



Please reply to:

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Date: 22 March 2022

Notice of meeting

Planning Committee

Date: Wednesday, 30 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)	R. Chandler	R.W. Sider BEM
R.A. Smith-Ainsley	(Vice- J.T.F. Doran	B.B. Spoor
Chairman)	N.J. Gething	J. Vinson
C. Bateson	M. Gibson	
A. Brar	H. Harvey	
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**
To receive any apologies for non-attendance.
2. **Minutes** 3 - 10
To confirm the minutes of the meeting held on 2 March 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. **Local Listing of the former Debenhams Building, Thames Street, Staines-upon-Thames** 11 - 20

To consider the Local Listing of the former Debenhams Building, Staines-upon-Thames.
5. **Local Planning Enforcement Policy Updates** 21 - 46

To note the updated Local Planning Enforcement Policy.
6. **Planning Appeals Report** 47 - 52

To note details of the Planning appeals submitted and decisions received between 20 January 2022 – 14 March 2022.
7. **Major Applications Report** 53 - 56

To note the details of future major planning applications.
8. **Glossary of Terms and Abbreviations**

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

Present:

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

Councillors:

C. Bateson	M. Gibson	R.W. Sider BEM
A. Brar	H. Harvey	J. Vinson
N.J. Gething	R.J. Noble	

Substitutions: Councillors S.A. Dunn

Apologies: Councillors J.T.F. Doran, N. Islam and B.B. Spoor

In Attendance: Councillors M. Beecher and R.D. Dunn

15/22 Minutes

The minutes of the meeting held on 02 February 2020 were approved as a correct record.

16/22 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 T Lagden, R A Smith-Ainsley, C Bateson, S Dunn, N Gething, R Noble, R W Sider BEM and J Vinson reported that they had received correspondence in relation to application 21/01742/FUL, Crownage Court, 99 Staines Road West, Sunbury-on-Thames, TW16 7AE but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor J Vinson reported that she had received correspondence in relation to application 21/01276/FUL, Land adjacent to former Swan Inn House, Moor Lane, Staines-upon-Thames, TW19 6EB but had maintained an impartial role, had not expressed any views but had kept an open mind.

Councillor R Noble reported that he had visited both application sites.

17/22 Planning application 21/01742/FUL - Crownage Court, 99 Staines Road West, Sunbury-on-Thames, TW16 7AE

Councillor Harvey arrived at 19:21 so was unable to take part in the debate and was not able to vote on this application.

Description:

Erection of an 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.

Additional Information:

3 additional letters of representation have been received. Issues noted but not previously addressed include the inaccurate car park layout, lift shafts on plan, planning conditions and biodiversity.

In regard to biodiversity the proposal is for a roof top extension to an existing building. The proposal does provide some areas of 'Green roofs' and in addition some outside space for new residents, which may have capacity for some form of vegetation, although limited, will be an improvement to the existing. The proposal is considered to be acceptable in regard to Policy EN8 and the NPPF paragraph 180, which seeks to support opportunities to improve biodiversity in and around developments.

An amended parking layout plan has been submitted showing a reduction of 6 parking spaces - a reduction of the existing 80 spaces to 74 and proposed 70 to 64. This is to account for some spaces shown on the parking layout not being useable and adequate to park in, due to obstructions such as columns. This is referred in paragraphs 3.7 and 7.52 in the report. The CHA has been consulted on these amended plans and raise no objection. There continues to be no objection on parking grounds, subject to the imposition of a condition requiring the proposed layout to be implemented, including line markings, which are currently not present on site.

The Senior Planning Officer reported the following:

3 additional letters of representation have been received. Issues noted but not previously addressed include the inaccurate car park layout, lift shafts on plan, planning conditions and biodiversity.

In regard to biodiversity the proposal is for a roof top extension to an existing building. The proposal does provide some areas of 'Green roofs' and in addition some outside space for new residents, which may have capacity for some form of vegetation, although limited, will be an improvement to the existing. The proposal is considered to be acceptable in regard to Policy EN8 and the NPPF paragraph 180, which seeks to support opportunities to improve biodiversity in and around developments.

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Additional amended conditions:-

Mechanical ventilation

11. *Before the development is first occupied:*

- *Details shall be submitted for the approval of the Local Planning Authority of on-site mitigation measures (to include mechanical whole dwelling ventilation to all properties) with the air intakes located at high level away from the direction of adjacent sources of air pollution and with consideration of the prevailing wind direction from such sources, to protect the occupiers of the development from poor air quality. The mechanical ventilation system must incorporate adequate filtration/treatment to be effective against the ingress of roadside air pollutants to the dwellings. The development shall not be first occupied until those mitigation measures have been provided and are operational.*
- *Details shall be submitted for the approval of the Local Planning Authority of the location of the air intakes and the complete specification and maintenance regime for the equipment, which must be established and in place before the development is first occupied. The equipment shall thereafter be retained and maintained in accordance with the approved details'*

Car parking layout

12. *Prior to the occupation of the development hereby approved, the approved parking spaces shall be laid out and marked as shown on the approved plan and shall thereafter be retained as such.*

In addition further informatives are recommended as follows:-

10. *The applicant is advised to provide full user packs of the mechanical ventilation system to the occupants of the flats, including its full purpose (including local air quality) and how to use it.*

11. *The applicant is requested to incorporate, Electric vehicle charging points where possible, into the development hereby approved:*

12. The applicant is requested to submit a Travel Plan incorporate, (following the Surrey County Council 'Travel Plan Good Practice Guide') to the Local Planning Authority and regularly updated as necessary, in association with the development hereby approved.

13. The applicant's attention is drawn to the ACPO/Home Office Secured by Design (SBD) award scheme, details of which can be viewed at www.securedbydesign.com.

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

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

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

15. it is recommended that the parking spaces are allocated, and that prospective residents are made aware by the developer if they are able to have a parking space before moving in.

Public Speaking:

In accordance with the Council's procedure for speaking at meetings, Naadim Shamji sent in a prepared statement against the proposed development, that was read out by the Committee Manager, raising the following key points:

- Parking concerns had not been addressed
- Discrepancies in the feasible number of spaces in the car park
- Basement car parks have a number of unusable spaces due to their small size and wooden structures that protrude into the spaces
- Level 3 has 12 usable spaces versus the proposed 14
- Level 2 has 9 useable spaces versus the proposed 18
- Level 1 has 14 useable spaces versus the proposed 16
- Total number of useable spaces is 58 versus the proposed 70
- If application is approved a condition is included to tarmac surfacing and painted car park lines to be painted in line with the plans

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

- Building has large areas of roof
- Basement parking
- Proposed penthouse floors utilise the site to its best potential

- Application helps support the provision of additional housing in Spelthorne
- Development has suitable access to infrastructure and facilities.
- Site is within walking distance of the local centre
- The effect of noise and disturbance to the existing flats during construction can be mitigated with appropriate building techniques and methodology
- Previous flooding issues were caused by a block water pump so if appropriate maintenance was in place this would not reoccur
- Parking provision is for 70 spaces which is acceptable due to the sustainable location
- Current parking is underutilised
- The LPA supports the design
- Appropriate locations for bins and space for bins to be stored will be provided
- This revised scheme addresses the previous concerns raised

Debate:

During the debate the following key issues were raised:

- There are already a number of taller buildings nearby so this development would not stand out
- The additional units would help towards the Council meeting its housing number target
- Good stepped design
- Proposal has tilted balance in favour of approving
- Current residents would be negatively impacted during construction works with noise and dust
- Concerns over lack of adequate environmental sustainability provisions

Proposed by Councillor R Sider BEM

Seconded by Councillor C Bateson that:

A condition be added to any approval that would restrict building works to Monday to Friday 08:00hrs to 18:00hrs and not at all on Saturdays, Sundays and Bank Holidays

Decision:

The application was **approved** as per the recommendation subject to the recommended additional condition and informatives provided in the update to the Planning Committee and subject to the following amendments:

Additional Condition:

Construction work should only be carried out between 08:00hrs to 18:00hrs Monday to Friday and not at all on Saturdays, Sundays or any Public and/or Bank Holidays;

Reason: In the interest of the amenity of surrounding residential properties.

The application was approved as per the recommendation subject to the recommended additional condition and informatives provided in the update to the Planning Committee and subject to the following amendments:

Informative 6 to read as follows:

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) 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;
- b) Deliveries should only be received within the hours detailed in (a) above;
- c) 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 bowzers and wheel washes;
- d) There should be no burning on site;
- e) Only minimal security lighting should be used outside the hours stated above; and
- f) 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)

[Amendment to Condition 2 – plans numbers due to amended car park layout](#)

[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, amended plans 278 2 107A, 108A, 109A, 110A, 200A, 202A and 203A received on 8 February 2022, amended plan 112A received on 11 February 2022 and amended plans 100 B, 101 B, 102 B, 111 A and 112 B received on 02 March 2022.](#)

[Amendment to informative 11 to include reference to further renewable energy/solar voltaic on roof](#)

11. The applicant is requested to incorporate further renewable energy strategies, in addition to the 10% required by condition, to include solar voltaic

on the flat roof sections as well as Electric vehicle charging points where possible, into the development hereby approved

18/22 Planning application 21/01276/FUL - Land adjacent to former Swan Inn House, Moor Lane, Staines-upon-Thames, TW19 6EB

Description:

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.

