



Please reply to:

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Date: 21 April 2020

Notice of meeting

Planning Committee

Date: Wednesday, 29 April 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: Video Conference via Skype for Business

To the members of the Planning Committee

Councillors:

R.A. Smith-Ainsley (Chairman)
A. Brar
S. Buttar
S.A. Dunn
N.J. Gething

M. Gibson
N. Islam
T. Lagden
J. McIlroy
L. E. Nichols

R.J. Noble
R.W. Sider BEM
V. Siva
B.B. Spoor
J. Vinson

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. 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.

Guide to remote meetings

5 - 15

To facilitate effective participation in the meeting, councillors and members of the public are asked to familiarise themselves with the procedures and protocols for remote meetings as detailed in the attached Guide.

A public speaking procedure guidance note for the Planning Committee is also attached for information.

17 - 20

1. Apologies

To receive any apologies for non-attendance.

2. Minutes

21 - 26

To confirm the minutes of the meeting held on 4 March 2020 as a correct record.

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. 20/00101/FUL - Poundland, 95 - 99 High Street, Staines-upon-Thames, TW18 4PQ

27 - 54

Ward

Staines

Proposal

The provision of nine new flats and ground floor extension to existing retail unit to rear of site. Creation of raised communal landscaped areas at the first floor. Erection of first floor access lobby to residential accommodation.

Officer Recommendation

The application is recommended for approval subject to conditions.

5. **Planning Application No.19/01516/FUL, 381 - 385 Staines Road West, Ashford, TW15 1RH** **55 - 82**

Ward

Ashford Common

Proposal

Erection of block comprising 8 no. one bed and two bed flats to the front of the site and 4 no. dwellings (comprising 1 no. 2 bed chalet bungalow, 2 no. three bed semi-detached houses and 1 no. four bed detached house) to the rear of the site, all with associated parking, amenity space and landscaping. Formation of a new vehicular access to the site, following demolition of existing dwellings and commercial buildings.

Officer recommendation

The application is recommended for approval subject to conditions.

6. **Planning Application No.20/00342/ADV - Spelthorne Museum, 1 Elmsleigh Road, Staines-upon-Thames, TW18 4PH** **83 - 92**

Ward

Staines

Proposal

Display of a mural advertising Spelthorne Museum.

Officer recommendation

The application is recommended for approval subject to conditions.

7. **Urgent Items**

To consider any items which the Chairman considers as urgent.



Formal Council Meetings by Skype

**A Guide to the Procedures and Protocols for
participation in remote Council meetings
for Councillors and the Public**



CONTENTS

1 Introduction	3
2 General Guidance and Good Practice for ALL Participants	4
3 Chairman	6
4 Committee Members	9
5 Other Participants	10
6 Other Public Viewers	11

1 Introduction

- 1.1 This guide is intended for participants joining a formal council meeting using Microsoft Skype.
- 1.2 It commences with General Guidance and Good Practice for ALL participants.
- 1.3 The remainder of the guide is then structured to provide support and a quick guide for each of the roles. The specific roles identified are:-
 - Chairman
 - Committee Members (Voting councillors who are members of that Committee)
 - Other Participants
 - Non-voting councillors who are not members of that committee
 - Representatives from external bodies
 - Public participants (formally making statements at regulatory meetings)
 - Other Public Viewers
- 1.3 The principle aims of this guide are to facilitate as many of the constitutional rules and procedures as possible, whilst recognising the limitations that virtual meetings present.
- 1.5 The key principle requirements are to:-
 - Enable contributions from people using a wide variety of devices, not all of whom will be on the council network. We aim to put in place arrangements to allow users to join a meeting via the following channels and features:-
 - Skype for Business Application (Two-way Audio, Video, Presentation)
 - Skype Web App (Two-way Audio and Video)
 - Telephone (Two-way Audio)
 - Web Streaming (One-way Audio only)
 - Be accessible to participants in a meeting who wish to speak and be heard, and to those who just wish to observe.
 - Recognise and give special controls to a meeting Chairman.
- 1.6 The Secretary of State for Housing, Communities and Local Government made The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which came into force on 4 April 2020. This Guide reflects the requirements of these Regulations.

2 General Guidance and Good Practice for ALL Participants

2.1 Conducting large meetings by video conference can be daunting, however, such meetings can work well if managed and all participants play their part and support those managing the meeting.

2.2 A fundamental rule to help make online meetings run smoothly is absolute respect and patience for the Chairman and those speaking.

2.3 Key Tips

Below is a list of some of the key tips for all participants:-

- Ensure you are **using the most up-to-date version of Skype**. Updates are pretty regular and often deal with possibly security issues, so it is imperative to make sure you have the latest version.
- Reliable Skype meetings depend on good sound quality, so always **use a good microphone, preferably in a headset**, if you have one. The latest laptops and tablets give acceptable sound quality from their internal mics and speakers, but only if you are in a room by yourself without any background noise and especially nobody else on the same call as you.
- **Don't group together and share a microphone** or laptop, this can make it difficult to hear and participants lose the advantage of seeing who is speaking. One person per account works best.
- Adjust the microphone position to **ensure best audio quality**. Too far away and no one will hear you, too close and everyone will hear you breathing. Testing your connection before a scheduled meeting is always recommended.
- **Mute your microphone when not speaking** unless you are responding repeatedly to questions or making regular contributions (e.g., the Chairman). Background noises, keyboard tapping, barking dogs, or telephones ringing will promote you as the main speaker within the system and may interfere with the meeting. If possible mute or switch other phones to silent as you would in normal meetings.
- **Maximise your bandwidth** and if possible, connect to your network via cable rather than wi-fi. Minimise the use of the internet at home by others during the call, particularly those with high bandwidth demands such as online gaming and video streaming. Switching off your camera whilst not speaking can improve your audio connection quality.
- **Avoid any distractions** to yourself or others watching, by locating yourself where you will not be disturbed by pets, children or other family members moving in the background.
- **Sit in a well-lit area** to improve visibility of your on-screen presence.



- **Be aware of your surroundings.** Check what is on display behind you.
- **Remove items containing personal information** including photographs of family or friends from camera view if you can.
- Aim to start Skype and **join the call at least 10 minutes before** the meeting commences. You can check everything is working as it should and mute your microphone.
- **Be prepared well in advance** of the meeting. Ensure you have access to the documents you need and have read the papers before the meeting commences. If you cannot access your papers, contact Committee Services (01784 446240) as early as possible before the meeting. It will not be practical for officers to assist you just before or during the meeting.
- When you first come online, say hello and if it is a big call, give your name, so the organiser and Chairman know you are connected.
- **Avoid informal chat** before a meeting starts formally. Such conversations can be heard by all on the call. After an initial sound and connection check, the Chairman or meeting organiser is likely to mute all microphones initially.
- When the call finishes, always remember to check that the organiser has closed the call and if not, disconnect yourself.
- If you have other topics to discuss with someone in the meeting, don't stay on the call, but close the call and start again.
- **Add an appropriate photograph to your profile** if you do not already have one. On large calls, not everyone may know what you look like and the photograph is a big help in improving communication and identifying attendees.
- **Dress appropriately for the meeting.** Ask yourself the simple question, "Would I wear this to a formal meeting at the Council Offices?"
- Finally, remember that although you may not be speaking you may be visible on-screen to others. **Be conscious of what your body language may imply.**

3 Chairman

3.1 The Chairman is responsible for controlling and running the meeting. Whilst in many respects this will be similar to meetings conducted in person, it will be necessary to adopt new approaches to ensure proceedings are fair and transparent and to that everyone wishing to contribute is capable of being heard.

3.2 It is absolutely imperative, however, that the Chairman controls the flow of the meeting. To achieve this the following hints and tips are suggested:-

- **Avoid informal chat** – As people join a remote online meeting, there can be a tendency for participants to ‘chat’ amongst themselves. Whilst not part of the formal meeting, such conversations can be heard by everyone. This is particularly important before regulatory hearings where such conversations could be seen as familiarity between parties. To assist, the Chairman and Meeting Organisers will have the ability to ‘Mute’ users manually. This can be overridden but allows an opportunity for the Chairman to remind participants of the expectations.
- Starting the meeting with **opening remarks** and laying down some ground rules.
- Invite Committee members to introduce themselves at the start of the meeting and make clear which other members are attending as observers, as well as officers, for the benefit of any public listening to the meeting.
- Similar to hosting a physical meeting when attendees get stuck in traffic, there will be occasions when an individual encounters **a technical issue that cannot be resolved** in time for the start of the meeting. Within a timely manner before the issue causes a distraction, the Chairman should be clear when the meeting should go ahead without the attendee or be postponed/rescheduled.
- Explain **how speaking will be managed** and the expectations for those online. Invite individuals to speak only – do not allow anyone to speak over someone else or for cross conversations.
- Take charge if you need to and **Mute someone speaking** if you feel the need. This can be carried out from the Participants list. Right-click to see options. You can also stop their videos or even remove them from the meeting if required.
- **Manage a speakers list.** Whilst a traditional speakers list by raising a hand will not be possible, there are two possible ways to proceed depending upon the type of meeting.
 - (a) ask anyone wishing to speak to indicate using the Instant Messaging feature. It is suggested that participants requesting to speak (RTS) could simply type



“RTS” in the Instant Message Conversation window. Such requests to speak will appear in the order requested.

- (b) alternatively, the Chairman could ask each participant in turn whether they wish to speak.

For those connecting via the web app or by telephone, the Chairman will need to actively ask if they wish to speak. This is critical to ensure no one leaves the meeting feeling short-changed. This could lead to a legal challenge in a regulatory hearing if any party feels they have not had the opportunity to speak, ask questions or respond during a hearing.

- **People speaking need to be identified.** Where possible this should be controlled through the Chairman, naming individuals every time they are invited to speak, not just the first time.
- **Guide attendees** - if referring to specific documents, clearly state the document and page number.
- **Allow for pauses** – users will need a little time to locate documents and page numbers and to switch their microphone on and off.
- **Do not allow repetitive comments.** Seek new points only.
- **Instant Messaging** - Do not allow the Instant Message facility to be used for matters other than requesting to speak. Any comments posted will be shared to everyone in attendance. Anyone wishing to message someone else should do so in a separate conversation thread.
- **Remote attendance and technical failures** - If at any time during a meeting an individual member’s remote participation fails, the Chairman may call a short adjournment of up to five minutes or so to determine whether the connection can quickly be re-established. If the connection is not restored within that time, the meeting should continue to deal with the business whilst this happens, providing the meeting remains quorate and the public are able to hear.
- The member who has lost connection will be deemed to have left the meeting at the point of failure and re-joined the meeting when the connection is restored. Where this occurs during a regulatory committee, the member who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.
- In the event of any apparent failure of the video, telephone or conferencing connection, the Chairman should immediately determine if the meeting is still quorate:



- if it is, then the business of the meeting will continue; or
 - if there is no quorum, then the meeting will adjourn for a period specified by the Chairman, expected to be no more than ten or fifteen minutes, to allow the connection to be re-established.
- **Voting**
 - Where a vote is required from those in attendance, the Committee Officer will call upon each voting member in turn to ask if they are 'For' or 'Against' the motion or wish to abstain. The Officer will state the result of the vote.
 - Details of how members voted will not be kept or minuted unless a Recorded Vote is called.
 - Where, in the opinion of the Chairman, there is consensus for the motion during a debate, the Chairman may seek to secure such agreement whilst providing an opportunity for any dissenting members to be heard.

4 Committee Members

- 4.1 You should be familiar with the general guidance and good practice principles set out earlier in this document.
- 4.2 It is imperative that the online meeting can be conducted smoothly, and the Chairman is permitted to manage and invite speakers in a controlled manner.
- 4.3 Below are listed some key points for particular reference:-
- Join the meeting promptly to avoid unnecessary interruptions.
 - Mute your mic when you're not talking.
 - If you are having problems hearing or viewing the meeting, try switching off your camera when you're not speaking.
 - Only speak when invited to by the Chair. If you'd like to speak, type "RTS" in the Instant Message Conversation panel and click the send (arrow) button.
 - If you're referring to a specific page or slide, mention the page or slide number.
 - Be mindful of the [Access to Information rules](#) and that where it is necessary to go into Part 2 session that you are in a location where other members of your household are not able to overhear the proceedings.
 - Don't work on other tasks (like emails, browsing the web or answering other phone calls) during the meeting. If you have a mobile phone, switch it off for the duration of the meeting.
 - If at any time you are unable to hear, or be heard, then you will be deemed to have left the meeting and may not be able to participate in a vote on the matter being debated. If this happens to you, you must let the Chairman know immediately you regain connection, so that officers can re-cap the part of the debate you have missed, if appropriate.
 - When a vote is taken by roll-call, ensure your microphone and camera are switched on before answering clearly whether you are 'FOR', 'AGAINST' or wish to 'ABSTAIN' from the vote. These are the only three options that are valid.

5 Other Participants

- 5.1 This section deals with both councillors who are non-committee members and public participants who would normally have a right to speak at Planning and Licensing Committee meetings.
- 5.2 We are keen to provide appropriate and proportionate opportunities for non-committee members to participate in meetings, however, managing a meeting virtually presents additional challenges.
- 5.3 Unless there is a recognised right of a councillor who is not a committee member to speak at a meeting (for example a ward councillor at Planning Committee in connection with an application on the agenda in their ward), the ability of other councillors to speak will not ordinarily be permitted.
- 5.4 All councillors will be sent the Skype meeting invite for all Committee meetings to enable them to 'attend' any meeting whether as a speaker or just an observer.
- 5.5 Any member of the public who has registered to speak at a Planning Committee or Licensing Sub-Committee hearing, will be sent the Skype meeting invite so that they may hear and, where practicable, see the members of the Committee.
- 5.6 These regulatory committees and hearings will separately publish appropriate protocols for public representations at virtual meetings.



