



Please reply to:

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Date: 26 January 2021

Notice of meeting

Planning Committee

Date: Wednesday, 3 February 2021

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

To the members of the Planning Committee

Councillors:

T. Lagden (Chairman)	H. Harvey	V. Siva
M. Gibson (Vice-Chairman)	N. Islam	R.A. Smith-Ainsley
C. Bateson	J. McIlroy	B.B. Spoor
S.A. Dunn	R.J. Noble	J. Vinson
A.C. Harman	R.W. Sider BEM	

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. Apologies**
To receive any apologies for non-attendance.
- 2. Minutes** **5 - 8**
To confirm the minutes of the meeting held on 6 January 2021 as a correct record.
- 3. Disclosures of Interest**
To receive any disclosures of interest from councillors under the Councillors' Code of Conduct, or contact with applicants/objectors under the Planning Code.

Glossary of Terms and Abbreviations
To assist Members with terms and abbreviations used in planning an interpretation guide is attached.

Planning Applications and other Development Control matters
To consider and determine the planning applications and other development control matters detailed in the reports listed below.
- 4. Planning application No. 20/01312/FUL - Acacia Lodge, Rookery Road, Staines-upon-Thames, TW18 1BT** **15 - 48**

Proposal
Demolition of the existing vacant buildings on site and the erection of a building over 3 floors to provide 14 Fats (4 x 1 bed, 9 x 2 beds and 1 x 3 beds) with parking and amenity space.

Officer Recommendation
The application is recommended for approval subject to conditions.
- 5. Planning application No. 20/01380/HOU - 15 Stratton Road, Sunbury On Thames, TW16 6PH** **49 - 68**

Proposal
Erection of single storey side/rear extension, garage conversion and new first floor flank window.

Officer Recommendation
The application is recommended for approval subject to conditions set out at Paragraph 8 of the Report.
- 6. Planning application No. TPO 267/2020 - Land adj to 119 Penton** **69 - 72**

Road, Staines-upon-Thames, TW18 2LL

Proposal

To seek confirmation of Tree Preservation Order 267/2020 that was served with immediate effect to protect one Plane tree and one Lime tree situation on the highway to the front of the land adjacent to 119 Penton Road, Staines-upon-Thames, TW18 2LL

Officer Recommendation

The Tree Preservation Order is confirmed without modification.

- | | | |
|-----------|--|----------------|
| 7. | Planning Appeals Report | 73 - 76 |
| | To note details of the Planning appeals submitted and decisions received between 10 December 2020 – 21 January 2021. | |
| 8. | Development Management Performance | 77 - 90 |
| | To note the report on the Development Management (DM) Performance over the past year. | |

**Minutes of the Planning Committee
6 January 2021**

Present:

Councillor T. Lagden (Chairman)
Councillor M. Gibson (Vice-Chairman)

Councillors:

C. Bateson	J. McIlroy	R.A. Smith-Ainsley
S.A. Dunn	R.J. Noble	B.B. Spoor
A.C. Harman	R.W. Sider BEM	J. Vinson
H. Harvey	V. Siva	

Apologies:

Apologies of absence were received from Councillor N. Islam

In Attendance:

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

Councillor D. Saliagopoulos – Planning App. 20/00876/HOU, 18 Riverside Close, Staines upon Thames, TW18 2LW

1/20 Minutes

The minutes of the meeting held on 11 November 2020 were approved as a correct record.

2/20 Disclosures of Interest

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

Councillor M. Gibson declared a pecuniary interest in relation to application 20/00876/HOU, 18 Riverside Close, Staines upon Thames, TW18 2LW, on the agenda, as she owned a nearby property, and left the meeting when this item was discussed.

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

Councillors R.A. Smith Ainsley, H. Harvey, B. Noble, V. Siva, J. Vinson and T. Lagden reported that they had received correspondence in relation to

application 20/00876/HOU, 18 Riverside Close, Staines upon Thames, TW18 2LW but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor R.A. Smith Ainsley reported that he had previously attended a presentation at Spelthorne Borough Council relating to application 20/00802/FUL, Car Park to Rear of Tesco, Ashford Hospital, London Road, Ashford, TW15 3AA and that he came to the meeting with an open mind.

3/20 Planning Application No. 20/00802/FUL - Car Park to rear of Tesco, Ashford Hospital, London Road, Ashford, TW15 3AA

Description:

Redevelopment of surplus hospital car park for 127 residential units comprising 122 flats and 5 terraced houses, in buildings ranging from 2 to 5 storeys in height, with associated access, parking, services, facilities and amenity land.

Additional Information:

The Principal Planning Officer advised the Committee that:

The applicant had agreed to increase the contribution for off-site open space improvements from £35,000 stated in the Officer's report, to £45,000. A figure of £45,000 should replace £35,000 at paragraphs 7.51, 7.145 and part 3 of Recommendation A.

The applicant had re-calculated the floorspace of Block C ground floor flat and it was 61sq m not 60 sq m and therefore complied with the technical standards.

The Council has also received one further letter of representation, which raised concerns that:

Stanwell is already overcrowded

There are already a large number of flats alongside the hospital site and traffic will be impacted

The site should be used as a primary school

Concerns over sunlight, noise and air pollution

Parking concerns

A motion to defer the planning application was proposed by Councillor M. Gibson and seconded by Councillor R.J. Noble for the following reasons:

Shortfall in open amenity space and play areas

Lack of sunlight to existing dwellings

Loss of light to existing development

Close proximity with and overlooking of surrounding developments

Parking spaces shortfall

Inadequate waste storage and collection provision

Shortfall related to separation distances to adjoining dwellings

Decision:

The application was **deferred** to allow the applicant time to consider the concerns of the Committee

4/20 Planning Application No. 20/00876/HOU - 18 Riverside Close, Staines upon Thames, TW18 2LW

Councillor M. Gibson had declared a pecuniary interest and left the meeting at this point.

Description:

The erection of a new boundary wall and gate at the western boundary.

Additional Information:

The Principal Planning Officer advised the Committee that:

The Council had received one further letter of representation which raised the following concerns:

Planning Officers had previously stated that the current garage was in the same location as the original garage which was incorrect.

The proposal impacts parking at a property opposite the site and would restrict access to a garage granted planning permission under the reference 19/01392/HOU.

The garage has narrowed the roadway and granting permission for the wall and gates would endorse the encroachment.

Public Speaking:

In accordance with the Council's procedure for speaking at meetings, Mr Marks spoke against the proposed application raising the following key points:

- The garage has not been built on the position of the original garage
- Encroachment on to the private road
- The new position of the garage has caused narrowing of the road and caused difficulties for owners of the Thames Side houses in respect of parking and access to their properties.
- Planning permission has previously been granted for the objector to build a new garage at his property, 77 Thames Side; if the new garage is allowed to remain at 18 Riverside Close, along with the proposed gates, post and fencing, it will not be possible to access the approved garage at 77 Thames Side.
- Granting planning permission will create further encroachment

Councillor D. Saliagopoulos spoke against the proposed application raising the following key points:

- She agreed with all the points raised by Mr Marks
- Vehicular access would become very tight if the permission was granted
- She felt that many of the local residents were against the application
- This area suffered flooding in 2014

Councillor T. Harman spoke against the proposed application raising the following key point:

- The proposed wall and gates will not positively contribute to the street scene
- There would be reduced room for car manoeuvres into the property
- The application compromises the integrity of the access road
- Encroachment onto other properties
- Negative impact on neighbourhood

A motion to **approve** the planning application was proposed by Councillor R. Smith-Ainsley and seconded by Councillor H. Harvey and was agreed by the Committee.

Debate:

None of the Members indicated that they wished to speak on this application.

Decision:

The application was **approved**.

5/20 Planning Appeals Report

The Chairman informed the Committee that if any Member had any detailed queries regarding the report on Appeals lodged and decisions received since the last meeting, they should contact the Planning Development Manager.

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

PLANNING GLOSSARY OF TERMS AND ABBREVIATIONS

TERM	EXPLANATION
ADC	Advert application
AMD	Amend (Non Material Amendment) – minor change to an application after planning permission has been given
AOD	Above Ordinance Datum. Height, in metres, above a fixed point. Used to assess matters of comparative heights in long distance views and flooding modelling
AQMA	Air Quality Management Area
BCN	Breach of Condition Notice. Formal enforcement action to secure compliance with a valid condition
CHA	County Highways Authority. Responsible for offering advice on highways issues relating to planning applications as well as highways maintenance and improvements
CIL	Community Infrastructure Levy – A levy on housing development to fund infrastructure in the borough
CLEUD/CLD	Certificate of Lawful Existing Use or Development. Formal procedure to ascertain whether a development which does not have planning permission is immune from enforcement action
CS&P DPD	Core Strategy and Policies Development Plan Document
COU	Change of use planning application
CPD	Certificate of Lawful Proposed Use or Development. Formal procedure to ascertain whether a development is permitted development and does not require planning permission
Conservation Area	An area of special architectural or historic interest designated due to factors such as the layout of buildings, boundaries, characteristic materials, vistas and open spaces
DAS	Design and Access Statement. This is submitted with a planning application and sets out the design principles that the applicant has adopted to make the proposal fit into its wider context
Development Plan	The combined policy documents of the Local Plan, Minerals and Waste Plans. The Minerals and Waste Plans are prepared by Surrey County Council who has responsibility for these functions

DM	Development Management – the area of planning service that processes planning applications, planning appeals and enforcement work
DMPO	Development Management Procedure Order - This Order provides for procedures connected with planning applications, consultations in relation to planning applications, the determination of planning applications and appeals
DPH	Dwellings per Hectare (density)
EA	Environment Agency. Lead government agency advising on flooding and pollution control
EIA	Environmental Impact Assessment – formal environmental assessment of specific categories of development proposals
EHO	Environmental Health Officer
ES	Environmental Statement prepared under the Environmental Impact Assessment Regulations
FRA	Flood Risk Assessment
FUL	Full planning application
GPDO	General Permitted Development Order. Document which sets out categories of permitted development (see 'PD' below)
HOU	Householder planning application
LBC	Listed Building Consent – consent to alter a listed building
LLFA	Lead Local Flood Authority
Local Plan	The current development policy document
LPA	Local Planning Authority
Material Considerations	Matters which are relevant in the determination of planning applications
MISC	Miscellaneous applications (usually a consultation by adjoining boroughs)
NPPF	National Planning Policy Framework, 2019. This is Policy issued by the Secretary of State detailing national planning policy within existing legislation
OUT	Outline planning application – obtaining the principle of development

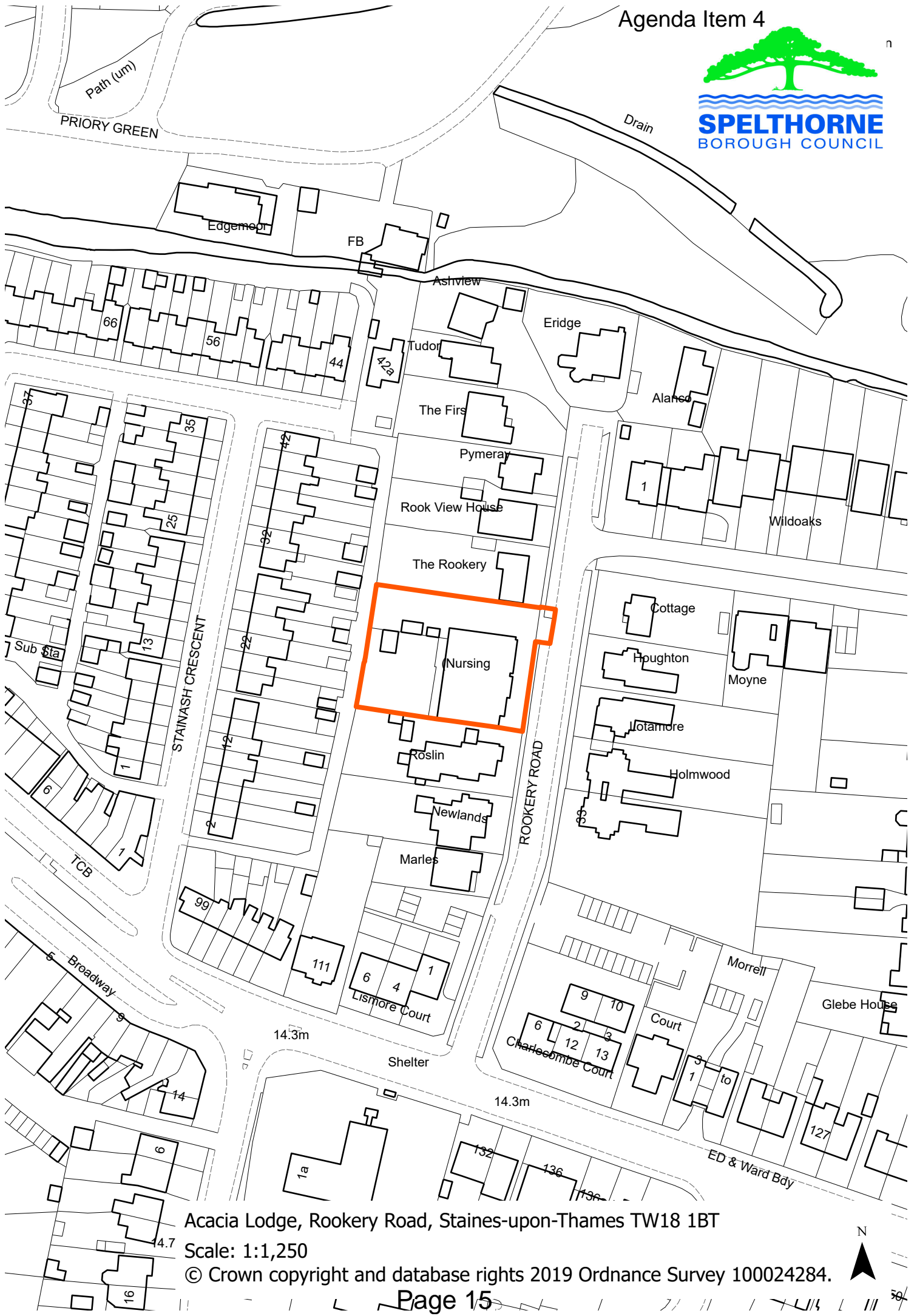
PAP	Prior Approval application
PCN	Planning Contravention Notice. Formal notice, which requires information to be provided in connection with an enforcement investigation. It does not in itself constitute enforcement action
PD	Permitted development – works which can be undertaken without the need to submit a planning application
PDDC	Permitted Development New Dwelling in commercial or mixed use
PDDD	Permitted Development prior approval new dwelling on detached buildings
PDDN	Permitted Development prior approval demolish and construct new dwellings
PDDS	Permitted Development prior approval enlarge dwelling by additional storeys
PDDT	Permitted Development prior approval new dwelling on terraced buildings
PDH	Permitted Development Householder prior approval
PDNF	Permitted Development prior approval new dwellings on flats
PDO	Permitted Development prior approval conversion of office to residential.
PINS	Planning Inspectorate responsible for determining planning appeals on behalf of the Secretary of State
PIP	Permission in Principle application
POCA	Proceeds of Crime Act. Used by LPAs to obtain confiscation orders against those committing offences under the Town and County Planning Act 1990 following successful conviction
PPG	National Planning Practice Guidance. This is guidance issued by the Secretary of State detailing national planning practice and guidance within existing legislation. It is also known as NPPG <i>National Planning Practice Guidance</i>
Ramsar Site	A wetland of international importance
RIPA	Regulation of Investigatory Powers Act. Provides limitation on covert surveillance relating to enforcement investigation
RMA	Reserved Matters application – this follows on from an outline planning permission and deals with some or all of the outstanding details of the outline application including: appearance, means of access, landscaping, layout and scale

