



Please reply to:

Contact: Melis Owen
Service: Committee Services
Direct line: 01784 446449
E-mail: m.owen@spelthorne.gov.uk
Date: 21 March 2024

Notice of meeting

Planning Committee

Date: Wednesday, 3 April 2024

Time: 7.00 pm

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

To the members of the Planning Committee

Councillors:

M. Gibson (Chair)	T. Burrell	L. E. Nichols
D.L. Geraci (Vice-Chair)	R. Chandler	K.E. Rutherford
C. Bateson	D.C. Clarke	H.R.D. Williams
S.N. Beatty	S.A. Dunn	P.N. Woodward
M. Beecher	M.J. Lee	
M. Buck	A. Mathur	

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

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

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AGENDA

Page nos.

1. Apologies and Substitutions

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

2. Minutes

5 - 16

To confirm the minutes of the meeting held on 6 March 2024 as a correct record.

3. Disclosures of Interest

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

Planning Applications and other Development Control matters

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

4. Planning application - 23/01236/FUL, The Ash Tree Public House, Convent Road, Ashford, TW15 2HW

17 - 50

Ward

Ashford Common

Proposal

Change of use of existing public house (Sui Generis) to Class E(a) (retail) use, new lift-shaft to rear (east) of building, elevation changes including new sliding doors, louvres, removal of pub garden windows, installation of new level access ramp and ATM/bollards to north-west corner. The installation of AC condensers along with proposed timber hit and miss fence and gate (removal of existing garage).

Recommendation

Approve the application subject to conditions, as set out at paragraph 8 of this report.

5. Tree Preservation Order- TPO293/2023, 35 The Avenue, Sunbury-on-Thames, TW16 5HY

51 - 92

Ward

Sunbury East

Proposal

To seek confirmation of Tree Preservation Order 293/2023 that was served with immediate effect to protect one Oak tree in the rear garden

of 35 The Avenue, Sunbury-on-Thames, TW16 5HY.

Recommendation

Confirm without modification

- | | | |
|-----------|---|------------------|
| 6. | Planning Appeals Report | 93 - 114 |
| | To note details of the Planning appeals submitted and decisions received between 21 February and 20 March 2024. | |
| 7. | Major Planning Applications | 115 - 118 |
| | To note the details of future major planning applications. | |
| 8. | Glossary of Terms and Abbreviations | 119 - 124 |

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**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.