6 Other Public Viewers

- 6.1 The Council will make available facilities to hear all meetings which would ordinarily be held in public as a live audio streamed event.
- 6.2 A link to the relevant meeting broadcast will be available from the meeting page on the Council's web site.
- 6.3 The following link displays the current month of scheduled meetings. Click on the relevant date to view the agenda and a link to the broadcast for a specific meeting (<https://democracy.spelthorne.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>)
- 6.4 The recording of the meeting will remain published until the following meeting has taken place.

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PUBLIC SPEAKING AT THE PLANNING COMMITTEE



This leaflet seeks to answer some of the most commonly asked questions about the public speaking procedures and what to expect at the meeting itself.

Planning Committee meetings are ordinarily held every four weeks. Due to the current Coronavirus crisis, meetings will take place virtually via Skype for Business video conferencing software. You will be able to hear the proceedings of the meeting through a live audio stream provided on the [Planning Committee meeting page on the Council's website](#) (You will need to select the relevant meeting date). A 'Call Over' meeting is held at 6.45pm, immediately prior to the start of the Planning Committee, where officers will give the Committee a technical update on any changes since the publishing of the Committee agenda. In order not to miss any of the proceedings of the Committee meeting it is important that you access the meeting at the start of the 'Call Over' meeting.

Q 1) Will I be able to address the Committee on any application?

Public speaking is possible on all planning applications. It does not, however, apply to items which are solely seeking authority to pursue enforcement action, approve tree preservation orders or certificates of lawfulness.

Q 2) Who can make representations to the Committee?

There are two categories of speakers:-

- A person speaking against the planning proposal (either individually or on behalf of others).
- A person speaking in support of the planning proposal (usually either the applicant or an agent/architect on their behalf)

Q 3) Do I need to contact the Council before turning up to speak?

If you wish to make representations to the Committee you should telephone the Council's Committee Section on 01784- 446240 between 9am and 4pm on the Thursday or Friday before the day of the meeting which will take place on the following Wednesday. We will need to know:

- The application on which you wish to speak.
- Your full name, address and telephone number.
- Whether you are in favour or against the application and whether you also represent anyone else.

We will also ask whether we can pass your name and telephone number on to any other caller with a similar point of view in order for views to be co-ordinated. Please note – you cannot register (or assume you have registered) by speaking to any person other than the Council's Committee Section. Even speaking to the planning officer will not suffice.

You are required to **provide a written statement** of the points you wish to put forward to the Planning Committee. This must be a maximum of **three** minutes long.

You must provide this statement **by noon on the day before the Planning Committee meeting** to the Committee Manager by sending it to committee.services@spelthorne.gov.uk. The statement will be read out by the Committee Manager at the Planning Committee meeting. If you do not have access to the internet, or you fail to email your statement by the deadline and have sent a letter on the planning application by post, this letter will be read out at the meeting.

You will be sent an invitation to join the virtual meeting using the Skype for Business application, by email. If you have the application installed on your PC/laptop/mobile device, you will be able to both hear and see the councillors (where practicable) at the meeting of the Planning Committee. If you are not able to access the meeting using Skype for Business you will still be able to hear the proceedings by accessing the live audio stream provided on the [Planning Committee meeting page on the Council's website](#) (You will need to

select the relevant meeting date).

Q 4) What if somebody has already registered to speak?

Our procedures allow for ONE person to speak in support of the application and ONE against. Requests to speak are dealt with on a “first come first served” basis. Therefore if someone has already asked to speak, for example against the application and you wish to do likewise, you will not be able to do so.

However, provided the person who first registered to speak gives their consent, we may be able to put you in touch with them in order that your arguments/comments can be combined.

Q 5) How long will I get to put my case?

The person speaking for or against the application will have their statement read out at the meeting by the Committee Manager. Each statement will be allocated a maximum of three minutes. In the interests of the efficient running of the meeting this time will be strictly followed.

Q 6) Can I circulate photographs or other material at the meeting?

Material can be sent direct to individual councillors before the meeting and should also be copied to the Planning Development Management section.

Q 7) What issues should I cover in my three minutes?

The Committee can only determine applications on planning grounds, therefore your case should only relate to planning issues including:

- Policies in the Development Plan and Government Guidance.
- Design, appearance, layout.
- Highway safety and traffic.
- Loss of light/amenity and overlooking.
- Noise, disturbance, smell.
- Conservation of buildings, trees, etc.

The Committee is not permitted to take into account matters such as:

- Private property rights/boundary disputes.
- Feelings towards neighbours.
- Loss of view or loss of property values.
- The developer’s morals or motives.

Q 8) What will happen at the “Call Over” (technical update) meeting

A “Call Over” meeting will be held at 6.45 pm, immediately prior to the Planning Committee meeting, 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 or any other procedural issues which, in the opinion of the Chairman, ought to be dealt with in advance of the meeting.

Q 9) What will happen at the Planning Committee meeting?

Please make sure you access the meeting at the start of the "Call Over" meeting at 6.45 pm. The Planning Committee meeting will start immediately upon the conclusion of the 'Call Over' meeting. When the application on which you wish to speak has been called by the Chairman, the following protocol will be followed:

- On items where there is public speaking, the Planning Officer will be asked to present the plans to the Committee.
- The Chairman will call upon the Committee Manager to read out the statement representing all objectors.
- The Chairman will call upon the Committee Manager to read out the statement representing all supporters.
- Any non-Planning Committee ward councillor will make representations to the Committee for a maximum of three minutes on cases affecting his/her Ward.
- The Planning Officer will then comment on any factual matters raised by the speakers.
- The Committee will then debate the application/ask questions of officers and reach a decision.
- The Chairman has discretion to allow members of the Committee to raise points of clarification with the developer to resolve factual issues. Where the Chairman allows this, he may ask the objectors to comment on the further information, in the interests of equality.
- The Committee will make a decision, usually by a formal vote and the Chairman will announce the decision which has been made so that it may be formally minuted.

In the event of any dispute over these procedures or protocol the Chairman's decision is final.

For further assistance please contact the Council on 01784 446240 or your ward councillor (details available from the Council or via our website www.spelthorne.gov.uk)

**Minutes of the Planning Committee
4 March 2020**

Present:

Councillor R.A. Smith-Ainsley (Chairman)

Councillors:

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

In Attendance: Cllr C.L. Bateson

74/20 Minutes

The minutes of the meeting held on 5 February 2020 were approved as a correct record.

75/20 Disclosures of Interest

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

Councillor R.W. Sider BEM declared a conflict of interest in relation to application 19/01710/RVC because he knew the objectors and lives in Walton Lane and as such decided that he may be perceived as being biased in determining this planning application. He would leave the meeting for consideration of this item.

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

The Chairman, Councillor R.A. Smith-Ainsley declared on behalf of all Committee members that applications 19/01699/HOU and 19/01496/FUL were made by a member of Council staff and the Council itself, respectively.

Councillors R.A. Smith-Ainsley and V. Siva reported that they had received correspondence in relation to application 18/01143/FUL but had maintained an impartial role, had not expressed any views and had kept an open mind.

76/20 Planning Application No. 19/01044/FUL - Car park to rear of

Tesco, Ashford Hospital, London Road, Ashford, TW15 3AA

This application was withdrawn by the applicant before the meeting.

77/20 Planning Application No. 18/01143/FUL - Open field and lake, west of Nutty Lane and south of New Road, Shepperton, TW17 0RQ

Description:

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.

Additional Information:

The Planning Development Manager advised the Committee of the following:

An amended site location plan showing a reduced application site area had been circulated to all committee members.

A late letter of objection was received from Spelthorne Natural History Society raising a number of issues, many of which are covered in the planning committee report. The additional issue relates to green belt concerns.

Additional condition

A floating safety barrier marking the extent of the application site on the lake shall be maintained at all times between 1st April and 31st August annually and between 1st September and 31st March this barrier shall be removed from the lake.

Reason:- To accord with the terms of the planning application 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).

Public Speaking:

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

- Will be a benefit to the natural environment
- Will help to improve leisure activity and to increase health and fitness
- The use supports many schools
- Improvements to the River Ash have already taken place
- Less than 10% of the lake's bank will be used
- Bridges have been added to prevent damage to the bank

Debate:

During the debate the following key points were made:

- Queries over water supply, foul waste disposal
- Queries over possible use of the site for motorised sports
- Concerns over safety of the children in water
- Impact on the green belt
- Concern over ecological impact
- Traffic and pollution
- An informative asking the applicant to give consideration to providing a disabled W.C. on site.
- Concerns over contamination of water in lake
- Activity will act as guardian for wildlife on site

Decision:

The application was **approved** subject to conditions as per the officer report and the following additional condition and informative:

Additional condition

A floating safety barrier marking the extent of the application site on the lake shall be maintained at all times between 1st April and 31st August annually and between 1st September and 31st March this barrier shall be removed from the lake.

Reason:- To accord with the terms of the planning application 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).

Additional informative

The applicant is advised to consider the provision of disabled toilet facilities within the site.

NB: Such provision would require planning permission.

78/20 Planning Application Nos. 19/01710/RVC and 19/01709/LBC - Dunally Lodge, Walton Lane, Shepperton, TW17 8LQ

Councillor R.W. Sider BEM left the meeting room for the consideration of this item.

Description:

Relaxation of Condition 3 of Planning Permission 19/00478/HOU And Listed Building Consent 19/01709/LBC to raise the front boundary wall by 0.8m.

Additional Information:

The Planning Development Manager advised the Committee of some amendments to Paragraph 3.2, page 89 of the Report:

- The approved orangery would have protruded approximately 1.5 metres higher than the boundary wall instead of 1.4 metres.

- The approved height of the orangery is 3.6 metres instead of 3.5 metres.
- The height of the boundary wall will be increased by 0.9 metres instead of 0.8 metres. The description of the proposal should be amended to reflect this.

Public Speaking:

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

- Loss of decorative cornice which was included in the approved scheme.
- Amendments seek to save costs
- Causes harm to heritage asset
- There is no need for the changes to take place
- Out of keeping with the locality
- Contrary to NPPF

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

- Only part of the wall will be increased in height
- A "swan neck" feature is proposed to soften the impact where the change in the height of the wall occurs
- Integrity of structure is maintained
- Happy to agree to a condition to keep historic texture of the vertical header
- There has been extensive dialogue with council planning officers

Debate:

During the debate the following key issues were raised:

- Concern over the proposed increase in the height of the wall
- Adverse impact on the view of the listed building
- A condition should be imposed requiring the existing vertical header detailing of the wall capping to be retained and incorporated into the raising of the boundary wall.
- Complies with NPPF

Decision:

Both applications, 19/01710/RVC and 19/01709/LBC were **approved** subject to conditions as per the officer report and the following additional condition:

"The existing vertical header detailing of the wall capping shall be retained and incorporated into the raising of the boundary wall hereby approved.

Reason: In the interest of the character and appearance of the listed historic boundary wall in accordance with policies SP6, EN1, EN5 and EN6 of the Spelthorne Borough Core Strategy and Policies Development plan Document 2009 and the National Planning Policy Framework 2019."

79/20 Planning Application No. 19/01699/HOU - 41 Windsor Road, Sunbury on Thames

Councillor N. Gething left the meeting before this item was considered.

Description:

Erection of a single storey side and rear extension.

Additional Information:

The Planning Development Manager advised the Committee of an amendment to the ward (page 103 of the agenda) which was Sunbury Common and not Ashford Town.

Public Speaking:

There was none.

Debate:

During the debate the following key issues were raised:

- The scheme has been reduced to avoid an adverse impact on the neighbouring property.

Decision:

The application was approved subject to conditions as per the officer report.

80/20 Planning Application No. 19/01496/FUL - Riverside Memorial Gardens, Thames Street, Staines upon Thames

Description:

Installation of a steel jetty with hardwood decking to provide a passenger boat landing stage together with the installation of piles.

Additional Information:

There was none.

Public Speaking:

There was none.

Debate:

During the debate the following key issues were raised:

- Will be a good facility for the borough
- Will open up the use of the River Thames
- Concern over the design
- The design is constrained by the finance available
- Hydro power should be incorporated into the scheme

Decision:

The application was approved subject to conditions as per the officer report.

81/20 Urgent Items

There were none.

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Planning Committee

29 April 2020



Application No.	20/00101/FUL
Site Address	Poundland, 95 - 99 High Street, Staines-upon-Thames, TW18 4PQ
Applicant	Mr T Smith
Proposal	Provision of nine new flats and ground floor extension to existing retail unit to rear of site. Erection of 4 no. additional storeys towards rear of site, to provide 7 no. flats. Conversion of first floor and roof of existing 2 storey building to front of site to provide 2 no. flats. Creation of raised communal landscaped areas at first floor. Erection of first floor access lobby to residential accommodation.
Ward	Staines
Call in details	N/A
Officer	Kelly Walker/Susanna Angell

Application Dates	Valid: 04/02/2020	Expiry: 31/03/2020	Target: Extension of time agreed
Executive Summary	<p>This planning application is for nine new flats in total and extension to the ground floor retail use at the rear. It is proposed to erect 4 no. additional storeys towards the rear of site to provide 7 no. flats. Conversion of first floor and roof of existing 2 storey building to front of site to provide 2 no. flats. Creation of raised communal landscaped areas at first floor. Erection of first floor access lobby to residential accommodation.</p> <p>The scheme is considered to be an acceptable form of development which will continue to provide retail use at ground floor and residential above in a sustainable town centre location. Although taller than many of the buildings adjoining it, the proposal is considered not to be of detriment to the character of the surrounding area and is acceptable on design grounds. It will be an efficient use of previously developed land providing a good standard of residential accommodation. It is also considered to conform to policies on parking provision, flooding, renewable energy and contaminated land.</p>		
Recommended Decision	This planning application is recommended for approval subject to conditions.		