RVC	Removal or Variation of Condition on a planning permission
SAC	Special Area of Conservation – an SSSI additionally designated as a Special Area of Conservation under the European Community’s Habitats Directive 1992 in order to maintain or restore priority natural habitats and wild species
SCAMD	Surrey County Council amended application (minor changes following planning permission)
SCC	Surrey County Council planning application
SCI	Statement of Community Involvement. The document and policies that indicate how the community will be engaged in the preparation of the new Local Plan and in the determination of planning applications
Section 106 Agreement	A legal agreement for the provision of facilities and/or infrastructure either directly by a developer or through a financial contribution, to meet the needs arising out of a development. Can also prevent certain matters
SLAA	Strategic Land Availability Assessment
SNCI	Site of Nature Conservation Importance. A non-statutory designated area of county or regional wildlife value
SPA	Special Protection Area. An SSSI additionally designated a Special Protection Area under the European Community’s Directive on the Conservation of Wild Birds 1979. The largest influence on the Borough is the Thames Basin Heath SPA (often referred to as the TBH SPA)
SPD	Supplementary Planning Document – provides additional advice on policies in Local Development Framework (replaces SPG)
SSSI	Site of Special Scientific Interest is a formal conservation designation, usually due to the rare species of flora or fauna it contains
SuDS	Sustainable Urban Drainage Systems. Providing urban drainage systems in a more environmentally sensitive way by systems designed to reduce the quantity of run-off, slow its velocity or provide for filtering, sedimentation and biological degradation of the water
Sustainable Development	Sustainable development is the core principle underpinning planning. It is defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”
T56	Telecom application 56 days to determine

TA	Transport Assessment – assessment of the traffic and transportation implications of a development proposal
TCA	Trees in a conservation area – six weeks’ notice to the LPA is required for works to trees in a conservation area. This gives an opportunity for the LPA to consider whether a tree preservation order should be made to protect the trees
TPO	Tree Preservation Order – where a tree or trees are formally protected, and prior consent is needed for pruning or felling
TRICS	Computerised database and trip rate analysis used to estimate traffic flows to and from a variety of land uses, to assess transportation implications of new development in southern England
Further definitions can be found in Annex 2 of the NPPF	

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Acacia Lodge, Rookery Road, Staines-upon-Thames TW18 1BT

Scale: 1:1,250

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Planning Committee

3 February 2021



Application No.	20/01312/FUL		
Site Address	Acacia Lodge, Rookery Road, Staines-upon-Thames TW18 1BT		
Applicant	Metro Care Homes Limited		
Proposal	Planning application for the demolition of existing building and development of 14 apartments including refuse storage, cycle storage, associated car parking and landscaping		
Officers	Kelly Walker		
Ward	Staines		
Call in details	N/A		
Application Dates	Valid: 02/11/2020	Expiry: 01/02/2021	Target: Extension of Time agreed
Executive Summary	<p>This planning application seeks the demolition of the existing vacant buildings on site and the erection of a building over 3 floors to provide 14 flats (4 x 1 bed, 9 x 2 bed and 1 x 3 bed) with parking and amenity space.</p> <p>The proposal is considered to pay due regard to the design, scale and character of the area, making a positive contribution to the street scene. It will be a sustainable form of development, meeting a need for housing on a brownfield site. The proposal provides 19 parking spaces, 15 cycle parking spaces and a generous sized area of amenity space to the rear of the site. The proposal is considered to provide a good standard of amenity for future occupants and will have an acceptable impact on existing neighbouring residential properties. The use as a care home has ceased due to a decline in the number of residents and these individuals were rehoused in a care home locally in Laleham., As such, there are no adverse impacts that would significantly and demonstrably outweigh the benefits when taking the 'tilted balance' into account. The application is considered to be acceptable and is recommended for approval.</p>		
Recommended Decision	The application is recommended for approval subject to conditions.		

MAIN REPORT

1. Development Plan

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

- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO4 (Housing Size and Type)
- HO5 (Density of Housing Development)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

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

- SPD on Design of Residential Extensions and New Residential Development 2011
- SPG on Parking Standards Updated 2011
- SPD on Housing Size and Type 2012.

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

2. Relevant Planning History

13/01763/FUL	Erection of single storey rear extension	Granted 16.01.2014
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05/00270/FUL	Erection of a two storey detached building	Withdrawn 26.05.2005
04/00577/FUL	Erection of single storey rear extension, single storey rear conservatory, and rear porch..	Granted 09.08.2004
SPW/COU/84/524	Change of use from 3 flats to a residential home for the elderly with proprietors' accommodation.	Granted 26.09.1984
SPW/FUL/89/659	Erection of extensions including the linking of the two properties to form one unit, conversion of Crowhurst to provide a residential nursing home for the elderly and provision of parking spaces	Granted 18.10.1989

3. Description of Current Proposal

- 3.1 The application site is located on the western side of Rookery Road and is a large rectangular plot occupied by a large 3 storey building. There are also some smaller structures to the rear. The building was originally residential in use but changed to a care home use in 1984. The care home use ceased in October 2019 due to a decline in occupancy levels and the remaining residents were moved to a nearby, more modern care home in Laleham. There is a car park to the northern side of the building and a garden area to the rear. The front has a large area of hard standing. To the south of the site is Roslin children's day Nursery and a residential dwelling at The Rookery to the north.
- 3.2 On the opposite side of the road at Glenthorne, is another former care home site which has been vacant for a number of years and has planning permission for its demolition and redevelopment to 19 flats (ref. 16/00547/FUL). This application was approved in November 2019 but has not yet commenced. In addition, there are existing flats, to the south of this site, located on the corner of Kingston Road and Rookery Road at Charlescombe Court. These consist of 2 blocks of 3 storey buildings, with a pitched roof. In addition, there are 2 other sites with flats fronting Kingston Road at Braeburn Court and Morrell Court.
- 3.3 The immediate area including opposite the site along Rookery Road are large properties located on relatively large plots, most are residential. Some of these buildings are 3 storey in height and contain design features characteristic of the road, including gable frontages and pitched roofs and are constructed in traditional materials. These include the building to the south of the application site at Roslin Nursery and those on the opposite side of the road at Glenthorne, Lolamore and Houghton, which are of a similar design to the existing buildings on the application site. The Rookery, located to the north of the site is also of traditional design and is a 2 storey dwelling with less detailed architectural features.

- 3.4 The road is tree lined with plane trees which are regularly pollarded. There are residential properties to the rear of the site located along Stainash Crescent, whose rear gardens back onto an access road which adjoins the rear of the application site. There are a number of trees/shrubs along the side and rear boundaries.
- 3.5 The site comprises an area of 0.158 ha and is located to the western side of Rookery Road, Staines. The site comprises a former 36 bedroomed care home building, although its use was originally residential. The care home use has recently ceased in October 2019. However, it is understood that the property is temporarily being used for short term residential lets. The property has a large rear garden and car park to the side accessed from Rookery Road.
- 3.6 The site is located within the urban area and within the 1 in the 1000 flood zone.
- 3.7 The proposal is for the demolition of the existing buildings on site and the erection of a building over three floors to provide 14 flats (4 x 1 bed, 9 x 2 bed and 1 x 3 bed). The building will front the highway, in a similar position to the existing building, but will be wider across the site. It will have pitched roofs, with 2 gable features, with bay windows and a dormer fronting the road, with a subordinate section to the north, set back from the highway with a taller eaves and lower ridge height. This section will have an undercroft at ground level, to allow vehicles to access the parking area to the side/behind the building. The ground floor will provide access to the floors above and in addition will provide some parking beneath the built form. A large communal amenity space will be provided to the rear of the site with landscaping for use by the future occupants. The parking and garden areas will remain in the same location as they currently are.
- 3.8 Parking for 19 cars is to be provided at ground level to the side/rear of the proposed flats, in the same position as it is currently. The access will be the same position as existing, to the north of the building onto Rookery Road, although will include some minor changes. The proposed car parking area will be to the north of the site, adjoining the property to the north at The Rookery in line with the current parking arrangements. The proposal also includes areas of landscaping to the front of the site. In addition, it will provide refuse and cycling parking facilities for 15 bikes..
- 3.6 The proposed indicative site layout is provided as an Appendix.

4 Consultations

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

Consultee	Comment
County Highway Authority	No objection, recommends conditions
Environment Agency	The EA has replied to say they have no comments to make.
Head of Street Scene	No objection

(refuse)	
Tree Officer	No objection
Crime Prevention Officer	No objection. Makes a number of detailed security related comments. Requests a condition to require the development to achieve the Secure by Design award.
Sustainability Officer	No objection
Thames Water	No objection
Local Lead Flood Authority (Surrey County Council)	No objection, recommends conditions
Environmental Health Officer (Air Quality)	No objection, recommends condition
Environmental Health Officer (Contamination)	No objection, recommends condition

5. Public Consultation

5.1 A total of 26 properties were notified of the planning application. Furthermore, a statutory site notice was displayed, and the application was advertised in the local press. Letters of representation have been received from 18 separate properties and in addition one from the SCAN Officer raising the following issues:-

- overdevelopment/too big/density too high
- will significantly increase population of road
- lack of parking/traffic generation – poor parking layout
- access by emergency vehicles
- highway safety
- traffic assessment incorrect (care home was not used much)
- nursery nearby- safety of young children
- flats are out of keeping
- lack of disabled facilities/not meet equality regulations
- spread Covid 19 more readily
- do not need more flats
- pollution
- no social housing
- garden space too small - only 1 park nearby
- proposed flats are small and will have poor amenity for future occupants trees
- loss of privacy/overlooking to properties at rear.

- noise and disturbance
- construction issue
- house prices
- infrastructure pressure – schools and doctors
- need resident parking in the road
- cumulative impact of approval of 19 flats at Glenthorne on opposite side of the road
- some letters do note that they are not opposed to the redevelopment of the site

5.2 In addition, the SCAN Officer has noted the building has been designed without reference to providing any facilities for disabled people in terms of the building or car parking.

6. Planning Issues

- Principle of the development
- Loss of community facilities
- Housing density
- Design and appearance.
- Residential amenity
- Highway issues
- Parking provision
- Flooding
- Renewable energy
- Dwelling mix
- Trees/Ecology
- Air quality

7. Planning Considerations

Housing Land supply

7.1 When considering planning applications for housing, local planning authorities should have regard to the government's requirement that they boost significantly the supply of housing, and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF) 2019.

7.2 The Council has embarked on a review of its Local Plan and acknowledges that the housing target in its Core Strategy and Policies DPD February 2009 of 166 dwellings per annum is more than five years old and therefore the five year housing land supply should be measured against the area's local housing need calculated using the Government's standard method¹. The standard method for calculating housing need is based on the 2014 household growth projections and local affordability. This equates to a need of

¹ Planning Practice Guidance Reference ID: 68-005-20190722

606 dwellings per annum in Spelthorne. This figure forms the basis for calculating the five-year supply of deliverable sites.

- 7.3 Government guidance (NPPF para 73) requires the application of a 20% buffer “where there has been significant under delivery of housing over the previous three years”. In addition, guidance on the Housing Delivery Test indicates that where housing delivery falls below 85%, a buffer of 20% should be applied to the local authority’s five year land supply. The Housing Delivery Test result for Spelthorne Borough Council was published by the Secretary of State in February 2020, with a score of 60%. This meant that the Council had undelivered housing when compared to need over the previous three years. As a consequence, a buffer must be applied and the Council’s Housing Delivery Test Action Plan was updated in 2020. The action plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough.
- 7.4 The NPPF requires a local authority to demonstrate a full five year supply of deliverable sites at all times. For this reason the base date for this assessment is the start of the current year 1 April 2020, but the full five year time period runs from the end of the current year, that is, 1 April 2021 to 31 March 2026. The 20% buffer will therefore be applied to this full period. National guidance sets out that the buffer should comprise sites moved forward from later in the plan period. A 20% buffer applied to 606 results in a figure of 727 dwellings per annum, or 3636 over five years.
- 7.5 In using the objectively assessed need figure of 727 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review, the Borough’s housing supply will be assessed in light of the Borough’s constraints, which will be used to consider options for meeting need. The Council has now published its Strategic Land Availability Assessment (SLAA) which identifies potential sites for future housing development over the plan period.
- 7.6 The sites identified in the SLAA as being deliverable within the first five years have been used as the basis for a revised five year housing land supply figure. Spelthorne has identified sites to deliver approximately 3518 dwellings in the five year period.
- 7.7 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.8 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites.
- 7.8 As a result, current decisions on planning applications for housing development need to be based on the ‘tilted balance’ approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless ‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole’.

Principle of the development

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

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

- 7.10 This is also reflected in the NPPF paragraph 117 which emphasises the need for the effective use of land in meeting the need for homes, whilst safeguarding the environment and provides further relevant context at paragraph 122 in respect of achieving appropriate densities.
- 7.11 The site is located within Staines Upon Thames, in the urban area on a previously developed site, close to the parade of shops along Kingston Road, and within walking distance of Staines train station. As such the site is within an accessible location close to facilities and public transport links. It is not located within a high flood risk area or in the Green Belt. The building has been unoccupied as a care home since October 2019 and the residents who were still residing at the site at the time, were re-located to a nearby care home in Laleham. The site is surrounded by residential uses, with flats approved on the opposite side of the road, at Glenthorne in Nov 2019 and also in existence on the corner of Kingston Road. Therefore, the principle of creating 14 new residential flats is considered acceptable. Furthermore, the proposal is considered to comply with the aims of National Planning Policy Framework (NPPF) and makes efficient use of urban land. The principle of the development is, therefore, acceptable, provided other policies requirements are met as discussed further below.