Additional Information:

The Council has received confirmation from Historic England that as the proposal does not affect the setting of a Grade I or Grade II* Listed Building, or the character and appearance of a Conservation Area, consultation with Historic England is not necessary.

One further letter of representation has been received which objects to the proposal as there is little room and the proposal will overshadow the neighbouring cottage, which is Grade II Listed.

Paragraph 7.19 should refer to planning application 12/01134/FUL rather than 21/01134/FUL.

Paragraph 7.80 should read "*The decision to approve should then be delegated to the Planning Development Manager or in her absence a Principal Planning Officer in consultation with the Planning Chairman or in his absence, the Planning Vice Chairman*".

Public Speaking:

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

- The application site has now been designated a Flood Zone 2
- Previous concerns about dry means of escape had been addressed
- Independent consultant review confirmed that there was now a dry means of escape that would meet the climate change 35% allowance
- This is intended to be a family home

Debate:

During the debate the following key issues were raised:

- The issues regarding flooding have been addressed and resolved
- Council's Heritage Advisor had no issues with the listed building neighbouring the application site
- Concerns over the lack of adequate environmental sustainability provisions

Decision:

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

19/22 Development Management Performance

The Planning Development Manager, Ese Spinks presented a report that reviewed the performance of the Planning Department Management Service over the past year.

Committee **resolved** to note the report.

20/22 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.

Planning Committee

30 March 2022



Title	To consider the Local Listing of the former Debenhams Building, Staines - upon – Thames.
Purpose of the report	To make a decision
Report Authors	Esmé Spinks, Planning Development Manager Russ Mounty, Principal Planning Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Community Environment Service delivery
Recommendations	Planning Committee is asked to: Agree the report and add the Debenhams building to the Local List of Buildings and Structures of Architectural or Historic Interest with immediate effect.
Reason for Recommendation	The former Debenhams Building, Staines - upon – Thames has been identified as a building worthy of being Locally Listed.

1. Summary of the report

- 1.1 The report sets out the process of locally listing a building and whether it is considered the former Debenhams Building, Staines - upon – Thames is worthy of being placed on Spelthorne's Local List. The officer recommendation is that the building should be added to the local list with immediate effect.

2. Background

- 2.1 On 19/11/2022 planning application 21/01772/FUL was submitted for the redevelopment of Debenhams for mainly residential purposes. The application details are:

Demolition of the former Debenhams Store and redevelopment of site to provide 226 Build-to-Rent 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.

- 2.2 This application is currently being processed and will be brought before the Planning Committee for determination in due course.

- 2.3 The LPA has received a number of comments over the importance of the Debenhams building within the street scape and its historic association with the architect George Coles. On 15 December 2021 Historic England (HE) advised the LPA of its decision on whether to statutory list the Debenhams building. The full response to the request is set out below:

“Historic England has received two applications asking us to assess Debenhams department store in Staines-upon-Thames, for listing. We have also received communications of support for the building’s listing from three community groups: Staines Town Society, Riverside Residents (Staines) Coalition and Riverbank Residents, as well as a petition of over 1,000 signatures against demolition. The store closed in 2020 and there are proposals for redevelopment of the site for housing and retail. The building is not in a conservation area and is not locally listed.

Originally built for local department store, Kennards, the building was constructed in two phases between 1956-1957 and 1961-1962. The design was by George Coles (1884-1963), known for his work designing cinemas for the Odeon cinema chain, several of which are listed at Grade II. The Kennards store replaced a number of smaller units on the site to occupy a prominent corner of Staines High Street. Adopting a late neo-Georgian style, it is faced in red brick with stone, or reconstituted stone, dressings and windows are steel-framed multi-paned casements. Externally the building appears little altered, with the exception of a later canopy, signage and renewed entrance doors.

Based on the information provided and with reference to the Principles of Selection (November 2018) and Historic England’s Selection Guides, Debenhams, High Street, Staines-upon-Thames, is not recommended for listing for the following principal reasons.

Degree of Architectural interest:

** the building is a late example of neo-Georgian retail architecture and, despite the interest of its architect, is comparable in quality to a very large number of high street buildings of the inter- and post-war period across the country; it does not possess the quality of design, decoration or craftsmanship to mark it of special architectural interest. Historic England Reject at Initial Assessment Report 15 December 2021 Page 2 of 2 Degree of Historic interest:*

** department stores are an important part of the country’s retail heritage, and they are increasingly under threat; however, only those with the greatest claims to interest will merit addition to the statutory List.”*

The Council's own historic design adviser did not consider the building met the criteria to be statutory listed and therefore officers did not seek a listing from Historic England.

- 2.4 As part of the consideration of the current planning application, the Debenhams building is being assessed as a non-designated asset (i.e., a building which has a degree of significance but does not meet the criteria to be statutory listed). Officers have also been assessing whether the building is worthy of locally listing. A number of councillors, local residents groups and individual residents have formally requested for the building to be locally listed. Under the Council's standing orders, this is a matter which requires a decision from the Planning Committee.

3. **Planning Considerations**

Policy Guidance

- 3.1 The National Planning Policy Framework (NPPF) defines a heritage asset as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets are of two types: 'designated heritage assets', and 'non-designated heritage assets'. Designated heritage assets are largely designated nationally under the relevant legislation and include listed buildings and scheduled monuments. Non-designated heritage assets are locally-identified 'buildings, monuments, sites, places, areas or landscapes identified by plan making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets' (PPG). There are a number of designated and non-designated assets in Spelthorne.
- 3.2 Historic England provides detailed guidance on locally listed buildings. It advises that

"they may be offered some level of protection by the local planning authority identifying them on a formally adopted list of local heritage assets.....In deciding any relevant planning permission that affects a locally listed heritage asset or its setting, the NPPF requires amongst other things that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. LPAs should take account of heritage assets and the desirability of putting them to viable uses consistent with their conservation. They are also obliged to consider the positive contribution that conserving such heritage assets can make to sustainable communities including their economic vitality. The NPPF contains policies that apply to heritage assets regardless of whether or not they are locally listed. However, local listing provides a sound, consistent and accountable means of identifying local heritage assets to the benefit of good strategic planning for the area and to the benefit of owners and developers wishing to fully understand local development opportunities and constraints. Local listing does not affect the requirements for planning permission. Some buildings can be demolished without planning permission and local listing does not affect that..."

- 3.2 The Council adopted its local list in February 2004 and it was updated in December 2016. Current adopted planning policy EN5 is responsible for protecting the borough's buildings of architectural and historic interest. Policy EN5 e) states that Spelthorne's architectural and historic heritage will be preserved by:

"d) encouraging the retention of buildings of local architectural or historic interest and seeking to ensure that their character and setting is preserved in development proposals".

- 3.3 The National Planning Policy Framework (NPPF) advises at para 203 *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

- 3.4 Guidance on identifying and conserving local heritage is set out in HE's Advice Note 7. The note outlines the importance of the criteria for defining the scope of the local heritage site. The Council's current local list has the following criteria:

(a) Structures of architectural quality

(b) Contributors to the urban scene

(c) Items of historic interest include buildings or structures historically associated with famous people, events or places.

Within sections (a) and (b), there are a number of subsections for further detail and analysis.

Assessment by Council's Historic Advisor

- 3.5 The Council's Historic Advisor has assessed the Debenhams building in accordance with the Council's local listing criteria. The detailed criteria is set out below together with the advisor's comments (in italic script) on each.

(a) Structures of architectural quality include:

- i) Buildings or structures of locally perceived quality and character – this item establishes that there must be a place for entries outside any easily definable category. These would need their own special justification.

Setting aside issues of architectural merit and detailing, the former Debenhams Store's location on a prominent town centre corner, its height and mass and curved footprint following the line of Thames Street give it landmark status. It makes a positive contribution to the adjacent Staines Conservation Area and by its form and scale, the setting of numerous listed and locally listed buildings in the vicinity.

- ii) All buildings from before 1700 and most buildings from before 1840 – the amount of surviving building fabric would be a material factor. Early origins, if not now clearly expressed in the character of the building, would not in themselves justify listing.

The Former Debenhams Building does not relate to this category.

- iii) Substantially complete and well-preserved examples of good 19th Century and early 20th Century buildings (to 1914).

The former Debenhams Building does not relate to this category

- iv) Other buildings up to 1950 identified against the criteria – this cut-off date would not exclude more recent buildings if they have sufficient indisputable qualities.

