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Date: 17 February 2022

## **Notice of meeting**

### **Planning Committee**

**Date:** Wednesday, 2 March 2022

**Time:** 7.00 pm

**Place:** Council Chamber, Knowle Green, Staines-upon-Thames TW18 1XB

#### **To the members of the Planning Committee**

Councillors:

T. Lagden (Chairman)	J.T.F. Doran	R.J. Noble
R.A. Smith-Ainsley	(Vice- N.J. Gething	R.W. Sider BEM
Chairman)	M. Gibson	B.B. Spoor
C. Bateson	H. Harvey	J. Vinson
A. Brar	N. Islam	
S. Buttar		

Substitute Members: Councillors S.M. Doran, S.A. Dunn, L. E. Nichols, O. Rybinski,  
J.R. Sexton and V. Siva

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

**Spelthorne Borough Council, Council Offices, Knowle Green**

**Staines-upon-Thames TW18 1XB**

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# Agenda

Page nos.

**1. Apologies and Substitutions**

To receive any apologies for non-attendance and notification of substitutions.

**2. Minutes**

**5 - 10**

To confirm the minutes of the meeting held on 02 February 2022 as a correct record.

**3. Disclosures of Interest**

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

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

**4. Planning application 21/01742/FUL - Crownage Court, 99 Staines Road West, Sunbury-on-Thames, TW16 7AE**

**11 - 42**

**Ward**  
**Sunbury Common**

**Proposal**

Erection of extension on top of the existing building to provide a further 14 residential units comprising 6 x 1 bed, 7 x 2 bed and 1 x 3 bed units.

**Recommendation**

This application is recommended for approval.

**5. Planning application 21/01276/FUL - Land adjacent to former Swan Inn House, Moor Lane, Staines-upon-Thames, TW19 6EB**

**43 - 72**

**Ward**  
**Staines**

**Proposal**

Erection of a 4-bedroom two storey dwelling with dormers in the roof to front and rear and a single storey garage and car port to the side.

**Recommendation**

This application is recommended for approval subject to no material objection being received by 17 March 2022 in relation to the statutory site and press notices concerning the setting of the adjacent listed

building. The approval is also subject to the conditions set out at Paragraph 8 of the report.

**6. Development Management Performance 73 - 112**

To note the contents of the Development Management Performance Report presented by the Planning Development Manager.

**7. Major Planning Applications 113 - 116**

To note the details of future major planning applications.

**8. Glossary of Terms and Abbreviations**

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**Minutes of the Planning Committee  
2 February 2022**

**Present:**

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

**Councillors:**

C. Bateson	N.J. Gething	B.B. Spoor
S. Buttar	R.J. Noble	
J.T.F. Doran	R.W. Sider BEM	

**Substitutions:** Councillors O. Rybinski

**Apologies:** Councillors T. Lagden, M. Gibson, H. Harvey, N. Islam and J. Vinson

**In Attendance:** Councillors M. Beecher

**9/22 Minutes**

The minutes of the meeting held on 5 January 2022 were approved as a correct record.

**10/22 Disclosures of Interest**

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

There were none.

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

Councillors S Buttar, N Gething, R Noble, R W Sider BEM, R Smith-Ainsley and B Spoor reported that they had received correspondence in relation to application 21/00912/FUL, The Works, Langley Road, Staines but had

maintained an impartial role, had not expressed any views and had kept an open mind.

Councillors S Buttar, J Doran, R Noble, R W Sider BEM and R A Smith-Ainsley reported that they had received correspondence in relation to application 21/01472/FUL, Land at rear of dwellings in Park Road, Stanwell but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor R Noble advised that he had visited the site of application 21/01472/FUL on 3 occasions.

**11/22 Planning application - 21/00912/FUL - Works, Langley Road, Staines-upon-Thames TW18 2EJ**

**Description:**

Demolition of existing works building and erection of 22 dwellings (14 dwelling houses and 8 apartments) including access, parking, landscaping and replacement substation.

**Additional Information:**

One further letter had been received noting concerns about the demolition such as noise and dust.

As noted in the report, an Air Quality Assessment had been submitted and no objections were raised by EHO. In addition, informative, regarding building works including hours of operation, dust and noise and recommended (1, 2 and 4).

**Public Speaking:**

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

- The number of proposed dwellings was too high
- The proposed dwellings would overlook existing homes and impact on privacy
- There would be an impact on current utilities, especially drainage.
- There was insufficient detail on the how the properties would be environmentally friendly
- There were too few electric vehicle charging points proposed for the number of dwellings
- There was no information on how the demolition of the current site would be managed

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

- There were no objections from statutory consultees

- The proposed development would improve the street scene
- The scheme was considerate of surrounding properties in the separation distance and window placement
- This was a neighbour-friendly use of a brownfield site
- The mix of units meets the Council's requirement

In accordance with the Council's procedure for speaking at meetings, Councillor Malcolm Beecher spoke as Ward Councillor against the proposed development raising the following key points:

- Welcome the redevelopment of a brownfield site
- Concerns over bats roosting in the building
- Electric Vehicle Charging point should be installed at a ratio of 1:1
- Only two charging points for the flats

**Debate:**

During the debate the following key issues were raised:

- The development will improve the street scene
- The density of properties on the site will meet the Council's policies
- The amenity space provided is adequate
- The design fits in with surrounding properties
- This development would regenerate the area
- Overlooking due to this development would be no worse than on any other suburban street
- Pleased to see houses planned in addition to flats
- Have to utilise brownfield sites in the Borough
- Concerns over potential contamination of the land

**Decision:**

The application was **APPROVED** as per the recommendation subject to the following additional informative:

The applicant is requested to give consideration to providing cable to all parking spaces to allow for 100% electric charging points in the development hereby approved.

**12/22 Planning application - 21/01472/FUL - Land to the Rear of Dwellings in Park Road, Stanwell, currently occupied by disused garages**

**Description:**

Demolition of existing lock-up garages and installation of electric vehicle charging bays serviced by ultra-rapid charge points, together with associated infrastructure and works.

**Additional Information:**

A copy of the letter sent to Councillors by the applicant was received which clarifies points on access to the site, maintenance, lighting and hours of operation.

**Public Speaking:**

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

- Lack of parking currently in front of the maisonettes
- Access to the site is extremely narrow
- Construction vehicles would not be able to access the site
- Would have a detrimental impact on the surrounding houses

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

- Government legislation will, in the future, mean that there will be more electric powered vehicles on the road and therefore a greater need for charging points
- People without a driveway will not be able to power their cars at home
- Providing local and accessible charge points will raise confidence supporting the transition to non-polluting vehicles
- This facility would help to meet the national target of phasing out fossil fuel cars and vans by 2030.
- The existing site is in very poor condition with evidence of anti-social behaviour
- Most residents welcomed the rejuvenation of the site
- The Police support this proposal
- The site would only operate between the hours of 7am to 10pm
- The proposed lighting has been designed to ensure there is no overspill into residents' gardens
- Site would be regularly monitored and any litter removed
- Owners of the electric vehicles would use an app to see whether there were any vacant charging points so would element queuing
- New fencing would be installed to ensure privacy
- Hydrant would be installed on site to be used in the event of a fire
- Disagree with several points within the Highways report

In accordance with the Council's procedure for speaking at meetings, Councillor Sue Doran spoke as Ward Councillor against the proposed development raising the following key points:

- The location was in close proximity to surrounding houses
- Noise from the vehicle occupants would have an impact on surrounding residents
- The access and exit roads to the proposed development already suffer from access issues.
- There would be an increase in traffic to the area
- Works vehicles to the site would add to the traffic and create access issues for residents



- The proposed perimeter fencing would alter the measurements of the access and exit roads, and could damage existing trees and hedges.
- There would still be a concern of ASB

**Debate:**

During the debate the following key issues were raised:

- The impact on the surrounding dwellings would be both considerable and negative
- County Highways had objected to this proposal on highways safety grounds
- Environment Health were satisfied that there would be no noise nuisance
- There would be little alternative use for this site
- The electric vehicles would be quiet but noise would be generated from drivers talking on phones/to other passengers, using the proposed WC facilities and the vending machine
- Narrow site entrance
- 'Blind' exit could cause accidents
- 7 mature trees currently on the site and only 2 would remain in situ
- Site is currently affected by noise due to airport and general traffic noise
- The site would be monitored and have a security presence
- The Council should be encouraging people to use electric vehicles
- Highways Agency has concerns about the roads leading into and out of the site
- In favour of this sort of proposal but this site is not suitable
- There may be access issues but improvements could be made
- Site is not appropriate for residential properties
- Less anti-social behaviour
- The owner of the site needs to address the lack of maintenance and the fly tipping
- The site currently contains residential garages and cars can therefore drive onto the site and exit the same way as outlined on the proposal
- Good application but on the wrong site

**Decision:**

The application was **REFUSED** as per the recommendation.

**13/22 Major Planning Applications**

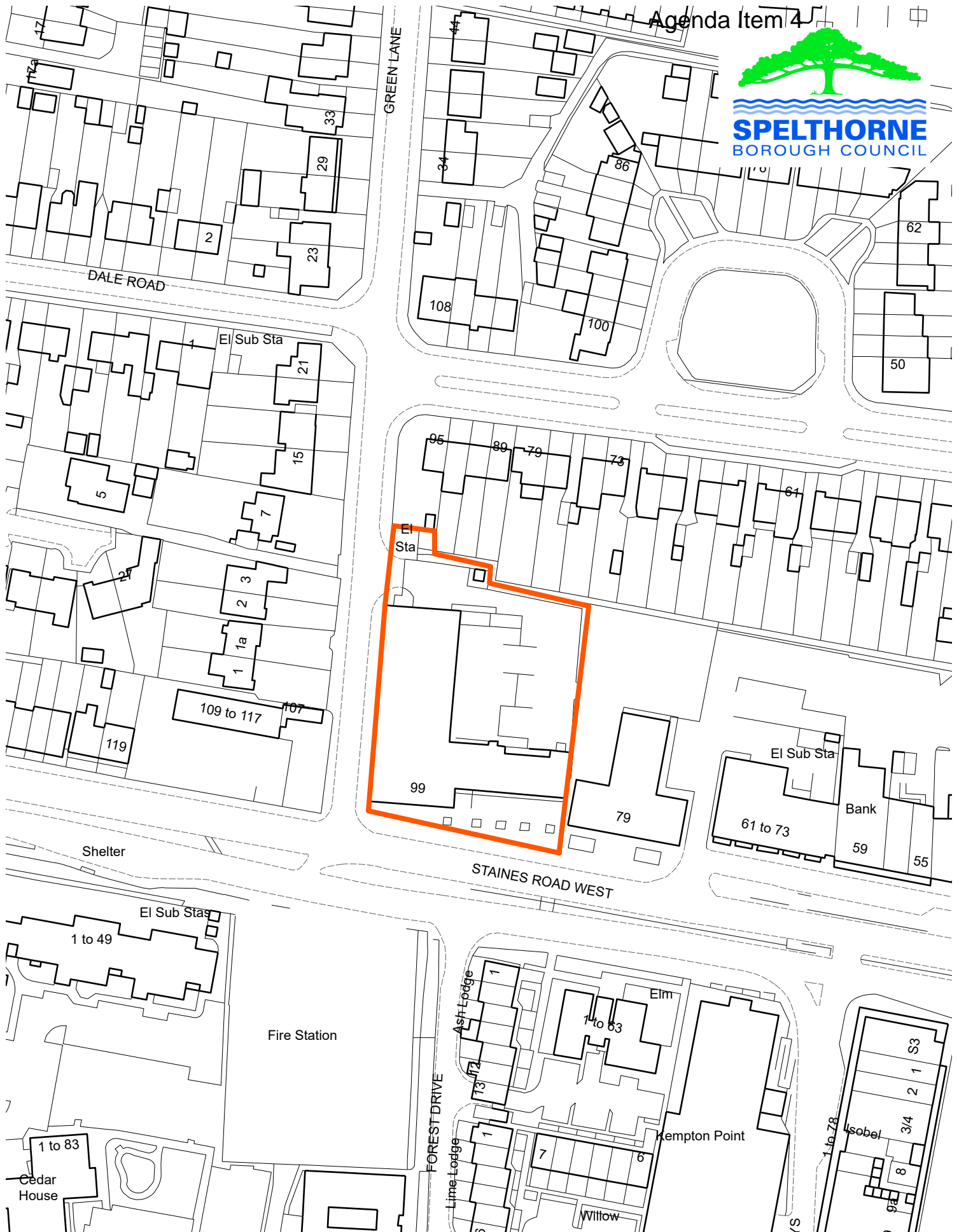
The Planning Development Manager submitted a report outlining major applications that may be brought before the Planning Committee for determination.

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

**14/22 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.



21/01742/FUL - Crownage Court, 99 Staines Road West,  
Sunbury on Thames. TW16 7AE

Scale: 1:1,250

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## Appendix 21/01742/FUL Crownage Court, Staines Road West

Rear elevation (top) and inside side (below)  
Proposed



Existing



Front elevation (top) and Green Lane side (below)  
Proposed



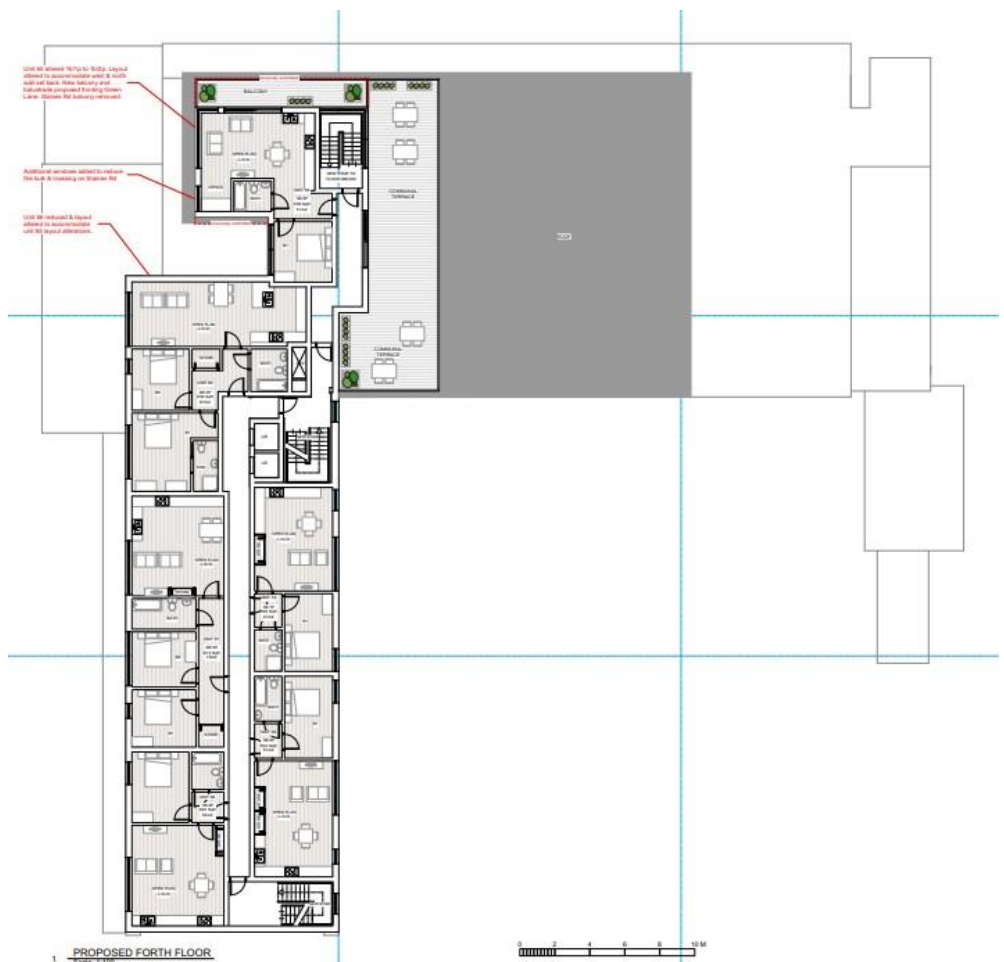
Existing



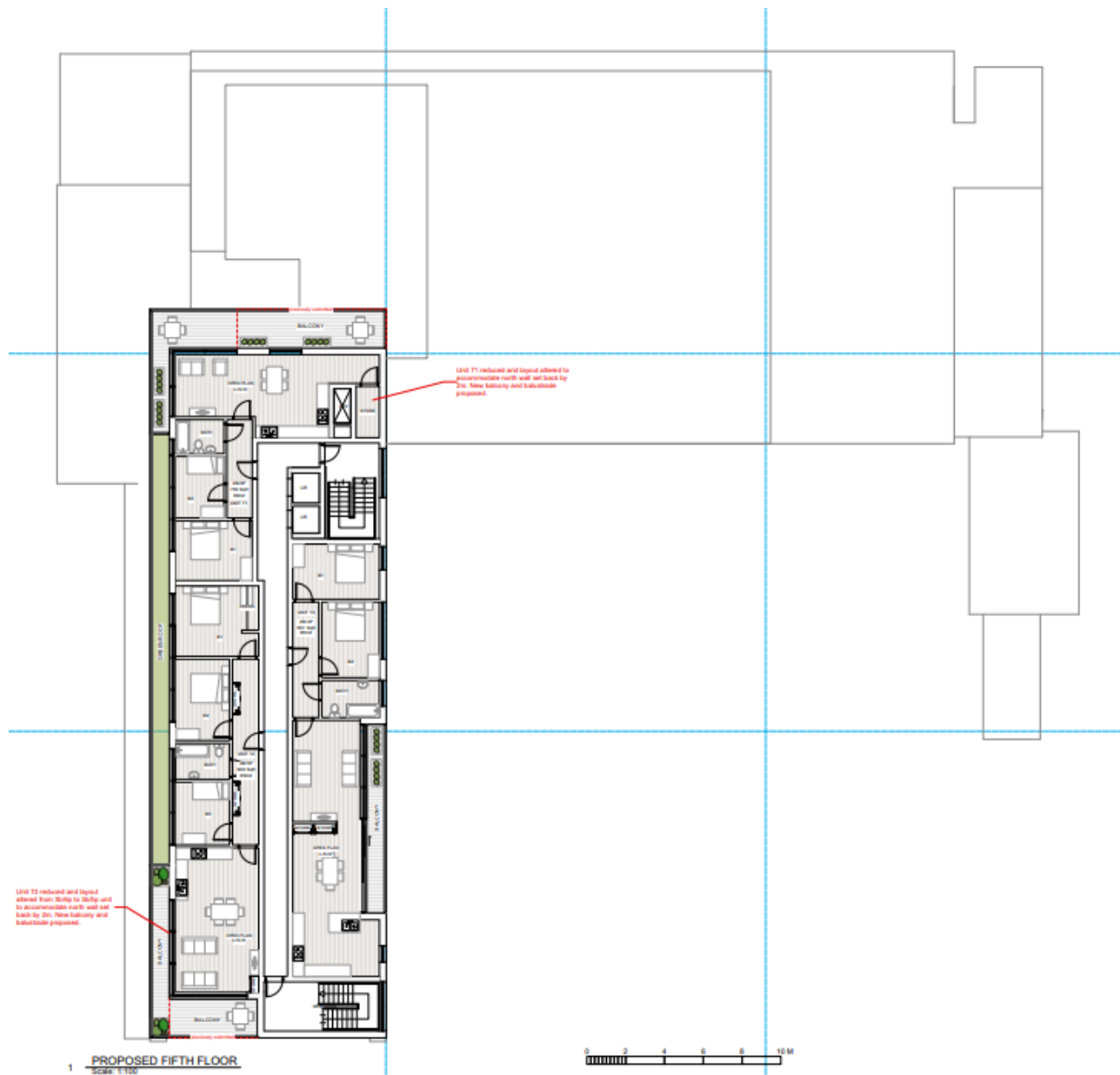
Proposed Third Floor (Orientation - Green Lane to the top Staines Road West to the left)



### Proposed Fourth Floor



# Proposed fifth floor



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# Planning Committee

02 March 2022



<b>Application No.</b>	21/01742/FUL		
<b>Site Address</b>	Crownage Court, 99 Staines Road West, Sunbury-on-Thames, TW16 7AE		
<b>Applicant</b>	Richmond Collection		
<b>Proposal</b>	Provision of a rooftop extension to provide 14 apartments		
<b>Officers</b>	Kelly Walker		
<b>Ward</b>	Sunbury Common		
<b>Call in details</b>	N/A		
<b>Application Dates</b>	Valid: 05.11.2021	Expiry: 04.02.2022	Target: Extension of time agreed
<b>Executive Summary</b>	<p>This application relates to the existing building which was originally built as an office but has more recently been converted to residential flats following approval of a Prior Approval application. It is located on the northern side of Staines Road West where it adjoins Green Lane. The surrounding area contains a mixture of uses, with taller buildings on Staines Road West and Sunbury Cross to the east. Many were originally designed for commercial uses, however several have been converted to residential. To the rear along Green Lane and Heathcroft Avenue are two storey dwellings and some bungalows. There are other commercial uses along Staines Road West to the west, including a car showroom on the corner with Green Lane.</p> <p>This planning application proposes the erection of extensions on top of the existing building to provide a further 14 residential units comprising 6 x 1 bed, 7 x 2 bed and 1 x 3 bed units.</p> <p>The proposal results in the extension of an existing residential building in a sustainable location. The proposed flats are considered to be acceptable in regard to design and the scheme is in keeping with the character of the area. The proposal will have a satisfactory impact on the existing neighbouring residential properties and provide a good standard of amenity for future occupants. The proposal will be acceptable on parking, highway grounds and flooding. Drainage and renewable energy provision are acceptable.</p> <p>The proposal will be an efficient use of brownfield land in a residential area, providing much needed housing, contributing to housing delivery in the Borough. In addition, the 'tilted balance' is applicable in this particular</p>		

	case. It is considered that there is no significant or demonstrable harm that would outweigh the benefits of the scheme.
<b>Recommended Decision</b>	The application is recommended for approval.

