

Description:

This proposal involves the demolition of the existing commercial building and the erection of a 4 storey building to provide 14 flats consisting of 7 no. 1 bed and 7 no. 2 beds with associated parking and amenity space.

Additional Information:

The Planning Development Manager advised the Committee that one additional letter of objection was received which raised concern over fire safety. This would be considered at the Building Regulation stage.

She also provided the following updates:

Point 3.5 of the report (page 15) referred to the cycle parking being integral and within the building. This had been moved to an outside cycle storage area as the internal refuse area was increased in size to provide enough space for the bins required.

Point 7.52 (page 28) referred to 2 trees being removed, however no trees are being removed from the application site. The tree at the front of the site will be retained. The applicants have submitted an Arboricultural Report and the Tree Officer has raised no objections subject to the imposed condition No 6, (page 32) which requires works to be carried out in accordance with the submitted report.

Public Speaking:

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

- Overdevelopment
- Increase in flats
- Profit is provided to the developer, not the residents
- Overlooking, loss of privacy
- Change in the character of the area
- Flooding concerns
- Legal processes relating to demolition not being followed by the applicant.

In accordance with the Council's procedure for speaking at meetings, Ian Phillips spoke for the proposed development raising the following key points:

- The existing planning permission provides a benchmark to assess the proposal
- Small changes compared with the approved scheme are proposed but they are not material and there is no adverse impact
- Development complies with all adopted standards or fall within acceptable tolerances
- Meets the Council's housing need in accordance with the NPPF
- There are differing building heights in the locality
- The site is located on the corner of two roads and is capable of accommodating a building of this size
- The density is the product of the scheme, having regards to all relevant considerations
- Does not represent overdevelopment, there is no significant and demonstrable harm.

Debate:

During the debate the following key issues were raised:

- Good design
- Doesn't detract from the surrounding area including the church
- Is within an urban setting
- There is pressure not to build on the Green Belt / should not build on the Green Belt
- Good use of brownfield site
- There has been an under delivery in dwellings in Spelthorne
- The parking provision is slightly lower than the guidance but is within a sustainable location
- The building is slightly higher than that approved but is acceptable
- The amenity space provision is acceptable
- The renewable energy is provided by an air source heat pump
- No vehicle parking for visitors is provided
- Query why the 58 letters of objection have been "disregarded"
- Under the last approval, officers advised that ten units was the maximum allowed on the site (Officer Note: this was not the case. Each planning application is considered on its merits and determined in accordance with the development plan, unless material considerations indicate otherwise).
- Locality cannot take overspill parking
- Local residents need parking permits
- Query over EV charging points
- Suggestion that the developer be required to provide cabling for EV charging points to meet for future needs
- The "tilted balance" applies in favour of the scheme as the borough does not have a 5 year housing land supply
- The need to require 603 dwellings per year is nonsensical
- Density concerns / excessive density
- Not a good quality development in terms of size of flats
- Renewable energy will not work
- Parking issues

- Minimal amenity space
- Many of Environmental Health objections did not relate to planning matters
- Overdevelopment
- Poor outlook for top floor flats

Decision: The application was **approved** as per the recommendation, subject to conditions and the following additional informative:

The applicant is advised to give consideration to providing cable to all parking spaces to allow for additional electric charging points in the future.

**30/20 Application No. 19/01676/FUL - The Fordbridge Centre, 91
Clarendon Road, Ashford, TW15 2QA**

Description:

This proposal involves erection of a single storey front extension to existing building and remodelling to entrance lobby.

Additional Information:

The Planning Development Manager advised the Committee that the Council's Heritage Advisor does not consider the proposal will have any negative impact on the setting of the church and has no adverse comments. Consequently, it was considered that the extension preserves the setting of the Church on the opposite side of the road in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

She informed the Committee that Condition 4 will be amended to require the provision of a disabled parking space.

Public Speaking:

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

- The access is shared with the dwellings on Clarendon Road to the north west and the residents of these dwellings are adversely affected
- Delivery lorries park on the access road
- There are pot holes in the road surface
- Access to Clarendon Road needs to be strengthened to take heavy vehicles
- Loss of parking spaces will cause more parking on the road
- The yellow hatched area on the site which should prevent parking is not maintained and is abused
- The existing concerns will get worse with the construction of the extension.

Debate:

During the debate the following key issues were raised:

- There is an increase in the elderly population and the best facilities as possible are needed
- Suggestion to install cabling for EV charging and
- Suggestion to install photovoltaic cells

The Committee asked the Planning Development Manager to write to the applicant (the Council) requesting that consideration be given to:

- concerns raised by local residents relating to the management of the car parking area and quality of the surface
- the provision of cabling for EV charging points in the car park
- providing renewable energy to the building

Decision: The application was **approved** as per the recommendation subject to the following amended condition 4:

“The development hereby approved shall not be commenced unless and until works to improve pedestrian accessibility within the site and provide a safe, accessible route to the main entrance have been provided and the provision of a disabled parking space in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.”

Reason:- In order that the development makes suitable provision for sustainable travel and to provide acceptable parking provision in accordance with the sustainable objectives of Chapter 9 “Promoting sustainable transport” of the National Planning Policy Framework 2019, and policies CC2 and CC3 of Spelthorne Borough Council’s Core Strategy and Policies Development Plan Document February 2009.

31/20 Development Management Performance

The Planning Development Manager summarised the report on development management performance over the past year.

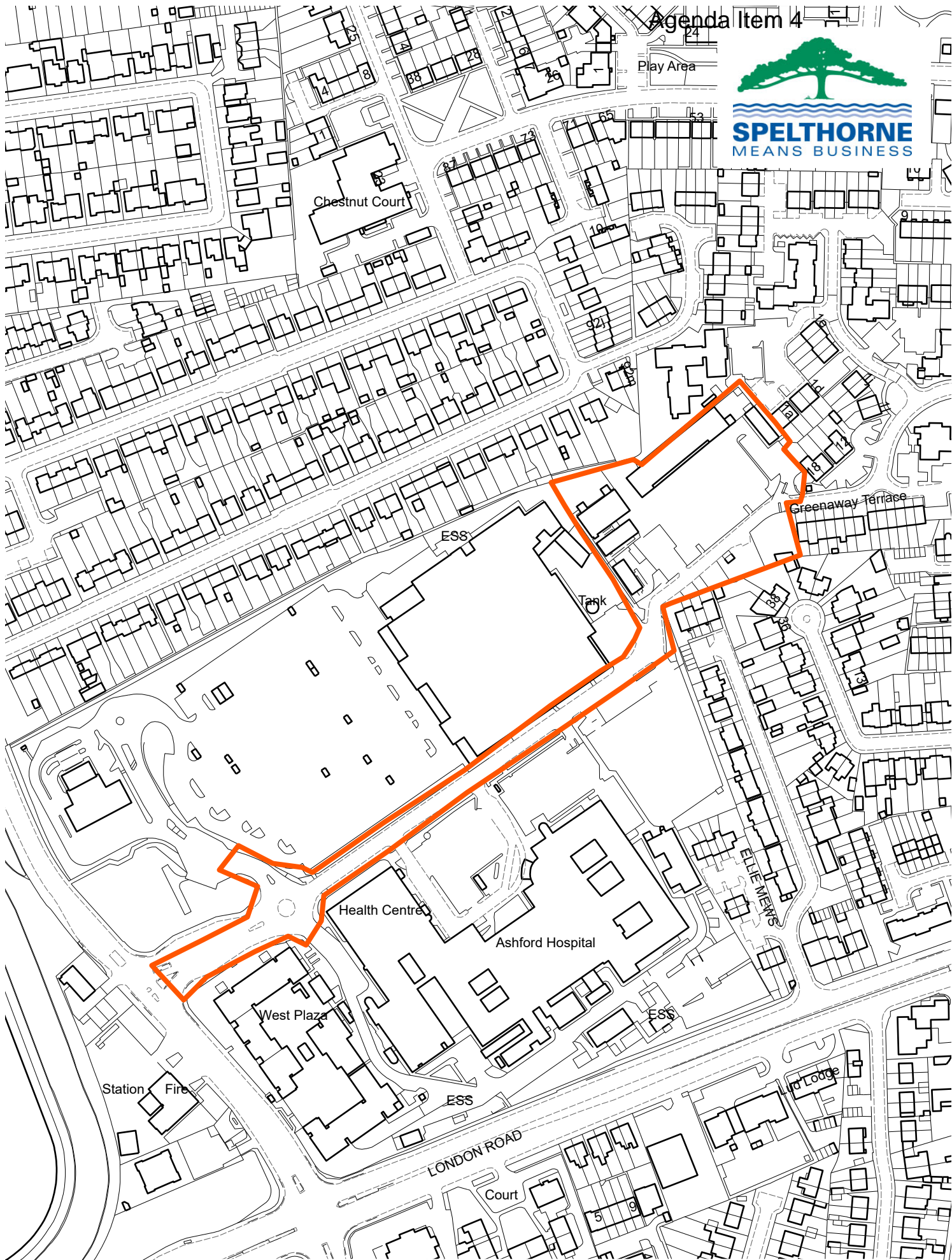
Resolved to note the report.

32/20 Urgent Items

There were none.

33/20 Chairman's Thanks

The Chairman, Councillor R.A. Smith-Ainsley expressed his personal thanks and those of the Committee, to Michael Graham, Head of Corporate Governance who was leaving the Council on 6 February 2020, for his many years of support and advice.



19/01044/FUL Car Park to rear of Tesco, Ashford Hospital, London Road, Ashford.

Scale: 1:2,500

© Crown copyright and database rights 2019 Ordnance Survey 100024284. 

This page is intentionally left blank

Planning Committee

4 March 2020



Application Nos.	19/01044/FUL		
Site Address	Car Park To Rear Of Tesco, Ashford Hospital, London Road, Ashford, TW15 3AA		
Proposal	Redevelopment of surplus hospital car park for 115 residential units, comprising 110 flats and 5 terraced houses, in buildings ranging from 2 to 5 storeys in height (C3 Use), with associated access, parking, services, facilities and amenity space.		
Applicant	Knowle Green Estates		
Ward	Ashford North & Stanwell South		
Call in details	N/A		
Case Officer	Matthew Churchill & Fiona Tebbutt		
Application Dates	Valid: 15.08.2019	Expiry: 14.11.2019	Target: Extension of time until 09.03.2020
Executive Summary	<p>This application seeks the redevelopment of an existing surplus car park at Ashford Hospital for 115 residential units in buildings ranging from 2 to 5 storeys in height. The scheme also proposes associated access, parking, services, facilities, landscaping and amenity space, and includes the demolition of the existing low profile buildings at the north, east and west of the site. Immediately adjacent to the north, south and east site boundaries are existing established houses, with the Tesco Superstore and loading area situated adjacent to the western site boundary.</p> <p>The car park is currently accessed by vehicles along Town Lane, and whilst there is pedestrian access to Victory Close, a barrier prevents private vehicles from accessing this road, which was installed as part of a planning permission to redevelop the hospital in 1992 (92/00540/OUT & 92/00674/OUT). The applicant has stated that barrier would remain in place following redevelopment and be under the control of the NHS.</p> <p>The site is currently occupied by five buildings, three of which contain a children's nursery. The other buildings are in uses ancillary to Ashford Hospital. The applicant has confirmed that the nursery has relocated within the hospital site.</p> <p>The car park currently provides 113 car parking spaces for hospital staff and 8 parking spaces for the nursery use. The applicant's submission documents state that operations at the hospital have recently changed and the car park in this location is no longer required. The applicant's</p>		

	<p>submission further states that existing parking demand for Ashford Hospital can be accommodated in the main hospital car park situated to the south of Town Lane, which has been reconfigured. It should be noted that the car park has now been sold by the hospital to the applicant and the car parking arrangements for the hospital are not under consideration as the hospital falls outside of the application site.</p> <p>The proposed development would provide 117 car parking spaces for the 115 residential units. The applicant has also offered to provide 6 affordable housing units in a rented tenure.</p>
Recommended Decision	This application is recommended for approval subject to the prior completion of a Section 106 Agreement.

MAIN REPORT

1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies Development Plan Document (CS&P DPD) 2009 are considered relevant to this proposal:

- SP1 - Location of Development
- LO1 - Flooding
- SP2 - Housing Provision
- HO1 - Providing for New Housing Development
- HO3 - Affordable Housing
- HO4 - Housing Size and Type
- HO5 - Housing Density
- EM1 - Employment Development
- CO2 - Provision of Infrastructure for New Development
- CO3 - Provision of Open Space for New Development
- SP6 - Maintaining and Improving the Environment
- EN1 - Design of New Development
- EN3 - Air Quality
- EN4 - Provision of Open Space and Sport and Recreation Facilities
- EN7 – Tree Protection
- EN8 – Protecting and Improving the Landscape and Biodiversity
- EN11 - Development and Noise
- EN15 - Development on Land Affected by Contamination
- CC1 - Renewable Energy, Energy Conservation and Sustainable Construction

➤ CC2 - Sustainable Travel

➤ CC3 - Parking Provision

1.2 Also relevant is the Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development, 2011, and the National Planning Policy Framework (NPPF), 2019

2. Relevant Planning History

2.1 The planning history below relates to the application site and also to nearby land that once formed part of the hospital site:

12/01037/RMA (Officer note: this application relates to nearby land that once formed part of the Ashford Hospital site)	Reserved matters submission pursuant to Outline Planning Permission 08/01024/OUT: Demolition of existing buildings and erection of a part 3, 4, 5 and 6 storey development comprising 152 residential units. Provision of basement car park and ground level parking spaces	Grant Conditional 03.10.2012
09/00076/FUL (Officer note: this was the main hospital car park)	Reconfiguration of existing car park.	Grant Conditional 20.03.2009
08/01024/OUT (Officer note: this application relates to nearby land that once formed part of the Ashford Hospital site)	Demolition of existing buildings and erection of a part 3, 4, 5 and 6 storey development comprising 152 residential units. Provision of basement car park and ground level parking spaces (OUTLINE).	Grant Conditional 26.08.2009
08/00615/FUL (Officer note: this was the main hospital car park)	Reconfiguration of existing hospital car park.	Grant Conditional 02.09.2008
02/00586/FUL	Relocation of existing creche nursery building from south east part of site to the rear of Tesco Superstore and alterations to car parking, to provide new parking throughout site. AMENDED DESCRIPTION	Grant Conditional 28.08.2002
92/00674/OUT	Redevelopment of site for new and improved hospital use to include new ward blocks, improved clinical departments;	Grant Conditional 16.06.1993

	food superstore ;petrol filling station, associated car parking, servicing and access (OUTLINE)	
92/00540/OUT	Redevelopment of site for new & improved hospital use to include new Ward Blocks, improved Clinical Departments, Food Superstore, Petrol Filling Station, Associated Parking, Servicing and Access	Grant Conditional 16.06.1993

3. Description of Current Proposal

The Application Site

- 3.1 This application is seeking the redevelopment of an existing car park at Ashford Hospital. The car park is located to the north-east of the hospital site and is accessed through Town Lane. The site is situated at the rear of the Tesco Superstore and to the west of Victory Close. There are established houses to the north, east and south of the site. The car park area also contains five buildings, with three of the buildings serving as a children's nursery and the remaining buildings in uses ancillary to Ashford Hospital.
- 3.2 The site is some 0.9 hectares in area and presently contains 113 car parking spaces for hospital staff as well as 8 further parking spaces for the nursery use. Vehicular access for the site is through Town Lane, and whilst pedestrians are able to access Victory Close along pavement areas, a barrier is located at the east of the site, which prevents private vehicles driving into this road. The applicant's submission documents state that this barrier would be maintained following the redevelopment of the site and would remain under control of the NHS.

Surrounding Area

- 3.3 There are established residential dwellings in Viola Avenue and Vernon Close situated to the north of the site. These properties are typically 'traditional' two storey semi-detached or terraced dwellings. Queen Mary Court, a three storey flatted development, constructed in the early 2000s is situated immediately to the north of the site and is accessed through Yeoman Drive.
- 3.4 A row of two storey terraced dwellings are situated immediately to the east of the site in Greenaway Terrace. These typically contain car parking at the front and gardens at the rear. Victory Close and Yeoman Drive are also located immediately to the east and contain a number of two and three storey dwellings which are typically semi-detached or terraced in layout. A number of three storey flatted developments also occupy Victory Close and Yeoman Drive, including Wheat House, Marquis Court and Barley Court.
- 3.5 Immediately to the south of the site are Albain Crescent and Willowbrook Road, which are occupied by more 'traditional semi-detached or terraced two storey family scale dwellings with garden spaces at the rear.

- 3.6 A Tesco Superstore is located immediately to the west of the site, on the northern side of Town Lane. This was constructed in the 1990's and the car park to the store is located to the west, which incorporates a petrol station. The service yard for the superstore is located to the rear and adjoins the application site on its western side.
- 3.7 The main Ashford Hospital development is located to the south-west of the application site, on the southern side of Town Lane. This contains buildings of up to four storeys in height, as well as associated car parking space at the north and east.
- 3.8 To the west of the hospital site at the junction of Town Lane and London Road is West Plaza, which is a high density residential development that previously formed part of Ashford Hospital. It contains 152 residential units in buildings ranging up to 6 storeys in height. The reserved matters for this development were approved in October 2012, under reference 12/01037/RMA.

The Proposal

- 3.9 The application proposes 115 residential units in buildings ranging from 2 to 5 storeys in height with associated access, facilities, services and amenity space. A total of 117 parking spaces, at a ratio just over 1 car parking space per unit, would be provided. The development is also offering 6 affordable housing units in an affordable rented tenure (consisting of 4 x 2 bedroom flats and 2 x 1 bedroom flats). Landscaping would also be incorporated across the development.
- 3.10 The development proposes 110 apartments and 5 two storey terraced houses. The unit mix is outlined in the table below:

1 bed apartment	2 bed apartment	3 bed apartment	2 bed house
36 (31%)	66 (57%)	8 (7%)	5 (4%)

Site Layout

- 3.11 The proposed apartments would range from 1 to 3 bedroom units and would be located in Blocks A, B and a section of Block C. The 2 bedroom terraced dwellings would all be located in Block C and would have private gardens. The illustration below outlines the layout of the site and the location of Blocks A, B & C.



Block A

- 3.12 This block would be located at the west of the site and would range between 4 and 5 storeys in height. It would be arranged around a central landscaped courtyard space, which would contain private amenity space with access limited to residents. The fifth storey would be located in the south-western corner and would contain 5 units. The remainder of the block would be 4 storeys in height. Block A would measure a maximum of 35.8 metres in height at the south-western corner and would incorporate a number of gable roofs and a mixture of 'inset' and external balconies, which would be prominent in the facades. The external walls would contain light grey/buff multibrick, and black fibre cement slate tiles would be contained in the roof.
- 3.13 The residential units in this block would be accessed through the central courtyard, which would be accessible via openings at ground floor level in the eastern and western elevations. Entry to the residential units would be through one of four central spine stairways/lifts. In total this block would contain 34 x 1 bedroom units, 42 x 2 bedroom units and 8 x 3 bedroom units. Each of the units would be served by either an 'inset' or external balcony which would look out onto either the central courtyard space or the external street scene.

Block B

- 3.14 This block would be located to the east of the site. It would be set over 3 storeys and would measure a maximum height of 29.75 metres. As with Block A, it would incorporate a number of gable style roofs and would contain

'inset' and external balconies. The block would incorporate light red multibrick in the facades and black fibre cement slates in the roof.

- 3.15 The residential units would be accessed through one of two entrances located in the eastern elevation, and via a spine stairway/lift. This block would contain 2 x 1 bedroom units and 22 x 2 bedroom units. A communal amenity area is proposed to the east of Block B, which would have controlled access limited to residents.

Block C

- 3.16 This block would contain 5 x 2 bedroom terraced dwellings located to the south of the site and 2 x 2 bedroom apartments at the east of the block. Each of the terraced dwellings would be two storeys and would be accessed from the northern elevation. The dwellings would each contain private amenity space. This block would incorporate gable roofs and would measure a maximum of 26.7 metres in height. This block would incorporate dark red multibrick and black fibre cement slate tiles in the roof.

4. Consultations

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

Consultee	Comment
Affordable Housing Advisor	The applicant's offer of affordable housing units is acceptable and there is no justification to pursue a high proportion of affordable accommodation.
BAA	Requests an informative relating to cranes and wind turbines is attached to any planning permission.
CADENT GAS	Request an informative is attached to any planning permission.
County Highway Authority	No objection, requests conditions.
County Archaeological Officer	Initially requested desk based archaeology report. Following receipt of this report, has raised no objections subject to a condition.
Council's Arboricultural Officer	The site has no trees of any particular merit and there are no objections to the proposal.
Highways England	No objection to the impact upon the Strategic Road network.
Environment Agency	No objection.
Environmental Health (Contaminated Land and Dust)	Requests conditions.
Environmental Health (Air Quality)	Requests conditions.
Environmental Health (Noise)	Requests conditions.
Environmental Services (Renewable Energy)	No objection.
Housing Strategy	<p>The Council's housing needs are such that any affordable units provided should comprise two thirds 2 bed (four person) units and one third 3 bed (five person) units. We also have had very few houses come forward as s106 affordable housing in recent years, and we have a number of vulnerable households with children who have a need for this type of accommodation.</p> <p>As a housing authority we are already concerned about the level of affordable housing forthcoming on this site (5%), but appreciate that you have commissioned an independent review of the financial viability of the scheme. We would always support efforts to increase the % of affordable housing on forthcoming schemes.</p>

	We now have a Housing Register of over 2000, with about 20 new applications registered each week.
Natural England	No objection.
Crime Prevention Officer	No objection subject to conditions.
Fire and Rescue	No comments received.
Thames Water	No objection.
Lead Local Flood Authority (SUDS)	No objection subject to conditions.
Surrey Wildlife Trust	No objections.