This building was constructed as a purpose-built department store in 1956. The quality of this building largely relates to its form, scale, strong local character and sympathetic design, as recognised by the applicant's Heritage Statement which notes "that it enhances the townscape through its choice of materials and sympathetic design". It was the largest building in Staines town centre at the time.

- v) Buildings or structures by notable national or local architects or designers.

This building was designed by London based architect George Coles. It is four storeys in height in fine red brickwork in the neo-Georgian manner plus a prominent ground floor of continuous display windows under a projecting canopy. The main entrance is on the splayed corner of High Street and Thames Street, visible from a distance along Clarence Street. Its main quality lies in its polite and restrained aesthetic which relates well to the scale and grain of the numerous heritage asset buildings in High Street, Clarence Street, Church Street and The Old Town Hall Square. It makes a major contribution to the special character of the adjacent Staines Conservation area.

- vi) Grand domestic buildings and institutions.

The former Debenhams Building does not relate to this category.

- vii) Buildings or structures which exemplify craftsmanship in the working of materials or an innovative use of materials or technology.

The former Debenhams Building does not relate to this category.

- viii) Un-common building types and styles.

The former Debenhams Building does not relate to this category.

(b) Contributors to the urban scene include:

- i) Well designed buildings or structures which frame or characterise valuable vistas and spaces.

This building stands on a prominent site in the centre of the town and forms the corner between High Street, (The former Roman Road) and Thames Street. It is also an imposing element when viewed from the conservation area, Church Street and Clarence Street. Using a strong horizontal form it employs a well ordered neo-Georgian style which is entirely in keeping with the small grain of the surrounding buildings in the Staines conservation area, including the Georgian frontages of Clarence Street. When viewed from The George Public House, it forms a clear group with the Grade II Blue Anchor, Cygnet House, the Old Town Hall, both listed Grade II.*

- ii) Building groups, including groups or terraces of identical buildings, which help form an attractive local character.

This building is not part of a group or terrace of buildings of identical character.

- iii) Decorative facades which enrich the street scene.

The subtle curve of this building, reflecting Thames Street, and the warm red brickwork and closely spaced windows of Georgian proportion enrich the street scene and the adjacent conservation area.

- iv) Buildings with a strong local character being uniquely adapted to their site.

This building is uniquely adapted to the curve of Thames Street and the prominent corner location. It is clearly of strong local character, as identified by the Heritage Statement. It is a major contributor to the setting of the Staines Conservation Area.

(c) Items of historic interest include buildings or structures historically associated with famous people, events or places.

Insofar as the former Debenhams Store was the first purpose-built department store in Stains, built in 1956 for Kennards (a Debenhams subsidiary) and formerly re-named Debenhams in 1973, it displays a degree of local commercial history.

- 3.6 The Council's Design Advisor comments that of itself, the building is not architecturally or historically of exceptional quality. It is however of prominent and landmark interest due to its location, size, and position at the boundary of the conservation area. This of itself does not make it reach the standard required. It is the combination of a number of small factors which, taken together, just brings it to the level required. Such things as urban scale, relating well to other buildings in the vicinity, its pleasing, (if not exceptional) appearance, it being a 'polite' neighbour to the other small scale heritage assets close by, its strategic location on the junction, being designed by a London architect known for his design of large town centre buildings such as cinemas and departmental stores, being purpose built as a department store

remaining in that use until last year, the largest building in the town centre in 1956. Individually these items would not qualify but taken together they do, in his opinion, provide a degree of local interest which could now justify Local Listing. The consultees on the planning application to redevelop the site; Historic England, the 20th Century Society and Save Britain's Heritage all agree with this analysis.

- 3.7 The Historic Advisor comments further that HE's Advice Note 7 makes clear that the receipt of a planning application can legitimately trigger the detailed examination of a building proposed for demolition, as to its suitability for statutory or local listing. The Advisor concludes by stating that in the light of the above, the Debenhams building meets a number of the criteria for it to be included on the Spelthorne's Local List.
- 3.8 Advice note 7 advises that *"particular attention should be given to responses received from the owners of assets as these will assist in developing future management strategies. Although there is no statutory requirement to consult owners before adding an asset to the local list, inviting comment may provide information that is important for understanding its significance. The responsibility for assessing any requests not to list could fall to the selection panel or local authority staff, but it is important that a procedure is put in place for handling requests from owners not to designate, and this procedure adequately publicised."*

Applicant's Comments

- 3.9 Despite there being no statutory requirement to consult with the owner of Debenhams, it was considered best practice to do so. On 14/02/2022, the applicant's planning consultant was advised of the comments made by the Historic Advisor and was given 21 days to respond. The owner's consultant responded and the comments received are set out in full below.

Previous Local Listing Assessments

It should be noted from the outset that local listing exercises were carried out by Spelthorne Borough Council during 2004 and 2016. On both occasions, the former Debenhams store was found not to be worthy of inclusion on the local list. The 2004 Local List of Buildings and Structures of Architectural or Historic Interest document states that expert advice was considered during the preparation of the local list.

It appears from the previous assessments that the Council has been conscious of the importance of setting an appropriate standard which can be consistently applied and is sufficiently broad in the range of architectural or historic importance which is reflected in the list. At the same time it has sought to ensure the standard is not too low and at risk of including structures of more limited quality which might devalue the status of the list.

As the standards have been consistently applied across both local listing exercises, there would need to be justification should an alternative result be concluded in terms of inclusion following the current assessment.

(a) Structures of Architectural Quality:

The Council's assessment states that the building positively contributes to the adjacent Staines Conservation Area as well as the setting of a number of listed and locally listed buildings in proximity.

The heritage statement submitted in support of 21/01772/FUL {proposed redevelopment of the site} acknowledges that the former Debenhams building is in the vicinity of the assets and considers the potential effect of development on the surrounding assets. The statement concludes that the proposed development will only result in 3 instances of moderate effect and an overall negligible effect on the attributes of the setting of other identified designated and non-designated heritage assets. It is further summarised that the proposed development will have a negligible effect on key viewpoints of the designated and non-designated heritage assets within the Staines Conservation Area and Egham Hythe Conservation Area. Whilst the former Debenhams Building may be within the vicinity of the Conservation Area, it does not contribute to the special significance of the heritage asset. If the building made a notable contribution to the significance of the Conservation Area, the Conservation Area boundary would have been previously reviewed and amended accordingly to include the buildings.

The local listing assessment states that the building was constructed as a purpose-built department store in 1956. The assessment further states that the building was the largest within Staines town centre at the time of construction. As stated within the Local List of Buildings and Structures of Architectural or Historic Interest document (2004), the presence of an historic fabric is one of the key requirements for listing. As the building was constructed within 1956, it falls outside of the historical cut-off date specified at roman numeral point iv (of part a) (1950) within the Council's assessment.

Although buildings falling outside of the historical cut-off date can still be considered for assessment, their historical significance is not deemed as important as those constructed within the stated historical brackets. The heritage statement prepared to accompany the planning application concludes by stating that the former department store holds low illustrative historical value. It is acknowledged that the building was the largest in the town centre at the time of construction. However, given the recent and emerging development in the town, the massing and scale of the former Debenhams building can no longer be considered significant in terms of the town centre's character. It is therefore considered that the points discussed do not justify the buildings inclusion on the local list.

In considering the architectural merit of the building, viewpoints should be considered from all public vantage points, and not only the Conservation Area. The area to the south east of the site is subject to regeneration, as set out in the Local Plan, and as per the recently approved appeal for the former Masonic Hall site. The south and east elevations of the former Debenhams

building are functional, unattractive and are not of merit. These elevations will become more prominent as the potential of the regeneration of adjoining land develops and will have a growing adverse effect on the area, which must be considered.

Furthermore, the criteria states that they can be included, if constructed after the cut-off date of 1950 'if they have sufficient indisputable qualities'. The Council's assessment does not provide evidence of 'sufficient indisputable qualities' and makes a generic statement in relation to the form, scale and strong local character and sympathetic design.

(b) Contributors to the urban scene:

The assessment states (at b iv) that the former department store is clearly of strong local character as identified by the heritage statement. It further argues that it is a major contributor to the setting of the Staines Conservation Area.

The submitted heritage statement does not acknowledge the building as having a "strong local character" but concludes that the former Debenhams store holds low aesthetic value. The building has been submitted to Historic England on two occasions to be considered for listing but was deemed unworthy on both instances following initial assessment. One of the main reasons was that the building does not possess the quality of design, decoration or craftsmanship to mark it of special architectural interest. In consideration of the assessments conducted by Historic England on two occasions and the conclusions made within the heritage statement, the former Debenhams store cannot be considered to have a strong local character. Furthermore, it cannot be acknowledged as a major contributor to the setting of the Staines Conservation Area when it is located outside of the area. As noted above, if it were a major contributor to the Conservation Area, the boundaries would have previously been reviewed and amended accordingly so that it was located within the Conservation Area, and/or the building would have been included on the local list.

Also, as noted above, in considering the contribution to the urban scene, the adverse effects of the rear of the building on the urban scene should be acknowledged.