## **MAIN REPORT**

### **1. Development Plan**

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

- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- 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:

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

- 1.3 Government policy contained within the National Planning Policy Framework (NPPF) 2021 is also relevant.

## 2. Relevant Planning History

Ref. No.	Proposal	Decision and Date
21/00543/FUL	Provision of a rooftop extension to provide 14 duplex apartments	Withdrawn 09.08.2021
18/01323/FUL	Erection of a boundary railing of 1m in height to the front of the premises	Grant 29.11.2018
16/01111/PDO	Prior approval notification for the change of use of the lower ground floor from offices (B1) to residential (C3) comprising 6 flats.	Prior Notification Office Refuse 08.09.2016
16/00698/FUL	External alterations to existing building involving the installation of metal cladding and brickwork to form new fenestration, and other alterations	Grant Conditional 25.08.2016
16/00012/PDO	Prior approval notification for the change of use from offices (use class B1a) to residential (use class C3) comprising 59 flats	Prior Notification Office Approve 04.03.2016
14/00961/FUL	Extensions and alterations to existing building involving conversion of existing office building to 26 residential flats (2 no. 2-bed, 4 no. 3-bed, 19 no. 4-bed and 1 no. 5-bed) associated gym, reception and concierge areas, parking -Infill extension on the at first, second and third floor level. -Erection of 3-storey front and rear extensions. 2-storey rear extension and roof extension at fourth floor level on the Green Lane frontage.	Grant 16.03.2015
13/01634/PDO	Prior Approval Notification for the change of use from offices (use class B1a) to residential (use class C3) comprising 23 flats.	Prior Notification Office Approve 23.12.2013
99/00423/FUL	Change of use from Class A1 (Retail) to class B1 (offices).	Grant 24.09.1999
91/00254/FUL	New plant room at roof top level	Grant 18.04.1991

## 3. Description of Current Proposal

- 3.1 The application site is located on the northern side of Staines Road West, on the corner with Green Lane and is a large rectangular shaped plot. The site is occupied by a former office building over 4 stories of accommodation and is L

shaped along the street frontages. It has more recently been converted to residential use following a Prior Approval permission being granted (16/00012/PDO) and has also undergone some external changes to help facilitate this. This works which included fenestration and external materials were approved under planning application ref 16/00698/FUL. The building now contains 59 flats with parking provided in the basement levels and accessed from Green Lane.

- 3.2 Other properties along Staines Road West to the east are of a similar scale with accommodation over 3 and 4 stories and most were originally office buildings, many of which have now been converted to alternative uses, including residential flats. The adjacent building to the east contains a church and is over 3 stories of accommodation. Further to the east is Sunbury Cross roundabout and the junction with the M3 motorway, with more tall buildings. On the opposite side of Staines Road West is a tower block at Kempton Point of 16 storeys in height. To the west along Staines Road West are mostly buildings in residential use, but there are also some commercial development. Most buildings in this direction, are more domestic in scale and of traditional design. On the opposite corner of Green Lane is a car show room and adjacent to this along Green Lane are some bungalows. To the north, at the rear of the application site, are the residential dwellings located in Heathcroft Avenue. These consist of semi-detached and terraced 2 storey family housing fronting the road, with their rear gardens behind, backing directly onto the application site.
- 3.3 The site is located within the urban area, within a designated Employment Area and within the 1 in 1000 year flood zone.
- 3.4 A scheme was recently submitted at the application site for larger extensions to provide 14 larger flats. This included a 2 storey extension across the entire building. It was withdrawn following concerns raised by Officers. Although it was for the same number of units as those currently proposed they were very large in their floor area and included more bedrooms, and as such, a much larger extension in overall scale and massing. The current application has subsequently been submitted in order to try to overcome the concerns of the previous application by reducing the scale of the proposed development, including reducing the size/number of bedrooms of the proposed flats in order to comply with planning policies on smaller units and design, as well as increasing the setback distance from Heathcroft Avenue to the rear and prominence on Green Lane. The application has also been amended since submission, at the request of the planning officer to help to improve the appearance.
- 3.5 The proposal is for the erection of additional floors on top of the existing building to provide an additional 14 flats (comprising 6 x 1 bed, 7 x 2 bed and 1 x 3 bed units). This will include a new third floor on top of the existing Green Lane frontage (set back from the exiting side elevation by 2m) which will contain 5 new flats. In addition, there will be a new fourth and fifth floor on top of the existing building fronting Staines Road West. The proposed fourth floor will provide 6 flats and will extend across the frontage and close to the side elevation from Green Lane. The proposed fifth floor will be set back from the floor below and also from the corner with Green Lane and will provide a

further 3 units. This extension will partly replace the existing plant located on top of the existing building.

- 3.6 The design will be flat roofed and will include a variety of materials to reflect those of the existing building and, in addition, the use of timber cladding for the new top floors. Eight of the proposed flats will have a private balcony/terrace area and in addition the proposal provides a communal terrace area.
- 3.7 The proposal will provide no further parking spaces. The site currently benefits from 80 car parking spaces in total within the basement and ground floor levels. The proposal will reutilise 10 of these existing car parking spaces for more accessible cycle storage areas. Therefore 70 car parking spaces will be provided at the site for the 73 units overall, although no further spaces are being provided for this current proposal. In addition, further cycle parking and refuse storage areas will be provided. These are shown on the plans for the existing flats, as well as those proposed in order to demonstrate that the site can accommodate this. In addition, a refuse management plan has been submitted.
- 3.8 Copies of the proposed site layout and elevations are provided as an Appendix.

## 4 Consultations

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

Consultee	Comment
County Highway Authority	No objection, recommend conditions
Group Head-Neighbourhood Services	No objection, recommend conditions
Sustainability Officer	No objection, recommends a condition
Lead Local Flood Authority (Surrey County Council)	No objection, recommends conditions
Heathrow safeguarding	No objection
Thames Water	No objection
Crime Prevention Officer	No objection, recommend conditions
Environmental Health (Contaminated land)	No objection, recommends conditions
Environmental Health (Air Quality)	No objection, recommends conditions

## **5. Public Consultation**

5.1 Following receipt of the planning application, 76 properties were notified of the planning application. Furthermore, a statutory site notice was displayed, and the application was advertised in the local press. A total of 24 letters of representation were received objecting to the application.

5.2 Reasons for objecting include: -

- Lack of parking/Highway issues/congestion
- Too many units intensity of use, density
- Noise and disturbance during construction
- Loss of privacy/intrusive
- Damage to existing building/flats
- Air and noise pollution
- Lack of infrastructure
- Design and appearance, overdevelopment/out of keeping
- Lack of facilities existing already – refuse, cycle parking etc
- Flooding in car park
- Cycle parking spaces not sufficient currently
- Loss of light
- Concerns over well being of existing residents
- Use of materials – fire safety
- Property Value (not a planning issue)
- Poor management (not a planning issue)

## **6. Planning Issues**

- Housing supply
- Housing density
- Design and appearance
- Residential amenity
- Parking/Highway issues
- Flooding
- Renewable energy
- Ecology
- Dwelling mix
- 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 significantly boost 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) 2021.

- 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 method<sup>1</sup>. The standard method for calculating housing need is based on the 2014 household growth projections and local affordability. This equates to a need of 611 dwellings per annum in Spelthorne. This figure forms the basis for calculating the five-year supply of deliverable sites.
- 7.3 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 2021, but the full five year time period runs from the end of the current year, that is, 1 April 2022 to 31 March 2027. 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 611 results in a figure of 733 dwellings per annum, or 3666 over five years.
- 7.4 In using the objectively assessed need figure of 733 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.
- 7.5 The sites identified in the SLAA as being deliverable within the first five years and subsequent updates from landowners have been used as the basis for a revised five year housing land supply figure. Spelthorne has identified sites to deliver approximately 3263 dwellings in the five year period.
- 7.6 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.5 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites. There is, therefore, a presumption in favour of sustainable development.
- 7.7 Government policy guidance (NPPF para 74) requires the application of a 20% buffer "where there has been significant under delivery of housing over the previous three years". 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 and a presumption in favour of sustainable development if the figure is below 75%. The Housing Delivery Test result for Spelthorne Borough Council was published by the Secretary of State in January 2022, with a score of 69%. This means that less housing has been delivered when compared to need over the previous three years. As a consequence, there is a presumption in favour of sustainable development because the test score of 69% is less than the 75%

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<sup>1</sup> Planning Practice Guidance Reference ID: 68-005-20190722

specified in the regulations. The figure of 69% compares with 50%, 60% and 63% in the previous three years. The Council's Housing Delivery Test Action Plan will be updated to reflect this. The current action plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough.

- 7.8 As a result of the above position in Spelthorne relating to the 5 year housing land supply and the Housing Delivery Test result, current decisions on planning applications for most housing developments need to be based on the 'tilted balance' approach set out in paragraph 11 of the NPPF (2021). 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'. However, the NPPF at para 11d) i) makes clear that the presumption in favour of development does not apply where, *'...: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed...'*
- 7.10 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 (2021). 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 for Housing

- 7.11 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."*

- 7.12 This is also reflected in the NPPF paragraph 119 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 124 in respect of achieving appropriate densities.
- 7.13 The site is located within walking distance of Sunbury Cross shopping centre, in the urban area on a previously developed site, with an existing residential use. As such, the site is within an accessible location close to facilities and public transport links. Therefore, the principle of creating 14 new residential units 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.



### Housing Density

- 7.14 As referred to above, when considering the principle of housing, the NPPF and Policy HO1 requires new housing development to be sustainable and to be located in the urban area. 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 contexts 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.”*

- 7.15 Policy HO5 specifies densities and notes that within higher density residential areas, including those characterised by a significant proportion of flats and those containing significant Employment Areas, new development should generally be in the range of 40 to 75 dwellings per hectare. 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.
- 7.16 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.
- 7.17 The proposal is for 14 units. The site area is some 0.32 hectares and there are 59 flats currently at the site. This would result in a total of 73 units in total and will therefore result in a density of 228 dwellings per hectare, which exceeds the recommended density range of 40-75 dwellings per hectare in Policy HO5. However, the policy also notes that higher density development may be acceptable where it is demonstrated that the development complies with Policy EN1 on design, particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non-car-based modes of travel.
- 7.18 In addition, the NPPF in para 125 states that, ‘...Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances.’ Therefore, the density is considered to be acceptable in this instance, provided it complies with Policy HO1 and Policy EN1 on design which is explained in the following paragraphs.

### Dwelling mix

- 7.19 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 SPD allows for the majority to be smaller dwellings when located in an area characterised by family dwellings such as this location. The proposal provides 13 of the 14 units as smaller, 1 or 2 bed units, which is over 80% and acceptable. Consequently, the proposed dwelling mix complies with the requirements of Policy HO4 and is acceptable

#### Design and appearance

- 7.20 Policy EN1(a) of the CS & P DPD states that the Council will require a high standard of 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.
- 7.21 Section 12 of the NPPF refers to design - Achieving well-designed places and in particular that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities
- 7.22 In paragraph 134 the NPPF states that, '*...Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:*
- (a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or*
- (b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'.*
- 7.23 The National Design Guide, for beautiful, enduring and successful places, produced by the {former} MHCLG in 2021, addresses how we recognise well design places by outlining ten characteristics; context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and life span.
- 7.24 In para 51 when referring to identity it states that, '*...Well-designed places, buildings and spaces: have a character that suits the context, its history, how we live today and how we are likely to live in the future'*
- Other relevant paragraphs from the National Design Guide in relation to built form and home and buildings sections are noted below.

*53 Well-designed new development is influenced by:*

- *an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;*
- *the characteristics of the existing built form*

*66 Built form is determined by good urban design principles that combine layout, form and scale in a way that responds positively to the context. The appropriate density will result from the context, accessibility, the proposed building types, form and character of the development.*

*131 Well-designed shared amenity spaces feel safe and secure for their users. They are social spaces providing opportunities for comfort, relaxation and stimulation - including play - for residents, regardless of the type or tenure of homes. They are well overlooked and all of the residents who share them can access them easily.*

*132 Private amenity spaces including both gardens and balconies enhance visual and outdoor amenity. They can also provide a degree of privacy and separation for living areas from adjoining public space. Front gardens may incorporate planting to add to natural features within the public space.*

- 7.25 As noted previously, officers sought amended plans to help improve further the appearance of the proposal and this was an amended scheme following the withdrawal of a previously submitted scheme. The proposal includes a new third floor on the Green Lane frontage, containing 5 flats, which extends back into the site towards the properties to the north on Heathcroft Avenue. This storey will be set back from the existing storey below on the Green Lane frontage by 2m and 1.5m from the building below on the Staines Road West frontage. It will have a depth of some 28m on top of the existing building but will stop some 14m short of the rear of this existing element. There is an existing stairwell feature at the rear of the building on the Green Lane frontage that exceeds the height of the existing building on this frontage and will be a similar height to the proposed new floor. The proposed set back helps to ensure that the proposed new floor is subservient and that this elevation pays regard to the fact that development along Green Lane and Heathcroft Ave is of a smaller domestic scale. As such, this part of the proposal is considered to be appropriate for this location.
- 7.26 A new fourth floor, containing 6 flats, is proposed to extend across the Staines Road West frontage. This will have a set back from the Staines Road West elevation below by some 0.8m and will also be set back from the corner with Green Lane by some 1.7m. On the corner and along Green Lane, this will have large windows and wooden cladding to contrast with the floors below and the corner element is set back further from the road. The proposed fourth floor along the Staines Road West frontage will have the same footprint as the floor below (with no set back) and will be treated the same with grey cladding. In addition, a further fifth floor is proposed on top of this, to include 3 more flats. This will be set back from the front elevation of the floor below by 1m on the Staines Road West frontage and set in from the floor below at its point

closest to the corner by 2m..In addition, it will be set back at the side towards the front, where it adjoins the adjacent property to the east at the church.

- 7.27 A mixture of materials will be used to reflect those of the existing building. This includes the same grey cladding for the fourth floor to the existing floors below. There will be a contrasting treatment, consisting of horizontal timber cladding, with large areas of glazing, to the top floors and corner on Green Lane. This will provide a contrast and in particular a 'lightness' to the top of the building, which along with the set-backs from the floor below will help the proposed extension to appear less dominant. The top floors will have a thin roof overhanging to the building, clad with zinc, along the top to provide a 'cap' to it.
- 7.28 It is considered that the use of materials along with the scale and design, in particular, with the set backs from the main elevations ensures the proposed development will pay due regard to the design and scale of the host building. In addition, balconies and terraces are provided which will have balustrades of glazing to help to integrate into the design and materials of the building.
- 7.29 Although the building is already relatively large in its scale, expanding across the corner of this large plot, it is considered the proposal will add further interest to the building and result in a building which is not out of keeping with its surroundings, despite it being taller than the adjacent property, which is set further forward. It is located along a stretch of Staines Road West which has a number of taller buildings and a variety of styles, and designs. As such it is considered that the proposal will have an acceptable impact on the visual amenity of the locality and will be in keeping with the street scene of Staines Road West. The separation from properties on Heathcroft Avenue allows the difference in context and street frontages to integrate sufficiently.
- 7.30 Paragraph 120 of the NPPF is of particular relevance to this site, it relates to optimising the site, noting that policies and decision should: -

*'(d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)*

- . The scheme is considered to optimise the use of the site by providing a residential use in a sustainable location on an existing building in residential use which will integrate with its surroundings.
- 7.31 As such, it is considered that the design and layout and appearance will be acceptable and will be in keeping with the character of the area and accord with Policy EN1.

#### Residential Amenity

- 7.32 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 for the

first 5 units and 10 sq. m for the next 5 each. This would equate to some 265 sq. m required for the 14 flats. The proposal provides private terrace/balcony areas for 8 of the flats providing some 201 sq. m of space. In addition, the proposal also provides a communal amenity area for occupants of the flats to the rear of the building, on the fourth floor, of some 76 sq. m. The combined areas of these amenity spaces, is some 277 sq. m. This meets the minimum requirement. Therefore, the provision of amenity space is considered acceptable and of a benefit to future occupants.

- 7.33 In regard to dwelling sizes, 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 houses.
- 7.34 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.
- 7.35 All of the proposed dwelling sizes comply with or exceed the minimum standards stipulated in the national technical housing standards and the SPD. The requirement for 1 bed flats is 39 sq. m, 2 bed flats is 61 sq. m and 3 bed flats is 74 sq. m. The smallest proposed 1 bed flats is some 47 sq. m and the 2 bed flats are at least 72 sq. m, which exceeds the minimum requirement for flats. As noted previously, 8 out of the 14 proposed flats also have a private terrace/balcony area and there is also some communal outside space for the occupiers. Therefore, it is considered the size of the proposed units is acceptable.
- 7.37 In regard to light and outlook, some of the flats are dual aspect, with windows facing in two directions. The flats each have large windows and most have direct access to their own private outside space, Given the space around the building and the height of the units, this will allow for relatively good levels of natural light to reach each apartment.
- 7.38 Therefore, it is considered that the standard of amenity for future occupants, overall to be acceptable, in accordance with Policy EN1 and the SPD.

#### Impact on amenity of neighbouring residential properties

- 7.39 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."*

- 7.40 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 detailed guidance in order to ensure this is the case.
- 7.41 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 are no minimum separate distances for buildings taller than 3 storeys.
- 7.42 To the north, the application site adjoins the rear gardens of dwellings located on Heathcroft Avenue. This boundary between the properties is staggered with the gardens increasing in length towards the east. The short garden of No. 95 is located on the corner with Green Lane, which has a garden with a length of some approx. 16m. The adjoining dwellings to no. 95 have rear gardens of approx. 20m in length. In addition, the existing building fronting Green Lane, is set back from this boundary by approx. 14m at its shortest point and 20m at its longest. This provides an existing gap of approx. 35m between the rear of the existing 2 storey dwellings on Heathcroft Avenue and the existing building on the application site at its closest point. The proposed extensions will be located on top of the existing building, which already has residential use and windows facing towards these dwelling and their gardens. Along the Green Lane frontage, the proposed extension will have a depth of 28m on top of the existing building but will be set back from the rear building line of the existing building by 14m. As such, the separation distance between the proposed third floor on Green Lane will be 49m from the rear building line of the existing 2 storey dwellings. This will be a gap of approx. 34m to the rear boundary with No. 96 and 28m with the adjoining dwellings. In addition, there is an existing stairwell feature at the rear of the building on the Green Lane frontage that exceeds the height of the existing building on this frontage and will be a similar height to the proposed new floor. This will help to partly shield the proposed Green Lane element, although it is not as wide as the proposed extension.
- 7.43 As noted above, three storey development has a back to boundary distance of 15m and back to back distance of 30m. There are no minimum separation distances for buildings taller than 3 storeys. This proposed floor will be the fourth storey on the Green Lane frontage and will have a separation distance of 28m back to boundary (at its shortest point) and 49m back to back. As such, given the set back and distance between as well as the design of this part of the proposal on the Green Lane element, it is considered to have an acceptable relationship and impact in regard to overshadowing and loss of light, with the properties located to the north along Heathcroft Avenue.

Windows are proposed in this rear element (which will be the closest part of the proposal to the northern boundary) and given the separation distances noted above, are considered not to give rise to a significant overlooking issues to the properties behind. In addition, there will be a balcony/terrace area which could have screening imposed by condition to ensure the perceived overlooking is mitigated as they will be closer to the boundary.

- 7.44 The proposed fourth and fifth floors are to be located on top of the existing building fronting Staines Road West, partly replacing the existing plant. The fourth floor will extend across the entire frontage with the fifth floor set in from the corner with Green Lane. This part of the proposal will be set back some 40m from the rear boundary with the properties on Heathcroft Avenue, (as is the existing building), and approx. 68m from the existing 2 storey rear building line of these properties. This distance is considered to be sufficient to ensure the proposal will not result in a significant overlooking, loss of light or overbearing impact that would justify refusal of the scheme
- 7.45 Properties on the opposite side of Green Lane are set back from the street frontage and are located 32m from the existing building. The proposal is for one new storey on top of this on the Green Lane frontage which will be set back a further 2m. As such the proposal is considered to have an acceptable impact on the amenity of these dwellings in regard to loss of privacy, loss of light and being overbearing. The proposal is also considered to have an acceptable relationship with the adjacent property to the east at the church, which is set further forward. The proposal will be built on top of the existing building and will be partly set back from the side at the front of the building. In addition, there is a gap between the buildings and as such it is considered to have an acceptable relationship with and impact on this building.
- 7.46 In addition, the proposal will not cross the 25 degree line when drawn from a point at 2m above ground level from the rear of the properties to the north at Heathcroft Avenue or indeed to the west on the opposite side of Green Lane. As noted before the proposed development is located over 34m away from the existing dwellings on the opposite side of Green Lane and 49m from the rear of the 2 storey dwelling on Heathcroft Avenue. 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 is considered to have an acceptable relationship with existing neighbouring residential properties, and will not cause a significant loss of light, be overbearing, cause loss of outlook or loss of privacy.
- 7.47 Although it is acknowledged that there will be noise and disruption associated with the construction of the proposed development, in particular for those already residing in the building, this is not a planning matter and would not justify a reason for refusal of planning permission. It is considered that the existing properties will not be detrimentally impacted by the physical form of the proposed development in planning terms, given that the extensions will be located on top of existing built form. Although there may be a reduction in some sunlight and view of the sky from some of the windows in some of the units close to the corner, this is not considered to be significant and as such would not result in a significant loss of light, overbearing or overlooking impact to the existing residents.