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:

- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

1.2 Also relevant are the following Supplementary Planning Documents/Guidance:

- SPD on Design of Residential Extensions and New Residential Development 2011
- SPG on Parking Standards

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

2. Relevant Planning History

10/00133/FUL	Erection of new shop front.	Granted 13.04.2010
04/00046/ADV	Display of illuminated advertisements	Granted 09.03.2004
99/00071/FUL	Erection of new shopfront.	Granted 08.04.1999

PLAN N/FUL/75/412	Alterations to existing front elevation including a new shopfront.	Granted 09.06.1975
PLAN N/FUL/75/852	Installation of new shop front, and erection of a brick built enclosure for a generator and erection of a small covered area to an unloading bay at the rear of these premises.	Granted 15.12.1975

3. Site Description

- 3.1 The application site is a rectangular shaped plot with a small frontage onto the High Street in Staines-upon-Thames and extending back deep into the site. It is occupied by a 2 storey traditional style building with a pitched roof at the front of the site and a single storey element behind. There is also a small court yard at the rear. The site is currently in a retail use with the property being occupied by Poundland. The site is located within Staines Town centre, within the shopping, commercial and employment zones, within the 1 in 1000 flood zone and also within a site of high archaeological potential.
- 3.2 The immediate area is characterised by relatively low level buildings, including the large mass of the Elmsleigh shopping centre building, taking up a vast area of the land to the south and west of the application site, and indeed the other properties forming the street frontage to the pedestrianised High Street. These are mainly 2/3 storeys on the street frontage, with a variety of designs and features. This includes the 3 storey unique locally listed building to the south west at no. 91-93 High Street, located across the cobbled pedestrian access way. Further to the west is the entrance to the Elmsleigh centre which is a more modern built form with glazing and of a 2 storey scale. Directly opposite on the other side of the High Street are other buildings in a similar use and scale to the majority of others along the High Street. To the eastern end of the High Street on the opposite side of the High Street is a recent hotel development at the Premier Inn which has a taller presence on this prominent corner. Beyond this, to the north east, on the other side of the iron railway bridge, is the current development site of Charter Square, which has a variety of heights stepping up to a maximum of 12/13 stories, with commercial uses at ground level and residential units above. South Street is located to the east and curves around the other side of the shopping centre.

Description of Proposal

- 3.3 The proposal involves the creation of 9 new flats in total, (8 no. 2 bed and 1 no. 1 bed.) The application seeks a ground floor extension to the existing retail unit to the rear of the site and the erection of 4 no. additional storeys towards the rear of the site, to provide 7 no. flats. In addition, it involves the conversion of the first floor and roof of the existing 2 storey building to the front of the site to provide 2 no. flats over 2 floors. The proposal also includes the creation of raised communal landscaped areas at first floor level and the erection of a first floor access lobby to the proposed residential accommodation

- 3.4 The existing building consists of a 2 storey building with a pitched roof fronting the High Street, with a large single storey element behind with a small yard area at the back of the site. The property is currently in a retail use and is occupied by Poundland with the shop at the front and ancillary space behind. The proposal consists of the conversion of the first and second floor (within the roof space) of the main 2 storey building fronting the High Street to a residential use. It will result in 2 no. 2 bedroomed units over 2 floors with the installation of 2 rear facing dormers.
- 3.5 The proposal also includes a ground floor rear extension to create an infill to the courtyard area at the back of the site, which the Elmsleigh Centre building currently wraps around. The ground floor and the new proposed extension to it will continue to have an A1 commercial use and an active frontage to the High Street. Above this ground floor, but set back from the High Street frontage by some 30.8m, will be a 4 storey extension (on top of the existing ground floor and proposed rear extension) which will provide 7 no. residential flats. There will be a new pedestrian entrance on the ground floor to access the proposed flats which are all above ground level. This access will be from the existing pedestrian walkway located on the western side of the property, accessed via the High Street only. The proposal will also include a lobby area on the first floor to provide access to all the proposed flats and the raised garden areas, which will be located in front of and behind the proposed 4 storey block.
- 3.6 The proposed new extension on top of the existing and partly on top of the proposed rear extension, will be an additional 4 stories. It will be set back some 30.8m from the High Street frontage and will be adjacent to the western boundary with the pedestrian access way. The facing external materials will be blended brick of various colours including grey and brown, with regular window openings to give rhythm to the front and rear elevation. The top floor will be set back a further 0.5m from the front and side elevations and will contain different features/materials in order to appear less prominent. It will have aluminium cladding as a contrast and to appear more lightweight. The proposal will result in a 5 storey built form, which is set back some distance from the main street frontage.
- 3.7 Internal bin storage and cycle parking areas for the residential units will be provided within the building at ground level, accessed from the side pedestrian access. In addition the commercial rubbish will continue to be stored at the end of the cobbled access way. Given the location of the site, with its only access along the pedestrianised High Street, no parking provision will be provided.
- 3.8 The proposed site layout and elevation plans are provided as an Appendix.

4 Consultations

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

Consultee	Comment
County Highway Authority	No objection subject to conditions

Group Head of Neighbourhood Services (refuse)	No objection subject to a condition for a waste management plan to be imposed.
Conservation Officer	No objection on the impact of the setting of the adjacent locally listed building
Sustainability Officer	No objection
Crime Prevention Officer	No objection. Makes a number of detailed security related comments to enable the Secure by Design award to be achieved. (Officer note: these can be dealt with as an informative)
Tree Officer	No objection.
Thames Water	No objection
SCC Archaeological Officer	No objection subject to a condition
Environmental Health Officer (contaminated land)	No objection subject to conditions.
SCAN Officer (Spelthorne Committee for Access Now)	Raises concerns that access to this car free scheme is via a cobbled lane which makes the flats inaccessible to disabled people and wheelchair users, despite there being lifts.

5. Public Consultation

- 5.1 A total of 8 neighbouring properties were notified of the planning application. 1 letter has been received from Staines Town Society noting that they object to the proposed block being too tall and that the 4 storeys in height is out of character and that it should be 3 storeys.

6. Planning Issues

- Principle of the development
- Housing density
- Design and appearance.
- Residential amenity
- Highway issues
- Parking provision
- Flooding
- Renewable energy
- Dwelling mix

7. Planning Considerations

Need for housing

- 7.1 When considering planning applications for housing, local planning authorities should have regard to the government's requirement that they boost significantly the supply of housing, and meet the full objectively assessed

need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF).

- 7.2 The Council has embarked on a review of its Local Plan and accepts that the housing target in its Core Strategy and Policies DPD-Feb 2009 of 166 dwellings per annum is significantly short of its latest objectively assessed need of 552-757 dwellings per annum (Para 10.42 – Strategic Housing Market Assessment (SHMA) – Runnymede and Spelthorne – Nov 2015). On 20th February 2019, the government updated its guidance in respect of Housing and Economic needs assessment which included proposals for a standard method for calculating local authorities' housing need. A figure of 590 dwellings per annum for Spelthorne was proposed by the application of this new approach. This figure of 590 based on the 2014 household formation projections has also been suggested by the Government in its latest consultation (Oct – Dec 2018). Following recent analysis, the figure has been revised to 603. Despite recent uncertainties, the standard methodology provides the most recent calculation of local housing need in the Borough and is consistent with the range of need identified by the Council in their SHMA. It is therefore appropriate for the Council to use the 603 dwellings per annum figure as their local housing need figure that comprises the basis for calculating the five-year supply of deliverable sites.
- 7.3 The sites identified in the Strategic Land Availability Assessment (SLAA) as being deliverable within the first five years have been used as the basis for a revised 5-year housing land supply figure. Whilst this has shown that notionally we have identified sufficient sites to demonstrate that we have a five year supply of housing sites we have recently been advised that we need to apply an additional 20% buffer rather than the previously used 5%. This is because Government guidance (NPPF para 74) requires the application of a 20% buffer “where there has been significant under delivery of housing over the previous three years”. It therefore has no choice now but to apply the additional buffer for the five year period from 1 April 2019 to 31 March 2024. A 20% buffer applied to 603 results in a figure of 724 dwellings per annum which is our current figures. The effect of this increased requirement is that the identified sites only represent a 4.4 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites.
- 7.4 In using the new objectively assessed need figure of 724 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review, the Borough's housing supply will be assessed in light of the Borough's constraints, which will be used to consider options for meeting need. The Council has now published its SLAA which identifies potential sites for future housing development over the plan period.
- 7.5 As a result, current decisions on planning applications for housing development need to be based on the ‘tilted balance’ approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless *‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole’*.

- 7.6 It should also be noted that The Housing Delivery Test Result for Spelthorne Borough Council was published by the Secretary of State in February 2020, with a score of 60% compared with 63% last year. This means that the Council had undelivered housing delivery verses 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 and the plan will be updated in response to the 2020 test results

Principle of the development

- 7.7 As noted above, Policy HO1 of the Local Plan is concerned with new housing development in the Borough. HO1 (c) encourages housing development on all sustainable sites, taking into account policy objectives and HO1 (g) states that this should be done by:

“Ensuring effective use is made of urban land for housing by applying Policy HO5 on density of development and opposing proposals that would impede development of suitable sites for housing.”

- 7.8 This is also reflected in the NPPF which emphasises the need for the effective use of land in meeting the need for homes, whilst safeguarding the environment and provides further relevant context in respect of achieving appropriate densities.

- 7.9 The site is located within the urban area and is a brownfield site within an accessible town centre location, close to many local facilities and public transport links, including the bus station and railway station. It is also not located within the Green Belt or high flood risk area. The area is characterised by commercial use on the ground floor with other commercial uses and residential units above. As such the retention of the retail use at ground floor with an active frontage on the High Street, along with residential units above would be an acceptable use of the site in principle and reflects that of neighbouring properties in this town centre location.

Housing density

- 7.10 Policy HO5 in the Core Strategy Policies DPD 2009 (CS & P DPD) sets out density ranges for particular context but prefaces this at paragraph 6:25 by stating:

“Making efficient use of potential housing land is an important aspect in ensuring housing delivery. Higher densities mean more units can be provided on housing land but a balance needs to be struck to ensure the character of areas is not damaged by over-development.”

- 7.11 Policy HO5 (d) states that within Staines Town Centre development should generally be at or above 75 dwellings per hectare but does note that that this is subject to design. .
- 7.12 The proposal involves the creation of 9 units within the site of some 0.20 ha. and the proposed density is 45 dwellings per hectare (dph). Although this is a relatively low density for a town centre location, given the design constraints,

with the set back from the street frontage and restriction on height, along with the fact that there will also be a large commercial unit on the ground floor, it is considered that the density is acceptable in this instance and accords with Policy HO5 and is acceptable.

Design and appearance

- 7.13 The NPPF paras. 124 – 132 emphasise the requirement of achieving well-designed places. It notes that, *‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’* In addition the National Design Guide, October 2019 requires development to create “well-designed places” as “places affect us all – they are where we live, work and spend our leisure time”.
- 7.14 Policy EN1a of the CS & P DPD states that *“the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.”*
- 7.15 The existing building on the application site is typical of others in the immediate vicinity of the site. The adjoining sites containing relatively low level buildings, including the large single storey Elmsleigh centre to the south and west of the application site, and indeed the other properties forming the street frontage to the pedestrianised High Street. These are mainly 2/3 storeys on the street frontage, with a variety of designs and features including the unique locally listed to the south west at no. 91-93 High Street, located across the cobbled pedestrian access way. Directly opposite on the other side of the High Street are other buildings in a similar use and scale to the majority of others along the High Street. To the eastern end of the High street on the opposite side of the High Street is a recent hotel development at the Premier Inn which has a taller presence on this prominent corner of 4/5 stories. Beyond this to the north east is the current development site of Charter Square, which has a variety of heights stepping up to a maximum of 12/13 stories, with commercial uses at ground level and residential units above.
- 7.16 The existing building consists of a traditional style 2 storey building with a low level pitched roof fronting the High Street, with a large single storey element to the rear. There is a courtyard garden beyond and the building is in a retail use and currently occupied by Poundland. The proposal consists of the conversion of the first and second floor (within the roof space) of the main 2 storey building fronting the High Street to residential use. It will result in 2 no. 2 bedroomed units over 2 floors with the provision of 2 no. well designed and proportioned rear facing dormers. This will result in the building at the front remaining very much how it currently is, except for the installation of some roof lights, and will be in keeping with the character fo the area.
- 7.17 The proposal also includes a ground floor rear extension to fill in the courtyard area at the back of the site, which the Elmsleigh Centre building currently wraps around. The ground floor, along with the new proposed extension to it

will continue to have a commercial use and an active frontage to the High Street. Above this ground floor, but set back from the High Street frontage by over 30m, will be a 4 storey extension (on top of the existing ground floor) which will provide 7 no. residential flats. There will be a new pedestrian entrance on the ground floor to access the flats which will all be above ground level. This access will be from the existing pedestrian walkway access on the western side of the property. The proposal will also provide a lobby area on the first floor (which includes a light weight dormer style addition) to provide access to all of the proposed flats and the raised garden areas to be located in front of and behind the proposed 4 storey block.