(c) Items of historic interest include buildings or structures historically associated with famous people, events or places:

Although the building was the first purpose built department store in the Staines, this is not of any historic significance.

The Local List criteria and selection process:

As outlined within the local listing assessment, the building meets the requirements of only a limited number of considerations and the degree of compliance with the considerations is questionable. The building is not considered relevant for consideration when assessed against a significant number of the assessment criteria. As stated by the 2004 Local List of

Buildings and Structures of Architectural or Historic Interest document, it is not intended that buildings in every category in the criteria should be included on the list as absolute quality is important. The criteria only provides the basis against which inclusion of a building on the local list is assessed.

Many of the assertions made in the Council's assessment are exaggerated, and conflict with the assessments in the Heritage Statement submitted as part of the application, as well as the previous Historic England reviews and the local listing reviews. It should not be considered that the building meets the basis of assessment for inclusion on the local list.

It is argued that the former Debenhams building does not sufficiently meet either of these requirements to justify a local listing and the Council has not provided any evidence, prepared by a suitably qualified professional, that would support an alternative view to the previous assessments for local listing.

Further comments by Council's Historic Advisor

- 3.10 In response to the applicant's comments, the Council's Historic Advisor has commented further as follows:

Historic England's Advice Note 7, indicates that the receipt of a planning application may trigger an assessment (or reassessment) of a building's character or contribution to an area. In this case additional information came to light about the history of the building as the first departmental store in Staines in the mid-20th Cent. by the trading forerunner of Debenhams, its townscape scale, its architect, and the fact that it has remained in the same use until very recently is pertinent to any reassessment.

- 3.11 Under the assessment (a) it was noted that the building is clearly within the visual influence of the Staines Conservation area, made a contribution to the setting of the conservation area and formed a setting for a number of Grade II listed and locally listed buildings in the close vicinity. Its position on a prominent corner enabled its considerable townscape presence to be visible from a number of vantage points within the conservation area. This is supported by Historic England, the 20th Cent. Society and Save Britain's Heritage.
- 3.12 It is the building's considerable number of minor points of interest which, taken together form a persuasive argument for the Local Listing of this building. Finally, it should be noted that the Council's advisor has extensive qualifications and experience in historic building conservation.

4. Recommendation

- 4.1 It is recommended that the Debenhams building is added to the Local List of Buildings and Structures of Architectural or Historic Interest with immediate effect.

Planning Committee

30 March 2022



Title	Local Planning Enforcement Policy Updates
Purpose of the report	To update the Planning Services Committee regarding the adopted updated Local Planning Enforcement Policy
Report Author	Liz McNulty – Planning Enforcement Officer
Report Owners	Esme Spinks – Planning Development Manager Fiona Tebbutt – Principal Planning and Enforcement Officer
Ward(s) Affected	All Wards
Recommendations	Committee is asked to: 1. Note the report
Reason for Recommendation	The Local Planning Enforcement Policy was adopted by the Neighbourhood Services Committee on 3 March 2022, and we ask the Planning Services Committee to note this report.

1. Summary of the report

- 1.1 The previously adopted Local Planning Enforcement Policy dated 11 December 2019 did not take into consideration nor make reference to the Human Rights Act 1998, the Public Sector Duty pursuant to the Equality Act 2010 nor the financial implications prior to taking enforcement action. The Policy document has now been amended and updated to address these matters and to reflect the new corporate priorities and values.
- 1.2 This report outlines the updates recently made to the Local Planning Enforcement Policy. More detail is set out below reflecting officer changes to the policy as a result of learning from the outcome of a past prosecution. The team regularly looks at the results of taking action to see how they can continuously improve service delivery.

2. Key issues

- 2.1 Following on from a prosecution for non-compliance of an Enforcement Notice, it was felt necessary to amend the Local Planning Enforcement Policy and particularly the considerations taken prior to enforcement action.
- 2.2 In particular, to consider the following prior to enforcement action:
 - (a) Human Rights Act 1998
 - (b) Public Sector Equality Duty pursuant to the Equality Act 2010
 - (c) Financial Implications
- 2.3 The updated policy includes a new section 10 to cover these – ‘Considerations prior to taking enforcement action’.
- 2.4 In addition, due to the newly adopted Corporate Plan (9 Dec 2021), the ‘Corporate objectives’ section has been updated to align with the new Corporate priorities and values. There are no other changes to the current Local Planning Enforcement Policy.

3. Options analysis and proposal

- 3.1 The Local Planning Enforcement Policy outlines the Council’s approach to dealing with unauthorised development in the borough. It explains the role of the Planning Enforcement function within the Development Management service and how that role is fulfilled. It defines what the priorities are and the various types of breaches of planning control. The policy explains how alleged breaches of planning control are investigated and the enforcement actions available to the LPA. It details the process to be followed when determining whether or not it is expedient to take further enforcement action and the limitations of the law imposed on the Planning Enforcement function.
- 3.2 To manage resources effectively, all reports of suspected breaches of planning control will be investigated and progressed in accordance with the priority rating below. This is not an exhaustive list, and there may be exceptions.
- 3.3 The policy document sets out 3 categories of priority:
 - (a) Category 1: Serious harm (High Priority)
 - Unauthorised demolition of Listed Buildings and ancient monuments.
 - Felling or lopping of a preserved tree or tree in a Conservation Area.
 - Where development has started and is subject to planning conditions which are required to be agreed before commencement (e.g. contamination, archaeology, nature conservation or trees).
 - Development or breach of conditions likely to cause serious harm/danger to people or amenity
 - Harmful unauthorised development which is about to become immune from any action being taken against it because of the passage of time periods set in legislation
 - (b) Category 2: Significant and widespread harm to local amenity (Medium Priority)
 - Unauthorised development causing significant or widespread harm.

- Breaches of planning conditions causing serious nuisance to adjoining residents.
- Breaches that are contrary to well established planning policies such as Green Belt
- Unsightly buildings or untidy land that is causing serious harm to the amenity of neighbours

(c) Category 3: Other

- Breaches of a technical nature and not in significant conflict with planning policy
- Breaches which are temporary and unlikely to result in any long-term harm
- Advertisements not included above
- Breaches of other planning conditions
- Other changes of use
- High hedges
- Unauthorised pitching of caravans
- Businesses being operated from home
- Development not in accordance with the plans during the build process

3.4 Individual cases may be re-prioritised as the investigation progresses.

3.5 To ensure that an adequate overall service is provided resource allocation will be periodically reviewed. The quality of evidence and support provided by complainants can also impact on the outcome of an investigation, and where such support is likely to increase the chances of a successful outcome, the matter will be prioritised.

3.6 The Planning Enforcement function falls under the Planning DM service. The table below sets out statistics of workload for the last four years.

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 (a)	30	18	24
LBCOM - Listed Buildings	3	5	2	2
MISC - Miscellaneous	45 (b)	27	29	40
HIGHH – High Hedges	N/A (c)	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 (d)	N/A	N/A	N/A
Uncategorised	10	13	6	0
Totals	319	379	335	396

3.7 Legend for the above table:

- (a) 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.
- (b) 2018 MISC cases higher as this included HMO cases prior to the creation of an HMO breach type in 2019.
- (c) 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.
- (d) 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.

3.8 Overall there has been an increase in planning enforcement complaints by 24% from 2018 to 2021.

3.9 In this update of the policy there has been additional sections added to consider the Human Rights Act, the Public Sector Equality Duty, and the financial implications to be considered when making a decision to take enforcement action. This is aligned with our continuous improvement practices and the consideration given to all feedback and suggestions received regarding our working practices.

3.10 In response to advice received from Counsel by a Planning Enforcement Officer at a recent prosecution for non-compliance with an Enforcement notice to ensure that our policy demonstrates the need to consider Human Rights, Public Sector Equality Duty, and any financial implications prior to taking enforcement action.

3.11 For this reason the updated Local Planning Enforcement Policy was adopted in order to provide a more robust policy in line with the Public Sector Equality Duty and Human Rights considerations.

4. Financial implications

4.1 The revised Local Planning Enforcement Policy includes the financial considerations outlined below. This demonstrates a strong and thorough argument for the expediency of any enforcement action taken.

4.2 In taking enforcement action the Local Planning Authority (LPA) must consider the financial implications in doing so. The LPA must first determine

that there is a specific breach of planning control and that the harm caused far outweighs the cost of rectifying the breach.

4.3 The Council must also consider the likelihood of recuperating costs from the recipient of the enforcement action. The LPA has sought to successfully do so under the specific provisions of the Town and Country Planning Act 1990 and under the Proceeds of Crime Act if appropriate.

4.4 The Council must exhaust all means of negotiation for a resolution to the breach prior to commencing any costly enforcement action.

5. Other considerations

5.1 It should be noted that the resourcing of the planning enforcement team is matched to meet the current enforcement policy. However, in view of the increasing workload, this is under review. If there is to be a change in the enforcement policy, this would impact on our resources and could potentially require additional officers.