Loss of community use

- 7.12 A care home is not regarded as a community use in the traditional sense, i.e., libraries, museums, churches but the text does refer to health and social care facilities and consequently, an assessment of this application against policy CO1 has been undertaken. Policy CO1 of the Core Strategy and Policies DPD 2009 (CS & P DPD) seeks to ensure community facilities are provided to meet local needs, as well as resisting the loss of existing facilities except where they are no longer needed or are provided in an alternative location.
- a) *“supporting the provision of new facilities for which need is identified in locations accessible to the community served,*
 - b) *supporting improvements to existing facilities to enable them to adapt to changing needs,*
 - c) *resisting the loss of existing facilities except:*
 - (i) *where it is demonstrated that the facility is no longer needed, or*
 - (ii) *where it is established that the services provided by the facility can be provided in an alternative location or manner that is equally accessible to the community served.”*

- 7.13 The applicant, Metro Care Homes Limited has owned the site since 2003 and residents were transferred from the home to suitable modern nursing home in the area, namely Whitegates in Laleham in October 2019. The applicant has provided further information in the submitted Planning Statement. This confirms that the building was used as a 36 bed care home and this use was ceased in 2019 due to the decline in occupancy levels and the cost to maintain and upgrade the building. The applicant noted that the Health and Social Care Act 2008 requires for premises that provide care, must be suitable for the intended purpose. Acacia Lodge would have required extensive alterations to meet the latest fire safety requirements and to update the facilities to ensure the home was able to function as a modern care home. As such, the operation of the care home became unviable with only 10 residents needing to be moved in October 2019, a reduction from 18 residents, some 18 months before. The impact of competition was also to blame from other larger care homes in the vicinity which the applicant considers were more viable.. The applicant concludes that Acacia Lodge was no longer fit for purpose to meet current day requirements and less desirable compared with other care homes. They also note that to build a 40 bed care home at the site would not have been a practical solution.
- 7.14 Consequently it is considered that there is no conflict with Policy CO1 relating to community facilities.

Housing density

- 7.15 As noted above when considering the principle of housing, the NPPF and Policy HO1 requires new housing development to be sustainable and in the urban area and this scheme meets both of these requirements. Notwithstanding this, Policy HO5 in the Core Strategy Policies DPD 2009 (CS & P DPD) sets out density ranges for particular context but prefaces this at paragraph 6:25 by stating:

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

- 7.16 Policy HO5 specifies densities for sites within existing residential areas that are characteristic of predominantly family housing rather than flats, new development should generally be in the range of 35 to 55 dwellings per hectare. It is important to emphasise that the density ranges are intended to represent broad guidelines and development will also be considered against the requirements of Policy EN1 on design.
- 7.17 The principle of a high density development on urban land is the focus of the NPPF and Policy HO1 in order to make efficient use of land of previously developed and brownfield land, in sustainable locations.
- 7.18 The proposal is for 14 flats. The site area is some 0.158 hectares and will therefore result in a density of 88 dwellings per hectare. Although above the recommended amount in policy HO5, this policy does permit higher densities

where a development complies with policy EN1 on design particularly in terms of the character of the area and is in an accessible location.

- 7.19 The density is considered to be acceptable provided it complies with Policy HO1 and Policy EN1 on design which is explained in the following paragraphs.

Dwelling mix

- 7.20 Policy HO4 of the CS & P DPD (Housing Size and Type) states that the Council will ensure that the size and type of housing reflects the needs of the community by requiring developments that propose four or more dwellings to include at least 80% of their total as one or two bedroom units. The Supplementary Planning Document "Housing Size and Type" 2012, notes that, '*...where there is a predominance of larger dwellings a mix with less than 80% one and two bedroom dwellings may be appropriate with a greater proportion of 3 bedroom dwellings. However, the majority should still have one and two bedrooms.*'

- 7.21 The application provides 1 of the 14 units as a 3 bed unit and the rest are 1 and 2 bed. This equates to 93% of the units as small units and as such the proposal complies with the requirements of Policy HO4 and is acceptable.

Design and appearance

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

- 7.23 The existing building on the site is attractive with architectural features characteristic of other properties along the road. However as previously noted the subject building has become unsuitable for a care home use.

- 7.24 Rookery Road consists of relatively large buildings on large plots, mostly residential, including a dwelling to the north of the site at The Rookery, the nursery to the south at Roslin Nursery and the dwellings on the opposite side of the road at Lolamore and Houghton as well as the former care home site at Glenthorne. There is a distinct character of gable features, with pitched roofs and three storey accommodation is evident in the street scene. The proposed development at Glenthorne, although more modern in appearance, maintains the traditional features, including gable features and pitched roofs. The properties along Kingston Road are more traditional in design with simple block type structures to the flats with pitched roofs.

- 7.25 The proposed replacement building consists of 1 building over 3 stories fronting Rookery Road. It will have a pitched roof, sloping in from the sides, with 2 gable features on the main part of the building with bay windows, facing the road, projecting forward of the main built form to provide some interest in the front elevation. It will also provide dormers at second floor level in the roof.

The southern side will have a similar scale and design to the existing building, which is located on the common boundary with Roslin Nursery. This part of the proposed building will be set back from the main frontage, and will be 2 storey in nature, but will have a relatively low level eaves height, sloping up to the main built form which is over 3 floors. The main built form on the front elevation, also has a low eaves level. This part of the proposed building has a very similar front building line to the existing property.

- 7.26 In addition, there will be an additional element to the north of the site, which is set back from the main front elevation, making this part more subservient to the main built form. This proposed set back element, includes an undercroft, to allow access for cars to the rear of the building. It will have a higher eaves height and lower ridge height than the main part of the building and roof lights in the front elevation. It will be set in some 2m from the northern side boundary and there will be a gap of 3.6m between the proposed building and the adjacent dwelling at The Rookery. Although this element fills some of the gap that is currently present on the northern part of the plot, this is not a reason to refuse permission. The set back and set in, allows this part of the proposed building to appear less dominant and helps to break up the built form and width of the building on this wide plot. As such it enables space between the built form which is characteristic of the road and other plots. The current generously wide gap, between the built form, where the existing vehicular access is located, is not characteristic of the street scene and allows views into the back of the site and the parking area.
- 7.27 The proposed materials will include brick, with a design feature on the top of the gables and traditional roof tiles. The design will display features of the existing and neighbouring properties, in particular those on the opposite side of the road, which have a traditional style. Therefore, the design, scale and layout will pay due regard to that of the neighbouring sites and is considered to be in keeping with the character of the area.
- 7.28 The proposed property will appear very similar to the rear of the site with two similar gables and rear facing dormers on the main built form and also on the northern narrower element. The main part of the building will be built on a very similar footprint to the existing, although not quite as deep. The northern element is much narrower, being set back from the front and rear elevations of the main built form and also in from the northern side boundary. This includes the undercroft with some car parking spaces located within this part of the building at ground level. As such, this part of the building is relatively open in nature at ground floor level, in particular to the side and rear. In addition, there is an angled element, where the north western corner of the building has been 'cut off' to meet the 45 degree line guide in its relationship with the neighbouring property. Given the design and context of the whole building, this is considered to be an acceptable design feature. Taking into account the width and depth of the site, the built form will appear in proportion and will not result in an overdevelopment of the site. As such the proposed building is considered to accord with policy EN1 and provide a replacement building that pays due regard to not only the existing building, but also neighbouring sites and will make a positive contribution to the street scene of Rookery Road.

7.29 Parking has been provided to the northern side (within the undercroft part of the building) and the rear of the site, in the same location as existing and will also include landscaping to soften its appearance. The existing landscape buffer to the northern property is a hedgerow with a few, interspersed trees. The proposed design and layout will not impact or reduce the buffer to the northern boundary. The proposed new layout will ensure that the hedgerow is protected from any damage from cars or bins. There is also a large communal garden to the rear in the same location as existing. In particular, landscaping will be provided to the street frontage, which will improve its appearance considerably, with the removal of the large area of hardstanding which currently dominates the front of this site. This will help to soften the built form and provide a pleasant street frontage, much improved compared to the existing. As such the proposed development is considered to be acceptable in design terms and conforms to policy EN1.

Impact on neighbouring residential properties

7.30 Policy EN1b of the CS & P DPD states that:

“New development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.”

7.31 The scale of the development and proximity to the boundaries with existing properties needs to be given consideration to ensure that there is an acceptable relationship and that existing residential properties will not be significantly adversely affected by the proposal. The Council’s Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) sets out policies requirements in order to ensure this is the case.

7.32 The SPD in para 3.6 acknowledges that ‘most *developments will have some impact on neighbours, the aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed.*’ It sets out minimum separation distances for development to ensure that proposals do not create unacceptable levels of loss of light, be overbearing or cause loss of privacy or outlook. These are set as a minimum for 2 storey development of 10.5m for back to boundary distance, and 21m for back to back development. Three storey development has a back to boundary distance of 15m and back to back distance of 30m. There is also a minimum distance for back to flank elevations of 13.5m (2 storey) and 21m (3 storey).

7.33 The proposed built form will be located some 24m from the rear boundary with the access road between the application site and the rear gardens of the properties located along Stainash Crescent. These properties also have relatively long rear gardens and many have outbuildings located at the bottom of the garden adjacent to the access road. This is a greater distance to the boundary than the existing property as the building is not as deep, by approx. 1.8m. As a consequence, the proposed property will be further away from the rear boundary than the existing property on the site. Notwithstanding this, the proposal will substantially exceed the minimum requirement for back to

boundary and back to back development and will ensure an acceptable relationship with the properties located to the rear along Stainash Crescent.

- 7.34 The proposed development will be set in from the northern side boundary by approx. 2m with a gap of approx. 3.6m between the built form of the subject proposal and the side of the adjacent dwelling at The Rookery. This element of the proposed building will be less deep than the proposed main built form, (although this is set much further away from the northern side boundary than the proposed northern element). This proposed northern element will extend further back than the rear building line of the adjacent dwelling at The Rookery. However, it will not cross a vertical or horizontal 45 degree line, when taken from the closest ground floor window in the rear elevation of The Rookery, as set out in the SPD on design. The application has been amended in order to remove the north western corner of the development, to accord with this policy. The adjacent plot at The Rookery, has a wide rear garden and there is a generous distance between the properties. In addition, the ground floor of the proposed built form is open in nature, due to the undercroft. Therefore the proposal is considered to have an acceptable relationship with and impact on the amenity of the occupants of the neighbouring property at The Rookery, which will not lead to an adverse impact in terms of loss of light, loss of outlook or being overbearing.
- 7.35 The southern side element of the proposed building will have a similar scale and design to the existing building, which is located on the common boundary with Roslin Nursery. It will be 2 storey in nature but has a relatively low level eaves height sloping up to the main building which is 3 storey. However the proposed building is not as deep as the existing and as such the relationship with the property to the south is acceptable and does not lead to any further impacts in terms of causing loss of light or being overbearing.
- 7.36 In addition, the proposal will not cross the 25 degree line when drawn from a point at 2m above ground level from the properties to the rear or indeed those on the opposite side of Rookery Road. This will ensure an appropriate level of daylight and a significant view of the sky is maintained, as set out in the SPD. As such the proposed development will have an acceptable relationship with, and impact on the amenity of existing neighbouring residential properties, and will not cause a significant loss of light, be overbearing or cause loss of outlook.
- 7.37 The proposed first floor side facing windows will be obscure glazed by condition to ensure there is no overlooking or loss of privacy to neighbouring properties. In addition, the 2 proposed balconies at the rear are small in size and set well in from the site boundaries and will not lead to overlooking or loss of privy issues to neighbouring plots. Therefore, the proposal is considered to have an acceptable impact on the amenity of existing neighbouring residential properties, conforming to the Design SPD and Policy EN1.

Amenity Space

- 7.38 The Council's SPD on Residential Extension and New Residential Development 2011 provides general guidance on minimum garden sizes (Table 2 and paragraph 3.30). In the case of flats, it requires 35 sq m per unit for the first 5 units, 10 sq m for the next 5 units and 5 sq m per unit thereafter.

On this basis, 245 sq. m would be required for the 14 flats. The proposal provides a large communal area at the rear of the site, of 507 sq. m, which is substantially above this requirement. Therefore, the provision of amenity space is considered acceptable and in keeping with the character of the area.

Proposed dwelling sizes

- 7.39 The SPD on the Design of Residential Extensions and New Residential Development 2011 sets out minimum floorspace standards for new dwellings. These standards relate to single storey dwellings including flats, as well as to 2 and 3 storey houses. For example, the minimum standard for a 1-bedroom flat for 2 people is 50 sq. m.
- 7.40 The Government has since published national minimum dwelling size standards in their "*Technical Housing Standards – nationally described space standard*" document dated March 2015. These largely reflect the London Housing Design Guide on which the Spelthorne standards are also based. The standards are arranged in a similar manner to those in the SPD and includes minimum sizes for studio flats. This national document must be given substantial weight in consideration of the current application in that it adds this additional category of small dwellings not included in the Council's Standards.
- 7.41 All of the proposed dwelling sizes comply with the minimum standards stipulated in the national technical housing standards and the SPD, Therefore, it is considered their standard of amenity overall to be acceptable.

Highway and parking provision

- 7.42 Strategic Policy SP7 of the CS & P DPD states that:

"The Council will reduce the impact of development in contributing to climate change by ensuring development is located in a way that reduced the need to travel and encourages alternatives to car use. It will also support initiatives, including travel plans, to encourage non car-based travel."

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

"The Council will seek to secure more sustainable travel patterns by: ... (d) only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account: (i) number and nature of additional traffic movements, including servicing needs; (ii) capacity of the local transport network; (iii) cumulative impact including other proposed development; (iv) access and egress to the public highway; and (v) highway safety."

- 7.44 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.
- 7.45 The supporting text to the Parking Standards stipulates a number of important exceptional situations where a reduction in parking will only be allowed. One of these situations includes town centre locations where the reduction in parking will be assessed against, amongst other considerations, the range

and quality of facilities within reasonable walking distance and where there is good access to public transport.