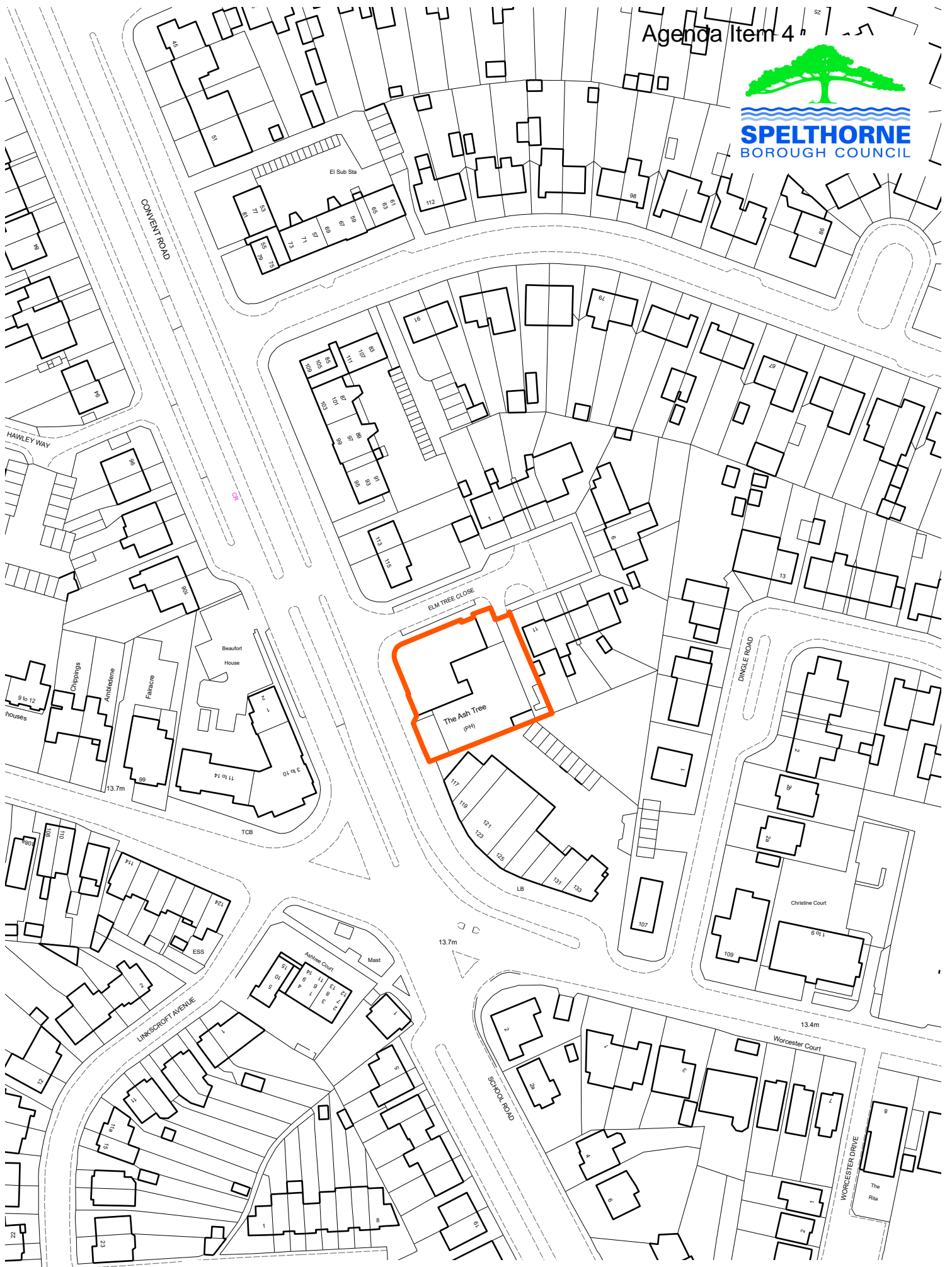
Resolved that the report of the Planning Development Manager be received and noted.

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.

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23/01236/FUL - The Ash Tree Public House, Convent Road, Ashford.

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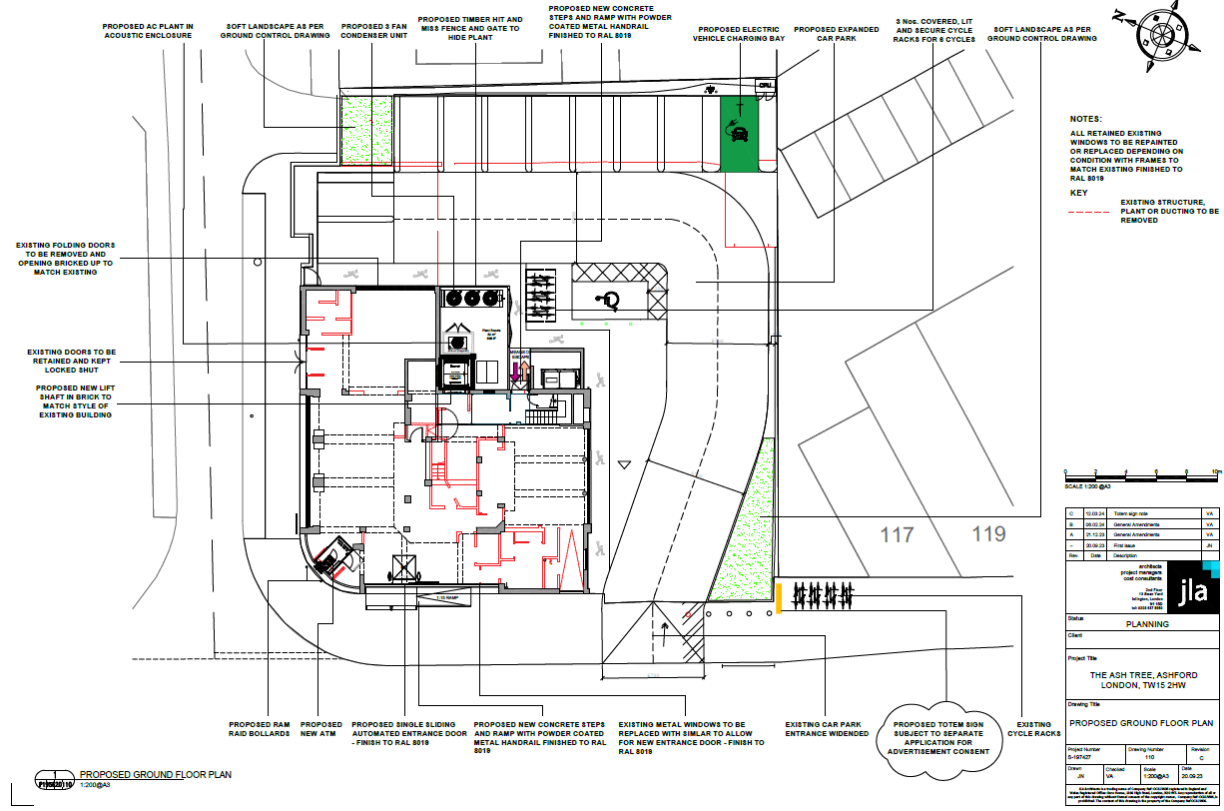
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Proposed Layout Plan