5.2 Planning enforcement training for members has been undertaken in the past and a further session is planned in 2022.

6. Equality and Diversity

6.1 Human Rights Act 1998

(a) the LPA should pay due regard to the Human Rights Act 1998. In particular, the requirement not to act in a way which is incompatible with any relevant Convention rights which include the right to a fair trial, the right to respect for private and family life, the prohibition of discrimination and protection of property.

6.2 Public Sector Equality Duty (Equality Act 2010)

(a) The Council should:

- i) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act.
- ii) advance equality of opportunity
- iii) foster good relations

6.3 The addition of these considerations ensures the provision of more robust reasoning and justification for all enforcement action, which in turn strengthens our arguments on appeal or prosecution and will lead to more successful legal outcomes for the Council.

7. Contact

7.1 For any queries regarding the Local Planning Enforcement Policy, please contact Liz McNulty, Planning Enforcement Officer on l.mculty@spelthorne.gov.uk or Fiona Tebbutt, Principal Planning and Enforcement Officer on f.tebbutt@spelthorne.gov.uk

Appendices: Local Planning Enforcement Policy 2022.

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LOCAL PLANNING ENFORCEMENT POLICY

The Council's policy towards dealing with unauthorised development

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Planning and Housing Strategy

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1 Introduction

This document sets out the main Planning Enforcement service areas and explains how the Council carries out its enforcement activities. In order to provide the best possible service the Council must give clear guidance on what it can and can't do, and how the demands on our services are balanced against available resources.

The Council has also published a separate list of frequently asked questions which cover other matters related to Planning Enforcement. This can be viewed on our web site at <https://www.spelthorne.gov.uk/article/17706/Planning-enforcement-FAQs> It should also be noted that the Council has enforcement powers and responsibilities relating to Building Control and Environmental Health matters, Those are not detailed in this Enforcement Plan

2 What you can expect from the Planning Enforcement Service

- A proactive and efficient service for customers seeking advice and information.
- A full range of available powers when conducting investigations (including negotiations and retrospective planning applications) and, where appropriate, immediate action.
- Minimising compliance costs by ensuring that action taken is proportionate to the risks.
- Care taken to work with small businesses and voluntary and community organisations to assist them in meeting their legal obligations without unnecessary expense, where practicable.
- Where appropriate, prosecute individuals or organisations who fail to comply with any formal notice served on them.
- Take direct action having regard to the degree of harm and public safety.
- Carry out our duties in a fair, equitable and consistent manner.
- Consider each matter on its merits and ensure a consistent approach to enforcement resolution
- Ensure we follow principles of consistency and high standards in each and every case.
- Provide information and advice on the rules applied and publish this as widely as possible

3 Definition of unauthorised development

Planning permission is required for the erection of many types of buildings and for a material change in use of land or buildings, and to erect some forms of advertisement.

There are controls to protect Listed Buildings and trees covered by a Tree Preservation Order. Unauthorised development generally constitutes the following: -

- The erection of buildings or a material change of use without the necessary planning permission
- The carrying out of development at variance to that given planning permission (and shown on the approved plans)
- The carrying out of development not in accordance with the conditions on the planning permission.
- The display of advertisements without the necessary advertisement consent
- Felling of, and works to, trees included in a Tree Preservation Order, or in a Conservation Area.
- Demolition of, and alterations to, Listed Buildings and certain buildings in Conservation Areas without the necessary consent.

4 The Council's approach to unauthorised development

The purpose of planning enforcement is to investigate and resolve breaches of planning control and unauthorised development which cause harm to public amenity and the environment.

Enforcing against unauthorised development is a discretionary power and the Council is not legally bound to act. However, the Council consider it essential, where unauthorised development occurs which has harmful consequences either to the environment or to people living nearby, that swift action is taken to prevent it continuing. The nature of the harm arising from unauthorised development will be the primary factor which influences the course of action taken to deal with an issue. Those cases which cause most harm will be prioritised.

The Council will respond sympathetically to those situations where a breach of planning control has genuinely occurred unintentionally (particularly in relation to household development) but will take the necessary steps to resolve any harm arising from the work.

In all, but the most serious of cases, the Council will first seek to resolve the matter through discussion with the owner/person carrying out the work and to avoid any unnecessary formal legal action.

The Council will generally seek to prosecute those people who have felled or damaged a preserved tree or demolished or damaged a listed building.

The Council wishes to support activities which contribute to economic growth and will have regard to the impact of any enforcement action on businesses. It will ensure that the time periods for compliance in any Notice are sufficient to minimise disruption to the business and if possible, avoid any permanent loss of employment.

5 Priorities

To manage resources effectively, all reports of suspected breaches of planning control will be investigated and progressed in accordance with the priority rating below. This is not an exhaustive list, and there may be exceptions

5.1 **Category 1: Serious harm (High Priority)**

- Unauthorised demolition of Listed Buildings, ancient monuments and locally Listed Buildings.
- Felling or lopping of a preserved tree or tree in a Conservation Area.
- Where development has started and is subject to planning conditions which are required to be agreed before commencement (e.g. contamination, archaeology, nature conservation or trees).
- Development or breach of conditions likely to cause serious harm/danger to people or amenity
- Harmful unauthorised development which is about to become immune from any action being taken against it because of the passage of time periods set in legislation

5.2 **Category 2: Significant and widespread harm to local amenity (Medium Priority)**

- Unauthorised development causing significant or widespread harm.
- Breaches of planning conditions causing serious nuisance to adjoining residents.
- Breaches that are contrary to well established planning policies such as Green Belt
- Unsightly buildings or untidy land that is causing serious harm to the amenity of neighbours

5.3 **Category 3: Other**

- Breaches of a technical nature and not in significant conflict with planning policy
- Breaches which are temporary and unlikely to result in any long-term harm
- Advertisements not included above
- Breaches of other planning conditions
- Other changes of use

- High hedges
- Unauthorised pitching of caravans
- Businesses being operated from home
- Development not in accordance with the plans during the build process

Individual cases may be re-prioritised as the investigation progresses.

To ensure that an adequate overall service is provided resource allocation will be periodically reviewed. The quality of evidence and support provided by complainants can also impact on the outcome of an investigation, and where such support is likely to increase the chances of a successful outcome, the matter will be prioritised.

6 Investigation of suspected breaches of planning control

6.1 Making a complaint or an enquiry

To start a planning enforcement investigation you can contact us by any of the following methods: -

- Email at planningdm@spelthorne.gov.uk
- Completing the standard form on our web site:
<http://www.spelthorne.gov.uk/planningenforcementcomplaintform>
- By letter to Planning Enforcement, Spelthorne Borough Council,
Council Offices, Knowle Green, Staines Upon Thames, Surrey, KT18
1XB

When complaints are received, they are recorded on our database with a unique reference number so they can be monitored, and the complainant updated on progress.

So that your enquiry can be processed efficiently the following information should be provided: -

- Name and contact details of complainant
- Full address of the alleged breach of planning control
- Nature of the breach and the harm it may be causing

To avoid unnecessary use of resources, anonymous reports of suspected breaches of planning control will not normally be pursued unless other evidence suggests that the breach is causing serious harm to the environment or the amenities of residents. Confidentiality of a complainant's identity will be safeguarded unless it is necessary for the complainant to give evidence at an appeal.

We will aim to acknowledge receipt of any complaint within 5 working days and to provide an initial response on the actions we are taking within 10 working days

After receipt of a complaint initial research will be carried out, and a site visit may be required to establish whether or not a breach of planning control has occurred.

The initial site visit (where necessary) will be conducted within the following timescales:

- High priority cases – within two working days
- Medium priority cases – within five working days
- Low priority cases – within ten working days

There will be exceptions to this, particularly in very urgent matters.

These timescales allow officers to carry out research before visiting a site. If carrying out the initial site visit within these time frames is problematic on a specific case the officer will notify the complainant.

On completion of the initial site visit, the findings will be assessed by the Officer, and a view taken as to how the investigation will proceed, which may include taking legal advice.

6.2 Cross Service Enforcement

In the event of an issue being reported to multiple services, for e.g. Environmental Health and Planning Enforcement, the other service is then consulted to determine the most efficient and expedient action to take to resolve the issue. Usually this will mean after initial investigation, one service takes the lead and carries out enforcement action as and when it is expedient to do so. For example, it may mean that one service has more effective powers in legislation than the other and so takes the enforcement lead.

In certain instances it is recommended to carry out a joint investigation. However, resourcing will be taken into consideration to ensure it is essential and effective.

6.3 Right of Entry

The Planning Enforcement Officers are authorised to act on the Council's behalf and have a right to enter land and buildings without warrant for the purposes of making inspections, surveys and examinations as required, pursuant to any statutory planning related powers of the Council.

Section 196A and section 324 of The Town and Country Planning Act 1990 and section 88 of The Planning (Listed Buildings and Conservations Areas) Act 1990 identify those powers giving rights of access.