- 7.48 The proposal is considered to have an acceptable relationship and therefore an acceptable impact on the amenity of existing neighbouring residential properties, and those existing residents of the subject building conforming to the Design SPD and Policy EN1.

#### Parking and Highway Issues

- 7.49 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. Policy CC2 of the CS & P DPD states that the Council will seek to secure more sustainable travel patterns by only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account: (i) number and nature of additional traffic movements, including servicing needs; (ii) capacity of the local transport network; (iii) cumulative impact including other proposed development; (iv) access and egress to the public highway.
- 7.50 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.
- 7.51 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's then recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum standards (maximum parking standards continue to be applicable in relation to commercial development).
- 7.52 The proposal is for 14 no dwellings (1 no. 3 bed, 7 no 2 bed and 6 no. 1 bed). The Council's Parking Standards SPG states that one bedroom units should be provided with a minimum of 1.25 car parking spaces per dwelling, two bedroom units, 1.5 for 2 bed units and 2 per three bed units. On this basis the development would be required to provide 20 spaces for the proposed residential units. The site already contains 59 flats and currently has 70 car parking spaces. The proposal does not include any further parking spaces with this proposed development. As such the proposal will result in 73 residential units in total and 70 car parking spaces.
- 7.53 The proposal does not provide any additional parking spaces for the proposed units, which falls below the 20 required. However, the lack of parking for the proposed development is not considered to be a reason to refuse the scheme, in particular given the location of the site. The site is located within walking distance of local facilities including Sunbury Cross shopping centre, Sunbury train station and bus stops, therefore in a relatively sustainable location. Consequently, it is considered that the level of parking is acceptable.



- 7.54 The County Highway Authority (CHA) has raised no objection to the proposed level of car parking on the site. The CHA notes that it is aware of the concerns raised by residents in relation to parking overspill and the intensification of the site in terms of trips. It states that, *'...If a site is in a sustainable location, and we would deem this site fits that description, then SCC policy is to consider whether alternative modes of transport mean that future occupiers are by necessity going to be car owners. In this case there are walking, cycling and public transport opportunities nearby, so we wouldn't consider on-site parking to be a requirement for future occupiers.'*

They have also recommend a condition requiring cycle parking provision for the proposed development at a rate of 1 cycle space per unit in accordance with the approved plans. The CHA has used the 2011 Census data for the locality and have concluded that it is unlikely that 1 or 2-bed flats will have more than two vehicles associated with them, even where they do have more than one.

The CHA notes that, *'...This data indicates that the development is unlikely to generate a parking demand much greater than one vehicle per flat. It is also noted that a third of households, similar to those of the proposed flats, within the local area did not own a vehicle in 2011. Based on the percentages, the proposed development could give rise to a total of 12 vehicles. The CHA therefore considers that any future occupiers of the flats not allocated a parking space will have purposely chosen the development in acknowledgement of this and would not typically own a car, nor would place a high reliance on car ownership. The CHA acknowledges that where there is some excess parking demand, or where visitors arrive at the site by car, that parking could take place outside the site. Whilst it is appreciated that the LPA may consider this causes an amenity concern, the Highway Authority does not consider this would result in a significant highway safety issue on the adjoining public highway. There are single yellow lines around the junction of Green Lane with A308 Staines Road West, and on both Green Lane and Staines Road West themselves, and so this will help to prevent on-street parking from taking place in dangerous locations and protect users from any highway safety hazards. Given the above,'* Therefore the CHA concludes that subject to the imposition of conditions within any permission granted, they raise no objections on highway safety or capacity grounds.'

- 7.55 The proposal also provides cycle parking for the new units as well as the existing ones. Taking into account the site's sustainable location, and the comments from the County Highway, it is considered that the parking provision is acceptable in this instance and location and accords with Policies CC2 and CC3.

#### Flooding

- 7.56 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 permitting residential development or other 'more vulnerable' uses [e.g. residential] within Zone 3a where flood risks cannot be overcome.
- 7.57 The site is located within the urban area in an area liable to flood 1 in 1000 year event. This is not in the higher risk flood zones and is therefore

acceptable location for new dwellings. SCC as the Lead Local Flood Authority has been consulted in relation to drainage and raise no objection recommending conditions for SuDS to ensure adequate drainage of the site. Therefore, the proposal is considered to be acceptable on flooding grounds and accords with Policy LO1 and the NPPF on flooding.

#### Renewable Energy

- 7.58 Policy CC1 of the CS & P DPD states that the Council will require residential development of one or more dwellings and other development involving new building or extensions exceeding 100 sqm to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources unless it can be shown that it would seriously threaten the viability of the development.
- 7.59 The applicant is proposing to install Air Source Heat Pumps (ASHP) in order to meet the renewable energy requirement stipulated in Policy CC1. The applicant's renewable energy statement demonstrates that this type of facility will generate at least 10% of the total energy demand on the site, which meets the requirement and therefore complies with the policy. The Council's Sustainability Officer was consulted and considers the proposals to be acceptable. Accordingly, a condition will be attached to any consent issued and the proposed renewable energy facilities are considered to comply with Policy CC1 and are acceptable.

#### Air quality

- 7.60 The applicant has submitted an Air Quality Assessment (AQA), as is required by Policy EN3 of the CS & P DPD. The Council's Environmental Health Officer (EHO) has been consulted and has raised no objection subject to the imposition of conditions. Therefore, the proposal is considered to accord with Policy EN3 on air quality.

#### Contaminated land

- 7.61 The applicant has submitted a contaminated land assessment. The Environmental Health Officer (EHO) has recommended conditions in accordance with para. 183 of the NPPF and Council Policy EN15. The EHO has recommended conditions as the proposal is for a development particularly sensitive to contamination and accords with Policy EN15.

#### Refuse storage

- 7.62 The proposed plans show the provision of bins for all of the existing residential flats as well as the proposed ones. 73 units would require 17520 litres of bin space and 1760 litres has been provided (16 x 1100 litres) In addition a waste management strategy has been submitted in order to ensure that the waste on site is managed better, to help improve the current situation on site and to aid the collection process. The Councils Neighbourhood Services Department have been consulted and welcome this. As such the refuse provision is considered to be acceptable.

### Equalities Act 2010

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

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

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

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

7.65 There is a lift provided for the new flats as well as the existing ones, The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. This can include but is not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. It is considered that it would be possible for individuals with disabilities to access the development and the proposal is acceptable in regard to the equalities act.

### Human Rights Act 1998

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

7.67 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.

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

7.69 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/

residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

### Financial Considerations

- 7.70 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 of approx. £226,000 in total. 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

- 7.71 The proposal is for an extension on top of an existing building already in residential use, in a predominantly residential area. The proposed flats are considered to be acceptable in regard to design and appearance. The proposal will have an acceptable impact on the amenity of existing neighbouring residential properties and those in the existing building, providing a good standard of amenity for future occupants. The proposal will be acceptable on parking, highway grounds and flooding. Drainage and renewables are acceptable.
- 7.72 The proposal will be an efficient use of brownfield land and involves building on top of an existing building contains residential flats, which is the focus of Government Policy. The site is in a sustainable location, a residential area, providing much needed housing, contributing to housing delivery in the Borough. In addition, the 'Tilted Balance' is applicable in this particular case. It is considered that there is no significant or demonstrable harm that would outweigh the benefits of the scheme. Therefore, the application is recommended for approval.

## **8. Recommendation**

- 8.1 APPROVE 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:  
278\_2\_001, 103, 104, 105, 106, 201 received on 5 November 2021 and additional plans 111 and amended plans 278\_2\_100 A, 101A, 102A, 107A, 108A, 109A, 110A, 200A, 202A and 203A received on 8 February 2022 and amended plan 112A received on 11 February 2022.

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

3. No development shall take place until details of the materials to be used for the external surfaces of the buildings and other external surfaces of the development are submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved materials and detailing.

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

4. No development shall take place until:-
  - (i) 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.
  - (ii) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

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

Reason:-

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

NOTE

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences. An information sheet entitled "Land Affected by Contamination: Guidance to Help Developers Meet Planning Requirements" providing guidance can also be downloaded from Spelthorne's website at [www.spelthorne.gov.uk](http://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. No development shall take place until a report has been submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of each building and thereafter retained.

Reason:- To ensure that the development is built in accordance with the submitted renewable energy details and is sustainable and complies with Policy SP7 and CC1 of the Spelthorne Development Plan Core Strategy and Policies DPD.

7. Prior to the first occupation of the development hereby approved facilities within the curtilage of the site for the storage of refuse and recycling materials shall be submitted to and approved by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the development hereby approved 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.

8. 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 NonStatutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+20% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2 l/s.

b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross Network Asset Management Highways Laboratory and Information Centre Merrow Lane Guildford Surrey GU4 7BQ 2 sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

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

e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational. Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

Reason: To ensure the design meets the technical stands for SuDS and the final drainage design does not increase flood risk on or off site.

9. 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 surface water 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), and confirm any defects have been rectified.

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

- 10 The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the proposed flats have been provided in accordance with the approved

plans. Thereafter the said approved facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.

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

#### Informatives

1. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-4-Cranes-2016.pdf>).
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. The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
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 permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see Alterations to existing roads under S278 Highways Act 1980 - Surrey County Council ([surreycc.gov.uk](http://surreycc.gov.uk)) and <http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-managementpermit-scheme>.



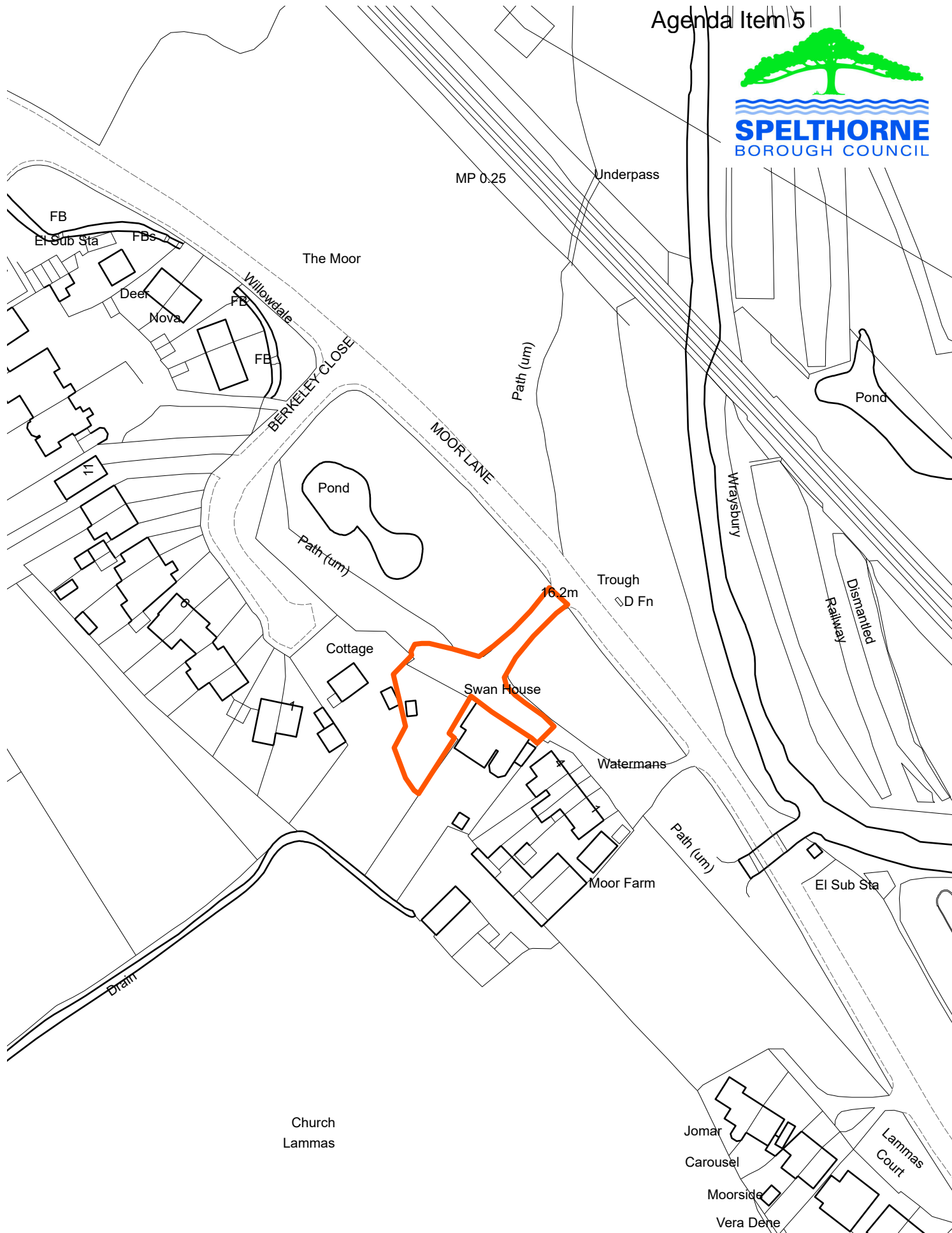
6. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
- a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs 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](http://www.ccscheme.org.uk/index.php/site-registration)).

7. 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.
8. The applicant should be mindful to follow best practice when selecting gas-

fired boilers. A minimum standard of less than 40mgNO<sub>x</sub>/kWh should be met. All gas fired CHP plant should meet a minimum emissions standard of 250mgNO<sub>x</sub>/kWh for spark ignition engine.

9. The applicant should be mindful to follow best practice dust control measures during demolition, earthworks, and construction to prevent excessive dust emissions.



21/01276/FUL - Land adj to former Swan Inn House,  
Moor Lane, Staines-upon-Thames. TW19 6EB

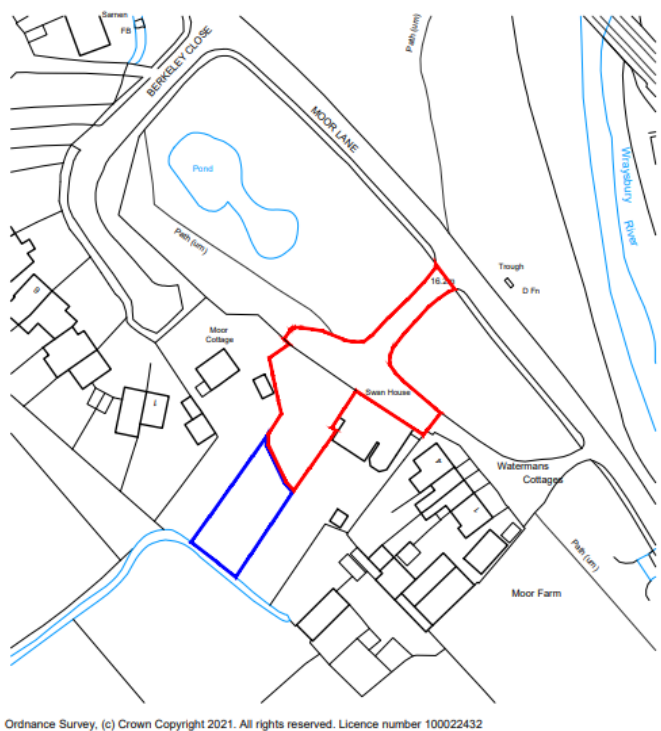
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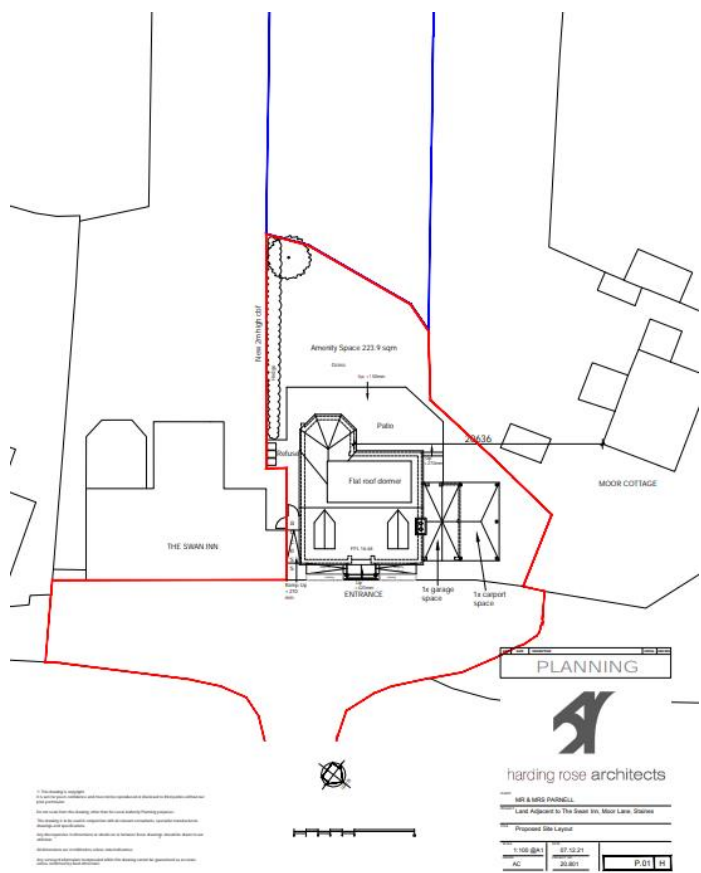


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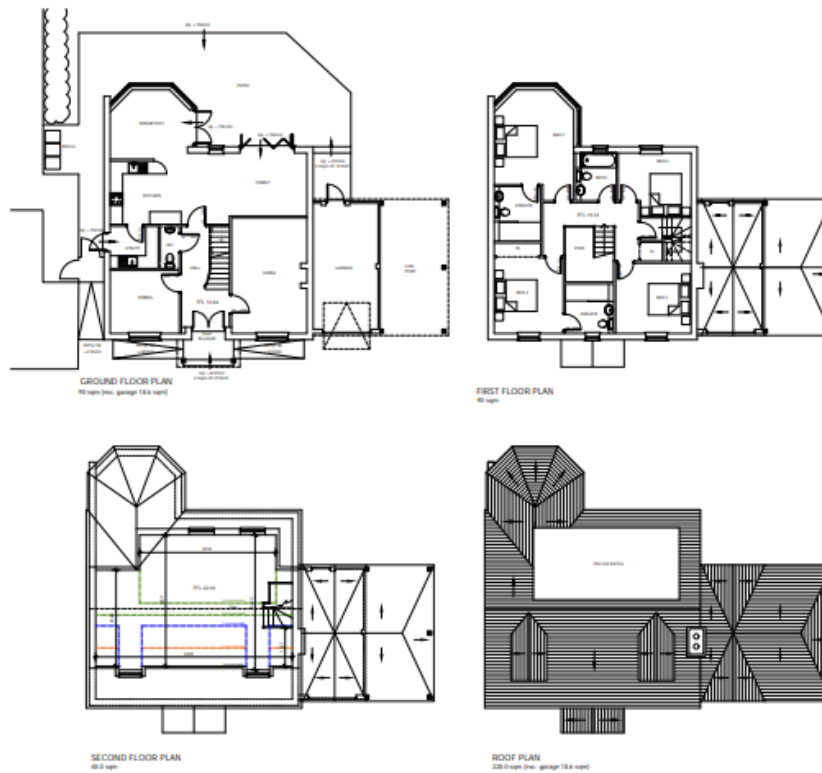
# Site Location Plan



# Proposed Site Plan



## Proposed Floor & Roof Plans



This drawing is to be used in conjunction with all relevant conditions, specialist manufacturers' drawings and specifications.  
Any alterations to dimensions or details or to the proposed floor plan should be shown in red ink.  
All dimensions are in millimetres unless stated otherwise.  
Any unapproved information incorporated within this drawing cannot be guaranteed or accepted unless confirmed by the architect.



**PLANNING**



harding rose architects

MR & MRS PARNELL

Land Adjacent to The Swan Inn, Moor Lane, Staines

Proposed Plans

1:100 @A2	07.12.21	
AC	20.001	P.02 F

## Proposed Elevation Plans



This drawing is to be used in conjunction with all relevant conditions, specialist manufacturers' drawings and specifications.  
Any alterations to dimensions or details or to the proposed floor plan should be shown in red ink.  
All dimensions are in millimetres unless stated otherwise.  
Any unapproved information incorporated within this drawing cannot be guaranteed or accepted unless confirmed by the architect.



**PLANNING**



harding rose architects

MR & MRS PARNELL

Land Adjacent to The Swan Inn, Moor Lane, Staines

Proposed Elevations

1:100 @A2	07.12.21	
AC	20.001	P.03 F

# Planning Committee

02 March 2022



<b>Application No.</b>	21/01276/FUL
<b>Site Address</b>	Land Adjacent to former Swan Inn House, Moor Lane, Staines-upon-Thames, TW19 6EB
<b>Applicant</b>	Mr and Mrs J Parnell
<b>Proposal</b>	Erection of a 4-bedroom two storey dwelling with dormers in the roof to front and rear and a single storey garage and car port to the side.
<b>Case Officer</b>	Matthew Churchill
<b>Ward</b>	Staines
<b>Called-in</b>	This application is being referred to Planning Committee under the terms of Reference for Planning Committee, paragraph 2: where the planning Development Manager decides in consultation with the Chairman of the Planning Committee that an application should be submitted to Planning Committee on planning grounds. In this instance as an application for a new dwelling has been refused and dismissed at appeal at this site on flooding grounds on two previous occasions. The revised application is now recommended for approval.