5. Public Consultation

5.1 The proposed development was statutorily publicised by four planning site notices on lampposts adjacent to the site and in the local newspaper. Neighbour notification letters were issued to housing in close proximity to the site. A total of 6 letters of representation have been received, objecting to the proposal on the following grounds:

- Overdevelopment of an already overcrowded area in Stanwell, which will put a strain on local services and infrastructure.
- The development is too big for the location
- Addition of a high volume of residents in an area with already full and busy schools, doctors, and dentists
- Addition of a lot of traffic to the already busy junctions in Stanwell when people are travelling to Staines, West London or the M25
- Fire coverage to the area is already drastically reduced, but building and development seem to be at an all-time high
- Pressures on local services and transport infrastructure - Lack of infrastructure
- Objections will be ignored and the Council will “push through” the development.
- Increase in traffic will increase parking demand and congestion in the area
- Existing inadequate visitor parking will increase
- Increase in number of pedestrians will exacerbate the rubbish and litter problems that the existing residents experience
- Increase in number of people in the neighbourhood will increase the existing anti-social behaviour in the area
- Off street parking issues in and around Yeoman Drive will increase
- Development will be visible from objectors property
- Enquiries about who the proposed houses would be available to

6. Planning Issues

- Principle of Development
- Need for Housing
- Housing Type, Size
- Design, Height and Appearance
- Density
- Amenity Space for Residents
- Landscape
- Open Space
- Contaminated Land
- Impact on Existing Residential Dwellings
- Parking
- Transportation Issues
- Waste and Recycling
- Air Quality
- Archaeology
- Flooding
- Renewable Energy
- Biodiversity
- Sites of Special Scientific Interest
- Equality Act
- Human Rights Act
- Local Finance Considerations

7. Planning Considerations

Principle of Development

- 7.1 Policy HO1 encourages the development of appropriate land for housing purposes and seeks to ensure the effective use of urban land through the application of Policy HO5 on density.
- 7.2 This is also reflected in the NPPF paragraph 117 which emphasises the need for effective use of land in meeting the need for homes, whilst safeguarding the environment, and provides further relevant context at paragraph 122 in respect of achieving appropriate densities.
- 7.3 The application proposes 115 residential units on a surplus car park and a children's nursery building, which would make a significant contribution to the Council's 5 year housing supply. The majority of the units (93%) would contain either 1 or 2 bedrooms, as encouraged by policy HO4. High density

development has previously been accepted on the Ashford Hospital Site in the West Plaza development, and it is considered that the proposal would be appropriate in this location. The applicant has confirmed that the nursery has been relocated within the hospital, and that the main hospital car park is being reconfigured to accommodate additional spaces. The Council's Strategic Land Availability Assessment (SLAA) (July 2019) also identifies that the site could accommodate 108 dwellings, in a time frame of 1-5 years.

Need for Housing

- 7.4 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).
- 7.5 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.
- 7.6 The sites identified in the 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 sufficient sites have been identified 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 figure. 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.
- 7.7 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 Strategic Land Availability

Assessment (SLAA) which identifies potential sites for future housing development over the plan period.

- 7.8 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’*. This is assessed below.
- 7.9 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 under delivered on housing delivery versus need in previous years and as a result the Council have 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.
- 7.10 The revised Housing Delivery Test was issued on 13 February 2020. The Council’s figure is now 60% compared with the previous figure of 63%. We are still in the +20% and Action Plan consequences. Next year unless the position changes dramatically (which is unlikely), we will also be in the Presumption consequence as this will apply to any authority at or below 75%. However in practice we are in that position anyway as we do not have a 5 year housing land supply

Housing Type and Size

- 7.11 Policy HO4 of the CS&P DPD and the Council’s Supplementary Planning Document (SPD) on Housing Size and Type, seeks to secure 80% of dwellings in developments of 4 or more units to be 1 or 2 bed in size. This is to ensure that the overall dwelling stock meets the demand that exists within the Borough, including a greater demand for smaller dwellings.
- 7.12 The proposed unit mix would comprise 36 x 1 bedroom apartments (31%), 66 x 2 bedroom apartments (57%), 8 x 3 bedroom apartments (7%) and 5 x 2 bedroom dwelling houses (6%). As approximately 93% of the units would contain 1 or 2 bedrooms, the development would meet the requirements of Policy HO4 outlined above. The proposed unit mix is therefore considered to be appropriate.
- 7.13 The Council’s Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development (2011) sets out minimum floor space standards for new dwellings.
- 7.14 The Government has also published national minimum dwelling size standards in their “Technical Housing Standards – nationally described space standard” document (2015). These largely reflect the London Housing Design Guide on which the Spelthorne standards were also based, and are arranged in a similar manner to those in the SPD. A summary of the relevant minimum floor space requirements set out in the Technical Housing Standards is illustrated in the table below:

Dwelling Size (Single Storey)	Minimum Floor Space Requirement
1 bed x 1 person	39m ²
1 bed x 2 person	50m ²
2 bed x 3 person	61m ²
2 bed x 4 person	70m ²
3 bed x 4 person	74m ²
Dwelling Size (Two Storey)	Minimum Flood Space Requirement
2 bed x 3 person	70m ²

- 7.15 All of the apartments proposed in Blocks A & B would meet the minimum internal floor space requirements outlined above. The 5 terraced dwellings proposed in Block C, would also meet the minimum requirements for a 2 bed x 3 person dwelling set over 2 storeys.
- 7.16 The ground floor apartment in Block C would constitute a 2 bed x 3 person apartment. It would contain an internal floor space measuring 60m², which would fall 1m² short of the 61m² minimum floor space requirements for a unit of this size. The upper floor apartment in Block C, would be in adherence to the minimum floor space requirements.
- 7.17 As 114 of the 115 units would be in adherence to the minimum internal floor space requirements as set out in the Technical Housing Standards, and given the extent of the shortfall in floor space of the apartment in Block C, on balance, the internal floor space provision across the development is considered to be acceptable. Additionally, a shortfall of 1m² is not viewed to outweigh the benefits of the overall scheme and the contribution of 115 residential units to the Council's 5 year housing supply.

Affordable Housing

- 7.18 The NPPF seeks to deliver a sufficient supply of homes that meet the needs of the population. Paragraph 62 of the NPPF states that:
- 'Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site...'*
- 7.19 Policy HO3 of the CS&P DPD states:
- 'The Council's target for affordable housing is that 40% of all net additional dwellings completed over the plan period, 2006-2026, should be affordable.'*
- 7.20 Policy HO3 further states that this will be achieved by having regard to the circumstances of each site and negotiating a proportion of up to 50% of housing on sites to be affordable, where the development comprises 15 or more dwellings. The LPA seeks to maximise the contribution to affordable housing provision from each site, having regard to the individual

circumstances and viability, with negotiations conducted on an 'open book' basis.

- 7.21 The NPPF (paragraph 57) states that viability assessments should reflect the approach recommended by national planning guidance, including standardised inputs. The planning policy guidance (PPG) states that the assessment of costs in viability assessments should be based on evidence that is reflective of local market conditions. The PPG further states 15-20% return of the gross development value may be considered as a suitable return to the developer in order to establish the viability of the development. The Local Planning Authority has also been advised by independent financial advisors that every application must be assessed in the same way regardless of the developer, and this is reflected in RICS guidance.
- 7.22 The applicant's planning statement indicates that the development would provide rented housing to private occupants and key workers. It further suggests that individuals on the housing register and key workers would be offered the opportunity to rent the units at a discounted rate. However, whilst the applicant has stated an intention to offer units to key workers and individuals on the housing register, the planning statement and viability report both initially confirmed that no affordable housing would be offered in the development.
- 7.23 The applicant's initial viability statement assessed three scenarios; 100% market housing, 10% affordable housing, and 50% affordable housing. The statement concluded that it would not be viable for the applicant to provide any affordable housing in the development.
- 7.24 The LPA consulted an independent viability assessor to review the applicant's viability report. The assessor concluded that the applicant should be willing to provide a firm commitment to providing 4 affordable housing units at a discounted rent.
- 7.25 The applicant was advised of the assessor's conclusions and responded stating that recent changes to ground rent legislation would reduce the ability to provide affordable housing. Notwithstanding this, the applicant confirmed a willingness to provide 4 affordable rented housing units.
- 7.26 The LPA's assessor agreed that changes to ground rent legislation would reduce the ability to provide affordable housing in the scheme and stated "*The applicant's offer of 4 affordable units is in our opinion, therefore extremely fair and there is no justification to pursue a higher proportion of affordable housing*".
- 7.27 In addition, officers requested that the applicant to remove the CIL figure of £328,787, which had been included in the costs section of the viability report. This was on the basis that the CIL payment is not required for a development in this particular area (CIL Charging Zone 1), which proposes in excess of 15 units and where policy HO3 applies. Consequently, the applicant agreed to provide two additional affordable units resulting a total of 6 affordable rented housing units across the development, as well as payment of £1,778 for off-

site provision. The six units will comprise 4 x 2 bedroom flats and 2 x 1 bedroom flats.

- 7.28 Whilst the planning statement suggests that the properties in the development would be offered to key workers and individuals on the housing register, the applicant has offered a commitment to provide 6 affordable rented housing units. Any planning permission would run with the land and not the applicant. The application must therefore be determined and assessed on the basis that 6 affordable housing units would be provided, and not on the grounds of future potential for dwellings to be offered to key workers and those on the housing register.
- 7.29 Given the comments of the independent viability assessor it is considered that the applicant's commitment to providing 6 affordable housing units at the site would be in accordance with the requirements of policy HO3 and the NPPF.

Design, Height and Appearance

- 7.30 Policy EN1 of the CS&P DPD, which is supported by the Supplementary Planning Document on the 'Design of Residential Extensions and New Residential Development', requires a high standard of design. Sub point (a) requires new development to demonstrate that it 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”

- 7.31 The site is surrounded by existing residential development to the north, south and east, much of which is two storey in scale, with a variety of brick, materials and detailing. To the north of the site, properties in Viola Avenue and Vernon Close are older, more mature, traditionally designed and set over two storeys, as are properties in Willowbrook Road and Albain Crescent, located to the south. Greenaway Terrace, located directly to the east contains a row of two storey terraced dwellings with driveways at the front and gardens at the rear. There is a greater mixture of dwellings in Victory Close and Yeoman Drive, with two storey semi-detached and terraced dwellings present, as well as higher density flatted development at Barley Court, Marquis House, Queen Mary House. There is also high density development on the western side of the hospital site in West Plaza.
- 7.32 The unit mix proposed in the development, ranging from two storey terraced dwellings to four storey (with a part five storey element) high density apartments, is considered to be acceptable in this location, given the unit mix in the surrounding area, particularly the high density flatted developments, including at West Plaza.
- 7.33 The placement of windows and balconies, the distances between existing and proposed housing (detailed elsewhere in this report), the use of a variety of materials ranging from traditional brick to more modern reconstituted stone and glass and the use of features such as gables, areas of open space and landscaping, all help to integrate the proposed development with the existing

and to relate to the surrounding development style and character, while taking account of the constraints of redeveloping a site in an urban environment.

- 7.34 It is therefore considered that the proposal would have an acceptable impact upon the character of the area and would meet the requirements of Policies EN1 and SP6 of the CS&P DPD and the NPPF.

Density

- 7.35 Policy HO5 of the CS&P DPD states that within existing residential areas characterised predominantly by family housing rather than flats, new development should generally be in the range of 35 to 55 dwellings per hectare. In areas characterised by a significant proportion of flats, and those containing significant employment areas, this rises to a range between 40 to 75 dwellings per hectare. Policy HO5 further states higher density development may be acceptable where it is demonstrated that the scheme complies with Policy EN1 on design.
- 7.36 The NPPF encourages the optimisation of densities and states that Local Planning Authorities should refuse planning applications which they consider fail to make an efficient use of land.
- 7.37 The development would have a density of approximately 128 dwellings per hectare. The surrounding residential properties located to the north, east and south of the site, are laid out as either 'traditional family scale dwellings' or as flatted developments including Wheat House, Marquis Court and Barley Court. A density in the range of 40 to 75 dwellings per hectare would normally be acceptable in this location, when assessed against policy HO5. However, Policy HO5 allows for higher density developments where a scheme complies with Policy EN1 on design. For the reasons highlighted above, the proposal is considered to be in accordance with policy EN1 in design terms and a higher density is considered to be acceptable.
- 7.38 The proposed density of 128 dwellings per hectare, is considered to represent an acceptable optimisation of the site, in accordance with the objectives of the NPPF. It should also be noted that West Plaza, which is located 250 metres to the west of the site and previously formed part of Ashford Hospital, has a density of 165 dwellings per hectare.
- 7.39 The proposed density is considered to be in accordance with the objectives of the NPPF, and as the development is in accordance with policy EN1, the proposal is also considered to accord with the objectives of policy HO5.

Amenity Space for Residents

- 7.40 The Council's SPD, Design of Residential Extension and New Residential Development (2011) provides general guidance on minimum garden sizes (Paragraph 4.20). In the case of flats, this guidance states that 35m² of amenity space should be provided per unit for the first 5 units, 10m² should be provided to the next 5 units, and 5m² should be provided to each unit thereafter. It also states that two bedroom semi-detached or terraced dwellings should be provided with a minimum garden area of 60m².

- 7.41 On the basis of the above minimum guidance, there would be a requirement for the 110 apartments to be served by a minimum of 725m² of private amenity space. The plans indicate that all but two of the apartments would be served by either inset or external balconies, or private amenity areas on the ground floors. The Local Planning Authority has calculated that 1082m² of amenity space would be provided across the balconies and private amenity areas serving the ground floor units. This would exceed the LPA's minimum guidelines and is therefore considered to be acceptable.
- 7.42 Further communal amenity space would be provided to residents of Block A in the Central Courtyard, which measures 640m². This would have controlled access and would only be accessible for residents of this block. A further amenity space with controlled access would be provided to Block B, situated to the east of this block. This would measure 540m² in area. Both of these areas would contain incidental play features.
- 7.43 When considered cumulatively with the balconies and private garden areas, the apartments would be provided with amenity space that significantly exceeds the Council's minimum requirements.
- 7.44 The garden areas provided to the dwelling houses in Block C vary from 23m² to 62m². The Council's SPD on design states that two bedroom dwellings should contain a minimum garden area of 60m². It is acknowledged that 4 of the 5 houses would fall short of the Council's minimum requirements. Whilst this is the case, there is a play area and green space within 150 metres of the site, in Victory Close. The applicant's submission documents also identify 6 play spaces within a 15 minute walk of the site, which are considered to partially mitigate this shortfall. On balance, given the siting of the green space in Victory Close, and as the development as a whole would provide amenity space significantly in excess of the Council's minimum amenity space requirements, the level of amenity space provided to the proposed terraced dwellings is considered to be acceptable when weighted against the benefits of the scheme.

Landscape

- 7.45 The applicant has submitted a landscape statement, which details planting at the site boundaries and car parks, as well as in the courtyard of Block A. This is considered to enhance the development and the amenity provided.
- 7.46 The applicant has submitted an Arboricultural Implications Assessment, which states that it would be necessary to fell an Ash Tree and 2 x Horse Chestnuts within the site to enable the development to take place. The Council's Tree Officer has undertaken a site visit, and has commented that the trees are not of particular merit, and that the proposed new planting will compensate for their loss.

Open Space

- 7.47 Policy CO3 of the CS&P DPD states that in new housing development of 30 or more family dwellings the Local Planning Authority will require a minimum

of 0.1 hectares of open space to provide for a children's play area. The policy states that such provision should be increased proportionally according to the size of the scheme. For the purposes of this policy a family unit is defined as having two or more bedrooms.

- 7.48 There would be 79 units across the development that would contain two or more bedrooms. On this basis there would be a requirement for 0.26 hectares of open space to provide children's play spaces.
- 7.49 Incidental play features would be contained in the courtyard of Block A and the amenity space to the east of Block B. Both of these spaces would have controlled access and would not be open to members of the general public. The total area of the courtyard within Block A and the amenity space to the east of Block B would amount to approximately 0.118 hectares. The incidental play areas would form part of this space.
- 7.50 As there would be a shortfall when assessed against the requirements of policy CO3, the LPA has sought a financial contribution from the applicant towards off-site improvements to existing open spaces in the borough. A contribution of £35,000 has been agreed. The applicant's submission documents have also identified 6 play spaces within a 15 minute walk of the site, including a park in Victory Close, which is approximately 100 metres from the site, and this is considered to partially mitigate this shortfall.
- 7.51 Given the proximity of other open public spaces to the site, together with the applicant's financial contribution towards the improvement of off-site existing open spaces, whilst the shortfall in open space when assessed against policy CO3 is acknowledged, on balance the proposal is considered to be acceptable in this regard.

Contaminated Land

- 7.52 The Council's Environmental Health Department has requested that a condition is attached to the decision notice requiring the developer to submit a revised remediation strategy.

Impact on Existing Residential Dwellings

- 7.53 Policy EN1 (b) requires that new development '*achieves a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight, sunlight, or overbearing effect due to bulk, proximity or outlook.*'
- 7.54 The LPA's SPD on the Design of Residential Extensions and New Residential Development (April 2011), contains a 'back-to-back' guide, which states that there should be a minimum distance of 21 metres between the rear elevations of two storey dwellings where the rear elevations are situated 'back-to-back'. The SPD further states that there should be a minimum distance of 30 metres between the rear elevations of three storey dwellings. The SPD also contains a 'back-to-side' guide, which states that there should be a minimum distance of 13.5 metres between the side elevations and the rear elevations of two storey properties. This minimum distance increases to 21 metres between the

side and rear elevations of three storey buildings. It should be noted that this guide is aimed primarily towards 'traditional suburban dwellings' rather than high density development.

Block A

- 7.55 The south western corner of Block A would contain 5 storeys and would measure a height of 35.8 metres. It would be located approximately 20 metres from the rear elevation of the nearest residential dwelling (no.12 Albain Close). It would also be located approximately 14 metres from the rear boundary of this property. As Block A would be set over 5 storeys at the south-western corner and would incorporate balconies and windows in the southern elevation, it is acknowledged that there would be a degree of overlooking of the existing properties situated to the south of the site. However, given the distance of 14 metres to the rear boundary of the closest residential property to the south (no.12 Albain Close), it is considered that the degree of overlooking would be to an acceptable level.
- 7.56 Block A would breach the Council's 25 degree guide when measured from the rear elevation of the closest residential property to the south (no.12 Albain Crescent). However, this breach is considered to be to an acceptable level and would occur at a distance of 18.5 metres from the rear elevation of this dwelling. Moreover, as there would be a distance of 14 metres between Block A and the rear boundary of the closest property to the south, it is not considered that Block A would have an overbearing impact upon any of the properties located to the south of the site.
- 7.57 Block A would be four storeys at the northern elevation. The northern elevation would contain windows serving habitable rooms as well as balconies. Block A would be located approximately 7.5 metres from the rear garden of the nearest property to the north of the site (no.83 Viola Avenue), although this property contains a relatively long rear garden. As a result of this garden length, Block A would be located some 30 metres from the rear elevation of the dwelling occupying this plot. Given that there would be such a distance between Block A and the closest dwelling to the north of the site, it is considered that Block A would have an acceptable impact upon the light, privacy and amenity of all residential properties in Viola Avenue located to the north of the site. It is also considered that Block A would have an acceptable impact upon Queen Mary Court, a flatted development also located to the north of the site. Moreover, it is considered that Block A would have an acceptable impact upon the amenity of all further surrounding dwellings.

Block B

- 7.58 Block B, which would be set over three storeys, would incorporate second floor windows in the eastern flank serving bedrooms and living rooms. In the case of flat '2101', these windows would be within 7 metres of the flank boundary of the rear garden of no. 18 Victory Close, which is the closest residential property to the east. The LPA raised concerns with the applicant that this could have resulted in opportunities for overlooking. In response, the applicant submitted a plan showing planting along the boundary, which would partially mitigate the possibility for overlooking by providing a degree of

screening. However, this planting could get damaged or be removed over time and this in itself would not overcome overlooking concerns.

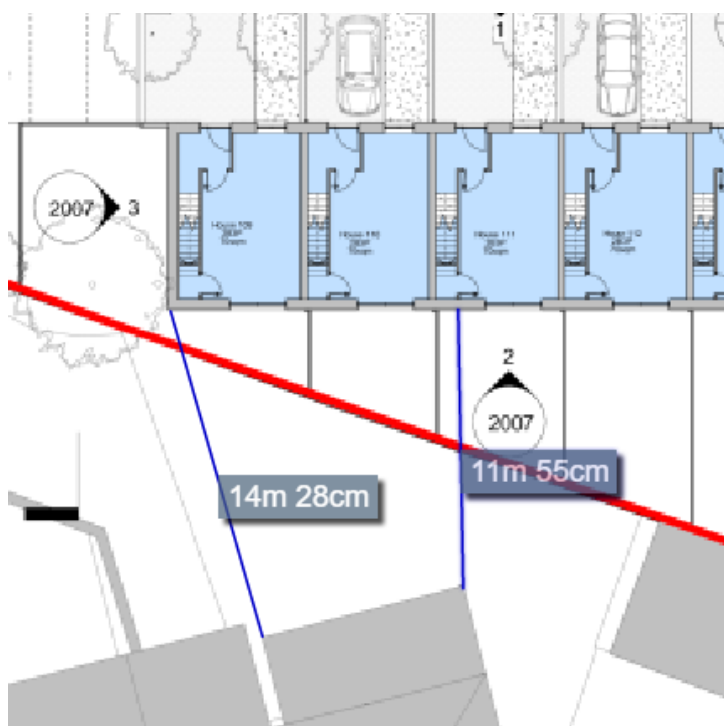
- 7.59 The LPA must undertake a planning balance exercise. The LPA cannot demonstrate a 5 year housing supply and the construction of 115 residential units would make a significant contribution towards increasing housing supply. The NPPF states that planning decisions should apply a presumption in favour of sustainable development, and where a Local Authority cannot demonstrate a 5 year housing supply, planning permission should be granted unless the impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 7.60 In this instance, it is acknowledged that the incorporation of second floor windows and a three storey building within 7 metres of the boundary does not meet the guidance. However, on balance, the harm this would cause is not considered to significantly and demonstrably outweigh the benefits of the contribution of 115 additional residential units to the Council's 5 year housing supply. On balance, the relationship of Block B with 18 Victory Close is therefore considered to be an acceptable compromise.
- 7.61 It was established during the site visit that the rear elevation of no.18 Victory Close contains windows and a set of double doors. When measured from the centre of the double doors, Block B is not considered to breach the Council's 45° vertical guide. On planning balance, the impact of Block B upon properties to the east of the site is therefore considered to be acceptable.
- 7.62 At the closest point Queen Mary Court would be situated approximately 10 metres from the north-western corner of Block B falling short of the Council's guideline separation distances. However, Queen Mary Court would not be situated perpendicularly to Block B and would be set at an angle. There would also be no window openings in the northern elevation of Block B. Given the orientation and layout of Queen Mary Court, and distance to Block B, on planning balance there is considered to be a satisfactory relationship
- 7.63 There is also considered to be an acceptable relationship between Block A and Block B because of the distance between them.