- 7.18 The proposed new extension on top of the existing will be an additional 4 stories. As noted previously, it will be set back some 30.8m from the High Street frontage and some 21m from the back of the existing 2 storey building fronting the site. It will be some 17m in depth and 12.4 m wide at the front, reducing in width as the site narrows, to 10.8 m in width at the rear. The built form will be adjacent to the western boundary with the pedestrian access way and set in some 1.7m from the eastern boundary, with 15m distance to the rear of the site. The facing materials will be blended brick of various colours including grey and brown, to provide variety, with regular window openings to give rhythm to the front and rear elevations. The top floor will be set back a further 0.5m from the front and side elevations. It will have a different finish to that below in order to have a contrast, it will have aluminium cladding appearing more lightweight and less prominent.
- 7.19 The proposal will result in a 5 storey built form, which will be set back over 30m from the main street frontage. As such it will not be visible from the High Street to a pedestrian standing in front of the application site because the set-back is a significant distance and the buildings at the front of the site will restrict views of the built form behind at eye level. This is despite the height of that proposed being taller than the buildings around it. There will be some views of the building from the pedestrian access to the side, but due to the set back from the High Street frontage it will not appear visually obtrusive or of detriment to the street scene. In addition, there will be very limited longer range views of the built form, including from the east along South Street, further along the High Street to the west and to the south west from Thames Street and the Riverside Car Park. This is because the application site is surrounded by existing buildings (including the low level Elmsleigh centre) which restrict the distance at which the development will be visible and therefore limits views from close up. From longer distance viewpoints, the top of the building will be visible but this would be from relatively long distances and such it would not appear unduly prominent. As such it is considered the proposed built form, although taller than the buildings neighbouring it, will not appear visually obtrusive, or out of keeping with the locality and it would not result in a negative impact on the street scene of the High Street. As such the proposal within this town centre location is considered to be acceptable on design grounds.
- 7.20 The residential use above the commercial use at ground floor level would be compatible with the characteristic of the area which has a variety of commercial uses at ground level and some commercial uses and residential uses above.

- 7.21 The adjacent property to the south west, across the pedestrian access path is a locally listed building. As such the applicants submitted a Heritage Statement and the Council's Conservation and Listed Buildings Officer has been consulted. He commented that, *'...The conversion of the current frontage building to residential use will pose no problems as the only change to the street elevation would be two roof windows. If these were of the flush fitting type this would minimise the impact on the roof finish. There is a locally listed building to the right of the application site but this would not be affected in any way. This part of the street which is not in a conservation area, displays a wide variety of building types and scales, the buildings to the left being of a larger scale and bulk. The sections show that the four storey residential proposals at the far end of the site will not be visible from eye level in the High Street. Taking account of the mixed scale of the High Street facades I think confining the higher part of the proposals to the rear of the site, as proposed, is the best option.'* The Design Officer confirms that he raises no objection to the scheme noting that, *'...I would not oppose this scheme on conservation, heritage or urban design terms.'* As such the proposal would not affect the setting of the adjacent locally listed building and accords with Policy EN5.
- 7.22 It is concluded that the scale and design of the proposed development is considered not to be of detriment to the character of the area or the street scene and is considered to be acceptable in this particular location conforming to Policy EN1 and the NPPF.

Impact on neighbouring residential properties

- 7.23 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."

- 7.24 The Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) sets out policies requirements in order to ensure this is met.
- 7.25 The Design SPD sets out minimum separation distances for development to ensure that proposals do not create unacceptable levels of loss of light, be overbearing or cause loss of privacy or outlook. These are set as a minimum for 2 storey development of 10.5m for back to boundary distance and 21m for back to back development. Three storey development has a back to boundary distance of 15m and back to back distance of 30m. There is also a minimum distance for back to flank elevations of 13.5m (2 storey) and 21m (3 storey).
- 7.26 The proposal is for 4 storeys on top of the existing and there is not a minimum separation distance for back to front relationships. The proposed 4 storey block is set back 21m from the rear of the existing 2 storey building to be converted to flats at the front of the application site, which will ensure there is an acceptable relationship between the 2 sets of proposed flats. This separation distance will ensure that there will not be a significant impact on the amenity on the future occupants of the proposed flats.

- 7.24 The closest neighbouring property with windows in elevations facing in the direction of the application site are those at the adjacent locally listed building to the west at 91 and 93 High Street. These properties have windows in the rear elevation of the 3 storey front element of the building, at first and second floor level. The planning history shows that this has had a residential use in the past, above the commercial ground floor use. The distance between the front of the proposed block and the rear of this part of the building located at the front of the site, which is approx. 20m, there is a gap between the buildings where the pedestrian footpath is, and the proposed block will not be located directly behind this property. Therefore it is considered that the relationship will be acceptable and will not lead to a significant loss of amenity to any occupants. In addition, the applicant has carried out a daylight and sunlight assessment of the impact on neighbouring buildings, including this one. This has concluded that the proposal would result in an acceptable level of light to existing neighbouring properties and that there would be no significant impact as a result of the proposal. The building to the front of the application site to be converted, is already in existence. Roof lights are to be located in the roof slope and will not cause a loss of privacy issues. The relationship with other neighbouring properties is also considered to be acceptable including the one adjoining the site to the east.
- 7.25 The proposal is considered to have an acceptable relationship with and therefore impact on the amenity of existing and proposed neighbouring residential properties, conforming to the SPD and Policy EN1.

Housing size and type

- 7.26 Policy HO4 of the CS & P DPD requires 80% of the units to be one or two bed. Since submission of the application, the mix of the size of the units has been amended. The proposed scheme is for 9 units of which 8 will be 2 bedroom units and the remaining flat on the top floor, will be 3 bed. This equates to approximately 89% of the units being of a smaller size and is acceptable and conforms to policy.

Amenity Space

- 7.27 The Council's SPD on Residential Extension and New Residential Development 2011 provides general guidance on minimum garden sizes (Table 2 and paragraph 3.30). In the case of flats it requires 35 sqm per unit for the first 5 units, 10 sqm for the next 5 units and 5 sqm per unit thereafter. This would equate to some 175 sq m for the 9 flats. The proposal provides approx. 360 sq m of amenity space within the raised garden areas which are for the use by its future occupants, providing useful amenity space for the proposed residential units. In addition each of the units will have their own balcony or generously sized private terrace area. As such the amenity space provision is acceptable, in particular in this town centre location where space is at a premium. The Council's Tree Officer has been consulted and he welcomes the effective and innovative use of space. The garden areas are considered to be a great benefit to the amenity of future occupants at the site, in a location where you would not expect to find such useable outside space.

Proposed dwelling sizes

- 7.28 The SPD on the Design of Residential Extensions and New Residential Development 2011 sets out minimum floorspace standards for new dwellings.

These standards relate to single storey dwellings including flats, as well as to 2 and 3 storey houses. For example, the minimum standard for a 1-bedroom flat for 2 people is 50 sqm.

- 7.29 The Government has since published national minimum dwelling size standards in their “*Technical Housing Standards – nationally described space standard*” document dated March 2015. These largely reflect the London Housing Design Guide on which the Spelthorne standards are also based. The standards are arranged in a similar manner to those in the SPD and includes minimum sizes for studio flats. This national document must be given substantial weight in consideration of the current application in that it adds this additional category of small dwellings not included in the Council’s Standards.
- 7.30 The proposed dwelling sizes comply with the minimum standards stipulated in the national technical housing standards and the SPD and some exceed them. The proposed units in the block will have dual aspect with windows in the side and front or rear. As such some windows which will be in close proximity to the neighbouring buildings on the lower level will have a good outlook in another direction. The provision of private balconies/terraces as well as communal landscaped area are also beneficial. Therefore, it is considered that their standard of overall amenity will to be acceptable.

Highway and parking provision

- 7.31 Policy CC2 of the CS & P DPD states that:

“The Council will seek to secure more sustainable travel patterns by: ... (d) 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; and (v) highway safety.”

- 7.32 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.
- 7.33 The Councils Parking Standard stipulates a minimum provision of 15.25 spaces in total for a scheme of this size, rounded up to 16 spaces. The proposal provides no parking spaces given its town centre location along the pedestrianised high street notwithstanding the fact that vehicular access is not possible, there is also a lack of available space on the site.
- 7.34 However the Council parking policy notes that a reduction of parking requirement will normally be allowed in certain situations such as within the boroughs 4 town centres where distance from public transport, frequency and quality of train and bus service, availability of pedestrian and cycle routes and range and quality of facilities is supportive of residential development. It specifically refers to residential conversions where there is limited off street parking opportunities e.g. floors of accommodation above shops. As such, this scheme is in the Staines Town Centre and relates to residential accommodation above shops, and is a location where the policy would allow a

reduction in car parking provision. The proposal will provide secure cycle parking provision and given the location the proposal is considered to be acceptable.

- 7.35 The County Highway Authority (CHA) was consulted on the planning application and has raised no objection to the proposed parking provision subject to conditions. As such it is considered that the scheme is acceptable in terms of policies CC2 and CC3 on highway and parking issues. Given the nature of the proposal and the site's location within the High Street, it is considered that an objection could not be sustained on parking grounds.

Flooding

- 7.36 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by not requiring all development proposal within Zones 3a and 3b and development outside the area (Zone 1) on sites of 0.5ha or of 10 dwellings or 1000sqm of non-residential development or more, to be supported by an appropriate Flood Risk Assessment (FRA).
- 7.37 The site is located mainly within Flood Zone 2, which has a low probability of flooding. The applicant has submitted a Flood Risk Assessment and notes that all new accommodation is located above ground level.
- 7.38 In terms of flood risk, given the site is located outside of the high flood risk area and as displayed in the FRA there is no risk to the future occupants of the site from flooding. Therefore the application complies with the requirements of Policy LO1 of the CS & P DPD.

Renewable Energy

- 7.39 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 sqm 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.
- 7.40 The applicant has submitted a renewable energy statement which considers various renewable energy options for the site. The report concludes that the proposed development can provide 13 no. solar photovoltaics located on the roof of the proposed built form, and confirms that a total energy reduction of at least 10% can be achieved. The Council's Sustainability Officer has been consulted and raises no objection. Accordingly, the renewable energy proposals are acceptable and would be subject to a condition.

Contaminated Land

- 7.41 The proposal introduces new residential development onto the site and which has an existing commercial use at ground level. The Council's Pollution Control Officer has raised no objection but requested standard conditions. Subject to these conditions, the proposal is considered acceptable on contaminated land grounds.

Refuse Storage and Collection

- 7.42 The layout of the site provides internal bin storage areas for the residential units at ground level, accessed from the side pedestrian access and easily accessible by residents. The applicant notes that this will be privately collected and currently it does not meet the Councils standard provision for this number of units. In addition the commercial rubbish will continue to be stored at the end of the cobbled access way and will also continue to be privately collected.
- 7.43 The Council's Head of Street Scene has raised no objection to the arrangement provided a condition for a waste collection strategy is imposed so that a strategy is submitted with specific details set out and agreed. As such the condition will also need to require further bin storage provision if Spelthorne Borough Council, for whatever reason, are required to collect the refuse from the site at some point in the future. Furthermore, the County Highway Authority has raised no objection on this particular issue. Accordingly, the proposed refuse storage and collection facilities are acceptable.

Archaeology

- 7.44 The application site is partially within an Area of High Archaeological Potential. The Council has therefore consulted the SCC Archaeologist on the proposal, who requested an Archaeological assessment to be submitted with the application. This was subsequently submitted. The County Archaeologist considers the Assessment is acceptable and highlights the site's potential for containing archaeological assets, in particular relating to the Roman, medieval and post-medieval periods. Given the likely degree of previous ground disturbance within the site and the restricted access, he agrees with the assessment's recommendation that a watching brief be conducted during the groundworks associated with the development. He has therefore recommended that a condition be attached requiring a Written Scheme of Investigation, detailing the scope and methodology of the watching brief before any groundworks commence. This will be attached to the permission and the proposal will be acceptable in regards to archaeology.

Crime and Design

- 7.45 With regard to the Crime Prevention Officer's comments, it is not considered appropriate to impose a condition, as requested, relating to "Secured by Design". Many of the requirements are very detailed (e.g. standards of windows, doors and locks), elements which are not normally covered and enforced under the planning regulations. It is recommended that this can be brought to the attention of the applicant by adding an informative.

Disabilities and Equality Act

- 7.46 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:

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.

- 7.47 It is noted that despite the comments from SCAN regarding the cobbled access being difficult for wheelchair users to access the site, this is already in existence and it would be unreasonable for the Council to require this to be changed, in addition the existing cobbled surface is an attractive feature. It should also be noted that there are lifts to access all of the proposed flats, which are all above ground level.
- 7.48 The applicant notes that the new flats will comply with an extensive set of internal design standards to promote high quality and flexible living and life time home design criteria, they also to note that they will meet the Part M (1) of building regulations to provide homes that are capable of being adapted for wheelchair use.

Human Rights Act 1998

- 7.49 This planning application has been considered against the provisions of the Human Rights Act 1998. 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. 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.
- 7.50 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

- 7.51 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. In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development. It will generate a CIL Payment in relation to the net additional gross floor space. This amounts to a CIL payment based on £120 per square metre for new residential floor space and is a material consideration in the

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

Conclusion

- 7.52 The proposal is considered to be an acceptable form of development providing much needed housing in a sustainable location on a brownfield site. It is considered to be acceptable on design grounds and have an acceptable impact on the amenity of neighbouring properties and provide an efficient use of land for housing. As such the application is recommended for approval.
- 7.53 In addition, the NPPF requires permission for housing to be granted unless the impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. This is the “tilted balance” which applies to Spelthorne in view of the fact there is not a five year housing land supply. This weighs heavily in favour of the scheme given its town centre location. As such it is not considered that harm would be caused that would significantly and demonstrably outweigh the benefits of providing new housing in this location. Therefore the proposal is considered to be conform to Policies EN1 of the Core Strategy and Policies DPD and the NPPF. Consequently the application is recommended for approval.

8. Recommendation

8.1 GRANT subject to the following conditions:

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

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

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

Existing floor plans and elevations

1901_PL_001, 002, 003, 010, 011, 012

Proposed floor plans

1901_PL_101, 104, 105, 120, 121, 124

Proposed elevations

1901_PL_110, 111, 112, 113, 114, 115, 130, 131, 132

received on 28/01/2020

Amended floor plans no

Proposed second floor 1901_PL_102 Rev A

Proposed third floor 1901_PL_103 Rev A

Proposed level 02 1901_PL_122 Rev B

Proposed level 03 1901_PL_123 Rev B received on 20/03/2020

Amended

Proposed ground floor 1901_PL-100 Rev B received on 01/04/2020

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

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

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

4. Prior to the commencement of development:
 - (i) A survey report detailing ground conditions of the site shall be submitted to and approved in writing by the Local Planning Authority. Where made ground or contamination is encountered a scheme to investigate, assess and remediate contamination risks shall be agreed in writing with the Local Planning Authority, and shall be carried out in accordance with the agreed details and timetable.
 - (ii)) In order to ensure the soils placed in the landscaped and garden areas is suitable for use, details of the source material should be submitted to the Local Planning Authority for approval. Validation testing shall also be carried out and details submitted to the Local Planning Authority for approval.