<b>Application Dates</b>	Valid: 16.08.2021	Expiry:16.09.2021	Target: Over 8 weeks
<b>Executive Summary</b>	<p>This planning application seeks the construction of a four-bedroom detached dwelling, on vacant land situated adjacent to the former Swan Inn Public House. The dwelling would be set over three storeys, with the second floor situated within the roof space.</p> <p>The Council's records indicate that the application site is situated on land located upon a 'dry island'. This means that whilst the majority of the site is located within the 1 in 1000-year flood zone (flood zone 2) the property is situated upon land that is entirely surrounded by the 1 in 100-year (flood zone 3a) and 1 in 20-year (flood zone 3b) flood event areas.</p> <p>As such, in a 1 in 100-year flood event, the Council's records indicate future occupants would have to navigate through flood waters to get to other locations, such as if they required food supplies, or had a medical emergency.</p> <p>The construction of new dwellings upon 'dry islands' is contrary to Policy LO1 and the Council's Supplementary Planning Document (SPD) on Flooding (July 2012), which advises that proposals for new dwellings on 'dry islands' will add to the problems of the emergency services in a major flood event and will be treated the same in terms of flood risk as</p>		

	<p>the area around them regardless of their size.</p> <p>Additionally, two previous planning applications for new dwellings at the site, were both refused on the grounds of the absence of a 'dry means of escape' (12/01134/FUL &amp; 09/00855/FUL). Appeals against each refusal were also dismissed by the Planning Inspectorate.</p> <p>However, whilst the Council's records indicate that the site is situated upon 'dry island', the applicant has submitted detailed evidence including a topographical survey and Flood Risk Assessment, to demonstrate that there is a 'dry means' of escape away from the site in a 1 in 100 year flood event.</p> <p>The Council appointed an independent flooding advisor to review the applicant's information. The advisor stated that whilst there may be some 'shallow ponding' along the route, it would remain largely dry and the advisor recommended that the Council should not refuse the application on the grounds of the 'route of escape'. Given the applicant's evidence and the comments of the independent advisor, the proposal is considered to be acceptable in this regard.</p> <p>It is also considered that the proposal would have an acceptable impact upon the character and appearance of the area, the character and setting of the adjoining Moor Cottage, which is a Grade II Listed building, future occupiers, residential amenity, biodiversity and parking provision. The proposal is therefore considered to be in accordance with the objectives of policies EN1, CC2, CC3, LO1, EN8 and the NPPF.</p>
<b>Recommended Decision</b>	<p>Approve the application subject to no material objection being received by 17 March 2022 in relation to the statutory site and press notices concerning the setting of the adjacent listed building. The approval is also subject to the conditions set out at Paragraph 8 of the Report.</p>



## 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 – Provision for New Housing Development
- SP6 – Maintaining and Improving the Environment
- EN1 - Design of New development
- 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:

- SPG on Parking Standards (updated 2011)
- SPD on Flooding (July 2012)
- SPD on the Design of Residential Extensions and New Residential Development (April 2011)

1.3 The Advice contained in the National Planning Policy Framework (NPPF) (July 2021) is also relevant.

### 2. Relevant Planning History

2.1 The site has the following planning history:

09/00164/FUL	Erection of two dwellings with associated car parking and amenity space.	Refused 28.07.2009
09/00885/FUL	Erection of a two-storey dwelling with associated parking and amenity space	Refused 04.02.2010
		Appeal Dismissed 02.08.2010

### **3. Description of Current Proposal**

- 3.1 The application site relates to a vacant plot of land situated adjacent to the former Swan Inn Public House, in Moor Lane in Staines-upon-Thames. The site is accessed across common land from the public highway (Moor Lane). The applicant has included this land within the red site boundary and has completed Certificate B confirming that they have served notice upon anyone with an interest in this land. The application dwelling would not be located on the common land.
- 3.2 The application site is situated to the south of Moor Cottage, which is a two storey Grade II Listed Building, which is understood to have been constructed in the 17<sup>th</sup> Century. The site is also partially located within the 1 in 100-year (flood zone 3a) and 1 in 1000-year flood event areas (flood zone 2). The land situated at the front and rear of the site also adjoins land in the Green Belt. However, the site itself is situated wholly outside of the Green Belt.
- 3.3 The Council's records indicate that the site is situated upon land forming a 'dry island', which is surrounded by the 1 in 20 (flood zone 3b) and 1 in 100-year (flood zone 3a) flood event areas. However, the applicant's Flood Risk Assessment, which includes a topographical survey, and further clarification emails from the flood risk consultant, indicate that it would be possible to escape away from the site in a 1 in 100-year flood event, across a route that they consider would remain entirely dry.
- 3.4 The application proposes the construction of a four-bedroom detached dwelling. The dwelling would incorporate a gable roof, with two dormers situated in the front elevation, and a larger dormer located in the rear elevation. The dwelling would measure approximately 8.5 metres in height at the ridge. There would be four bedrooms on the first floor and the applicant has confirmed that the roof space would be used for amenity purposes, including as a home office, home cinema and games and hobby space. There would be a patio and garden at the rear that would measure some 223.9m<sup>2</sup> in area. The dwelling would also be served by a garage and car port, providing two off-street parking spaces.
- 3.5 A copy of the proposed plans has been included within the appendices.

#### 4. Consultations

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

Consultee	Comment
Environmental Health	Recommends conditions.
Surrey Wildlife Trust	No comments received.
Natural England	No objections
Environment Agency	No objections.
Heathrow Airport	Recommends an Informative
County Highway Authority	Recommends conditions.
Heritage Advisor	No objections.
Independent Flooding Advisor	No objections to the proposed route of escape.

#### 5. Public Consultation

5.1 The Council has consulted the occupiers of 7 neighbouring properties. A total of two letters of presentation have been received which object to the proposal on the following grounds:

- The welfare of disabled people has not been taking into consideration in the design, including concerns of the absence of a ramp for access (Officer Note: The Council has received revised plans, which show there would be a ramp up to the front door).
- Concerns over noise and disturbance during the construction process (Officer Note: An informative is recommended to be attached to the decision notice concerning construction).
- The proposal may impact a nearby Listed Building.
- Concerns over the impact upon telephone lines (Officer Note: this is not a planning matter)
- Concerns over privacy and overlooking.

#### 6. Planning Issues

- Principle of development.
- Need for housing.
- Flooding.
- Character & Appearance
- Impact on residential amenity
- The impact upon the neighbouring Grade II Listed Building.
- Contaminated Land.
- Waste & Recycling.

- Renewable Energy.
- Equality Act.
- Human Rights Act.
- Local Finance Considerations.

## **7. Planning Considerations**

### Need for Housing

- 7.1 When considering planning applications for housing, local planning authorities should have regard to the government's requirement that they significantly boost 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 with policies set out in the National Planning Policy Framework (NPPF) 2021.
- 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 method. The standard method for calculating housing need is based on the 2014 household growth projections and local affordability. This equates to a need of 611 dwellings per annum in Spelthorne. This figure forms the basis for calculating the five-year supply of deliverable sites.
- 7.3 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 2021, but the full five year time period runs from the end of the current year, that is, 1 April 2022 to 31 March 2027. 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 611 results in a figure of 733 dwellings per annum, or 3666 over five years.
- 7.4 In using the objectively assessed need figure of 733 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.
- 7.5 The sites identified in the SLAA as being deliverable within the first five years and subsequent updates from landowners have been used as the basis for a revised five year housing land supply figure. Spelthorne has identified sites to deliver approximately 3263 dwellings in the five year period.
- 7.6 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.5 year supply and accordingly the

Council cannot at present demonstrate a five year supply of deliverable housing sites. There is, therefore, a presumption in favour of sustainable development.

- 7.7 Government guidance (NPPF para 74) requires the application of a 20% buffer “where there has been significant under delivery of housing over the previous three years”. 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 and a presumption in favour of sustainable development if the figure is below 75%. The Housing Delivery Test result for Spelthorne Borough Council was published by the Secretary of State in January 2021, with a score of 50%. This means that less housing has been delivered when compared to need over the previous three years. As a consequence, there is a presumption in favour of sustainable development because the test score of 50% is less than the 75% specified in the regulations. The figure of 50% compares with 60% last year and 63% in 2019. The Council’s Housing Delivery Test Action Plan will be updated to reflect this. The current action plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough.
- 7.7 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 (2021). 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’

### Flooding

- 7.8 The Council’s records indicate that the application site is located upon a ‘dry island’. This means that whilst the site itself is largely situated in the 1 in 1000-year flood event area (flood zone 2), the property is located on land which the is entirely surrounded by the 1 in 100 (flood zone 3a) and 1 in 20-year flood event areas (flood zone 3b).
- 7.9 The Council’s records therefore suggest that in a 1 in 100-year flood event, it would not be possible for future occupiers to leave the ‘dry island’, for example if they required food supplies or medical assistance, without passing through flood waters.
- 7.10 However, notwithstanding the Council’s flooding records, which are based upon Environment Agency data, the applicants Flood Risk Assessment and additional information suggests that a ‘dry means of escape’ away from the site is achievable outside of the 1 in 100-year flood event area. The applicant’s flooding information has been reviewed by an independent advisor, who has raised no objections to the proposed route of escape.

Flooding – Site Background

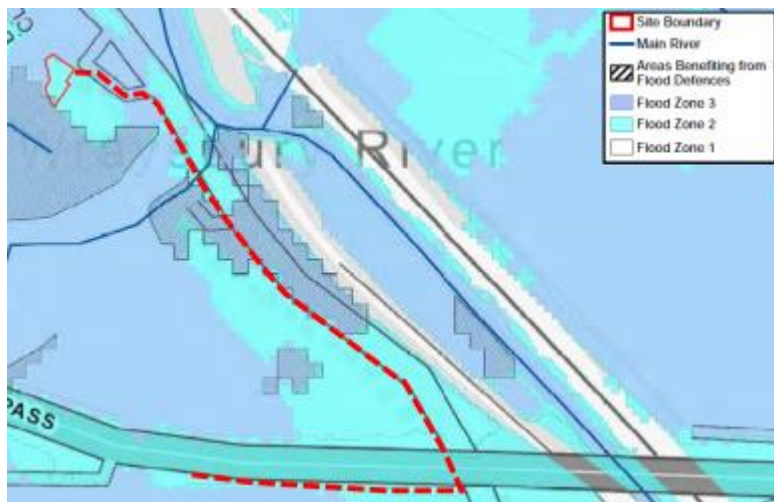
- 7.11 There have been two previous planning refusals at the site for the construction of a single new dwelling relating to flooding matters which are considered to be a material planning consideration in the determination of the current application.
- 7.12 In February 2010, planning permission was refused for the erection of a two-storey dwelling with associated parking and amenity space (09/00855/FUL). The application was refused as there was insufficient evidence to demonstrate a safe route of access away from the site to an area wholly outside of the 1 in 100-year floodplain, with a 20% allowance for climate change.
- 7.13 The application was also refused because of concerns relating to floodplain storage compensation and floodwater displacement. Additionally, the scheme was not considered to meet the Council's sequential test for development in the flood plain.
- 7.14 An appeal against refusal was dismissed by the Planning Inspectorate in July 2010 (APP/Z3625/A/10/2123470). The Inspector considered the dwelling to be acceptable in terms of its design and impact upon the neighbouring Grade II Listed Building at Manor Cottage.
- 7.15 However, the Inspector considered that the construction of the dwelling would have resulted in a reduction in flood storage capacity. Additionally, as there was no dry means of escape available away from the site along Moor Lane, the Inspector considered that if future occupants did not take heed of early flood warnings, they would add to the problems of the emergency services. The Inspector considered that this would place an unacceptable burden on the emergency services and concluded that the proposal was contrary to policy LO1.
- 7.16 A further application proposing a new dwelling was also refused at the site in January 2013 (12/01134/FUL). The application was refused as insufficient evidence was provided to demonstrate that there was a safe route of access away from the site leading to an area wholly outside of the 1 in 100-year floodplain, with a 20% allowance for climate change. Additionally, the proposal was considered to fail to meet the sequential test for development in the floodplain and would have resulted in an increased flood risk to the surrounding area and future occupants.
- 7.17 An appeal against refusal was dismissed by the Planning Inspector in February 2014 (APP/Z3635/A/13/2197576). The Inspector noted that the Flooding SPD (July 2012) states that the Council's housing requirements can be met without having to develop sites located in flood zone 3a. The Inspector therefore considered that the proposal was contrary to the provisions of national planning policy. However, the Inspector did not raise objections on the grounds of flood storage capacity and flood flows in the absence of an objection from the Environment Agency. The Inspector instead concluded that the appeal site would not be appropriate for development, as they were not persuaded that the proposal would provide a safe means of escape in the event of flooding, and the development would therefore conflict with policy LO1.

- 7.18 The two previous planning refusals and subsequent appeal dismissals are considered to be material planning considerations in the determination of the current application. However, since the first planning application was refused in 2010, and the subsequent planning appeal was dismissed also in 2010 (09/00855/FUL), the Council's SPD on Flooding has been published and the NPPF has been introduced and revised on a number of occasions.
- 7.19 It should also be noted that the dwelling refused in 2013, and subsequent appeal dismissal in 2014 (21/01134/FUL) considered that the application dwelling would have been located in flood zone 3a, whereas the Council's current records, which are based upon information provided by the Environment Agency, indicate that the application dwelling would be located in Flood Zone 2.

#### Flooding – 'Dry Island' & 'Dry Means of Escape'

- 7.20 The Council's Supplementary Planning Document (SPD) on Flooding (July 2012) advises that individuals occupying dwellings situated upon 'dry islands' may require assistance during a major flood event and would consequently add to the problems of the emergency services. The SPD states that applications proposing new dwellings upon 'dry islands' will therefore be treated the same in terms of flood risk as the area around them regardless of their size. As the site surrounded by the 1 in 100-year flood event area (flood zone 3a) the application would therefore normally be treated as though the site were situated in the 1 in 100-year flood event area.
- 7.21 Policy LO1 e) states that the Council will not permit residential development or the change of use to other 'more vulnerable uses' within the 1 in 100 flood event area (flood zone 3a), where flood risks cannot be overcome. In the case of a 'dry island' the flood risks associated with the development are the absence of an escape route away from the site that would remain dry in a 1 in 100-year flood event. If such a route is not available, future occupiers would have to navigate through flood waters to leave the 'dry island', for example if they required food supplies or medical treatment. In such a scenario they would add to the problems of the emergency services during a major flood event.
- 7.22 The Council's Flooding SPD (July 2012) advises that applicants may sometimes seek to argue that it is safe and therefore reasonable for individuals to escape a site by walking through flood waters of limited depth. However, the SPD states that the Council does not accept this approach because fast moving water, even of shallow depth can be dangerous particularly to more vulnerable groups such as children and the elderly. Additionally, still water can be dirty and contaminated and may contain debris or sewage water and could hide obstacles such as holes beneath the surface, which could be hazardous. The SPD therefore states that the Council's position is that for residential development, the only safe route of escape is a 'dry route'.

- 7.23 The current planning application has been supported by a Flood Risk Assessment (FRA). This suggests a proposed escape route away from the site that would require occupiers of the proposed dwelling to venture south-east when leaving the site onto Moor Lane. They would then travel south along Moor Lane and pass underneath the Staines-Bypass. Upon passing underneath the bypass future occupiers would then head west along the footpath to the South of the A30. This is illustrated below:



- 7.24 The Council's records show that this route would pass through approximately 120 metres of the 1 in 100-year flood event area (flood zone 3a), which would be flooded during a 1 in 100-year flood event. However, a topographical survey has been submitted by the applicant, which details AOD levels (Above Ordnance Datum) measured along the proposed escape route.
- 7.25 AOD levels are a measure of the height of the land above sea level (taken from Newlyn in Cornwall). The applicant's consultant has confirmed that the AOD levels shown in their topographical survey demonstrate that despite the Council's records suggesting that the escape route would pass through the 1 in 100-year flood event area, and would therefore flood during a 1 in 100-year flood event, the AOD figures demonstrate that the route would remain entirely dry in such a flood event and would therefore represent a 'dry means of escape' away from the site, which would comply with the requirements of the Council's Flooding SPD.
- 7.26 The planning officer appointed an independent flooding advisor to review the applicant's data. The advisor has stated that there are likely to be some areas immediately outside of the application property where future occupants make experience some shallow ponding of up to 55 mm (5.5 cm) in depth, although the applicant has technically complied with the requirements of the route remaining dry. The advisor further commented that any flooding on the route would present virtually no hazards. The advisor therefore considered that a refusal on the basis of a dry means of escape cannot be robustly defended. The advisor also commented that he considered the route would be dry with a 35% allowance for climate change.
- 7.27 Given that the applicants data indicates that a dry means of escape away from the site would be possible outside of the 1% annual exceedance



probability, and given the comments of the Council's independent flooding advisor, it is considered that future occupiers would be provided with an acceptable route of escape away from the site, and the application would be acceptable in this regard.

#### Flooding – Flood Storage Capacity & Flood Flows

- 7.28 The applicant's FRA further confirms that in an undefended scenario, the 1 in 100-year flood event level at the site would be 16.03m AOD. The applicant's topographical survey confirms that the dwelling would be situated on land above this level, and the dwelling is therefore understood to be situated within the 1 in 1000-year flood event area (flood zone 2).
- 7.29 The Council's Flooding SPD and the Planning Practice Guidance (PPG) indicates that a dwelling is classified as a 'more vulnerable' use, is an appropriate use in flooding terms in flood zone 2. Whilst the Flooding SPD was published in 2012 and is now nearly 10 years old, housing targets have significantly increased since publication of the SPD. It is not considered that objection could be reasonably sustained against the principle of a new dwelling in this flood event area.
- 7.30 In the event that the applicant was unable to demonstrate a dry means of escape away from the site, the Council would have treated the application as the dwelling was located in flood zone 3a, as required by policy LO1 e). However, as there is considered to be a 'dry means of escape' and the dwelling would be located in flood zone 2, the proposal is considered to fall within the Council's sequential test approach for Flood Zone 1 & 2 as set out in the Flooding SPD, and an exception test is not a requirement in this flood zone.
- 7.31 The applicant's FRA confirms that the finished floor levels in the dwelling would be set above the 1 in 100-year flood event area, with a 35% allowance for climate change, and in this regard the proposal is considered to comply with the flooding objectives of the NPPF, which states that where development is necessary in flood event areas, it should be made safe for its lifetime.
- 7.32 The Environment Agency has also set out conditions in its Flood Risk Standing Advice, which are recommended to be attached to the decision notice. Provided that the applicant adheres to such conditions, it is considered that the proposal would be in accordance with the objectives of policy LO1. The Council has also consulted the Environment Agency, which has raised no objections on flooding (including flood storage) grounds.

#### Flooding Summary

- 7.33 Whilst the Council's records indicate that the applicant's proposed route of escape during a major flood event would pass through the 1 in 100-year flood event area, the applicant's flooding consultant has confirmed that the route would remain dry in such an event. The Council's independent flooding advisor has also raised no concerns over the proposed route of escape.

- 7.34 The proposed dwelling is considered to be an appropriate use in flood zone 2, given that the Flooding SPD confirms that land in flood zones 1 and 2 is required for housing and the Planning Practice Guidance (PPG) confirms that 'more vulnerable' flooding uses, including dwelling houses, are appropriate in flood zone 2.
- 7.35 Provided the application adheres to the conditions recommended in the Environment Agency's Standing Advice which are recommended to be attached to the decision notice, it is considered that the proposal would have an acceptable impact upon the flood zone and would be in accordance with the objectives of policy LO1 and the NPPF in flooding terms.

#### Character and Appearance

- 7.36 The NPPF states the creation of high quality, beautiful and sustainable places is fundamental to what the planning and development process should achieve. The Framework further advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF further states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 7.37 Additionally, the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to the local character and history including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change.
- 7.38 The National Design Guide, Planning Practice Guidance for Beautiful, Enduring and Successful Places, produced by MHCLG in 2021, addresses how well-designed places are recognised by outlining ten characteristics; context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and life space.
- 7.39 In paragraph 51, referring to identity, the design guide states that well-designed places, building and spaces have a character that suits the context, its history, how we live today and how we are likely to live in the future.
- 7.40 At paragraph 53, the guide advises that well-designed new development is influenced by an appreciation and understanding of the vernacular, local or regional character, including existing built form, landscape and local architectural precedents.
- 7.41 At paragraph 66, the guide further states that built form is determined by good urban design principles that combine layout, form and scale in a way that responds positively to its context.
- 7.42 Policy EN1 of the CS & P DPD states that the Council will require a high standard in the design and layout of new development. The policy further

states that proposals for new development should demonstrate that they will make a positive contribution to the street scene and 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.

- 7.43 The application site is situated on a side road to the west of Moor Lane. The road is occupied by four terraced dwellings, namely 1-4 Watermans Cottages, as well as the former Swan Inn Public House, which is now a two-storey detached dwelling. Moor Cottage, a two storey detached Grade II Listed Building, is situated to the north-west of the site and also accessed by the side road. There are also a number of two storey semi-detached dwellings in Berkley Close to the north, which are visible from the application site.
- 7.44 Given the surrounding dwelling mix, the principle of a two-storey detached dwelling with dormers in the roof is considered to be acceptable in this location. In terms of detailed design, the dwelling would incorporate a gable roof, which would measure approximately 8.5 metres in height and is considered to be acceptable in design terms. The dwelling would contain two modest dormers in the front elevation, which are not considered to be unduly out of character particularly in the context of the two dormers contained in the front elevation of the former Swan Inn Public House adjacent to the site.
- 7.45 The application also proposes a dormer in the rear elevation. The Council's SPD on design states that well-designed dormers should be located centrally or symmetrically on a roof, should be set in a minimum of 1 metre from the roof edge, 0.5 metres from the ridge and 1 metre up from the eaves. The dormer would comply with this guidance. The SPD also states that dormers should incorporate a roof that would be compatible with the main roof and should not be over-dominant or out of proportion in the roof space. It is acknowledged that the dormer would contain a flat roof when the main roof body would be pitched. However, a dormer with a flat roof and of a similar scale is contained in the rear elevation of the former Swan Inn Public House and in this context, it is considered that the dormer would have an acceptable impact upon the character and appearance of the area.
- 7.46 The dwelling would be set in 1 metre from the southern site boundary and is not considered to have a terracing effect upon the dwelling at the former Swan Inn. The application also proposes a side garage and car port, which are also considered to be acceptable in design terms. The proposed materials of brick and roof tiles are also considered to be satisfactory, although in any event it is recommended that details of materials are secured by condition. The dwelling is considered to be in keeping with the character and scale of the surrounding locality and would have an acceptable visual impact upon the street scene. The proposal is therefore considered to be in accordance with the objectives of policy EN1 and the NPPF in design terms.