Block C

- 7.64 Block C would contain a row of 5 x 2 bed terraced dwellings that would be set over two storeys. This block would also contain 2 x 2 bed apartments that would be located at the east of the block.
- 7.65 At the closest point, the rear elevation of Block C would be situated approximately 1.6 metres from the rear boundary of the nearest residential dwelling (40 Willowbrook Road). However, this property has an irregular rear boundary, and its rear elevation is not orientated perpendicularly to the rear elevation of Block C.
- 7.66 At the closest 'back-to-back' point, the rear elevation of Block C would be situated approximately 11.55 metres from the rear elevation of 40

Willowbrook Road. This separation distance would fall significantly short of the Local Planning Authority's 21 metre 'back-to-back' guidance.

- 7.67 At the point where the rear elevation of Block C would be located 1.6 metres from the boundary, Block C would be situated 14.28 metres from the rear elevation of 40 Willowbrook Road, as illustrated below.



- 7.68 Block C would partially breach the Council's 25 degree guide, when measured from the rear elevation of the nearest residential dwelling at 40 Willowbrook Road. However, this breach is marginal and is not considered to be to an unacceptable level.
- 7.69 In terms of overlooking, all of the first floor rear windows to the terraced dwellings in Block C, would serve either bathrooms or landings, which do not constitute habitable rooms. A condition is therefore recommended to be attached to the decision notice, which requires these windows to contain obscure glazing. This would prevent opportunities for overlooking.
- 7.70 As a result of the 11.55 metre 'back-to-back' separation distance to the nearest residential property, it is not considered that Block C would have an overbearing impact on properties to the south of the site.
- 7.71 As noted above, the LPA cannot demonstrate a 5 year housing supply and a the NPPF states that a 'titled balance' approach must be adopted, where planning permission should be granted unless the harm of doing so would significantly and demonstrably outweigh the benefits of the scheme.
- 7.72 The relationship between Block C and the no.40 Willowbrook Road would not be ideal and would fall significantly short of the Council's 21 metre 'back-to-back' guidance. However, given the 11.55 metre separation distance to the rear elevation of 40 Willowbrook Road, and on the basis that an obscure

glazing condition is attached to the decision notice, it is not considered that the harm of the shortfall in the back-to-back separation distance, would significantly and demonstrably outweigh the benefits of the provision of 115 residential units in this location.

- 7.73 The first floor apartment at the east of Block C would contain two first floor windows in the rear elevation that would serve a combined kitchen and living room. The windows would be located some 7.5 metres from the rear boundary of no.27 Willowbrook Road. On balance it is not considered that this would result in unacceptable opportunities for overlooking, particularly as an outbuilding is situated at the rear of no.27 Willowbrook Road, alongside the boundary, which would mitigate any adverse impacts.
- 7.74 Block C is considered to have an acceptable impact upon the amenity of all further neighbouring and adjoining properties and would be in accordance with policy EN1 in this regard.

Parking

- 7.75 Under the requirements of the Councils Parking Standards SPD (2011), a total of 167.5 parking spaces (rounded up to 168) would normally be required to serve the development, based on the following standards:

Unit Type	General Needs Housing	Affordable Housing
1 bed unit	1.25	1
2 bed unit	1.5	1.25
3 bed unit (under 80 m ²)	2.25	1.75

- 7.76 Policy CC3 of the CS&P DPD requires adequate provision of off-street parking.
- 7.77 The development would provide 117 off street car parking spaces, which would result in a parking ratio of just over 1 car parking space per dwelling. This would fall 51 spaces short of the minimum requirements set out in the Local Planning Authority's Parking Standards SPD.
- 7.78 The Parking Standards SPD states that a reduction in the minimum standards will be allowed in the Borough's 4 town centres where transport accessibility is generally high. It further indicates that any reduction will need to be assessed against the relevant factors such as distance from public transport modes, frequency and quality of bus and train services, the availability and quality of cycle and pedestrian routes and the range of facilities supportive of residential development within a reasonable walking distance.
- 7.79 It is acknowledged that the site is not located within any of the Boroughs 4 town centres. However, the applicant's submission documents state that the site is located between 375 and 475 metres from bus stops in Town Lane, with additional bus stops in Stanwell Road, which are some 600-640 metres from the site. The site is also located approximately 1350 metres from Ashford Train Station, which is considered to be in reasonable walking distance (approximately 20 minutes).

- 7.80 The applicant has also listed a number of amenities within close proximity of the site, which include the Tesco Superstore and Ashford Hospital, which adjoin the site, as well as a community centre and a number of education facilities.
- 7.81 The applicant has used census data to estimate car ownership for the development and to provide a justification for the shortfall against the LPA's requirements, which is based on typical car ownership of similarly sized houses and apartments within the same ward as the development site. On the basis of census data for similarly sized dwellings, it was calculated that there would demand to be for 117 car parking spaces. This was based on the following average car ownership per unit:

1 x bed apartment	2 x bed apartment	3 x bed apartment	2 x bed dwelling house
0.84 cars per dwelling	1.10 cars per dwelling	1.19 cars per dwelling	0.94 cars per dwelling

- 7.82 The Local Planning Authority has consulted the County Highway Authority, which noted that the applicant had used census data to justify the shortfall against the Parking Standards SPD. The CHA further commented that assuming none of the parking spaces are allocated (the applicant has confirmed they would not be allocated), the parking provision should be sufficient to accommodate parking demand. However, the CHA also commented that Greenway Terrace and other roads around Victory Close do not have capacity to accommodate additional parking should the demand exceed the number of spaces.
- 7.83 As the Council cannot demonstrate a 5 year housing supply, the NPPF states that a 'tilted balance' approach must be adopted, where planning permission should be granted unless the harm of doing so would significantly and demonstrably outweigh the benefits of the scheme. Whilst the development would fall 51 car parking spaces short when assessed against the LPA's Parking Standards SPD, the scheme would add 115 units to the Council's 5 year housing supply, would be a short distance from nearby amenities including Ashford Hospital and the Tesco Superstore, and would be within reasonable walking distance of bus stops in Town Lane and Stanwell Road as well as Ashford Train Station. When weighing the planning balance of the scheme, it is considered that the parking ratio would be acceptable in this instance, particularly when taking into account the applicant's census data on car ownership in the surrounding ward.
- 7.84 The applicant's submission states that there would be 115 cycle parking spaces. This would be in accordance with the Council's Parking Standards SPD, which requires 1 space per dwelling.
- 7.85 It is noted that the development would result in a loss of 113 staff parking spaces serving Ashford Hospital. As Ashford Hospital falls outside the applicant's ownership and the submission documents indicate that the car park is surplus to the NHS's requirements, it is not considered that a an

objection could be sustained on the basis of the displacement of staff parking for the hospital.

- 7.86 The applicant's submission documents state that a maximum of 69 staff vehicles were observed presently using the car park. The applicant has further stated that the NHS is reconfiguring the main hospital car park to accommodate 79 additional spaces, with a plan submitted showing the layout. As this falls outside of the application site, the LPA would have no planning control over reconfiguration of the main car park. In any event, it is not considered that an objection could be sustained on the car parking arrangements of the existing hospital, as the application site no longer falls within the ownership of the hospital and is in effect now a separate site.

Electric Vehicle Charing Points (EV points)

- 7.87 The County Highway Authority, through its document entitled '*Surrey Vehicular and Cycle Parking*' (January 2018), recommend that in new developments, 1 fast EV charging socket should be provided per house, and that 20% of all spaces available to flats are fitted with a fast charge socket, with a further 20% being provided with a power supply to provide additional fast charging points.
- 7.88 The County Highway Authority and the Council's Environmental Health Department (Air Quality) both recommended that 1 EV space is provided per house (5 EV points), and 20% of the spaces available to the flats should contain EV charging points (22 EV points).
- 7.89 The applicant has agreed to provide all 27 of the EV charging points upon occupation (5 for the houses and 22 for the flats). This is considered to be in accordance with the objectives of the Surrey guidance.
- 7.90 The applicant has also agreed to 'future proof' a further 22 spaces, in accordance with the Surrey guidance to provide a power supply to a further 20% of the spaces.

Transportation Issues

- 7.91 Policy CC2 of the CS&P DPD states that the Local Planning Authority will seek to secure more sustainable travel by amongst other things, only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account the capacity of the local transport network, the cumulative impact, access and egress to the public highway and highway safety.
- 7.92 The NPPF also states that development should only be refused or prevented on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts on the road network would be severe.
- 7.93 The applicant submitted a Transport Assessment, which contained traffic generation details of the existing car park and nursery, as well as projections for the proposed development.

- 7.94 The LPA consulted Highways England, which initially required further details on how the development would impact the M25 and A30 during the AM and PM peak hours. Highways England also requested further details on how the development would impact a mini-bus service operating between Ashford and St Peter's Hospital's, as it was agreed as part of a planning permission in Runnymede at St Peter's Hospital (RU.17/1815) that staff at St Peter's Hospital would utilise parking at Ashford Hospital, with a mini-bus being used to transport staff back to Chertsey. However, as the application site has now been sold and is no longer owned by Ashford Hospital, the LPA advised Highways England that it was unlikely that an objection could be sustained on the basis of a mini-bus service and parking at the hospital, which falls outside of the ownership of the applicant.
- 7.95 To address Highways England's concerns the applicant submitted an addendum to the Transport Assessment, which states when calculated using TRICs data, the 115 proposed units would generate 30 two way vehicle movements in the AM peak hour and 27 two way vehicle movements in the PM peak hour. The Addendum also detailed the predicted impact of the development on surrounding roads, including the A30, A308 and M25. It suggests in the AM peak, 8 additional vehicles would use the Crooked Billet Junction as a result of the development, and 7 additional vehicles would use this junction in the PM peak. It further suggests that 4 additional vehicles would use both Junction 13 and Junction 14 of the M25 in the AM peak and 3 vehicles additional vehicles would use both of these junctions in the PM peak.
- 7.96 The applicant also submitted a Technical Note on the mini-bus arrangements. This stated that a maximum of 69 vehicles had been observed using the car park (subject to the present application). The Technical Note further stated that these spaces could be accommodated within the main Ashford Hospital Car Park (note the applicant has since indicated that 79 additional spaces are being provided in the main car park). In any event, as the application site is no longer under the ownership of Ashford Hospital, it is not considered that the application could reasonably be recommended for refusal on the basis of the car parking arrangements for a site that falls outside of the ownership of the applicant.
- 7.97 Highways England accepted that its initial concerns over car parking generated by planning permission RU.17/1815 (in Runnymede), could not be taken into account, as Ashford Hospital falls outside of the applicant's ownership. Highways England further stated that based on the TRICs data in the Transport Addendum, the proposal would have a negligible impact upon Junction 13 and 14 of the M25. Highways England was therefore satisfied that the proposal would have negligible impact upon the strategic road network and stated that there are no objections to the proposal.
- 7.98 The County Highway Authority considered that based upon survey data from the West Plaza Development, the development was likely to generate 31 AM peak vehicle movements and 22 PM peak vehicle movements. The CHA commented that this may increase queueing on Town Lane, although the CHA did not object to the proposal on this basis.

- 7.99 The CHA also requested that condition is attached to the decision notice requiring improvements to pedestrian facilities to and from the development in Town Lane. It was further noted that the section of Town Lane immediately adjoining the site is a private road. The LPA therefore required the applicant to include this section of Town Lane within the red site boundary to the point where Town Lane is a public road, and further required the applicant to serve notice with anyone with an interest in this land. As such an amended site location plan was submitted.
- 7.100 Given the comments of Highways England and the County Highway Authority, it is considered that the proposal would be in accordance with the requirements of Policy CC2 and the NPPF in highways terms.

Waste & Recycling

- 7.101 Policy EN1 of the CS&P DPD, states that proposals for new development will need to demonstrate that they will incorporate provision for the storage of waste and recyclable materials.
- 7.102 The Spelthorne document entitled 'Guidance on the storage and collection of Household Waste' states that communal wheeled bins should be provided for refuse and recycling and should have a total capacity based on 2 x 240 litres per property. On this basis the development would normally be required to have a minimum bin storage capacity of 55,200 litres.
- 7.103 The applicant has stated that the development would be provided with 26 x 1100 litre 'Eurobins'. This would equate to a capacity 28,600 litres falling short of the minimum requirements. However, the Council would normally undertake bin collections on a fortnightly basis. The applicant has stated in order to overcome the shortfall in bin storage capacity, an additional fortnightly collection would need to be arranged by a commercial company on alternate weeks to the Council's collection dates. This would mean that bin storage capacity on site could be halved.
- 7.104 The LPA consulted the Council's Head of Neighbourhood Services who commented:

"The developers accept that an alternate weekly collection will be carried on this site by Spelthorne as part of its statutory requirement and in line with the Councils waste policy. Due to the reduced number of bins being made available for use by residents the developer undertakes to carry out an additional alternate weekly collection at their own cost.

*Week 1 Spelthorne BC rubbish & recycling, plus food textiles & WEE
Week 2 Developers contractor rubbish & recycling, plus food textiles & WEE*

On this basis I accept the proposals"

- 7.87 The applicant agreed that collections would be undertaken by Spelthorne fortnightly and by their contractor on alternate weeks and has submitted plan 1345/PL/0105 to demonstrate this. On this basis the proposal is considered to be satisfactory in terms of refuse and recycling.

Air Quality

- 7.105 Policy EN3 of the CS&P DPD seeks to improve air quality within the Borough and minimise harm from poor air quality.
- 7.106 The applicant has submitted an Air Quality Assessment to assess the air quality implications of the proposed development. The assessment considers that there would be no significant effects at any existing sensitive receptors.
- 7.107 The Council's Pollution Control Officer has assessed the application and has recommended that a financial contribution of £ 14,800 is sought from the developer for local off-site air quality mitigation.
- 7.108 The Pollution Control Officer also stated that the development is likely to generate high amounts of dust and dust management plan should therefore be secured by condition.

Archaeology

- 7.109 The County Archaeology Officer was consulted and initially requested further information.
- 7.110 A Heritage Impact Assessment was later submitted by the applicant, which indicated a need for further investigative work. However, as the assessment identified that it is unlikely that any archaeological assets of national significance requiring preservation would be present, the Officer did not consider that this work was necessary prior to determination and could be secured by condition. The applicant submitted a further written scheme of investigation, although the Archaeology Officer advised that the condition would still be necessary. It is therefore recommended that a condition is attached to the decision notice.

Flooding

- 7.111 The site is not located in a flood zone. The Local Planning Authority Consulted the Environment Agency, who raised no objections.

Renewable Energy

- 7.112 Policy CC1 of the CS & P DPD states that the Council will require residential development of one or more dwellings, and other development involving new building or extensions exceeding 100 square metres, to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources unless it can be shown that it would seriously threaten the viability of the development.
- 7.113 The applicant has submitted an Energy Statement with the submission. This considers a number of measures for meeting renewable energy demand, including wind, photovoltaics, solar thermal systems, biomass heating, ground and air source heat pumps and combined heat and power. The report

proposes the use of photovoltaic panels. A 65kWp array (equating to approximately 250 panels), is proposed to ensure that over 10% of the development's energy demand is met by on site renewable energy sources.

- 7.114 The Council's Sustainability Officer was consulted and stated that they are satisfied that the renewable energy requirement would be met. It is recommended that this is secured by condition.

Biodiversity

- 7.115 Policy EN8 of the CS&P DPD states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by safeguarding Sites of international and national importance, ensuring that new development wherever possible contributes to an improvement in biodiversity avoiding harm to features of nature conservation interest. The policy further states that permission will be refused where development will have significant harmful impacts on features of nature conservation interest.

- 7.116 The applicant has undertaken an Ecological Appraisal, which has included a Desk Study and Phase 1 Habitat Survey. The report concludes that the development would not significantly impact nearby Natura 2000 Sites, Sites of Special Scientific Interest, or Sites of Nature Conservation Importance. It further stated that the site presently contains urban habitats with low ecological value.

- 7.117 The applicant has also submitted a Bat Survey Report, which recorded no bats leaving the site.

- 7.118 The Local Planning Authority Consulted Natural England, which considered that the application would not have an adverse effect on the integrity of Staines Moor Site of Special Scientific Interest (SSSI), which forms part of South West London Waterbodies Special Protection Area (SPA). Natural England therefore had no comments to make.

- 7.119 The Local Planning Authority also consulted the Surrey Wildlife Trust, which commented that the LPA should consult Natural England for advice on whether the application would comply with European Legislation, and whether the scheme would impact Staines Moor SSSI. Given the comments of Natural England noted above, the proposal is considered to be acceptable in this regard.

Other Matters

- 7.120 The Council has notified Heathrow Safeguarding who has raised no objections, although two informatives have been requested in relation to cranes and wind turbines.

- 7.121 It should be noted that the applicant made a presentation to members on 19 February 2020 outlining their proposals.

Equalities Act 2010

7.122 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

7.123 The elimination of discrimination, harassment and victimisation;
The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights Act 1998

7.124 This planning application has been considered against the provisions of the Human Rights Act 1998.

7.125 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

7.126 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

7.127 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Finance Considerations

7.128 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.

7.129 As the application site is located in CIL Zone 1 and as the scheme is providing in excess of 15 units and is subject to assessment against policy HO3, the application would not be liable to any CIL charges.

7.130 In consideration of S155 of the Housing and Planning Act 2016, the proposal would result in the following financial contributions:

- £14,800 be used as a contribution towards the provision of public electric vehicle (EV) charging infrastructure.
- £35,000 be sought to improvements to existing off-site open spaces.

These are considered to be a material considerations in the determination of this planning application. The proposal will also generate a New Homes Bonus Business Rates and Council Tax payments which are not material considerations in the determination of this proposal

8. Conclusions

It is considered that the proposal makes effective use of urban land in a sustainable location. It would have an acceptable impact on the highway network and the level of parking is considered to be appropriate for this location with amenities and public transport opportunities within reasonable walking distance of the site. It meets the Borough's recognised need for housing and provides units with a good standard of amenity. Therefore, the application is recommended for approval.

9. Recommendation

(A) To GRANT planning permission subject to the completion of a Section 106 Legal Agreement to secure the following Heads of Terms, delegated to the Planning Development Manager:

1. To provide at least 6 on site affordable rented units (2 x 1 bedroom x 2 person, 4 x 2 bedroom x 4 person) upon occupation of 50 of the units;
2. A Commuted Sum of £1,778 index-linked from completion of the S106 agreement with payment due on first occupation;
3. A financial contribution of £14,800 be sought towards local off-site air quality mitigation with payment due on first occupation.
4. A financial contribution of £35,000 be sought towards off-site open space improvements within Spelthorne.

In the event that the Section 106 Agreement is not completed

In the event that the Section 106 agreement is not completed to the satisfaction of the Local Planning Authority and/or the applicant does not agree an extension of time for the determination of the planning application, delegate to the Planning Development Manager in consultation with the Chairman of the Planning Committee the following: REFUSE the planning application for the following reasons:

1. The development fails to provide a satisfactory provision of affordable housing to meet the Borough's housing needs, contrary to Policy HO3 of

the Core Strategy and Policies DPD 2009, and the principles set out in the National Planning Policy Framework.

2. The development fails to provide satisfactory mitigation for the air quality impacts resulting from the development, contrary to policy EN3 of the Core Strategy and Policies DPD 2009, and the principles set out in the National Planning Policy Framework.
3. The development would provide an inadequate level of open space contrary to Policy CO3 of Policy CO3 of the Core Strategy and Policies DPD 2009.