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

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

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

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.

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

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

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

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

8. No development 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 interest of the protection of the archaeological potential of the site,.

9. 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 approved cycle parking facilities shall be retained and maintained to the satisfaction of the Local Planning Authority for their designated purpose.

Reason: This condition is required in recognition of Section 4 "Promoting Sustainable Transport" in the National Planning Policy Framework 2018, and to accord with policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

10. Prior to the occupation of the building, facilities within the curtilage of the site for the storage of refuse and recycling materials shall be implemented in accordance with the approved plans and retained thereafter.

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.

- 11 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.

11. 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) programme of works (including measures for traffic management)
 - (e) HGV deliveries and hours of operation
 - (f) measures to prevent the deposit of materials on the highwayhas 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 recognition of Section 9 "Promoting Sustainable Transport" in 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.

Informatives to be attached to the planning permission

1. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek,

Wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

2. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost Of any excess repairs
3. 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.
4. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
5. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
6. Please note that this application is subject to the payment of Community Infrastructure Levy (CIL). Full details of the charge, how it has been calculated and what happens next are set out in the CIL Liability Notice which will be sent separately.

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

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

7. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:

- (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
- (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
- (c) Deliveries should only be received within the hours detailed in (a) above;
- (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
- (e) There should be no burning on site;
- (f) Only minimal security lighting should be used outside the hours stated above; and
- (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

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

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

9. The applicant is advised that planning permission is likely to be required for the provision of ducting for any use requiring the cooking of hot food on the premises.

10. All gas-fired boilers should meet a minimum standard of $<40\text{mgNO}_x/\text{kWh}$



No. 105

No. 101

THE SITE

No. 91-93

46 ELMSLEIGH RD.

ELMSLEIGH ENTRANCE

New controlled access
gate to passageway

SIDE/REAR
ACCESS

Section A-A (Front Elevation)



All dimensions to be checked on site prior to construction or manufacture. Refer also to written specification of works where applicable. No dimensions should be scaled from this drawing for construction purposes. Any discrepancies found between this drawing and other drawings should be referred to consultants immediately.

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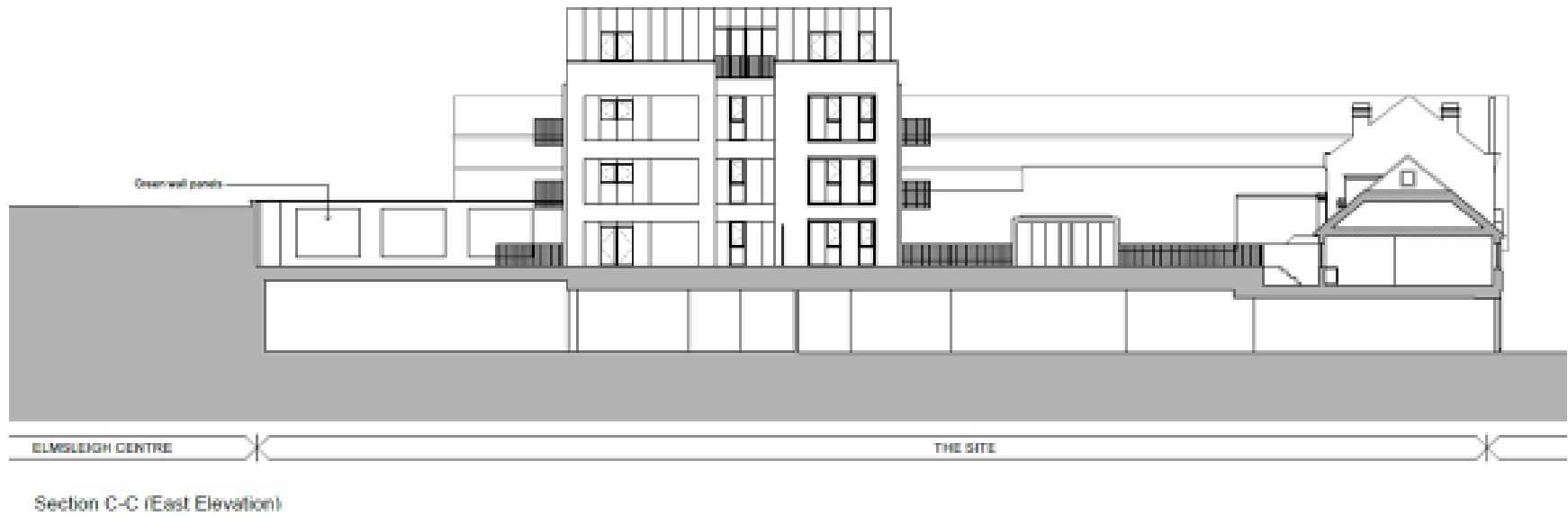
REV	AMENDMENTS	DATE

PROJECT 95-99 High Street, Surrey TW18 4PQ
CLIENT Tirosh Ltd

DRAWING Proposed Front Elevation
SCALE 1:200 @ A3
DATE AUG 2019
CHECKED MS

STATUS PLANNING
DRAWING No. 1901_PL_110
REVISION

Mark Smith Architects Limited



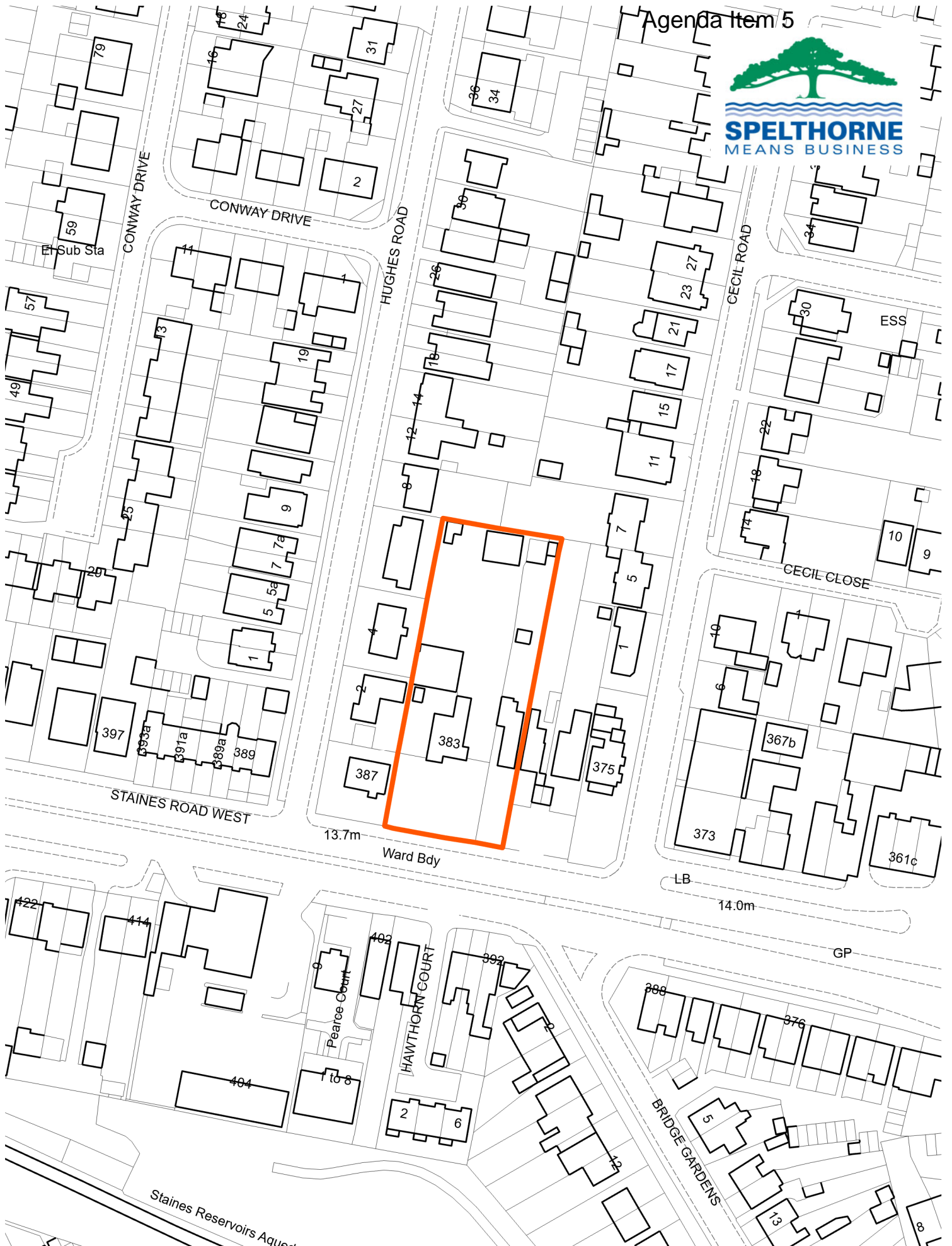
Proposed first floor plans with landscape areas



Proposed second floor plan with loft conversion to existing property fronting the High Street



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19/01516/FUL -381-385 Staines Road West, Ashford.

Scale: 1:1,250

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Planning Committee 29 April 2020



Application No.	19/01516/FUL
Site Address	381 - 385 Staines Road West, Ashford, TW15 1RH
Applicant	Mr S McPeake
Proposal	Erection of block comprising 8 no. one bed and two bed flats to the front of the site and 4 no. dwellings (comprising 1 no. 2 bed chalet bungalow, 2 no. three bed semi-detached houses and 1 no. four bed detached house) to the rear of the site, all with associated parking, amenity space and landscaping. Formation of a new vehicular access to the site, following demolition of existing dwellings and commercial buildings.
Ward	Ashford Common
Call in details	N/A
Officer	Kelly Walker

Application Dates	Valid: 08/11/2019	Expiry: 07/02/2020	Target: Extension of time agreed
Executive Summary	<p>Planning permission was previously approved for the same scheme Ref 16/01900/FUL which recently expired during the course of this current application (on 12/02/2020). This is a very significant material planning consideration and weighs very strongly in favour of the current application, given there have been no policy changes during this time which would affect the determination of the proposal.</p> <p>This planning application seeks the demolition of the existing buildings on site comprising of 2 dwellings and removal of an existing car sales and repairs and the erection of 12 residential units, including a block of 8 flats to the front of the site and 4 dwellings to the rear, with associated landscaping and parking.</p> <p>The scheme is considered to be an acceptable form of development which will provide a use more compatible with the residential nature of the area than the car sales and repairs. The proposal is considered to be in keeping with the character of the surrounding area and is acceptable on design grounds. It will be an efficient use of previously developed land providing a good standard of housing. It is also considered to conform with policies on highway issues, parking provision, flooding, renewable energy and air quality.</p>		
Recommended Decision	This planning application is recommended for approval subject to conditions.		

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:

- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

1.2 Also relevant are the following Supplementary Planning Documents/Guidance (SPD/SPG):

- SPD on Design of Residential Extensions and New Residential Development 2011
- SPG on Parking Standards
- SPD on Flooding 201

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

2. Relevant Planning History

16/01900/FUL	Erection of block comprising 8 no one bed and two bed flats to the front of the site and 4 no.	Approved 13.02.2017
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	<p> dwellings (comprising 1 no. 2 bed chalet bungalow, 2 no. three bed semi-detached houses and 1 no. four bed detached house) to the rear of the site, all with associated parking, amenity space and landscaping. Formation of a new vehicular access to the site, following demolition of existing dwellings and commercial buildings.</p>	
15/01174/FUL	<p> Erection of 5 no. two bed terraced houses to the front of the site and 4 no. dwellings (comprising 1 no. 2 bed bungalow, 2 no. three bed semi-detached houses and 1 no. four bed detached house) to the rear of the site, all with associated parking, amenity and landscaping. Formation of a new vehicular access to the site, following demolition of existing dwellings and commercial buildings.</p>	<p> Refused 23.10.2015</p> <p> Appeal dismissed 17.08.2016</p>
14/01529/FUL	<p> Erection of apartment block consisting of 8 units (all 2 beds), 1 no. 2 bed bungalow and 3 no. houses (2 no. 3 beds and 1 no. 4 bed) with associated parking and amenity space and formation of new vehicular access to the site, following demolition of existing dwellings and commercial buildings.</p>	<p> Refused 05.12.2014</p>
13/00336/OUT	<p> Outline application for the erection of 14 two bedroom houses, new access, parking and associated external works following demolition of existing commercial buildings and dwellings.</p>	<p> Refused 18.09.2013</p>
97/00660/FUL	<p> Retention of workshop building.</p>	<p> Grant 27.05.1998</p>
SPE/FUL/89/68	<p> Erection of a single-storey workshop and storage building measuring 9.5m (31 ft. 2 in) by 7.8m (25 ft. 7 in).</p>	<p> Grant 07.02.1990</p>
SUN/FUL/10490	<p> Erection of two blocks of flats, each consisting of nine flats and twenty one garages.</p>	<p> Refused 11.04.1973</p>
SUN/FUL/4789D	<p> The use of land for the sale and display of motor Vehicles.</p>	<p> Refused 13.11.1957</p>
SUN/FUL/4789A	<p> Erection of garage, wash house and bathroom.</p>	<p> Refused 10.05.1988</p>

3. Site Description

- 3.1 The application site is a regular shaped plot on the northern side of Staines Road West. It is currently occupied by car sales / garage and associated outbuildings and two residential dwellings. A Tree Preservation Order (TPO) applies to tree at the front of the adjoining site to the east. Notwithstanding the existing use on the site, the area is predominantly residential with properties fronting Hughes Road and Cecil Road adjoining the site. The properties on Hughes Road to the west of the site, are low in nature, consisting of bungalows and chalet style bungalows and have very short rear gardens. The site is located within the urban area.