#### Future Occupiers

- 7.47 The nationally described Technical Housing Standards (March 2015) state that a 4-bedroom, 8 person dwelling set over 3 storeys, should incorporate a minimum internal floor area of at least 130m<sup>2</sup>. The application dwelling would

have an internal floor area of approximately 241.86m<sup>2</sup>. The proposal is therefore considered to provide an acceptable level of internal amenity to its future occupiers.

- 7.48 The Council's SPD on design states that detached dwellings should contain a minimum amenity (garden) area, of at least 70m<sup>2</sup>. The plans indicate that the dwelling would incorporate a garden area in excess of 200m<sup>2</sup> significantly exceeding the Council's guidelines. The proposal is therefore considered to be acceptable in this regard.

#### Impact on Residential Amenity

- 7.49 Policy EN1 of the CS&P DPD states that proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk proximity or outlook.
- 7.50 The Council's Supplementary Planning Document (SPD) on the *Design of Residential Extensions and New Residential Development* (April 2011) at paragraph 3.6 states 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.
- 7.51 It is considered that the proposal would have an acceptable impact upon the occupiers of the former Swan Inn located to the south of the site, which is now a residential dwelling. This property contains a ground floor window in the front elevation which is understood to serve a living room. The proposed dwelling would be set back approximately 1.2 metres from the front elevation of the former Swan Inn, and as such is would not breach the Council's 45° horizontal or vertical guides when measured from this window.
- 7.52 A ground floor doorway is contained in the rear elevation of the former Swan Inn. It is evident from a recent planning application at this property (21/00654/HOU) that this doorway serves a utility room. Given that the doorway does not serve a habitable room, the impact upon light serving this opening is considered to be acceptable. This property also contains a ground floor window in the northern flank elevation, which serves a shower room. As this is also not a habitable room, the impact upon this window is also considered to be acceptable. A ground floor lean-to structure at the rear of this property is also considered to mitigate any adverse impacts.
- 7.53 The proposed dwelling is also considered to have an acceptable impact upon ground floor windows serving the playroom and kitchen in the rear elevation of the former Swan Inn, and the first-floor windows serving bedrooms. The proposal is also considered to have an acceptable impact upon the privacy of the occupiers of the former Swan Inn, owing to the oblique angles of the proposed first floor windows.
- 7.54 The dwelling is further considered to have an acceptable impact upon the occupiers of Moor Cottage located to the north of the site. There would be a first-floor window in the northern flank elevation of the two-storey rear element

of the proposed dwelling. However, this would be located some 9 metres from the northern boundary (some 7 metres when measured obliquely owing to the boundary layout) and is not considered to give rise to unacceptable opportunities for overlooking. The first floor of the proposed dwelling would also be situated some 15 metres from the dwelling at Moor Cottage, and at such a distance, is not considered to cause adverse impacts upon the light serving this property. Given the overall scale and design of the dwelling, the proposal would not have an adverse impact upon the light privacy or amenity of the occupiers of Moor Cottage, and the scheme is also not considered to have an overbearing impact.

- 7.55 The application dwelling is also considered to have an acceptable impact upon the residential amenity of all further dwellings in the surrounding locality.

#### Listed Building

- 7.56 The application site is located to the south of Moor Cottage, which is a Grade II Listed Building, understood to have been constructed in the 17<sup>th</sup> Century. Section 66 of the Listed Building Act 1990 requires authorities when considering whether to grant planning permission affecting a listed building to have regard to the impact upon the Listed Building and its setting.

- 7.57 At paragraph 200, the NPPF that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification, and substantial harm to or loss of a Grade II Listed Building should be exceptional. Policy EN5 of the CS&P DPD states that the Council will encourage the retention of buildings of local architectural heritage or historic interest to ensure that their character and setting is preserved in development proposals.

- 7.58 The Council's Heritage Advisor has been notified of the application and has commented:

*"It seems clear that the negative issue in the past was the problem of flooding, so the principle of a detached house here is established. This proposal places the bulk of the building close to the former Swan Inn, leaving adequate distance from the listed cottage on the other side, also on this side of the new house the garage/carport is single storey thus respecting the setting of the LB.*

*I have no adverse comments".*

- 7.59 In light of the comments of the Heritage Advisor, it is considered that the proposal is in accordance with the objectives of policy EN5 and the NPPF and would have an acceptable impact upon the Grade II Listed Moor Cottage and its setting. It should be noted that the statutory press notice relating to the setting of the listed building does not expire until 17<sup>th</sup> March 2022 and any recommendation to approve should be subject to no material objection being received by 17 March 2022 in relation to the statutory site and press notices concerning the setting of the adjacent listed building.

#### Parking Provision

- 7.60 Policy CC2 states that the Council will seek to secure more sustainable travel patterns by only permitting traffic generating development where it is or can be made compatible with transport infrastructure in the area taking into account access and egress to the public highway and highway safety. Policy CC3 states that the Council will require that appropriate provision is made for off-street parking provision in accordance with the Council's Parking Standards.
- 7.61 The NPPF states that development should only be prevented or refused on highways grounds, if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.62 The Council's Parking Standards SPD states that four-bedroom dwelling or larger, should contain a minimum of 2.5 off-street parking spaces (rounded up to 3). The application proposes one parking space in the proposed garage and one parking space in the proposed car port. The proposal would therefore fall 0.5 (rounded up to 1) off-street parking space short of the Council's guidance. It is not considered that an objection could be sustained on the grounds of this shortfall.
- 7.63 The Council has also consulted the County Highway Authority, which has raised no objections, subject to a condition being attached to the decision notice requiring the provision of an electric vehicle charging point. It is recommended that this condition is attached to the decision notice.

#### Biodiversity

- 7.64 Policy EN8 of the CS&P DPD states that the Council will seek to protect and improve the landscape and biodiversity.
- 7.65 The application site is situated approximately 45 metres from Staines Moor, which is a Site of Special Scientific Interest. As a result, the Council has consulted both Natural England and the Surrey Wildlife Trust.
- 7.66 Natural England has raised no objections, although has commented that machinery used during the construction process should be stored safely to avoid any potential for pollution to enter the ground locally, which could have an adverse impact upon the SSSI. It is recommended that the applicant is advised of this in an informative.
- 7.67 The Council has not received a response from the Surrey Wildlife Trust. However, it is recommended that a condition is attached to the decision notice requiring the applicant to incorporate biodiversity enhancement measures into the proposed dwelling, including bird and bat boxes. It is considered that this would be in accordance with the objectives of policy EN8.

#### Other Matters

- 7.68 The Council has consulted Heathrow Safeguarding who has recommended that an informative is attached to the decision notice in relation to cranes.

#### Equalities Act 2010

- 7.69 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:
- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) Advance equality of opportunity between person who share a relevant protected characteristic and persons who do not share it;
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.70 The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need to see whether the duty has been performed.
- 7.71 The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means having such regard as is appropriate in all the circumstances. The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long-term adverse effects on their ability to carry out normal day-to-day activities. This can include but is not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs.
- 7.72 The Council has received a letter of representation raising concerns that the dwelling would not be accessible for wheelchair users. The applicant has submitted a revised elevation and floor plans, showing that ramps would be provided to the proposed front door. It is therefore considered that the dwelling would be accessible to individuals with disabilities.

#### Human Rights Act 1998

- 7.73 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.74 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.
- 7.75 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of

one's possessions which could include a person's home, and other land and business assets.

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

#### Finance Considerations

- 7.77 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.
- 7.78 In consideration of S155 of the Housing and Planning Act 2016, the proposal would result in the following financial contributions:
- The Community Infrastructure Levy for Zone 1 (£100 per sq m of net additional residential floorspace indexed) will be payable on this site.

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

#### Conclusion

- 7.79 It is considered that the proposal would have an acceptable impact upon the character and appearance of the area, future occupiers, the setting of Moor Cottage a Grade II Listed Building, the amenity of neighbouring and adjoining dwellings, parking provision and biodiversity. The applicant is also considered to have demonstrated that it is possible to leave the site through a dry means of escape in a 1 in 100 year flood event, and subject to the conditions set out in the Environment Agency's Flood Risk Standing Advice, the proposal is considered to adhere to the objectives of policy LO1 and the NPPF in flooding terms. Therefore, the application is recommended for approval.



- 7.80 Notwithstanding that in this report it is concluded there is no objection on heritage grounds in relation to the listed building, it should be noted that the statutory press notice relating to the setting of the listed building does not expire until 17<sup>th</sup> March 2022. Therefore, the recommendation should be to approve subject no material objection being received by 17 March 2022 in relation to the statutory site and press notices concerning the setting of the adjacent listed building. The decision to approve should then be delegated to the Planning Development Manager in consultation with the Planning Chairman or in his absence, the Planning Vice Chairman.

## 8. Recommendation

Subject to no material objection being received by 17 March 2022 in relation to the statutory site and press notices concerning the setting of the adjacent listed building, GRANT planning permission 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 :- P.04 C, P.03 F, P.02 F, P.01 H (Received 07.12.2021) L.01 A (Received 15.10.2021)

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

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

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

- 4 The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

**Reason:** in order that the development makes suitable provision for

sustainable travel, in accordance with the sustainable objectives of Chapter 9 “Promoting sustainable transport” of the National Planning Policy Framework 2021, and policies CC2 and CC3 of Spelthorne Borough Council’s Core Strategy and Policies Development Plan Document February 2009.

- 5 Following construction of any groundwork and foundations, no construction of development above damp course level shall take place until a report is submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of each building and thereafter retained.
- 6 There shall be no raising of existing ground levels on the site within the area liable to flood, other than in accordance with the approved details.  
**Reason:** To prevent the increased risk of flooding due to impedance of flood flows and reduction in flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.
- 7 All spoil and building materials stored on site before and during construction shall be removed from the area of land liable to flood upon completion.  
**Reason:** To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.
- 8 Prior to the occupation of the building(s), a scheme to provide bird boxes and bat boxes/tubes on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the building(s) is occupied and thereafter maintained.  
**Reason:** In the interests of wildlife and biodiversity.
- 9 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.

- 10 (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" providing guidance can also be downloaded from Spelthorne's website at [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk).

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

To protect the occupiers of the premises from the ingress and accumulation of landfill gas in accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

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

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

#### NOTE

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

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To protect the occupiers of the premises from the ingress and accumulation of landfill gas in accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

#### INFORMATIVES TO APPLICANT

- 1      The Town and Country Planning (Development Management Procedure) (England) Order 2015  
Working in a positive/proactive manner  
In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:-
  - a)      Provided pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
  - b)      Provided feedback through the validation process including information on the website, to correct identified problems to ensure
  - c)      Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.
- 2      Access by the Fire Brigade  
Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings. There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).
- 3      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.

- 4 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) A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures
  - b) Site perimeter automated noise and dust monitoring;
  - c) Engineering measures to eliminate or mitigate identified environmental impacts e.g. hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
  - d) Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents liaison meetings, etc.)
  - e) A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme;
  - f) To follow current best construction practice BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites',
  - g) BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from ground borne vibration,
  - h) BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings - vibration sources other than blasting,
  - i) Relevant EURO emission standards to comply with Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999,
  - j) Relevant CIRIA practice notes, and
  - k) BRE practice notes.
  - l) Site traffic - Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
  - m) Site waste Management - Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations.
  - n) Noise mitigation measures employed must be sufficient to ensure that the noise level criteria as outlined in BS8233:2014 and WHO guidelines is achieved.

- 5 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 bowsters 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/siteregistration](http://www.ccscheme.org.uk/index.php/siteregistration)).
- 6 The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary.
- 7 **Electric vehicle charging**  
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.
- 8 The applicant should ensure that machinery and materials and machinery used during the construction process are used and stored safely so as to avoid any potential for pollution to enter the ground locally.

- 9 Given the nature of the proposed application, it is possible that a crane may be required. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-4-Cranes-2016.pdf>)

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# Environment and Sustainability Committee



8 March 2022

<b>Title</b>	Planning Development Management Performance Report
<b>Purpose of the report</b>	To note
<b>Report Author</b>	Esmé Spinks, Planning Development Manager
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	N/A
<b>Corporate Priority</b>	Environment Service delivery
<b>Recommendations</b>	<b>Committee is asked to:</b>  1. Note the report
<b>Reason for Recommendation</b>	N/A

## 1. Summary of the report

- 1.1 This report reviews the performance of the Planning Development Management (PDM) service over the past year. The report follows on from those produced on an annual basis to the Planning Committee. This report notes that performance against Government targets has been exceeded despite increasing workloads.

## 2. Key issues

- 2.1 Successive governments have assessed Local Planning Authorities (LPA) performance on the speed with which they determine planning applications and more recently the quality of decision. The Government has introduced tougher measures for LPAs which fail to perform. Over the years, Spelthorne's performance has surpassed the Government's performance targets. However, there is a risk that the Council's performance in respect of the quality of major developments may come under greater scrutiny and could result in Government sanctions.
- 2.2 The LPA could be at risk of 'designation' next year on the 'quality of major applications'. This depends on the outcomes of existing appeals which are

likely to be determined later this year and the decision on other majors determined prior to 31/03/22.

- 2.3 Government policy announcements in recent years have sought to boost the supply of housing, enable homes to be built faster and encourage higher housing densities within urban locations. These have been incorporated in the revised National Planning Policy Framework, issued in July 2021 where a presumption in favour of sustainable development lies at its heart. The presumption in favour of housing schemes applies in Spelthorne because this authority does not have a 5 year housing land supply and our most recent Housing Delivery Test result was 69%.
- 2.4 The PDM Officers are working within a culture of continuous performance improvement. Further investment in IT has been implemented to assist with performance management and work in a paperless way in line with the Council's agile working policy.
- 2.5 In March 2020, following the Covid 19 lockdown, the Planning DM service was transferred into a remote service. 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.
- 2.6 It is proposed to continue providing PDM performance reports in the future.

### **3. Options analysis and proposal**

- 3.1 The first section of the report deals with the Designation Regime. 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 (mainly 10+ dwellings and new floorspace of 1,000 sqm+ (16 weeks where subject to Environmental Impact Assessment) and 8 weeks for other planning applications defined as "Minor" and "Other" (non majors).
- 3.2 As part of the Government's 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. Later it was extended to include non-major applications. 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

- 3.3 The Secretary of State will decide once a year whether any “designation” should be made or lifted. If a LPA is at risk of designation for one or more categories, the Department for Levelling Up, Housing and Communities (DLUHG) will write to the LPA requesting any data corrections or exceptional circumstances that would make a “designation” unreasonable. Where an authority is “designated”, applicants have an option to ask the Planning Inspectorate as opposed to the LPA to determine any applications within the designated category(ies) (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 to the main report contains a flow chart setting out the designation process. The consequences for an LPA to be designated for ‘major’ applications is that developers will be able to by-pass the LPA on large schemes and apply directly to the Planning Inspectorate. There will also be a significant loss for the LPA in income from planning application fees and pre-application advice.
- 3.4 Table 1 of the main report (reproduced below) provides an overview of the thresholds and assessment periods for 2019, 2020 and 2021 and details of Spelthorne’s performance. The speed of determination is referred to in para. 3.1 and the threshold is expressed as a minimum. The quality measures the total number of decisions overturned at appeal as a % of the total decisions made. The threshold of 10% is expressed as a maximum. The lower the figure, the better the performance.

Table 1

Measure and type of Application	2017-2019 Threshold and assessment period	Spelthorne’s Performance 2019	2018-2020 Threshold and assessment period	Spelthorne’s Performance 2020	2019-2021 Threshold and assessment period	Spelthorne’s Performance 2021
<b>Speed of Major Development</b>	<b>60% (min)</b> (October 2018 to September 2020)	<b>96%</b> N.B. The higher the % the better	<b>60% (min)</b> (October 2018 to September 2020)	<b>100%</b> N.B. The higher the % the better	<b>60% (min)</b> (October 2019 to September 2021)	<b>98%</b> N.B. The higher the % the better
<b>Quality of Major Development</b>	<b>10% (max)</b> (April 2018 to March 2020)*	<b>3.7%</b> N.B. The lower the % the better	<b>10% (max)</b> (April 2018 to March 2020)*	<b>1.8%</b> N.B. The lower the % the better	<b>10% (max)</b> (April 2019 to March 2021)*	<b>4.76%</b> N.B. The lower the % the better

Measure and type of Application	2017-2019 Threshold and assessment period	Spelthorne's Performance 2019	2018-2020 Threshold and assessment period	Spelthorne's Performance 2020	2019-2021 Threshold and assessment period	Spelthorne's Performance 2021
<b>Speed of Non-Major Development</b>	<b>70% (min)</b> (October 2018 to September 2020)	<b>93%</b> N.B. The higher the % the better	<b>70% (min)</b> (October 2018 to September 2020)	<b>93%</b> N.B. The higher the % the better	<b>70% (min)</b> (October 2019 to September 2021)	<b>96%</b> N.B. The higher the % the better
<b>Quality of Non-Major Development</b>	<b>10% (max)</b> (April 2018 to March 2020)*	<b>0.6%</b> N.B. The lower the % the better	<b>10% (max)</b> (April 2018 to March 2020)*	<b>1.4%</b> N.B. The lower the % the better	<b>10% (max)</b> (April 2019 to March 2021)*	<b>1.25%</b> N.B. The lower the % the better

\* an additional 9 months is given to 31 December to allow for the receipt of appeal decisions

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

- 3.5 The 'Quality of Major Development' threshold is monitored particularly closely. This is because of the relative few number of majors which Spelthorne receives compared with other applications. In the two years ending in March 2021, two major applications were refused and allowed on appeal out of a total of 42 determined leading to the quality figure of 4.76%.
- 3.6 However, it is important to look forward and consider the quality of majors result in 2022 (which will be known by January 2023). At present, it is not known what the threshold will be although it has been 10% for several years. Assuming this to remain unchanged, there are already two majors allowed on appeal within the 2023 period (Bugle Nurseries) and more recently in January 2022 (Masonic Lodge / Elmsleigh Nightclub site). Because of the number of appeals allowed which will count in 2023 (two) with others either awaiting an appeal decision (currently three) or not yet determined or appealed against, it could bring the performance closer to or over the designation threshold of 10% and the consequences outlined in para 3.3 above.
- 3.7 Where an authority is "designated", applicants have an option to ask the Planning Inspectorate as opposed to the LPA to determine any applications within the designated category (in this case 'major'). 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. Continuous monitoring against this criterion is essential.
- 3.6 The next section of the report deals with performance in terms of numbers of applications. In terms of the 8 week and 13 week speed performance outlined above, Spelthorne performance for decisions made in 2019 – 2021 is set out in table 2 of the main report. Over the past three years, the number of planning applications determined has increased in the 'majors' and 'other'

categories and only reduced slightly in the 'Minor' category from 2019. Overall, there has been an increase in the total received in 2021 compared with both the previous years whilst performance far exceeded the government targets.

- 3.7 During the same three years ending December 2021, PDM also dealt with a large number of other type of applications not included in the statutory returns, i.e., Certificate of Lawfulness applications, Surrey County Council applications and Tree applications, (Table 3 of the main report). The data shows that there has been a significant increase in the total number determined. Over the three years; there was a 23% increase from 2019 to 2021 and 31% increase from 2020 to 2021.
- 3.8 Overall, in 2021 a total of 1515 planning decisions were made by the LPA compared with 1205 in 2020 and 1,352 in 2019. It is clear the increase in the numbers of cases determined grew by 12% in 2021 compared with 2019 and 26% compared with last year.
- 3.9 The LPA also deals with several other matters involving appeals, planning enforcement and enquiries. A summary of the last three years is contained in table 4 of the main report.
- 3.10 The planning appeals and enforcement appeals for the past two years are contained in appendices 2 and 3 of the main report. There were 103 appeal decisions received:

10 Enforcement appeals  
93 Planning appeals

Of these appeals:

- 69 Planning appeals were dismissed or had a split decision.
  - 8 Planning Enforcement appeals were dismissed or had a split decision
  - 0 Enforcement notice was quashed on appeal
  - 23 Planning appeals were allowed, and
  - 2 Planning Enforcement appeals were allowed.
  - 1 Planning appeal was withdrawn
- 3.11 The report also assesses 11 planning applications which were recommended for approval by the Planning Officer but overturned and refused by the Planning Committee Planning Committee. Between January 2019 to December 2021, 11 planning applications were recommended for approval by the Planning Officer but overturned and refused by the Planning Committee. This compares with 9 in the previous report last year. The details are contained in table 5.
- 3.12 The final table, no.6 summarises planning enforcement activity. Overall, there has been an increase in planning enforcement complaints by 24% from 2018 to 2021. A detailed report on planning enforcement policy will be reported to the Neighbourhood Services Committee on 3 March 2022.

- 3.13 The report concludes with a summary of government papers and in particular the consequences of the Housing Delivery Test result of 69% and lack of a 5 year housing land supply leading to the 'titled balance' being applied for most residential development planning applications in Spelthorne.

