



Please reply to:

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Date: 6 July 2020

Notice of meeting

Planning Committee

Date: Tuesday, 14 July 2020

Time: **Call Over Meeting** - 6.00 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:

C. Bateson	A.C. Harman	R.W. Sider BEM
A. Brar	N. Islam	V. Siva
S.A. Dunn	T. Lagden	R.A. Smith-Ainsley
N.J. Gething	J. McIlroy	B.B. Spoor
M. Gibson	R.J. Noble	J. Vinson

Councillors are reminded to notify Committee Services of any Gifts and Hospitality offered to you since the last Council meeting so that these may be entered in the Gifts and Hospitality Declaration book.

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

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Call Over Meeting

Guidance Note

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

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

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

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

Planning Committee meeting

Start times of agenda items

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

Background Papers

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

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

AGENDA

Page nos.

- 1. Appointment of Chairman**
To appoint the Chairman of the Planning Committee for the municipal year 2020/21.
- 2. Apologies**
To receive any apologies for non-attendance.
- 3. Minutes** **5 - 8**
To confirm the minutes of the meeting held on 29 April 2020 as a correct record.
- 4. Appointment of Vice Chairman**
To appoint the Vice Chairman of the Planning Committee for the municipal year 2020/21.
- 5. 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.
- 6. Planning Application No. 20/00058/FUL - Laleham Recreation Ground, The Broadway, Laleham, TW18 1RZ** **9 - 26**

Ward
Laleham and Shepperton Green

Proposal
The application seeks to install 6 no. 15m high floodlight columns with 2 no. LED lights per column around an existing football pitch located on the Laleham Recreation Ground, off The Broadway, Laleham.

Officer recommendation
The application is recommended for approval subject to conditions.

- 7. Planning Application No. 20/00449/FUL - The Limes, 11A-11B Station Crescent, Ashford, TW15 3JJ** **27 - 54**
- Ward**
Ashford Town
- Proposal**
The application proposes a change of use of the existing building from an Elderly Care Home to a Children's Home with associated alterations.
- Officer Recommendation**
The application is recommended for approval.
- 8. Tree Preservation Order No. 264/2020 - Land to front of Rowland Hill Almshouses, Feltham Hill Road, Ashford** **55 - 66**
- Ward**
Ashford East
- Proposal**
To confirm the Tree Preservation Order No. 264/2020
- Officer Recommendation**
To confirm the TPO without modification.
- 9. Tree Preservation Order No. 265/2020 - Littleton Recreation Ground, Laleham Road, Shepperton TW17 0JS (r/o 55 Squires Bridge Road)** **67 - 70**
- Ward**
Laleham and Shepperton Green
- Proposal**
To confirm the Tree Preservation Order No. 265/2020
- Officer Recommendation**
To confirm the TPO without modification.
- 10. Planning Appeals Report** **71 - 102**
- To note details of the planning appeals submitted and decisions received between 19 December 2019 and 3 July 2020.
- 11. Urgent Items**
- To consider any items which the Chairman considers as urgent.

**Minutes of the Planning Committee
29 April 2020**

Present:

Councillor R.A. Smith-Ainsley (Chairman)

Councillors:

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

Apologies: Apologies were received from Councillor V. Siva

In Attendance:

Councillor C. Bateson
Councillor I.T.E. Harvey

87/20 Minutes

The minutes of the meeting held on 4 March 2020 were approved as a correct record.

88/20 Disclosures of Interest

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

There were none.

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

Councillor R.A. Smith Ainsley declared an interest on behalf of all councillors in Planning Application No. 20/00342/ADV as the applicant was the Council.

89/20 Planning Application No. 20/00101/FUL - Poundland, 95 - 99 High Street, Staines-upon-Thames, TW18 4PQ

Description:

This proposal was for the provision of nine new flats and ground floor extension to the existing retail unit to the rear of the site. The creation of raised communal landscaped areas at the first floor and erection of first floor access lobby to residential accommodation.

Additional Information:

There was none.

Public Speaking:

In accordance with the Council's procedure for speaking at meetings, a statement from Kieran Rafferty in favour of the proposed development was read out and raised the following key points:

- Providing housing development in this location does not impact on the flood plain or green belt.
- Redevelopment of a sustainable brownfield site
- Provides a high quality development with amenity space
- The National space standards are met
- Development provides good setback distances
- Will contribute to the five year housing land supply
- Cycle parking is provided

Debate:

During the debate the following key issues were raised:

- Meets the housing need
- Amenity space is acceptable
- Extension is not visible from the High Street
- Query over cobbled access at the side. Will not be suitable for wheelchair users.
- Query over affordable housing
- Query over waste management
- Query over parking
- Query over crime in design
- Concern over density
- Design meets the standards

Decision:

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

90/20 Planning Application No.19/01516/FUL, 381 - 385 Staines Road West, Ashford, TW15 1RH

Description:

This proposal involved the erection of a block comprising 8 one and two bed flats to the front of the site and 4 dwellings (comprising 1 two bed chalet bungalow, 2 three bed semi-detached houses and 1 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.

Additional Information:

There was none.

Public Speaking:

In accordance with the Council's procedure for speaking at meetings, a statement from Kevin Davies in favour of the proposed development was read out and raised the following key point:

- This is a renewal of an existing consent with additional information

Debate:

During the debate the following key issues were raised:

- This application is a repeat of a previous permission
- Electric vehicle charging points should be provided

Officer Note: The Planning Committee agreed that a condition should be added to provide EV charging points. However, condition 20 of the officer's report deals with this and reads:

"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."

Decision:

The application was **approved**, subject to conditions as per the officer's report:

91/20 Planning Application No.20/00342/ADV - Spelthorne Museum, 1 Elmsleigh Road, Staines-upon-Thames, TW18 4PH

Description:

This proposal involves the display of a mural advertising Spelthorne Museum.

Additional Information:

There was none.

Public Speaking:

There were no public speakers for this item.

Debate:

During the debate the following key issues were raised:

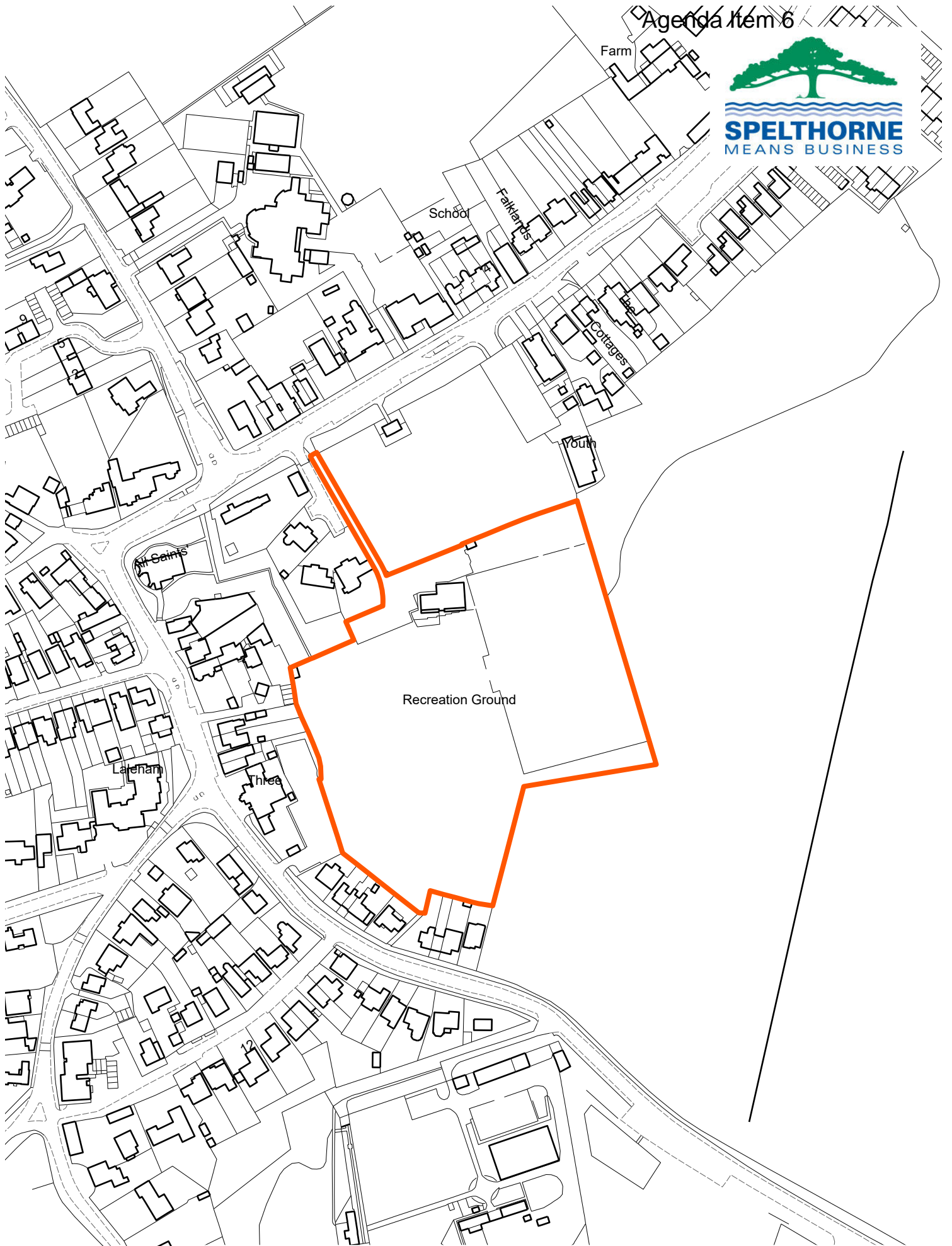
- The proposal is a good idea and will improve the appearance of the building
- It will assist in locating the museum

Decision:

The application was **approved** as per the officer's recommendation.

92/20 Urgent Items

There were none.



20/00058/FUL - Laleham Recreation Ground, The Broadway, Laleham.

Scale: 1:2,500

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Planning Committee

14 July 2020



Application No.	20/00058/FUL
Site Address	Laleham Recreation Ground, The Broadway, Laleham, TW18 1RZ
Applicant	Staines Lammas Football Club
Proposal	Installation of 6 no. 15m high floodlight columns with 2 no. LED floodlights per column.
Case Officer	Matthew Clapham
Ward	Laleham and Shepperton Green
Called-in	Cllr Attewell – citing concerns over noise, lighting and the impact upon the Conservation Area.

Application Dates	Valid: 10.02.2020	Expiry: 06.04.2020	Target: Extension of Time agreed (17.7.2020)
Executive Summary	<p>The application seeks to install 6 no. 15m high floodlight columns with 2 no. LED lights per column around an existing football pitch located on the Laleham Recreation Ground, off the Broadway, Laleham.</p> <p>It is considered that the proposed floodlighting columns would not have a detrimental impact upon the character and appearance of the Laleham Conservation Area, nor any adjoining Listed or Locally-Listed buildings. Nor would the proposal have any harmful impact upon the openness of the Green Belt.</p> <p>The level of lighting from the columns, subject to limitations on their use, would not be detrimental to the residential amenity of any adjoining properties. An independent lighting consultant has reviewed the lighting assessment submitted with the application and raised no concerns. The level of noise arising from the use of the floodlights provided for an existing football pitch on a public recreation ground, is also not considered to be of detriment to residential amenity.</p> <p>No parking concerns are considered to arise in association with the floodlighting. The County Highways Authority has not raised any concerns regarding highway safety.</p> <p>This application was originally to be considered by the Planning Committee on 27th May 2020 but the applicant was required to submit a revised ownership certificate and serve notification on the owners of the site, the Charity Commissioners for England and Wales and the Trustees of Laleham Charities. This has now been done and the</p>		

	application can be determined.
Recommended Decision	Approve the application subject to conditions set out at Paragraph 8 of the Report.

MAIN REPORT

1. Development Plan

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

EN1 – Design of New Development

EN4 – Provision of Open Space and Sport and Recreation Facilities

EN5 – Buildings of Architectural and Historic Importance

EN6 – Conservation Areas, Historic Landscapes, Parks and Gardens

EN11 – Development and Noise

EN13 – Light Pollution

LO1 – Flooding

CO1 – Providing Community Facilities

CC3 – Parking Provision

'Saved' Local Plan Policy GB1 – Green Belt

2. Relevant Planning History

- 2.1 The site has the following planning history:

09/00295/FUL

Erection of 4 No. Lighting columns of approximately 18m high to the Staines Lammas Football Club first team pitch for a temporary period of 2 years.

Refused 10.08.2009

3. Description of Current Proposal

- 3.1 The application proposes six floodlights columns, each 15m in height and housing 2 no. LED lights on each column. The lights would facilitate the use of an existing football pitch located within the Laleham Recreation Ground for Saturday afternoons in the winter months and any evening matches. The columns would be located on each four corners of the football pitch, with two located either side of the halfway line at the centre of the pitch.
- 3.2 The site is located within the Green Belt. It is also located within Flood Zone 2 with an up to 1% chance of flooding in any one calendar year. The pitch and the environs are largely located within the Laleham Conservation Area, with the south eastern 'slice' of the pitch being located outside of the Conservation Area. Four of the six floodlight columns fall within the Conservation Area, with two located outside of it.
- 3.3 There are a number of Listed Buildings adjoining or within the vicinity of the site, the most significant being the Grade I Listed Church of All Saints to the West.

- 3.4 The site itself is an area of open land lying south of The Broadway, Laleham, which is a publicly accessible area used for recreational purposes for the general public. It is understood to have been 'gifted' to the public by the owners, the Lucan family, for public use. The pitch itself is currently being and has previously been used, as a football pitch for use by Staines Lammas Football Club. The pitch itself has 'dug outs', around the pitch barriers, markings and goal posts. The football pitch utilises the existing changing facilities and parking arrangements that already exist for the use of the Lucan Pavilion adjoining the pitch, which also serves as a social club/function room and coffee shop.
- 3.5 The football club itself is currently playing within the Surrey Elite Intermediate League, which is at Level 7 of the non-league pyramid (i.e. 7 leagues below the professional level). The applicant has stated that the floodlights are required to allow further progress within the football pyramid, having been automatically demoted from their previous league (Combined Counties Division1) due to a lack of floodlighting. Staines Lammas FC are currently located in a lower league compared with other football clubs in the Borough, namely Staines Town, Ashford Town (Middx) and Spelthorne Sports.
- 3.6 The applicant has confirmed the periods of use for floodlighting throughout the year, which has been derived from Football Association requirements. The latest time floodlighting would be on is 22.00 hours. This is limited to 15 fixtures on weekdays, which will take place sporadically during the period from September to April in the next year. The applicant has confirmed that floodlighting will not be used to facilitate training sessions and that alternative facilities are used for training.
- 3.7 The applicant has confirmed in the supporting statement that in terms of use of the floodlights, the following principles apply:

Saturday Afternoon Fixtures

This is the predominant day for football matches, with a customary kick off time of 15.00 hours. In the period from mid-August to the end of October (in the same year), there is no need to use floodlights because there is sufficient natural light up to when a fixture is due to end i.e. 16.45 hours.

Around the time clocks go back, it becomes necessary to use floodlights and this usually commences on the last Saturday in October. This continues until the middle of February the following year, when ordinarily sufficient natural light exists to complete fixtures by 16.45 hours. The floodlights are then only switched on around half time because there is sufficient natural light for the first half i.e. around 15.45 hours.

From mid-February to the end of the season floodlighting is not required because there is sufficient natural light up to when a fixture is due to end i.e. 16.45 hours.

The scope of use is therefore:

- 1. Mid-August to the end of October (11 weeks) – floodlights are not required.*
- 2. End of October to mid-February (16 weeks) – floodlighting generally required from half time (a period of normally 45 minutes).*
- 3. Mid-February to the end of the season (13 weeks) - floodlights are not required.*

After every fixture that has required the use of floodlights, it is normally the case that they are left on for a short period of time (about half an hour) for safety reasons and to allow cleaning and tidying up to take place. This means lights are normally turned off at around 17.30 hours.

In summary, the time when floodlights will be in use is during the 16-week period from the end of October to mid-February and specifically between 15.45 hours and 17.35 hours. The only time these periods are likely to be exceeded is in the rare event of very bad natural light conditions and/or extra time having to be played in cup fixtures.

Mid-Week Fixtures

Mid-week fixtures are played in the evening and as such require floodlighting. The kick of time is generally 19.45 hours, which means lights will normally be turned off by 22.00 hours. This will only be extended in the event of extra time and/or a penalty shootout in cup fixtures.

Unlike Saturday fixtures, it is not possible in any given football season to say from the outset how many evening fixtures will take place. This depends on postponements; cup runs and other factors such as League requirements but as a general rule it would be appropriate to assume that around 15 fixtures will take place and sporadically during the period from September to April the following year.

*Sundays - No use required
Pitch lighting will be turned off by 2200 hours,*

4. Consultations

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

Consultee	Comment
SBC Heritage Advisor	No objections on heritage grounds
County Highway Authority	No highway requirements
Environmental Health	Pollution Control – No comments
Environmental Health	Lighting – Requested condition

5. Public Consultation

5.1 33 letters of notification were sent to adjoining properties and a Statutory Site Notice and a Newspaper advert were also displayed. 16 letters of objection were received, raising the following concerns:

- Parking pressures
- Highway Safety and access arrangements
- Noise
- Light pollution
- Potential future expansion of the football club
- Impact upon the Conservation Area / adjoining listed buildings

- Visual amenity
- Green Belt
- Bats

6. Planning Issues

6.1 The main planning matters are:

- Impact upon the Conservation Area and adjoining Historic Buildings
- Impact of Lighting upon adjoining residential properties
- Impact of noise and disturbance upon adjoining residential properties
- Impact upon the openness of the Green Belt
- Provision of community facilities
- Parking and highway safety
- Flooding
- Other matters

7. Planning Considerations

Impact upon the Conservation Area and adjoining Historic Buildings

7.1 The site is mainly located within the Laleham Conservation Area, with 4 of the 6 floodlight columns being located inside the Conservation Area. Paragraph 196 of the National Planning Policy Framework (2019) (NPPF) states that *‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’*.