Background

- 3.2 This application is for the same scheme as that approved in February 2017 (ref 16/01900/FUL) and which has expired during the course of this application (expired on 13 February 2020). That application was a slightly amended version of a previously refused scheme, in order to overcome the reason for the dismissal of the subsequent appeal. The reason for the appeal being dismissed related only to Policy HO4 in terms of housing size and type. The Inspector did not raise an objection to the design and scale, or the impact on the amenity of neighbouring properties. Following the dismissal of the appeal the new amended scheme (ref 16/01900/FUL) was considered to overcome the reason for the dismissal of the appeal and permission was granted. This therefore is a very significant material planning consideration and must be given substantial weight. There have been no policy changes that would mean the application should be assessed in a different light. Indeed the main issue that has arisen since the previous approval of planning permission is that the Council no longer has a five year housing land supply and therefore this gives greater weight in favour of approving development proposals for residential units in that a presumption in favour of development applies. These issues are discussed further below.

Current Proposal

- 3.3 The applicants had submitted some details in order to discharge some of the pre-commencement planning conditions on ref 16/01900/FUL. However they have run out of time to implement the approved scheme prior to the existing permission expiring and as such have chosen to resubmit the same scheme. As such, the current scheme is the same as the application before ref 16/001900/FUL and is for the erection of a block comprising 8 flats (6 no. one bed and 2 no. two bed flats) to the front of the site and 4 no. dwellings (comprising 1 no. 2 bed chalet bungalow, 2 no. three bed semi-detached houses and 1 no. four bed detached house) to the rear of the site, all with associated parking, amenity space and landscaping. The proposal also involves the formation of a new vehicular access to the site, following demolition of existing dwellings and commercial buildings.
- 3.4 The buildings will be traditional in design with pitched roofs including front dormers in the street elevation and traditional materials along with wooden cladding. There will be an access road onto the site to the west, which will continue along the side of the proposed flats to the 4 dwellings behind at the rear. Parking will be provided to the front of the flats and dwellings, as well as integral garages to the dwellings at the rear of the site. The flats will have a private communal garden area to the rear and the houses all have private rear gardens. There will be a total of 20 off street car parking spaces provided.

3.5 The proposed site layout and elevation plans are provided as an Appendix.

4 Consultations

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

Consultee	Comment
County Highway Authority	No objection subject to conditions
Environment Agency	Responded with no comments to make
Group Head of Neighbourhood Services (refuse)	No objection
Sustainability Officer	No objection
Lead Local Flood Authority (Surrey County Council)	No objection. Recommends conditions.
Tree Officer	No objection.
Thames Water	No objection with regard to sewage infrastructure.
Environmental Health (Contaminated land)	No objection. Recommends conditions.
Environmental Health (air quality)	No objection

5. Public Consultation

5.1 A total of 21 neighbouring properties were notified of the planning application. In addition, statutory site notices were displayed and the application was advertised in the local press. One letter has been received raising the following issues:-

- Lack of parking provision
- Highway safety issues due to on street parking on Hughes Road

6. Planning Issues

- Principle of the development
- Housing density
- Design and appearance.
- Residential amenity
- Highway issues
- Parking provision
- Flooding

- Renewable energy
- Dwelling mix
- Impact on trees
- Air quality

7. Planning Considerations

Need for housing

- 7.1 When considering planning applications for housing, local planning authorities should have regard to the government's requirement that they boost significantly the supply of housing, and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF) 2019.
- 7.2 The Council has embarked on a review of its Local Plan and accepts that the housing target in its Core Strategy and Policies DPD-Feb 2009 of 166 dwellings per annum is significantly short of its latest objectively assessed need of 552-757 dwellings per annum (Para 10.42 – Strategic Housing Market Assessment (SHMA) – Runnymede and Spelthorne – Nov 2015). On 20th February 2019, the government updated its guidance in respect of Housing and Economic needs assessment which included proposals for a standard method for calculating local authorities' housing need. A figure of 590 dwellings per annum for Spelthorne was proposed by the application of this new approach. This figure of 590 based on the 2014 household formation projections has also been suggested by the Government in its latest consultation (Oct – Dec 2018). Following recent analysis, the figure has been revised to 603. Despite recent uncertainties, the standard methodology provides the most recent calculation of local housing need in the Borough and is consistent with the range of need identified by the Council in their SHMA. It is therefore appropriate for the Council to use the 603 dwellings per annum figure as their local housing need figure that comprises the basis for calculating the five-year supply of deliverable sites.
- 7.3 The sites identified in the Strategic Land Availability Assessment (SLAA) as being deliverable within the first five years have been used as the basis for a revised 5-year housing land supply figure. Whilst this has shown that notionally we have identified sufficient sites to demonstrate that we have a five year supply of housing sites we have recently been advised that we need to apply an additional 20% buffer rather than the previously used 5%. This is because Government guidance (NPPF para 74) requires the application of a 20% buffer "where there has been significant under delivery of housing over the previous three years". It therefore has no choice now but to apply the additional buffer for the five year period from 1 April 2019 to 31 March 2024. A 20% buffer applied to 603 results in a figure of 724 dwellings per annum which is our current figures. The effect of this increased requirement is that the identified sites only represent a 4.4 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites.
- 7.4 In using the new objectively assessed need figure of 724 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the

Local Plan review, the Borough's housing supply will be assessed in light of the Borough's constraints, which will be used to consider options for meeting need. The Council has now published its SLAA which identifies potential sites for future housing development over the plan period.

- 7.5 As a result, current decisions on planning applications for housing development need to be based on the 'tilted balance' approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole'*.
- 7.6 It should also be noted that The Housing Delivery Test Result for Spelthorne Borough Council was published by the Secretary of State in February 2020, with a score of 60 percent. This means that the Council had undelivered housing delivery verses need in previous years and as a result the Council's Housing Delivery Test Action Plan which was produced last year when the test result in 2019 was 63% will need to be updated. The plan positively responds to the challenge of increasing its housing delivery. The Action Plan analyses and sets out actions to improve housing delivery within the Borough.

Principle of the development

- 7.7 As noted above, this development was approved just over three years ago. (ref 16/01900/FUL) and has recently expired. Policy HO1 of the Local Plan is concerned with new housing development in the Borough. HO1 (c) encourages housing development on all sustainable sites, taking into account policy objectives and HO1 (g) states that this should be done by:

"Ensuring effective use is made of urban land for housing by applying Policy HO5 on density of development and opposing proposals that would impede development of suitable sites for housing."

- 7.8 This is also reflected in the NPPF paragraph 117 which emphasises the need for the 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.
- 7.9 The site is located within the urban area and is a brownfield site within an accessible location close to some local facilities and public transport links. It is also not located within the Green Belt or a high flood risk area. The area is characterised by mainly residential properties although there are some commercial uses nearby. As such a residential use would be an acceptable use of the site in principle and has previously been approved at the site.

Housing density

- 7.10 Policy HO5 in the Core Strategy Policies DPD 2009 (CS & P DPD) sets out density ranges for particular context but prefaces this at paragraph 6:25 by stating:

"Making efficient use of potential housing land is an important aspect in ensuring housing delivery. Higher densities mean more units can be

provided on housing land but a balance needs to be struck to ensure the character of areas is not damaged by over-development.”

- 7.11 Policy HO5(b) states that within existing residential areas that are characterised by predominately family houses rather than flats new development should generally be in the range of 35 to 55 dwellings per hectare. Although it is noted that there are a number of flats nearby.
- 7.12 The proposal involves the creation of 12 units within the site of some 0.26 ha. and the proposed density is 46 dwellings per hectare (dph) and therefore conforms to policy HO5 and is acceptable.

Design and appearance

- 7.13 The NPPF paras. 124 – 132 emphasise the requirement of achieving well-designed places. It notes that, *‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’*
- 7.14 Policy EN1a of the CS & P DPD states that *“the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.”*
- 7.15 As noted above this application is for the same scheme as that approved in February 2017 (ref 16/01900/FUL) and expired on the 13 February 2020. That application was a slightly amended version of a previously refused scheme, (ref 15/01174/FUL) in order to overcome the previous reasons for the dismissal of the appeal. The reason did not relate to design and appearance.
- 7.16 The built form is identical in terms of the design, scale and layout. The Inspector who dealt with the appeal raised no objection to the scheme on design grounds. He noted that the properties on Staines Road West are set relatively well back from the road with some commercial uses, ranging from one storey to three storey and of various design styles and construction ages with no dominant design characteristic. He considered that the proposed front block would be the main visual component of the scheme in views from the road and found its design acceptable noting that, *‘...this would be of a traditional simplistic design and be located between the bungalow at No 387 and the detached two storey property at No 379. In terms of scale and mass, the proposed block would not be dissimilar to that of properties currently being constructed on the opposite side of the road at Pearce Court which are also three storey with accommodation in the roof space. It would have much less mass than the three and four storey apartment blocks at the junction of Staines Road West with Chertsey Road/Littleton Road.’*

- 7.17 The Inspector considered that the scheme would be visually ‘read’ in the context of the wider street scene, and that the width of Staines Road West meant it could acceptably accommodate along its length much larger scale properties than the bungalows to the west of the site. He stated that, ‘...I do not consider that the scale, mass or design of the proposed development would cause demonstrable harm to the character and appearance of the area.’ He considered that it would not appear bulky and the current use appears at odd with the residential character. He also considered that the proposal would be more in keeping with the character of this part of Staines Road West. Therefore, residential use would be compatible with the characteristic of the residential uses in the immediate vicinity of the site.
- 7.18 He concluded that, ‘...taking the above matters into account I consider that the proposed development would not cause any demonstrable harm to the character and appearance of the area. As such it would not conflict with Policy EN1 of the CSPDPD. This policy, amongst other things, seeks to ensure that new development is of a high standard of design that respects and makes a positive contribution to the street scene and character of the area.’
- 7.19 As noted above the proposed houses located to the rear are set back a long way from the street frontage and most are located behind the proposed front block, as such they will not be particularly visible from the street scene. The Inspector did not object to the design of these dwellings. They continue to be acceptable in design terms and in keeping with the character of neighbouring properties.
- 7.20 As such the scale and design of the proposed development continues to be in keeping with neighbouring properties, and would make a positive contribution to the street scene conforming to policy EN1 and the NPPF.

Impact on neighbouring residential properties

- 7.21 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.”*
- 7.22 The Council’s Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) sets out policy requirements in order to ensure this is met.
- 7.23 The Design SPD in para 3.6 acknowledges that ‘most developments will have some impact on neighbours, the aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed.’ It sets out minimum separation distances for development to ensure that proposals do not create unacceptable levels of loss of light, be overbearing or cause loss of privacy or outlook. These are set as a minimum for 2 storey development of 10.5m for back to boundary distance and 21m for back to back development. Three storey development has a back to boundary distance of 15m and back to back distance of 30m. There is also a minimum distance for back to flank elevations of 13.5m (2 storey) and 21m (3 storey).

- 7.24 The Inspector of the previous appeal scheme raised no objection in terms of the impact on neighbouring properties. He considered that the distance from existing properties, along Hughes Road, despite their small rear gardens would be acceptable in particular due to the removal of the workshop buildings. He noted a real benefit to the scheme was the loss of the existing use of the site, '*...moreover, the proposed development would result in the cessation of the vehicle storage and repairs that currently occur up to the property boundary.*'
- 7.25 The Inspector considered that outlook would in fact be improved for No 4 Hughes Road and that the proposal would have an acceptable relationship with and impact on the amenity of neighbouring residential properties adjoining the site. As such and given that the built form is identical to the previous scheme, except for some minor changes to the front block which does not have any additional impact, the proposed development will also have an acceptable relationship with and impact on the amenity of neighbouring properties and conforms to Policy EN1.
- 7.25 The proposal is considered to continue to have an acceptable relationship with and therefore impact on the amenity of existing neighbouring residential properties, conforming to the SPD and Policy EN1.

Housing size and type

- 7.26 Policy HO4 of the CS & P DPD requires 80% of the units to be one or two bed. The proposed scheme is for 12 units of which 9 will be 1 and 2 bedroom units and the remaining 3 houses being 3 and 4 bed. This equates to 75% of the units being of a smaller size which is the same as the last approved scheme and continues to be acceptable.

Amenity Space

- 7.27 The Council's SPD on Residential Extensions and New Residential Development 2011 provides general guidance on minimum garden sizes (Table 2 and paragraph 3.30). In the case of flats it requires 35 sqm per unit for the first 5 units, 10 sqm for the next 5 units and 5 sqm per unit thereafter. This would equate to some 205 sqm for the flats and also 60/70 sq. m for each of the houses. The proposal provides 332 sqm of amenity space to the rear of the flats for the use by its future occupants and each of the houses has in excess of 100 sq m rear garden area, providing useful amenity space for the proposed residential units. As such the amenity space provision is acceptable.

Proposed dwelling sizes

- 7.28 The SPD on the Design of Residential Extensions and New Residential Development 2011 sets out minimum floorspace standards for new dwellings. These standards relate to single storey dwellings including flats, as well as to 2 and 3 storey houses. For example, the minimum standard for a 1-bedroom flat for 2 people is 50 sqm.
- 7.29 The Government has since published national minimum dwelling size standards in their "*Technical Housing Standards – nationally described space standard*" document dated March 2015. These largely reflect the London Housing Design Guide on which the Spelthorne standards are also based. The standards are arranged in a similar manner to those in the SPD and

includes minimum sizes for studio flats. This national document must be given substantial weight in consideration of the current application in that it adds this additional category of small dwellings not included in the Council's Standards.