#### **4. Financial implications**

- 4.1 Potentially negative financial implications could arise if the planning performance results in the Local Planning Authority (LPA) being 'Designated' for Major developments. This is because not only would the LPA lose control in decision making of important strategic planning proposals, the LPA would also not receive the pre-application advice fee and statutory planning application fee of the larger schemes which can be significant. For example, the planning application fees of some large proposals include Shepperton Studios Reserved Matters £189,839 and £45,491 and Debenhams £50,381. In addition, it should be noted that in 2020/21, Planning DM received over £1,000,000 in income; £875,965 in planning application fees and £194,182 in pre-application and planning performance agreement fees. The majority of this related to the large applications. This year(2021/22) is lower but still significant. Continuous monitoring against this criterion is essential.
- 4.1 An additional potential implication could arise if new dwellings are not approved (if policy compliant). This would lead to a reduction in the New Homes Bonus (NHB) which is secured for every new home completed in the borough. The NHB for 2021/22 was £252,000 and for 2022/23 £1.294m. The figure for 2022/23 was unexpectedly and unusually high due to the large number of housing completions on two sites in March 2021. The Council's budget report (February 2022) estimates that the NHB for 2023/24 will be £140,000 before disappearing thereafter.

#### **5. Other considerations**

- 5.1 There are no further considerations to be taken into account.

#### **6. Equality and Diversity**

- 6.1 This does not have any direct equality and diversity impacts

#### **7. Sustainability/Climate Change Implications**

- 7.1 There are no sustainability/climate change issues.

#### **8. Timetable for implementation**

- 8.1 The Planning DM performance is monitored continuously. It is intended to continue to provide an annual performance report to the Committee.

#### **9. Contact**

- 9.1 For further details please contact Esmé Spinks at [e.spinks@spelthorne.gov.uk](mailto:e.spinks@spelthorne.gov.uk)

**Background papers:** There are none

**Appendices:**

Appendix 1 – Planning Development Management Performance Report

Appendix 2 – Designation process

Appendix 3 - Planning Appeals Received & Decided April 2019 – December 2021  
(Decisions made by 31/03/2021)

Appendix 4 - Planning Enforcement Appeals Decided April 2019 – December 2021

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<b>Title</b>	Development Management Performance
<b>Purpose of the report</b>	The purpose of this report is to advise the Members of the Planning Development Management (PDM) performance over the past year.
<b>Report Author</b>	Esmé Spinks, Planning Development Manager
<b>Recommendations</b>	It is recommended that the Environment and Sustainability Committee notes the report.
<b>Executive Summary</b>	<p>Successive governments have assessed Local Planning Authorities (LPA) performance on the speed with which they determine planning applications and more recently the quality of decision. The Government has introduced tougher measures for LPAs which fail to perform. Over the years, Spelthorne's performance has surpassed the Government's performance targets. However, there is a risk that the Council's performance in respect of the quality of major developments may come under greater scrutiny and could result in Government sanctions. .</p> <p>Government policy announcements in recent years have 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 in the revised National Planning Policy Framework, issued in July 2021 where a presumption in favour of sustainable development lies at its heart.</p> <p>At present the LPA does not have the required five year supply of housing which has triggered a presumption in favour of sustainable development. In addition, the Housing Delivery Test, which compares the number of new homes delivered over the previous three years with the authority's housing requirement, is currently now 69%. As this is less than the required 75%, the NPPFs presumption in favour of sustainable development is also triggered for Spelthorne.</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 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 the Planning Committee should only be made if there is a ‘material planning concern’ as set out in the Council’s Planning Code, 2021.</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 implemented to assist with performance management and the Council’s agile working policy and this is a necessary continuing process.</p> <p>In March 2020, following the Covid 19 lockdown, the Planning DM service was transferred remotely. 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>Following the Covid 19 lockdown, some planning training sessions have taken place and further training is planned. In addition, presentations have been undertaken by developers prior to the submission of their 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.</p> <p>Given all the circumstances over which the LPA has no direct control and an increase in workload, the PDM service has continue to perform to a high standard.</p>
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## **1. Purpose**

- 1.1 To advise Members on Planning Development Management (PDM) 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 Borough. The plan looks at the reasons for under delivery and the steps to be taken to drive up housing delivery. In Spelthorne's case, this is set against of increasing workloads.

### **3. Designation Regime**

3.1 Local Planning Authorities are provided with statutory time limits within which planning applications should be determined. These time limits are a way to evaluate a LPA'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 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.

3.3 As part of the Government's Growth Agenda, the Growth and Infrastructure Act 2013 saw an introduction of the "designation regime" by measuring performance based on the speed and quality of decisions for major development over a rolling 2-year period. The former 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.

3.4 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.

3.5 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

3.6 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.

3.7 The Secretary of State will decide once a year whether any “designation” should be made or lifted. If a LPA is at risk of designation for one or more categories, the Department for Levelling Up, Housing and Communities (DLUHG) will write to the LPA requesting any data corrections or exceptional circumstances that would make a “designation” unreasonable. Where an authority is “designated”, applicants have an option to ask the Planning Inspectorate as opposed to the LPA to determine any applications within the designated category(ies) (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. The consequences for an LPA to be designated for ‘major’ applications is that developers will be able to by-pass the LPA on large schemes and apply directly to the Planning Inspectorate. There will also be a significant loss for the LPA in income from planning application fees and pre-application advice.

3.8 The following table provides an overview of the thresholds and assessment periods for 2019, 2020 and 2021 and details of Spelthorne's performance. The speed of determination is referred to in para.3.1 and the threshold is expressed as a minimum. The quality measures the total number of decisions overturned at appeal as a % of the total decisions made. The threshold of 10% is expressed as a maximum. The lower the figure, the better the performance.

Table 1

Measure and type of Application	2017-2018 Threshold and assessment period	Spelthorne Performance 2019	2018-2020 Threshold and assessment period	Spelthorne's Performance 2020	2019-2021 Threshold and assessment period	Spelthorne's Performance 2021
<b>Speed of Major Development</b>	<b>60% (min)</b> (October 2018 to September 2020)	<b>96%</b> N.B. The higher the % the better	<b>60% (min)</b> (October 2018 to September 2020)	<b>100%</b> N.B. The higher the % the better	<b>60% (min)</b> (October 2019 to September 2021)	<b>98%</b> N.B. The higher the % the better
<b>Quality of Major Development</b>	<b>10% (max)</b> (April 2018 to March 2020)*	<b>3.7%</b> N.B. The lower the % the better	<b>10% (max)</b> (April 2018 to March 2020)*	<b>1.8%</b> N.B. The lower the % the better	<b>10% (max)</b> (April 2019 to March 2021)*	<b>4.76%</b> N.B. The lower the % the better
<b>Speed of Non-Major Development</b>	<b>70% (min)</b> (October 2018 to September 2020)	<b>93%</b> N.B. The higher the % the better	<b>70% (min)</b> (October 2018 to September 2020)	<b>93%</b> N.B. The higher the % the better	<b>70% (min)</b> (October 2019 to September 2021)	<b>96%</b> N.B. The higher the % the better
<b>Quality of Non-Major Development</b>	<b>10% (max)</b> (April 2018 to March 2020)*	<b>0.6%</b> N.B. The lower the % the better	<b>10%(max)</b> (April 2018 to March 2020)*	<b>1.4%</b> N.B. The lower the % the better	<b>10%</b> (April 2019 to March 2021)*	<b>1.25%</b> N.B. The lower the % the better

\* an additional 9 months is given to 31 December to allow for the receipt of appeal decisions

Spelthorne has met and exceeded all four targets for the threshold periods.

3.9 The 'Quality of Major Development' threshold is monitored particularly closely. This is because of the relative few number of majors which Spelthorne receives compared with other applications. The quality of majors for 2021 was 4.76%, this covers the period of decision making between April 2019 and March 2021. There were 42 applications determined in the assessment period and 2 appeals were allowed: 18/01426/RVC, Halliford Studios and 20/00123/FUL – Bugle Nurseries.

- 3.10 However, it is important to look forward and consider the quality of majors result in 2022 (which will be known by January 2023). At present, it is not known what the threshold will be although it has been 10% for several years. If this was to continue, it would relate to applications determined between April 2020 to March 2022 with an additional 9 months given to allow for the receipt of appeal decisions. In terms of majors, one of the two above appeal decisions allowed in the 2021 period will be brought forward to the 2022 period. In addition, one further major application has been allowed on appeal (21/01199/FUL – Masonic Lodge and Exchange Nightclub site, Elmsleigh Road, Staines). Furthermore, there is currently three additional major applications which are the subject of current appeals; 21/00010/FUL - Renshaw Industrial Estate, Mill Mead, Staines, 20/01112/FUL - Phase 1C Charter Square, High Street, Staines and 21/01506/FUL - Ex Serviceman's Club, Sunbury.
- 3.11 The total number of 'major' applications to be determined by 31/03/22, the decision to approve or refuse and whether they will be appealed if refused is currently unknown. In addition, the outcome of the three remaining appeals, 21/00010/FUL, 20/01112 and 21/01506/FUL) is outstanding. However, assuming the number of major applications remains constant for 2022, the outstanding appeals are allowed and more are refused and/or appealed by 31/03/22, there is a risk of performance, in terms of the 'quality of major applications', exceeding the 'Designation' threshold of 10% in 2022 and the consequences outlined in para 3.7 above.

### Annual Performance

- 3.12 In terms of the 8 week and 13 week speed performance outlined in para. 3.2 above, Spelthorne performance for decisions made in 2019 – 2021 is set out in table 2 below:

Table 2

	<u>Majors</u>			<u>Minors</u>			<u>Others</u>			<u>Total Nos.</u>
	Total	On Target (13 weeks)	% on Target	Total	On Target (8 weeks)	% on Target	Total	On Target (8 weeks)	% on Target	
2019	25	25	100%	199	175	88%	562	530	94%	786
2020	14	14	100%	148	126	85%	514	478	93%	676
2021	28	27	96%	189	174	92%	603	592	98%	820

Over the past three years, the number of planning applications determined has increased in the 'majors' and 'other' categories and only reduced slightly in the 'Minor' category from 2019. Overall, there has been an increase in the total received in 2021 compared with both the previous years whilst performance has far exceeded the government targets.

- 3.13 During the three years; 2019 - 2021, the following decisions (table 3 below) were made on other types of applications which are not included in statutory performance targets but, nonetheless, represent a significant workload for the PDM service.

Table 3

Application Type	Total No. Determined		
	2019	2020	2021
Certificate of Lawful Development (Proposed)	157	153	237
Certificate of Lawful Development (Existing)	14	6	11
Prior Notifications	98	93	152
Discharge of Conditions	115	80	91
Amended Applications	34	37	42
Consultations from adjoining Boroughs	22	29	14
SCC Applications	12	19	13
SCC Discharge of Conditions	5	2	4
TPO Applications	79	66	78
TCA Applications (Trees in Conservation Areas)	27	37	37
Telecom applications	3	7	16
<b>TOTAL</b>	<b>566</b>	<b>529</b>	<b>695</b>

The data shows that there has been a significant increase in the total number determined. Over the three years; there was a 23% increase from 2019 to 2021 and 31% increase from 2020 to 2021.

- 3.14 A combination of the data in table 2 and 3 provides the total number of planning decisions for the last three years. The figures are:

2019 – 1352  
 2020 – 1205  
 2021 – 1515

Therefore in 2021 a total of 1515 planning decisions were made by the LPA compared with 1205 in 2020 and 1,352 in 2019. It is clear the increase in the numbers of cases determined grew by 12% in 2021 compared with 2019 and 26% compared with last year.



- 3.15 The LPA also deals with several other matters involving appeals, planning enforcement and enquiries. A summary of the last three years is contained in table 4 below.

Table 4

	2019	2020	2021
Planning Appeals	35	32	36
Enforcement Appeals	8	6	1
Planning Enquiries (meetings/written response)	351	288	365
No. of representations on planning applications received	1809	2404	1791
Planning Enforcement Cases	365	345	396

- 3.16 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 2021 is based on planning applications decided between April 2019 to March 2021. A period of 9 months is given following the end of the assessment period (31 March) to allow time for an appeal to be lodged and decided.
- 3.17 The appeals relating to Spelthorne for the period in question are attached as Appendix 3. Also attached as Appendix 4, 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 2019 to December 2021. In summary:

There were 103 appeal decisions received:

10 Enforcement appeals

93 Planning appeals

Of these appeals:

- 69 Planning appeals were dismissed or had a split decision.
- 8 Planning Enforcement appeals were dismissed or had a split decision
- 0 Enforcement notice was quashed on appeal
- 23 Planning appeals were allowed, and
- 2 Planning Enforcement appeals were allowed.
- 1 Planning appeal was withdrawn

3.18 The appeal performance overall for these latest stats in 2021 show that 75% of appeals were dismissed or split decisions which compares with 80%, 75% and 69% for the three previous years. It should be noted, however, that the latest set of statistics were measured in a slightly different way to previous years. Nonetheless, it represents a consistent pattern of decision making.

#### Planning Committee Overturns

3.19 Between January 2019 to December 2021, 11 planning applications were recommended for approval by Planning Officers but overturned and refused by the Planning Committee. This compares with 9 in the previous report last year. Of these 11:

- Two were allowed on appeal,
- One appeal was dismissed
- Five have appeals lodged but no decision
- One application was not appealed
- One application may still be appealed
- One proposal cannot be appealed as it was a Council application.

These are summarised in the following table:

Table 5

Planning Application no.	Site	Proposal	Officer Rec	Committee Decision	Appeal Decision and Date
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
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	Approve	Refused 28/08/19	No appeal

Planning Application no.	Site	Proposal	Officer Rec	Committee Decision	Appeal Decision and Date
		front, demolition of chimney stacks.			
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 2 bedroom unit with associated parking and amenity space.	Approve	Refused 18/09/20	Dismissed 02/07/21
20/00736/ FUL	96 Cavendish Road, Sunbury on Thames, TW16 7PL	Erection of a two storey detached building comprising 2 x 1 bedroom flats	Approve	Refused 03/03/21	Appeal Decision awaited
21/00134/ FUL	115 Feltham Hill Road & Land at the rear of 113-127 Feltham Hill Road, Ashford.	Proposed redevelopment of site for the erection of 5 no residential units, following demolition of existing buildings.	Approve	Refused 26/05/21	Appeal Decision Awaited
21/00010/ FUL	Renshaw Industrial Estate, Mill Mead, Staines-upon-Thames,	Demolition of existing industrial buildings and redevelopment to provide 2 new buildings (5-13 storeys) comprising 397 build-to-rent residential apartments (Use Class C3) including affordable housing, ancillary residential areas (flexible gym, activity space, concierge and residents lounge), landscaping, children's play area and car and cycle parking.	Approve	Refused 27/07/21	Appeal decision awaited
20/01112/ FUL	Phase 1C Charter	Redevelopment of the site to provide 64 new	Approve	Refused 27/07/21	Appeal decision awaited

Planning Applicati on no.	Site	Proposal	Officer Rec	Committee Decision	Appeal Decision and Date
	Square, High Street, Staines-upon-Thames	residential units (Use Class C3) with flexible commercial, business and service floorspace (Use Class E) and drinking establishment floorspace (Sui Generis) at ground floor, rooftop amenity space; landscaping and enhancements to the central public square, associated highway works, and other ancillary and enabling works.			
19/01211 /FUL	Benwell House, Green Street, Sunbury on Thames	Erection of 5 storey residential block to provide 39 units, with a mix of 12 x 1-bed, 24 x 2-bed and 3 x 3-bed units together with associated parking, landscape and access.	Approve	Refused 13/10/21	N/A Council application
20/00119 9/FUL	Old Telephone Exchange, Masonic Lodge and adjoining land, Elmsleigh Road, Staines-upon-Thames.	Demolition of the former Masonic Hall and redevelopment of site to provide 206 dwellings together with car and cycle parking, hard and soft landscaping and other associated works.	Approve	Refused 23/06/21	Allowed on appeal 17/01/21
19/01567 /FUL	Florida Court Station Approach Staines-upon-Thames	Erection of an additional floor to create 7 x 1 bedroom units and 2 x 2 bedroom units and the creation of 2 additional car parking spaces.	Approve	Refused 10/11/21	Have 6 months from decision to lodge an appeal
21/00614 /OUT	36 - 38 Minsterley Avenue	Outline planning permission with appearance and	Approve	Refused 10/11/21	Appeal decision awaited

Planning Application no.	Site	Proposal	Officer Rec	Committee Decision	Appeal Decision and Date
	Shepperton	landscaping reserved for the erection of 5 detached dwellings, comprising 4 x 4 bedroom dwellings and 1 x 5 bedroom dwelling, with associated parking and amenity space following the demolition of 36 Minsterley Avenue.			

3.20 The Planning Enforcement function falls under the Planning DM service. The table below (no. 6) sets out statistics of workload for the last four years.

Table 6

Enforcement Case Types & Notices	2018	2019	2020	2021
BCN - Breach of Condition Notices	0	2	0	1
PLNCON - Breach of Planning Conditions	41	53	38	41
COURTB & BUSRES - Change of Use from Residential to Business	22	18	15	24
COU - Change of Use (Other)	36	41	34	35
CONSRV - Conservation Area	0	1	0	1
ENF - Enforcement Notices	9	7	3	1
HMO - Houses in Multiple Occupancy	N/A <sup>1</sup>	30	18	24
LBCOM - Listed Buildings	3	5	2	2
MISC - Miscellaneous	45 <sup>2</sup>	27	29	40
HIGHH – High Hedges	N/A <sup>3</sup>	N/A	N/A	1
PCN - Planning Contravention Notice	13	9	4	5
S215 – Untidy Land	0	5	3	7
STOP - Stop Notices	0	1	0	0
TCAEN - Unauthorised Work to Trees in a Conservation Area	0	1	2	0
TEMP - Temporary Stop Notices	2	3	2	0
TPO - Tree Preservation Orders	5	8	7	16
UNADV - Unauthorised Adverts	7	15	6	10
UNDEV - Unauthorised Development	136	153	172	188
UNOUT - Unauthorised Residential Use of Outbuilding	N/A <sup>4</sup>	N/A	N/A	N/A
Uncategorised	10	13	6	0
<b>Totals</b>	<b>319</b>	<b>379</b>	<b>335</b>	<b>396</b>

<sup>1</sup> No stats available for this type of breach (HMO) in 2018 as the type did not exist in our database and has only recently been added to give more granularity. Prior to this new breach type HMO breaches were recorded as MISC.

<sup>1</sup> 2018 MISC cases higher as this included HMO cases prior to the creation of a HMO breach type in 2019.

<sup>1</sup> No stats available for this type of breach (HIGHH) pre 2021 as the type did not exist in our database and has only recently been added to give more granularity. Prior to this new breach type HIGHH breaches were recorded as MISC.

<sup>1</sup> No stats available for this type of breach (UNOUT) pre 2022 as the type did not exist in our database and has only recently been added to give more granularity. Prior to this new breach type UNOUT breaches were recorded as COUOTH.

<sup>2</sup> 2018 MISC cases higher as this included HMO cases prior to the creation of a HMO breach type in 2019.

<sup>3</sup> No stats available for this type of breach (HIGHH) pre 2021 as the type did not exist in our database and has only recently been added to give more granularity. Prior to this new breach type HIGHH breaches were recorded as MISC.

<sup>4</sup> No stats available for this type of breach (UNOUT) pre 2022 as the type did not exist in our database and has only recently been added to give more granularity. Prior to this new breach type UNOUT breaches were recorded as COUOTH.

Overall there has been an increase in planning enforcement complaints by 24% from 2018 to 2021. A detailed report on planning enforcement policy will be reported to the Neighbourhood Services Committee on 3 March 2022.

## **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
- to limit the ability of people to object to individual planning applications
- 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 The government set an ambitious timetable for the Planning White Paper, but it is not clear at this stage when and if this will be delivered. In September 2021, the government restructured the Ministry of Housing, Communities and Local Government to the new Department for Levelling Up, Housing and Communities, thereby dropping 'local government' from its title. The government announced a Levelling Up White Paper on 2 February 2022 which referred to some planning changes. The announcements in relation to planning include:

- "Plans to empower local leaders and communities to reimagine their urban green space and improve access for communities who lack it. This includes enhancing and maintaining protection of the green belt."
- To develop plans for "further greening the green belt in England," and to see "improved green belts around towns and cities."
- Plans in the Planning White Paper to limit the ability of people to object to individual planning applications have been removed.
- "The ability to have a meaningful say on individual planning applications will be retained and improved through new digital technologies."
- The government will "look to pilot greater empowerment of communities to shape regeneration and development plans".
- The government's "improvements to the planning system will help level up left-behind places".
- "The UK Government will enhance compulsory purchase powers to support town centre regeneration; provide further support for re-using brownfield land for development; set a more positive approach to employment land in national policy to support the provision of jobs; and increase engagement with infrastructure providers in plan making to bolster productivity."

- The government will be "encouraging more accessible hybrid models for planning committees in England".
- The government is looking at some form of land value capture as part of its [reform of the developer contributions system](#). "The UK Government is developing models for a new infrastructure levy which will enable local authorities to capture value from development more efficiently, securing the affordable housing and infrastructure communities need."

It is expected that further legislation will follow to set out the details of the key statements above.