Page 19



NOTES:
 ALL RETAINED EXISTING WINDOWS TO BE REPAINTED OR REPLACED DEPENDING ON CONDITION WITH FRAMES TO MATCH EXISTING FINISHED TO RAL 8019

KEY
 - - - - - EXISTING STRUCTURE, PLANT OR FIXTURE TO BE REMOVED

SCALE 1:100 @ A0

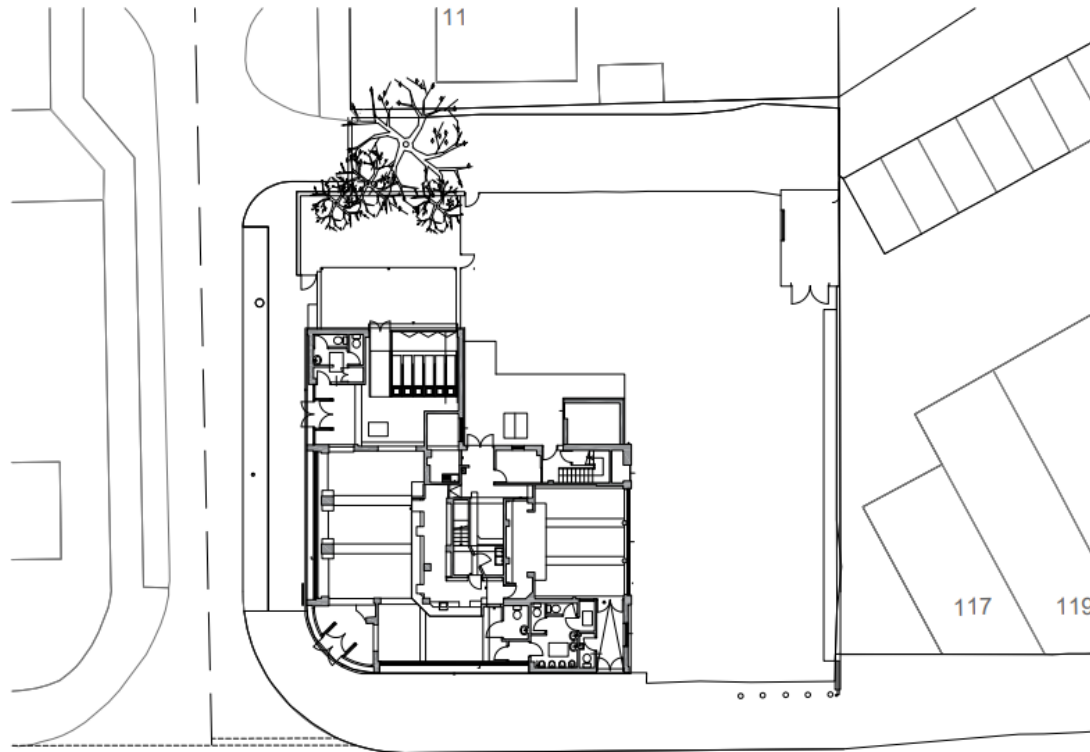
C	13.03.24	Issue 01p-rmk	VA
B	20.03.24	Issue 02p-rmk	VA
A	15.03.24	Issue 03p-rmk	VA
T	20.03.24	Final Issue	VA
Rev	Date	Description	By