- 7.30 The proposed dwelling sizes continue to comply with the minimum standards stipulated in the national technical housing standards and the SPD and some exceed them. Therefore, it is considered that their standard of overall amenity continues to be acceptable.

Highway and parking provision

- 7.31 Policy CC2 of the CS & P DPD states that:

“The Council will seek to secure more sustainable travel patterns by: ... (d) 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; and (v) highway safety.

- 7.32 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.

- 7.33 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum (maximum parking standards continue to be applicable in relation to commercial development).

- 7.34 The Council's Parking Standard stipulates a minimum provision of 18 spaces in total for a scheme of this size. The proposal provides a total of 20 spaces, including 11 to the front of the flats (2 disabled spaces) and 4 garages, 1 for each of the dwellings to the rear. The County Highway Authority (CHA) was consulted on the planning application and has raised no objection to the proposed parking provision. As such it is considered that the scheme is acceptable in terms of policies CC2 and CC3 on highway and parking issues.

Flooding

- 7.35 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by not requiring all development proposal within Zones 3a and 3b and development outside the area (Zone 1) on sites of 0.5ha or of 10 dwellings or 1000sqm of non-residential development or more, to be supported by an appropriate Flood Risk Assessment (FRA).

- 7.36 The site is located within Flood Zone 1, which has a low probability of flooding with a less than 1 in 1000 year chance of flooding, and no uses are precluded on flooding grounds. The applicant has submitted a Flood Risk Assessment as is required by Policy LO1 of the CS & P DPD.

- 7.37 In terms of flood risk the development given the site is located outside of the high flood risk area and as displayed in the FRA there is no risk to the future occupants of the site from flooding. The EA were consulted and made no comment on the application. Accordingly, the application complies with the requirements of Policy LO1 of the CS & P DPD.
- 7.38 The applicant has submitted a Surface Water Drainage Strategy, as is required by Policy LO1 of the CS & P DPD. The Lead Local Flood Authority at Surrey County Council has been consulted in regards to the SUDS and have made no objection subject to conditions, as such the proposal accords with Policy LO1 on flooding.

Renewable Energy

- 7.39 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 sqm 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.
- 7.40 The applicant has submitted a renewable energy statement which considers various renewable energy options for the site. The report concludes that the proposed development can provide Air Source heat pumps (ASHP) and confirms that a total energy reduction of at least 10% can be achieved. The Council's Sustainability Officer has been consulted and raises no objection. Accordingly, the renewable energy proposals are acceptable

Contaminated Land and Air quality

- 7.41 The proposal introduces new residential development onto the site and which has an existing commercial use related to car repairs. The Council's Pollution Control Officer has raised no objection but requested standard conditions to be imposed. Subject to these conditions, the proposal is considered acceptable on contaminated land grounds.
- 7.42 The Council's Pollution Control section were consulted on the application and has raised no objection on air quality, subject to conditions.

Refuse Storage and Collection

- 7.43 The layout of the site has been designed to ensure that delivery and refuse collection vehicles can enter, turn around, and leave the site in a forward gear and this has been shown on the submitted plan. A refuse storage area has been located to the side of the flatted development at the front of the site, within reach of the refuse collection vehicles and accessible by residents. The proposal provides a bin store area for the proposed flats and this provides enough space for 4510 litres of waste which exceeds the required amount of 4320 litres for the 9 flats. The proposed houses will have their own refuse storage areas to the front of each of the dwellings.
- 7.44 The Council's Head of Street Scene has raised no objection to the arrangement. Furthermore, the County Highway Authority has raised no

objection on this particular issue. Accordingly, the proposed refuse storage and collection facilities are acceptable.

Crime and Design

- 7.45 With regard to the Crime Prevention Officer's comments, as with the previous scheme, it is not considered appropriate to impose a condition, as requested, relating to "Secured by Design". Many of the requirements are very detailed (e.g. standards of windows, doors and locks), elements which are not normally covered and enforced under the planning regulations. It is recommended that this can be brought to the attention of the applicant by adding an informative.

Disabilities and Equalities Act

- 7.46 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:

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.

The scheme proposes 4 ground floor flats and a bungalow at the rear of the site which will all be accessible to disabled people. The applicants note that the other houses could be adapted for access upstairs. In regards to accessibility the applicant notes that internal and external circulation, including minimum door, corridor and stair dimensions together with cloakroom requirements are all in compliance with Part M of the Approved Building Regulations. There are also 2 no. disabled car parking spaces provided on the site. The scheme is therefore considered to be acceptable in this regard.

Human Rights Act 1998

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

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.

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.

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

- 7.48 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. In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development. It will generate a CIL Payment in relation to the net additional gross floor space. This amounts to a CIL payment of approximately £95,000, which is a material consideration in the determination of this planning application. The proposal will also generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

Conclusion

- 7.49 The proposal is the same as that previously granted planning permission, which is a material planning consideration and must be given substantial weight. It continues to make a positive contribution overall to its immediate locality, have an acceptable impact on the amenity of neighbouring properties and provide an efficient use of land for housing. As such the application is recommended for approval.
- 7.50 In addition, the NPPF requires permission for housing to be granted unless the impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. As such it is considered that no harm would not be caused that would significantly and demonstrably outweigh the benefits of providing new housing in this location. Therefore the proposal is considered to be conform to Policy EN1 of the Core Strategy and Policies DPD and the NPPF. Consequently the application is recommended for approval.

8. Recommendation

- 8.1 GRANT subject to the following conditions:

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

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

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

L2143/LP Rev A site location plan, 01, 02, 03, 08, 12, 16, 18 and 19 received on 08.11.2019 along with amended plan ref L2143/15 Rev C and L2143/18 Rev A rec on 09.01.2020 and amended plan ref L2143/14 Rev D site layout rec 08.01.2020

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

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

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

4. Prior to the first use or occupation of the development, a written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

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

Reason:- To protect the amenities of future residents and the environment from the effects of potentially harmful substances in accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

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

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

6. Following construction of any groundwork and foundations, no construction of the development above damp-proof course level shall take place until a report is submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing

technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of the building and thereafter retained.

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

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

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

8. Prior to the occupation of the building, facilities within the curtilage of the site for the storage of refuse and recycling materials shall be implemented in accordance with the approved plans and retained thereafter.

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.

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

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

10. 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) provision of boundary hoarding behind any visibility zones
- (e) measures to prevent the deposit of materials on the highway
- (f) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (g) 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: The condition above is required 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.

11. No demolition, site clearance or building operations shall commence until a demolition method statement has been submitted to and approved in writing by the Local Planning Authority. The demolition works shall be carried out strictly in accordance with the approved method statement

Reason: - to safeguard the amenity of neighbouring properties

- 12.. Prior to occupation of the units the proposed first floor windows in the western and eastern flank elevations of the proposed buildings shall be obscure glazed and non-opening to a minimum of 1.7m above internal floor level. Details of glazing to be installed shall be submitted to and approved in writing by the Local Planning Authority. These windows will thereafter be permanently retained as installed.

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

13. That no further openings of any kind be formed in the western and eastern elevations of the proposed buildings, hereby permitted without the prior written consent of the Local Planning Authority.

Reason:- To safeguard the amenity of neighbouring residential properties in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009

14. Prior to the occupation of the development, details of a scheme of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s)/use is/are occupied. Development shall be carried out in accordance with the approved details and maintained as approved.

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no extensions or outbuildings shall be erected to the residential development hereby permitted without the prior planning permission of the Local Planning Authority.

Reason: - In the interest of the amenity of neighbouring properties.

16. No part of the development shall be first occupied unless and until the proposed vehicular access to Staines Road West has been constructed and provided with a means within the private land of preventing private water from entering the highway in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved drainage scheme shall be permanently maintained to the satisfaction of the Local Planning Authority.

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

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

Reason: The condition above is required 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 the existing access from the site to Staines Road West has been permanently closed and the kerbs and footway fully reinstated

Reason: The condition above is required 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.

19. 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 retained and maintained to the satisfaction of the Local Planning Authority.

Reason: The condition above is required 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 occupied unless and until each of the four dwellings at the north of the site, and at least 2 of the available parking spaces for the flats, 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) for the charging of electric vehicles in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: The condition above is required 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 permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the 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) 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. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of **6.6 l/s**.

b) 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.).

- c) 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.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) 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.

- 22 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.

Informatives to be attached to the planning permission

1. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.
2. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149). Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage
4. 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.
5. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
6. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
7. Please note that this application is subject to the payment of Community Infrastructure Levy (CIL). Full details of the charge, how it has been calculated and what happens next are set out in the CIL Liability Notice which will be sent separately.

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

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

8. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:

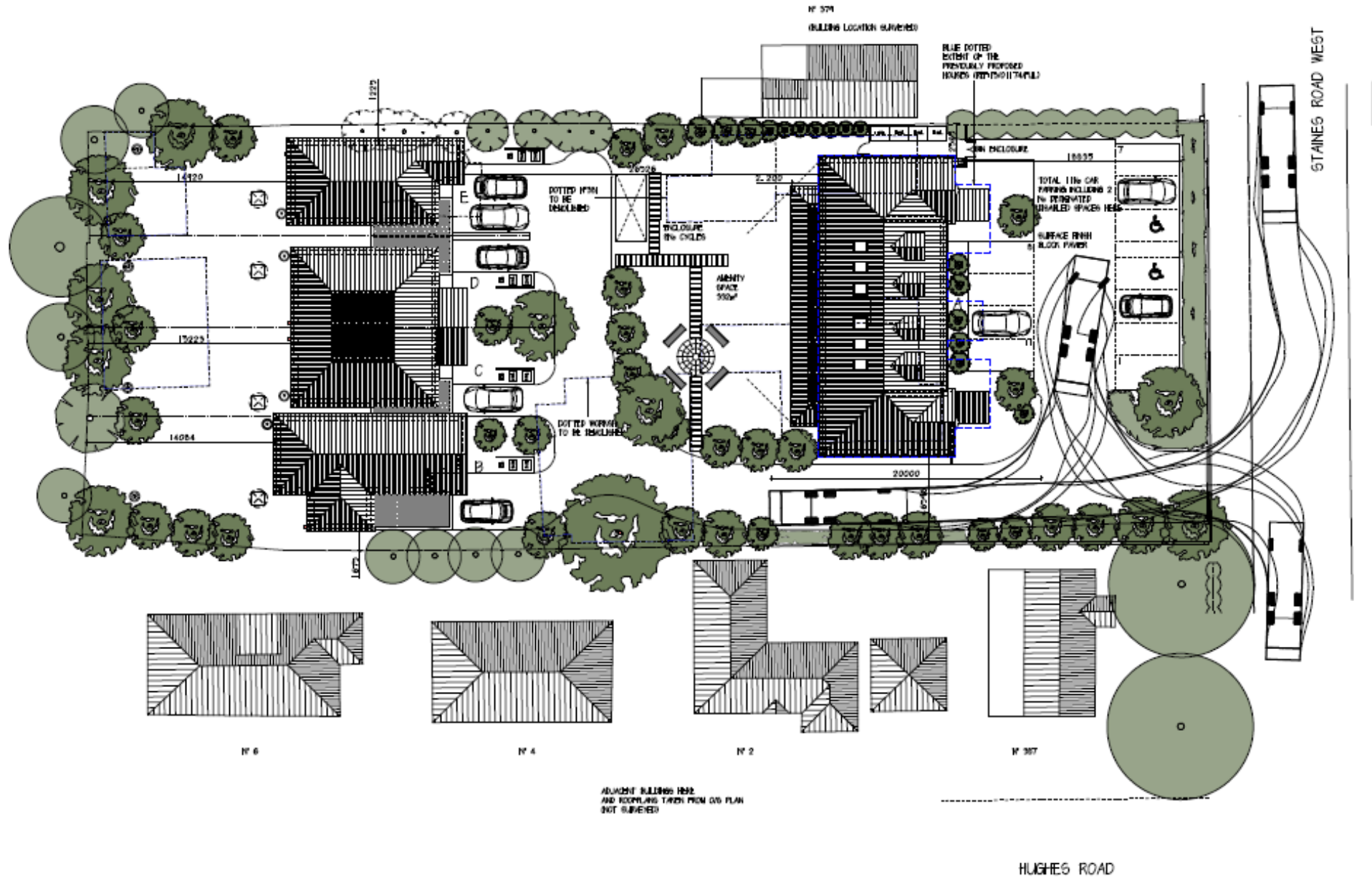
- (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
- (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
- (c) Deliveries should only be received within the hours detailed in (a) above;
- (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
- (e) There should be no burning on site;
- (f) Only minimal security lighting should be used outside the hours stated above; and
- (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