- 7.46 The proposed parking provision for the residential properties is 19 spaces. The Council's residential Parking Standards would require 20.5 spaces, which is rounded up to 21. Therefore, the proposal has a slight parking shortfall, however it is considered that there are sufficient grounds for justifying this relatively minor shortfall. The County Highway Authority (CHA) was consulted on the planning application and has raised no objection to the proposed parking provision.
- 7.47 In particular, the site is located in a sustainable location given that the nearest bus stop to the site is located some 130m away and Staines railway station is 950m away and in easy walking distance from the site. Staines railway station directly serve several regional and national destinations including Windsor (half hourly), Reading (half hourly) and London (every 10 minutes). There are 7 buses per hour operating from the nearest bus stop to the site and these serve a variety of locations including Staines, Ashford, Sunbury, Twickenham and West Middlesex Hospital.
- 7.48 As such the sustainable travel provision near the site, enables an extensive and quality range of facilities supportive of residential development to be accessed including retail, health, leisure, educational and employment facilities. In particular it is noted that the site is located a 110m of a local shopping parade at Stainash, which provides a greengrocer, mini-supermarket, baker's and pharmacy. The proposal also include storage space for 15 bicycles.
- 7.49 The County Council was consulted as the County Highway Authority (CHA) and has raised no objection subject to the imposition of conditions. The CHA notes the residents' concerns raised regarding parking and traffic in relation to the proposed development. The CHA has undertaken a trip generation assessment, using TRICS, an industry standard tool for predicting trip rates associated with proposed developments. Assessments were made of both existing and proposed uses and they confirm that the anticipated daily vehicle trips associated with the proposed residential are broadly comparable with the existing care home use. The likely peak hour vehicular movements associated with the existing use would be approximately 3 - 4 in the pm peak and for the proposed would be 2 - 3. In view of this reduction in vehicular movements, this would have a positive impact on the capacity of the highway. In addition, the CHA also recognises the concerns raised by residents in relation to the planning approval at 33 Rookery Road (16/00547/FUL) opposite Acacia Lodge for 19 residential flats. SCC has considered the potential cumulative traffic impact as a result of the approved development opposite, and given that the proposed development at Acacia Lodge is not expected to generate an increase in traffic, it is not considered that the residual impact will be significant. Considering the above, the expected trip rate variations are unlikely to represent a significant or severe impact on the local highway network, and as such the CHA raises no objections on these grounds.
- 7.50 As such, given that the CHA has raised no objection and the sustainable location close to local transport links and local facilities, and the proposal

provide cycle parking for all of the proposed units, plus one extra (15 in total), therefore it is considered that the provision of 19 parking space is sufficient for a proposal of this scale in such a sustainable location. This meets the requirements of the NPPF paragraph 110 which seeks to promote sustainable transport methods and create safe secure and ensure proposal respond to local character and design standards.

- 7.51 Some consideration has been given to introducing more car parking within the scheme, however it is considered it would have detrimental impact on the proposal. If it was provided on the western boundary of the site, it would require the unnecessary removal of Category B trees. More parking at the rear would result in a significant reduction to the garden size which will have a significant impact on the living conditions for new residents as well as biodiversity and if provided at the front of the building would negatively impact on the street scene, as well as impact on the outlook of the new residents.
- 7.52 Therefore the CHA has raised no objection to the proposed scheme on highway safety grounds or parking provision. As such it is considered that the scheme is acceptable in terms of policies CC2 and CC3 on highway and parking issues.

Electric Vehicle Charing Points (EV points)

- 7.53 The County Highway Authority, through its document entitled '*Surrey Vehicular and Cycle Parking*' (January 2018), recommend that in new developments, 1 fast EV charging socket should be provided per house, and that 20% of all spaces available to flats are fitted with a fast charge socket, with a further 20% being provided with a power supply to provide additional fast charging points.
- 7.54 The County Highway Authority and the Council's Environmental Health Department (Air Quality) have both recommended that at least 20% of the parking spaces are provided with electric vehicle charging points.
- 7.55 The applicant has agreed to provide 4 of the parking spaces with EV charging points upon occupation. This is considered to be in accordance with the objectives of the County guidance.
- 7.56 The applicant has also agreed to 'future proof' a further 4 spaces, in accordance with the Surrey guidance to provide a power supply to a further 20% of the spaces. These can be dealt with by planning conditions.

Flooding

- 7.57 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by not requiring all development proposal within Zones 2, 3a and 3b and development outside the area (Zone1) on sites of 0.5ha or of 10 dwellings or 1000sqm of non-residential development or more, to be supported by an appropriate Flood Risk Assessment (FRA). .
- 7.58 The site is located within Flood Zone 1, which has a low probability of flooding with a less than 1 in 1000 year chance of flooding, and no uses are precluded on flooding grounds. The applicant has submitted a Flood Risk Assessment &

Surface Water Drainage Strategy, as is required by Policy LO1 of the CS & P DPD.

- 7.59 In terms of flood risk the development given the site is located outside of the high flood risk area and as displayed in the FRA there is no risk to the future occupants of the site from flooding. With regard to surface water drainage, the applicant is proposing to implement infiltration drainage devices to discharge surface water to the underlying soil in the form of soakaways and permeable paving to provide much improved surface water drainage than currently on site.
- 7.60 The Environment Agency (EA) has been consulted and has made no comment on the application. Furthermore, the Lead Local Flood Authority at Surrey County Council has been provided with further detail including ground investigations in the form of infiltration testing on the site, The applicant has submitted an FRA Addendum and SCC have raised no objection to the proposed sustainable drainage scheme, subject to conditions. Accordingly, the application complies with the requirements of Policy LO1.

Renewable Energy

- 7.61 Policy CC1 of the CS & P DPD states that the Council will require residential development of one or more dwellings and other development involving new building or extensions exceeding 100 sq. m to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources unless it can be shown that it would seriously threaten the viability of the development.
- 7.62 The applicant has submitted a renewable energy statement where 2 possible options for meeting the requirement have been made; either Air Sourced heat pumps or roof mounted Solar Photovoltaic Panels. The Council's Sustainability Officer has been consulted and raises no objection noting that, '*... I am satisfied that as a condition they will need to confirm the final technology chosen and present the figures that demonstrate this will meet the minimum requirement.*' Accordingly, the renewable energy proposals are acceptable and accords with Policy CC1, subject to a condition.

Loss of Trees/Landscaping

- 7.63 The applicant has submitted an Arboricultural Impact Assessment and Method Statement which includes details about trees to be removed from the site and how the proposal will impact on the retained trees. The Council's Tree Officer has been consulted and raises no objection to these proposals, in particular, as the trees on the highway are not good specimens and have relatively low amenity value. The CHA has also been consulted due to the removal of two highway trees and notes that, *these trees* should be retained if possible. Spelthorne Council have no objection to their removal and they are not required to be removed in order to implement the proposed scheme. Notwithstanding this given the trees are located on highway land this is a matter for the applicant and SCC to resolve at a later date.
- 7.64 Landscaping will be provided to the front of the proposed building which will help to improve the streetscape which is currently laid to hardstanding. The amenity space to the rear will be landscaped to provide an attractive and

useable amenity space for future occupants. In addition, the planting will be used around the car park area to help break up hardstanding and add visual interest.

- 7.65 The loss of some of the existing trees/hedge and the proposed replacement planting and landscaping will help to enhance the proposed development and retain screening from the rear and is considered to be acceptable.

Biodiversity/Ecology

- 7.66 The applicant has submitted an Ecological Appraisal, with mitigation measures and sets out recommendations to achieve biodiversity net gains at the site. Surrey Wildlife Trust (SWT) was consulted as part of the application process and although made no objection to the proposal, provided several comments and recommendations in regard to biodiversity, nature conservation and ecological issues in order to ensure the application leads to a positive impact on biodiversity. The response was sent on to the applicant who has provided further detail to clarify and respond to the points raised in relation to lighting, protected species, invasive species and biodiversity enhancements.

- 7.67 In relation to Bats, a bat survey has been carried out and submitted, which found no evidence to indicate the presence of roosting bats in either the preliminary roost assessment survey, or indeed during the subsequent dusk/dawn survey work. As Natural England advises, even where proposals are reasonably unlikely to result in any offence such that licensing is not required; as it is considered in this instance, reasonable precautions should be taken to minimise the risk to protected species. As such, precautionary safeguarding measures are set out at Section 6.1.4 of the Ecological Appraisal in respect of works to the roof or any other structures with potential to support or conceal roosting bats. Subject to the implementation of these measures it is considered that bats will be fully safeguarded under the proposals. Consequently, no objections are raised subject to a condition recommending that the mitigations measures set out in the Ecological report are adhered to.

Contaminated Land

- 7.68 The applicant has submitted an Environmental Site Assessment report to ascertain the level of contamination of the existing ground conditions and proposed remediation measures. The current building lies on previously undeveloped land within a residential area which has been predominantly used for residential purposes. However, it is likely that the property has been constructed on Made Ground which could pose a potential risk to the sensitive end use. The Council's Pollution Control Officer has raised no objection but requested standard conditions to be imposed requiring a further investigation to be carried out to refine risks and remediation measures. Subject to these conditions, the proposal is considered acceptable in accordance with Policy EN15.

Air quality

- 7.69 The applicant has submitted an Air Quality Report for the site as required by Policy EN3 of the CS & P DPD. The Council's Pollution Control section has been consulted on the application and raises no objection subject to

conditions. As such, the proposal is considered to be acceptable in this regard.

Refuse Storage and Collection

- 7.70 Refuse storage area is located to the front of the application site, close to the northern boundary. It has been increased in size in order to provide enough bins and recycling storage for the development, providing 6720 litres. This meets the requirement for the 14 residential units. The County Highway Authority has raised no objection on this particular issue. The Council's Group Head Neighbourhood Services has been consulted and has raised no objection to the provision.

Equality Act 2010

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

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

The applicant has advised that the proposed flats have been designed in accordance with Building Control approved document M for accessibility. The entrance lobbies provide level access from both the front and the rear. A lift has been provided to give stair free access to the upstairs floors. Two of the proposed parking spaces have been amended to be specific disabled spaces and updated swept path analysis has been undertaken to demonstrate the parking is still suitable. In addition, it should also be noted that the Government's guidance on designing for inclusive mobility recommends for mobility impaired people (either people with walking impairments or in wheelchair) 50m is the maximum distance that somebody with mobility difficulties should be expected to walk without having an opportunity to rest. The site is less than 50 m in length and thus within all areas of the site are accessible. As such the application has been considered in light of the Equality Act and the scheme is considered to have due regard to this.

Human Rights Act 1998

- 7.72 This planning application has been considered against the provisions of the Human Rights Act 1998. and the following articles were found to be particularly relevant:-

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 refusal 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

- 7.73 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development and will generate a CIL payment based on a rate of £140 per sq. metre of net additional gross floor space, amounting to approximately £35 000. This is a material consideration in the determination of this planning application. The proposal will also generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

Conclusion

- 7.74 The proposal is considered to pay due regard to the design, scale and character of the area, making a positive contribution to the street scene. It will be a sustainable form of development, meeting a need for housing on an unused brownfield site, providing a good standard of accommodation for future residents with sufficient parking and amenity space provision. The previous community use at the site has been re-provided at a site nearby. It will have an acceptable impact on the amenity of neighbouring properties and is considered to be acceptable.
- 7.75 As such, there are no adverse impacts that would significantly and demonstrably outweigh the benefits when taking the tilted balance into account and therefore the application is considered to be acceptable. The application is recommended for approval.

8. Recommendation

- 8.1 GRANT subject to the following conditions:

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

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

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

Received on 12/11/2020
20016 S101 site location plan
20016 S102 existing site
20016 S103 existing plan
20016 S104 existing elevation

Amended plan received on 15/01/2021
P101D proposed site plan
P102B proposed site plan GF
P111C proposed plan
P113A proposed garage
TK01A turning areas

Amended plans received on 19/01/2020
P110D proposed plan
P112B proposed elevations

Amended plans received on 25.01.2021
20016 C101B coloured block plan
20016 C103 street scene

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

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

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

4. No development shall take place until:-
 - (i) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the

extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.

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

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

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

NOTE

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason:- To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties

and the appearance of the locality in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

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

Reason: - This condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2018 and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

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

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

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

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

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

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.

- b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development.
- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing feature (silt traps, inspection chambers etc.).
- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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

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

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

16. No new development shall be occupied until 4 parking spaces are fitted with a fast charge socket (7kw Mode 3 with Type 2 connector), and a further 4 spaces are provided with power supply (through feeder pillar or equivalent) to provide additional fast charge sockets.

Reason: For the improvement of sustainable transport in order to improve local air quality and public health, in accordance with paragraphs 103, 170e, and Section 9 (Promoting Sustainable Transport) of the NPPF.

17. The precautionary measures to safeguard wildlife at the site including bats, shall be carried out strictly in accordance with the recommended mitigation measures in the submitted section 6 of the Aspect Ecological Appraisal October 2020. and the subsequent letter from Savills dated 15th January 2021.

Reason:- In the interest of safeguarding bats and other wildlife on the site

- 18 Prior to the construction of the building, a biodiversity enhancement scheme to be implemented on the site including the installation of bird and bat boxes, shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented before the occupation of the building in accordance with the approved scheme and thereafter maintained.

Reason:- To encourage wildlife on the site.

Informatives to be attached to the planning permission

1 The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs In the event that the access works require the felling of a highway tree not being subject to a Tree Preservation Order, and its removal has been permitted through planning permission, or as permitted development, the developer will pay to the County Council as part of its licence application fee compensation for its loss based upon 20% of the tree's CAVAT valuation to compensate for the loss of highway amenity.

2 The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

3 Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

4 It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

5. 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.

6. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

7. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

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

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

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

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

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

(g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

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

10. The applicant is advised that the essential requirements for an acceptable communication plan forming part of a Method of Construction Statement are viewed as:

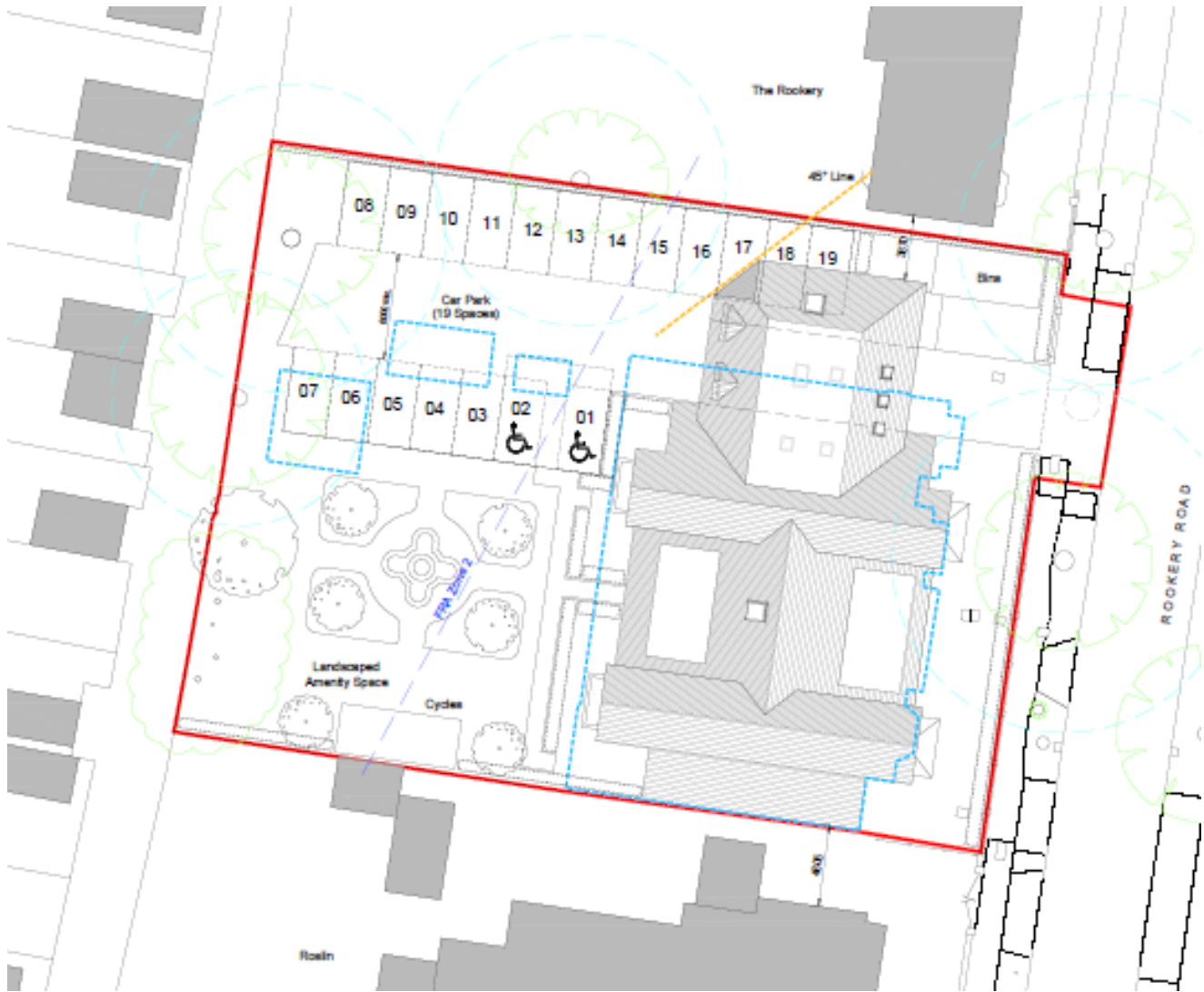
- (a) How those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme;
- (b) How neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them;
-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

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

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20/01213/FUL - Acacia Lodge. Rookery Road

Proposed block plan (showing the roof), elevations and floor plans



Front Elevation (East)



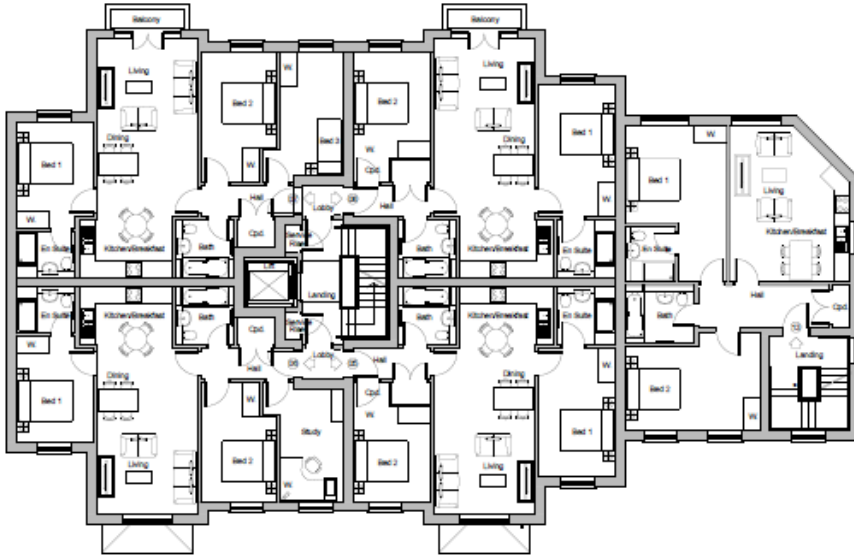
Side Elevation A (North)



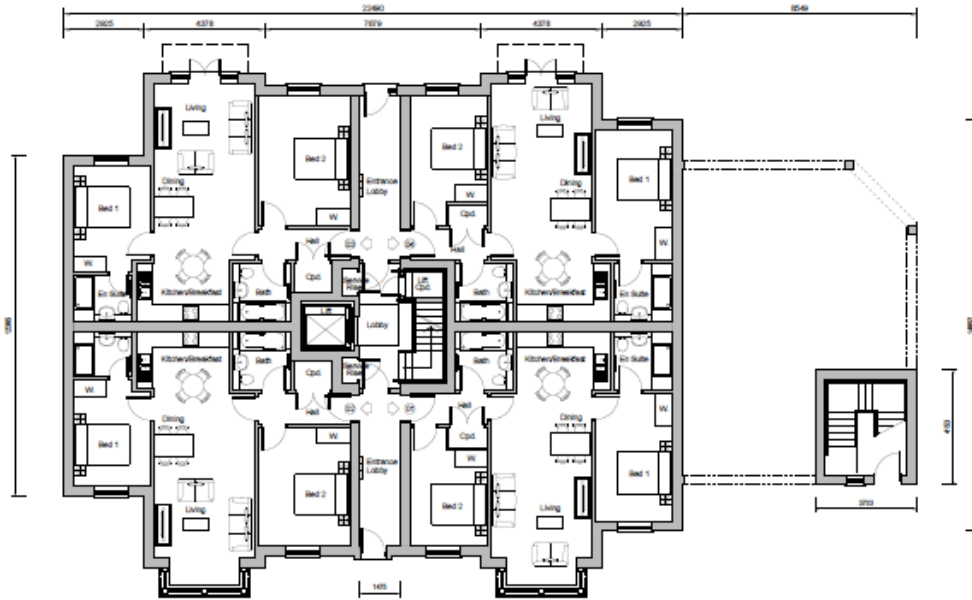
Rear Elevation (West)



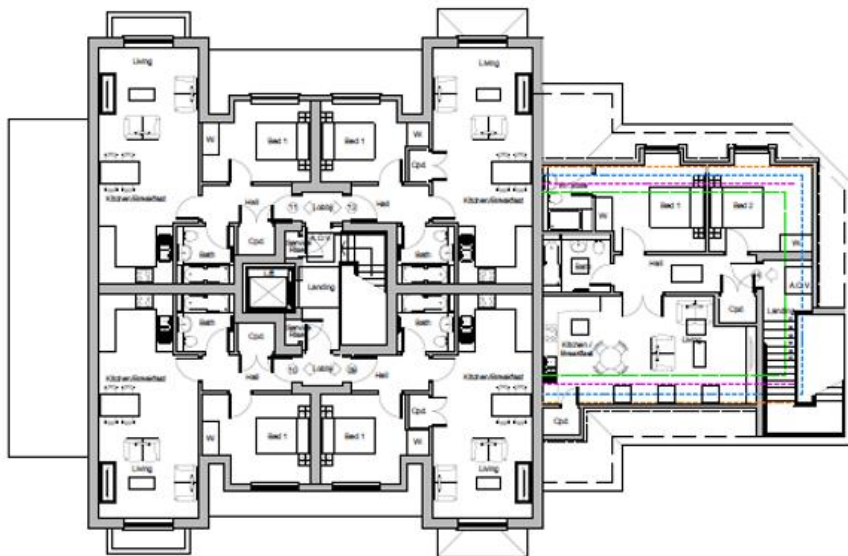
Side Elevation B (South)



First Floor Plan



Ground Floor Plan



Second Floor Plan

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Planning Committee

3 February 2021



Application No.	20/01380/HOU
Site Address	15 Stratton Road, Sunbury
Applicant	Mr S Unni
Proposal	Erection of single storey side/rear extension, garage conversion and new first floor flank window
Case Officer	Susanna Angell
Ward	Halliford and Sunbury West
Reason for referral to Planning Committee	The partner of the applicant is a member of staff

Application Dates	Valid: 15.11.2020	Expiry: 04.02.2021	Target: Under 8 weeks
Executive Summary	This application relates to 15 Stratton Road which is a two-storey 'chalet style' dwelling house situated on the eastern side of the road. The application is for the erection of a single storey side and rear extension, garage conversion and new flank first floor window. The extension would replace an existing conservatory. It would extend an additional 1.8m in depth along its northern elevation, would be 6.5m across the rear and 8m along its southern elevation (encompassing the existing garage). The extension would have a flat roof with a maximum height of 3m. The proposal is considered to be acceptable in terms of its impact on the character of the area and impact on the amenity of neighbouring properties and is recommended for approval.		
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:

- Policy EN1 (Design of New Development)

1.2 It is also considered that the following Supplementary Planning Document (SPD) is relevant:

- Design of Residential Extensions and New Residential Development, Supplementary Planning Document 2011

2. Relevant Planning History

2.1 The site has the following planning history:

05/00241/FUL	Erection of rear conservatory and a side porch.	Granted 06.05.2005
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3. Description of Current Proposal

3.1 The application site relates to 15 Stratton Road which is a two-storey 'chalet style' dwelling house in Sunbury on Thames. It is situated on the eastern side of the road. The properties to the north, south and east of the site are similar chalet style dwellings.

3.2 The extension would replace an existing conservatory. It would extend an additional 1.8m in depth along its northern elevation (adjacent to no 13 Stratton Road), 6.5m across the rear and 8ms along its southern elevation (encompassing the existing garage). The extension would have a flat roof with a maximum height of 3m. It would be constructed of materials to match the existing property. The proposed new first floor flank window would be located in the southern elevation of the dwelling.

4. Consultations

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

Consultee	Comment
Environmental Health (Pollution Control Team)	No objection

5. Public Consultation

5.1 No letters of representation have been received

6. Planning Issues

- 6.1 The main planning considerations for this application are the impact of the proposed development on the character of the area and impact on the amenity of neighbouring properties.

7. Planning Considerations

Character of the area

- 7.1 Policy EN1 states that the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings.
- 7.2 It is considered that the proposed side extension would not detract from the street scene. Although it would extend 3m further forward of the existing garage towards the road, it would have a similar appearance to the existing garage and would be set well back from the highway. The rear extension would have a flat roof to match the existing single storey rear extension. The Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011, states that single storey rear extensions can have flat roofs. There are other flat roofed extensions in the immediate area and it is not considered that it would appear out of character.

Impact on neighbouring amenity

- 7.3 Policy EN1 states that proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity of outlook.
- 7.4 The extension would replace an existing conservatory and would stand higher on the boundary with the adjoining property (No.13 Stratton Road) at 3m overall. It will also extend approximately 1.8m further in additional depth. However, No.13 has a single storey extension and conservatory extension to the rear of this, extending to some 6.4m in depth. There is also a 1.8m high boundary fence separating the two properties. This would mitigate the impact of the proposal. Furthermore, the proposed new extension would be set back 1m from the boundary with no.13. Overall, it is not considered the additional height and depth on the boundary would result in significant loss of light or overbearing impact to no. 13.
- 7.5 The plans show that the proposal would include 2 high level windows in its northern elevation, adjacent to no.13. The Council would require by condition that these windows are retained as high level to ensure no loss of privacy/overlooking would occur.
- 7.6 In terms of its relationship with the neighbouring property to the south (No.17 Stratton Road), the proposed extension would extend 8.1m along its southern elevation. It would be constructed on the footprint of the existing garage and would also extend an additional 3m forward of this. It would stand 3m in height on the boundary. This is higher than the existing garage, which stands

3m in overall height, but reduces to a height of 2.3m to its eaves. However, no. 17 has an existing garage located on the boundary extending approximately 8m in depth which would mitigate the impact of the proposal. It is therefore considered to have an acceptable relationship, avoiding significant loss of light, privacy and overbearing impact.

- 7.7 The proposal includes a new first floor side facing window. However, this would serve an en-suite bathroom and therefore could be required by condition to the obscure glazed and non-opening above 1.7m to ensure no loss of privacy would occur.

Conclusion

- 7.8 Overall, it is considered that the proposed development respects the character of the area, amenities of the neighbouring properties. No objections to the works have been received.

The proposal is considered acceptable in accordance with Policy EN1.

Equality Act

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

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

Human Rights Act 1998

- 7.10 This planning application has been considered against the provisions of the Human Rights Act 1998 and the following articles were found to be particularly relevant:-

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.

- 7.11 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.

8. Recommendation

8.1 To GRANT planning permission subject to the following conditions:

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

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

2. The extension hereby permitted shall be carried out in facing materials to match those of the existing building in colour and texture.

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

3. Prior to the occupation of the development hereby permitted the first floor window on the southern elevation(s) shall be obscure glazed and be non-opening to a minimum height of 1.7 metres above internal floor level in accordance with details/samples of the type of glazing pattern to be submitted to and approved in writing by the Local Planning Authority. The window shall thereafter be permanently retained as installed.

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

4. Only high level window(s) (cill level to be at least 1.7m above floor level) shall be installed in the northern elevation of the development and thereafter shall be retained.

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

5. The development hereby permitted shall be carried out in accordance with the following approved plans: SR1501 and SR1502 received 15.11.2020.