(B) In the event that the Section 106 agreement is completed to the satisfaction of the Local Planning Authority; 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: 1345/PL/0001 1345/PL/0002 1345/PL/1006 1345/PL/1007 1345/PL/1008 1345/PL/1009 1345/PL/1010 1345/PL/1011 1345/PL/1019 1345/PL/1012 1345/PL/1013 1345/PL/1014 1345/PL/1015 1345/PL/1016 1345/PL/1017 1345/PL/1018 1345/PL/1020 1345/PL/1021 1345/PL/1023 1345/PL/2002 1345/PL/2003 1345/PL/2004 1345/PL/2005 1345/PL/2006 1345/PL/2007 1345/PL/2000 1345/PL/2001 1345/PL/3000 (Received 26.07.2019) 1345/PL/0105 (Received 04.12.2020) 1345/PL/1022 REV A (Received 11.02.2020) 1345/PL/1000 1345/PL/1001 REV D 1345/PL/1002 REV D 1345/PL/1003 REV D 1345/PL/1004 REV D (Received 19.02.2020)

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

- 3 Details of a scheme of both soft and hard landscaping works shall be submitted to and approved by the Local Planning Authority prior to first occupation of any part of the development hereby approved. This shall include a programme for the implementation of the landscaping works. The approved scheme of tree and shrub planting shall be carried out in accordance with the approved implementation programme. The planting so provided shall be maintained as approved for a minimum 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. In accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 4 The parking spaces for motor vehicles and bicycles shown on the approved plans shall be constructed and laid out prior to the occupation of the development and shall be retained thereafter for the benefit of the occupiers of the development as approved and shall not be used for any other purpose without the express written consent of the Local Planning Authority

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highways and to ensure that the cycle parking spaces are provided are reserved for the benefit of the development for which they are specifically required, in accordance with policy CC3 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 5 No development above damp course level shall take place until details of the materials to be used for the external surfaces of the building(s) and surface material for the courtyard open space are submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved materials and detailing.

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.

- 6 Details of the layout of the Play Areas and the equipment to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details prior to the first occupation.

Reason: To ensure that the proposed development complies with policy C03 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009 and section 8 (promoting healthy and safe communities) of the National Planning Policy Framework.

- 7 The development hereby permitted with the exception of demolition to slab level, shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the 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. Tests should be completed in the location of the proposed soakaways.

b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all

stages of the development (Pre, Post and during), associated storage volumes shall be provided using an infiltration based strategy.

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.

- 8 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.

- 9 No development, with the exception of demolition to slab level, shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of the archaeological potential of the site in accordance with Saved Policy BE26.

- 10 The development shall not be occupied until window glazing is installed to the elevations facing Tesco's service yard in accordance with the following table:

Minimum Acoustic Performance for Glazing Systems (SRI, dB)						Rw (Ctr), dB
@ Octave Band Centre Frequency (Hz)						
125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	
23	26	35	43	48	55	39 (-6)

Reason: To ensure that future occupiers of the premises do not suffer a loss of amenity by reason of noise nuisance.

- 11 The development hereby approved shall be carried out in accordance with the mitigation and biodiversity recommendations as set out in paragraph 5.4 of the Ecological Appraisal unless otherwise agreed in writing by the Local Planning Authority

Reason: To safeguard and protect important species using the site in accordance with policies SP6 and EN8 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 12 There shall be no direct access for vehicles (other than emergency vehicles) between the site and Greenaway Terrace, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and 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.

- 13 A waste management strategy shall be submitted to and approved in writing by the Local Planning Authority and shall be in operation prior to occupation of any of the buildings hereby approved and shall be carried out in accordance with the approved details, unless expressly agreed in writing by the Local Planning Authority.

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.

- 14 The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:
Bedrooms - 35dB LAeq T *, 30 dB LAeq T † , 45dB LAFmax T *
Living rooms- 35dB LAeq T †
Dining room - 40 dB LAeq T † *
- Night-time - 8 hours between 23:00-07:00 †
- Daytime - 16 hours between 07:00-23:00 †.

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with policy.

- 15 Following construction of any groundwork and foundations, no construction of development above damp 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 each 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.

- 16 Prior to the occupation of the development hereby permitted the first floor windows on the southern elevation(s) of the units labelled House 109, House 110, House 111, House 112 and House 113 in Block C, as shown in plan 1345/PL/1021 and 1345/PL/1022, shall be obscure glazed and be non-opening to a minimum height of 1.7 metres above internal floor level in accordance with details/samples of the type of glazing pattern to be submitted to and approved in writing by the Local Planning Authority. These windows shall thereafter be permanently retained as installed.

Reason: To safeguard the privacy of the adjoining properties in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 17 No development shall commence until a Construction Transport Management Plan, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) measures to prevent the deposit of materials on the highway
 - (e) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and 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.

- 18 The development hereby approved shall not be first occupied unless and until facilities for the secure covered parking of bicycles have been provided in accordance with the approved plans. Thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: in order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2019, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 19 Prior to the occupation of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy

Framework and Surrey County Council's "Travel Plans Good Practice Guide". Thereafter the approved Travel Plan shall be implemented upon first occupation of the site and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Reason: In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2019, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 20 The development hereby approved shall not be first occupied unless and until pedestrian and cyclist facilities shown on drawings 19008-01-006 Rev A, and AH-CP-19-P1 Rev A03, have been constructed, and shall be permanently available to residents of the development and maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2019, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 21 The development hereby approved shall not be occupied unless and until at least 27 of the available parking spaces, including one for each of the proposed terraced houses in Block C and 22 for the occupiers of the apartments, 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. The scheme must also detail how 22 of the additional spaces will be provided with electricity for the future provision of EV charging points.

Reason: In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2019, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 22 No development, with the exception of demolition to slab level, shall take place until a written method statement for the remediation of land and/or groundwater contamination affecting the site has been 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.

- 23 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.

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" proving 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.

- 24 No part of the development shall begin until a Dust Mitigation Plan providing a programme for the suppression of dust during the construction of that part (including demolition of existing buildings) and including a dust monitoring strategy, has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Reason: in the interests of residential amenity and in accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

INFORMATIVES TO APPLICANT

- 1 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 paragraphs 186-187 of the NPPF. This included the following:-
 - a) Provided pre-application advice to seek to resolve problems before the application was submitted and 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
 - c) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.
- 2 Access by the Fire Brigade

Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings. There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).

- 3 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 Sustainable Drainage and Consenting team via SUDS@surreycc.gov.uk. Please use our reference number in any future correspondence.
- 4 The applicant is advised to contact the Council's Environment Health department concerning the requirements for extraction facilities that may be required in connection with the flexible commercial spaces and the café prior to the commencement of development to ensure that adequate provision and/or future capacity is incorporated.
- 5 **Cranes**
Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)
- Wind Turbines**
Wind Turbines can impact on the safe operation of aircraft through interference with aviation radar and/or due to their height. Any proposal that incorporates wind turbines must be assessed in more detail to determine the potential impacts on aviation interests. This is explained further in Advice Note 7, 'Wind Turbines and Aviation' available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>
- 6 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.
- 7 Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works

do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

- 8 The energy plant installed within the development should meet the specifications set out in Technical Guidance Note D1 (Dispersion) (1993), including the guidance set out at paragraph 7.9 of the AQC, June 2019, Air Quality Assessment
- 9 Any external lighting system installed at the development shall comply with the Institute of Lighting Professionals (ILE) Guidance for the Reduction of Obtrusive Light (January 2012)

This page is intentionally left blank



1 **2002 - North Elevation (Block A)**
1 : 100



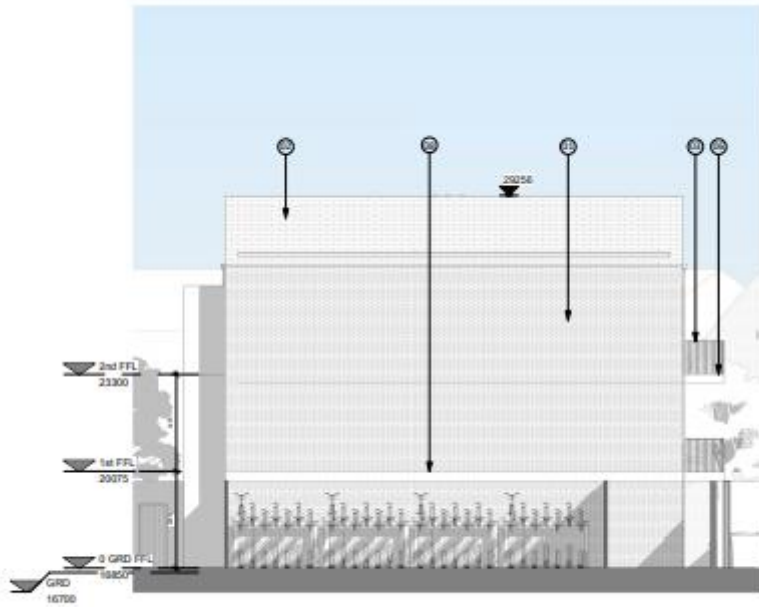
2 **2002 - South Elevation (Block A)**
1 : 100



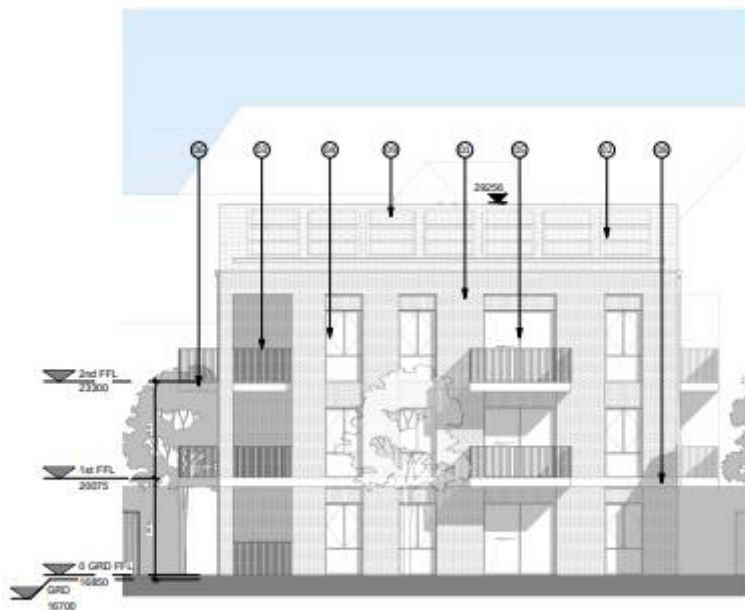
1 **2003 - East Elevation (Block A)**
1 : 100



② **2003 - West Elevation (Block A)**
1 : 100



① **2006 - North Elevation (Block B)**
1 : 100



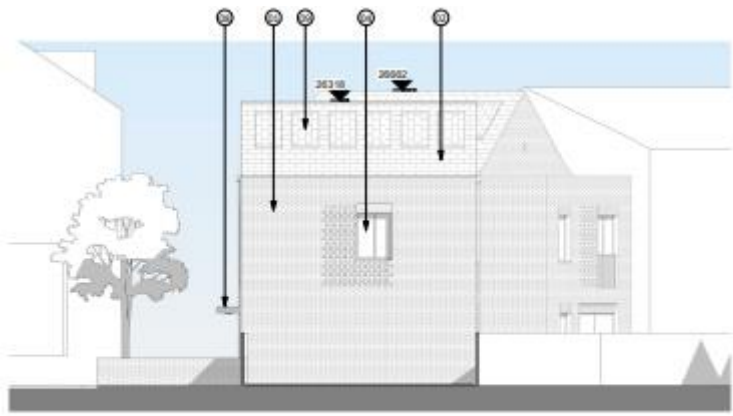
② **2006 - South Elevation (Block B)**
1 : 100



1 **2007 - North Elevation 02 (Block C)**
1 : 100



2 **2007 - South Elevation 01 (Block C)**
1 : 100

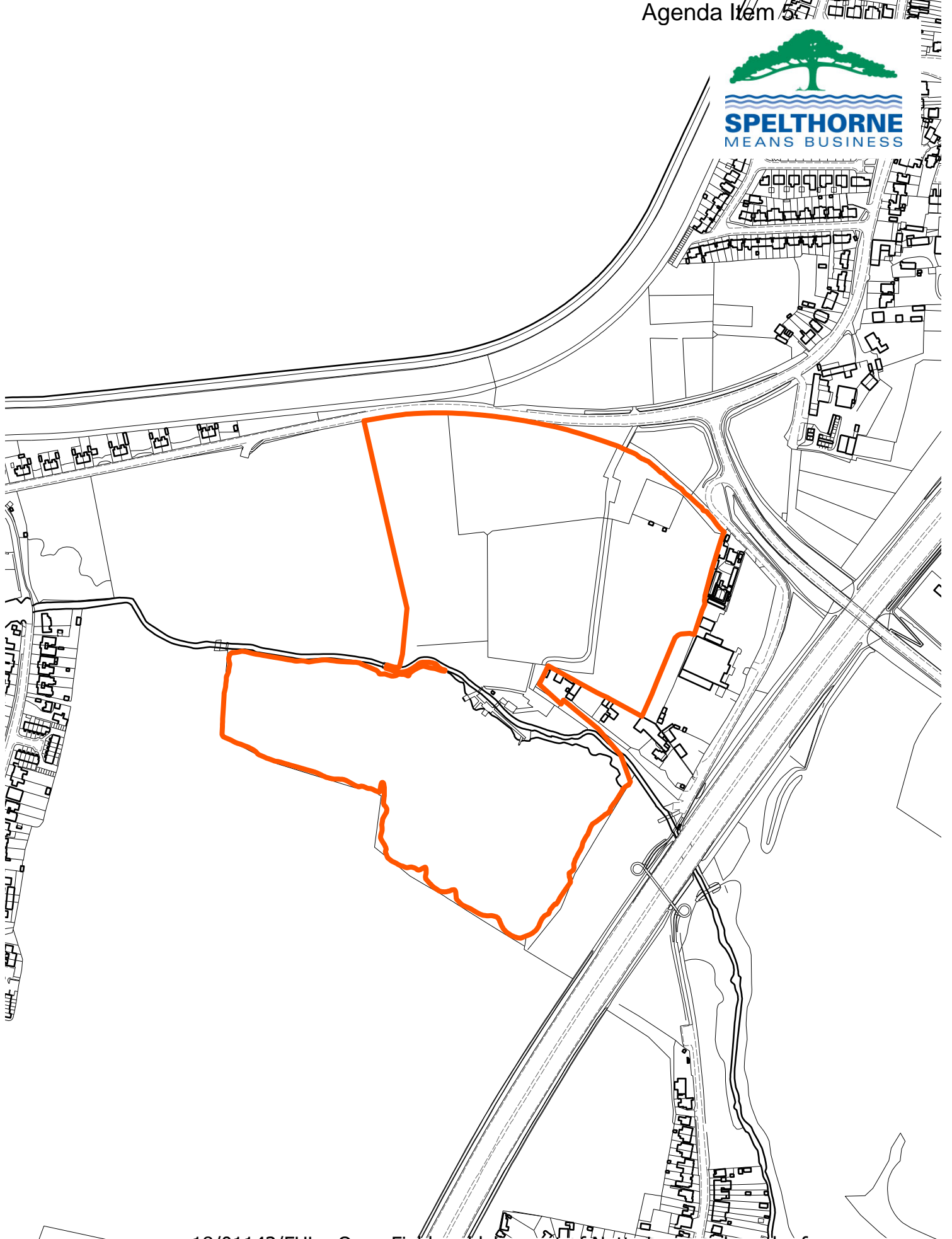


3 **2007 - East Elevation (Block C)**
1 : 100



4 2007 - West Elevation (Block C)
1:100





18/01143/FUL - Open Field and lake west of Nutty Lane and south of New Road, Shepperton.
Scale: 1:5,000

© Crown copyright and database rights 2019 Ordnance Survey 100024284.



This page is intentionally left blank

Planning Committee

5 March 2020



Application No.	18/01143/FUL		
Site Address	Open Field and Lake West of Nutty Lane and South of New Road, Shepperton, TW17 0RQ		
Applicant	Liquid Leisure Surrey.		
Proposal	Change of use to provide a water sports leisure facility with associated inflatables and floating jetty, toilets, changing rooms, first aid building, car parking and other associated facilities.		
Case Officer	Matthew Clapham		
Ward	Laleham and Shepperton Green		
Called-in	N/A		
Application Dates	Valid: 14/03/2019	Expiry: 13/06/2019	Target: Extension of time agreed.
Executive Summary	<p>The proposal is a retrospective application which involves the use of the lake to provide an outdoor water sports leisure facility with the retention of associated inflatables on the lake and a floating jetty, various other structures and a parking area. Access to the activity facility is from New Road. The site is located within the Green Belt. The lake and adjoining River Ash are designated as a Site of Nature Conservation Importance (SNCI) and are within the functional flood plain (1 in 20 year event). The land to the north of the lake where the structures and parking areas are located, is within the Zone 3a Flood Risk Area (1 in 100 year event).</p> <p>It is considered that the principle of the use of the lake and adjoining land is acceptable. The use is considered to represent appropriate development within the Green Belt in providing facilities for outdoor leisure and recreation. It is considered that subject to appropriate conditions and a temporary permission for three years to allow for further environmental surveys, the proposal is acceptable in terms of biodiversity and ecology issues relating to the SNCI and adjoining SPAs. No additional flood risks are considered to arise as a result of this particular development. The use is also considered not to cause material harm to the amenity of the nearest residential properties. Amendments have been made to the access and there are not considered to be any significant highway safety concerns.</p>		
Recommended Decision	This planning application is recommended for approval subject to a temporary permission and 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)

EN1 (Design of New Development)

EN11 (Development and Noise)

EN8 (Protecting and Improving Landscape and Biodiversity)

EN9 (River Thames and its Tributaries)

CC3 (Parking Provision)

It is also considered that the following Saved Local Plan policy is relevant to this proposal:

GB1 (Green Belt)

The advice contained within the National Planning Policy Framework (NPPF) 2019 is also relevant.

2. Relevant Planning History

- 2.1 None relevant.

3. Description of Current Proposal

- 3.1 The application relates to a lake and adjoining land including the River Ash, south of New Road and West of Nutty Lane in Shepperton. The proposal is a retrospective application seeking to retain the use of the lake as an outdoor water sports leisure facility comprising inflatables on the lake, a floating jetty and some paddle boarding on the wider lake area. On the land is an area set aside for car parking. This is located north of the leisure facility on open land and south of the access onto New Road. In addition, three containers forming staff welfare facilities and storage, administration areas to sign and receive insurance waiver forms, selling cold drinks and snacks, check-in, and changing rooms. There is also a toilet block, stand-alone showers, security cage for the storage of wetsuits and a first aid container. There is also an area set aside for picnic tables with a covered gazebo providing some shelter over part of this area, which is erected on a temporary basis when the site is operational. Access is to New Road and is shared with one of the access/egress utilised by the car boot sale which operates on Sundays during the summer months. The car boot area, which is on adjoining land under the ownership of the applicant is separate from this facility.
- 3.2 The applicant has indicated that the facility does not operate between the months of November and February, with limited hours during March, April and October between 12 noon and closing at 6 (last session being at 5) and is not open every day of the week. During the spring / summer months – May to

September, it opens more regularly with the facility open 7 days a week during school summer holidays and operates on its longest days between 10am and closes at 8pm (last session being at 7pm). However, the applicant has stated that the facility may close at 'dusk'. All bookings are done electronically on-line with hour sessions available to book – with 50 minutes on the facility and ten minutes to clear the lake to allow the next session to commence. The on-line booking system allows the number of guests to be monitored and is limited to 60 at any one session.

3.3 The site is located within the Green Belt and the lake and River Ash are a Site of Nature Conservation Importance. To the southeast is a Nature Reserve including Nutty Wood, beyond which is the M3. Directly south is open land and some distance away are the residential properties in Watersplash Road. To the west and north is open land partly forming the car boot area. Beyond this is the Queen Mary Reservoir. To the northeast is a commercial yard and beyond that the Longacre's Garden Centre and a Cattery. The River and lake are within the Zone 3b functional flood plain and the remainder of the site with Zone 3a (1 in 100 year risk). The Queen Mary Reservoir is designated as an Special Protection Area (SPA)

3.4 The existing site layout plan is 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.
Environmental Health (Pollution)	No objection on contaminated land grounds subject to conditions.
Environmental Health (Noise)	No objection subject to a condition.
Natural England	No objection – refer to Standing Advice
Environment Agency	No objection subject to conditions
Surrey Wildlife Trust	Recommended a condition and environmental enhancements.
Spelthorne Biodiversity Officer	No objection subject to conditions.
Surrey County Archaeology	No objections.

5. Public Consultation

5.1 A statutory site notice was displayed and the application was advertised in the local press. A total of 3 letters of objection have been received, including 1 from the Spelthorne Natural History Society. Reasons for objecting include:-

- Noise.
- Impact on bats.
- Lighting.

