

**Minutes of the Planning Committee
6 March 2024**

Present:

Councillor M. Gibson (Chair)
Councillor D.L. Geraci (Vice-Chair)

Councillors:

C. Bateson	T. Burrell	L. E. Nichols
S.N. Beatty	D.C. Clarke	K.E. Rutherford
M. Beecher	S.A. Dunn	P.N. Woodward
M. Buck	M.J. Lee	

Apologies:

Apologies were received from Councillor A. Mathur and Councillor H.R.D. Williams

Substitutions:

K. Howkins (In place of A. Mathur)

In Attendance:

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

1/24 Minutes

The minutes of the meeting held on 12 December 2023 were approved as a correct record.

2/24 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 Buck, Clarke, Dunn, Gibson and Woodward reported that they had received correspondence in relation to application 24/00046/FUL but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor Bateson reported that he had received correspondence in relation to application 24/00046/FUL and 23/01234/FUL. He also made an informal visit to the site in application 24/00046/FUL however in both instances had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor Beatty reported that he had visited the site in application 24/00046/FUL on two separate occasions, including one time with Surrey County Council, and another time with Councillor colleagues. In both cases he had kept an open mind.

Councillor Beecher reported that he had received correspondence in relation to application 24/00046/FUL and 23/01234/FUL. He also reported that he had attended a meeting with the applicant in application 24/00046/FUL and had visited the site. In both instances he had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor Howkins reported that she had received correspondence in relation to application 24/00046/FUL, and had made an informal visit to this site as well as the site in application 23/01234/FUL. In both cases she had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor Lee reported that he had received correspondence in relation to application 24/00046/FUL. He also reported that he was familiar with the site in relation to application 23/01234/FUL. In both cases he had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor Nichols reported that he had received correspondence in relation to application 24/00046/FUL. He also reported that he was familiar with the site in application TPO291/2023 and served as a school governor at Beauclerc Primary School which adjoined the site. In both cases he had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor Rutherford reported that she had received correspondence in relation to application 24/00046/FUL and had also made an informal visit to the site. In both instances she had maintained an impartial role, had not expressed any views and had kept an open mind.

3/24 Planning application - 24/00046/FUL, Ashford Town Football Club, Sports Club, Short Lane, Stanwell, Staines-upon-Thames, TW19 7BH

Description:

Provision of an artificial grass pitch (AGP), floodlighting and ancillary works.

Additional Information:

Matthew Churchill, Principal Planning Officer reported on the following updates:

Revisions to paragraph 1.3 on the Council's Local Plan 2022-2037 (amendments underlined):

The local plan was submitted to the Planning Inspectorate under Regulation 19 on 25 November 2022. An Examination into the Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved the following: *Spelthorne Borough Council formally requests the Planning Inspector to pause the Examination Hearings into the Local Plan for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the Local Plan and after the three month pause the Council will decide what actions may be necessary before the Local Plan examination may proceed.* At the meeting of the Council on 19 July 2023, it was agreed that Catriona Riddell & Associates be appointed to provide 'critical friend' support to inform the options for taking the plan process forward. On 14 September 2023, the Council considered a report following the deferral in June. The Council resolved to extend the pause in the Examination timetable until the proposed changes to the NPPF have been published (expected in the Autumn) before determining the next steps and take immediate legal advice to confirm the validity of the minister's directive. **The revised NPPF was published on 19 December 2023 and the Council considered its position in light of the implications on the Local Plan and whether Members wished to propose modifications as a result. At an Environment & Sustainability Committee meeting on 29 February 2024, Members agreed to the proposed modifications relating to Green Belt allocations, flood risk sites and the Staines Development Framework, which have been conveyed to the Inspector for his consideration on whether the examination will be able to resume.**

Thames Water has confirmed that there are no objections.

The Council's Spatial Planning Team has confirmed that the HSE was not consulted on the Spelthorne Pitch Playing Strategy.

The LPA has received two further letters of representation, which object to the proposals on highways and parking grounds.

An additional sentence should be added to paragraph 7.83 to read “*The applicant seeks to encourage participation in football from groups with protected characteristics*”.