The comments from the Councils Heritage Consultant are also noted. These comments were:

I recall commenting on a previous application in 2009. I stated that the columns would be visible to a greater or lesser extent from parts of the surrounding area, possibly from certain listed buildings. It was also apparent that parts of the conservation area could be affected as well as private properties in close proximity. Predicting the extent of any actual visual harm or nuisance would be difficult.

Since then the NPPF has been published which seeks to guide decision makers. There is now a presumption in favour of sustainable development, where any harm to conservation areas or the settings of listed buildings must be balanced against any public benefit a scheme might produce. Notwithstanding this, the planning authority has a duty under the Planning (Listed Buildings and Conservation Areas) ACT 1990 to have “Special Regard” to preserving the setting of listed buildings and the character of conservation areas, and to give this “considerable weight” when carrying out the balancing exercise. There are a number of Court of Appeal Judgements on this issue.

In the light of the above, I conclude that there will be some harm caused by the height of the poles and lights, as these will undoubtedly be visible from certain positions. This harm must then be balanced by any benefits the increased sporting and exercise activities may bring to the community.

- 7.2 Policy EN6 of the Spelthorne Core Strategy and Policies Development Plan Document (2009) (CS&P DPD) seeks to apply the Council's policies in a more flexible way where justified to ensure the preservation and enhancement of a Conservation Area.
- 7.3 Policy EN5 of the CS&P DPD seeks to require development proposals affecting the setting of a listed building to have special regard to preserving its setting.
- 7.4 Section 66 of the Listed Buildings and Conservation Areas Act 1990 requires authorities, when determining applications which affect a Listed building and its setting, to have 'Special regard to the desirability of preserving the building or its setting or any special features of architectural or historic content which it proposes'. Furthermore, Section 72 of this Act imposes a duty on the Local Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in exercising planning functions.
- 7.5 It is recognised that the previous application was refused partly on the grounds of the potential impact upon the Conservation Area. However, as the Council's Heritage Consultant has stated, the National Planning Policy Framework has been published since that decision was made. This has altered the balance of decision making on such matters and is a material consideration in assessing this proposal. It is necessary to initially consider the potential impacts upon the character and appearance of the Conservation Area. Two of the columns fall outside of the Conservation Area and the remaining columns are on the periphery of the Conservation Area. There is a mobile phone mast immediately adjoining the Lucan Pavilion Clubhouse Building, also located within the Conservation Area. Whilst there are two more columns, they are lower in height by 3m thereby reducing some of the visual impact.
- 7.6 Also of consideration as set out in the NPPF are the wider public benefits that a proposal may bring to a community. While it is not intended to use the floodlights for training or non-match day reasons, the floodlights would help sustain a local football club that could re-invest in the community by providing a local sporting facility that will encourage people to gain an interest in participating in and watching sports events. This may lead on to an additional demand for training sessions either at this site or elsewhere by the football club during the weekends and school holidays for junior teams which would benefit the wider community of Laleham and Spelthorne. The applicant has set the benefits out in its planning statement in terms of playing at a higher level, this generates more interest, better players, coaches, and more members and volunteers. Staines Lammas has a youth section which accommodates boys and girls teams and train on a Saturday morning, so would not directly need the use of the floodlights however relies upon a successful first team to sustain interest and funding.

- 7.7 With regard to the impacts upon the Listed Buildings in the vicinity, the nearest listed building is in excess of 100m away from the nearest floodlight. Due to this significant separation distance and the tree screening, in particular between the application site and the adjoining Church, it is considered that this is only of limited harm and not sufficient harm to justify refusal.
- 7.8 Therefore, on balance and taking into account the comments of the Council's Heritage Advisor and the guidance contained in the National Planning Policy Framework, the wider public benefits arising from the proposals are considered to outweigh the limited harm the would occur to any adjoining listed buildings or the Conservation Area.

Lighting

- 7.9 The applicant has submitted a lighting assessment report and a plan showing the predicted lighting spill from the floodlights. The Council used the services of an independent lighting advisor to assess the applicant's report and the likely impacts of the proposals in terms of light pollution.
- 7.10 The applicant's lighting assessment demonstrated that the floodlights would meet Football Association and Sport England requirements, but that only 12 LED lights would be required in total (two lights in each column). They have been designed to face directly down onto the pitch to provide satisfactory lighting on the pitch and minimise glare. The floodlights are required to provide lighting of 200 lux to the pitch itself, however the light overspill is reduced to 1 lux (moonlight) within a distance of 40m from the floodlights. The location benefits from having the recreation ground to the west, the former gravel works (now being restored) on farmland to the south and east and allotments to the north. Therefore no residential properties would be unduly affected by the lighting spillage, although it is recognised that the lights would be visible when turned on.
- 7.11 The Council's lighting advisor made comments on the floodlighting design proposals. This was to ensure compliance with limits defined within Institution of Lighting Professionals Guidance Notes for the reduction of obtrusive light 2001(1) and assessing any potential light pollution, which is a recognised statutory nuisance in the UK under the Clean Neighbourhoods and Environment Act 2005. The advisor also considered the periods that lighting will be in use that will unavoidably introduce an effect on views looking into the site. The Council's lighting advisor concluded that the calculation results comply with Institution of Lighting Professionals (ILP) limits for the Environmental Zone E2. The area has been considered to be designated as being within this Zone E2 (Rural - Low district brightness - Village or relatively dark outer suburban locations) as defined within ILP Guidance Notes for the reduction of obtrusive light 2001 with respect to light-trespass, and source intensity limits (assuming no curfew). The Council's light advisor has confirmed that the proposal will comply with the necessary guidelines and has raised no concerns regarding sky-glow levels. The Council's Environmental Health Officer (Lighting) has not raised any objections.
- 7.12 The Council is therefore satisfied that the floodlights have been designed to minimise light pollution within the immediate area. A condition is recommended to control the usage of the floodlighting, which restricts the use of the lights and accordingly the facility to no later than 22:00 for any one day in a week and not after 18:00 on weekends. The applicant has stated that the

use of the floodlights will be restricted to the first team, generally Saturday afternoons, occasional midweek matches. The pitch itself, being grass, would not be able to sustain significantly more use than this. Whilst it is recognised the floodlights will still cause some 'sky glow', the Council lighting advisor has not raised any concerns and in view of the proposed condition limiting hours of use, in addition to the separation distances to adjoining residential dwellings and the existing lights on The Broadway and Shepperton Road, The limited harm is considered to be outweighed by the benefits of the proposal. The proposed lighting is considered to have been designed so as to ensure that the proposal does not result in any material harm to the character and amenity of the area and the surrounding residents in terms of light disturbance.

Green Belt

7.13 Paragraph 145 of the NPPF states that:

'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.'

However the paragraph does specify a number of exceptions to this, one of which includes the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, are acceptable; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

7.14 The Council's Saved Local Plan Policy GB1 is mostly reflected in the Green Belt policy set out in the NPPF, but it should be noted that policy GB1 was saved from the 2001 Local Plan and therefore pre-dates the current NPPF. Although there is a degree of consistency with the NPPF, the impact of the development on the Green Belt should be considered primarily against the policies of the NPPF rather than policy GB1.

7.15 Paragraph 133 of the National Planning Policy Framework (2019) sets out that: *The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green belts are their openness and their permanence.*

7.16 The five purposes of the Green Belt, as defined in the NPPF are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.17 The lighting columns would constitute structures that are considered to be appropriate facilities for outdoor sport and recreation and therefore fall to be considered in respect of the impact on the openness of the Green belt and

whether the structures would conflict with the reasons for including the area within the Green belt.

- 7.18 In terms of the impacts upon the openness of the Green Belt, the proposed floodlights would be six 15m high columns, evenly spaced around the pitch, three on each side. In spatial terms, the floodlights would not have a substantial footprint, as they are relatively narrow. As such, they are not considered to detract from the openness of the Green Belt in this location or the purposes of including land within the Green Belt.
- 7.19 Whilst it is noted that the floodlighting proposed in the 2009 planning application was considered (unlike the current scheme) to constitute inappropriate development in the Green Belt, it is important to note that this was before the publication of the NPPF. The previous green belt national advice was set out in PPG2 “Green Belts” which permitted “*essential facilities* for outdoor sport and outdoor recreation” subject to the caveats relating to preserving the openness and not conflicting with the purposes of the green belt. The current NPPF refers to *appropriate facilities* (for outdoor sport, outdoor recreation with the same openness and purposes caveats. Furthermore, the planning application was not refused on Green Belt grounds. Therefore, based on the considerations outlined in the paragraphs above, it is concluded that the provision of floodlights to constitute appropriate facilities for outdoor sport for the purposes of the framework and are acceptable in terms of the Green Belt.

Noise

- 7.20 The football pitch facility and recreation ground is an existing facility in a semi-urban area. The previous application in 2009 was not refused on noise grounds. As stated previously, the football pitch use would be limited by a condition subjecting a ‘curfew’ on its use under floodlights for football or other sporting purposes, particularly late in the evening. There are no existing restrictions on the use of the site although the floodlights will enable additional use in evenings. The crowd attendances at this level of football are relatively small and the Saturday afternoon matches would take place anyway, normally with a 2pm start. The nearest residential dwellings are also some distance away. The amount of matches being played at the ground are limited by the league that Staines Lammas are playing in and associated conditions limiting matches to being Saturday afternoons and one evening per week. The Councils Environmental Health Officer for Noise has not raised an objection, subject to a time limit condition restricting hours of usage of the pitch under the floodlights. As such, there are no specific objections regarding noise disturbance.

Community Facilities

- 7.21 The football club was founded in 1926. It previously played at this site until 2009 and returned to this site in 2015 following a brief ground share arrangement with another football club based in the Borough of Spelthorne. Policy CO1 of the CS&P DPD – Providing Community Facilities states that the Council will seek to ensure community facilities are provided to meet local

needs by ' supporting improvements to existing facilities to enable them to adapt to changing needs'.

7.22 Paragraph 92 of the NPPF states that Local Authorities should seek to:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

7.23 The applicant has stated that they have previously had to leave this facility due a lack of floodlights and were denied promotion and subsequently demoted to their current lower league since the previous planning application as their ground did not meet the ground grading requirements of the leagues and as required by the Football Association. As a result, a number of coaching and management staff and players left the club and the club has had to rebuild since this time. This proposal would provide a focal point for the club with only limited evening/dusk use and provide a community facility. As such, the proposal is considered to accord with guidance contained within the NPPF and with Policy CO1 of the CS&P DPD.

Highways and Parking

7.24 The County Highway Authority has not raised an objection to the proposal in terms of highway safety. As stated previously, the pitch is already in use by Staines Lammas Football Club who have limited attendances in terms of numbers of spectators. The access is existing and already serves the existing social club, coffee shop/nurse and the existing use of the site as a football/sports club and recreation ground. There is a public car park in very close proximity to the site. In any event, no additional training sessions at evenings are proposed so there would limited increase in traffic movements and parking requirements above and beyond those that already exist. Therefore, it is not considered that the additional floodlight would result in any significant highway or parking concerns in the locality.

Flooding

7.25 The site is located within the Zone 2, which has a 1 in 1000 year chance of flooding. The floodlights are narrow and while they will be supported on concrete bases, there is a very limited impact upon flood risks and resilience and no significant flooding concerns are considered to arise.

Other Matters

- 7.26 The matters regarding the rights of the football club to use and enclose the pitch is a matter for the Trustees of the site and is not a material planning consideration. Spelthorne Borough Council has no legal interest in the land. The site is an open recreation ground with no obvious evidence of bat roosts in the immediate vicinity. In any event, due to the limited use of the floodlights on a maximum of two days per week and during winter months only, which coincides with the bat hibernation season, no significant adverse impacts upon bats or other wildlife are considered to arise. The potential future expansion of the club including new stands or other facilities will require planning permission and will be subject to a new and separate planning application, where any impacts will be subject to all material planning considerations at the time. As a result of the decision to expunge all results at this level of football for the 2019/2020 season, Staines Lammas FC will continue playing at their current level, not requiring floodlights next season or at the time amateur sports are permitted to re-commence (as a consequence of Covid19).

Equalities Act 2010

- 7.27 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 to the need to r:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need, to see whether the duty has been performed.

The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means to have such regard as is appropriate in all the circumstances.

Human Rights Act 1998

- 7.28 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

- 7.29 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 not a community infrastructure levy (CIL) chargeable development as such there is no financial benefit associated with this planning application.

Conclusion

- 7.30 The proposal is considered to be an acceptable form of development providing positive wider public benefits to the local community and to facilitate the success of a local sports club. It is considered to be acceptable on design grounds and would not have a detrimental impact upon the openness of the Green Belt nor the residential amenity of adjoining residential properties in terms of light pollution, noise and disturbance or parking and highway safety concerns. In addition, the NPPF requires that in Conservation Areas, the impacts upon Heritage Assets is considered in relation to whether any potential harm would be outweighed by the benefits to the wider public. In this instance, the inclusion of four of the six columns within the Conservation Area is considered to have limited harm that would be outweighed by the wider benefits of supporting this local community sports club. Therefore the proposal is considered to be conform to Policies EN1, EN6 of the Core Strategy and Policies DPD, 'Saved' Policy GB1 of the Local Plan 2001 and guidance contained within 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 three years from the date of this permission.

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

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

Site Location Plan; 01; D32636/TF/B

received on 10/02/2020

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

3. That the floodlights hereby approved shall only be used at the following times:

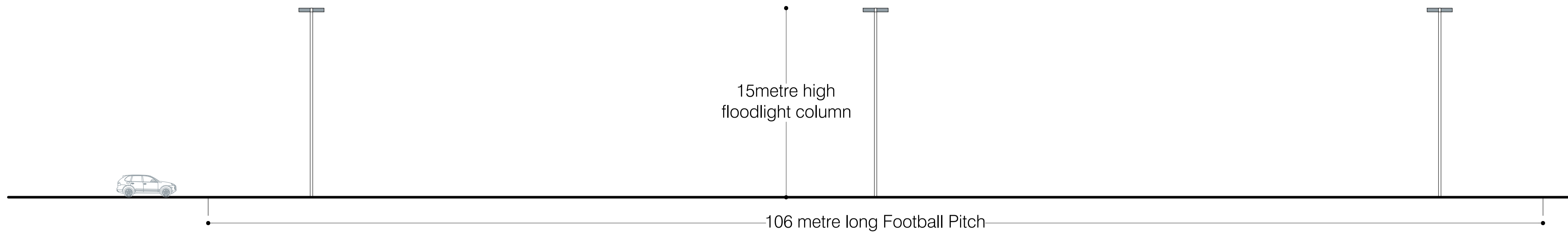
Saturdays, between 3pm and 5:45pm

On a maximum of any one weekday per week between 7pm to 10pm without the prior written approval of the Local Planning Authority.

Notwithstanding these times stated above, the floodlighting shall be extinguished at the first possible opportunity when the use of the floodlit playing surface has been concluded.

Reason:-.To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their properties in accordance with policies SP6, EN1 and EN11 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

notes
 this drawing is the copyright of matthew calvert - architect. no reproduction of this drawing is allowed without the permission of the architect.
 All dimensions should be checked on site and any discrepancies reported to the architect



Long Elevation of Football Pitch scale 1:200



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project Laleham Recreation Ground The Broadway Laleham Middlesex TW18 1RZ		
drawing title Site Layout Plan and Elevations		
scale	date	drawn
1:500/200 @ A1	Feb 2020	mc
job no.	drawing no.	revision
722	01	.