6.4 If no breach of planning control is established

A significant number of investigations are closed as there is no breach of planning control established. For example:

- There is no evidence to substantiate the allegation

- Development has taken place but planning permission is not required (usually because it is permitted development)
- Planning permission has been granted or an application is in progress.

Where this is the case, the complainant will be notified that no further action will be taken, either verbally or in writing, within 10 working days of the initial site visit

6.5 Where further investigation is required

There are cases where the initial site visit does not provide sufficient evidence to prove whether a breach of planning control has taken place such as business operating from home and breaches of hours conditions, and further investigation is required. In these cases, the complainant will be notified within 10 working days of the initial site visit that further investigation is required. If they are unwilling to help, it may not be possible to take further action due to insufficient evidence.

A Planning Contravention Notice can be served to obtain information relating to the suspected breach, which can take time.

A person on whom notice is served has 21 days to respond. Therefore, it may be several weeks until the appropriate evidence can be collected.

6.6 Where there is a breach of planning control

When a complaint is received the case officer will check to see if there is a breach of planning control and that legislation allows us to take action. Each case is judged on its individual merits. In some cases, although a breach of planning control has been identified it is not possible for the Council to take action because it has been occurring, or in existence, for a long period of time and is immune from Enforcement action.

In most cases it is not possible to take action against buildings and structures which have been erected without consent if they have been in existence for more than four years. Similarly, a change of use of a building or land without permission, or the breach of a planning condition imposed on a permission, will be immune from enforcement action if it has occurred for more than 10 years.

6.7 Negotiation

Where it is considered that the breach of planning control is unacceptable Officers will initially attempt to negotiate a solution without going straight to formal action unless the breach is causing significant harm. Negotiations may involve scaling down or stopping an unauthorised use or activity or changing or removing the unauthorised development.

Where negotiation is not an acceptable solution, or it is clear at the outset that the breach is not capable of being resolved, formal enforcement action will proceed where it is expedient to do so. Service of a temporary stop notice may be appropriate to prevent the breach becoming worse.

6.8 Not expedient to pursue formal action

There are cases where it would not be 'expedient' or worthwhile for the Council to take enforcement action. Expediency is a test of whether the unauthorised activities are causing serious harm, and the officer investigating the case will consider this. The outcome of this consideration will generally inform the course of the investigation. Taking formal enforcement action is only one option with other courses open to the Council. Examples of where it may not be expedient to take action are as follows:

- A technical breach of planning control is so minor that it has no, or very little, impact on amenity.
- The work carried out is only marginally in excess of that allowed under permitted development and the increase causes no harm ie. a fence has been erected and is only a few centimetres above the normal allowance of 2m (where it does not front a road).
- Where building work or a change of use has taken place, but it is clear that retrospective planning permission is likely to be granted.

Although development should not be carried out without first getting planning permission, an enforcement notice should not be issued solely to regularise development which is acceptable in planning terms, but for which permission has not been sought. In these cases, the Council will ask for an application.

It is generally regarded as unreasonable for a Council to issue an enforcement notice solely to remedy the absence of a valid planning permission if there is no significant planning objection to the building works/use.

Where officers conclude that it is not expedient to take action the case will be closed (with a reasoned justification).

Action taken should be proportionate to the breach. Many technical breaches of planning control are investigated (e.g. a fence or a rear extension slightly higher than permitted development). In such cases it would be unreasonable to require the removal of an entire building or fence where a slightly lower structure could be put up without planning permission.

We will work with owners to resolve situations, but ultimately it is unlikely that formal action could be warranted in the case of a technical breach.

7 Retrospective planning applications

In some cases, unauthorised development may be rendered acceptable by the imposition of appropriate conditions on a planning permission. For example, a change of use to a restaurant may be acceptable in principle but give rise to concerns about late opening hours. Rather than take formal action against the use, it would be appropriate to request a retrospective application which if, having assessed the detail and taken into account the views of consultees, was found to be acceptable, could be granted permission subject to a condition restricting hours of use.

A retrospective application is processed in the same way as a standard planning application. This allows third parties to be formally consulted and make their views known. In addition to those adjoining the site, the Council notify anyone who originally complained about the unauthorised work. The fact that the development has already been carried out in part or full can have no bearing on the Council's decision on the application.

The Council will specify a time period in which a retrospective application must be submitted. The period given will vary from case to case but will reflect the complexity in preparing such a submission. Periods of 28 or 56 days are often given. If no application is submitted the Council will consider the expediency of taking further

action, taking into account any harm arising from the breach (and lack of conditions imposed on a planning permission to control it). It may become necessary to serve an Enforcement Notice.

If the development is unlikely to receive permission the Council will not encourage the submission of a retrospective application, although there remains a right to make such an application. Unless the Council has served an enforcement notice prior to the submission of the retrospective application (which relates to those matters sought permission in the application) the Council is duty bound to consider it.

The Council will, generally, refuse to process retrospective applications which are submitted after serving of an enforcement notice unless entertaining the application is likely to result in an amended proposal which overcomes the reason for serving the notice.

8 Material and non-material amendments to planning permissions

Development should be completed strictly in accordance with the approved plans, which form part of the planning permission. Following the grant of permission applicants often wish to make variations. Sometimes, because of problems during the construction process or a change in the client's wishes. The Council's approval is required for any changes from the approved plans, and this should be sought before work is carried out. Sometimes, however, changes occur without the Council's prior approval.

Where these alterations are materially different from the permission a new application for the whole development will be required

Where the scale and nature of the alterations results in a development that is not substantially different from the one that has been approved, a "minor material amendment application" will be invited which, in effect, seeks permission for the changes proposed rather than the whole scheme again. The Council will consult adjoining properties in the consideration of these types of application and take into account any representations submitted.

Where the changes proposed are extremely minor (such as the omission of a window or reduction in the size of an extension) the Council will request the submission of a "non-material amendment". This is also subject to a fee but will usually be considered by exchange of letter and without notification to neighbouring properties.

9 Monitoring of planning permissions

It is not practical or proportionate to monitor all planning permissions granted by the Council, and all development carried out as permitted development. Most development occurring in the Borough is in built up areas close to adjoining properties and the majority of alleged breaches of planning control are reported by people living close to development. Most of the Council's planning enforcement officers time is spent resolving reported breaches.

Compliance with pre commencement conditions is also checked. In addition, planning officers will, as resources allow, check sensitive development at key stages of construction and on completion of the development.

10 Considerations prior to taking enforcement action

Several factors must be taken into consideration prior to any enforcement action.

10.1 Human Rights Act 1998

When deciding whether or not to take enforcement action, the Council will pay due regard to the Human Rights Act 1998 and, in particular, to the requirement not to act in a way which is incompatible with any relevant Convention rights which are the right to a fair trial, right to respect for private and family life, prohibition of discrimination and protection of property. These rights are qualified rights which means that, when considering enforcement action, the Council will balance the rights of those who may be in breach of the planning legislation against those affected by the breach, including the community at large.

10.2 Public Sector Equality Duty (Equality Act 2010)

10.2.1 A public authority must, in the exercise of its functions, have due regard to the need 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.

10.2.2 For the purposes of the provisions of this Section, pregnancy and maternity, age, gender reassignment, disability, race, religion or belief, sex and sexual orientation are all protected characteristics. That 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.

10.2.3 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.

10.2.4 The Council must consider if formal enforcement action to remedy harm is wholly appropriate and proportionate. If a breach of planning control has occurred and requires further investigation, then the subsequent investigation must be proportionate.

In any event, if human rights or public sector equality rights are potentially affected, the Council must consider that the public interest factors outweigh any potential interference.

10.3 Corporate Priorities and Values

The Council takes the following corporate priorities and values into consideration when determining the expediency of enforcement action against unauthorised development and changes of use.

The priorities for the 2021 - 2023 focus on:

C - Community

A - Affordable housing
R - Recovery
E - Environment
S - Service delivery

Our values, ethos and ways of working will inform and underpin everything that we do:

P - Pride in our Council, communities, and Borough
R - Responsive and flexible
O - Open and accountable
V - Value for money
I - Integrity
D - Dependable
E - Empowering communities

Our priorities and values are outlined in more detail in the Corporate Plan 2021 – 2023 which can be found here:

<https://www.spelthorne.gov.uk/article/16732/Corporate-publications>

10.4 Financial Implications

In taking enforcement action the Council must consider the financial implications in doing so. The Council must first determine that there is a specific breach of planning control and that the harm caused far outweighs the cost of rectifying the breach.

The Council must also consider the likelihood of recuperating costs from the recipient of the enforcement action. Could POCA (Proceeds of Crime Act) be applied?

The Council must exhaust all means of negotiation for a resolution to the breach prior to commencing any costly enforcement action.