- 4.3 Nevertheless, the Government's focus on the importance of housing delivery and growth remains. On a local scale, the Council's Housing Delivery Test Action Plan was updated in 2021. 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 (HDT) result for 2021 has recently been issued and Spelthorne's result was 69% which is an increase on previous years. The Action Plan will be updated this year to reflect this. This means that 69% of its identified housing needs was delivered in the last three years and 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 there is not a 5-year housing land supply, the current figure is 4.5 years. The consequences of the HDT and lack of a 5 year housing land supply is that the 'tilted balance' (which changes the 'balancing exercise' in favour of approve) is applied to most residential development planning applications in Spelthorne.
- 4.4 In 2020 and 2021, 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 LPA**

- 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 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. The Planning DM officers have continued to successfully meet this



huge challenge which has been exacerbated by an increased workload as highlighted above 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 has been undertaken to improve the application process and management system and this is a continuous process. This work has enabled officers to work remotely in a paperless way of working. Enterprise was crucial in providing an efficient virtual way of working from March 2020. More Enterprise improvements are underway as a continuing process to further enhance the process and improve efficiency.
- 5.3 Officers have attended several on-line training courses as part of their continuous professional development. This is an on-going requirement. In addition, it is planned to provide more training for Members.
- 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 risk of performance, in terms of major applications, coming close to or possibly exceeding the 10% threshold next year. In the two-year period April 2019 to March 2021, the Council determined 42 major planning applications, two of which were appealed against and both were allowed on appeal. This equates to a quality performance of 4.76%. However for the next year, April 2020 to March 2022, in addition to the current two applications allowed on appeal, three further appeals are currently with the Planning Inspectorate and there could possibly be more. If the appeals are allowed, it would bring the performance over the designation threshold of 10%. Continuous monitoring against this criterion is essential.
- 5.5 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”. Where an authority is “designated”, applicants may apply directly to the Planning Inspectorate for the category of applications, for which the authority has been “designated (in this case ‘major’)”. If this was to occur, not only could the LPA lose control in decision making of major planning proposals, the LPA would also not receive the pre-application advice fee and statutory planning application fee of the larger schemes which can be significant. For example, the planning application fees of some large proposals include Shepperton Reserved Matters £189,839 and £45,491 and Debenhams £50,381. In addition, it should be noted that in 2020/21, Planning DM received over £1,000,000 in income; £875,965 in planning application fees and £194,182 in pre-application and planning performance agreement fees. The majority of this related to the large applications. This year(2021/22) is lower but still significant. Continuous monitoring against this criterion is essential.
- 5.6 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

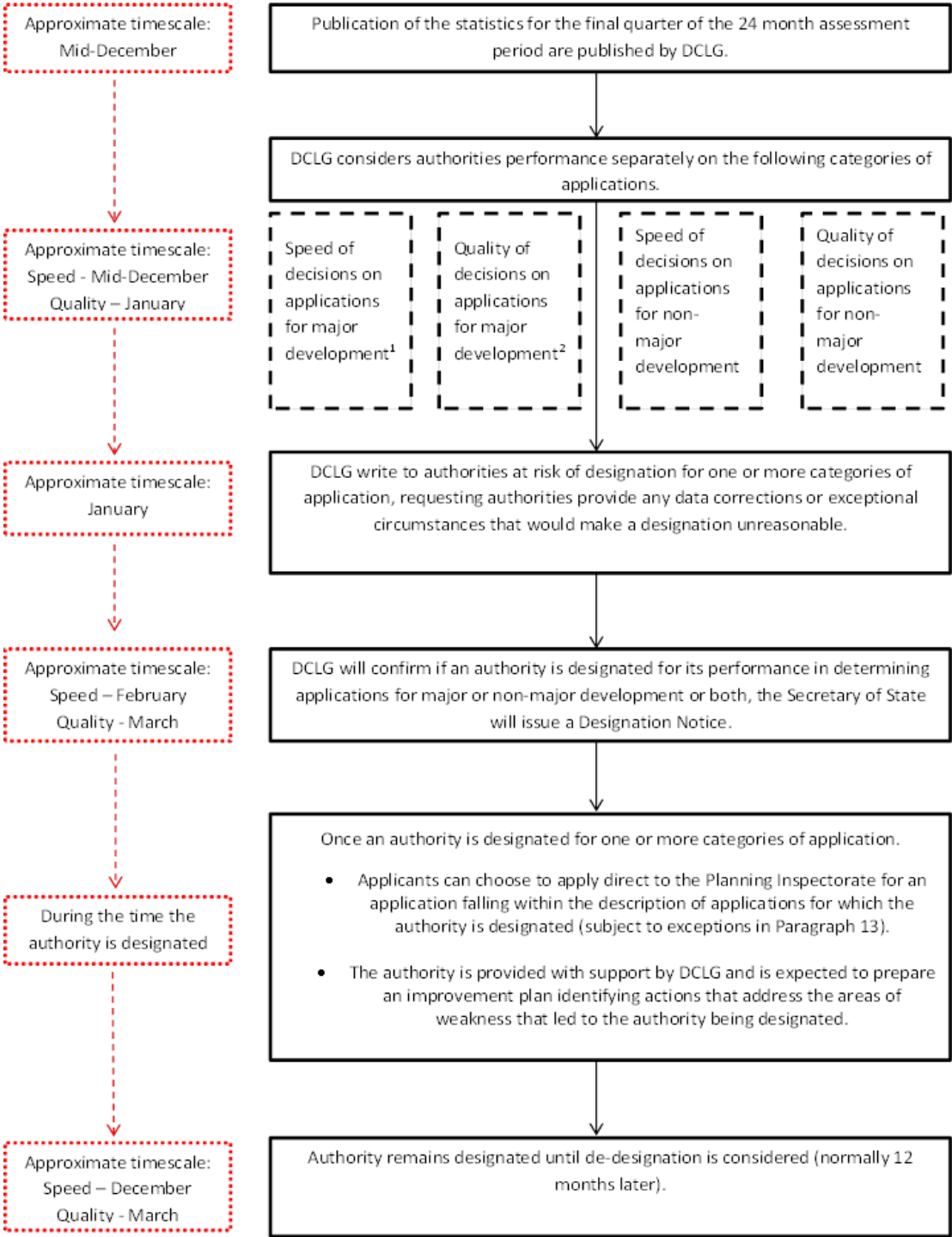
“designation”. The rigorous defence of appeals will continue to require appropriate resources.

- 5.7 An up to date development 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 and it is expected that consultation on the Publication Local Plan (Regulation 19) will be take place in Spring this year. 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.
- 5.8 DM Officers will continue to closely monitor committee overturns. The number of these has been relatively small but increased in 2021. All Members have been advised of the requirements of the Planning Code which was revised in 2021 and in particular, the “call in” procedure. The guiding principle of a “call-in” is that there is a “material planning concern” in the application being considered by the Committee. The Planning Code was updated in 2021.
- 5.9 The PDM Officers are working within a culture of continuous performance improvement throughout the planning development management process. Planning Development Management underwent a two-week audit on its processes and procedures and the overall outcome was judged as “Effective”, the highest level.
- 5.10 It is proposed to continue providing PDM performance reports in the future.

## **6 Recommendation**

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

Designation Process



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Appeal Allowed	23	
Appeal Dismissed	68	
Part Allowed/Part Dismissed	1	
Appeal Withdrawn	1	
Total Number of Appeals	93	

### Planning Appeal Decisions Received April 2019 to December 2021

Case Ref & Address	Procedure	Appeal Ref & Nature	Decision	Decision Date
<b>17/01715/FUL</b> 8 Edward Way Ashford TW15 3AY	Written Representation	APP/Z3635/W/18/3197736 Erection of 2 storey side extension (approve ref 16/01716/HOU) to create 1 bedroomed self contained unit, removal of existing single storey rear extension to existing house and associated external and internal alterations	Appeal Dismissed	20.08.2020
<b>18/00733/TPO</b> 3 The Mallards Laleham Staines-upon-Thames	Hearing	APP/TPO/Z3635/6902 TPO25/STA - G3 - 1x Lime Tree (shown on received plan) - crown branches reduction to 1 metre, and reduce height leaving the tree with a height of at least 10 metres.	Appeal Allowed	11.04.2019
<b>17/01938/FUL</b> 20 Bridge Street Staines-upon-Thames TW18 4TW	Written Representation	APP/Z3635/W/18/3209382 Erection of a five storey building of 9 self-contained flats comprising 3 no. 1 bed flats, 5 no. 2 bed flats and 1 no. 3 bed flats with associated cycle parking following demolition of existing two storey building.	Appeal Dismissed	31.05.2019
<b>18/01101/FUL</b> 17 - 51 London Road Staines-upon-Thames TW18 4EX	Public Inquiry	APP/Z3635/W/18/3219226 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.	Appeal Withdrawn	29.08.2019
<b>18/01426/RVC</b> Halliford Studios Limited Manygate Lane Shepperton	Written Representation	APP/Z3635/W/18/3219171 Variation of condition 2 (approved drawings) of planning permission 17/01065/FUL for 24 dwellings, to allow the brick wall along the Northern and Eastern boundaries to be replaced with 1.8 metre high close boarded fence topped with 300mm trellis, and a 2.1 metre high wall.	Appeal Allowed	29.05.2019
<b>18/01106/RVC</b> McDonalds 554 London Road Ashford	Written Representation	APP/Z3635/W/18/3217395 Variation of condition no. 21 of planning approval 13/00451/FUL for the erection of a freestanding two storey restaurant with associated drive thru lane, parking and landscaping and installation of customer order display and canopy to allow the restaurant to open for 24 hours a day, seven days a week.	Appeal Allowed	02.07.2019
<b>18/01129/HOU</b> 41 Nursery Road Sunbury On Thames TW16 6LH	Written Representation	APP/Z3635/C/19/3220220 Retention of carport and extension of existing front wall including the installation of gates	Part Allowed/Part Dismissed	03.09.2019
<b>18/00432/T56</b>	Written Representation	APP/Z3635/W/18/3214801 Installation of a 17.5m Shrouded High Jupiter Street Pole (Grey); 1 x 0.3 Microwave Dish; 3 x equipment cabinets (Green) and ancillary equipment	Appeal Allowed	28.05.2019

Grass Verge Opposite The Parade At Junction Of Vicarage Road				
<b>18/01168/PDH</b>  Sans Souci 35 Hamhaugh Island Shepperton	Fast Track Appeal	APP/Z3635/D/18/3215554 Prior approval notification for a single storey rear extension measuring 8 metres in depth beyond the rear wall of the original dwellinghouse with a maximum height of 4 metres and a height to the eaves of 3 metres as shown on plans nos. SS/3/05A, 06A, 07A, 10A and site location plan received on 09.08.2018	Appeal Allowed	17.05.2019
<b>18/00435/FUL</b>  Old Pumping Station Wheatsheaf Lane Staines-upon- Thames	Written Representation	APP/Z3635/W/19/3221761 Erection of 1 No. detached 3 No. bedroom dwelling with associated parking and amenity space, following demolition of existing pump house	Appeal Dismissed	05.07.2019
<b>18/01454/HOU</b>  2 Courtfield Road Ashford TW15 1JR	Fast Track Appeal	APP/Z3635/D/19/3224072 Erection of a detached annexe (Following demolition of existing garage).	Appeal Dismissed	28.05.2019
<b>18/01372/FUL</b>  Land To The East Of Moor Lane Staines-upon- Thames	Written Representation	APP/Z3635/W/19/3222411 Erection of barn for agricultural use to house animals, erection of 2m boundary fence	Appeal Dismissed	05.08.2019
<b>18/01730/FUL</b>  48 Feltham Road Ashford TW15 1DH	Written Representation	APP/Z3635/W/19/3224609 Erection of a part single storey, part two storey side extension and subdivision of the plot to create an additional self-contained, one bedroom dwelling with associated parking and amenity space.	Appeal Dismissed	02.07.2019
<b>18/00977/FUL</b>  Land At The Rear Of 137-139 Laleham Road Staines Upon Thames TW18 2EQ	Written Representation	APP/Z3635/W/19/3226460 Erection of a detached two storey, two bedroom dwelling with associated parking and amenity.	Appeal Dismissed	14.08.2019
<b>18/01236/FUL</b>  Land Adjacent 31 Glebeland Gardens Shepperton	Written Representation	APP/Z3635/W/19/3227930 Erection of a two storey side extension to existing dwelling to create a one bedroom maisonette	Appeal Dismissed	27.08.2019
<b>19/00159/HOU</b>  525 Staines Road West Ashford TW15 2AB	Fast Track Appeal	APP/Z3635/D/19/3230773 Erection of outbuilding for use as granny annexe	Appeal Dismissed	17.09.2019
<b>19/00144/FUL</b>  19A Gordon Road Ashford TW15 3ES	Fast Track Appeal	APP/Z3635/D/19/3231133 Loft extension to existing first floor flat comprising rear facing dormer to create additional accommodation in the roofspace, creation of a balcony and 3 roof lights in front roof slope	Appeal Dismissed	17.09.2019

<b>19/00329/HOU</b> 23 Talbot Road Ashford TW15 3PN	Fast Track Appeal	APP/Z3635/D/19/3229316 Erection of first floor side extension and two storey rear extension (Following the demolition of existing conservatory).	Appeal Dismissed	02.09.2019
<b>19/00530/HOU</b> 62 Wheatsheaf Lane Staines-upon-Thames TW18 2LR	Fast Track Appeal	APP/Z3635/D/19/3232671 Erection of a detached single storey outbuilding at the rear to be used as a residential annex.	Appeal Allowed	09.09.2019
<b>18/00227/CLD</b> 22 Willowbrook Road Stanwell Staines-upon-Thames	Written Representation	APP/Z3635/X/18/3218294 Building works to erect a single story garage on the land to the rear of 22 willowbrook road, Stanwell, TW197ab.	Appeal Dismissed	18.12.2019
<b>18/00675/CPD</b> 22 Willowbrook Road Stanwell Staines-upon-Thames	Written Representation	APP/Z3635/X/18/3217627 Single Storey garage being constructed on the current garden. The garage is fully compliant with the requirements of permitted development.	Appeal Dismissed	18.12.2019
<b>19/00474/FUL</b> The Anchor Hotel Church Square Shepperton	Written Representation	APP/Z3635/W/19/3233754 The partial demolition of the existing hotel with the retention of the front facade. Erection of 3 no. 4 bedroom townhouses 2 no. attached 2 bedroom cottages and 2 no. 2 bedroom apartments with associated landscaping and cobbled parking court.	Appeal Dismissed	16.12.2019
<b>19/00714/RVC</b> 32 - 34 Feltham Road Ashford TW15 1DH	Written Representation	APP/Z3635/W/19/3235760 Variation of condition 2 of planning permission 18/00503/FUL (the plans condition) to allow a larger canopy and car washing area.	Appeal Dismissed	02.04.2020
<b>19/00518/FUL</b> Former Nursery Site Rear 37-51 Hithermoor Road Stanwell Moor	Hearing	APP/Z3635/W/19/3233509 Change of use of site from former nursery site to fencing manufacture and supply business. Demolition of existing glasshouses, polytunnels and concrete building and erection of a new workshop building and a 3 metre high acoustic fence. Retention of existing hardstanding and provision of new hardstanding to accommodate car parking and building storage area. Retention of existing fencing and gates.	Appeal Dismissed	15.05.2020
<b>19/00874/HOU</b> Jonmari Cotswold Close Staines-upon-Thames	Fast Track Appeal	APP/Z3635/D/19/3236166 Roof alterations to include hip to gable roof extensions with front, side and rear facing dormers	Appeal Allowed	20.11.2019
<b>19/00528/HOU</b> 6 St Pinnock Avenue Staines-upon-Thames TW18 2HX	Fast Track Appeal	APP/Z3635/D/19/3234253 Erection of a single storey side extension to incorporate a garage.	Appeal Dismissed	26.11.2019
<b>19/00444/ADV</b>	Fast Track Appeal	APP/Z3635/Z/19/3233786 Retention of freestanding 6.52m tall non-illuminated sign at entrance (retrospective)	Appeal Allowed	23.10.2019

Charlton Lane Ecopark Charlton Lane Shepperton				
<b>19/00558/HOU</b>  41 Birch Grove Shepperton TW17 8SS	Fast Track Appeal	APP/Z3635/D/19/3235109 Erection of side facing dormer	Appeal Dismissed	15.11.2019
<b>19/00657/HOU</b>  27 Leacroft Staines-upon- Thames TW18 4PB	Fast Track Appeal	APP/Z3635/D/19/3234016 Erection of front and rear dormers and rooflights to create accommodation within the roofspace	Appeal Dismissed	15.11.2019
<b>19/00637/HOU</b>  Cockaigne Sandhills Meadow Shepperton	Fast Track Appeal	APP/Z3635/D/19/3235586 Extension to the rear roof to create habitable accommodation including the raising of the rear ridge height and insertion of a juliet style balcony	Appeal Dismissed	19.12.2019
<b>18/01627/FUL</b>  Plot 5 Las Palmas Estate Sandhills Meadow	Written Representation	APP/Z3635/W/19/3236959 Change of use of land to the keeping of horses, installation of post and rail boundary fencing and access gate	Appeal Dismissed	27.01.2020
<b>19/00364/HOU</b>  The Outlook Towpath Shepperton	Written Representation	APP/Z3635/D/19/3233744 Erection of an open single garage for domestic use.	Appeal Dismissed	13.02.2020
<b>19/00379/OUT</b>  Land On South Side Of Shaftesbury Crescent Ashford Road Laleham	Written Representation	AAP/Z3635/W/19/3237930 Outline Planning Permission with appearance reserved for the erection of a two storey detached dwelling house with associated parking and amenity space.	Appeal Dismissed	31.03.2020
<b>19/00696/FUL</b>  Brecknock Stanwell New Road Staines- upon-Thames	Written Representation	APP/Z3635/W/19/3237477 The erection of a part two storey, part single storey side and rear extension including a roof extension incorporating side and rear dormers, and conversion into flats, comprising 3 no.2 bedroom flats, and 1 no. studio flat with associated parking and amenity space.	Appeal Dismissed	17.04.2020
<b>19/00716/FUL</b>  Clock Bungalow 191 Ashford Road Laleham	Written Representation	APP/Z3635/W/19/3237690 Change of use of land to extended residential curtilage for Clock Bungalow, 191 Ashford Road.	Appeal Allowed	04.06.2020
<b>19/00889/FUL</b>  22 Church Road Ashford TW15 2UY	Written Representation	APP/Z3635/W/19/3240130 Erection of two storey rear extension to provide additional office accommodation at ground floor level, a second floor extension and conversion of first floor to form 2 no. 2 bedroom flats.	Appeal Dismissed	10.03.2020
<b>19/00757/FUL</b>	Written Representation	APP/Z3635/W/19/3239669 Erection of walls and piers at the entrance to The Creek, walls and piers adjacent to Riverbank and May Cottage, and planter adjacent to entrance to Riverbank (part retrospective)	Appeal Dismissed	26.02.2020



Section Of The Creek Between Fordbridge Road And Riverbank The Creek Sunbury On Thames				
<b>19/01290/HOU</b>  101 Groveley Road Sunbury On Thames TW16 7JZ	Written Representation	APP/Z3635/D/19/3241650 Creation of a vehicle crossover.	Appeal Allowed	03.02.2020
<b>19/01043/HOU</b>  76 Chaucer Road Ashford TW15 2QX	Fast Track Appeal	APP/Z3635/D/19/3241929 Erection of a two storey side extension	Appeal Allowed	03.02.2020
<b>19/01026/HOU</b>  5 Guildford Street Staines-upon-Thames TW18 2EQ	Fast Track Appeal	APP/Z3635/D/19/3238943 Proposed roof alterations that would include raising the ridge height and the installation of an eastern flank facing dormer with additional rooflights on the western flank elevation to create additional habitable space.	Appeal Dismissed	03.02.2020
<b>19/01079/HOU</b>  22 Montford Road Sunbury On Thames TW16 6EJ	Fast Track Appeal	APP/Z3635/D/19/3239573 Erection of a two storey front extension	Appeal Dismissed	14.02.2020
<b>19/00829/FUL</b>  11 Gleneagles Close Stanwell Staines-upon-Thames	Written Representation	APP/Z3635/W/19/3243544 Erection of an end of terraced dwelling in place of existing garage	Appeal Dismissed	06.04.2020
<b>19/01084/HOU</b>  1 Jennifer Court Adelaide Road Ashford	Written Representation	APP/Z3635/W/W/19/3243480 Installation of boundary fence and timber pergola (retrospective)	Appeal Dismissed	26.03.2020
<b>19/01077/FUL</b>  Former Garages/Lock-Up Stores Station Approach Sunbury On Thames	Written Representation	APP/Z3635/W/19/3243283 Erection of 2 no. 2 bed flats over three floors with landscaping following the demolition of the existing 3 no. lock up garage	Appeal Dismissed	26.10.2020
<b>19/01024/HOU</b>  1 Everest Road Stanwell Staines-upon-Thames	Fast Track Appeal	APP/Z3635/D/19/3243479 Erection of a part single storey, part two storey, front side and rear extension, including the installation of an additional dormer and roof light in the roof space	Appeal Dismissed	09.11.2020
<b>19/00679/PIP</b>	Written Representation	APP/Z3635/W/19/3242759 Permission in principle for a maximum of 4 dwellings	Appeal Dismissed	21.10.2020