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20/00449/FUL - The Limes, 11A - 11B Station Crescent, Ashford

Scale: 1:1,250

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Planning Committee

14 July 2020



Application Nos.	20/00449/FUL		
Site Address	The Limes, 11A – 11B Station Crescent, Ashford, TW15 3JJ		
Proposal	Change of use from an Elderly Care Home (C2 Use) to a Children's Home (C2 Use) with associated alterations.		
Applicant	Ashford Children's Care Limited		
Ward	Ashford Town		
Call in details	The application has been called in by Councillor Gething on the grounds of the impact of the proposal upon the character of the area and residential amenity, the loss of a care home facility within the borough, and as the Use Class Order has been amended since the previous planning applications were determined at the site.		
Case Officer	Matthew Churchill		
Application Dates	Valid: 20.04.2020	Expiry: 15.06.2020	Target: Extension of time agreed
Executive Summary	<p>This application is proposing a change of use of the existing building from an Elderly Care Home to a Children's Home with associated alterations. The proposed and existing uses both fall within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and ordinarily planning permission would not be required to convert the building between proposed and existing uses. However, in this instance two restrictive planning conditions has been imposed at the site, which restrict the use of the building to an elderly care home and no other use, even if that use falls within the same C2 use class.</p> <p>The building was originally two dwelling houses (11A & 11B Station Crescent). Planning permission was granted to convert the dwelling at 11A Station Crescent into an elderly care home in 1984 (SPW/COU/84/48). Planning permission was then granted in 1993 to convert the dwelling at 11B Station Crescent into an extension of the existing elderly care home at 11A (92/00700/FUL). The applicant has stated that the care home was last occupied in February 2017, and had the capability of providing accommodation for up to 16 elderly residents. The care home provides kitchen and dining facilities for its occupiers as well as a garden area at the rear of the site.</p> <p>The application is not proposing any external alterations to the building, although there would be internal alterations, which predominantly involve changing the room uses. The children's home would provide accommodation for up to 9 children, and there would also be 2 rooms of</p>		

	<p>accommodation for the on-site carers. The children's accommodation would be situated on the first floor and the carers' accommodation would be located on the ground floor.</p> <p>The applicant has stated that the children between the ages of 5 and 13 would typically be referred to the home, although ages could vary. The home is intended to provide accommodation for children with learning difficulties. The applicant has confirmed that the children's home would be regulated by Ofsted and Surrey Children's Services.</p> <p>The site contains an existing parking area at the front of the building, which contains 5 parking spaces. The parking area would be retained following the change of use of the building.</p> <p>As planning permission would not normally be required to change the use of a building from one C2 use to another C2 use, the Council must carefully consider whether the reasons for the imposition of the restrictive planning conditions, would reasonably prevent the change of use of the site from an elderly care home to another C2 use, which would result in an unrestricted C2 use on the site.</p> <p>The proposal is considered to meet the requirements of local and national planning policies and is recommended for approval.</p>
<p>Recommended Decision</p>	<p>This application is recommended for approval.</p>

MAIN REPORT

1. Development Plan

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

- SP1 - Location of Development
- SP2 – Housing Provision
- SP5 – Meeting Community Needs
- SP6 – Maintaining and Improving the Environment
- HO4 - Housing Size and Type
- CO1 – Providing Community Facilities
- EN1 - Design of New Development
- EN11 - Development and Noise
- CC2 - Sustainable Travel
- CC3 - Parking Provision

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

2. Relevant Planning History

The relevant planning history of 11A & 11B Station Crescent is outlined in the table below:

Application No.	Proposal	Decision
SPW/COU/84/48	Change of use of 11A from one family home to a four-bedroomed residential home for senior citizens with registered nurse and proprietors rooms.	Approved 04.04.1984
SPW/FUL/85/537	Erection of a first-floor rear extension to form one bedroom.	Refused 28.08.1985
SPW/FUL/85/535	Erection of a detached double garage	Approved 25.09.1985
SPW/FUL/86/107	Erection of a single-storey flank extension to form three bedrooms, and an enlarged lounge to existing elderly person's home.	Approved 07.05.1986
SP/COU/90/796	(A) Change of use of 11b Station Crescent from a dwelling (Use Class C.3) to form enlarged rest home for the elderly (Use Class C.2) ,and (B) Erection of a single-storey rear extension.	Refused 21.08.1991
92/00700/FUL	Change of use of No 11b Station Crescent from a dwelling (use Class C3 to form enlarged rest home for the elderly (Use Class C2), and erection of single storey conservatory at rear to form a day room.	Approved 31.03.1993
98/00314/FUL	Erection of a first floor side extension and a hipped roof to existing 1st floor flat roof to residential care home.	Refused 22.07.1998
99/00055/FUL	Erection of a first floor side extension and a hipped roof over 1st floor flat roof to existing residential care home.	Refused 28.04.1999
08/00621/FUL	Erection of a detached single storey outbuilding in rear garden to be used as activity room, laundry room and store.	Refused 17.10.2008

3. Description of Current Proposal

- 3.1 The application site contains an Elderly Care Home (C2 Use Class), which is situated on the north-western side of Station Crescent in Ashford. The building previously formed two dwelling houses (11A & 11B Station Crescent). The street scene surrounding the site is predominately residential and contains two storey and single storey detached and semi-detached dwellings.
- 3.2 In 1984 planning permission was granted to convert one of the dwellings, 11A Station Crescent, into an elderly care home (SPW/COU/84/48). A restrictive planning condition was imposed upon the decision notice, which restricted the use of the building to an elderly care home and no other use, even if that use fell within the same XIV Use Class (of the 1972 Town and Country Planning (Use Classes) Order 1972), which today forms part of the C2 use class.
- 3.3 Planning permission was then granted in 1993, for a change of use of the second dwelling, 11B Station Crescent, also into an elderly care home, which was an extension to the existing care home at 11A. A further restrictive condition was imposed upon the decision notice, which requires that the care home at 11B Station Crescent remains ancillary to the existing care home at 11A and that it is not in any other use without prior planning consent.
- 3.4 Planning permission was granted to extend the building in 1999 (99/00055/FUL), and a restrictive planning condition was imposed upon the decision notice, limiting occupation to no more than 16 residents.
- 3.5 The care home currently contains 16 rooms of accommodation for elderly residents with accommodation located on the ground and first floors. The ground floor also contains kitchen and dining facilities. There is a garden area at the rear of the building, and a parking area is located at the front of the site which contains 5 parking spaces.
- 3.6 The application is proposing to change the use of the site from an elderly care home (C2 use class) into a children's home (C2 use class) with associated alterations which would result in an unrestricted C2 use on the site. The C2 use class (residential institutions) is for the provision of residential accommodation and care to people in need of care. It includes hospitals, nursing homes, residential schools, colleges and training centres. The application is not proposing any external alterations. However, there would be internal alterations, largely comprising changes to the internal room uses.
- 3.6 The applicant has stated that up to 9 children would be accommodated in the children's home, and there would also be accommodation for 2 carers. There would be 9 rooms of accommodation for children on the first floor, and the carers would be provided with accommodation on the ground floor. An existing staff office in the roof space would be retained, as would the 5 car parking spaces at the front of the site.
- 3.7 The applicant has stated that the children referred to the home would typically be between the ages of 5-13, although the ages may vary. The home is also intended to provide accommodation to children with learning difficulties. The applicant has confirmed that the children's home would have a Home

Manager, a Staff Supervisor as well as individual carers based upon each child's particular needs. This would include 3 staff who would be awake during the night. The applicant has confirmed that the home would be subject to governance by Ofsted and Surrey County Council.

- 3.8 Planning permission would not ordinarily be required to change the use of a building to a new use falling within the same use class (in this instance C2.) However, because of the restrictive planning conditions highlighted above, in this instance planning permission is required.

4. Consultations

Consultee	Comment
County Highway Authority	No highway requirements.
Environmental Health	No comments.
Surrey Children's Services	No comment from formal consultation. However a response dated 10/06/20 forwarded by the applicant from Surrey County Council has requested additional information to enable the property to be added to their database should SCC require placements in the future.
Surrey Police	Recommends that a Secure By Design Award is secured.

5. Public Consultation

- 5.1 The Council has consulted the occupiers of the neighbouring properties. A total of 20 letters of representation have been received and 1 letter from SCAN, which object to the proposal on the following grounds:

- There are not enough care homes in the area.
- Concerns over the application process (Officer Note: the application has been determined in accordance with the relevant planning regulations and guidance).
- A website has advertised jobs at the children's home and indicates that occupants may have emotional and behavioural difficulties (Officer Note: The attributes of future occupiers is not a planning matter, although the applicant has confirmed that the home is intended for children with learning difficulties).
- There are already HMOs in the area. (Officer Note: this proposal is not for an HMO and planning permission would be required to change the use of the building to an HMO)
- The proposal is not in keeping with this quiet residential street.

- Concerns over anti-social behaviour.
 - The future occupiers could face exploitation and abuse.
 - The proposal could put pressure on local schools.
 - The application does not give information on the type of children's services on offer.
 - The application has not provided information from Surrey Children's Services or from Surrey older people's services.
 - Other elderly care homes have been lost in the area.
 - Concerns about how the children's home would be managed and governed (Officer note: this is not a planning matter but the applicant has confirmed that the children's home will be registered with Ofsted and Surrey County Council).
 - A further condition restricting the use should be imposed upon any future permission.
 - The proposal would absorb resources such as the emergency services.
 - Concerns about criminality in the surrounding area.
 - The proposal could impact other children already in the area.
 - The village feel of Ashford has been destroyed.
 - The application will increase traffic flow in the area.
 - Concerns over the opening of children's home during the Covid 19 crisis.
 - Concerns over highway safety.
 - The proposal will result in noise, disturbance and a loss of privacy.
- The Council has also received a letter of representation from SCAN which raises concerns of disabled access to the site.

6. Planning Issues

- Planning background of the site & restrictive conditions
- The loss of Care Home spaces
- The Children's Home use
- Impact upon residential amenity
- Design and appearance
- Parking provision

7. Planning Considerations

Planning Background

7.1 An Elderly Care Home and a Children's Home both fall within use class C2 of Town and Country Planning (Use Classes) Order 1987 (as amended). The applicant would therefore not normally require planning permission to change the use of a site between the existing and proposed uses, as they fall within the same use class. However, in this instance, two restrictive planning conditions have been imposed at the site, which have resulted in the requirement for the applicant to obtain planning permission.

7.2 The application site contains a two storey building, which previously formed two dwelling houses (11A & 11B Station Crescent). In 1984 planning permission was granted for a change of use of 11A Station Crescent into a residential home for senior citizens (SPW/COU/84/48).

7.3 A restrictive planning condition was imposed upon the decision notice (Condition 5), which stated:

"That the premises be used only for/as residential home for senior citizens and shall not be used for any other purpose within Use Class XIV nor for any purpose within any other Use Class specified in the Schedule of the Town and Country Planning (Use Classes) Order 1972, nor for any other purpose without prior permission of the District Planning Authority."

The condition was imposed for the following reasons:

*"(i) The enjoyment by neighbouring occupiers of their properties.
(ii) The appearance of the locality".*

It should be noted that use class XIV, of the Town and Country Planning (Use Classes) Order 1972, was incorporated into the C2 use class (Residential Institutions) in the Town and Country Planning (Use Classes) Order 1987, which includes hospitals, nursing homes, children's homes and residential schools.

7.4 The condition was not imposed to retain care home spaces at the site, and instead was imposed in the interests of amenity of the occupiers of neighbouring dwellings and the interests of the character and appearance of the locality.

7.5 In 1993 planning permission was granted for the change of use of 11B Station Crescent, from a dwelling house into an enlarged rest home for the elderly (92/00700/FUL). A restrictive planning condition was imposed upon the decision notice (Condition 6), stating that the rest home for the elderly shall only be used for purposes ancillary to the existing rest home at 11A Station Crescent, and for no other purpose. This condition together with a further condition restricting the use of the building to no more than 15 occupants, was imposed for the following reason:

“To safeguard the amenities of the locality and to ensure that there is adequate parking provision to satisfy the Council’s Current Parking Standards”.

- 7.6 Again, this condition was not imposed in the interests of retaining the care home spaces, and instead was imposed in the interests of amenity and parking provision. A later application to extend the Care Home was granted planning permission in 1999 (99/00055/FUL), which contained a planning condition restricting occupation to 16 elderly occupants.
- 7.7 The site already benefits from planning permission to be in a C2 use, albeit that the use is restricted by condition to an elderly care home. The Council must therefore carefully consider whether the use of the site in another C2 use would cause undue planning harm.

Restrictive Planning Conditions & the NPPF

- 7.8 The restrictive planning conditions at the site, which prevent the change of use of the building to any other C2 use, must be viewed in the context of the NPPF (2019) and Planning Practice Guidance (PPG) on Conditions (updated 23 July 2019). The two planning conditions were imposed in 1984 and 1993 some considerable time before these recent government documents were issued.
- 7.9 The NPPF states that where development would be unacceptable, local planning authorities should consider whether the development could be made acceptable through the use of conditions. The NPPF and PPG both state that conditions should be kept to a minimum and should only be imposed where they meet the five tests of being necessary, relevant to planning and the development permitted, enforceable, precise, and reasonable in all other respects.
- 7.10 The PPG advises that conditions restricting the future use of permitted development rights or changes of use, as permitted through the Town and Country Planning (General Permitted Development Order) 2015 (as amended) *“may not pass the tests of reasonableness of necessity”*. In addition, the PPG makes clear that *“planning permission runs with the land and it is rarely appropriate to provide otherwise”*.
- 7.11 In this instance, the restrictive planning conditions were imposed prior to publication of the NPPF and the current PPG. However, the change of use of a building from one C2 use to another would not normally require planning permission. The Council must consider whether any planning harm would arise from the change of use of the site from an elderly care home to a children’s home, resulting in an unrestrictive C2 use.
- 7.12 The restrictive conditions were imposed in the interests of surrounding residents and the enjoyment of their homes, the appearance of the locality, to safeguard amenities, and in the interests of parking provision. The Council must therefore carefully consider whether sufficient planning harm would arise to neighbouring residents, the appearance of the area, to the amenities of the area and to parking provision, as a result of the change of use of the site from

an elderly care home to a children's home, which would reasonably prevent the change of use to an unrestricted C2 use.

The loss of care home bed spaces

- 7.13 Policy HO4 of the CS&P DPD states that the Council will ensure that the size and type of housing reflects the needs of the community, by encouraging housing designed to meet the needs of older people, including the provision of 400 units of extra care housing on suitable sites over the period between 2006 and 2026.
- 7.14 The updated Spelthorne Strategic Housing Market Assessment (SHMA) (October 2019) also identifies that there is currently a shortfall of 201 care bed spaces in the borough, which is predicted to increase to a shortfall of 589 spaces by 2035 (note there are additional requirements for housing with support and housing with care). Whilst the information in the SHMA does not form part of an adopted Council planning policy, the SHMA has been prepared as part of the evidence base for the Council's new Local Plan, and must be attributed appropriate weight.
- 7.15 There is clear and demonstrable need for new care home spaces in Spelthorne, which is predicted to increase over time. The proposed change of use to a children's care home would result in a loss of 16 care home spaces, when Policy HO4 states that 400 additional extra plan spaces are required between 2006 and 2026, and evidence gathered for the new local plan suggests that the need is likely to increase. However, the restrictive planning conditions which prevent the change of use of the building to another C2 use, were not imposed to prevent the loss of care home spaces, and the application must be determined in this context, as planning permission would not normally be required to convert the use of a building from one C2 use to another.
- 7.16 The applicant has indicated that the care home has not been occupied since February 2017. The applicant has also provided a copy of a report by the Care Quality Commission, which amongst other concerns commented that the layout was not conducive to older people moving around the building. Whilst this suggests that there are some shortfalls in the layout of the site as a Care Home, the Care Quality Commission Report falls outside the remit of planning legislation. It does, however, provide helpful information on the current application.
- 7.17 Planning permission would not normally be required to change the use of a building from an elderly care home to a children's home as both uses fall within the same C2 use class. In this instance, restrictive planning conditions have prevented the change of use to a children's home and the loss of care home spaces, without the need for planning permission. However, the conditions were not imposed to prevent the loss of care home spaces and instead were imposed in the interests of the enjoyment of neighbouring residents of their homes, the appearance of the locality, amenity, and parking provision. The application should therefore be determined in this context, and as the restrictive conditions were not imposed to prevent the loss of care home spaces, whilst there is a demonstrable need for care home spaces in

the borough, it would be difficult to reasonably justify a recommendation for refusal on the basis of the loss of care home spaces, as without the restrictive conditions, the care homes spaces could be lost without the requirement for planning permission.

Children's Home Use

- 7.18 The existing care home use falls within the C2 use class (residential institutions), albeit that the use is restricted to an elderly care home by two restrictive planning conditions. The proposed children's home would also fall within the C2 use class, which includes residential accommodation for people in need of care, hospitals, nursing homes, residential schools, colleges and training centres.
- 7.19 Local and national planning policy is extremely limited in its guidance upon children's homes. The application should instead be assessed as a general C2 use. It should also be noted that children's services fall within the remit of the County Council.
- 7.20 Whilst there is limited planning guidance on children's homes, the applicant has provided a copy of the Surrey County Council document entitled "*Surrey Placement Strategy for Looked After Children 2016 – 2019*". This is not a planning document or an adopted planning policy. However, it provides useful information on children's homes in Surrey and states that "too many" looked after children have been placed outside of Surrey because the right placement was not available within the county. It further states that 22% of looked after children are living outside of the borders of Surrey and more than 20 miles away from their originating home. The document goes on outline a commitment to placing 80% of residential children locally within Surrey.
- 7.21 The operation and regulation of the children's home is also not a planning matter and the Council must instead consider the principle of the C2 use of the site. Furthermore, should planning permission be granted, this would run with the land and not the applicant.
- 7.22 However, the applicant has stated that the children's home would provide accommodation for up to 9 children, as well as accommodation for 2 on site carers. The children that would be referred to the home for placement, would generally be between the ages of 5 and 13, although the ages could vary. The applicant intends for the home is to provide accommodation to children with learning difficulties. The home would have manager and staff supervisor, and the number carers would be dependent upon the individual needs of each occupant. The applicant has confirmed that the home would be regulated by Ofsted and Surrey County Council. The applicant has also provided the Council with the copy of an email from Surrey County Council which expresses an interest in adding the children's home to its database should it be required for future placements.
- 7.23 In terms of the suitability of the building layout, there is no planning guidance relating to the layout of children's homes and this would be a matter for the registering authority. However, it is helpful to note that the nationally described *Technical Housing Standards* (March 2015), which can be looked

at as an indicative guide, state that in order to provide one bed space a single bedroom must incorporate an internal floor area of at least 7.5m² It is considered that all of the children's rooms would meet this size.

- 7.24 The Council's planning guidance does not give requirements for minimum garden areas for children's homes and again this would be a matter for the registering authority. However, it is helpful to note that the Council's SPD on design states that for flats where amenity space is shared, 35m² of amenity space should be provided per unit for the first 5 units, and 10m² per unit should be provided for the next 5. On this basis, should the proposal have been for 9 flats (there are 9 children's' rooms associated with this application) there would have been a requirement for a minimum shared garden area of 215m². The Council has calculated that the garden area at the rear of the site measures approximately 325m². The level of garden provision provided to the future occupants of the children's home is therefore considered to be acceptable.
- 7.25 The Council has received a number of letters of representation, which raise concerns over the welfare of future occupants, and concerns that they may be exploited. The Council has also received letters of representation raising concerns and speculation over how the children's home would be operate and be managed, and how the children's home would be governed. Whilst the welfare of the future occupiers of any children's home is clearly an important issue, this planning application can only consider the planning merits of the proposed use of the site as a children's home, and any welfare concerns as a result of the future management and operation of the children's home would fall outside of the remit of planning legislation.
- 7.26 As noted above, the applicant has confirmed that the site would be subject to governance by Ofsted and the applicant has also confirmed that all children's homes providers must register with Ofsted. Furthermore this planning application is only considering the planning merits of the use of the site. Planning permission runs with the land not the applicant and any speculation about future welfare concerns are a matter for other organisations.
- 7.27 The Council consulted Surrey Children's Services (SCS), which stated that it would not be making any comments on the proposals. However, the applicant has provided an email from Surrey County Council stating that it would be interested in including the children's home on its database should it be required for future placements.