11 Taking formal enforcement action

11.1 Enforcement Notice

Enforcement Notices can be served where development or a change of use has taken place without permission, and it is considered expedient to do so. They are served on the owner, occupier and any other person with an interest in the land and must set out what is expected to happen (for example demolishing a building or stopping a car repair workshop) in order to:

- Ensure development complies with the terms of any planning permission granted
- Stop the use of the land or restore it to the condition it was in before the breach took place
- Ensure that development does not have an adverse impact on amenity

A notice will specify a timescale for works to be carried out, and it comes into effect a minimum of 28 days after it is served. There is a statutory right of appeal to the Planning Inspectorate against the notice during this period. Once the Planning

Inspectorate has received a valid appeal, the enforcement notice has no effect until the appeal has been determined.

Any appeal may include one or all of these grounds:

- a) Planning permission ought to be granted
- b) The development or change of use has not taken place
- c) The development or change of use does not need permission
- d) The development or change of use is immune from action (e.g. been in place or operating too long)
- e) The enforcement notice(s) were not served correctly
- f) The works/action to be carried out are excessive
- g) Not enough time has been allowed for the works/action to be carried out

Given these rights of appeal it is important that all relevant matters are taken into account before serving an enforcement notice. This includes being clear about:

- What the specific breach is (e.g. building is too high, in the wrong place, agricultural building being used for industrial purposes)
- What must be done to set it right (e.g. reduced height, demolish and re-build, stop the use)
- How long is given for the works/actions to be carried out (e.g. three months, 12 months).

If the breach of planning control relates to a listed building or unauthorised demolition within a conservation area, the expediency of serving a listed building enforcement notice or a conservation area enforcement notice will be considered. Where appropriate prosecution in the Courts will be commenced.

All enforcement notices are placed on the Council's enforcement register which is available to view on the Council's website.

11.2 Planning contravention notice (PCN)

This is often served prior to serving an enforcement notice. It can be served on the owner or occupier of the land in question, or a person who is carrying out operations or using the land. The PCN gives those people 21 days to provide the information which the Council has asked for. If they do not give the information they can be prosecuted (maximum fine of £1,000). To knowingly provide false information on a PCN can result in a fine of up to £5,000.

11.3 Other requisition for information notices

The Council can require anyone who receives a requisition for information notice to supply, in writing, details of their interest in a property and details of anyone else having an interest in the property. A reply must be supplied within 14 days. Failure to

comply with the requirements of a notice or makes a false statement in a reply is an offence punishable by a fine of up to £5,000.

The Council can also require those individuals to state in writing the nature of their interest in a property and the name and address of any other person known to them as having an interest in the property, such as a freeholder, mortgagee, lessee or otherwise. Failure to return the form or to provide an untrue statement is an offence punishable by a fine up to £1,000.

11.4 Breach of condition notice (BCN)

This can be served where a planning condition has not been complied with. The type of condition which has been breached has to be taken into account (e.g. windows are not obscure glazed or contaminated land conditions have not been complied with), and what should be done to correct the situation. Once issued the notice does not take effect for 28 days.

A BCN has to set out what is required to ensure compliance with the condition and by when. There is no appeal against a BCN and therefore it can be more expedient than issuing an enforcement notice. Failure to comply with the notice is dealt with by a prosecution in the Magistrates Court (maximum fine of £2,500). The BCN is ideal for matters where the steps to be taken are relatively simple and can be readily achieved.

11.5 Stop notice

A stop notice may be served where urgent action is necessary to stop a relevant activity before the end date of the related enforcement notice.

A stop notice must be served at the same time or after the service of an enforcement notice.

The stop notice must refer to the enforcement notice, specify the activity or activities that have to stop and set the date when it comes into effect. Failure to comply with the notice is an offence (maximum fine on summary conviction is £20,000). The Council must consider the use of stop notices carefully as they carry with them significant statutory compensation provisions.

11.6 Temporary stop notice (TSN)

A TSN can be issued without an enforcement notice and is designed to halt breaches of planning control for a period of up to 28 days. This comes into immediate effect and is used to stop work and to see if issues can be resolved within a limited timescale. These are most often served where a development has started but conditions on the planning information requiring further action before commencement have not been complied with (e.g. a contaminated land investigation and mitigation measures have not been agreed).

Whilst TSNs also carry some compensation provisions these are significantly lower than with a stop notice and therefore the risk to the Council is reduced.

11.7 Section 215 notice

In cases where the amenity of an area is adversely affected by the condition of land or buildings a Section 215 Notice (untidy land) may be served. This will set out what is expected to happen (e.g. remove building materials/shrubs/board up windows), when it needs to be done by, and the date the notice takes effect.

A Section 215 notice takes effect after 28 days service during which time an appeal can be made in the Magistrates Court.

12 Time limits for taking formal action

Where a breach of planning control involves building operations and has been ongoing for more than four years the Council cannot serve a notice. For example:

- Extensions to dwellings
- New buildings
- Laying hardstanding
- Change of use of any building to a single dwelling.

Other unauthorised changes of use and breaches of conditions are subject to a 10 year time limit (e.g. use of an agricultural building for industrial warehousing).

The Council are not able to take action on anything beyond the four or ten years, and the use becomes lawful. The landowner can apply for a Certificate of Lawful Existing Use or Development (CLEUD) and, if the evidence is clear, they can 'regularise' the situation. However it should be noted that even if a use is lawful, it does not mean that the Council would have granted planning permission if this has been applied for before the development/change of use had taken place.

Serving an enforcement notice in respect of a particular development 'stops the clock' in relation to these four and ten year time limits. Therefore where the Council consider a breach may be close to the four or ten year time limit it may seek to take urgent enforcement action to prevent such a development or use becoming lawful

The Localism Act 2011 introduced a new enforcement power in relation to time limits which allows Councils the possibility to act against concealed breaches of planning control even after the usual time limit for enforcement has expired.

13 Failure to comply with formal notices

Where a notice has been served and has not been complied with there are three main options available to the Council.

13.1 Prosecution

Prosecution proceedings can be instigated against any person who has not carried out the works expected of them and where the end date for compliance/action has passed. This may be in relation to any of the following Notices:

- enforcement notice
- listed building enforcement notice
- conservation area enforcement notice
- breach of condition notice
- section 215 notice
- stop notice

Cases involving unauthorised works carried out to a Listed Building and unauthorised demolition in a Conservation Area also constitute an offence in their own right. Consideration of whether it would be expedient to prosecute for these works rather than issuing a notice will be given on a case by case basis.

Before commencing any legal proceedings, the Council needs to be satisfied that there is sufficient evidence to offer a realistic prospect of conviction and that the action taken is in the public interest.

13.2 Direct action

Where any works/actions required by an enforcement notice or section 215 notice have not been completed within the time period (other than stopping the use of a piece of land), consideration will be given whether it is expedient to enter the land and undertake the works (e.g. Demolish the building and recover from the owner of the land, any expenses reasonably incurred by them in doing so).

In most cases the Council will seek to prosecute the failure to comply with a notice before seeking to initiate direct action

13.3 Injunction

Where an enforcement notice has not been complied with and, because of the special circumstances of the case, either direct action or prosecution would not be an effective remedy, we will consider applying to the Court for an Injunction.

An injunction can also be applied for where there is clear evidence that a breach of planning control is anticipated but has not actually occurred. Such action will only be considered if the breach, actual or anticipated, is particularly serious and is causing

or likely to cause exceptional harm (e.g. materials for hard standing being put on a site and services being laid).

13.4 POCA – Proceeds of Crime Act

The Proceeds of Crime Act 2002 (“POCA”) sets out the legislative scheme for the recovery of criminal assets with criminal confiscation being the most commonly used power. Confiscation occurs after a conviction has taken place.

The aim of the asset recovery schemes in POCA is to deny criminals the use of their assets, recover the proceeds of crime (planning and non-planning related) and disrupt and deter criminality.

With regard to planning enforcement the Council will consider requesting a confiscation order if it is considered expedient to do so.

The Crown Court must consider making a confiscation order against a defendant under Part 2 POCA if:

- a) the defendant is convicted of an offence or offences in the Crown Court, or has been committed to the Crown Court for sentence or to be considered for a confiscation order; and
- b) the prosecutor requests that the court consider making a confiscation order, or the court believes that it is appropriate to consider making a confiscation order.

14 Other Types of Enforcement

14.1 Advertisements

The display of advertisements without consent is an offence the Council can prosecute against without the need to issue a notice. Where it has been considered that an advertisement should be removed an offender will normally be given one written opportunity to remove the advertisement voluntarily. Failure to do so may result in further action being taken without further correspondence.

The Council is also able to remove or obliterate posters and placards and will consider using these powers as appropriate

The Localism Act 2011 has introduced new provisions in respect of dealing with advertisements. These are Removal Notices, Action Notices and the powers to remedy the defacement of property. Each provision includes rights of appeal to the Magistrates Court.

14.2 Removal notices

The Council can seek removal of any structure used to display an advertisement and where the notice is not complied with can remove the structure and recover the cost of doing so.