Land To The Rear Of 32, 34 And 36 Commercial Road Staines-upon- Thames				
<b>19/01564/OUT</b>  Land Adjacent To 7 Maxwell Road Ashford	Written Representation	APP/Z3635/W/20/3244874 Erection of a single dwelling with associated parking and amenity space, on land adjacent to 7 Maxwell Road	Appeal Dismissed	28.05.2020
<b>19/01218/FUL</b>  99 Feltham Road Ashford TW15 1BS	Written Representation	APP/Z3635/W/20/3244852 Alterations to roof including rear balcony to provide one new flat within existing roofspace.	Appeal Allowed	20.05.2020
<b>19/01201/FUL</b>  6 - 8 Wolsey Road Ashford TW15 2RB	Written Representation	APP/Z3635/W/20/3245241 Erection of a 2nd floor extension to create an additional 1 no. 2 bed unit, alteration to approved 1 no. 1 bed duplex unit, external alterations, and provision of associated cycle parking and refuse storage.	Appeal Dismissed	
<b>19/01595/FUL</b>  10 Park Road Ashford TW15 1EY	Written Representation	APP/Z3635/W/20/3250410 Conversion of existing annexe to a separate dwelling with ancillary amenity space, waste storage and cycle store	Appeal Allowed	20.01.2021
<b>19/01364/HOU</b>  28 Hadrian Way Stanwell Staines- upon-Thames	Fast Track Appeal	APP/Z3635/D/20/3245935 Erection of an outbuilding (retrospective) as shown on plan no. site location plan, existing block plan, proposed block plan, existing layout and proposed layout received on 10.10.2019	Appeal Dismissed	20.11.2020
<b>19/01570/FUL</b>  305-307 Feltham Hill Road Ashford TW15 1LT	Written Representation	APP/Z3635/W/20/3249419 The erection of 3x2 bedroom terraced dwellings and 2x2 bedroom detached dwellings with associated parking and amenity space following demolition of existing dwellings	Appeal Dismissed	
<b>19/01273/FUL</b>  59 Laleham Road Shepperton TW17 8EQ	Written Representation	APP/Z3635/W/20/3250772 Subdivision of plot and erection of a self-contained two bedroom dwelling house with associated access and amenity space (following demolition of an existing outbuilding).	Appeal Dismissed	19.02.2021
<b>19/01727/FUL</b>  Land To The Rear Of 55 Squires Bridge Road Shepperton TW17 0JZ	Written Representation	APP/Z3635/W/20/3250469 Proposed erection of pair of 2 storey 3 bedroom semi-detached houses	Appeal Dismissed	19.10.2020
<b>20/00063/HOU</b>  96 Woodthorpe Road Ashford TW15 3JY	Fast Track Appeal	APP/Z3635/D/20/3251754 Construction of a vehicle crossover	Appeal Allowed	19.10.2020

<b>19/01444/CLD</b> 10 Park Road Ashford TW15 1EY	Written Representation	APP/Z3635/X/20/3250404 Certificate of lawfulness for an existing outbuilding	Appeal Dismissed	20.01.2021
<b>19/01529/FUL</b> 10 Station Approach Ashford TW15 2QW	Written Representation	APP/Z3635/W/20/3253447 Construction of a third floor to create 1 no. flat within a mansard roof and other associated alterations (including alterations to fenestration and addition of parapet wall at second floor).	Appeal Dismissed	27.10.2020
<b>20/00158/HOU</b> 122 Ashridge Way Sunbury On Thames TW16 7RR	Fast Track Appeal	APP/Z3635/D/20/3253735 Erection of a front porch, a single storey and part two storey rear extension with a Juliet balcony. Loft alterations that would include a hip to gable alteration, the installation of a rear facing dormer with a Juliet balcony, and 2no. roof lights within the front roof slope.	Appeal Dismissed	24.11.2020
<b>20/00446/HOU</b> 18 Glebe Road Staines-upon-Thames TW18 1BX	Fast Track Appeal	APP/Z3635/D/20/3255429 The erection of a detached outbuilding.	Appeal Allowed	14.10.2020
<b>18/01729/FUL</b> Land Rear Of 35-51 High Street Stanwell Staines-upon-Thames	Written Representation	APP/Z3635/W/20/325505 Erection of 2no 2 bedroom semi-detached houses together with associated parking following demolition of existing building.	Appeal Allowed	09.11.2020
<b>20/00436/HOU</b> 21 Gaston Bridge Road Shepperton TW17 8HH	Fast Track Appeal	APP/Z3635/D/20/3257460 Erection of a part single storey, part two storey side and rear extension and single storey front extension	Appeal Dismissed	02.11.2020
<b>20/00330/HOU</b> 19 Shortwood Avenue Staines-upon-Thames TW18 4JN	Written Representation	APP/Z3635/D/20/3256884 Roof alterations to include a hip to gable extension, the installation of a rear dormer window and two roof lights to the front roof slope (As shown on plans: 19SA/04122017/REV-C-1/2 and 19SA/04122017/REV-C-2/2 received 27.03.2020)	Appeal Allowed	03.11.2020
<b>20/00527/HOU</b> 26 Preston Road Shepperton TW17 0BG	Fast Track Appeal	APP/Z3635/D/20/3256622 Conversion of existing garage and outbuilding into an annex with associated alterations.	Appeal Allowed	30.10.2020
<b>20/00640/HOU</b> 102 Windmill Road Sunbury On Thames TW16 7HB	Fast Track Appeal	APP/Z3635/W/20/3258584 The creation of a vehicular crossover.	Appeal Dismissed	02.12.2020
<b>20/00544/HOU</b> 18 Junction Road Ashford TW15 1NQ	Fast Track Appeal	APP/Z3635/D/20/3258989 Erection of side extension with a gable end element that would have a similar height as the bungalow, the erection of a single storey rear extension and loft conversion including the installation of a 2 no rear facing dormers and 5 no rooflights to the front slope to provide additional habitable accommodation (following demolition of existing conservatory and partial demolition of a garage at the rear). Proposed new access via Junction Road.	Appeal Dismissed	01.12.2020

<b>20/00690/HOU</b> 7 Conway Drive Ashford TW15 1RQ	Fast Track Appeal	APP/Z3635/D/20/3259468 Erection of a two storey side and single storey front extension (following demolition of existing garage).	Appeal Dismissed	02.12.2020
<b>20/00591/RVC</b> Thames Boat House Limited Sandhills Meadow Shepperton	Written Representation	APP/Z3635/W/20/3257970 Variation of condition 9 (relating to the permitted use) of PA ref 04/01184/FUL for the erection of the boat house, to allow up to 20% of the showroom space to be used for the fitting out, storage and sale of camper vans as shown on site location plan received on 29.05.2020.	Appeal Dismissed	09.02.2021
<b>20/00350/RVC</b> 25 Church Street Staines-upon- Thames TW18 4EN	Written Representation	APP/Z3635/W/20/3260608 Variation of condition 4 (hours of opening) of p/a 19/00042/FUL (Change of use of ground floor office (Class B1) to takeaway (Class A5) and installation of extractor fan and flue) to allow longer opening hours (as shown on plan no'd HABIB/PLAN/001 and Location plan rec'd 18.03.2020)	Appeal Dismissed	15.06.2021
<b>20/00457/HOU</b> 10 Park Road Ashford TW15 1EY	Written Representation	APP/Z3635/W/20/3259643 Retention of an outbuilding (retrospective)	Appeal Allowed	18.01.2021
<b>20/00588/HOU</b> 7 Vereker Drive Sunbury On Thames TW16 6HQ	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
<b>20/00218/FUL</b> The Mill Heathrow Horton Road Stanwell Moor	Fast Track Appeal	APP/Z3635/W/20/3261719 Retention of Car Park	Appeal Dismissed	08.03.2021
<b>20/00753/FUL</b> 97 Village Way Ashford TW15 2JY	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. New boundary fence along northern boundary and cycle store. Conversion of property into 4 no flats.	Appeal Dismissed	18.06.2021
<b>19/01651/FUL</b> Land To Rear Of 39-51 High Street Stanwell	Written Representation	APP/Z3635/W/20/3263544 Erection of a pair of two no. semi detached dwellings with associated amenity space and parking.	Appeal Dismissed	17.06.2021
<b>19/01022/OUT</b> Bugle Nurseries Upper Halliford Road Shepperton	Hearing	APP/Z3635/W/20/3252420 Outline application with all matters reserved other than 'access' for the demolition of existing buildings and structures and the redevelopment of the site for a residential-led development comprising up to 43 residential homes, a 62-bed care home and the provision of open space, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.  As shown on drawing nos.' F0001 Rev. P1; F0010 Rev. P1; F0100 Rev. P1; F0200 Rev. P1; F1500 Rev. P1; D0100 Rev. P1; D0110 Rev. P1; D0120 Rev. P1; D0400 Rev. P1; D1001 Rev. P1; D1003 Rev. P1; D1200 Rev. P1; D1201 Rev. P1; D1300 Rev. P1; D1400 Rev. P1; D1401 Rev. P1 received 24th July 2019.	Appeal Dismissed	15.07.2021
<b>20/01099/HOU</b> 21 Thames Meadow	Fast Track Appeal	APP/Z3635/D/21/3267579 Erection of side extensions and first floor extension with new roof.	Appeal Dismissed	13.07.2021

Shepperton TW17 8LT				
<b>20/01454/HOU</b>  18 Junction Road Ashford TW15 1NQ	Fast Track Appeal	APP/Z3635/D/21/3268072 Erection of a side extension that joins the bungalow's roof, the erection of a single storey rear extension and loft conversion including the installation of a rear facing dormer and 2 no rooflights on the proposed side extension (1 no at the front and 1 no to the side roof slopes) to provide additional habitable accommodation (following demolition of existing conservatory and partial demolition of a garage at the rear). Proposed new access via Junction Road.	Appeal Dismissed	01.06.2021
<b>20/00123/OUT</b>  Bugle Nurseries Upper Halliford Road Shepperton	Hearing	APP/Z3635/W/21/3268661 Outline planning application with all matters reserved other than 'Access' for the retention of existing dwelling and demolition of all other existing buildings and structures and the redevelopment of the site for up to 31 dwellings along with the provision of public open space and other associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes. As shown on drawing nos.' F0001 Rev. P1; F0100 Rev. P1; F0300 Rev. P1; F0500 Rev. P1; F1001 Rev. P1; D0100 Rev. P1; D0103 Rev. P1; D0120 Rev. P1; D0300 Rev. P1; D0500 Rev. P1; D1002 Rev. P1; D1100 Rev. P1; C0100 Rev. P1 received 03 February 2020.	Appeal Allowed	15.07.2021
<b>20/00872/FUL</b>  Brookside Acacia Road Staines- upon-Thames	Written Representation	APP/Z3635/W/20/3265624 The demolition of a detached chalet bungalow together with a garage, shed and greenhouse to make way for 4 no. two bed flats with associated parking and amenity space.	Appeal Dismissed	04.06.2021
<b>20/00565/FUL</b>  Ruxbury Court Cumberland Road Ashford	Written Representation	APP/Z3635/W/20/3265106 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 2 bedroom unit with associated parking and amenity space.	Appeal Dismissed	02.07.2021
<b>20/01251/FUL</b>  31 Denman Drive Ashford TW15 2AN	Written Representation	APP/Z3635/W/21/3268257 The erection of a part single storey, part two storey side and rear extension and the subdivision of the plot to create a 1 x bedroom 2 storey terraced dwelling with associated amenity space.	Appeal Dismissed	19.07.2021
<b>20/01092/FUL</b>  Land Adj To 119 Penton Road Staines-upon- Thames TW18 2LL	Written Representation	APP/Z3635/W/20/3265504 The erection of 2 x 3 bedroom detached dwellings with associated parking and amenity space	Appeal Dismissed	08.09.2021
<b>20/01054/HOU</b>  The Coach House 180 Chesterfield Road Ashford	Fast Track Appeal	APP/Z3635/D/21/3269975 Erection of a first floor side extension.	Appeal Dismissed	28.06.2021
<b>21/00067/HOU</b>  18 Kenyngton Drive Sunbury On Thames TW16 7RX	Fast Track Appeal	APP/Z3635/D/21/3271473 Erection of a single storey side and rear extension.	Appeal Dismissed	15.09.2021
<b>20/01576/HOU</b>  181 Elizabeth Avenue Laleham	Fast Track Appeal	APP/Z3635/D/21/3272490 Retention of boundary fence and the erection of an additional fence and gates.	Appeal Dismissed	07.07.2021

Staines-upon-Thames				
<b>21/00188/FUL</b> The Swan Inn 16 - 18 High Street Stanwell	Written Representation	APP/Z3635/W/21/3273070 Retrospective application for the siting of an InPost Locker	Appeal Dismissed	01.09.2021
<b>20/00887/FUL</b> 67 Staines Road East Sunbury On Thames TW16 5AA	Written Representation	APP/Z3635/W/21/3269589 The erection of a two storey side extension comprising a 1 bedroom dwelling with associated parking and amenity space, following the subdivision of the plot and the change of use of the rear parking area	Appeal Dismissed	15.09.2021
<b>20/01247/TPO</b> 1 The Spinney Sunbury On Thames TW16 5EJ	Fast Track Appeal	APP/TPO/Z3635/8347 TPO015SUN - T11 - Oak - Fell	Appeal Dismissed	06.12.2021
<b>21/00178/HOU</b> 172 Stanwell Road Ashford TW15 3QS	Fast Track Appeal	APP/Z3635/D/21/3275850 Roof extension comprising ridge height increase and addition of 2no side dormers to provide accommodation in the roof space.	Appeal Dismissed	01.10.2021
<b>21/00341/HOU</b> 69 Thames Side Staines-upon- Thames TW18 2HF	Fast Track Appeal	APP/Z3635/D/21/3276855 Erection of a 3m extension at ground level and changes to the existing western riverside gable elevation. The construction of a study at the rear, the replacement of the existing garage roof, and the construction of a glazed covered walkway linking the study with the kitchen doorway.	Appeal Allowed	15.12.2021
<b>20/01271/FUL</b> 13 Thetford Road Ashford TW15 3BW	Written Representation	APP/Z3635/W/21/3277275 Erection of 3 no.terraced dwellings following demolition of existing bungalow and garage as shown on amended drawings numbered PL-01 - 09 received on 06 November 2020.	Appeal Dismissed	24.11.2021
<b>20/01322/FUL</b> Rowland Hill Almshouses Feltham Hill Road Ashford	Hearing	APP/Z3635/W/21/3278367 The creation of a new car park and vehicle crossover and alterations to the layout of the existing car park.	Appeal Dismissed	24.11.2021

Appeal Allowed	2	
Appeal Dismissed	6	
Part Allowed/Part Dismissed	2	

## Planning Enforcement Appeal Decisions Received April 2019 to December 2021

Case Ref & Address	Procedure	Appeal Ref & Nature	Decision	Decision Date
<b>18/00147/ENF</b> 41 Nursery Road Sunbury On Thames TW16 6LH	Written Representation	APP/Z3635/C/19/3220221 Appeal against	Part Allowed/Part Dismissed	03.09.2019
<b>17/00262/ENF</b> The Orchard Church Island Staines-upon- Thames	Written Representation	APP/Z3635/C/18/3212752 Appeal against serving of an Enforcement Notice following erection of a building on land without planning permission.	Appeal Allowed	30.08.2019
<b>18/00102/ENF</b> Land South East Of The Ranges Chertsey Road Shepperton	Written Representation	APP/Z3635/C/18/3215550 Appeal against serving of an Enforcement Notice following the carrying out on the land of building, engineering, mining or other operations in particular the construction of two brick walls with piers, at the access way, with the installation of metal entrance gates and close boarded fencing to southern boundary, on Green Belt land.	Part Allowed/Part Dismissed	30.08.2019
<b>18/00282/ENF</b> Land South East Of The Ranges Chertsey Road Shepperton	Written Representation	APP/Z3635/C/19/3224740 Appeal against serving of Enforcement Notice following the carrying out on the land of building, engineering, mining or other operations. In particular the construction of a bund along the south boundary and east boundary of the land (approximate position hatched black on the plan), and construction of a close boarded wooden fence on these bunds to a height of approximately 2.2 metres from the top of the bunds, on land within a flood plain and on Green Belt land.	Appeal Allowed	30.08.2019
<b>18/00295/ENF</b> The Thorns Long Lane Stanwell	Written Representation	APP/Z3635/C/18/3219560 Appeal against serving of an Enforcement Notices following without planning permission, the making of a material change of use of the land comprising (1) the use of the site for airport car parking.	Appeal Dismissed	11.09.2019
<b>19/00029/ENF</b> 22 Willowbrook Road Stanwell Staines-upon- Thames	Written Representation	APP/Z3635/C/19/3225501 Appeal against serving of an Enforcement Notice for the unauthorised operational development of two partially rendered metal storage containers with a felt overhanging roof	Appeal Dismissed	02.12.2019
<b>19/00129/ENF</b> 32 - 34 Feltham Road Ashford TW15 1DL	Written Representation	APP/Z3635/C/19/3236361 Appeal against serving of an Enforcement Notice for the unlawful operational development of the land, by the erection of a large canopy and carwash structure.	Appeal Dismissed	02.04.2020



<b>19/00003/ENF</b> Budget Car Sales Limited Sales Depot 648 London Road	Written Representation	APP/Z3635/C/19/3240021 Appeal against serving of an Enforcement Notice. Without planning permission, the material change of use of the land from use for car parking for a car sales business and use of a porta cabin as an office, to car parking for a car sales business and use of a porta cabin as an office, and the siting of a second porta cabin and its use as an office.	Appeal Dismissed	03.07.2020
<b>19/00262/ENF</b> 28 Hadrian Way Stanwell Staines- upon-Thames	Written Representation	APP/Z3635/C/20/3244894 Appeal against serving of an Enforcement Notice for the erection of an outbuilding and the use of that building, without planning permission.	Appeal Dismissed	12.05.2020
<b>18/00194/ENF</b> Unit 7 Shepperton Industrial Estate, Littleton Lane.	Written Representation	APP/Z3635/C/20/3244698 Appeal against serving of an Enforcement Notice following the construction of a large workshop building and the use of that building, without planning permission.	Appeal Dismissed	28.07.2020



## Major Applications

This report is for information only

The list below comprises current major applications which may be brought before Planning Committee for determination. These applications have either been submitted some time ago but are still not yet ready for consideration or are recently received applications that are not ready to be considered by the Planning Committee. The background papers for all the applications are contained on the Council's website (Part 1 Planning Register).

All planning applications by Spelthorne Borough Council and Knowle Green Estates will be brought before the Planning Committee for determination, regardless of the Planning Officer's recommendation. Other planning applications may be determined under officers' delegated powers.

If you wish to discuss any of these applications, please contact the case officer(s) in the first instance.

App no	Site	Proposal	Applicant	Case Officer(s)
20/00344/FUL	Thameside House South Street Staines-upon-Thames TW18 4PR	Demolition of existing office block and erection of 140 residential units in two buildings, with flexible commercial and retail space, associated landscaping, parking and ancillary facilities.	Spelthorne Borough Council	Russ Mounty

App no	Site	Proposal	Applicant	Case Officer(s)
20/00802/FUL	Car Park Tesco Supermarket	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 space (AMENDED PLANS)	Spelthorne Borough Council, Care of Lichfields	Matthew Churchill
20/01555/FUL	Land to the North of Hanworth Road (Lok N Store and Johnson and Johnson) Sunbury On Thames TW16 5LN	Demolition of existing buildings and structures and redevelopment of the site to include the erection of two new warehouse buildings for flexible use within Classes B2, B8 and/or light industrial (Class E), revised junction layout (A316 slip lane) and associated parking, servicing, landscaping and access and infrastructure works.	Diageo Pension Trust Ltd	Paul Tomson/Drishti Patel
21/00947/FUL	Cadline House, Drake Avenue	Demolition of existing building and construction of new build 2.5 storey residential building comprising of 14 flats and 15 under-croft car spaces.	Cadline Ltd	Matthew Clapham
21/00921/FUL	131 High Street	Demolition of existing structures and creation of retail unit and 9 no. flats facing the High Street together with a residential building providing 14 no. flats to the rear with associated parking and amenity space.	Burma House (Staines) Ltd	Kelly Walker
21/01411/RVC	524 To 538 London Road	Application to remove Conditions 1 (Commencement of development), 15	Mr Bal Hans	Paul Tomson

App no	Site	Proposal	Applicant	Case Officer(s)
		(Access/egress), and 17 (Closure of access onto Kenilworth Road, and variation of Conditions 4 (Contaminated Land), 10 (Storage of refuse/waste) and 18 (Construction Transport Management Plan), of planning permission 17/00640/FUL for the erection of a building to provide 58 flats.		
21/01547/FUL	Shepperton Studios	Use of 6 acres of land for backlot in association with Shepperton studios, including the construction of utility buildings, security barriers and guard shelters, with associated enabling works, access, landscaping, surface parking and amended car park access at land north of Shepperton Studios"	Shepperton Studios Limited	Russ Mounty
21/01742/FUL	Crownage Court	Provision of a rooftop extension to provide 14 apartments	Richmond Collection	Kelly Walker
21/01835/RVC	Mentone Farm/Scania Depot	Variation of Condition 3 to be reworded with the words "maintained as approved" relating to planning permission 04/00782/FUL. Reconfigure the car parking area in order to create additional car parking spaces	Scania (Great Britain) Limited	Matthew Churchill
21/01801/FUL	Sunbury Cross Ex Services Association Club	The demolition of existing Sunbury Ex-Servicemen's Association Club and redevelopment of site including the erection of two residential buildings of 5-storeys and 8-storeys comprising 47 flats with associated car	SUN EX-21 Ltd	Paul Tomson / Vanya Popova

App no	Site	Proposal	Applicant	Case Officer(s)
		parking, cycle storage, landscaping and other associated works.		
21/01772/FUL	37 - 45 High Street	Demolition of the former Debenhams Store and redevelopment of site to provide 226 dwellings (Use Class C3) and commercial units (Use Class E) together with car and cycle parking, hard and soft landscaping, amenity space and other associated infrastructure and works.	Future High Street Living (Staines) Ltd	Russ Mounty / Kelly Walker
22/00153/RVC	Retail Warehouse	Vary Conditions 3 and 12 of Application reference: 20/00780/FUL. Subdivision of existing retail warehouse and change of use to create two Class E to vary phasing of new footpath and number of electric vehicle charging units. commercial units, with reconfiguration of the site car park, elevational changes, installation of plant equipment, and other ancillary works.	Lidl Great Britain	Matthew Clapham

Esmé Spinks  
Planning Development Manager  
16/02/2022