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

INFORMATIVES TO APPLICANT:

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

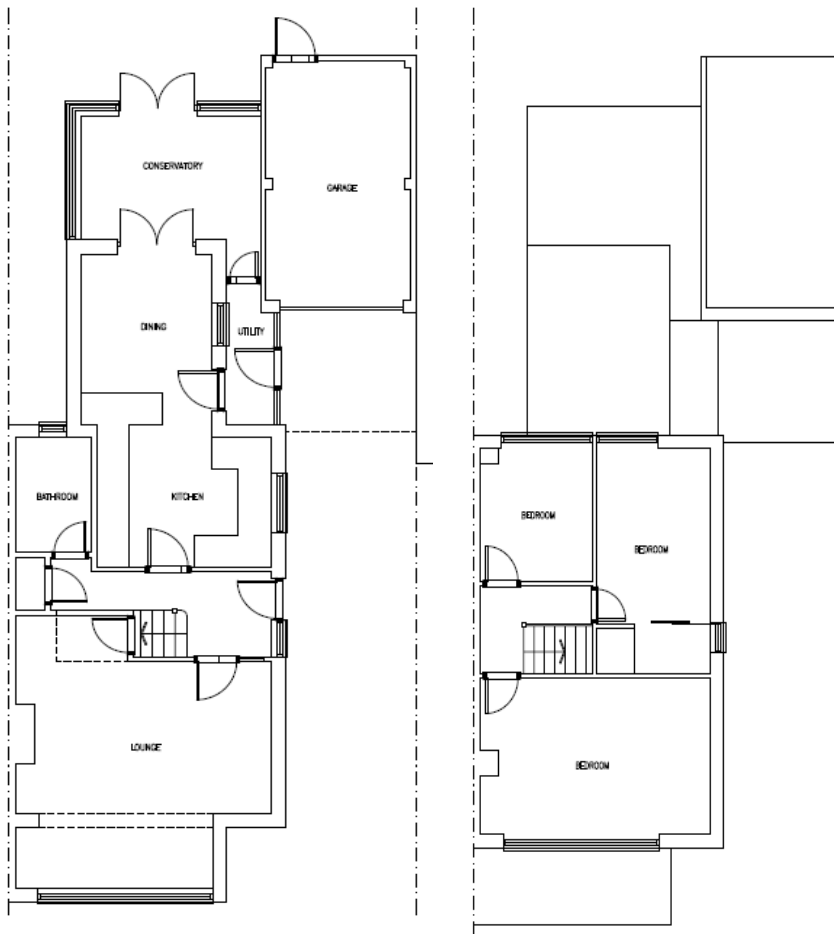
- Where pre-application advice has been sought and that advice has been followed, we will advise applicants/agents of any further issues arising during the course of the application
- Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application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

However, Spelthorne Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application are required. Pre-application advice was not sought prior to submission and the application was acceptable as submitted.

Proposed Site Plan



Existing floor plans



Proposed floor plans

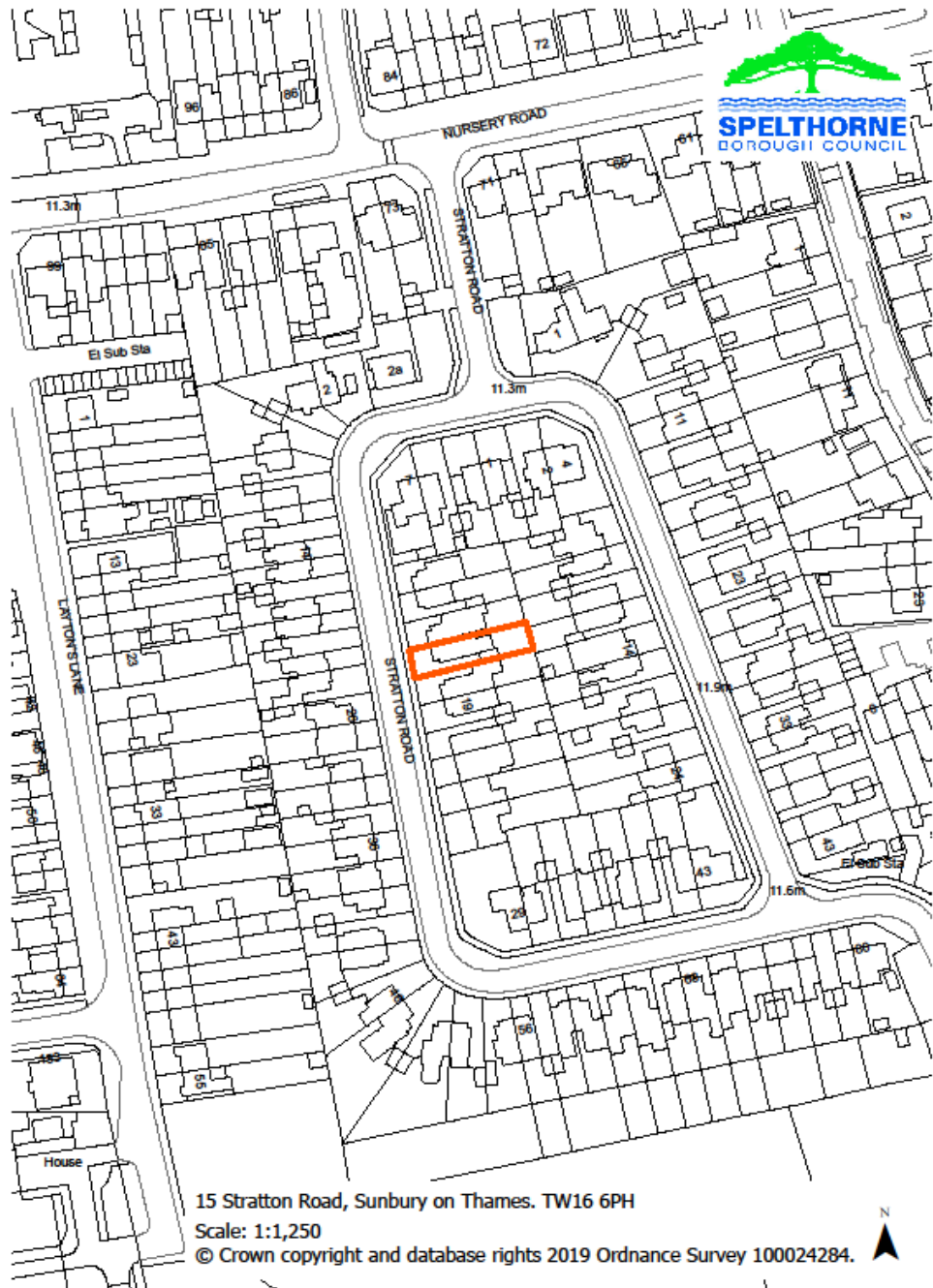


Existing elevations



Proposed elevations





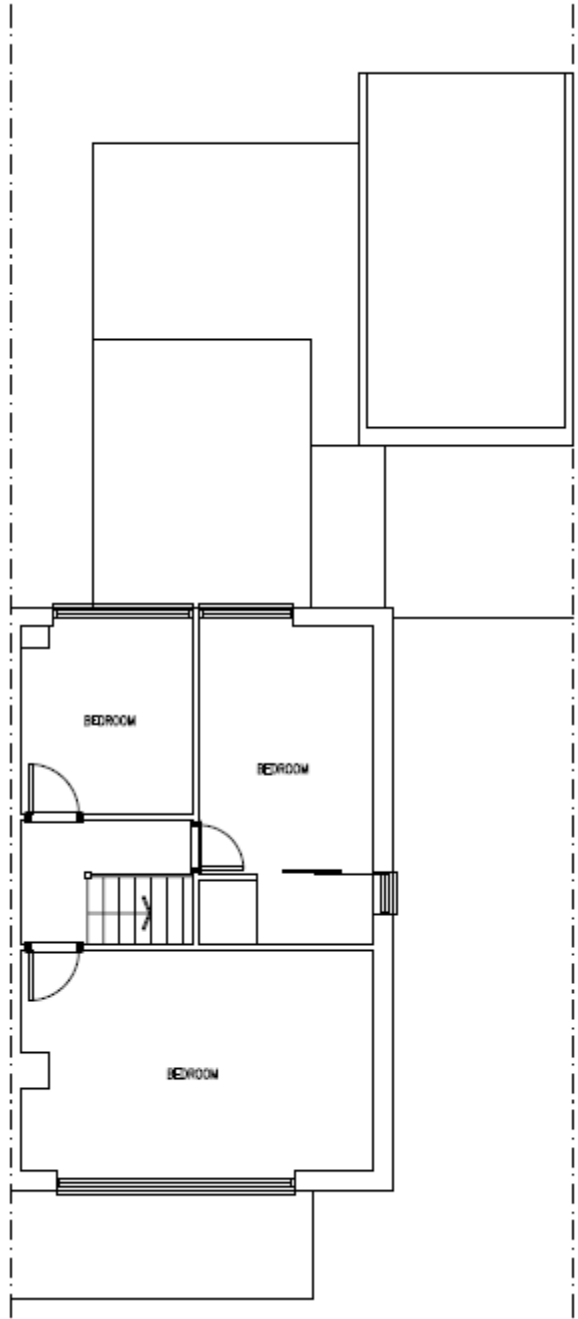
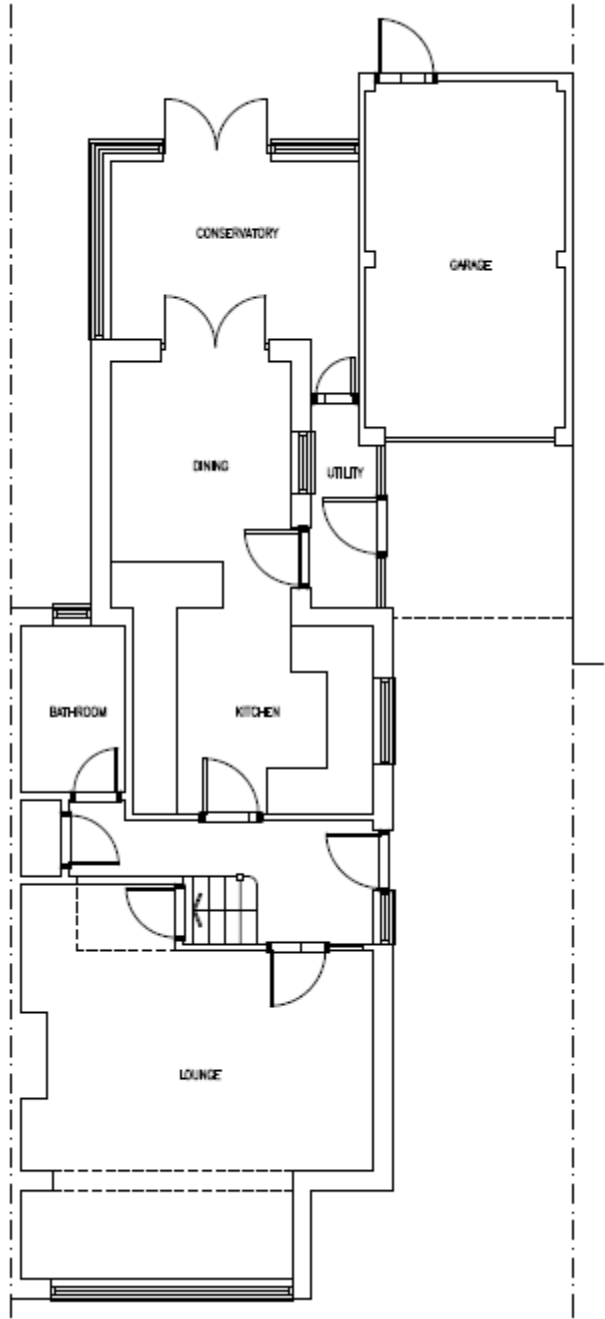


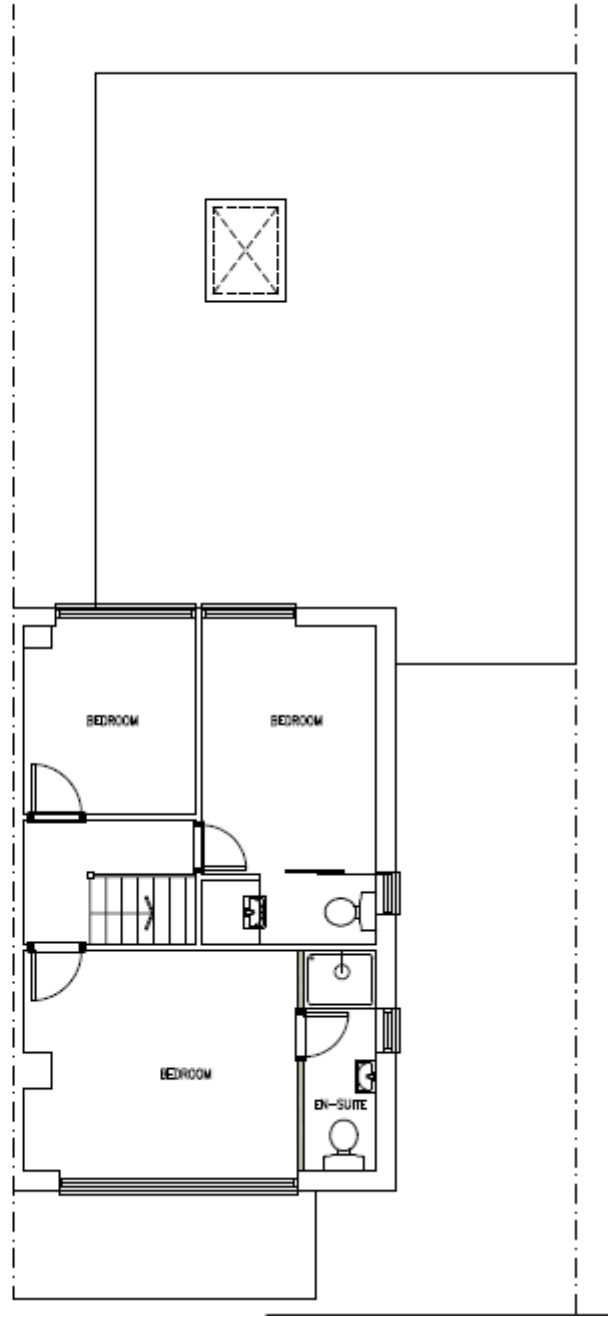
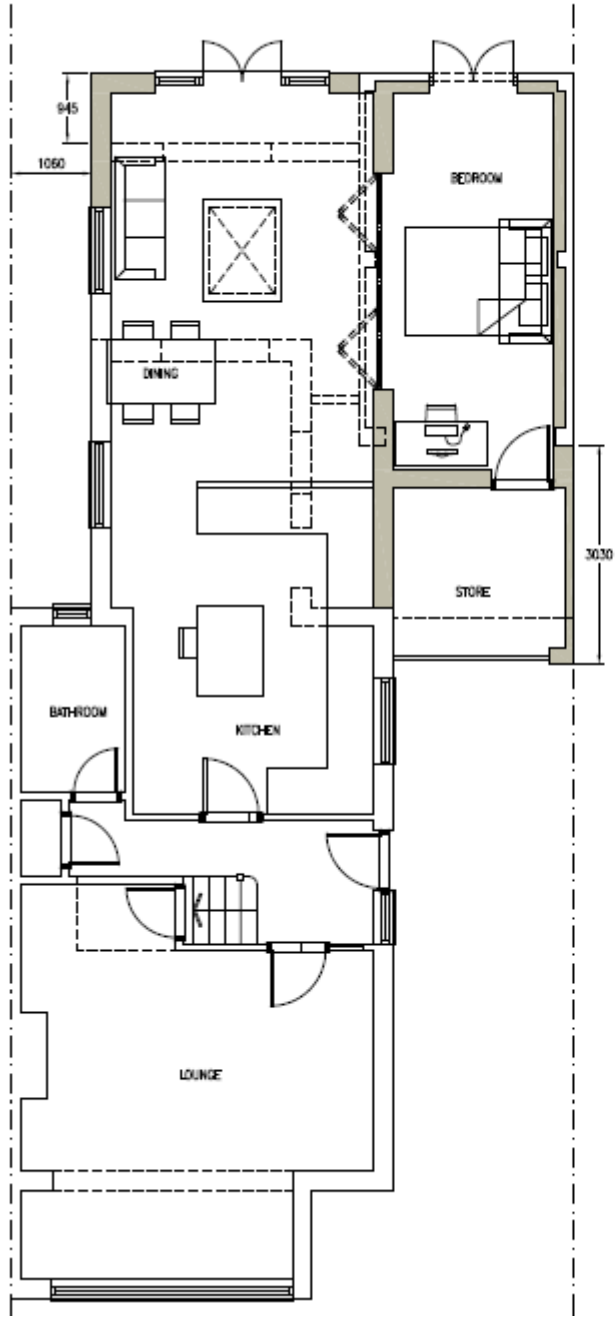