- Inadequate details on biodiversity and ecology – planting life and wildlife.
- Traffic generation and pollution
- Disturbance to the River Ash.
- Impact on existing infrastructure / services.
- Loss of trees

6. Planning Issues

- Principle / Green Belt
- Ecology and Biodiversity
- Flooding / Groundwater concerns
- Design and appearance
- Impact on neighbouring properties
- Parking provision and Impact on highway safety

7. Planning Considerations

Principle and Green Belt

- 7.1 Paragraph 133 of the National Planning Policy Framework (2019) sets out that: *'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green belts are their openness and their permanence.'*
- 7.2 The five purposes of the Green Belt, as defined in the NPPF are:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.3 The Council's Saved Local Plan Policy GB1 is mostly reflected in the Green Belt policy set out in the NPPF, but it should be noted that policy GB1 was saved from the 2001 Local Plan and therefore pre-dates the current NPPF. Although there is a degree of consistency with the NPPF, policy GB1 does not allow for any development unless it is one of a number of acceptable uses set out in the policy and also maintains the openness of the Green Belt. This is contrary to national policy which allows exceptions to this when the identified harm to the Green Belt is clearly outweighed by other considerations that constitute very special circumstances. Because of this inconsistency with the NPPF the impact of the development on the Green Belt should be considered primarily against the policies of the NPPF rather than policy GB1.
- 7.4 Paragraph 143 of the NPPF identifies that *'Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*
- 7.5 Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate, except in specific exceptions

- including the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 7.6 Paragraph 146 identifies that the material change of use of land (such as the change of use for outdoor recreation) is not inappropriate in the Green Belt provided it preserves the openness and does not conflict with the purposes of including land within it.
- 7.7 The proposal is for the use of the site as an outdoor recreation facility which is not inappropriate development, providing it preserves the openness and does not conflict with the purposes of including the land within the Green Belt.
- 7.8 Openness is not defined in the NPPF but is commonly taken to be the absence of built development. It is acknowledged that there is an important distinction between openness as being the absence of built development and openness as being the absence of visual impact, however, the visual impact is also an intrinsic part of the assessment of a development against the five purposes of the Green Belt and the two meanings cannot therefore be completely separate.
- 7.9 The access to the site is not tarmac but does consist of compacted ground and gravel. However, the parking area is currently open grassland, providing a 'natural' appearance and character. The access track and parking area is therefore considered not to impact the openness of the Green Belt.
- 7.10 The containers that have been placed on the land have been sited so as to mitigate their visual impact and that on the openness of the Green Belt. The location of containers represents the use of land, but these are acknowledged as being necessary for the specific use of the land proposed.
- 7.11 These containers and enclosures do impact the openness of the Green Belt, however they are acknowledged as being ancillary to the use of the site and necessary for its safe and efficient use.
- 7.12 The proposal is considered not to conflict with the reasons for including the area within the Green Belt, because the minimal nature of the current proposal does not represent unrestricted sprawl of a large urban area or the encroachment into the countryside of an unacceptable or intensive use.
- 7.13 It is considered that the proposals do provide a use that is clearly an outdoor leisure and recreation facility and that the adjoining structures are appropriate and necessary to support this use. The parking area is on existing open land and no hardstanding is proposed. As the car parking is considered to be necessary to support the specific outdoor leisure and recreation use which is the subject of the application, it is considered to be acceptable within the Green Belt. The associated containers, which are located on the periphery of the site, are modest in size and are considered necessary for the operation of the leisure use and there are considered to be no significant adverse impacts upon the openness of the Green Belt. Similarly, the use of the land for leisure activities of this size and nature is not considered to conflict with the purposes

of including land within the Green Belt. The inflatables are temporary by nature and would be removed when the site is not in operation. Therefore the principle of the proposal is considered acceptable and would represent appropriate development within the Green Belt.

Ecology and Biodiversity

- 7.15 Under section 63(1) of The Conservation of Habitats and Species Regulations 2017 (as amended), a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which;
- (a) is likely to have a significant effect on a European Site (either alone or in combination with other plans or projects), and
 - (b) is not directly connected with or necessary to the management of that site,
- must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.
- 7.16 The proposed application does not directly or indirectly affect any designated part of a European Site, but does directly affect a waterbody that is an SNCI and has been identified as relevant to a network of waterbodies that have been designated as a Special Protection Area (SPA) and as a Ramsar Site under the Ramsar Convention on Wetlands of International Importance.
- 7.17 The proposal would involve the operation of a water based recreation facility on part of an existing waterbody that is situated in an area of open land (NGR 508029 168494). The area of land affected by the proposed development extends to some 2.6 hectares, 0.95 hectare of which comprises part of the Littleton Lane to Shepperton Green Site of Nature Conservation Importance (SNCI) and is in close proximity to the Ash Link Local Nature Reserve.
- 7.18 In assessing this application, the Council has Consulted Natural England, a Statutory Consultee. Natural England has not raised any objection to the application stating that the *'proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes'*.
- 7.19 The Surrey Wildlife Trust (SWT) was also consulted and confirmed that it was not minded to recommend that the Council undertake a full Habitat Regulations Assessment as it was their opinion that the proposed development would not have a likely significant effect on the designated features of the adjoining SPA. The Environment Agency, as outlined in the paragraph 7.44 below has also not raised any objections on Environmental grounds. Therefore, the Council did not consider it necessary to undertake a Habitat Regulations Assessment.
- 7.20 However, as outlined above, the Council has a responsibility to ensure that a proposal in such an area is appropriately assessed. As such, in conjunction with Surrey County Council's environmental officers, the Council has prepared a shadow HRA to record its conclusions as to the likely impact of the proposed development on the SPA as a consequence of the schemes effects

on the non-SPA relevant waterbody, covering the first two stages of a full assessment, namely the screening process and an appropriate assessment. This has been carried out to assess the extent to which the proposed development could give rise to significant impacts on the ecological integrity of the SPA and Ramsar Site by virtue of adverse effects on the wider supporting network of wetland habitats in the south west London area. Such an approach ensures that the Council fulfils its obligations under Regulation 10(8) of the Conservation of Habitats & Species Regulations 2017 (as amended).

- 7.21 The SPA has two qualifying protected species of wild fowl that may use the lake for nesting (non-breeding) purposes. These being the Northern Shoveler and the Gadwall. The applicant's biodiversity report has stated that these species would not be affected by the use and the SWT has concurred with this by accepting that the summer only operation is unlikely to adversely affect the wintering wildfowl. The SWT has suggested a condition limiting the use of the lake to the summer months. The applicant has confirmed that the wintering period, which runs from November to February, means that the park is closed at these times and in any event, the majority of the lake remains unaffected by the use and activities. However, it is considered prudent based on guidance and research on the nesting habits of these protected species to limit use of the facility to between the 1st April and 31st August each year.
- 7.22 With regard to the habitat assessment, the published Site Improvement Plan (SIP) for the SPA (dated 29 October 2014) identifies seven key threats and pressures to the ecological integrity of the SPA. The following paragraphs record an evaluation of the extent to which the proposed development could be expected to influence each of those threats and pressures.
- Pressure/Threat No.1 – Changes in the incidence of public access / disturbance;
 - Pressure/Threat No.2 – Changes in species distribution;
 - Pressure/Threat No.3 – Changes due to the introduction of invasive species (*Crassula helmsii*);
 - Pressure/Threat No.4 – Changes arising from the natural maturation of wetland habitats;
 - Pressure/Threat No.5 – Changes in fish stocking densities and practices;
 - Pressure/Threat No.6 – Changes in waterweed control practices;
 - Pressure/Threat No.7 – Changes arising from the incursion of invasive species (Egyptian geese).
- 7.23 1 – Changes in the incidence of public access / disturbance: *“Most of the sites have some level of formal or informal public access, including water-based activities on some waterbodies (angling, sailing, water-skiing). People can potentially disturb wintering Gadwall and Shoveler, and management for recreational uses may reduce the area of suitable habitat. Research by Briggs (2007) and Briggs et al (2012) indicates low numbers of Gadwall and Shoveller are associated with higher levels of disturbance.”* (Site Improvement Plan, pp.4-6).
- 7.24 Analysis: The proposed development would introduce recreational use to a waterbody that has been identified as ‘relevant’ to the SPA designation, and historically has not been subject to regular human usage. The operation of the aqua-park has introduced a risk of disturbance for any Gadwall or

Shoveler that may be present on the waterbody during the period of the year in which the facility would be open to the public. The additional ecological information (letter from AA Environmental Limited, dated 18 November 2019) submitted in support of the application indicates that the aqua park equipment would only be present in the lake between mid-March and mid-October. The site specific seasonality guidance for the SPA set out in Natural England's supplementary advice to the conservation objectives indicates that both SPA species are likely to be present between September and March. There is therefore a potential overlap of time periods during which the SPA bird species may be present and the lake may be in use in association with the proposed aqua park.

- 7.25 The original ecological report (prepared by AA Environmental Limited and dated February 2019) and additional ecological information (letter from AA Environmental Limited, dated 18 November 2019) submitted in support of the application both recommend that the scheme would have no impact on over-wintering birds as the aqua-park would only be operational during the summer months, and would only involve the direct use of part of the lake. Neither the original ecological report nor the further information appear to have addressed the potential for over-wintering SPA birds present during March, September and October to be exposed to noise and visual disturbance as a consequence of the proposed use.
- 7.26 Previous surveys have indicated that the waterbody supports relatively low numbers of Gadwall and Shoveller, however these surveys were undertaken some time ago and it is recommended that species specific surveys be undertaken and provided to the Council over a period of three years. As such, a temporary permission for three years is recommended, with a condition to limit operations to the period commencing on the 1st April and ending on 31st August, based on the site specific seasonality guidance for the SPA bird species set out in Natural England's published supplementary advice on the conservation objectives for the SPA. It would also be necessary to impose a condition that requires monitoring of the use of the lake by the SPA and other bird species during the operational period, to establish which species are potentially being affected by disturbance.
- 7.27 2 – Changes in species distribution: *“Cook et al 2013 reports that Gadwall numbers have been in decline on this SPA (-51% over 10 years up to 2009/10), which is not consistent with upwards national population trend. It is not yet confirmed that the changes in Gadwall and Shoveler numbers at the SPA is indicative of changing species distribution or of changing population size. There is research available (Briggs 2007 and Briggs et al 2012) as well as WeBS data to inform an assessment by Natural England but further survey/research may be necessary. Briggs research suggests that wetland and terrestrial habitat outside the SPA (more than 50 waterbodies according to Briggs et al 2012) is making a significant contribution to sustaining the SPA population and there are specified non-designated sites that are unofficially recognised locally as supporting the SPA population. Changes can be managed and foreseen through the planning system, e.g. there have been new mineral restoration schemes since designation which will have most probably affected species distribution (e.g. London Wildfowl Centre at Barnes). Natural and inevitable maturation of gravel pits also influences the*

future capacity of the SPA to support the SPA population.” (Site Improvement Plan, pp.7-8).

- 7.28 Analysis: The proposed development could give rise to disturbance of individual members of the two SPA bird species and would introduce a recreational use to a waterbody that has been previously largely undisturbed by human activity. That change could result in the displacement of those birds and could, in theory, render the affected waterbody unsuitable for continued use by the SPA bird species. The affected waterbody is one of seven (including the Thorpe Park No.1 Gravel Pit SSSI component of the SPA and Ramsar Site) that have been identified as forming the Shepperton complex of waterbodies. An increase in the risk of disturbance at the affected waterbody could contribute to wider changes in the distribution of the SPA bird species that may be underway across the entire SPA complex and the supporting network of non-SPA waterbodies. It cannot be concluded that the development would have no impact on the identified pressure/threat to the SPA, although in the context of wider changes and drivers of change the impact of the scheme may not be significant.
- 7.29 3 – Changes due to the introduction of invasive species (*Crassula helmsii*): *“Large areas of wetland and terrestrial habitat are infested with *Crassula helmsii* (Swamp Stonecrop) and this is likely to be reducing invertebrate numbers – Gadwall and Shoveler feed on invertebrates [Note – for Gadwall invertebrates form a small part of their diet, the majority of which is composed of vegetation]. An eradication project is tackling *Crassula helmsii* but it is not fully effective so far.” (Site Improvement Plan, pp.8-9).*
- 7.30 Analysis: The ecological report submitted in support of the proposed development does not report the presence of Swamp Stonecrop on the application site. It can therefore be concluded that the development would have no impact on the identified pressure/threat to the SPA.
- 7.31 4 – Changes arising from the natural maturation of wetland habitats: *“The inevitable maturation of gravel pits is altering roosting and feeding provision in terms of bankside vegetation, water chemistry and aquatic biodiversity. For example, research by Briggs indicates that bankside tree growth is an obvious problem for both Gadwall and Shoveler at the SPA. There is limited potential to manage natural processes of maturation of gravel pits but some actions are feasible. (SPA birds may prefer non-designated sites in the short to longer term, despite efforts to manage changing habitat at designated gravel pits).” (Site Improvement Plan, p.9).*
- 7.32 Analysis: The proposed scheme would involve the use of 0.95 ha of an existing lake (7 ha total extent) for water-based recreation. The scheme would involve the mooring of a range of inflatable structures off the northern bank of the lake between April and August each year. The management of bankside vegetation would be required as part of the scheme, but the area affected would that also subject to use in association with the aqua park and would therefore be disturbed and unsuitable for the SPA bird species. The remainder of the lake’s bankside would not be affected by the proposed scheme and would therefore be expected to continue to mature naturally. It

can therefore be concluded that the development would have no impact on the identified pressure/threat to the SPA.

- 7.33 5 – Changes in fish stocking densities and practices: *“Research by Briggs (2007) and Briggs et al (2012) indicated that stocking of fish for recreation angling negatively impacts upon SPA bird populations. Fish de-stocking has been carried out in the past. Carp is particularly problematic. R K Leisure [Note: manage Wraysbury No.1 Gravel Pit SSSI, & the northern part of the Wraysbury & Hythe End Gravel Pits SSSI], for example, promotes waterbodies that are internationally recognised for carp fishing.”* (Site Improvement Plan, p.10).
- 7.34 Analysis: The proposed scheme would involve the use of 0.95 ha of an existing lake for water-based recreation. The information submitted in support of the proposed development does not indicate that any form of fish management would be undertaken as part of the implementation of the scheme. It can therefore be concluded that the proposed development would have no impact on the identified pressure/threat to the SPA.
- 7.35 6 – Changes in waterweed control practices: *“Control or removal of waterweed for watersports potentially impacts upon the availability of food for Gadwall and Shoveler. Natural England can advise upon appropriate management of waterweed through the consenting process although there is potential that some weed clearance has been carried out in the past without consent.”* (Site Improvement Plan, p.10).
- 7.36 Analysis: The proposed scheme would involve the use of 0.95 ha of an existing lake for water-based recreation. The scheme would involve the mooring of a range of inflatable structures off the northern bank of the lake between April and August each year. The affected waterbody is a deep lake created from a void left by past mineral extraction with steeply sloping sides, the physical characteristics of the lake make it unlikely to be a key feeding location for either SPA bird species. The information submitted in support of the proposed development does not indicate that any waterweed control or clearance measures are to be deployed as part of the implementation of the scheme.
- 7.37 Taking account of the physical characteristics of the affected waterbody, and the fact that no waterweed control measures are proposed as part of the scheme, it can be concluded that the development would have no impact on the identified pressure/threat to the SPA.
- 7.38 7 – Changes arising from the incursion of invasive species (Egyptian geese): *“There are concerns that Egyptian geese are showing significant increases. Impacts on Gadwall and Shoveler not yet confirmed or quantified but there is potential that geese are competing with Gadwall and Shoveler for habitat and food.”* (Site Improvement Plan, p.11).
- 7.39 Analysis: The proposed development could contribute to increased incursion by Egyptian geese onto waterbodies and areas of land used by Gadwall and Shoveler as a consequence of the potential displacement to parts of the SPA or other relevant waterbodies of any Egyptian geese that may be present on

the lake that would be affected by the scheme. Paragraph 3.23 (p.9) of the Ecological Report (prepared by AA Environmental Ltd, dated February 2019) submitted in support of the planning applications reports that the presence of Egyptian geese (*Alopochen aegyptiaca*) was noted at the application site during the field survey that was carried out on 21 November 2018, but no indication was given of the numbers of individuals of that species that were present.

- 7.40 The Spelthorne Natural History Society has raised concerns regarding the detail in the biodiversity report and whether it has adequately assessed the biodiversity of the site, in particular commenting on a lack of thorough assessment regarding pond/lake plants, invertebrates, eels and bats. However, the Ecological Report was undertaken by a professionally qualified environmental consultancy, fully conversant with legislative and regulatory requirements and industry best practice.
- 7.41 The Council's Biodiversity Officer has recommended that ecological monitoring could provide greater opportunities to support species, and enhance habitats, already existing on the site, and that this would allow an ecological management plan to provide for net biodiversity gains. The Local Planning Authority considers that a condition requiring a draft Ecological Management Plan with mitigation measures that can be adapted, through annual monitoring, to enhance wildlife opportunities at the site would be appropriate. This would allow for some immediate improvements whilst primarily considering long term enhancements to the environment.
- 7.42 As part of the biodiversity report submitted by the applicant, various improvements and enhancements to the natural environment are suggested. These include bird nesting boxes and nesting rafts and areas of additional planting on the site and lake margins to provide shelter and nesting opportunities.
- 7.43 In terms of bats, no evidence has been identified in the walk over field study to identify the presence of bats. The biodiversity reports conclusions and recommendations has highlighted to the applicant that care should be taken when carrying out any works on the site with regard to bats.
- 7.44 Following discussions with Surrey County Council and the Council's biodiversity officer, it is considered that appropriate consideration has been given to the impact of the proposal on biodiversity in both the local and wider areas.

Flooding and Groundwater

- 7.45 A Flood Risk Assessment was submitted as part of the application, with a subsequent amended report being submitted. The Environment Agency has not raised any objections to the proposal subject to a number of conditions. The lake and river area itself, which is located within the Zone 3b functional flood plain, are relatively undeveloped with only floating items being placed on the lake in this area and none on the River Ash itself. The structures themselves are limited in number and are of a temporary nature and removeable. They are also located within the Zone 3a Flood Risk Area and

outside of the functional flood plain. Therefore, the proposal is considered to relate to 'Water Compatible Uses' and no significant flooding concerns are considered to arise.

Design and Appearance

- 7.46 Policy EN1a of the CS & P DPD states that the Council will require a high standard in the design and layout of new development. The use of the lake itself results in various brightly coloured inflatables, which are green and yellow, with some red, white and blue features. As a predominantly family / child based pursuit, this is considered reasonable and acceptable. The containers on land are mainly green with some wooden fencing in front to mitigate their visual appearance. Other units such as the toilets and changing areas have a cladding/vinyl covering providing the appearance of wood and trees. Other storage units and the showers are constructed of timber. There is a white marquee structure for picnic purposes and the first aid structure and the storage area for wetsuits are grey in colour. Due to the separation distances between the structures and the public domain, no significant adverse impacts upon the character and appearance of the area are considered to arise. However, in view of the Green Belt location, a suitable condition requiring painting of some of the existing non-green structures and roller shutters to a more suitable colour is considered appropriate.

Impact on Neighbouring Properties

- 7.47 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.
- 7.48 It is considered that due to the separation distances, the relationship with the nearest adjoining residential properties is acceptable. The adjoining properties are some distance away and the structures are single storey. Therefore, no loss of light, privacy or overbearing is considered to arise. The submitted noise report has assessed the potential noise impacts of the proposal and has assessed the background noise levels, including the M3, which is in the proximity of the site. The comments of the adjoining resident regarding the amplification of noise across water are noted, however based on the noise assessment, the comments of the Council's Environmental Health Noise Officer and the hours that the facility will be operating, it is not considered that an objection on noise grounds is justified. In terms of lighting, the hours of operation mean that there is only limited lighting for health and safety purposes proposed with no obvious floodlighting of the lake itself, which will not be used after 8pm. Therefore, no significant concerns regarding light pollution are considered to arise. As such, the proposal is considered acceptable in terms of any potential impacts upon the amenity of adjoining residential or other commercial properties.

Parking Provision

- 7.49 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. With regard to such water based leisure uses, the Parking Standards state that the parking arrangements should be considered on a case-by-case basis. In this instance, at least one hundred spaces are provided to the north of the lake. On the basis that the numbers of visitors to the facility is limited and that slots are booked on an hourly basis (although guests must attend an hour before the booked slot for administration purposes), this is considered acceptable.

Impact on Highway Safety

- 7.50 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
- 7.51 The facility is accessed from an existing access/egress to New Road. This access is, at various times of the year, shared with the adjoining Car Boot Sale. The County Highway Authority (CHA) was consulted and initially requested that the existing access be widened to 6m to allow cars to enter and leave the site at the same time in their respective lanes. These works have been carried out and the CHA has raised no objection on highway safety grounds. It is considered the impact on highway safety is acceptable.

Equalities Act 2010

- 7.52 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- 7.53 The elimination of discrimination, harassment and victimisation;
The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights Act 1998

- 7.54 This planning application has been considered against the provisions of the Human Rights Act 1998.

- 7.55 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.56 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.57 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Finance Considerations

- 7.58 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. The proposal may generate business rates payments which is not a material consideration in the determination of this proposal

Conclusion

- 7.59 The proposal seeks to retain the existing use of part of the lake and an area of land to the north of the lake as an outdoor water sports leisure facility. The proposal is considered to represent an appropriate use within the Green Belt, and is satisfactory in terms of flooding, groundwater, biodiversity and ecology. It would not result in any significant concerns regarding the character and appearance of the area, the amenity of adjoining properties or highway safety. Consequently, the application is recommended for approval, subject to a temporary permission to allow further consideration of any potential Ecology and Biodiversity issues.
- 8. Recommendation**
- 8.1 GRANT subject to the following conditions: -

1. The approval is for a temporary period of 3 years, expiring on the 31st August 2023 when the use shall cease and all containers, structures and enclosures removed from the site.

Reason:-.To allow for extended wildlife surveys to assess and safeguard the Ecology and Biodiversity of the locality and the adjoining SPA sites in particular.

2. The facility shall not be used between 1st September and 31st March and all inflatables shall be removed from the waterbody during this period.

Reason:-.To safeguard the Ecology and Biodiversity of the Site of Nature Conservation Importance and its environs as required by Policy SP6 of the Spelthorne Core Strategy and Policies DPD (2009).

3. The use of the lake shall not commence on April 1st each year of this three year temporary permission unless and until an annual ecological monitoring report has been submitted and approved in writing by the Local Planning Authority.

Reason:-.In the interest of preventing harm to wildlife and protecting the identified SPA species in accordance with policies SP6 and EN8 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

4. The lake shall only be used for the purpose hereby approved between 10:00am and 8:00pm between 1st April and 31st August annually.

Reason:-.In the interest of preventing harm to wildlife and protecting the identified SPA species in accordance with policies SP6 and EN8 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

5. Within three months of the date of this permission, an Ecological / Environmental Management plan shall be submitted to and approved in writing by the Local Planning Authority. This should include details of mitigation measures relating to Biodiversity and Ecological enhancements as set out in the Ecological Report by AAe Environmental Consultants dated February 2019 and the updated letter dated 8.11.2019 from AAe, including any further requirements following any additional on site and including the provision of bird and bat boxes; bird nesting rafts and appropriate river and lakeside planting. The recommendations of this Management Plan shall be implemented in accordance with a timescale agreed by the Local Planning Authority and thereafter maintained. 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.