The Amenity of Existing Residents

- 7.28 Policy EN1 of the CS&P DPD states that proposals for new development should achieve a satisfactory relationship with adjoining properties, avoiding significant harmful impacts in terms of noise, loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity and outlook.
- 7.29 The NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and which promote a high standard of amenity for new and future users.

- 7.30 The application does not propose any external alterations to the building. As such, it is not considered that an objection could reasonably be sustained on the grounds that there would be an adverse impact upon light or privacy of any neighbouring or adjoining dwellings, or the proposal would have an overbearing impact.
- 7.31 It is acknowledged that the two restrictive planning conditions limiting the use of the building to an elderly care home were imposed upon previous planning permissions at the site, in the interests of the occupiers of neighbouring dwellings and the enjoyment of their properties, and in the interests of the amenities of the locality and parking provision.
- 7.32 The elderly care home was occupied by up to 16 residents, and would have been reliant upon the comings and goings of staff members to operate. There may also have been occasional visitors. A children's home by its very nature would operate in a similar manner, with comings and goings of staff members and occasional visitors. The children's home would also be occupied by fewer individuals, with 9 children and accommodation for 2 on site carers.
- 7.33 In comparison to the existing elderly care home use, which also falls within the C2 use class, the day to day operational use of the children's home is not considered to have a greater impact upon the occupiers of neighbouring and adjoining dwellings than would be reasonably expected of an elderly care home. Whilst younger individuals may be perceived to generate more noise than elderly residents during their day to day living, perceptions alone would not be a sufficient reason to justify a recommendation for refusal.
- 7.34 It is accepted that individuals occupying a children's home may exhibit different characteristics to individuals who would occupy an elderly care home. For example individuals occupying an elderly care home may have more sedentary lifestyles, whereas younger individuals occupying a children's home may be more active, although this would be entirely dependent on individual occupiers.
- 7.35 The occupiers of the children's home may also use the garden area more regularly and for more active purposes than occupants of an elderly care home. However, there would only be 9 children, whereas there could be up to 16 elderly residents in the current use. The occupiers of the children's home would also have access to indoor recreational spaces including a playroom, study room and two sensory rooms, which are not available to the elderly residents.
- 7.36 An increased use of the rear garden area that is some 325m² in area, by 9 children, is not considered to generate a level of noise above which would reasonably be expected in a residential area, and would be comparable to the garden areas of 4 new 3 bedroom dwellings which the Council's Standards would require have a minimum garden area of 70m² (note the application site previously formed two dwelling houses). Any perceptions that 9 younger individuals, may generate more noise than 16 elderly individuals, is not considered to be reason to sustain an objection on amenity grounds.

Fear of Crime & Anti-Social Behaviour

- 7.37 The Council has received a number of letters of representation, which raise concerns that the introduction of a children's home into this location would encourage an increase in crime and anti-social behaviour.
- 7.38 Local and national planning policies and guidance, is extremely limited in respect of children's homes. In regards to crime, the NPPF states that planning decisions should aim to achieve inclusive and safe places, which are safe and accessible so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.39 Recent appeal decisions suggest that an increase in crime and an increase in the fear of crime as a result of proposals for the development of children's homes, can be a material planning consideration, and in some instances can cause sufficient planning harm to justify a recommendation for refusal. However, the appeal decisions further suggest that this cannot be based upon perceptions of future occupants and their behaviour or upon anecdotal evidence, and instead must be founded upon evidence.
- 7.40 The Council has consulted Surrey Police, which noted that the site is located in a compact residential area subject to crime and disorder factors, which require consideration. However, Surrey Police do not object to proposal and instead have recommended that the applicant achieves a secure by design award. It is considered that this should be attached to the decision notice as an informative.
- 7.41 Whilst it is acknowledged that some residents perceive that there will be an increase in crime as a result of the proposal, given that Surrey Police have not objected to the scheme, it is not considered that there is sufficient evidence to justify a recommendation for refusal on planning grounds as a result of crime and the fear of crime.

Character & Appearance

- 7.42 The restrictive planning permission on the 1984 planning permission (SPW/COU/84/48), was imposed in the interests of the appearance of the locality.
- 7.43 The application is not proposing any changes to the external appearance of the building, other than maintenance of soft landscaping at the rear of the site. The site is already in a C2 use, and the parking area at the front of the site and the elevations would remain unchanged. The proposal is therefore considered to have an acceptable impact upon the character of the area.

Parking Provision

- 7.44 Policy CC2 of the CS&P DPD states that the Council will seek to secure more sustainable travel by only permitting traffic generating development where it can be made compatible with transport infrastructure in the area taking into account access and egress to the public highway and highway safety. Additionally, policy CC3 states that the Council will require that sufficient

provision is made for off-street parking in accordance with its Parking Standards.

- 7.45 The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact upon highway safety or if the residual cumulative impacts on the road network would be severe.
- 7.46 The property contains 5 off-street parking spaces at the front of the site, which would be maintained following the change of use to a children's home. As an elderly care home falls within the same C2 use class as a children's home, and as there would be fewer occupants of the building, it is not considered that an objection could be sustained on the grounds of insufficient parking provision.
- 7.47 The Council's Parking Standards do not contain minimum parking requirements for a children's home. The closest use listed in the Parking Standards would be a Residential Hostel, which for single people has a minimum parking requirement of 1 space per 2 residents. In this instance there would be 9 residents. The children's home would be provided with 5 off-street parking spaces at the front of the site, which would be in adherence to this guidance.
- 7.48 It is noted that the Council has received a number of letters of representation raising concerns over highway safety, congestion and parking. The Council has consulted the County Highway Authority, which has raised no objections. The proposal is therefore considered to be in accordance with policy CC2, CC3 and the NPPF in highway terms.

Other Matters

- 7.49 In total the Council has received 20 letters of representation in objection to the proposal. Of the objections not already covered in this report HMOs in the surrounding area would not be a planning reason to recommend the application for refusal as the application is not proposing an HMO. An HMO with more than 6 residents would also require planning permission for a change of use from a class C2. Perceived interactions between the occupiers of HMOs and the occupiers of the children's home are not considered to be a planning reason to object to the scheme.
- 7.50 The Council has also received a number of letters of representation, which raise concerns that the occupiers of the children's home may have emotional and behavioural difficulties and concerns over the ages of the children that may stay in the home. This planning application is considering the planning merits of the use of the site as a children's home which would result in an unrestricted C2 use. Whilst the applicant has confirmed that future occupants are likely to have learning difficulties, the potential needs of individual occupants and their ages is not a planning matter. The Covid 19 crisis is also not a planning reason to justify for refusal.
- 7.51 The Council has also received a letter of representation from SCAN raising concerns over access to the site for individuals with disabilities. It is

recommended that the applicant's attention is drawn to the Equalities Act in the decision notice. A ramp is already provided to the front of the site and it is recommended that a condition is attached to the decision notice requiring that one disabled parking space is also provided.

- 7.52 The Council has received a further letter of representation which requests that a condition is imposed upon the decision notice restricting the use of the site from any other use even if that use falls in the same C2 use class. The C2 use class includes residential accommodation for people in need of care, hospitals, nursing homes, colleges and training centres. Planning permission would not be required to change the use of the building to one of these uses, should an unrestricted C2 use be granted at the site. Given the size and layout of the site it is not considered that condition restricting the site to a children's home would meet the tests set out in the NPPF and Planning Policy Practice, particularly in terms of necessity and reasonableness.
- 7.53 In terms of employment, whilst employment opportunities would be lost from the existing care home use, the proposal would result in employment opportunities in the new use.

Equalities Act 2010

- 7.54 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 to the need for
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need, to see whether the duty has been performed.

The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means to have such regard as is appropriate in all the circumstances.

It should be noted that all children would be on the first floor and there is no lift available. However, Surrey Police recommended that carers, who would be provided with onsite accommodation on the ground floor, are accommodated on a different floor to the adults. A ramp is already provided to the front of the site and it is recommended that a condition is attached to the decision notice requiring that one disabled parking space is also provided.

Whilst the property's current use is for elderly accommodation, it has not been operated or occupied in this regard for over three years.

Human Rights Act 1998

- 7.55 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.56 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.
- 7.57 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.
- 7.58 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Finance Considerations

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

8. Conclusions

- 8.1 The application site contains an elderly care home for up to 16 residents (C2 use). The proposed change of use of the site into children's home (C2 use) for up to 9 Children and 2 full time carers would not normally require planning permission. However, in this instance two restrictive planning conditions have been imposed upon the site in 1984 and 1993 that restrict the change of use of the building to any use other than an elderly care home, even if that use is in the same C2 use class (use class XIV at the time of determination in 1984).

- 8.2 The restrictive conditions must be viewed in the context of the NPPF and the current PPG, which advises that planning conditions which restrict the change of use of a building, which would otherwise not require planning permission are unlikely to meet the necessity and reasonableness tests. In addition, the PPG makes clear that “planning permission runs with the land and it is rarely appropriate to provide otherwise”.
- 8.3 The restrictive conditions were imposed in the interests of the enjoyment of neighbouring occupiers of their homes, in the interests of the appearance of the locality, amenity, and parking provision. For the reasons outlined in this report, the proposal would result in a loss in care home spaces contrary to policy HO4, when there is a demonstrable need for such spaces within the borough which is likely to increase over time. However, the proposed change of use is considered to have an acceptable upon the amenity of neighbouring properties, the character of the area and parking provision, and is considered to be acceptable in the context of the restrictive conditions, without which, planning permission would not be required to change the use of the building from an elderly care home to a children’s home, which would be an unrestricted c2 use.
- 8.4 The proposal is also considered to be in accordance with the objectives of policies CC2, CC3, EN1, EN11 and HO4.

Therefore, the application is recommended for approval.

9. Recommendation

To GRANT planning permission subject to following conditions:

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013 (Received 21.04.2020).

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

- 3 The children’s Home hereby approved shall be occupied by no more than 9 children at any one time without prior permission of the Local Planning Authority.

Reason: In the interests of the residential amenity of the occupiers of neighbouring and adjoining dwellings.

- 4 The parking space(s) and/or garage(s) shown on the submitted plan be constructed and made available for the development prior to occupation and thereafter the approved facilities together with the means of access thereto

shall be maintained as approved, and be reserved for the benefit of the development hereby permitted.

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

- 5 The children's home shall not be first occupied until a disabled parking bay measuring a minimum of 3.6 metre x 4.8metres has been marked out on site. The parking bay shall thereafter be retained unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of future users with disabilities.

INFORMATIVES TO APPLICANT

- 1 Access by the Fire Brigade
Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings. There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).
- 2 The applicant's attention is drawn to the Equalities Act 2010, which requires the property to be accessible to disabled people.
- 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.

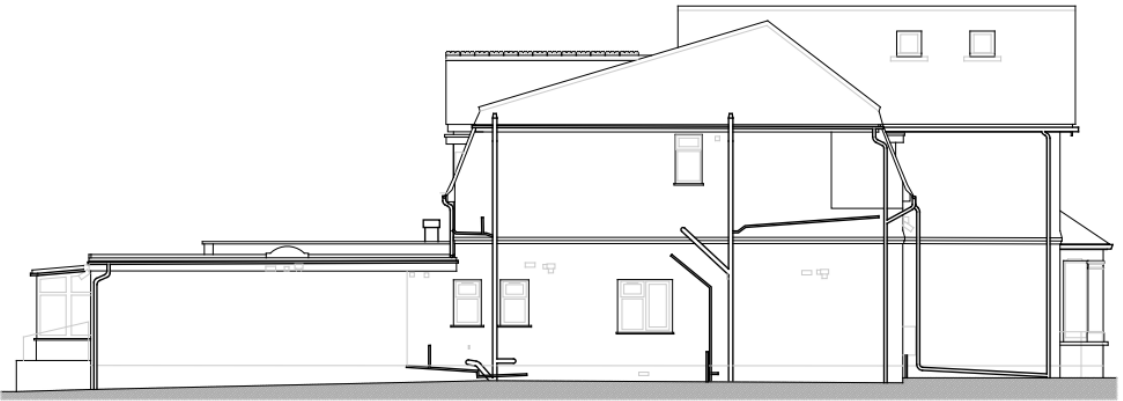
Existing & Proposed Elevations (no change)