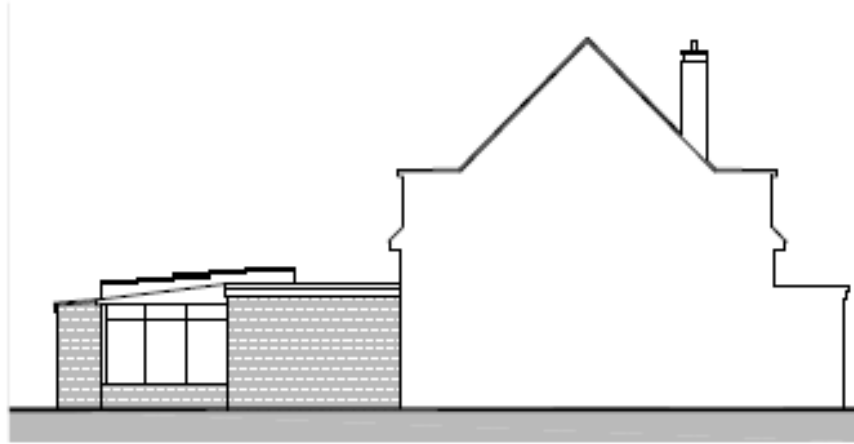












EXISTING SIDE ELEVATION



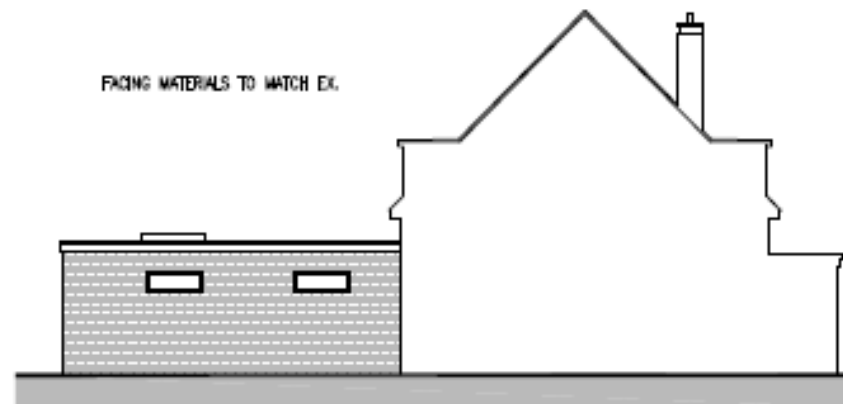
EXISTING REAR ELEVATION 1:100



EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION 1:100



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION

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Planning Committee

3 February 2021



	Tree Preservation Order
TPO No.	TPO 267/2020
Site Address	Land adj to 119 Penton Road, Staines-upon-Thames, TW18 2LL
Date Served	11 November 2020
Expiry Date	12 May 2021
Ward	Riverside & Laleham
Executive Summary	Confirmation of TPO 267/2020
Recommended Decision	Confirm without modification

MAIN REPORT

1. Details of Order

- 1.1 On 11 November 2020 Tree Preservation Order 267/2020 was served with immediate effect to protect one Plane tree and one Lime tree situated on the highway to the front of the land adjacent to 119 Penton Road, Staines-upon-Thames, TW18 2LL.

2. Background

- 2.1 A planning application (20/01092/FUL) for the 'erection of 2 x 3 bedroom detached dwellings with associated parking and amenity space' was submitted in September 2020.
- 2.2 Whilst the submitted plans show that the Plane tree and Lime tree at the front of the site would be retained, proposed parking spaces would be situated in front of the houses. It was considered that the hard surfacing and associated dropped kerbs would be likely to have an adverse impact upon the root systems of the trees which could threaten their long-term health and viability. To avoid this possibility and in the absence of any other mitigation, it was therefore considered appropriate to make a tree preservation order to ensure that the amenity value of these trees was preserved and that they could not be felled without good reason.
- 2.3 Both trees are highway trees and ultimately are the responsibility of Surrey County Council as Highway Authority. The Plane tree (T1) is situated to the west of the site boundary and would be located directly in front of the northern-most proposed dwelling. The Lime tree (T2) is situated just to the west of the site boundary and would be situated directly in front of the southern-most proposed dwelling.

- 2.4 Following receipt of the planning application the Council's Tree Officer assessed the trees and considered that both appeared to be healthy and stable with no signs of disease or decay and that they were highly prominent in the street scene. He therefore concluded that both trees were worthy of preservation.
- 2.5 Accordingly, a TPO was made and served on 11 November 2020 to protect the Plane tree and Lime tree because of their 'significant contribution to the visual amenities of the locality and the street scene'.
- 2.6 The planning application was refused on 3 December 2020 for two reasons: One on flooding grounds, as a dry means of safe access and egress could not be provided; and secondly because the proposed development would have an unacceptable impact on the long term health and viability of the Plane tree and Lime tree.

3. Third Party Representations

- 3.1 As required under the legislation all affected parties, including the Highway Authority, 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 267/2020 relating to land adjacent to 119 Penton Road, Staines-upon-Thames, TW18 2LL be confirmed without modification.

Planning Appeals Report – V2.0 ISSUED

List of Appeals Started between 10 December 2020 – 21 January 2021

Case Ref & Address	Date Received	Procedure	Appeal Ref & Nature
20/00218/FUL The Mill Heathrow Horton Road Stanwell Moor	13.01.2021	Fast Track Appeal	APP/Z3635/W/20/3261719 Retention of Car Park
20/00753/FUL 97 Village Way Ashford	14.01.2021	Written Representation	APP/Z3635/W/20/3263055 Erection of part two storey part single storey side and rear extensions and roof extension including increase in ridge height and installation of rear and side facing dormers. Land lowering to allow recessed single storey extension.

Case Ref & Address	Date Received	Procedure	Appeal Ref & Nature
TW15 2JY			New boundary fence along northern boundary and cycle store. Conversion of property into 4 no flats.
19/01651/FUL Land To Rear Of 39-51 High Street Stanwell	14.01.2021	Written Representation	APP/Z3635/W/20/3263544 Erection of a pair of two no. semi-detached dwellings with associated amenity space and parking.

Appeal Decisions Received 03 December 2020 – 21 January 2021

Case Ref & Address	Date Received	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
20/00588/HOU 7 Vereker Drive Sunbury On Thames TW16 6HQ	08.12.2020	Fast Track Appeal	APP/Z3635/D/20/3257786 Erection of part two storey part single storey rear extension, partial conversion of garage to habitable space with new roof over and single storey side infill element.	Appeal Allowed	18.01.2021	The main issue was the effect of the development on the character and appearance of the area. The Inspector agreed that there is a 'pleasing design consistency in respect of the roof shapes, use of materials and the scale of properties when viewed from Vereker Drive and that this adds positively and distinctively to the character and appearance of the area'. However, he considered that there was not the same level of design consistency to the rear of the dwellings in this part of the street. He also noted what he considered to be a 'very similar rear extension at No 15 Vereker Drive'. He considered that the extension would not be noticeable from this street and the proposed alterations would not cause harm to the distinctiveness of the property when viewed from the front. He also considered that while the extension

Case Ref & Address	Date Received	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
						<p>would be noticeable from the rear of Nos 5 and 9 Vereker Drive, it would not look out of place in the context of the various extensions that have taken place to the rear of these properties. The Inspector was also satisfied that the development as a whole would be subordinate in scale to the house and that harm would not be caused to the character and appearance of the area.</p>

Planning Committee

3 February 2021

Title	Development Management Performance
Purpose of the report	The purpose of this report is to advise the Planning Committee Members on the Development Management (DM) performance over the past year.
Report Author	Esmé Spinks, Planning Development Manager
Recommendations	It is recommended that the Planning Committee notes the report.
Executive Summary	<p>Successive governments have assessed Local Planning Authorities (LPA) performance on the speed with which they determine planning applications. The “designation regime” (introduced in 2013 and amended in 2016) is based on the speed and quality of decisions for major and non-major development over a rolling 2-year period. Over the years, Spelthorne has met and surpassed these targets.</p> <p>The quality of major development is a target which is, and will continue to be, monitored closely due to the relatively few major applications received. There is a real risk, in terms of major applications, of exceeding the new 10% threshold. It is imperative the Council has sound reasons to refuse an application, and that these are capable of being defended successfully at appeal. Failure to do so could expose the Council to the real risk of “designation”.</p> <p>Government policy announcements in recent years has aimed to boost the supply of housing, enable homes to be built faster and encourage higher housing densities within urban locations. These have been encapsulated into the revised National Planning Policy Framework, issued in February 2019 where a presumption in favour of sustainable development lies at its heart.</p> <p>An up to date development plan gives greater certainty to all those involved in the development process and the local community. Decisions based on an up to date plan and supplementary guidance which are consistent with the NPPF are more easily defended at appeal. It is important to ensure that reasons for refusal can be defended on appeal without the risk of an award of costs against the Council. Robust decision making</p>

	<p>helps to ensure that the risk of the Council being “designated” based on appeals is minimised.</p> <p>Any request for an application to be called into Committee should only be if there is a <i>wider public interest</i> as set out in the Council’s Planning Code. The Planning Code will be updated in due course.</p> <p>DM Officers are working within a culture of continuous performance throughout the DM process. Further investment in IT software and hardware has been put forward to assist with performance management and the Council’s agile working policy.</p> <p>In March 2020, following the Covid 19 lockdown, the Planning DM service was transferred remotely. This included processing all planning applications and appeals, enforcement action including two high court cases, leading on virtual planning committee meetings and undertaking pre-application advice remotely. In addition, there was a flurry of legislation changes which officers had to learn and implement, particularly relating to permitted development rights and the use classes order and temporary legislation necessitated by the Covid 19 pandemic. In the early days of lockdown, several of the Planning DM staff volunteered to assist with work to help the community including delivering food parcels and working on the call centre whilst at the same time managing their workloads. The Planning DM officers successfully met this huge challenge and have also exceeded all government performance targets.</p> <p>Some training sessions for Councillors took place in 2020 by external providers and planning officers and further training will be arranged. In addition, presentations were undertaken by two developers prior to the submission of planning applications. These measures will assist with the quality of decision making. Officers have also attended some on-line training courses as part of their continuous professional development. This is an on-going requirement.</p> <p>It is proposed to continue providing planning application performance statistics in future Planning Committee papers.</p>
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1. Purpose

- 1.1 To advise the Committee Members on Development Management (DM) performance over the past year.

2. Background

- 2.1 Successive governments have sought to streamline the planning process by setting targets nationally for the speed that Local Planning Authorities (LPAs) determine planning applications. In the late 1990s and 2000s, financial incentives were paid to LPAs who met targets. More recently, the government introduced a “designation regime” by measuring performance based on the speed and quality of decisions for major development over a rolling 2-year period. This was subsequently expanded to also include non-major developments. The emphasis is on identifying persistent poor performers, designating them as under performers and then intervening. The Government recently increased the performance targets and introduced a housing delivery test in 2018 which required Spelthorne to produce an action plan. The housing delivery action plan identifies actions to address under delivery against the housing requirement in the area. The plan looks at the reasons for under delivery and the steps to be taken to drive up housing delivery in the area.

3. Performance

- 3.1 Local Planning Authorities are provided with statutory time limits to determine planning applications within a set period of time. These time limits are a way to evaluate a local planning authority’s performance and can lead to a Council losing its power to determine planning applications within its jurisdiction if too many applications are determined outside these statutory time limits. The time limits are known as determination periods and are set at 13 weeks for Major Planning applications (16 weeks where subject to Environmental Impact Assessment) and 8 weeks for other planning applications defined as “Minor” and “Other”.
- 3.2 LPAs have a requirement to deal with major applications within 13 weeks from the date of receipt and 8 weeks for all other planning applications unless an extension of time is agreed with the applicant.

Major development is defined as:

Major – 10 or more residential units, dwellings on a site with an area of 0.5 hectares or more, 1,000 sq. m or more of new commercial floorspace or sites with an area of more than 1 hectare.

Minor – Up to 9 residential units, up to 999 sq. m of new floorspace, and changes of use, and

Others – mainly householder schemes.