Reason:-.To ensure there is no material impact on the biodiversity value of the site and to safeguard the ecology and biodiversity of the

Site of Nature Conservation Importance and its environs as required by Policy SP6 of the Spelthorne Core Strategy and Policies DPD (2009). enhance and provide a Net Biodiversity gain to the proposed development.

6. Within 3 months of the permission hereby approved a scheme of ecological monitoring, detailing the method, species, habitats and frequency of monitoring, shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall include:
- Wintering bird survey - for a period of 3 years to determine the significance of the lake in regards to neighbouring sites of SPA designation and the water body highlighted as relevant to the adjacent SPA, qualifying species of south west London waterbodies - Gadwall and Shoveler. Methodology adopted by BTO best practise.
 - Bird survey - a minimum of one full season during optimal survey conditions with a minimum total of six surveys carried out during this time as per best practise
 - Reptile survey - a minimum of one full season during optimal survey conditions with a minimum total of six surveys carried out during this time (March - Sept) as per best practise. The employment of artificial refugia required to determine a robust data set. The ecological report submitted overlooks this species group which permits further input.
 - Floral survey of bankside/ semi and submerged vegetation - activities related to application may have a detrimental effect to aquatic species onsite. Further information is required.

The ecological monitoring shall be submitted to the Local Planning Authority on an annual basis.

Reason:-.In the interest of preventing harm to wildlife and protecting the identified SPA species in accordance with policies SP6 and EN8 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

7. Within three months from the date of this permission a removal and management plan to control any Japanese Knotweed (*Fallopia Japonica*), including long-term objectives and management responsibilities, shall be submitted to, and approved in writing by, the Local Planning Authority. The management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements:

- details of removal and management regime, including methodology and monitoring strategy
- details of treatment of site boundaries and buffers around water bodies
- outline of designated waste management responsibilities details of strong biosecurity protocols - applied to PPE, tools, machinery and other potential spread pathways.

Reason:-.To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site. This is in line with paragraph 175 of the National Planning Policy Framework.

Note: This plant is listed within the Wildlife and Countryside Act 1981 (as amended), a contravention may occur if allowed to spread elsewhere from the site. It is considered as controlled waste, and can cause environmental damage such as changing native habitats into single monocultures which reduces the biodiversity value over time.

8. Within 3 months of the date of this permission, the following shall be submitted to the Local planning Authority:-
- (i) 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.
 - (ii) 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.
 - (iii) 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 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" proving guidance can also be downloaded from Spelthorne's website at www.spelthorne.gov.uk.

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

9. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason:-.To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 of the National Planning Policy Framework.

10. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason:-.To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

11. Within three months from the date of this permission, details of the colours to be used for the external surfaces of the containers and enclosure(s) shall be submitted to and approved by the Local Planning Authority. The colours shall then be implemented within three months of the approval in accordance with the approved details and maintained thereafter.

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

12. No goods or articles shall be stored on any part of the application site except inside the approved containers or compounds.

Reason:-.To safeguard the interests of wildlife and the amenity of the Green Belt

13. No external lighting shall be installed or operated at the site without the prior written consent of the Local Planning Authority

Reason:-.To ensure that the proposed use and development does not prejudice the appearance of the locality in accordance with policies

14. The development hereby permitted shall be carried out in accordance with the following approved plans: 2561-PL-104 received 4.3.2019 and 2561-PL-101; 2561-PL-102; 2561-PL-103 received 1.3.2019.

Reason:-.For the avoidance of doubt and to ensure the development is completed as approved.

INFORMATIVES TO APPLICANT

- 1 This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Spelthorne Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by -

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed, we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process.

However, Spelthorne Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application are required.

Pre-application advice was not sought prior to submission and the application was acceptable as submitted.

- 2 The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/ or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. We recommends that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK Advice to applicant - Waste to be taken off-site Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:
 - o Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

- 3 The buffer zone to the main river should be managed to develop a natural character, planting options may include native trees and shrubs, but planned as such to not cause shading issues or bank instability over time. Grass areas should be left unmown or mown later in the season to enhance their floristic and habitat value. Fencing and structures should be kept minimal and set back beyond the buffer zone.

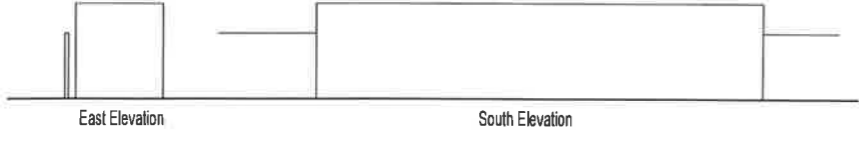
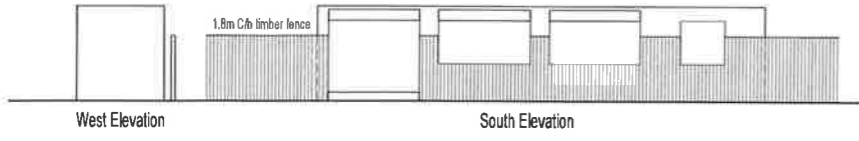
Fostering the development of a continuous and structurally diverse buffer zone along the watercourse will ensure this 'wildlife corridor' provides a wider and therefore more robust and sustainable range of linked habitats.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- A) On or within 8 metres of a main river (16m if tidal)
- B) On or within 8 metres of a flood defence structure or culvert (16m if tidal)
- C) On or within 16 metres of a sea defence involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote barrier) or culvert
- D) In a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will

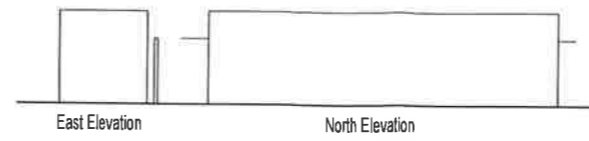
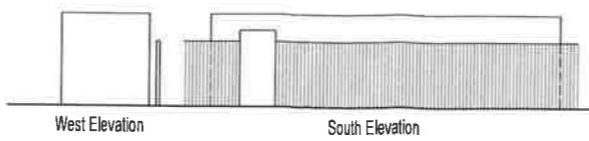
automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

This page is intentionally left blank



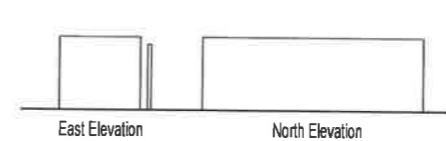
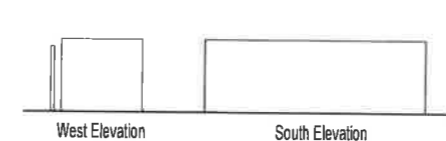
Roof Plan

Container 1 - Tickets



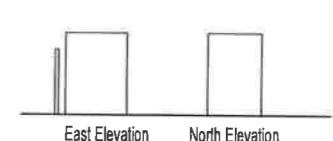
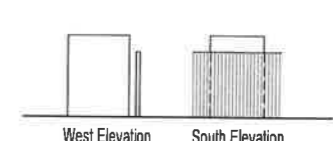
Roof Plan

Container 2 - Ladies Changing Rooms



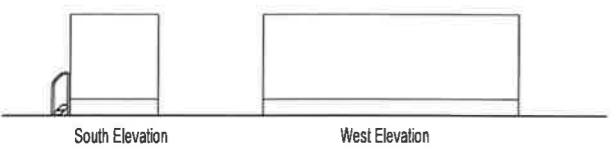
Roof Plan

Structure 3 - Temporary storage unit comprising metal frame and polythene sheeting



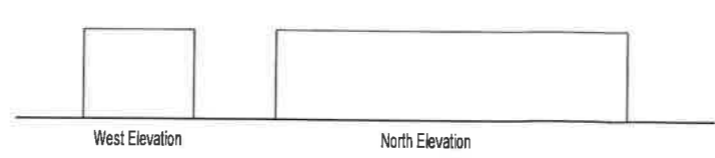
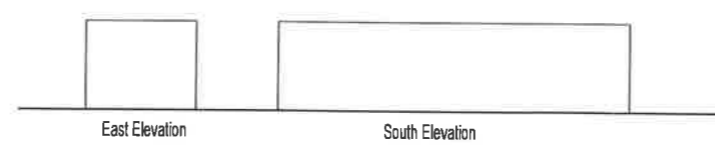
Roof Plan

Container 4 - Portable storage container



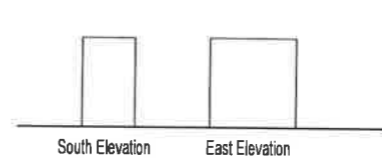
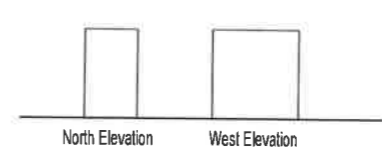
Roof Plan

Container 5 - Toilets



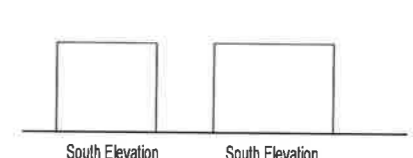
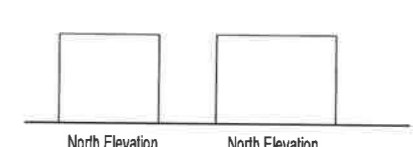
Roof Plan

Container 6 - Male Changing Room



Roof Plan

Container 7 - Storage container



Roof Plan

Container 8 - First Aid & Storage

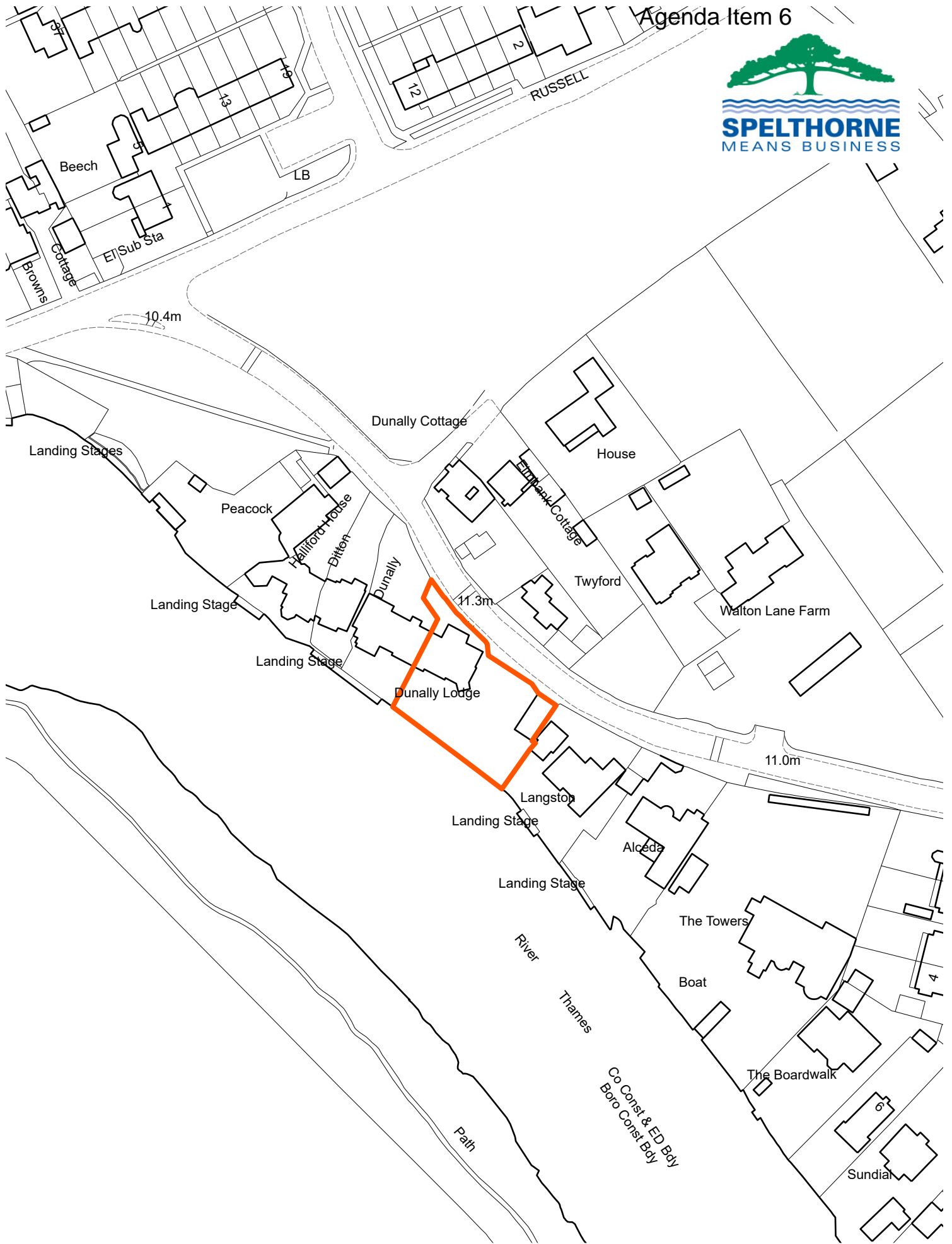


Scale 1:100

Revisions	Drawings Notes
	1. this is not a survey drawing - all dimensions to be checked on site.
	2. do not scale off this drawing.
	3. the copyright of this drawing is the property of TPA Design Ltd
	4. all discrepancies to be reported to the architect
	5. please ensure that this drawing is read together and cross referenced with all other relevant architectural drawings, schedules and specifications.
	6. please ensure that this drawing is read in conjunction with all other consultants/specialist contractors relevant drawings, schedules and specifications.
	7. TPARCHITECTS is a trading name of TPA Design Ltd Registered address 33a St Lukes Road, Maidenhead, Berkshire SL67DN.

Project	Land at New Road Shepperton	TPARCHITECTS 33a St Lukes Road Maidenhead Berkshire SL6 7DN +44) 01628412388 enquiries@tparch.co.uk www.tparch.co.uk
Title	Temporary Buildings Plans and Elevations	
Org. No.	2561-PL-104	Drawn ED
Rev		Checked ITP
Date	Feb'19	Scale 1:100@A1
Status	Planning	

This page is intentionally left blank



19/01710/RVC & 19/01709/LBC - Dunally Lodge, Walton Lane, Shepperton. TW17 8LQ
Scale: 1:1,250

© Crown copyright and database rights 2019 Ordnance Survey 100024284.



This page is intentionally left blank

Planning Committee

4 March 2020



Application No.	19/01710/RVC and 19/01709/LBC		
Site Address	Dunally Lodge, Walton Lane, Shepperton, TW17 8LQ		
Applicant	Mr & Mrs Kavanagh		
Proposal	Relaxation of Condition 3 of Planning Permission 19/00478/HOU and Listed Building Consent ref: 19/01709/LBC to raise the front boundary wall by 0.8m		
Case Officer	Drishti Patel		
Ward	Shepperton Town		
Called-in	Cllr Sider		
Application Dates	Valid: 18.12.2019	Expiry: 12.02.2020	Target: Extension of time agreed
Executive Summary	<p>These applications relate to Dunally Lodge which adjoins Dunally House and is located on the south western side of Walton Lane in Shepperton. Both of these properties are Grade II Listed buildings. The site lies within the Lower Halliford Conservation Area and is adjacent to the River Thames.</p> <p>In July 2019, planning permission and listed building consent was granted for the erection of a single storey side extension (ref. 19/00478/HOU and 19/00479/LBC).</p> <p>The proposal seeks retrospective permission for the relaxation of condition 3 of 19/00478/HOU and listed building consent for the raising and alteration in design of the front boundary wall.</p> <p>The proposal is acceptable in terms of impact on the listed buildings, and the Lower Halliford Conservation Area. It preserves the listed building and its setting and preserves and enhances the character of the conservation area. The proposal also has an acceptable impact on residential amenity, the street scene and the impact on the 1 in 1000 Flood Zone.</p> <p>Approval is therefore recommended.</p>		
Recommended Decision	Approve planning permission and listed building consent.		

MAIN REPORT

1. Development Plan

- 1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:
- LO1 (Flooding)
 - SP6 (Maintaining and Improving the Environment)
 - EN1 (Design of New Development)
 - EN5 (Buildings of Architectural and Historic Interest)
 - EN6 (Conservation Areas)
- 1.2 The guidance in the NPPF, 2019 is also a material planning consideration.

2. Relevant Planning History

- 2.1 The site has the following planning history:

SUN/FUL/5380A	Erection of garage, boathouse and tool shed.	Approved 12/06/1958
95/00013/LBC	Repairs to and rebuilding of front wall.	Approved 27/10/1995
18/01046/HOU	Planning Permission for the erection of a single storey side extension.	Approved 12/09/2018
18/01047/LBC	Listed Building Consent for the erection of a single storey side extension, replacement of external windows & doors with painted hardwood frames to match existing, replace render to all elevations, replacement of garage door with glazed sliding doors, installation of garden gate & associated internal works.	Approved 12/09/2018
18/01610/LBC	Listed Building Consent for the removal of 2 ceiling roses.	Approved 14.01.2019
18/01607/LBC	Listed Building Consent for the removal and replacement of 5 fireplaces.	Approved 24.01.2019

18/01047/AMD	Amendment to 18/01046/HOU - alterations to the internal floor layouts including removal of ground floor door, removing en-suite rooms for the master bedroom and bedroom 4 and increasing bathroom on first floor.	Approved 30.05.2019
19/00478/HOU	Planning Permission for the erection of a single storey side extension.	Approved 04.07.2019
19/00479/LBC	Listed Building Consent for the erection of a single storey side extension, internal alterations and remedial works to main house and garage.	Approved 04.07.2019
19/01629/HOU	Installation of an air conditioning unit on existing outbuilding.	Approved 22.01.2020

3. Description of Current Proposal

- 3.1 The application site is on the southern side of Walton Lane and comprises a semi-detached two storey dwelling. It is a Georgian Grade II Listed riverside dwellinghouse. Dunally Lodge and Dunally House were built as one large house between 1780 and 1820. The property was split into two residential units in the early 1960s and they were statutorily listed in 1969 as two separate addresses. There are several large properties on the south western side of Walton lane which are all set in large riverside gardens. All are largely hidden from the road by high brick walls up to three meters high.
- 3.2 This proposal seeks the variation of the condition relating to approved plans on planning application (19/00478/HOU) and listed building consent to facilitate the alteration of the front boundary wall. The approved design for the conservatory (orangery) did not alter the boundary wall height which measures 2.7 metres in height. The approved orangery would have protruded approximately 1.4 metres higher the boundary wall with a roof lantern and decorative roof cornice being visible. The approved height of the orangery is 3.5 metres with a maximum height of 4.2 metres to include the roof lantern.
- 3.3 These applications propose the approved design is altered in so far that the existing boundary wall is raised to 3.5 metres in height. Therefore the roof lantern would still be visible. However, the decorative cornice feature would be removed from the principal elevation and will be replaced by the higher boundary wall. Furthermore, the south-eastern section of the boundary wall, situated beyond the approved orangery towards the existing garage, would remain at the existing lower height of 2.7 metres and so it is proposed to include a "swan neck" feature to make the transition from the lower height to the proposed higher wall. The existing brickwork of the boundary wall is to be retained with the new sections of the wall to be constructed from reclaimed bricks to match the existing wall.

- 3.4 It is noted that both applications were submitted after a concern was raised by the public that the boundary wall was being raised without permission. The Planning Enforcement Officer investigated this matter and requested the applicant to submit the relevant applications. Therefore the works for this proposal have started however the application states that the works have ceased until the applications are determined. This has been checked on site and scaffolding was observed on site around the main house and the boundary wall. Notwithstanding this, the merits of the application must be determined as shown on the application plans.

4. Consultations

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

Consultee	Comment
Council's Historic Advisor	No objection on listed building and conservation area grounds.

5. Public Consultation

- 5.1 A total of ten letters have been received from nine properties. Two letters are representations and eight are objections. The letters raise the following points:

- Detrimental impact on the character of the conservation area
- Detrimental impact on the setting of the Listed Building
- Wall would be higher than other walls in the street scene
- Impact on historic integrity
- Obscure views of the main dwelling and the river
- Loss of light to the pavement
- Does not comply with Council policies

6. Planning Issues

- Impact on Listed Building and Conservation Area
- Impact on amenities of neighbouring properties
- Impact on the Flood Zone

7. Planning Considerations

Impact on Listed Building and Conservation Area

- 7.1 The National Planning Policy Framework (NPPF) states that local planning authorities should take into account '*the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*'. Furthermore the NPPF also states that '*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation*'.

The NPPF continues by stating that '*where a development proposal will lead to less than substantial harm to the significance of a designated heritage*

asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use’.

- 7.2 In determining applications, the NPPF (para 185) also states local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - c) the desirability of new development making a positive contribution to local character and distinctiveness; and
 - d) opportunities to draw on the contribution made by the historic environment to the character of a place.
- 7.3 Policy EN5 of the Spelthorne Core Strategy and Policies DPD (CS&P DPD) also supports the preservation of listed buildings and in particular states that the Council will seek to preserve the historic heritage by ‘*applying the Council’s policies in a more flexible way where justified to ensure the preservation of a listed building*’.
- 7.4 There is a statutory duty of the Local Planning Authority (Listed Buildings Act 1990 Section 72) when dealing with a planning application to give “special attention to the desirability of preserving or enhancing the character or appearance of a conservation area”. In addition, Section 66 of the Act states that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 7.5 The height of the boundary wall will be increased by 0.8 metres. However, the maximum height would be the same height as the orangery approved under 19/00478/HOU. Therefore the majority of the proposed orangery will be hidden from Walton Lane and only the roof lantern would be visible. Therefore the proposal is not considered to have a detrimental impact on the Lower Halliford Conservation Area or Walton Lane. The Council’s Historic Advisor has stated the proposal would:

“simplify the roof design so that no actual fascia projects above the pavement wall, just a thin lead flashing.”