1 East Elevation
Existing SCALE 1:100



1 West Elevation
Existing SCALE 1:100

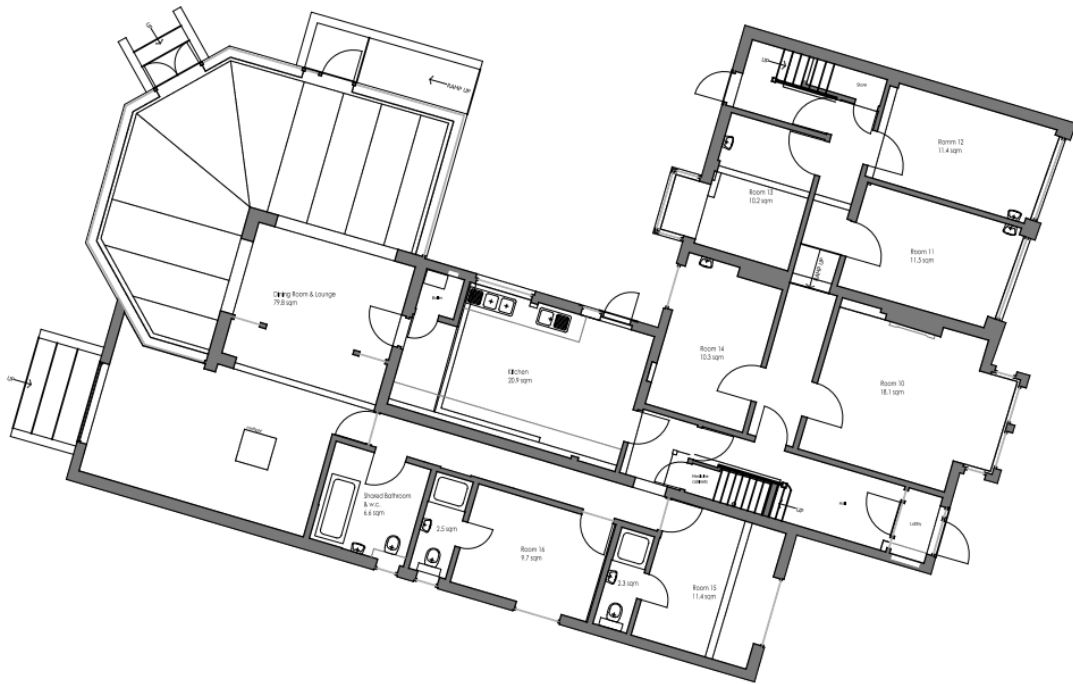


2 South Elevation
Elevation SCALE 1:100



2 North Elevation
Elevation SCALE 1:100

Existing Ground Floor Plans

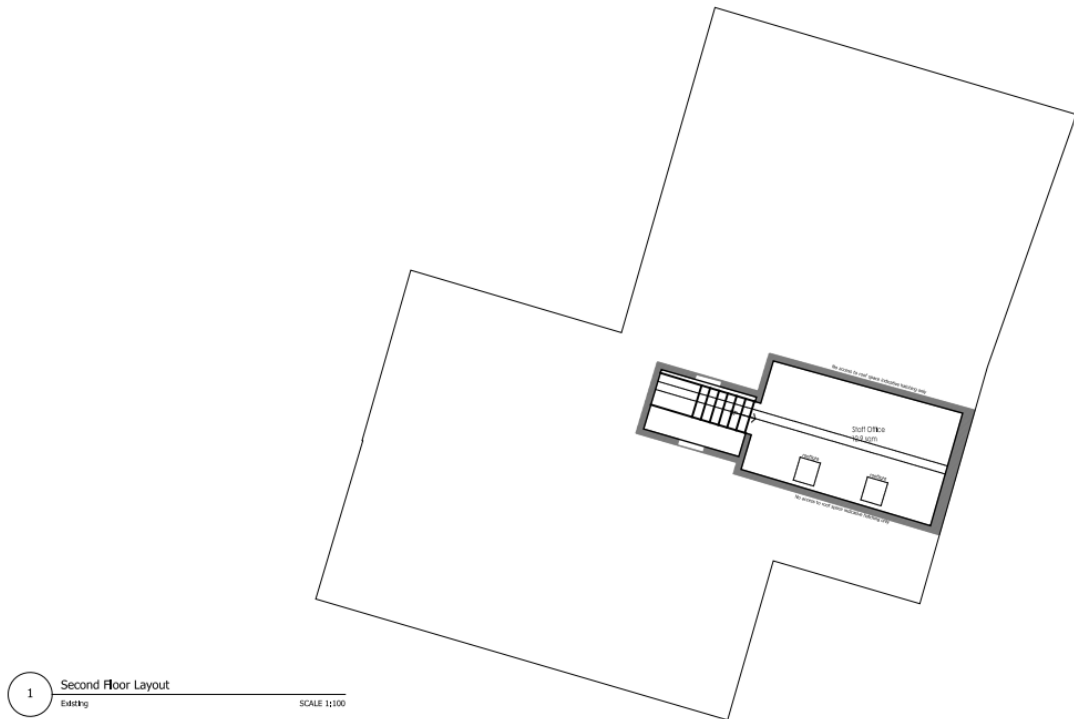


1 Ground Floor Layout
Existing SCALE 1:1000

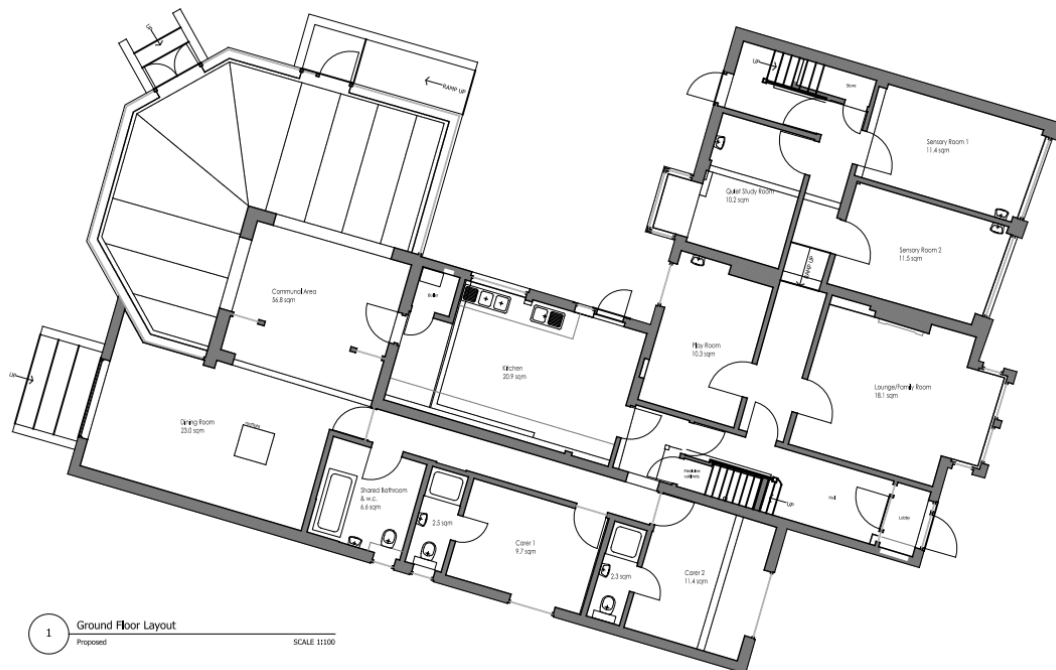
Existing First Floor Plans



Existing Second Floor Plans



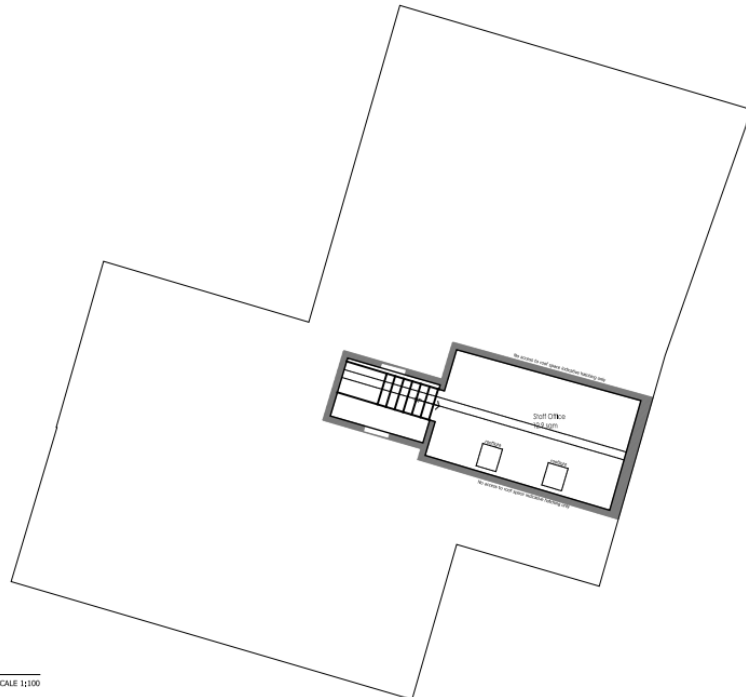
Proposed Ground Floor Plans



Proposed First Floor Plan

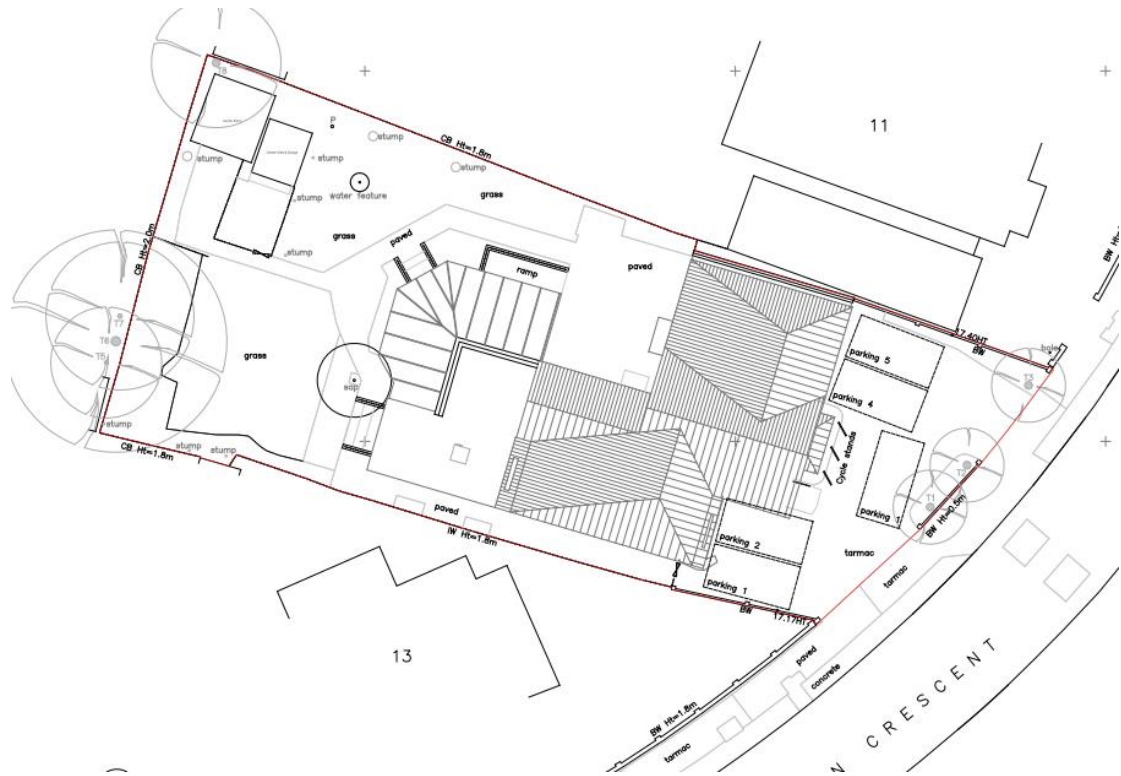


Proposed Second Floor

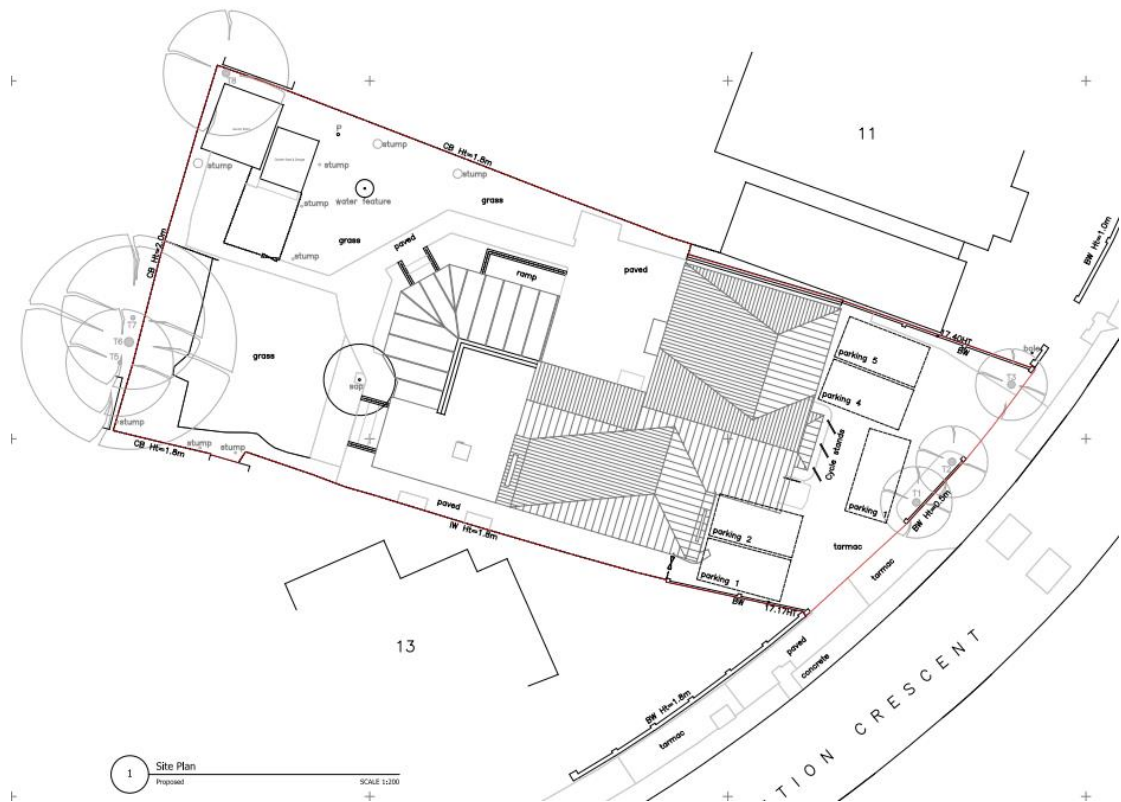


1 Second Floor Layout
Proposed SCALE 1:100

Existing Site Layout



Proposed Site Layout



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Key

T1: Monterey Pine

T2: Yew



TPO 264/2020
Rowland Hill Almshouses,
Feltham Hill Road, Ashford. TW15 2DS.



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Scale: 1:500

Date: 17 January 2020

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Planning Committee

14 July 2020



	Tree Preservation Order
TPO No.	TPO 264/2020
Site Address	Land to front of Rowland Hill Almshouses Feltham Hill Road TW15 2DS
Date Served	20 January 2020
Expiry Date	17 July 2020
Ward	Ashford East
Executive Summary	Confirmation of TPO 264/2020
Recommended Decision	Confirm without modification

MAIN REPORT

1. Details of Order

1.1 On 20 January 2020 Tree Preservation Order 264/2020 was served with immediate effect to protect one Monterey Pine (T1) and one Yew (T2) on this site.

2. Background

2.1 The two trees are located in the front garden area of the Vaughan Almshouses building in Feltham Hill Road Ashford.

2.2 In November 2019 a planning application was received, 19/01578/FUL, for the creation of a new car parking area in front of the existing buildings and which involved the removal of a number of trees and shrubs. The Tree Officer assessed the trees on site and considered that if the development were to go ahead there would be a significant threat to the viable retention of a number of trees.

2.3 In particular, the most significant tree on the site, a Monterey Pine was shown to be removed. The tree is highly prominent in the street scene from Feltham Hill Road and appeared to be healthy and stable with no obvious defects.

2.4 A Yew tree located close to the boundary in the south east corner of the site is also prominent in the street scene but was also shown to be felled.

- 2.5 A TPO was therefore made to protect both the Monterey Pine and the Yew tree because of their 'significant contribution to the visual amenities of the locality and the street scene'.
- 2.6 The planning application for the new car park was subsequently refused on 24 January 2020 because the removal of the trees would have a detrimental impact on the area and the visual amenities of the surrounding street scene. Currently no appeal against this decision has been made and there have been no further discussions on the possibility of amending the scheme to retain the trees, the subject of the TPO.

3. Third Party Representations

- 3.1 As required under the legislation all affected parties, including residents and adjoining neighbours were served with copies of the Tree Preservation Order.
- 3.2 One representation dated 13 February 2020 has been received from the Manager of the almshouses representing the interests of the Rowland Hill Board of Trustees. (attached at Appendix 1) Objection is made on the grounds of health and safety and structural problems as set out below:

1. Structural problems

The roots are causing the pathway to be uplifted. The roots extend to such a degree that they cause issues with drainage and uplift the pathway. This could potentially damage the fabric of the Vaughan building which has an impact on our insurance. We have a duty to minimise such risks as trustees of a charity.

2. Health and safety

The uneven pathway caused by the extensive roots is a major concern. We provide safe and affordable accommodation to elderly women. The uneven pathway makes the grounds unsafe. It causes a tripping hazard and could increase the risk of falls. Our gardens are a major feature of our estate. Our residents are elderly and enjoy the gardens as part of their leisure. The proposal seeks to retain as much of the gardens and outdoor features as possible whilst attending to problems that could materialise further down the line.

3. Negative effects on the biodiversity

The lack of sunlight and shade causes issues with other plants and shrubs in the area. See extract from tree surgeon's report.

4. Safety concerns

The size of the trees cast shadows which impact on the lighting in the area. This is a concern as it makes the area quite dark and unsafe. There have been issues in relation to safety which we have addressed by installing CCTV and we naturally seek to minimise these.

- 3.3 In addition, the representations include an extract from the Tree Consultant's report submitted with the planning application. This confirms that both trees

were assessed as Category B – “retention desirable” but that, due to the rapid growth of the Pine (T1), “many of the smaller trees and shrubs have been overtopped, limiting their development”. The report continues:-

Of the two BS category B trees for removal the Pine, T13 (identified as T1 in the TPO), has outgrown its location with rapid canopy and height development. Its growth potential was probably not recognised when planted and it is still far from its full mature potential. Surface roots from the tree are already lifting the footpath, making it unusable and restricting the use of the garden area, with its canopy limiting light to shrubs and ground plants. Whilst it has external visual amenity value it is not appropriate for long term retention in its setting.

We ask that the decision to apply a tree preservation order is reviewed in the light of the points raised above.

For these reasons it is considered by the Trustees that the proposed Order would be inappropriate and should not be confirmed.

4. Comment

- 4.1 In response to these representations the Council’s Tree Officer has considered his assessment and has made the following observations
- 4.2 **Structural Problems** – I agree that the roots are lifting the pathway but the proposal was for the area to be developed in to a car park, if the tree was retained and incorporated into the scheme then the lifting of the path would not be relevant. Any issues with existing paths within the site can be addressed in any car park redesign by re-routing the paths or raising them clear of any root protrusion. With regards to damage to the building and drainage, I was unaware of any obvious damage on my visit and would be interested to see any surveys that identify problems.
- 4.3 **Health and Safety** – The gardens under the pine seem mostly untended and appear to be little used as there is significant debris build up under the trees, if the area was developed the tree could be retained within the proposals and any hazards could be reduced to an acceptable level.
- 4.4 **Negative Effects on the Biodiversity** – The pine does shade the area at present but minor remedial tree surgery, such as crown lifting would reduce this problem to an acceptable level, I agree that the other plants are being adversely affected by the dominance of the tree, but they are already poorly shaped plants that are unlikely to improve or develop into good specimens.
- 4.5 **Safety Concerns** – minor lifting should reduce shading.
- 4.6 **Extract from Tree Consultant’s Report** - I agree that the pine has dominated the adjacent shrubs/trees but they are all considered to be of lesser quality and we would not object to their removal, remedial work to the pine would allow more suitable planting to be incorporated into any development proposals. I concur that the tree has external visual amenity, it is already prominent in the street scene and has the potential to become a landmark tree, sensitive redevelopment of the land to a car park will allow the tree to be retained and continue to enhance the area.

5. Conclusions

- 5.1 The submitted representations appear to be mainly concerned with the impact of the Pine tree (T1) and no reasons have been given specifically for the removal of the Yew tree (T2) from the order. However, the inclusion of these two particular trees within a TPO does not preclude appropriate remedial work being carried out which may benefit their appearance or amenity value and their impact on other planting within the area.
- 5.2 No evidence of structural damage to the buildings or drainage has been submitted by the Trustees and it is not therefore possible to comment on this point further. Retention of the trees would not necessarily prevent development from proceeding but it would be necessary to amend the layout and possibly reduce the number of parking spaces. Any structural issues relating to the building, drainage or pathways could, if relevant be addressed at this time. The TPO would however, ensure that neither tree is removed prematurely or without good reason and that any planning application for the site properly takes into account the potential impact on the trees so that their long term amenity value can be safeguarded.
- 5.3 Consideration of whether the tree should be included in a TPO is separate from the determination of the original planning application and separate from the issue of any future remedial pruning. The only matter to be considered now is whether the tree is of sufficient amenity value to be preserved and whether it is expedient in all the circumstances to confirm the Order.
- 5.4 The Tree Officer's assessment and the Tree Consultant's report both concur that the tree is healthy and of sufficient merit to be retained. It is recognised that some of the other planting in the area is not of good quality and may have been affected by the presence of the Pine tree but this can be replaced and does not provide sufficient reason to remove the Pine tree. If the car park proposal were to be implemented much of this planting would be removed and replaced in any case.
- 5.5 It is considered that any development of this area presents a potential threat to the trees and, on balance, because of their wider amenity value, it is recommended that the TPO should be confirmed without modification.

Recommendation

Tree Preservation Order 264/2020 relating to land to the front of Rowland Hill Almshouses Feltham Hill Road Ashford be confirmed without modification.

FAO Mr Geoff Daws
Planning
Spelthorne Borough Council

By Email

13 February 2020

Dear Mr Daws

Representations in Response to the Tree Preservation Order TPO 264/2020

We would like to make representations about the TPO above. Our grounds for the representation are essentially in respect of our duty of care to our residents in terms of health and safety and also in relation to our fiduciary duties as trustees. The trees cause issues which impact on the structure of the building, evenness of the grounds and the general safety of the premises as outlined below.

1. Structural problems

The roots are causing the pathway to be uplifted. The roots extend to such a degree that they cause issues with drainage and uplift the pathway. This could potentially damage the fabric of the Vaughan building which has an impact on our insurance. We have a duty to minimise such risks as trustees of a charity.

2. Health and safety

The uneven pathway caused by the extensive roots is a major concern. We provide safe and affordable accommodation to elderly women. The uneven pathway makes the grounds unsafe. It causes a tripping hazard and could increase the risk of falls. Our gardens are a major feature of our estate. Our residents are elderly and enjoy the gardens as part of their leisure. The proposal seeks to retain as much of the gardens and outdoor features as possible whilst attending to problems that could materialise further down the line.

3. Negative effects on the biodiversity

The lack of sunlight and shade causes issues with other plants and shrubs in the area. See extract from tree surgeon's report.