Public Speaking:

In accordance with the Council’s procedure for speaking at meetings, Ginette Shaw spoke against the proposed development raising the following key points:

- This proposal caused disturbance to public highway
- The parking provided by the club was in a muddy grass area with no marked bays which encouraged participants to park carelessly
- Disruption to public highway lasted for many hours as the club hosted tournaments lasting all weekend
- Residents on Short Lane, Nuthatch Close and The Nightingales were affected by public highway disturbances on match days
- On match days cars often parked on blind bends which was dangerous
- Disturbance of the public highway would be heightened when more people used the club for longer hours

In accordance with the Council’s procedure for speaking at meetings, Nick Bailey spoke for the proposed development raising the following key points:

- Ashford Football Club was the biggest sports facility within catchment area and would benefit from an artificial pitch
- The introduction of a 3G pitch would not increase the footfall of participants at the club
- The advice provided by the Health and Safety Executive was not convincing
- If this application was rejected it was likely the club would not survive which would be a great loss to the local community
- It was contradictory for the club to continue operating in its current location with a grass pitch and not a 3G pitch

In accordance with the Council's procedure for speaking at meetings, Sean Beatty called in this application, and spoke as Ward Councillor on the proposed development raising the following key points:

- The HSE categorised the likelihood of a major incident as being small
- The HSE had a view of marginal refusal
- Esso had raised no objections to this application
- The probability of risk and accident arising from the neighbouring oil terminal could be avoided through preventative measures, procedures and equipment
- The material safety risk in this application was not highlighted in previous applications on this site
- The loss of this club would exacerbate already high deprivation levels in the borough and would discourage children from engaging in physical activity

Debate:

- The advice from the Health and Safety Executive was unconvincing
- There would be fewer people at the 3G pitch over a longer period of time which reduced the likelihood of risk
- Parking concerns associated with this application could be alleviated with relevant conditions
- Concerns were raised regarding light pollution resulting from the floodlighting
- Local children will have no alternative football clubs to join if this application was refused and the club went out of business
- The proposals were a good opportunity for the local community
- The refusal of this application went against Spelthorne's Planning Pitch Strategy
- Appropriate safeguarding, mitigation and training meant safety risks will be minor
- An artificial pitch was more practical than a grass pitch and will allow players to use the pitch continuously
- Unless an alternative site was offered to the club this application cannot be refused

-This application promoted health for residents in the borough

The Committee voted on the application as follows:

For: 2

Against: 9

Abstain: 3

The motion to refuse the application FELL.

The Committee adjourned at 20:31 and reconvened at 20:39.

It was proposed by Councillor Geraci and seconded by Councillor Beatty that the Local Planning Authority is minded to approve the planning application as the community benefits associated with the proposed development outweighed the increased public safety risk of a major incident at the Esso West London Oil Terminal and any harm to the Green Belt by reason of inappropriate development.

The Committee voted on the revised motion as follows:

For: 11

Against: 1

Abstain: 2

Decision: The application was overturned and the following was agreed:

The Local Planning Authority is minded to approve the planning application as the community benefits associated with the proposed development outweighs the increased public safety risk of a major incident at the Esso West London Oil Terminal and any harm to the Green Belt by reason of inappropriate development.

Information: The application will now be referred to the HSE who will be advised that this Local Planning Authority is minded to grant Planning permission against the HSE's advice. The HSE will have 21 days from the date of notice to consider whether to request that the Secretary of State calls in the application for his own determination. If the application is not called in, delegation has been given to the Planning Officers, in consultation with the Planning Committee Chairman to agree the planning conditions and informatives.

4/24 Planning application - 23/01234/FUL, Venture House, 42 London Road, Staines-upon-Thames, TW18 4HF

Description:

Proposed development comprising the construction of a single storey extension at roof level consisting of 5 no. self-contained residential units (Use Class C3); including provision of car parking, cycling and associated works.