Furthermore he considers the conservatory would be concealed by the proposed boundary wall which although would cover the decorative cornice, would appear a neater design and would be less obtrusive in the street scene. He has further expressed:

“The higher visible wall will be finished in matching ‘brick on edge’ coping detail which will hide the roof and return to its original height via a curved descent and then further along the existing curved descent brings the wall to the position next to the gate pillar. In my view this will in no way harm the character of the conservation area or adjacent listed structures. Walton Lane’s characteristics include long areas of walling of varying heights with a

multiplicity of opening and gates, etc. The height of these walls vary greatly, so the modification of this stretch of wall as proposed will cause no harm. It could be said to be of benefit as the upper section of the approved conservatory will be barely visible.”

- 7.6 As a consequence, taking his comments into consideration, it is considered the proposal would preserve the main dwelling and its setting as stated in Section 66 of the Listed Buildings Act 1990. Furthermore it is considered the proposal would preserve and enhance the character of the Conservation Area and therefore meet the criteria in Section 72 of the Listed Buildings Act 1990.

Impact on the amenities of neighbouring properties

- 7.5 Policy EN1 from The Core Strategy and Policies state the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will 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.
- 7.6 Further to this Spelthorne’s Design of Residential Extensions and New Residential Development Supplementary Planning Document April 2011 (SPD) states the aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed. This will require careful attention to the position, scale and design of the extension (or new dwelling) to avoid loss of privacy, outlook, daylight and sunlight; each of these issues is considered below. It will also be important to identify differences in levels with adjoining sites and buildings and for this to be shown accurately on street scene elevations.
- 7.7 The proposed increase in the height of the boundary wall fronting Walton Lane would not have a significant impact on the amenity of surrounding properties. The proposal would not impact the amenities of Dunally House, the dwelling which adjoins the application site to the west, due to its location. The relationship with Twyford Cottage, which is located on the opposite side of Walton Lane is also considered acceptable as the proposal would not impact their outlook further compared with the approved scheme (which was considered to be acceptable) due to the height of the proposed boundary wall being the same as the approved conservatory. Overall, it is considered that the proposal does not overlook, overbear, cause a loss of sunlight, daylight or outlook and therefore respects the amenities of the adjoining neighbouring properties. The application therefore complies with Policy EN1 of the Core Strategy and Policies DPD and the Design SPD.

Impact on the Flood Zone

- 7.8 There is proposed to be no increase in footprint however as the application site is within the 1 in 1000 year flood event area, it would need to adhere to the conditions recommended by the Environment Agency in their standing advice. The application will then be in accordance with policy LO1.

Other Matters

- 7.9 10 letters of representation have been received with 8 being letters of objection from various properties in Walton Lane, Dunally Park and 1 received from a property in Manygate Lane. The main concerns relate to the loss of historic integrity of the boundary wall however it is considered there would not be a loss as the existing listed wall would be retained with matching bricks to be adjoined on top. Furthermore, as the materials are reclaimed to match and the Council's Historic Advisor does not have an objection to the materials, it is considered the historic integrity would not be damaged.
- 7.10 Many of the concerns raised relate to the design; impact on the street scene, character of the Conservation Area and on the setting of the listed building. It is considered that these concerns have been assessed above. In two of the letters of objection, policies from the "Local Plan (November 2019) Preferred Options Consultation" have been referred to however it is considered this plan has not been adopted and is still under consultation. Furthermore three historic policies are quoted in the "Lower Halliford Conservation Area Preservation and Enhancement Plan (February 1994)" and have since been superseded with newer Council policies. With regards to assessing these applications, we are using the policies stated in the "Spelthorne Core Strategy and Policies DPD (CS&P DPD) (February 2009)". In this case the policies are EN5, EN6 and LO1 which have been considered above with regards to the proposal. Furthermore weight has been given to the wording in the NPPF.
- 7.11 Concerns were also expressed on the loss of views of the main house of the application site and the River Thames. However it is considered that this loss would be equivalent to the approved scheme and therefore is considered acceptable. Similarly regarding the impact on light to the Walton Lane pavement is considered acceptable.

Equality Act 2010

- 7.12 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- 7.13 The elimination of discrimination, harassment and victimisation;
The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights Act 1998

- 7.14 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.15 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

- 7.16 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.17 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Financial Considerations

- 7.18 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.

There are no financial considerations which are material or not material in the determination of this proposal.

8. Recommendation

- 8.1 APPROVE variation of condition 19/01710/RVC with the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans 808_01_001; 808_02_101 P1; 808_03_101 P8; 102 P7; 808_05_101 P8 received 18.12.2019
Reason:-. For the avoidance of doubt and to ensure the development is completed as approved.
2. The extension to the boundary wall hereby permitted shall be carried out in reclaimed brickwork in a brick bond to match those of the existing boundary wall in colour and texture.

Reason:-. To ensure a satisfactory external appearance in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

Article 2(3) Development Management Procedure (Amendment) Order 2012

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of the NPPF 2019. This included the following:-

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and 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 proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

8.2 APPROVE listed building consent 19/00479/LBC with the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans 808_01_001; 808_02_101 P1; 808_03_101 P8; 102 P7; 808_05_101 P8 received 18.12.2019

Reason:-. For the avoidance of doubt and to ensure the development is completed as approved.

2. The boundary wall hereby permitted shall be carried out in reclaimed brickwork in a brick bond to match those of the existing boundary wall in colour and texture.

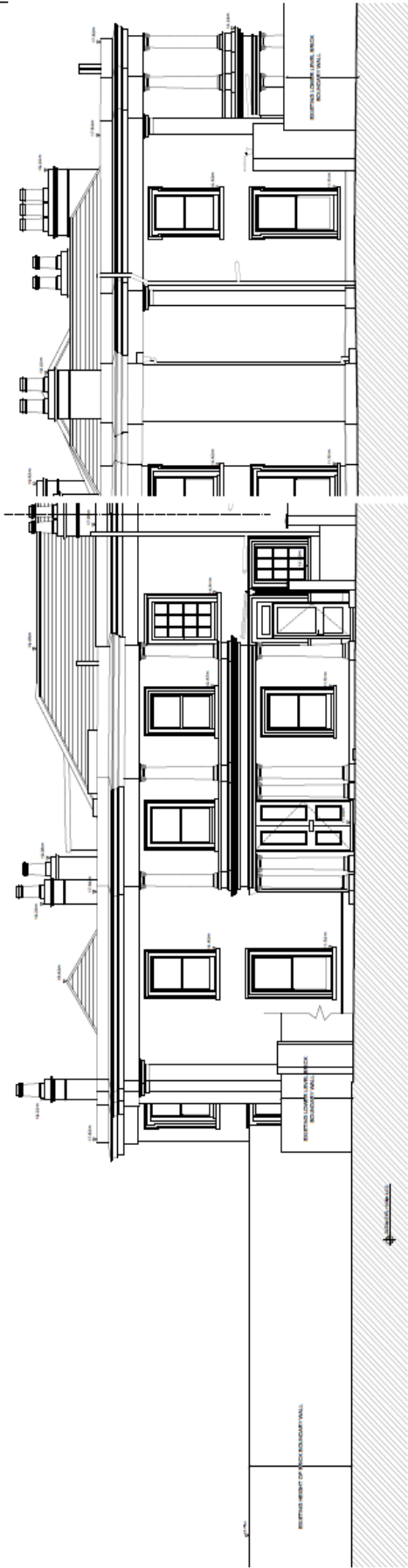
Reason:-. To ensure a satisfactory external appearance in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

Article 2(3) Development Management Procedure (Amendment) Order 2012

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of the NPPF 2019. This included the following:-

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and 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;

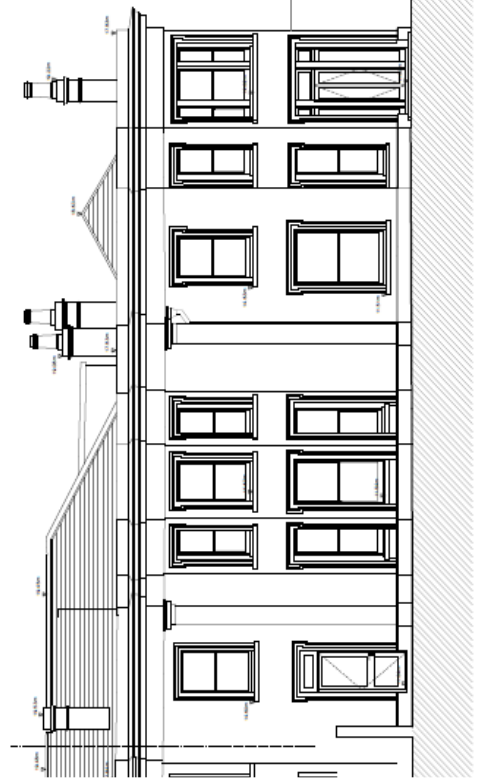
- c) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.



5 FRONT ELEVATION
04

EXISTING ELEVATIONS

These plans are based on measured survey undertaken in July 2018. Due to the nature of the survey, the drawings are not intended for any accuracy, the client and third parties should rely on their own information, notwithstanding that the drawings are a true representation of the purposes for present purposes. Copyright is held by the author or authorised user. All rights reserved. No part of this drawing or dimensions shall be made of the drawings, given dimensions etc. in part.



Note: P11, L1A, L1B, BOUNDARY WALL, ACCID - 14/07/2018/151

DNA ARCHITECTURE LTD 15a, Clarendon Road, Limerick, Co. Tipperary, Ireland TEL: 051 8546 2222 FAX: 051 8546 2223 WWW.DNAARCHITECTURE.COM	
EXISTING FRONT, REAR AND SIDE ELEVATIONS	
Scale: 1:100 (R.A.) Date: 13.05.2018	Ref: 808_05_001

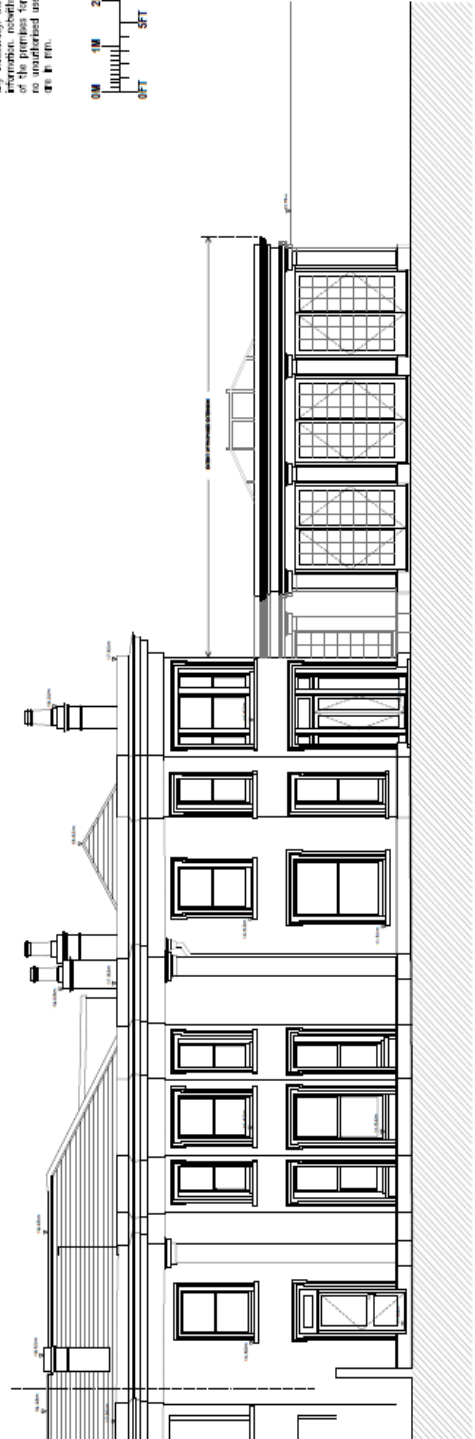


5 FRONT ELEVATION

6 SIDE ELEVATION

APPROVED PROPOSED DRAWING 19/00478/HOU & 19/00479/LBC

These plans are based on measured survey undertaken in July 2018. Due care is exercised in surveying but no liability can be accepted for any inaccuracy. The client and third parties should rely on their own information corroborating the drawings as a fair representation of the property. The drawings are prepared by the architect on an 'as is' basis and no warranty is given by the architect for any error or omission. No unauthorised use shall be made of the drawings, apart from that of the client.

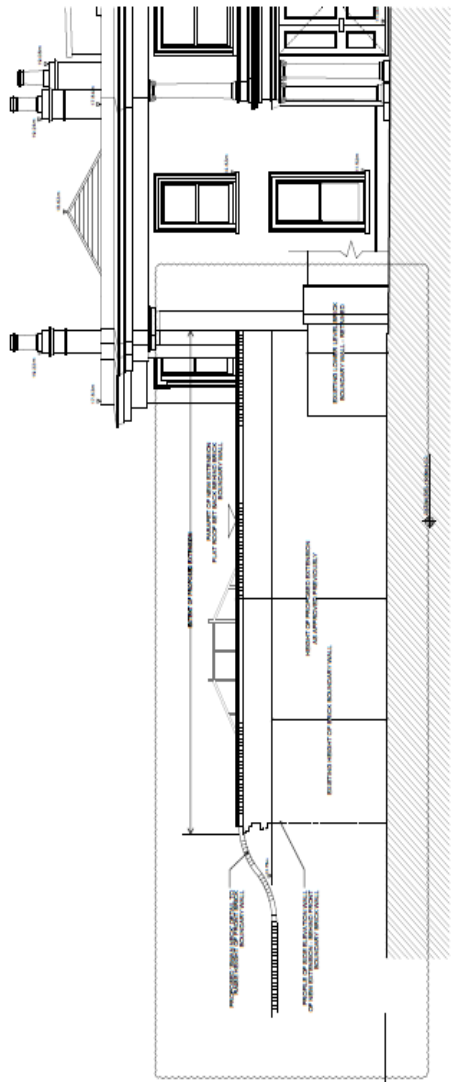


7 REAR ELEVATION

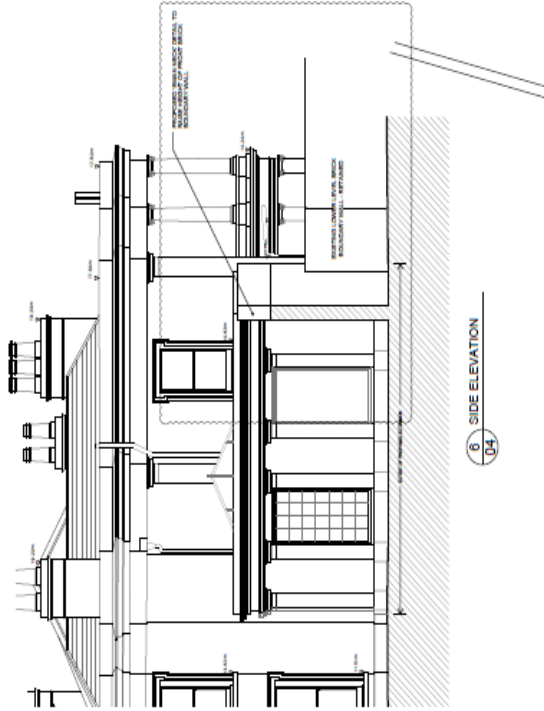


Rev: PER LBC BOUNDARY WALL ADD - JAN/2020/59

DNA ARCHITECTURE LTD Architects London, UK Tel: 0203 8746 2322 Fax: 0203 8746 2323 Web: www.dna-architecture.com	DNA ARCHITECTURE LTD
DUNNALLY LOOSE WALTON LAKE SHEPPERTON TW17 8LQ	
PROPOSED FRONT, REAR AND SIDE ELEVATIONS	
Scale: 1/100 @ A1 Date: 12/05/2019	No: 1808_05_101



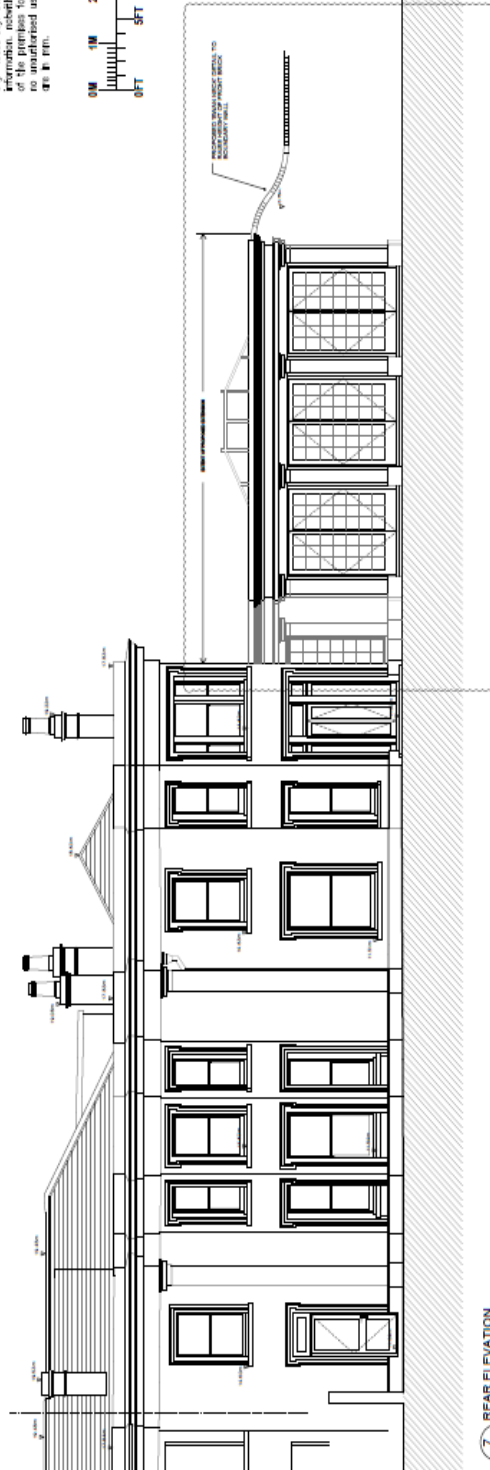
5 FRONT ELEVATION



6 SIDE ELEVATION

VARIATION OF CONDITION APPLICATION DRAWING

These plans are based on measured survey undertaken in MAY 2018. Due care is exercised in surveying but no liability can be accepted for any inaccuracy. The client and third parties should rely on their own measurements and check the accuracy of the drawings for their own purposes. No warranty is made for the drawings for any purpose other than that for which they are intended. No responsibility is accepted for any loss or damage caused by the drawings. No liability is accepted for any loss or damage caused by the drawings. No liability is accepted for any loss or damage caused by the drawings.



7 REAR ELEVATION

REV: 19 JUN 2018, BOUNDARY WALL, ACCT - JAN/2020/20
REV: 19 JUN 2018, BOUNDARY WALL - 19/06/2018/20

DUNA ARCHITECTURE LTD
17, DUNPATRICK ROAD
LISBURN, CO. ANTRIM
TEL: 0283 8344 2322
WWW.DUNAARCHITECTURE.CO.UK

DUNNALLY LOHSE
WALTON LANE
SHEFFERTON
TW17 8LQ

MR & MRS KAVANAGH

PROPOSED FRONT, REAR
AND SIDE ELEVATIONS

Scale: 1/100 @ A3
DATE: 19/06/2018
DUNA
808_05_101

This page is intentionally left blank



19/01699/HOU - 41 Windsor Road, Sunbury on Thames. TW16 7QY

Scale: 1:1,250

© Crown copyright and database rights 2019 Ordnance Survey 100024284.



This page is intentionally left blank

Planning Committee
4 March 2020



Application No.	19/01699/HOU		
Site Address	41 Windsor Road, Sunbury on Thames		
Applicant	Mrs Aleksandra Alla Blavatnik		
Proposal	Erection of a single storey side and rear extension		
Case Officer	Susanna Angell		
Ward	Ashford Town		
Called-in	The applicant is an employee of Spelthorne Borough Council and in accordance with the Planning Code (paragraph 38) this application is being reported to Committee for a decision.		
Application Dates	Valid:18.12.2019	Expiry: 06.03.2019	Target: Extension of time agreed
Executive Summary	This application is for the erection of a single storey side and rear extension. The extension would wrap around the north west corner of the property extending 2.3m in width and 3m in depth from the rear of the property. The height of the extension is 3m. The extension is designed with a flat roof to reflect the appearance of the existing town house. The proposal is considered to be acceptable in terms of its impact on the character of the area and impact on the amenity of neighbouring properties.		
Recommended Decision	Approve the application subject to conditions as set out at Paragraph 8 of the Report.		

MAIN REPORT

1. Development Plan

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

- EN1 (Design of new development)

Design of Residential Extensions and New Residential Development SPD 2011

2. Relevant Planning History

2.1 There is no relevant planning history.

3. Description of Current Proposal

3.1 This application relates to 41 Windsor Drive, Sunbury which is a 3 storey end of terrace dwelling located on the northern side of Windsor Drive. The dwelling is a town house designed with a flat roof. The properties immediately to the east and west of the site are also 3 storey terraced dwellings. The properties to the south are two storey terraced dwellings.

3.2 It is proposed to erect a single storey side and rear extension. The extension would wrap around the north - west corner of the property extending 2.3ms in width and 3m's in depth from the rear of the property. The extension would be 3m's in height. The side extension would incorporate a garage door in its frontage and bi fold doors in its rear elevation.

3.3 The proposal represents an amendment to the original submission which proposed a two storey side extension.

4. Consultations

4.1 The following table shows the consultee and the response.

Consultee	Comment
Environmental Health	No objection but Pollution Control request an informative relating to contamination regarding asbestos to be attached to the decision notice.