4. Safety concerns

The size of the trees cast shadows which impact on the lighting in the area. This is a concern as it makes the area quite dark and unsafe. There have been issues in relation to safety which we have addressed by installing CCTV and we naturally seek to minimise these.

Below is an extract from a recent report from the tree surgeon of Broad Oak Consultants Tim Laddiman BSc, (Hons), MIC for M.Arbor. Arboricultural 'Implications Assessment for Proposed Car Park' - Report dated: 10 October 2019

Page 2

Due to the rapid growth of the Pine, T13, many of the smaller trees and shrubs have been overtopped, limiting their development.

3. Inter tree/shrub crowding is also restricting the development of canopies, resulting in asymmetric growth, particularly along the road frontage.

4. 6.4 Of the trees inspected, the following is a breakdown of the various numbers of trees and groups in each BS category.
5. 6.5 Interpretation of table

BS Category	Tree No.	Sub Total
A	-	-
B	1, 3, 13, 17, 21	5
C	2, 4, 5, 6, 7, 8, 9, 10, 11, 12, G14, 15, 16, 18, 19, 20	16
U		-
	TOTAL	21

Category A Retention most desirable. Of high quality and value and in such a condition as to be able to make a substantial contribution (a minimum of 40 years is suggested).

Category B Retention desirable. Of moderate quality and value and in such a condition as to make a significant contribution (a minimum of 20 years is suggested).

Category C Could be retained – of low quality and value. Poor crown form, heavily asymmetric, large numbers of similar species/size. Currently in adequate condition to remain until new planting could be established (a minimum of 10 years is suggested) or young trees with a stem diameter below 150mm.

Category U Trees for removal. Dead/dying/dangerous trees due to structural defects, fungal decay or root plate uplift. Those in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management.

Page 4

Of the two BS category B trees for removal the Pine, T13, has outgrown its location with rapid canopy and height development. Its growth potential was probably not recognised when planted and it is still far from its full mature potential. Surface roots from the tree are already lifting the footpath, making it unusable and restricting the use of the garden area, with its canopy limiting light to shrubs and ground plants. Whilst it has external visual amenity value it is not appropriate for long term retention in its setting.

We commissioned this report as part of the redevelopment project in order to establish the arboricultural implications for this or any further proposal.

We ask that the decision to apply a tree preservation order is reviewed in the light of the points raised above.

Thank you for your consideration.

Yours sincerely,

The Rowland Hill Board of Trustees



Town and Country Planning (Tree Preservation)(England) Regulations 2012

Town and Country Planning Act 1990 The Spelthorne Borough Council Tree Preservation Order TPO 264/2019 – Rowland Hill Almshouses Feltham Hill Road Ashford TW15 2DS

The Spelthorne Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as TPO 264/2020 – Land to front of Rowland Hill Almshouses Feltham Hill Road Ashford TW15 2DS

Interpretation

2. (1) In this Order “the authority” means the Spelthorne Borough Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation order: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall:

(a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 17th day of January 2020.

Signed on behalf of Spelthorne Borough Council

.....
Authorised by the Council to sign in that behalf

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Monterey Pine	Land fronting Vaughan Almshouses building
T2	Yew	Land fronting Vaughan Almshouses building

Trees specified by reference to an area (within a dotted black line on the map)

Reference on map	Description	Situation
none	-	-

Groups of trees (within a broken black line on the map)

Reference on map	Description (including number of trees in group)	Situation
none	-	-

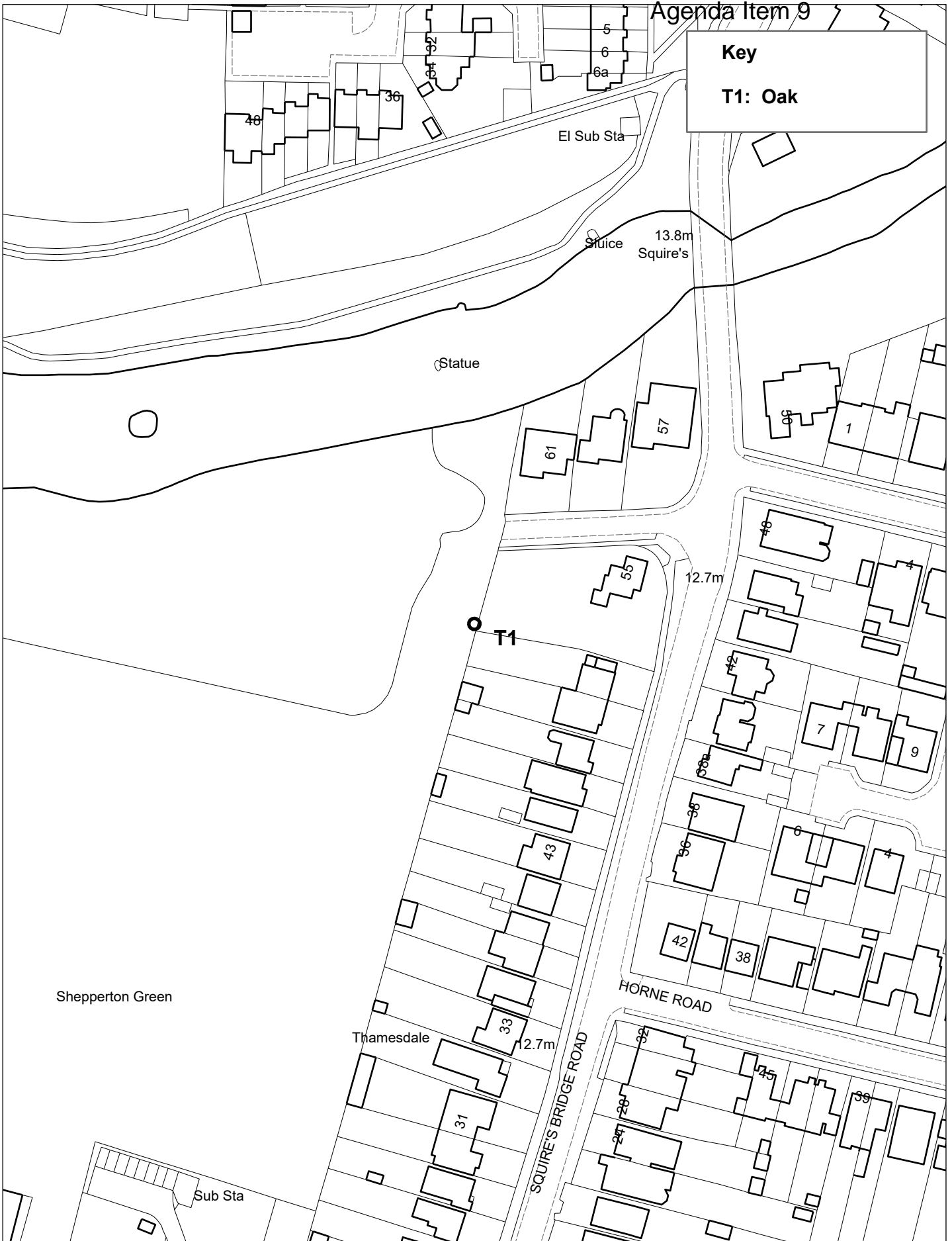
Woodlands (within a continuous black line on the map)

Reference on map	Description	Situation
none	-	-

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Key

T1: Oak



TPO 265/2020

**Littleton Recreation Ground, Laleham Road, Shepperton, TW17 0JS
(r/o 55 Squires Bridge Road)**



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Scale: 1:1,250

Date: 7 February 2020

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Planning Committee

14 July 2020



	Tree Preservation Order
TPO No.	TPO 265/2020
Site Address	Littleton Recreation Ground Laleham Road Shepperton TW17 0JS (r/o 55 Squires Bridge Road)
Date Served	11 February 2020
Expiry Date	10 August 2020
Ward	Laleham and Shepperton Green
Executive Summary	Confirmation of TPO 265/2020
Recommended Decision	Confirm without modification

MAIN REPORT

1. Details of Order

- 1.1 On 11 February 2020 Tree Preservation Order 265/2020 was served with immediate effect to protect one Oak on this site.

2. Background

- 2.1 The tree is located in Littleton Recreation Ground Laleham Road Shepperton TW17 0JS very close to the rear boundary of 55 Squires Bridge Road and is prominent within the park and from the adjoining public highway.
- 2.2 A planning application (19/01727/FUL) for the erection of two semi-detached dwellings on land at the rear of 55 Squires Bridge Road was submitted in December 2019. Because the tree is so close to the boundary a major part of the Root Protection Area (RPA) could be affected and the crown spread would significantly overshadow the garden space at the rear of the proposed dwellings. Although the arboricultural report submitted with the application acknowledged that the proposal will affect the RPA no specific measures were included to address this issue.
- 2.3 The Council's Tree Officer assessed the impact of the proposed development on the tree and concluded that it would have an unacceptable impact on the long term viability of the tree. Furthermore, the crown spread of the tree would dominate the small rear garden area of the proposed dwellings which

would inevitably give rise to requests to significantly reduce the crown spread of the tree.

- 2.4 The tree is in a safe and healthy condition and shows no obvious sign of disease or decay. It has a spreading crown that extends over the garden to the east. Although the tree is located within the Council's recreation ground, the adjoining owner could remove overhanging branches without consent and the likelihood of this happening would be greater if the proposed development were to proceed. To avoid this possibility it was considered appropriate to protect the tree by making a tree preservation order.
- 2.5 A number of representations from local residents concerning the planning application were received and one of these also specifically requested that a TPO be made to safeguard the tree.
- 2.6 Accordingly a TPO was made and served on 10 February 2020 to protect the oak tree because of its 'significant contribution to the visual amenities of the locality and the street scene'.
- 2.7 The planning application was refused on 17 February 2020 for reasons of overdevelopment, impact on the long term viability of the oak tree and on highways grounds. An appeal has been lodged against the Council's decision but an Inspector is yet to be assigned to the appeal.

3. Third Party Representations

- 3.1 As required under the legislation all affected parties were served with copies of the Tree Preservation Order. No representations have been received within the statutory period. It is therefore recommended that the TPO be confirmed as an unopposed order.

4. Recommendation

- 4.1 Tree Preservation Order 265/2020 relating to land at Littleton Recreation Ground Laleham Road Shepperton TW17 0JS (r/o 55 Squires Bridge Road) be confirmed without modification.

Planning Appeals Report – V3.0 ISSUED

List of Appeals Submitted between 19 December 2019 and 3 July 2020

Planning Application / Enforcement Number	Inspectorate Ref.	Address	Description	Appeal Start Date
19/01026/HOU	APP/Z3635/D/19/3238943	5 Guildford Street Staines-upon-Thames TW18 2EQ	Proposed roof alterations including raising ridge height and installation of an eastern flank facing dormer with additional roof lights on the western flank elevation to create additional habitable space.	20/12/2019
19/01043/HOU	APP/Z3635/D/19/3241929	76 Chaucer Road Ashford TW15 2QX	Erection of a two storey side extension	20/12/2019
19/01290/HOU	APP/Z3635/D/19/3241650	101 Groveley Road Sunbury On Thames TW16 7JZ	Creation of a vehicle crossover.	20/12/2019

19/00003/ENF	APP/Z3635/C/19/3240021	Budget Car Sales Limited Sales Depot 648 London Road Ashford TW15 3AW	Without planning permission, the material change of use of the land from use for car parking for a car sales business and use of a porta cabin as an office, to car parking for a car sales business and use of a porta cabin as an office, and the siting of a second porta cabin and its use as an office.	07/01/2020
19/01079/HOU	APP/Z3635/D/19/3239573	22 Montford Road Sunbury On Thames TW16 6EJ	Erection of a two storey front extension	09/01/2020
19/00829/FUL	APP/Z3635/W/19/3243544	11 Gleneagles Close Stanwell Staines-upon-Thames TW19 7PD	Erection of an end of terrace dwelling in place of existing garage	14/01/2020
18/00030/ENF	APP/Z3635/C/19/3225626	Land To The East Of Moor Lane Staines-upon-Thames	Without planning permission, the making of a material change of use of the land from open Green Belt land to a mixed use comprising the following unauthorised uses. (1) storage of motor vehicles and vehicle parts (2) the stationing of a caravan (3) storage of plant machinery (4) other storage purposes including but not limited to the storage of other paraphernalia and general rubbish	18/01/2020
19/01084/HOU	APP/Z3635/W/19/3243480	1 Jennifer Court Adelaide Road Ashford TW15 3GA	Installation of boundary fence and timber pergola (retrospective)	23/01/2020

19/01400/FUL	APP/Z3635/W/19/3243922	5 New Park Road Ashford TW15 1EG	The erection of a detached bungalow with habitable accommodation in the roof space, with associated parking and amenity space following subdivision of the plot.	03/02/2020
19/01077/FUL	APP/Z3635/W/19/3243283	Former Garages/Lock-Up Stores Station Approach Sunbury On Thames TW16 6SA	Erection of 2 no. 2 bed flats over three floors with landscaping following the demolition of the existing 3 no. lock up garages	03/02/2020
19/01024/HOU	APP/Z3635/D/19/3243479	1 Everest Road Stanwell Staines-upon-Thames TW19 7EA	Erection of a part single storey, part two storey, front side and rear extension, including the installation of an additional dormer and roof light in the roof space	10/02/2020
19/00262/ENF	APP/Z3635/C/20/3244894	28 Hadrian Way Stanwell Staines-upon-Thames TW19 7HF	Erection of an outbuilding and use of that building, without planning permission.	11/02/2020
19/00679/PIP	APP/Z3635/W/19/324759	Land To The Rear Of 32, 34 And 36 Commercial Road Staines-upon-Thames TW18 2QL	Permission in principle for a maximum of 4 dwellings	21/02/2020
18/00194/ENF	APP/Z3635/C/20/3244698	Unit 7 Shepperton Industrial Estate, Littleton Lane. TW17 0NF	Construction of a large workshop building and use of that building, without planning permission.	24/02/2020
19/01218/FUL	APP/Z3635/D/19/3244852	99 Feltham Road Ashford TW15 1BS	Alterations to roof, including rear balcony, to provide one new flat within existing roof space.	02/03/2020

19/01564/OUT	APP/Z3635/D/19/3244874	Land Adjacent To 7 Maxwell Road Ashford TW15 1RL	Erection of a single dwelling with associated parking and amenity space on land adjacent to 7 Maxwell Road	02/03/2020
19/01218/FUL	APP/Z3635/W/20/3244852	99 Feltham Road Ashford TW15 1BS	Alterations to roof, including rear balcony, to provide one new flat within existing roof space.	02/03/2020
19/01201/FUL	APP/Z3635/W/20/3245241	6 - 8 Wolsey Road Ashford TW15 2RB	Erection of 2nd floor extension to create an additional 1 no. 2 bed unit, alteration to approved 1 no. 1 bed duplex unit, external alterations, and provision of associated cycle parking and refuse storage.	26/03/2020
18/00243/ENF	APP/Z3635/C/18/3218097	Land Adjacent To Magnolia Ferry Lane Shepperton TW17 9LH	Without planning permission, the making of a material change of use of the land to a mixed use comprising agriculture, storage of shipping containers and, storage of miscellaneous items including wooden barrels and other paraphernalia.	05/05/2020
20/00063/HOU	APP/Z3635/W/20/3252421	96 Woodthorpe Road Ashford TW15 3JY	Construction of a vehicle crossover	11/05/2020 ¹
19/01022/OUT	APP/Z3635/W/20/3252420	Bugle Nurseries Upper Halliford Road Shepperton TW17 8SN	Outline application with all matters reserved other than 'access' for the demolition of existing buildings and structures, and the redevelopment of the site for a residential-led	12/05/2020 ²

¹ This is the appeal submission date to PINS but an official 'Start Date' has not yet been assigned to this appeal by PINS.

² This is the appeal submission date to PINS but an official 'Start Date' has not yet been assigned to this appeal by PINS.

			development comprising up to 43 residential homes, a 62-bed care home and the provision of open space, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.	
19/01529/FUL	APP/Z3635/W/20/3253447	10 Station Approach Ashford TW15 2QW	Construction of a third floor to create 1 no. flat within a mansard roof, and other associated alterations (including alterations to fenestration and addition of parapet wall at second floor).	01/06/2020 ³
20/00158/HOU	APP/Z3635/D/20/3253735	122 Ashridge Way Sunbury On Thames TW16 7RR	Erection of a front porch, a single storey and part two storey rear extension with a Juliet balcony. Loft alterations including a hip to gable alteration, the installation of a rear facing dormer with a Juliet balcony, and 2no. roof lights within the front roof slope.	04/06/2020 ⁴
19/01364/HOU	APP/Z3635/D/20/3245935	28 Hadrian Way, Stanwell, TW19 7HF	Erection of an outbuilding (retrospective) as shown on plan no. site location plan, existing block plan, proposed block plan, existing layout and proposed layout received on 10.10.2019	08/06/2020 ⁵

³ This is the appeal submission date to PINS but an official 'Start Date' has not yet been assigned to this appeal by PINS.

⁴ This is the appeal submission date to PINS but an official 'Start Date' has not yet been assigned to this appeal by PINS.

⁵ This is the appeal submission date to PINS but an official 'Start Date' has not yet been assigned to this appeal by PINS.

18/01729/FUL	APP/Z3635/W/20/3255055	Land Rear Of 35-51 High Street Stanwell Staines-upon-Thames TW19 7LJ	Erection of 2 no 2 bedroom semi-detached houses together with associated parking following demolition of existing building.	29/06/2020 ⁶
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⁶ This is the appeal submission date to PINS but an official 'Start Date' has not yet been assigned to this appeal by PINS.