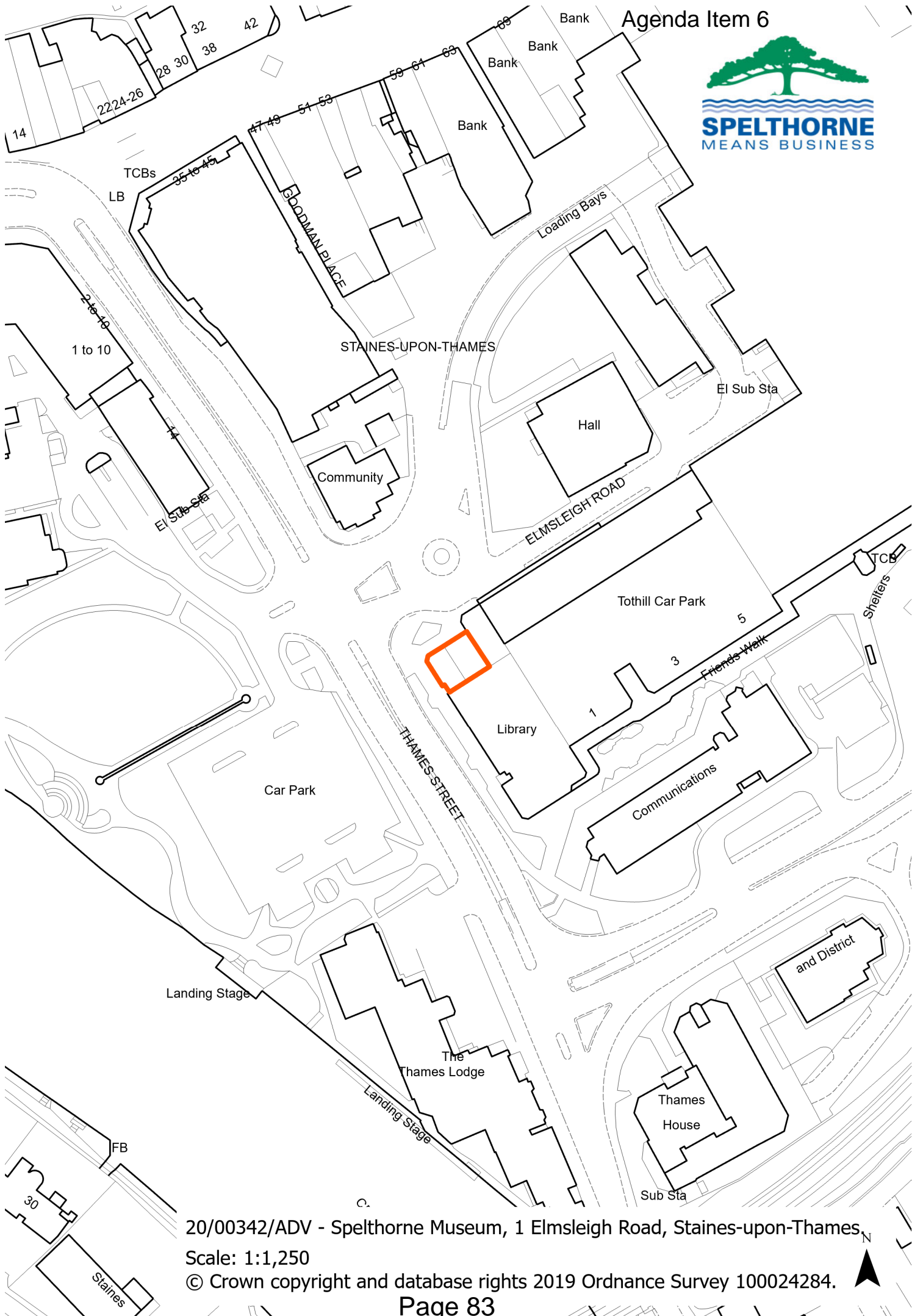
Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit. In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme - www.ccscheme.org.uk/index.php/site-registration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

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

10. 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.

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20/00342/ADV - Spelthorne Museum, 1 Elmsleigh Road, Staines-upon-Thames

Scale: 1:1,250

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Planning Committee
29 April 2020



Application No.	20/00342/ADV		
Site Address	Spelthorne Museum, Staines		
Applicant	Spelthorne Borough Council		
Proposal	Display of a mural advertising Spelthorne Museum		
Case Officer	Susanna Angell		
Ward	Staines		
Called-in	The applicant is 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:18.03.2020	Expiry: 13.05.2020	Target: Under 8 Weeks
Executive Summary	<p>The proposal is an advertisement application for the display of a mural advertising Spelthorne Museum. The mural will be created as part of a community project by a local artist and school children. It will measure 3.6 m's in height and 2 m's in width with columns either side. The mural will be located on the western elevation of the building.</p> <p>The proposal is considered to be acceptable in terms of its impact on visual amenity. It is also acceptable in terms of highway safety.</p>		
Recommended Decision	Grant the application subject to conditions as set out at Paragraph 8 of the Report.		

MAIN REPORT

1. Policies

- 1.1 National Planning Policy Framework (NPPF) Paragraph 132

2. Relevant Planning History

- 2.1 There is no relevant planning history.

3. Description of Current Proposal

- 3.1 This application relates to Spelthorne Museum which is located on the eastern side of Thames Street in Staines town centre. The Museum adjoins the library to the south. Tothill Car Park is located directly to the east of the site.
- 3.2 This is an advertisement application for the display of a mural advertising Spelthorne Museum. The mural will be approximately 3.6m in height. The proposed design shows a Woolly Mammoth with columns located either side. The mural would be visible from a public footway.

4. Consultations

There has been no requirement to undertake any consultation in relation to this application

5. Public Consultation

No letters of representation have been received

6. Planning Issues

- Amenity
- Public safety

7. Planning Considerations

- 7.1 The National Planning Policy Framework (NPPF) paragraph 132 states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking into account of cumulative impacts

Amenity

- 7.2 The mural would be sited on the western elevation of the building and would be fixed over an existing shutter doorway. The site is located adjacent to the footway. There is a substantial raised planter located between the footway and the main road of Thames Street.
- 7.3 The submitted plans show an animal picture directing visitors to Spelthorne Museum, with columns either side. It would not be illuminated. The mural is considered acceptable in appearance and is a suitable size for its context. It is not considered that it would appear intrusive or overly large due to its scale or design and would have an acceptable impact on visual amenity, adding interest to the locality.

Public Safety

- 7.4. The proposed mural is set back from the public highway. It is considered that the advertisement scheme would not have a material impact on the safety and operation of the nearby public highway including the safety of pedestrians.

Equality Act 2010

- 7.5 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:
- 7.6 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. The mural is clearly visible to the general public.

Human Rights Act 1998

- 7.7 This planning application has been considered against the provisions of the Human Rights Act 1998
- 7.8 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.
- 7.9 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.
- 7.10 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

- 7.11 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.

- 7.12 The advertisement is considered to be acceptable.

8. Recommendation

- 8.1 GRANT advertisement consent subject to the following conditions:

1. Any advertisements displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under the Town and Country Planning (Control of Advertisements) Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

The reason(s) for the decision of the Council to consent to the display of the advertisement(s) subject to compliance with the conditions specified in the second schedule are: (1) – (5) to comply with the Town and Country Planning (Control of Advertisements) Regulations 2007.

INFORMATIVES TO APPLICANT

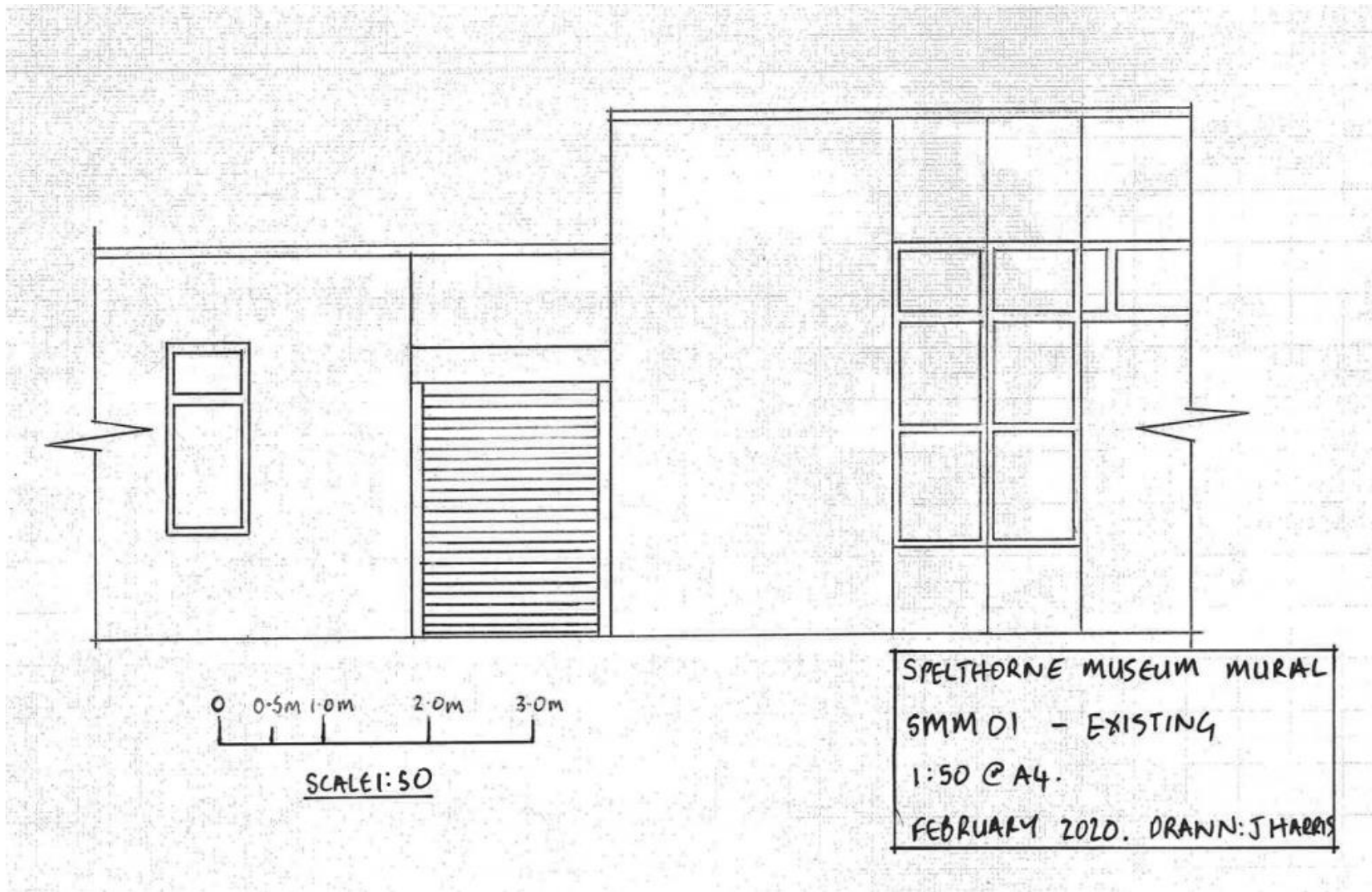
1 This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Spelthorne Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive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

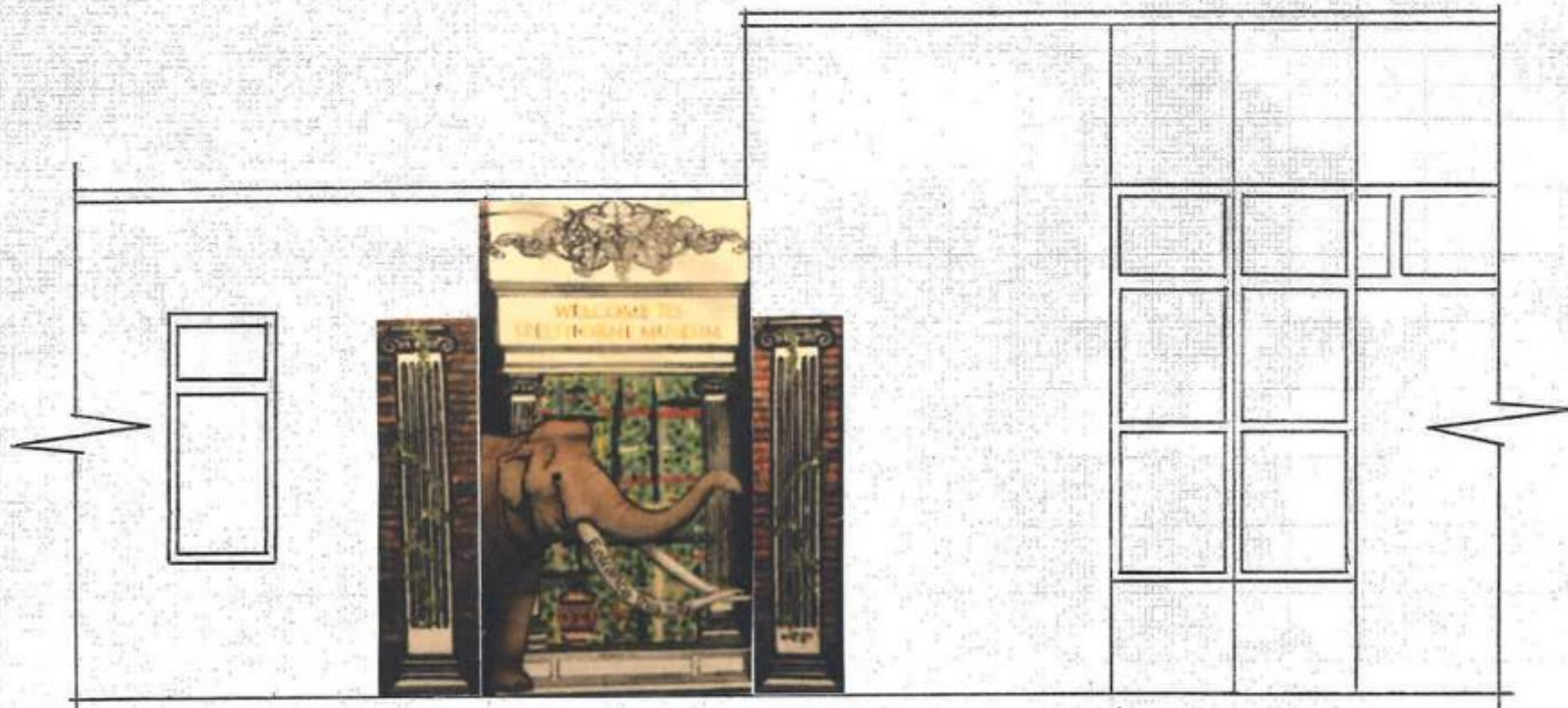
- Offering a pre application advice service
- Where pre-application advice has been sought and that advice has been followed, we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified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

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SCALE 1:50

SPLIT HORNE MUSEUM MURAL
SMM 02 - PROPOSED.
1:50 @ A4
FEBRUARY 2020. DRAWN: JHARRIS