5. Public Consultation

5.1 3 letters of representation, 2 in relation to the original application, 1 in relation to the amended plans received raising the following concerns:

- The two storey extension will block light to living areas including my ground floor bedroom (Officer note: the two storey extension has been amended to a single storey extension)
- The proposed first floor window will cause loss of privacy (Officer note: the two storey extension has been amended to a single storey extension and no windows are proposed in the side elevations.)
- Boundary encroachment/run off concerns
- Planning statement submitted does not relate to the application site

6. Planning Issues

- Design and appearance
- Impact on neighbouring properties

7. Planning Considerations

Design and Appearance

- 7.1 Policy EN1(a) of the Core Strategy & Policies DPD (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.
- 7.2 The northern side of Windsor Drive consists of 3 storey terraced dwellings laid out in staggered blocks. To the south of the application site the character consists of two storey terraced blocks laid out in a uniform manner.
- 7.3 The proposed side extension would have a flat roof. However, this would reflect the design of the host dwelling and is considered to be acceptable in appearance. The rear element would also be flat roofed in design (reflecting the host dwelling) and is also considered appropriate. It is considered that the development would have an acceptable impact on the character and appearance of the surrounding area.

Impact on Neighbouring Properties

- 7.4 Policy EN1(b) of the CS & P DPD states that proposals for new development should demonstrate that they will 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 of outlook.

- 7.5 The application property is sited much deeper in the plot in comparison with the neighbouring property to the west (no.39). The Council received a representation from the occupants of this property raising concerns about loss of light and privacy. The representation was received in relation to the originally submitted application for a two storey side extension. However, following discussion with the Council the applicant has submitted amended plans removing the two storey element. The proposal is now solely single storey. The surrounding neighbours have been notified of this amendment and any comments received will be reported at the Planning Committee meeting.
- 7.6 The application property has an existing low profile extension located along its western side elevation, which is 2.1m to its eaves and 2.8m to the ridge of its roof. This is to be demolished. The proposed new extension would be flat roofed and taller, standing 3m overall in height and extending 11.5m along the western boundary. It is relevant to note that a single storey side extension, with an eaves height of 3m could be built under "Permitted Development" legislation. In addition, a single storey rear extension (from the rear of the original dwelling) similar to that proposed could also be erected under permitted development. The element which would not be permitted development is the part which is not to the side or rear of the original dwelling house.
- 7.7 Number 39 is also set back 2m from the boundary with the application property. Its closest window to the boundary serves a toilet, while the living room is located at first floor. Overall, given the height and location of the extension and the fact that it will be replacing an existing side extension (albeit smaller in size), it is not considered that the proposal would result in significant loss of light or overbearing impact.
- 7.8 In terms of impact on privacy no new windows are proposed in the western elevation of the extension and as a result no loss of privacy would occur.
- 7.9 The rear extension would be located 1m off the boundary with the adjoining terraced dwelling no.43 and would extend 3m in depth. This depth would comply with the guidance in the Councils SPD on Design. There would be no window openings in the eastern elevation of the extension and overall the relationship is considered acceptable avoiding significant loss of light, privacy and overbearing impact.

Equality Act 2010

- 7.10 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- 7.11 The elimination of discrimination, harassment and victimisation;
The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights Act 1998

- 7.12 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.13 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.14 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.15 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Financial Considerations

- 7.16 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.

There are no financial considerations which are material or not material in the determination of this proposal.

8. Recommendation

- 8.1 GRANT subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three 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 extension hereby permitted shall be carried out in facing materials to match those of the existing building in colour and texture.

Reason:-.To ensure a satisfactory external appearance in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

3. The development hereby permitted shall be carried out in accordance with the following approved plan: Plan no 101, Location plan and Site plan rec'd 14.01.2020 Amended plan 201 rec'd 30.01.2020.

Reason:-.For the avoidance of doubt and to ensure the development is completed as approved.

4. That no openings of any kind be formed in the western or eastern elevations of the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:- To safeguard the privacy of the adjoining property(ies) in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

INFORMATIVES TO APPLICANT

- 1 This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Spelthorne Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by -

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed, we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process.

However, Spelthorne Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application are required.

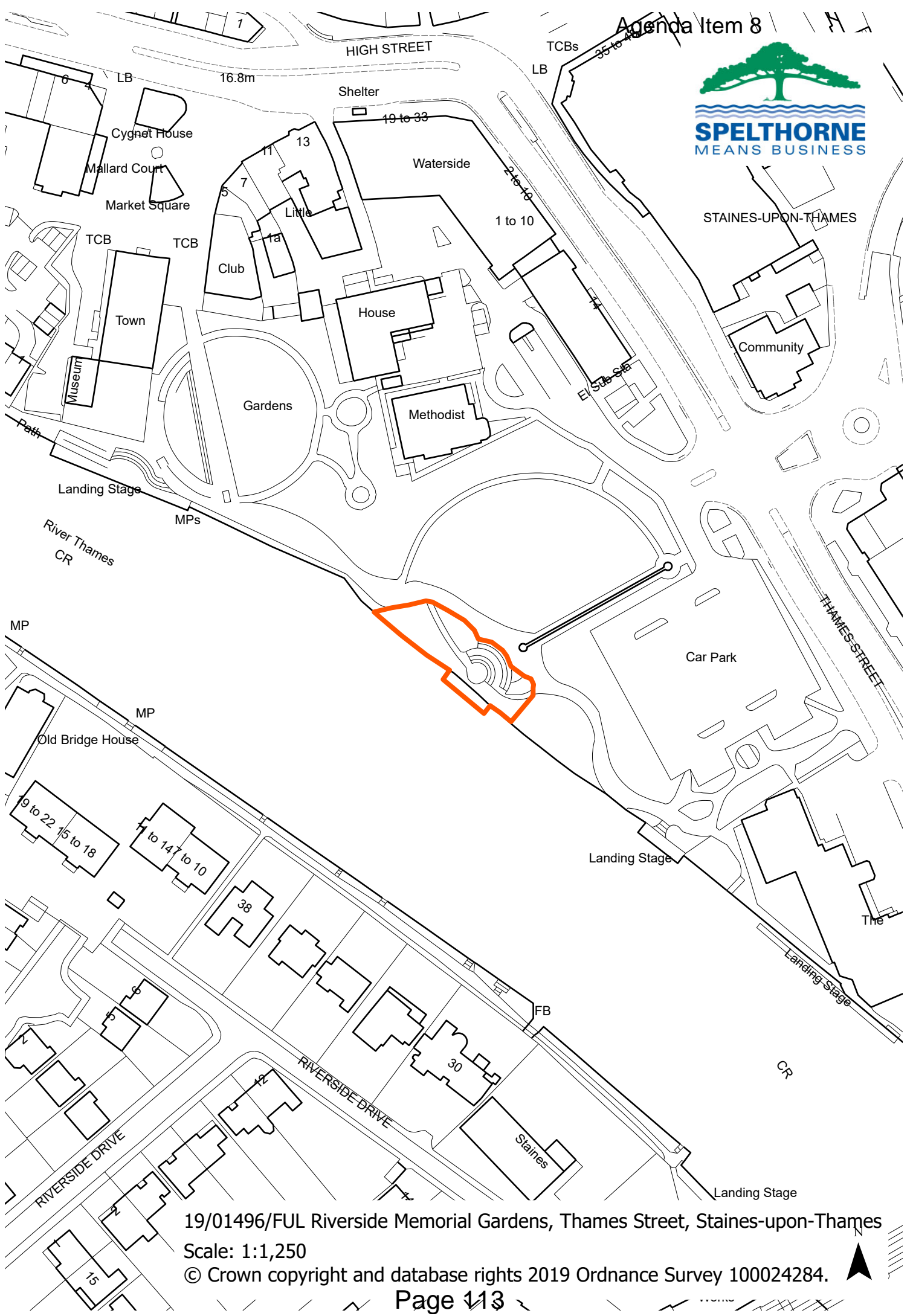
Pre-application advice was not sought prior to submission and alterations were required to overcome concerns. These were sought and the applicant agreed to the changes.

- 2 The applicants should be mindful not to create a dust nuisance during demolition works, particularly where any asbestos containing materials may

be present. If removal of asbestos cement sheet roofing is required appropriate removal (without significant damage), handling and disposal by competent persons is required. The Health & Safety Executive (HSE) have produced a guide to safe removal of asbestos cement sheets, which outlines good practice, how to prepare and what equipment is needed, how to remove the sheets and how to deal with the sheets once removed:
<http://www.hse.gov.uk/pubns/guidance/a14.pdf> . There is also information on the HSE website about how to comply with the regulations, including a more generic guide to working safely with asbestos -
<http://www.hse.gov.uk/asbestos/protect.htm>.

This page is intentionally left blank

This page is intentionally left blank



19/01496/FUL Riverside Memorial Gardens, Thames Street, Staines-upon-Thames

Scale: 1:1,250

© Crown copyright and database rights 2019 Ordnance Survey 100024284.

This page is intentionally left blank

Planning Committee

4 March 2020



Application No.	19/01496/FUL		
Site Address	Riverside Memorial Gardens, Thames Street, Staines-upon-Thames		
Applicant	Spelthorne Borough Council		
Proposal	Installation of a steel jetty with hardwood decking to provide a passenger boat landing stage together with the installation of piles.		
Case Officer	Paul Tomson		
Ward	Staines		
Called-in	N/A		
Application Dates	Valid: 06/01/2020	Expiry: 02/03/2020	Target: Extension of time agreed – 06/03/2020
Executive Summary	<p>The proposal involves the installation of a steel jetty to provide a passenger boat landing stage together with the installation of piles. The jetty will be accessed from the existing 'Bandstand' located to the south-west of the Riverside Car Park.</p> <p>The proposed jetty is considered to respect the setting of the River Thames and the character of the area and complies with the requirements of Policies EN1, EN9 and EN10 of the Core Strategy and Policies DPD 2009. The Environment Agency has raised no objection to the jetty and the impact on flooding is considered acceptable. Moreover, the impact on wildlife is considered acceptable.</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 policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

- LO1 (Flooding)
- EN1 (Design of New Development)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN9 (River Thames and its Tributaries)

➤ EN10 (Recreational Use of the River Thames)

1.2 The following saved Local Plan policy is considered relevant to this proposal:

➤ RU11 (Sites of Nature Conservation Importance)

1.3 The National Planning Policy Framework 2019 is also relevant.

2. Relevant Planning History

PA/01/0153	Enhance Market Sq., relocate War Memorial to Market Sq., alter vehicular access to Market Sq., Create an enlarged landscaped public riverside Open space on the site of Memorial Gardens/ Riverside Car Park with canopies & water features, Alter vehicular access to Riverside Car Park, Reduction in number of parking spaces, reconstruct /alter Riverside retaining wall and banks, erect new Moorings.	Approved 25/05/2001
------------	--	------------------------

3. Description of Current Proposal

3.1 The application relates to the Riverside Memorial Gardens in Staines-upon – Thames, and in particular the existing ‘Bandstand’ which adjoins the River Thames. The ‘Bandstand’ and its associated seating and walkways were created as part of the Market Square and Memorial Gardens improvement works granted planning permission in 2001 (PA/01/0153).

3.2 The site is located within the urban area (as is the River Thames itself). It is also located within an area liable to flood (Flood Zone 3b – greater than 1 in 20 year chance of flooding). The River Thames and its riverbank is designated as a Site of Nature Conservation Importance.

3.3 The proposal involves the installation of a steel jetty to provide a passenger boat landing stage together with the installation of piles. The jetty will measure 5.91 metres in length and 1.55 metres in width. The jetty will attach to the existing river wall of the ‘Bandstand’. A steel entrance gate and associated barriers will be installed to prevent unauthorised access. The 2 no. proposed piles will measure some 3 metres in height above the water level. They comprise an ‘upstream pile and a ‘downstream pile’ to accommodate vessels with different loading gates.

3.4 With regard to the proposed usage of the jetty, the applicant states that:

“The proposed jetty is purely for the use of commercial river buses to pick up and drop off passengers on a scheduled timetable between April and October each year. It is not for public use. At the moment there is a regular service at Hampton and at Windsor. This would provide a stop-off between the two. There is a mooring (not a jetty) situated at the rear of the Old Town Hall, this is for public use [Officer note: there is also a public mooring near the Thames Lodge Hotel]. A scheduled riverboat service cannot be operated there due to the inability to secure a dock at the mooring at a given time,

because if there are public boats in situ, river buses cannot dock. As a consequence it is impossible to design a timetable because they may have passengers who want to get off at Staines, but cannot moor as there is no room. The purpose of the jetty is to give river buses the ability to set up a scheduled service in the confidence they will be able to deliver it. This will give Staines an added attraction of bringing people into the town to get on the boat and others visiting the town when they get off.”

3.5 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
Environment Agency	No objection subject to conditions
Group Head - Neighbourhood Services	No objection
Crime Prevention Officer	No objection
Surrey Wildlife Trust	No objection
Tree Officer	No objection
Runnymede Borough Council	No objection
Rights of Way Officer (Surrey County Council)	No comments received

5. Public Consultation

5.1 17 properties were notified of the planning application. A statutory site notice was displayed and the application was advertised in the local press. Whilst no letters of objection have been received, the Council has received 1 letter of support from a local resident.

6. Planning Issues

- Principle
- Impact on the setting of the River Thames
- Flooding
- Biodiversity

7. Planning Considerations

Principle

7.1 The site is located within the urban area and includes part of the River Thames. Policy EN10 of the Core Strategy and Policies DPD (CS & P DPD) states that facilities which support the recreational use of the River Thames will be safeguarded and promoted by supporting the maintenance and provision of visitor facilities, including those for access to the water.

- 7.2 The proposal involves the creation of a new jetty on the river to provide a new passenger boat landing stage with a scheduled service. It will create a new river related visitor facility which will encourage more people to use the river and visit Staines-upon Thames. The proposal is therefore considered to meet the requirements of Policy EN10 and is acceptable in principle.

Impact on the River Thames

- 7.3 Policy EN9 (River Thames and its Tributaries) of the CS & P DPD states that the Council will seek to maintain and look for opportunities to enhance the setting of the River Thames and its tributaries. In considering development proposals it will:
- (a) ensure the protection of landscape features that contribute to the setting of the rivers,
 - (b) seek to protect and enhance existing views of the rivers,
 - (c) pay special attention to the design of development located in riverside settings to ensure that it respects and makes a positive contribution to the setting of the rivers,
 - (d) ensure that the quality of the water environment is maintained,
 - (e) seek opportunities to improve public access to and alongside the rivers and ensure that existing public access is maintained.
- 7.4 It is considered that the proposal will have an acceptable impact on the setting of the River Thames and meets the requirements of Policy EN9. The proposal is a form of river related development and will appear in context with the other existing moorings nearby. The proposal will make a positive contribution to the river by encouraging more people to use passenger boats and visit Staines-upon-Thames. The impact on the riverbank will be minimal. It is not considered that the proposed steel gate and other associated barriers would have an adverse impact on the existing views of the river. The Environment Agency was consulted and has responded by raising no objection to the location of the new jetty.

Flooding

- 7.5 This area of the Memorial Gardens is located within the Flood Zone 3b (functional floodplain), which has a greater than 1 in 20 year chance of flooding. The National Planning Policy Guidance (NPPG) stipulates that only water compatible uses are appropriate in this particular high risk flood zone.
- 7.6 It is considered that the proposed jetty and associated piles constitute a water compatible form of development and consequently the proposal is considered acceptable in principle on flooding grounds. Moreover, the proposed structure is not considered to cause an adverse impact on the impedance of flood flows. The Environment Agency was consulted and responded by raising no objection to the proposal on flooding grounds.

Biodiversity

- 7.7 Policy EN8 of the CS & P DPD states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by ensuring that new development, wherever possible, contributes to an improvement in the landscape and biodiversity and also avoids harm to features of significance in the landscape or of nature conservation interest. It is also important to note the guidance regarding protected species in Circular 06/2005. This states that *"it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."* The NPPF states that *"If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."*
- 7.8 The River Thames and its riverbank is designated as a Site of Nature Conservation Importance (SNCI). The fringing habitat provide a corridor for species migration and acts as a buffer zone to protect the river related environment. A small part of the existing riverbank vegetation will need to be cut back to make way for the new jetty. The applicant has submitted an Ecological Appraisal which assesses the impact on the SCNI and ascertain the presence of any protect species that could be affected.
- 7.9 The Ecological Appraisal concludes that the proposed jetty is unlikely to have a significant impact on any protected species and does not recommend any further surveys to be carried out. However, it does recommend that a number of precautionary measures to be taken during the construction phase and some ecological enhancement measures, which can be controlled by the imposition of a condition. The Surrey Wildlife Trust was consulted and has responded by raising no objection subject to the precautionary and enhancement measures being carried out (the Environment Agency also recommend a similar condition). Subject to the imposition of a condition, it is considered the impact on wildlife is acceptable.

Other Matters

- 7.10 It is relevant to note that there is an existing ramp leading from the riverside path down to the lower level of the 'Bandstand' and consequently, the new jetty will be accessible for disabled people.
- 7.11 The proposal will not have any impact on the adjacent Thames Path, which is a National Trail footpath running for 180 miles along the banks of the River Thames (it will also not affect the National Cycle Network).

Equality Act 2010

- 7.12 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- 7.13 The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights Act 1998

- 7.14 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.15 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.16 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.17 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Financial Considerations

- 7.18 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.
- 7.19 There are no financial considerations which are material or not material in the determination of this proposal.

8. Recommendation

- 8.1 GRANT subject to the following conditions: -
1. The development hereby permitted shall be begun before the expiration of three 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:
 - Drawing No. 3 received 05 November 2019
 - Site location plan received 11 December 2019
 - 2665-RDJWL-XX-XX-DR-A-0010 Rev. P1; /0020 Rev. P2 received 16 December 2019

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

3. The development shall be carried out in accordance with the submitted FRA (ref. FRA and D&A statement by Riverworks) and the proposed layout plan 2665-RDJWL-XX-XX-DR-A-0020 Rev. P2, drawing no. 3 by Walcon and the following mitigation measures it details:
 - The proposed jetty and handrail shall be open to river flow and flood water

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason:- To prevent increased flood risk elsewhere. This is supported by Policy LO1: Flooding in the Core Strategy and Policies DPD 2009 and paragraph 163 of the National Planning Policy Framework 2019.

4. No development shall take place until a landscape and ecological plan has been submitted to and approved in writing by the Local Planning Authority. The landscape and ecological management plan shall be carried out as approved. The scheme shall include the following elements:
 - Details demonstrating how the watercourse and surrounding ecology will be protected during development and managed over the longer term.
 - Details of any lighting.
 - Details of any new habitat created on-site, including planting of native species, bat and bird boxes, wood piles.

Reason:- To protect and encourage wildlife on the site.

Informatives

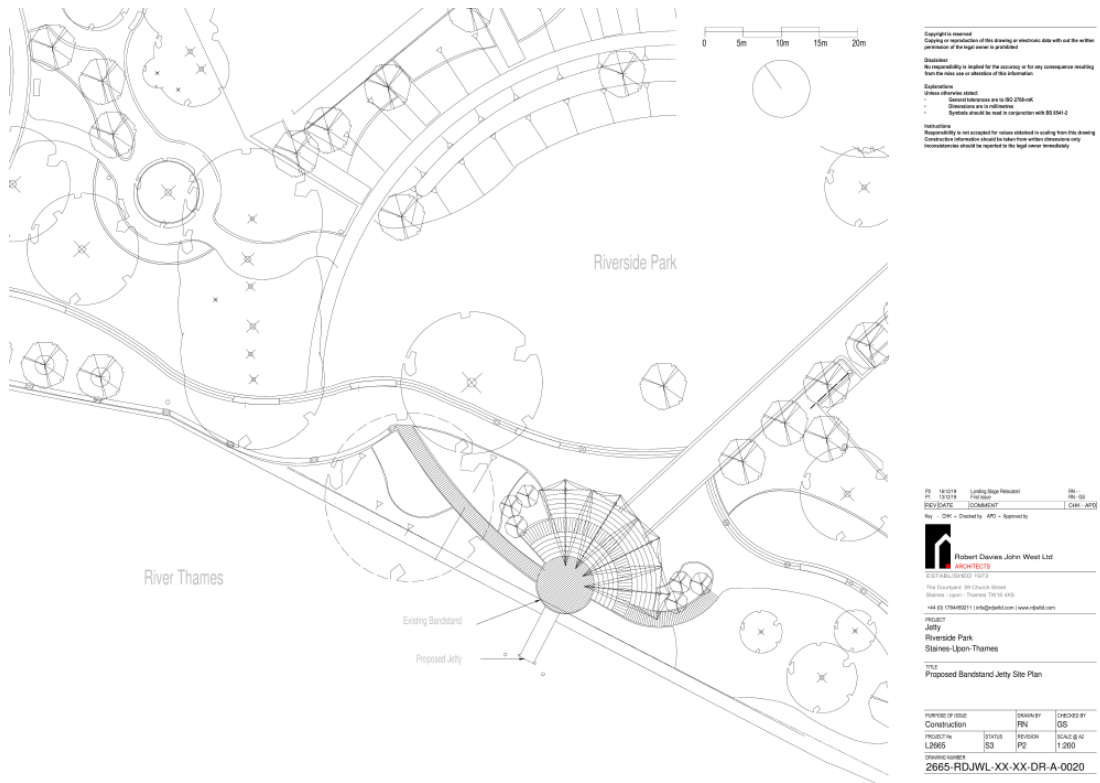
This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Spelthorne Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by -

- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed, we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process.

However, Spelthorne Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application are required.

Pre-application advice was not sought prior to submission and the application was acceptable as submitted.

Proposed Site Layout Plan



This page is intentionally left blank