14.3 Action notices

Where there is a persistent problem with unauthorised advertisements an Action Notice can be issued specifying measures to prevent or reduce the frequency of the display of advertisements. Where the notice is not complied with the Council may remove the structure and recover the cost of doing so.

14.4 Power to remedy defacement of premises

Where a sign is readily visible from an area where there is public access and is considered to be offensive or damaging the amenity of the area, a Notice may be issued requiring the removal or obliteration of the sign. As with the above provisions failure to comply with the notice will allow the Council to undertake the works in default and recover costs (except where it relates to a flat or house or is within the curtilage of a house)

14.5 Trees

Legislation protects trees, which are the subject of Tree Preservation Orders (TPOs) or are within a Conservation Area, from felling or other works without permission. Such works are an offence and prosecution without a notice can take place. However, such action would not remedy the harm caused.

Where a tree covered by a TPO has been removed a notice requiring an appropriate replacement tree to be planted can be issued.

14.6 High hedges

From 1 June 2005 Councils have had the power to deal with disputes over high hedges where all reasonable steps to resolve the issue have been taken by the relevant parties. In cases where we find in favour of the complainant we will ensure, through enforcement action, if necessary, that any specified schedule of remedial works is carried out.

15 Complaints about the Planning Enforcement Service

If you feel that there is unreasonable delay with an enforcement investigation, or you believe there is an error in the way an investigation is being carried out, please inform the Planning Enforcement Officer dealing with your case so that they may respond or take the necessary action.

If you remain dissatisfied with the service, it is open to you to make a formal complaint. Please remember that the complaints procedure does not apply to matters that are directly related to a Council or Panel decision. You can, of course, contact your local Councillor at any time.

If you remain dissatisfied, you may write to the Local Government Ombudsman and information on how to do this will be given to you by the Head of Corporate Governance. The Ombudsman will not normally deal with a complaint unless it has first been through the Council's own complaint procedures and will deal only with matters relating to the conduct of the investigation.

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Planning Appeals Report – V1.0 ISSUED

Appeals Started between 20 January 2022 – 14 March 2022

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
21/00054/FUL The Boatyard Clarks Wharf Thames Street	21.01.2022	Written Representation	APP/Z3635/W/21/3283432 Retention of Part change of use of an existing building to provide a flood protected raised external work platform and secure internal workshop on the same level to include an office, store and washroom facilities for Wharf Craft an established boatyard operating on this site as shown on drawings numbered PWS 20/01- 8 received on 07/01/2021
20/01438/OUT	21.01.2022	Written Representation	APP/Z3635/W/21/3282635 Outline Planning Permission with appearance and landscaping reserved for the erection of a 3 storey block comprising 4 flats with associated parking and amenity space, following demolition of the existing dwelling.

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
5 Marlborough Road Ashford TW15 3PZ			
21/01065/FUL 12 Thames Meadow Shepperton TW17 8LT	21.01.2022	Written Representation	APP/Z3635/W/21/3284482 Replacement dwelling following demolition of the existing house and annex
20/01579/FUL 5 Marlborough Road Ashford TW15 3PZ	21.01.2022	Written Representation	APP/Z3635/W/21/3282639 The erection of a 3 storey building comprising 4 self-contained flats (comprising 2 x 1 bedroom _ 2 x 2 bedroom units with associated parking and amenity space, following the demolition of the existing dwelling.
21/01688/HOU 2 Lois Drive Shepperton TW17 8BQ	25.01.2022	Fast Track Appeal	APP/Z3635/D/22/3290857 Erection of a rear extension, extension to the existing garage, loft conversion with balcony, roof alterations to include crown roof, roof lights and roof pitch increase to 45 degrees.
21/00134/FUL 115 Feltham Hill Road & Land At The Rear Of 113-127 Feltham Hill Road Ashford	02.02.2022	Written Representation	APP/Z3635/W/21/3284411 Proposed redevelopment of site for the erection of 5 no residential units, following demolition of existing buildings as shown on drawings numbered 2020/P0091 LP B, 105 A, 110 B and 111 B received on 26 January 2021 and amended plan numbered C100 B, 100 F and 112 C received on 16 March 2021

Appeal Decisions Made between 20 January 2022 – 14 March 2022

Case Ref & Address	Date Received	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
21/00680/HOU 5 Guildford Street Staines-upon-Thames TW18 2EQ	25.09.2021	Fast Track Appeal	APP/Z3635/D/21/3278987 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	23.02.2022	<p>The proposed dormer would appear large and unsympathetic to the design of the house's roof. It would appear dominant and out of proportion with the building. The raising of the eaves would make the house appear heavy and awkward.</p> <p>As a result, the proposal would be harmful to the character and appearance of the area, contrary to Policy EN1 of the CS and the SPD.</p>
21/00754/HOU 55 Chertsey Road Ashford TW15 1SR	05.11.2021	Fast Track Appeal	APP/Z3635/D/21/3281886 Erection of a part single storey, part two storey flank extension	Appeal Dismissed	24.01.2022	<p>The proposed two storey side element would significantly close the gap with the neighbouring property, creating a terracing effect.</p> <p>Due to its gable roof, the proposal would also significantly increase the bulk of the host building which would appear as a dominant feature and markedly at odds with the principally hipped roofs forms</p>

Case Ref & Address	Date Received	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
						<p>of the host and the other dwellings in this group.</p> <p>Consequently, the proposal would conflict with Policy EN1 of the CS and the SPD.</p>
<p>20/01217/FUL</p> <p>Land To Rear 54 Bruce Avenue Shepperton TW17 9DW</p>	05.11.2021	Written Representation	<p>APP/Z3635/W/21/3282159</p> <p>Erection of 2 bungalows following demolition of garages as shown on drawings numbered SLP-01, BLP-01, 02, ELV-01, 02, FLP-01, 02 and SEC-01 received on 20/10/2020.</p>	Appeal Allowed	26.01.2022	<p>The appeal site consists of a piece of land with 14 unused garages. The access is via a narrow track between two buildings.</p> <p>The parties agree that the two dwellings proposed for the site would generate approx. 9 movements per day, with one movement during the morning. The CHA, notes that this level of traffic would give rise to unacceptable highway risk, particularly during the morning peak when there are a significant number of pedestrians in the area, including children using the facilities in the area.</p> <p>Due to the height of the walls on either side of the access the required visibility splays do not exist and this could be made worse if vegetation were to grow up.</p>

Case Ref & Address	Date Received	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
						<p>The parties have set out differing positions as to what should be considered to the potential traffic generation from the site as at present. However the Inspector notes that he considers that the site could be used and there could be some traffic generated to and from the site using the existing access with its lack of visibility splays.</p> <p>However, the Inspector states, <i>'I am satisfied that while the visibility splays do not meet the relevant criteria, given the low speeds in the area, that there are movements associated with other accesses in the area with no accidents reported to me and the existing use of the site, the proposal would not increase the risk to highway safety to an unacceptable extent.'</i></p> <p>Therefore, the proposal would comply with Policy CC2 and paragraph 111 of the NPPF which requires development to only be refused if there would be an unacceptable impact on highway safety.</p>

Case Ref & Address	Date Received	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
21/00903/HOU 74 Park Road Ashford TW15 1EU	05.11.2021	Fast Track Appeal	APP/Z3635/D/21/3284730 Erection of a part two storey part single storey side extension and single storey rear extension. Proposed hip to gable roof extension with raised ridge height and the installation of a rear facing dormer with Juliet balconies and 3 no rooflights to the front.	Appeal Dismissed	24.01.2022	The Inspector considered that the hip to gable extensions would significantly increase the scale and bulk of the host building resulting in the dwelling having a very dominant appearance in the streetscene, particularly due to its prominence on this corner plot. That impact would be exacerbated by the large, flat-roofed dormer which would give the host building a very top-heavy appearance. In addition, the full height glazing and Juliet-style balcony in the proposed rear dormer, would result in overlooking, along with a significant perception of being overlooked, that would have a harmful impact living conditions of neighbours. Consequently, the scheme would conflict with Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document.

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)
20/01555/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
21/01547/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
21/01801/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
22/00038/RVC	Drake House	Variation of condition 2 (approved plans) of planning permission 19/01070/FUL for the partial demolition of existing building and erection of an apartment block comprising 14 no. flats over three floors of accommodation, to allow for amendments to replace the permitted lift shaft and other alterations.	Mr Graham Sturdy	Kiran Boparai

App no	Site	Proposal	Applicant	Case Officer(s)
22/00312/RVC	Tesco Supermarket	Removal and variation of conditions 5, 9 and 12 imposed upon planning permission 09/00194/RVC to allow for the removal of the CHP unit.	Tesco Stores Ltd	Matthew Churchill
22/00210/FUL	280 Staines Road East	Demolition of existing buildings and development of a 47-bedroom care home with associated parking, facilities and landscaping		Kelly Walker

Esmé Spinks
Planning Development Manager
15/03/2022