Appeal Decisions Received 19 December 2019 and 3 July 2020

Site	Cockaigne Sandhills Meadow Shepperton TW17 9HY
Planning Application No.:	19/00637/HOU
Proposed Development:	Extension to rear roof to create habitable accommodation including the raising of the rear ridge height and insertion of a juliet style balcony
Reasons for Refusal	<p>The proposed first floor rear extension would create habitable first floor space that would result in a significant increase in the floor space of the dwelling when compared with the original dwelling, and an increase in the mass and bulk of the roof form. This would cause harm to the openness of the site, and would be considered a disproportionate addition causing unacceptable harm to the openness of the Green Belt for which no very special circumstances have been demonstrated. The proposal would therefore be contrary to Policy EN2 of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009), saved policy GB1 of the Spelthorne Borough Local Plan 2001 and the National Planning Policy Framework (February 2019).</p> <p>The proposed first floor rear extension, by reason of height and design, and the incorporation of a dual axis flat roof, is considered to be out of keeping with other properties within the surrounding Plotland Area and the traditional scale and design of Plotlands dwellings. It would be visible from Sandhills Meadow and would cause harm to the character of the wider area. The proposal would therefore be contrary to Policy EN2 and EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009).</p>
Appeal Reference:	APP/Z3635/D/19/3235586

Appeal Decision Date:	19/12/2019
Inspector's Decision	Appeal Dismissed
Inspector's Comments:	<p>The Inspector identified that the main issues surrounding the appeal were:</p> <ul style="list-style-type: none"> - Whether the proposal would constitute inappropriate development in the Green Belt, including impact on its openness. - The effect on the character and appearance of the area. - If inappropriate development, whether the harm is clearly outweighed by other considerations, which would amount to 'very special circumstances' to justify the development. <p><u>Green Belt</u></p> <p>The Inspector noted that a replacement dwelling was approved at the site in 2003 (03/00693/FUL), which has since been enlarged, and that the NPPF states that proposals for new development in the Green Belt should be regarded as inappropriate, although one such exception to this is "<i>the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building</i>". The Inspector further noted that Policy EN2 states that extensions in the Green Belt will only be permitted where they do not significantly change the scale of the original building regardless of the size of the plot.</p> <p>He also noted that the original dwelling had a floor area of 70.5m², and the replacement dwelling had a footprint of 94.3m² with no habitable accommodation in the roof and that the property has been extended at ground floor level and now contains accommodation in the roof space.</p> <p>The dwelling now has a floor area of some 154.25m², and the proposed extension would add an additional floor area of 21.7m² which he concluded would significantly change the scale of the original building, and result in a disproportionate addition over and above the scale of the original building, in conflict with Saved Policy GB1, Policy EN2 and the NPPF.</p> <p><u>Character and Appearance</u></p>

	<p>The Inspector noted that the site is located in the designated Plotlands Area, and whilst some properties have been rebuilt and altered, most dwellings in the vicinity of the site remain single storey with low profile roofs, in accordance with Policy EN2.</p> <p>The Inspector noted that the dwelling contains an upper floor in the roof space, and incorporates a modestly sized rear dormer. The Inspector commented that the proposal would create a dual access roof that would be a noticeable feature visible from Sandhills Meadow because of the forward siting of Cockaigne in relation to neighbouring dwellings. The Inspector concluded that the proposal would change the scale of the original building and detract from the character of the area in a sensitive riverside location and would therefore be harmful to the character and appearance of the Plotlands area, contrary to policy EN2. The Inspector also considered that the proposal would conflict with the objectives of policy EN1 which requires proposals to respect the character of the area.</p> <p><u>Planning Balance</u></p> <p>The Inspector considered that the proposal would amount to inappropriate development in the Green Belt and would cause harm to the character of the area. The existence of larger and altered buildings in the surrounding area was not considered to constitute a 'very special circumstance' to outweigh the harm of the scheme on the Green Belt or the character and appearance of the area. The Inspector concluded that the proposal was contrary to saved Policy GB1, Policy EN2 and the NPPF. For this reason, the appeal was dismissed.</p>
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Site	Plot 5 Las Palmas Estate Sandhills Meadow Shepperton
Planning Application No.:	18/01627/FUL

Proposed Development:	Change of use of land to the keeping of horses, installation of post and rail boundary fencing and access gate
Reasons for Refusal	The proposal represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will diminish the openness of the Green Belt and conflict with the purposes of including land within it. Furthermore, it is considered to harm the rural woodland character and appearance of the area and result in a net loss of biodiversity. The development is therefore contrary to Saved Policy GB1 of the Spelthorne Borough Local Plan 2001, Policies EN1 and EN8 of the Core Strategy and Policies DPD 2009, and Government's National Planning Policy Framework 2019.
Appeal Reference:	APP/Z3635/W/19/3236959
Appeal Decision Date:	27/01/2020
Inspector's Decision	Appeal Dismissed
Inspector's Comments:	<p>The Inspector noted that the appeal site is bounded by existing woodland, and was part of the woodland until the trees were recently cleared. He commented that there are some remains of individual trees, tree stumps, and regenerating ground cover vegetation. In visual terms he considered the appeal site appears as part of the larger woodland. Notwithstanding the largely cleared state, its undeveloped nature, with regenerating ground plants and some trees, means it has the appearance of a (partly) cleared area within a woodland.</p> <p>The Inspector considered that the proposed change of use to the keeping of horses would erode the semi-natural appearance of the site, particularly as it would lead to the clearance of existing vegetation. He also considered that the proposed fence and gates would have a negative and unacceptable effect on the character of the woodland area and concluded that the proposal fails to comply with the requirements of Policy EN1 of the Core Strategy and Policies DPD.</p> <p>In terms of biodiversity, the Inspector considered that the loss of the existing regenerating ground plants and leaf litter would likely reduce its value to wildlife. In addition the presence of</p>

	horses would be likely to hinder the growth of natural plants and lead to compaction of the soil. He therefore considered the proposal would diminish the biodiversity value of the site, contrary to Policy EN8 of the Core Strategy and Policies DPD.
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Site	76 Chaucer Road Ashford TW15 2QX
Planning Application No.:	19/01043/HOU
Proposed Development:	Erection of a two storey side extension
Reasons for Refusal	The proposed development by reason of its design, scale and proportion, would have an unacceptable impact on the character of the area and would harm the character and appearance of the host building and its setting. The proposed development would appear as over dominant and would be visually obtrusive in the street scene. The development is therefore contrary to policy EN1 of the Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.
Appeal Reference:	APP/Z3635/D/19/3241929
Appeal Decision Date:	03/02/2020
Inspector's Decision	Appeal Allowed
Inspector's Comments:	Whilst the appeal property was originally one of three identical pairs of dwellings, the Inspector noted that some alterations to the dwellings have occurred, such as a hip to gable with rear dormer to a neighbouring property and the appeal sites recent single storey flank extension. The Inspector acknowledged that the proposed two storey side extension would exceed two-thirds of the width of the host building. Given the spacious gap between the appeal property, no 74 Chaucer Road, and the setting down of the proposed development he considered the

	<p>proposal would appear as a subservient extension to the host building and would respect its design. The Inspector acknowledged that the proposal would imbalance the pair of semi-detached dwellings but considered it not to be out of character, taking into account existing alterations to some of these three pairs of previously identical buildings.</p> <p>Consequently, the Planning Inspector considered that the proposal would not be harmful to the character of the area and appearance of the host building.</p>
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Site	101 Groveley Road Sunbury On Thames TW16 7JZ
Planning Application No.:	19/01290/HOU
Proposed Development:	Creation of a vehicle crossover.
Reasons for Refusal	The proposed vehicle crossover, by reason of its location would lead to the creation of a new access to Groveley Road (C233) where visibility is restricted, leading to conditions prejudicial to the safety of highway users. The proposal is therefore contrary to policy CC2 of the Core Strategy and Policies DPD 2009 and the National Planning Policy Framework, 2019.
Appeal Reference:	APP/Z3635/D/19/3241650
Appeal Decision Date:	03/02/2020
Inspector's Decision	Appeal Allowed
Inspector's Comments:	The Planning Inspector acknowledged that the vast majority of dwellings on both sides of the carriageway had direct accesses to Groveley Road. He noted that there were three trees separated along the Highway which were in sight lines to the west and were on the same side of the road as the appeal property. However, the Inspector took a view that the first tree of concern was a young tree, likely to have an extremely limited

	<p>lifespan. In terms of the second and third trees, he agreed that they were larger and that the view could be interrupted to the west. He considered that this interruption would not be continuous given the distance across the width of the footway and verge, and that anyone egressing the site could see when a vehicle was approaching. Whilst the Inspector acknowledged the material being deposited on the footway and carriageway, he considered that this matter could be dealt and controlled by the Highways Authority under separate legislation.</p> <p>Consequently, the Planning Inspector considered that the proposal would result in a safe and suitable access to the site, would not give rise to harm to highway safety and would comply with Policy CC2 of the Spelthorne Core Strategy and Policies Development Plan Document and the NPPF.</p>
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Site	5 Guildford Street Staines-upon-Thames TW18 2EQ
Planning Application No.:	19/01026/HOU
Proposed Development:	Proposed roof alterations, including raising the ridge height and the installation of an eastern flank facing dormer with additional rooflights on the western flank elevation to create additional habitable space.
Reasons for Refusal	The proposed eastern flank dormer, by reason of its scale, position, design, and prominence would be visually obtrusive in the street scene and would have an unacceptable impact on the character of the area and its locality. The development is therefore contrary to policy EN1 of the Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.
Appeal Reference:	APP/Z3635/D/19/3238943
Appeal Decision Date:	03/02/2020
Inspector's Decision	Appeal Dismissed

Inspector's Comments:	<p>The Planning Inspector considered that the large size and flat roofed box-like dormer design would not be compatible with the main roof and would be over-dominant and out of proportion, failing to comply with the third and fourth dormers criteria within Council's SPD on design guidance. Because of its location, the Planning Inspector considered the appeal property could readily be seen from the public domain, which would emphasize the incongruous nature of the dormer and be intrusive in the wider street scene, harmful to the character and appearance of the area and represent poor design. He did not consider that the street trees would materially affect how the proposal would be viewed in the street scene, and whilst acknowledging that the raising of the ridge of the roof would not be out of character was of the view that the proposal had to be assessed as a whole.</p> <p>Consequently the Planning Inspector found the proposal to be harmful to the character and appearance of the area and therefore contrary to Policy EN1 of the DPD, the SPD and NPPF.</p>
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Site	The Outlook Towpath Shepperton TW17 9LJ
Planning Application No.:	19/00364/HOU
Proposed Development:	Erection of a single garage for domestic use.
Reasons for Refusal	The proposed garage, by reason of its design, scale and siting, constitutes inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will diminish the openness of the Green Belt and conflict with the purposes of including land within it. In addition it will appear bulky and visually obtrusive on this prominent corner location causing harm to the character of this riverside location, contrary to policies EN1, EN2 and EN9 of the Core Strategy and Policies DPD 2009, Saved Local Plan GB1 and Section 13 of the National Planning Policy Framework 2019
Appeal Reference:	APP/Z3635/D/19/3233744

Appeal Decision Date:	13/02/2020
Inspector's Decision	Appeal Dismissed
Inspector's Comments:	<p>The Inspector identified the main issues surrounding the appeal were the layout and scale of the development on the character of the area and on a protected Sycamore Tree.</p> <p><u>Character and Appearance</u></p> <p>The Inspector noted that the appeal site has a tapering triangular shape measuring 2.2 metres in Ashford Road and widening to 12.65 metres at the western end of the Shaftesbury Crescent frontage. The Inspector commented that the surrounding area was residential in character but mixed in form, with the dwellings generally sited in rectangular plots of varying width. He also commented that there was not a single consistent pattern and grain of dwellings in the immediate surroundings of Ashford Road and Shaftesbury Crescent.</p> <p>The Inspector considered that a two storey detached house would not be out of keeping with the mixed character of surrounding dwellings, although the appeal scheme would contrast with neighbouring dwellings in Ashford Crescent as it would be narrower, of less mass and probably of lower height. The Inspector considered that there would be less of a contrast with Shaftesbury Crescent where dwellings are more mixed.</p> <p>In terms of layout, the Inspector was concerned with the siting of the house, close to the footway of Shaftesbury Crescent and how it would be perceived. It would be wholly forward of its neighbor at Orchid Lodge, and would be highly conspicuous from both sides of the splayed junction with Ashford Crescent, as well as from the west of Shaftesbury Crescent.</p> <p>The Inspector considered the dwelling would appear as a weak and small corner feature in the context of its closest neighbour at no.283 Ashford Road, which would be understated in the wider street scene of Ashford Road in such a prominent corner plot position, appearing squeezed onto a narrow plot in the context of Shaftesbury Crescent.</p> <p>The scheme was therefore considered to conflict with the objectives of Policy EN1 and the Council's SPD on design. The Inspector considered that Policy EN1 and the SPD, whilst pre-dating the NPPF, were consistent with it.</p> <p><u>Sycamore Tree</u></p>

	<p>There is a Sycamore Tree within the site, subject to a Tree Preservation Order, which the Inspector considered makes a significant contribution to the visual amenity of the area as it has an even canopy and is in a prominent position in the street scene. It was noted that the proposal would necessitate removal of a significant proportion of its canopy, which the Inspector considered would compromise the trees amenity value. Excavations proposed beneath the crown could also compromise the survival. The Inspector also considered that future occupiers may seek to reduce the tree given its proximity to the house and therefore concluded that the development would be contrary to policy EN7.</p> <p><u>Other Matters</u></p> <p>The Inspector noted that the development would result in the benefit of providing an additional dwelling to the Council's 5 year housing supply. However, when the benefits of one additional dwelling was weighed against the harm to the character of the area and to the Sycamore tree, the Inspector considered that the adverse impacts would outweigh the benefits when considered against the NPPF as a whole.</p> <p>The Inspector concluded that the development would have a harmful effect upon the character and appearance of the area and the Sycamore Tree, and the appeal was dismissed.</p>
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Site	22 Montford Road Sunbury On Thames TW16 6EJ
Planning Application No.:	19/01079/HOU
Proposed Development:	Erection of a two storey front extension
Reasons for Refusal	The proposed development would, by reason of its scale and design, appear visually obtrusive and out of character with the area, contrary to policy EN1 of the Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.

Appeal Reference:	APP/Z3635/D/19/3239573
Appeal Decision Date:	14/02/2020
Inspector's Decision	Appeal Dismissed
Inspector's Comments:	<p>The appeal property is a two storey semi-detached dwelling. The proposal is for a two storey front extension. The Inspector noted that the dwellings on Montford Road are positioned parallel to the street, largely in continuous building lines. Although there have been numerous alterations to the ground floor footprints of the dwellings to the front, he considered that these have not necessarily diminished the rhythm created by the facades of the dwellings in the street, which are largely uninterrupted above ground floor. Taken together, he considered that these features make a positive contribution to the character and appearance of the area.</p> <p>The proposed two storey front extension would project forward of the front façade of the appeal property. The Inspector concluded that its scale and design would be inharmonious with the consistent rhythm of the facades of the dwellings found within the street. The proposal would therefore be significantly at odds with the prevailing character of the area and would not accord with Policy EN1.</p>

Site	Section Of The Creek Between Fordbridge Road And Riverbank The Creek Sunbury On Thames TW16 6BY
Planning Application No.:	19/00757/FUL
Proposed Development:	Erection of walls and piers at the entrance to The Creek, walls and piers adjacent to Riverbank and May Cottage, and planter adjacent to entrance to Riverbank (part retrospective)
Reasons for Refusal	The proposal constitutes inappropriate development for which no very special circumstances have been demonstrated and would, by definition, have a harmful impact on the Green Belt. Furthermore, insufficient evidence has been provided to

	demonstrate that the proposal would not impede the free flow of flood water nor reduce flood storage capacity within the Flood Zone 3b. The proposal is therefore contrary to policy LO1 of the Core Strategy and Policies Development Plan Document (2009) and section 13 of the National Planning Policy Framework (2019).
Appeal Reference:	APP/Z3635/W/19/3239669
Appeal Decision Date:	26/02/2020
Inspector's Decision	Appeal Dismissed
Inspector's Comments:	<p>The Planning Inspector took the view that the proposals would change the physical nature of the land and would constitute engineering operations. The Inspector noted that the appeal scheme would constitute features of a distinctly urban appearance beyond the existing built-up area of Sunbury on Thames, which would contribute to urban sprawl. The proposal would therefore conflict with the purposes of including land within the Green Belt, so would form inappropriate development in the Green Belt. Whilst the inspector agreed that the Creek was a private carriageway for its residents, he considered that the presence of existing planting or additional or replacement planting would fail to negate the increase in built form and the physical presence of the proposals, notwithstanding other development in the area. Therefore, the proposed development was considered to result in a harmful loss of openness of the Green Belt in both visual and spatial terms, albeit this would be limited given the scale of the proposals. The appeal scheme is therefore contrary to the main aims of Green Belt policy at local and national levels.</p> <p>In terms of flooding, the Inspector acknowledged the applicant's statement that flood water could potentially flow around the proposed planter and between the proposed walls and piers. However, he took a view that the volume of the proposed walls and the effect of funnelling flood water in this manner would/will be likely to inhibit the storage and flow of water, which would/will be harmful to people and property elsewhere in the floodplain, and concluded that the proposed development would/will be likely to increase the risk of flooding elsewhere. Hence, the proposal would not accord with Policy LO1 of the CSPDPD and would also be in conflict with paragraph 163 of the Framework.</p> <p>The Planning Inspector found that the harm to the Green Belt, and the other harm resulting from the proposal, would not be</p>

	clearly outweighed by other considerations and therefore did not amount to the very special circumstances needed to justify the development.
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Site	22 Church Road Ashford TW15 2UY
Planning Application No.:	19/00889/FUL
Proposed Development:	Erection of two storey rear extension to provide additional office accommodation at ground floor level, a second floor extension and conversion of first floor to form 2 no. 2 bedroom flats.
Reasons for Refusal	The proposed development, by virtue of the rear extension and the resulting adverse impact upon the residential amenity of the adjoining property at 24a Church Road in terms of loss of light and outlook/visual intrusion, would be contrary to Policy EN1 of the Spelthorne Core Strategy and Policies DPD (2009)
Appeal Reference:	APP/Z3635/W/19/3240130
Appeal Decision Date:	10/03/2020
Inspector's Decision	Appeal Dismissed
Inspector's Comments:	<p>The Inspector considered the main issue to be the effect of the proposed development on the living conditions of the occupants of 24a Church Road in terms of outlook, daylight and sunlight.</p> <p>The Inspector noted the existing approval on the site, but considered that this proposal would add significantly to the scale and bulk of the existing building, and would be considerably larger than the consented scheme. Moreover, the resultant development would present a substantial blank solid wall along the boundary with No 24a, which would appear oppressive and imposing when viewed from the rear facing windows of that property.</p> <p>In terms of outlook, the Inspector acknowledged that the existing rear outlook of No 24a is toward commercial outbuildings, a</p>