Additional Information:

Matthew Churchill, Principal Planning Officer reported on the following updates:

Revisions to paragraph 1.3 on the Council's Local Plan 2022-2037 (amendments underlined):

The local plan was submitted to the Planning Inspectorate under Regulation 19 on 25 November 2022. An Examination into the Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved the following: *Spelthorne Borough Council formally requests the Planning Inspector to pause the Examination Hearings into the Local Plan for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the Local Plan and after the three month pause the Council will decide what actions may be necessary before the Local Plan examination may proceed.* At the meeting of the Council on 19 July 2023, it was agreed that Catriona Riddell & Associates be appointed to provide 'critical friend' support to inform the options for taking the plan process forward. On 14 September 2023, the Council considered a report following the deferral in June. The Council resolved to extend the pause in the Examination timetable until the proposed changes to the NPPF have been published (expected in the Autumn) before determining the next steps and take immediate legal advice to confirm the validity of the minister's directive. **The revised NPPF was published on 19 December 2023 and the Council considered its position in light of the implications on the Local Plan and whether Members wished to propose modifications as a result. At an Environment & Sustainability Committee meeting on 29 February 2024, Members agreed to the proposed modifications relating to Green Belt allocations, flood risk sites and the Staines Development Framework, which have been conveyed to the Inspector for his consideration on whether the examination will be able to resume.**

The Council has received further letters of representation (resulting in 43 in total submitted against the application), which in addition to the previous comments object to the proposals on the following grounds:

- The withdrawal of the Voyager Place application does not overcome parking concerns.
- Concerns over the provision of electric vehicle parking spaces.
- Concerns over noise from the balcony areas.
- There would be an adverse impact upon water and sewage.

- Concerns that the applicant has not consulted residents, (Officer note: The Local Planning Authority has sent neighbour notification letters).

Plan 1244.36.2-PA-050 Rev B, is to be removed from Condition 2.

Public Speaking:

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

- This proposal had false assertions on the current use of parking spaces and the protected turning area
- The applicant never engaged with management company to validate its understanding of the development or its challenges
- The number of adaptations to the application demonstrated the ill-thought-out plans and lack of care and attention
- The inadequate parking provisions per flat directly contravened Spelthorne's policy
- There were already safety issues due to the volume of traffic coming into an out of the development in such a confined area
- The application posed an unacceptable risk to the safety of residents and road users caused by congestion around the development on London Road
- There was no evidence of a completed Air Quality Assessment to understand the impact of the proposal in an already congested area.
- Objections regarding the overlooking and privacy of residential properties on New Street were ignored
- The proposal made did not consider the harm to the character and appearance of the surrounding area

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

- The proposal included setbacks from existing elevations to reduce the perceived bulk of the extension which was appropriate from a townscape perspective
- The safeguarding of privacy and the mitigation of overlooking was carefully considered within the design
- The development would provide 5 new homes and help to address the need for housing in Spelthorne
- The development was supported by national and local planning policies
- The residential flats complied with requirements of the nationally described space standards
- The flats will also benefit from levels of internal daylight which exceeded requirements of the BRE Guidelines
- There was close proximity to services and amenities which justified a slight shortfall in car parking provision
- The use of sustainable transport modes was available through provision of cycle stands and access to local transport modes.

In accordance with the Council's procedure for speaking at meetings, Adam Gale was due to speak as Ward Councillor on the proposed development however he was unable to join the meeting.

Debate:

During the debate the following key issues were raised:

- The proposal did not offer affordable housing
- The number of car parking spaces was insufficient

The Committee voted on the application as follows:

For: 13

Against: 1

Abstain: 0

Decision: The application was **approved**.

5/24 Planning application - TPO291/2023, 110 French Street, Sunbury-on-Thames, TW16 5LE

Description:

On 20 October 2023, Tree Preservation Order (TPO) was served with immediate effect to protect one Yew tree on land at 110 French Street, Sunbury-on-Thames, TW16 5LE.

Additional Information:

Alice Heynes, Planning Technical Officer reported that there was no additional information.

Public Speaking:

There were no public speakers.

Debate:

During the debate the following key issues were raised:

-This was a species of tree which was hard to grow and added to the variety of the area

-The tree was visible from French Street and contributed to the street scene and visual amenities

-The Committee supported the view to keep as many trees as possible in the borough

-The Committee raised concern regarding the size and future growth of the tree however the Team Leader, Planning Development Management clarified the TPO would not restrict tree management

The Committee voted on the application as follows:

For: 14

Against: 0

Abstain: 0

Decision: The Tree Preservation Order was confirmed without modification.

6/24 Planning Appeals Report

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

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

7/24 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.