LPAs are measured on their performance based on the % of planning applications they determine within 8 or 13 weeks (or within an extension of time agreed with the applicant) as follows:

Majors – 60% within 13 weeks

Minors – 65% within 8 weeks

Others – 80% within 8 weeks

Annual Performance

3.3 In the year ending December 2020, Spelthorne met all three performance measures as follows:

Table 1

<u>Majors</u>			<u>Minors</u>			<u>Others</u>		
Total	On Target	% on Target (i.e. 60%)	Total	On Target	% on Target (i.e. 65%)	Total	On Target	% on Target (i.e. 80%)
14	14	100%	148	126	85%	514	478	93%

3.4 During the same year ending December 2020, the following decisions (table 2 below) were made on other types of applications. This makes a total of 1205 decisions in 2020.

Table 2

Application Type	Total No Determined
Certificate of Lawful Development (Proposed)	153
Certificate of Lawful Development (Existing)	6
Prior Notifications	93
Discharge of Conditions	80
Amended Applications	37
Consultations from adjoining Boroughs	29
SCC Applications	19
SCC Discharge of Conditions	2
TPO Applications	66
TCA Applications (Trees in Conservation Areas)	37
Telecom applications	7
TOTAL	529

3.5 In addition, the LPA dealt with:

- 32 Planning appeals,
- 6 Enforcement appeals,
- 288 Planning enquiries involving a written response and / or meetings
- 345 Planning enforcement cases
- 21 FOI Cases

Designation Regime

3.6 As part of the Growth Agenda, the Growth and Infrastructure Act 2013 saw an introduction to the “designation regime” by measuring performance based on the speed and quality of decisions for major development over a rolling 2-year period. The Department for Communities and Local Government (DCLG) introduced two separate measures to assess the performance of LPAs:

- Speed of determining major planning applications; and
- The extent to which such decisions are overturned on appeal as an indicator of the quality of decisions made by LPAs.

3.7 The Housing and Planning Act 2016 changed the designation regime to widen the definition of the applications to be included and to raise the bar on the thresholds LPAs would be required to meet with effect from 2017. A paper detailing the implementation of this; Improving Planning Performance: Criteria for Designation, was issued in 2016.

3.8 The performance of LPAs in determining major and non-major development are now assessed separately, meaning that an authority could be “designated” on the basis of its performance on major development, on non-major development, or both. These two categories are assessed against two separate measures of performance:

- The speed applications are dealt with measured by the proportion of applications that are determined within the statutory time or an agreed extended period; and,
- The quality of decisions measured by the proportion of decisions on applications that are subsequently overturned at appeal

3.9 Consequently, the performance of LPAs is now assessed separately against:

- The **speed** of determining applications for **major** development
- The **quality** of decisions made by the authority on applications for **major** development;
- The **speed** of determining applications for **non-major** development;

- The **quality** of decisions made by the authority on applications for **non-major** development.

3.10 The Secretary of State will decide once a year whether any “designation” should be made or lifted. If an LPA is at risk of designation for one or more categories, the DCLG will write to the LPAs requesting any data corrections or exceptional circumstances that would make a “designation” unreasonable. Where an authority is “designated”, applicants may apply directly to the Planning Inspectorate for the category of applications (major, non-major or both) for which the authority has been “designated”. The exception is where an authority is designated for non-major development, householder applications and retrospective applications. Applicants will not be able to submit these applications to the Planning Inspectorate as these are best dealt with locally. Soon after a designation is made the LPA is expected to prepare an “action plan” addressing areas of weakness that contributed to its under-performance. Appendix 1 contains a flow chart setting out the designation process.

3.11 The following table provides an overview of the thresholds and assessment period for 2019 and 2020 and Spelthorne’s performance.

Table 3

Measure and type of Application	2017-2019 Threshold and assessment period	Spelthorne’s Performance 2019	2018-2020 Threshold and assessment period	Spelthorne’ Performance 2020
Speed of major Development	60% (October 2017 to September 2019)	96%	60% (October 2018 to September 2020)	100%
Quality of major Development	10% (April 2017 to March 2019)	3.7%	10% (April 2018 to March 2020)	1.8%
Speed of non-major Development	70% (October 2017 to September 2019)	93%	70% (October 2018 to September 2020)	93%
Quality of non-major Development	10% (April 2017 to March 2019)	0.6%	10% (April 2018 to March 2020)	1.4%

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It can be seen that Spelthorne has met and exceeded all four targets for the threshold periods.

Planning Appeals Decisions

- 3.12 The assessment of the quality of decision making by LPA's is measured by the proportion of decisions on applications that are subsequently overturned at appeal. The current assessment for 2020 is based on planning applications decided between April 2018 to March 2020. The statistics allow for a period of 9 months elapsing following the end of the assessment period to allow time for an appeal to be lodged and decided.
- 3.13 The appeals relating to Spelthorne for the period in question are attached as Appendix 2. Also attached as Appendix 3, are the appeal decisions relating to enforcement cases. It should be noted that these are not currently used by Government to measure the Council's performance and the data covers appeals received April 2018 to March 2020. In summary:

There were 85 appeal decisions
73 planning appeals and
12 enforcement appeals.

Of these appeals:

- 58 planning appeals were dismissed or had a split decision.
- 9 Planning Enforcement were dismissed or had a split decision
- 1 Enforcement notice was quashed on appeal
- 15 planning appeals were allowed, and
- 2 Planning Enforcement appeals were allowed.

The appeal performance overall for 2020 is 80% dismissed or split which represents a small improvement on 2019 and 2018 when the figures were 75% and 69% respectively.

Planning Committee Overturns

- 3.14 Between January 2018 to December 2020 nine planning applications were overturned by the Planning Committee. Of these nine:
- Four were allowed on appeal,
 - Two appeals had costs awarded against the Council (including one which was dismissed on appeal)
 - One appeal was dismissed (but as referred to above) had partial award of costs against the Council

- One was appealed against and subsequently withdrawn following the approval of a revised scheme

These are summarised in the following table:

Table 4

Plannin g Applicat ion no.	Site	Proposal	Officer Rec	Committe e Decision	Appeal Decision and Date
16/01357 /FUL	Former London Irish Rugby Football Club The Avenue Sunbury On Thames	Replacement of 4 no. detached 5-bedroom dwellings (approved) with 24 flats	Approve	Refused 05/04/18	Appeal allowed. Partial award of costs against the Council given.
18/00432 /T56	Grass Verge opposite the Parade at Junction of Vicarage Road Sunbury On Thames	Installation of a 17.5m Shrouded High Jupiter Street Pole and associated equipment	Approve	Refused 18/05/18	Allowed on appeal 28/05/19
18/01426 /RVC	Halliford Studios Limited Manygate Lane Shepperton	Variation of planning permission 17/01065/FUL for 24 dwellings, to allow a fence in lieu of a wall on two boundaries.	Approve	Refused 17/12/18	Allowed on appeal 22/03/19
17/01938 /FUL	20 Bridge Street Staines	Erection of a five-storey building of 9 flats	Approve	Refused 01/06/18	Appeal dismissed 31/05/19 Partial award of costs against the Council –.
19/00444 /ADV	Charlton Lane Ecopark Charlton Lane Shepperton	Retention of freestanding 6.52m tall non- illuminated sign at entrance (retrospective)	Grant	Refused 30/05/19	Allowed on appeal 15/11/19

Planning Application no.	Site	Proposal	Officer Rec	Committee Decision	Appeal Decision and Date
18/01101 /FUL:	17-51 London Road, Staines-upon-Thames, TW18 4EX	Erection of six buildings to provide 474 residential homes (Class C3) and flexible commercial space at ground and first floors (Class A1, A2, A3, B1, D1 or D2) car parking, pedestrian and vehicular access, landscaping and associated works.	Approve	Refused 20/11/18	Appeal lodged 15/01/19 Withdrawn 28/09/19
18/01332 /FUL	40 Glenfield Road, Ashford, TW15 1JL	Erection of part single storey, part two storey side extension and single storey rear extension following demolition of existing garage, outbuildings and rear extension and conversion of existing dwelling into a House of Multiple Occupation for 7 persons.	Approve	Refused 17/12/18	N/A
19/00884 /FUL	42 High Street Shepperton TW17 9AU	Change of use from offices/bank to a mixed use of commercial units at ground floor level and to 3 no. residential flats above on first floor with balconies, erection of new second floor with 3 no. flats with balconies, erection of part single storey, part two storey rear extension and new windows and doors including new access to front, demolition of chimney stacks.	Approve	Refused 28/08/19	N/A
20/00565 /FUL	Ruxbury Court, Cumberland Road, Ashford	Alterations and extensions to Blocks B and C of Ruxbury Court, including alterations and extensions to the roof, to enable the creation of 3 x 1-bedroom units and 1 x	Approve	Refused 18/09/20	

Planning Application no.	Site	Proposal	Officer Rec	Committee Decision	Appeal Decision and Date
		2 bedroom unit with associated parking and amenity space.			

Government Papers

4.1 In August 2020, the Government issued the White Paper, “Planning for the Future”. A wide range of proposals were put forward, including, in relation to Planning DM, “for all types of planning applications” the government wants to see “a much more streamlined” planning process “which is proportionate to the scale and nature of the development proposed, to ensure decisions are made faster”. The broad proposals were to:

- Streamline the planning process
- Provide a digital-first planning process
- Provide a new focus on design and sustainability
- Improve infrastructure delivery
- Make more land available for the homes and development people and communities need

4.2 In addition other consultations were introduced relating to other matters including:

- Changes to the standard method for assessing local housing need (recently reversed)
- Temporarily lifting the small sites threshold, below which developers do not need to contribute to affordable housing, to up to 40 or 50 units.
- Extending the current Permission in Principle to major schemes

4.3 The government set an ambitious timetable for the Planning White Paper, but it is not clear at this stage when this will be delivered. Nevertheless, the focus on the importance of housing delivery and growth by the government remains. On a local scale, the Council’s Housing Delivery Test Action Plan was updated in 2020. Spelthorne was required to produce the plan due to a consistent under delivery of housing when assessed against identified needs. The Action Plan was the Council’s response to the challenge set out in the NPPF to significantly boost the supply of homes. The Council’s Housing Delivery Test Action Plan will be updated this year following the test results issued on 19th January 2021 which put the Council at 50%. This means that only 50% of its identified housing needs was delivered in the last three years and this puts the Local Planning Authority (LPA) into the “Presumption” in favour of development category. It should be noted, however, that the LPA is already in this category as we do not have a 5-year housing land supply, the current figure is 4.8 years.

- 4.4 In 2020, the government issued seven new prior approval permitted development rights in relation to additional (upward) extensions mainly to provide new dwellings. Also introduced was a substantially revised Use Classes Order. Classes A, B1 and D1, applicable to retail, office and non-residential institutions and assembly and leisure uses respectively, were removed and new use classes introduced in their place. The new Class E encompassed commercial, business and service, while the new F.1 and F.2 apply to learning and non-residential institutions and local community use respectively. The new class E is significantly wider in its scope than the previous classes resulting in less changes of use requiring planning permission.

5 Implications, Risks and Actions for Spelthorne

- 5.1 In March 2020, following the Covid 19 lockdown, the Planning DM service was transferred remotely. This included processing all planning applications and appeals, enforcement action including two high court cases, leading on virtual Planning Committee meetings and undertaking pre-application advice remotely. In addition, there was a flurry of legislation changes which officers had to learn and implement, particularly relating to permitted development rights and the use classes order and temporary arrangements necessitated by the Covid 19 pandemic. In the early days of lockdown, several of the Planning DM staff volunteered to assist with work to help the community including delivering food parcels and working on the call centre whilst at the same time managing their workloads. The Planning DM officers successfully met this huge challenge and have also exceeded all government performance targets.
- 5.2 The DM Service uses Idox Uniform for its computer software to manage the planning application process. It has invested in a software management package known as Idox Enterprise to act as a processing and management tool for officers. A large amount of technical work was undertaken in the latter part of 2019 to improve the application process and management system. This work has enabled officers to work towards an agile way of working, to reduce paper and better manage the application process. Enterprise was crucial in providing an efficient virtual way of working from March 2020. More Enterprise improvements are underway to further enhance the process and improve efficiency.
- 5.3 There were a number of training sessions for Councillors in 2020 by external providers and planning officers and further training will be arranged. This will assist with the quality of decision making. Officers have also attended several on-line training courses as part of their continuous professional development. This is an on-going requirement.
- 5.4 The LPA has also met the quality targets for both major and non-major developments. However, the quality of major development is a target which officers are monitoring very closely because of the relatively few numbers of major applications the Council receives. There is a real risk of performance, in

terms of major applications, exceeding the new 10% threshold. In the two-year period April 2018 to March 2020, the Council determined 54 major planning applications, two of which were appealed against and one was allowed on appeal (Halliford Studios Limited Manygate Lane Shepperton). One appeal allowed out of 54 applications equates to a quality performance of 1.8%. However, a further four appeals allowed would bring the performance closer to the designation threshold of 10% at 9%. Continuous monitoring against this criterion is essential.

- 5.5 When refusing a planning application, it is imperative that the Council has sound reasons that are capable of being defended successfully at appeal. Failure to do so could expose the Council to an award of costs at appeal and the real risk of “designation”. The rigorous defence of appeals will continue to require appropriate resources.
- 5.6 An up to date plan gives greater certainty to all those involved in the development process and the local community. Work is taking place on the replacement of the 2009 Local Plan. Planning decisions based on an up to date plan and supplementary guidance which is consistent with the NPPF, are more easily defended at appeal. This in turn ensures that the risk of designation based on appeal decisions is minimised.
- 5.7 DM Officers will continue to closely monitor committee overturns, although the number of these has been relatively small. As indicated in table 4 above, there have been nine applications overturned and refused by the Planning Committee in the last few years, four of these were allowed on appeal, and costs were awarded against the Council on two of these. All Members have been advised of the requirements of the Planning Code and in particular, the “call in” procedure. The guiding principle of a “call-in” is that there is a “*wider public interest*” in the application being considered by the Committee. The Planning Code will be updated in due course
- 5.8 The DM Officers are working within a culture of continuous performance throughout the Development Management process. Planning Development Management underwent a two-week audit on its processes and procedures in May 2019 and the overall outcome was judged as “Effective”, the highest level.

6 Recommendation

- 6.1 It is recommended that the Committee notes the contents of this report.

List of Appendices

- The Designation Process
- Planning Appeal Decisions for applications determined April 2018 – March 2020
- Planning Enforcement Appeal Decisions for appeals determined to end December 2020.

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