	<p>parking court and an electricity substation and that the outlook from the property would therefore not be of a high quality. Nonetheless, he considered that this would not justify the harm that would be caused by the additional bulk of the proposed extension in close proximity to the boundary of that property. Moreover, the outlook from the property would be far worse with the proposed development, to the extent that the living conditions of the occupiers of No 24a would be unacceptably affected.</p> <p>With regard to light and overshadowing, the Inspector noted that due to existing circumstances, it was likely that the rear elevation of No 24a will already be in shade for a large part of the day. While noting that the proposal would result in some overshadowing, due to the existing situation, the proposed extension would not cause unacceptable harm to the living conditions of the occupiers of that property in relation to the availability of daylight and sunlight.</p> <p>The Inspector concluded that the appeal development would appear oppressive and overbearing when viewed from No24a, and so would unacceptably harm the living conditions of the occupiers in terms of outlook. Hence, the proposal would not accord with Policy EN1 of the Core Strategy and Policies Development Plan Document (Adopted 26 February 2009), which requires that new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of, amongst other things, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook. There were not considered to be any material considerations that would have meant that the proposal should have been determined other than in accordance with the development plan.</p>
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Site	1 Jennifer Court Adelaide Road Ashford TW15 3GA
Planning Application No.:	19/01084/HOU

Proposed Development:	Installation of boundary fence and timber pergola (retrospective)
Reasons for Refusal	The proposed boundary fence and pergola, by reason of their design, scale and location would be visually obtrusive and detrimental to the visual amenities of the streetscene contrary to Policy EN1 of the Spelthorne Development Plan -Core Strategy and Policies Development Plan Document (February 2009)
Appeal Reference:	APP/Z3635/W/19/3243480
Appeal Decision Date:	26/03/2020
Inspector's Decision	Appeal Dismissed
Inspector's Comments:	<p>The Inspector noted that the proposed fencing was not comparable to surrounding properties as they step down, or are otherwise much lower than the appeal development at the corner of the site and therefore preserve the open character of the frontages. The Inspector states the proposal would be uncharacteristic and visually incongruous, overly tall and a stark boundary feature to the street-scene.</p> <p>Furthermore the proposed pergola was noted to be out of keeping with the character of the area as the height and appearance are at odds with the established character of the street-scene.</p> <p>The Inspector states that overall the appeal development does cause significant harm to the character and appearance of the area by virtue of its appearance, height and prominence.</p>

Site	32 - 34 Feltham Road Ashford TW15 1DH
Planning Application No.:	19/00714/RVC

Proposed Development:	Variation of condition 2 of planning permission 18/00503/FUL (the plans condition) to allow a larger canopy and car washing area.
Reasons for Refusal	The proposal comprising a larger canopy and car wash structure would, as a result of its scale, location and design, together with the associated noise, spray and vehicle movements, cause unacceptable harm to the amenity of neighbouring residential properties contrary to Policy EN1 of the Council's Core Strategy and Policies Development Plan Document 2009.
Appeal Reference:	APP/Z3635/W/19/3235760
Appeal Decision Date:	02/04/2020
Inspector's Decision	Appeal Dismissed
Inspector's Comments:	<p>The Inspector noted that the the proposed structures are located very close to the rear of 2-storey houses at Abbey Gardens, significantly closer to the dwellings than approved under the original planning permission. He commented that, as highlighted in the appeal submissions, the significantly increased size of the structures would enable a greater number of vehicles to be cleaned at the same time. In addition he noted that the new design results in vehicles manoeuvring a full turn and entering the carwash structure next to the boundary with the Abbey Gardens properties, and unlike the approved design, the carwash structure as built has a large open elevation facing the dwellings with limited screening of the operations taking place within.</p> <p>He agreed that these features result in an unacceptable and material increase in the amount of noise and disturbance caused to residents relative to the approved scheme.</p> <p>He concluded that the development's scale, location and design together with the associated noise and vehicle movement causes significant harm to the living conditions of neighbours in terms of noise and general disturbance and as such is in conflict with Policy EN1 of the Spelthorne Borough Council Core Strategy and Policies Development Plan Document 2009 which seeks to ensure a high standard in the design and layout of new development.</p>

Site	32 - 34 Feltham Road Ashford TW15 1DH
Enforcement No.:	19/00129/ENF
Breach:	The unlawful operational development of the land, by the erection of a large canopy and carwash structure.
Appeal Reference:	APP/Z3635/C/19/3236361
Appeal Decision Date:	02/04/2020
Inspector's Decision	Appeal Dismissed
Inspector's Comments:	The unauthorised erection of a large canopy and carwash structure is dismissed and the enforcement notice upheld. The enforcement notice gives 3 months in order for the unauthorised canopy and carwash structure subject of the notice to be removed from the site.

Site	11 Gleneagles Close Stanwell Staines-upon-Thames TW19 7PD
Planning Application No.:	19/00829/FUL
Proposed Development:	Erection of an end of terraced dwelling in place of existing garage
Reasons for Refusal	The proposed development represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will result in the site having a more urban character and diminish the openness of the Green Belt, and conflict with the purposes of including land

	within it. The proposal is therefore contrary to Section 13 (Protecting Green Belt land) of the National Planning Policy Framework 2019 and Saved Local Plan Policy GB1.
Appeal Reference:	APP/Z3635/W/19/3243544
Appeal Decision Date:	06/04/2020
Inspector's Decision	Appeal Dismissed
Inspector's Comments:	<p>The Inspector considered the main planning issues are whether the proposal is inappropriate development in the Green Belt, the impact on openness and whether there are any very special circumstances to outweigh any harm caused.</p> <p>The appellant suggested that the site is not located within the Green Belt. However, the Inspector concluded that with the evidence before him, on the balance of probability the site is located within the Green Belt. He noted that new dwellings are not in the list of exceptions to development in the Green Belt in the NPPF and therefore the proposal constitutes inappropriate development in the Green Belt.</p> <p>The Inspector referred to openness being a lack of built form. He stated that replacing the lightweight car port with a new dwelling would be a substantial increase in built form in the Green Belt which would result in a loss of openness. He went on to note that given the context of the site and its surroundings, there would be material harm to the openness of the Green Belt.</p> <p>The Inspector noted that the above matters carry substantial weight in terms of harm to the Green Belt and despite examples given by the appellant and their personal circumstances, it does not outweigh the harm and therefore very special circumstance do not exist.</p> <p>He concluded that the proposal is contrary to Policy GB1 and the NPPF which serve to protect the Green Belt and its openness and dismissed the appeal.</p>

Site	Brecknock Stanwell New Road Staines-upon-Thames TW18 4HY
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Planning Application No.:	19/00696/FUL
Proposed Development:	The erection of a part two storey, part single storey side and rear extension including a roof extension incorporating side and rear dormers, and conversion into flats, comprising 3 no.2 bedroom flats, and 1 no. studio flat with associated parking and amenity space.
Reasons for Refusal	<p>The proposed development by reason of density, lack of amenity space, inadequate parking provision and design would represent an unacceptable overdevelopment of the site. The design of the roof form and rear facing dormer would also have an unacceptable impact upon the character of the area and the character of the host dwelling. The proposal is therefore contrary to Policies EN1, CC3 and HO5 of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009), the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011, and the National Planning Policy Framework (February 2019).</p> <p>The proposed development would contain insufficient internal floor space and bedroom space when assessed against minimum requirements of the Technical Housing Standards and the Council's minimum requirements, and would have poor level of outlook in bedroom 1 of Flat A and bedroom 2 of Flat D, resulting in a poor level of amenity for future occupiers. The proposal would therefore have an unacceptable layout and poor level of amenity for future occupiers that would be contrary to the objectives of policy EN1, of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009), the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011, the Technical Housing Standards (March 2015) and the National Planning Policy Framework (February 2019).</p>
Appeal Reference:	APP/Z3635/W/19/3237477
Appeal Decision Date:	17 April 2020
Inspector's Decision	Appeal Decision
Inspector's Comments:	The Inspector identified that the main issues surrounding the appeal scheme were:

- The effect on the character and appearance of the host dwelling and local area.
- Whether the proposal would provide satisfactory living conditions for future occupiers.

Character and Appearance

The Inspector noted that the appeal property is occupied by a modest detached dwelling in a fairly prominent location. The Inspector considered that the proposed extensions would significantly enlarge the building which would appear cramped and overly large within the plot, and further commented that cumulatively the proposed dormer windows would dominate the host dwelling, and the different elements of the roof would sit awkwardly together, failing to appear as one cohesively designed roof.

The Inspector considered that the removal of the bay window at ground level would further disrupt the rhythm, balance and proportions of the dwelling, and would exacerbate the harm of the scheme.

It was noted that the parking area would cover significantly more than half of the properties frontage, adding to the visual clutter and further eroding the character and appearance of the dwelling. The Inspector concluded that the bulk and design of the proposed alterations would fail to respect the modest proportions of the host dwelling and to integrate effectively with other buildings in the street scene. The Inspector therefore considered that the proposal would conflict with policy EN1.

The Inspector noted that the scheme would have a density of 115 dwellings per hectare, exceeding policy HO5 which states that higher density development in residential areas should not normally exceed 75 dwellings per hectare. As the appeal scheme did not accord with policy EN1, the Inspector also considered that it did not accord with policy HO5.

The Inspector concluded that in terms of character and appearance the proposal would fail to meet the objectives of Policy HO5, EN1 and the NPPF.

Living Conditions

The Inspector noted that the nationally described Technical Housing Standards (THS) (March 2015) set out minimum Gross Internal Floor Areas for new dwellings, and there are also similar requirements set out in the Council's SPD on design.

The Inspector considered that the layout of the proposed flats would be cramped and would not provide a satisfactory level of amenity to future occupiers. The Inspector noted the Council's calculations that some of the bedroom sizes would fail to meet the minimum standards set out in the THS, and also the Council's concerns that the upper floor unit would have insufficient headspace.

The Inspector commented that the occupants of two of the flats would be provided with a poor level of outlook, with one flat looking out directly onto a car parking space, and a further flat containing a bedroom with no windows.

It was noted that the garden at the rear of the property would have an area of some 126m², which would fall short of the 140m² garden space requirements for this number of units, which the Inspector considered would further erode the living conditions of future occupiers.

The Inspector concluded that the appeal scheme would conflict with the requirements of the THS and the Council's SPD, and would result in inappropriately cramped accommodation. The appeal scheme therefore conflicted with policy EN1 which requires a high standard in design and layout. It was further considered that it would conflict with the NPPF which requires a high standard of amenity for future users.

Other Matters

The Inspector noted that there was an existing planning permission at the property (17/01122/FUL) for subdivision into two dwellings, and for extensions to the property. However, the Inspector considered that the approved scheme was more sympathetic with the host dwelling and would have provided satisfactory living conditions for its occupiers.

It was also noted that the proposal would fall 2 spaces short of the Council's Parking Standards. Whilst this would not have warranted refusal in itself, the Inspector considered that this was a further indicator of the over-development of the site.

It was further noted that the Council does not have a 5 year housing supply. However, the cumulative benefits of the scheme were not considered to outweigh the harm.

The Inspector concluded that the scheme failed to accord with the development plan and the appeal was dismissed.

Site	28 Hadrian Way Stanwell Staines-upon-Thames TW19 7HF
Enforcement No.:	19/00262/ENF
Breach:	Erection of an outbuilding and the use of that building, without planning permission.
Appeal Reference:	APP/Z3635/C/20/3244894
Appeal Decision Date:	12/05/2020
Inspector's Decision	Appeal Dismissed
Inspector's Comments:	The basis of the appeal is that more time is required to await the outcome of a planning appeal. The Inspector could not justify extending compliance on this basis, as such a situation could continue indefinitely with further applications and appeals being made.

Site	Former Nursery Site, Rear 37-51 Hithermoor Road, Stanwell Moor, Staines-upon-Thames, TW19 6AH
Planning Application No.:	19/00518/FUL 19/00778/FUL
Proposed Development:	<u>19/00518/FUL</u> Change of use of site from former nursery site to fencing manufacture and supply business. Demolition of existing glasshouses, polytunnels and concrete building and erection of a new workshop building and a 3 metre high acoustic fence. Retention of existing hardstanding and provision of new hardstanding to accommodate car parking and building storage area. Retention of existing fencing and gates. <u>19/00778/FUL</u> Change of use from former nursery site to a fencing supply business. Demolition of existing glasshouses and polytunnels and erection of a 3 metre high acoustic fence. Retention of existing hardstanding and provision of new hardstanding to

	accommodate car parking and building storage area. Retention of existing fencing and gates.
Reasons for Refusal:	<u>19/00518/FUL & 19/00778/FUL</u> The development represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will result in the site having a more urban character, will diminish the openness of the Green Belt and conflict with the purposes of including land within it. In particular, it would not comply with the Green Belt purposes: to prevent neighbouring towns merging together; and to assist in safeguarding the countryside from encroachment. It is therefore contrary to Saved Policy GB1 of the Spelthorne Borough Local Plan 2001, and Section 13 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2019.
Appeal Reference:	APP/Z3635/W/19/3233509 APP/Z3635/W/19/3241856
Appeal Decision Date:	15/05/2020
Inspector's Decision	Appeal Dismissed
Inspector's Comments:	<p>The Inspector considered that the proposed change of use together with the associated storage of building materials, hardstanding, car parking and other associated development would constitute 'inappropriate development' in the Green Belt, and would cause a harmful loss of openness. He also considered the proposed workshop building associated with the first application (19/00518/FUL) to be 'inappropriate development' and harmful to openness. Moreover, he considered that the proposed change of use would result in a harsher, more urban appearance to the site compared to the former horticultural use, and would therefore be harmful to the character and appearance of the area.</p> <p>The Inspector gave significant weight to the benefit of continuing the business and its contribution towards the local economy, and moderate weight towards other economic factors, the lack of alternative available sites, the impact on employees and other businesses, and the advantages and convenience of single site operation associated with the first application (19/00518/FUL). However, he did not consider these benefits in favour of the development would clearly outweigh the harm to the Green Belt and the character and appearance of the area. Accordingly, both appeals were dismissed.</p>

Site	Land Adjacent To 7 Maxwell Road, Ashford, TW15 1RL
Planning Application No.:	19/01564/OUT
Proposed Development:	Erection of a single dwelling with associated parking and amenity space, on land adjacent to 7 Maxwell Road
Reasons for Refusal:	The proposed dwelling is considered to harm the character and appearance of the area and will fail to make a positive contribution to the street scene, contrary to Policy EN1 of the Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.
Appeal Reference:	APP/Z3635/D/19/3244874
Appeal Decision Date:	28/05/2020
Inspector's Decision	Appeal Dismissed

Site	Clock Bungalow, 191 Ashford Rd, Staines-upon-Thames, TW18 1RS
Planning Application No.:	19/00716/FUL
Proposed Development:	Change of use of land to extended residential curtilage for Clock Bungalow, 191 Ashford Road.
Reasons for Refusal	The proposed extension to the curtilage of the dwelling represents inappropriate development within the green belt for which no very special circumstances have been demonstrated. As such it is contrary to 'saved' local plan policy GB1 and guidance contained in the National Planning Policy Framework.

Appeal Reference:	APP/Z3635/W/19/3237690
Appeal Decision Date:	04/06/2020
Inspector's Decision	Appeal Allowed
Inspector's Comments:	<p>The Inspector considered that the main issues relating to the appeal are whether the proposal represents inappropriate development in the Green Belt, including any effect on openness. If the proposal were found to be inappropriate development, whether by reason of inappropriateness and any other harm, would this be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.</p> <p>The Inspector noted that the National Planning Policy Framework (NPPF) identifies some such 'not inappropriate' forms of development, and this includes, at part e, material changes in the use of land, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. He concluded that the change of use to a domestic garden, which is essentially what was proposed in the appeal, should fall outside this category of material changes in the use of land. Furthermore, the Inspector considered that in the absence of any physical development, the openness of the Green Belt would be protected and would not be eroded by the proposal. In addition, in respect of the visual element of openness, the site is tucked away from public view, thus further reducing any possible effect in this regard.</p> <p>The Inspector also considered the five purposes of including land within the Green Belt as outlined in the NPPF and concluded that this proposal would not conflict with these purposes and therefore represented 'appropriate development' within the Green Belt. Therefore, very special circumstances would not be required to justify the development.</p> <p>As such, the proposal accords with the aims of national policy set out within the Framework and with Saved Policy GB1 of the Local Plan insofar as they seek to prevent development which would conflict with the purposes of the Green Belt and which would not maintain the openness of the Green Belt.</p>

An appeal for costs was also submitted and the Inspector granted a partial award of costs.

The Inspector considered that, in assessing the proposal, while his final conclusions differ from those reached by the Council, the reasons behind the Council's decision are clearly set out and a matter of judgement. Accordingly, the Inspector did not consider that the Council acted unreasonably, and therefore the appeal could not have been avoided and unnecessary or wasted expense has not been incurred.

However, in the appeal statement, the Council suggested a condition requiring the submission of a scheme of the means of enclosure to 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 Inspector noted that the applicant never intended to erect any such boundary treatment and that a condition removing Permitted Development Rights could have been imposed. As such, the Inspector concluded that while the applicant may not have been put to large amounts of additional expense in countering the Council's position, unnecessary and wasted expense was incurred in preparing the aforementioned section of their final comments and a partial award of costs is justified in this specific respect.