jla
 12 Ash Tree
 Convent Road
 Ashford TW15 2HW
 01832 222222
 www.jla.co.uk

Status: PLANNING
 Client:
 Project Title: THE ASH TREE, ASHFORD LONDON, TW15 2HW
 Drawing Title: PROPOSED GROUND FLOOR PLAN

Project Number	Drawing Number	Revision
23/01236/FUL	010	C
Client	Checked	Date
JLA	VA	17.09.24
Scale	Issue	Date
		20.08.23

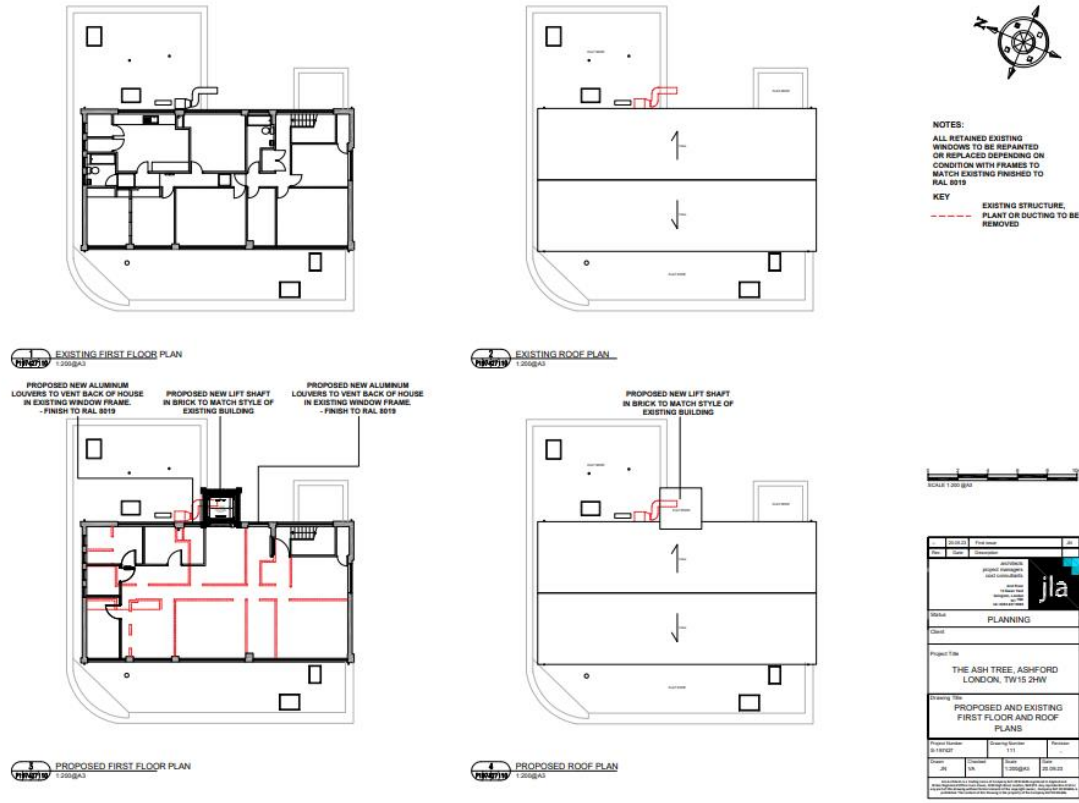
Existing Site Plan



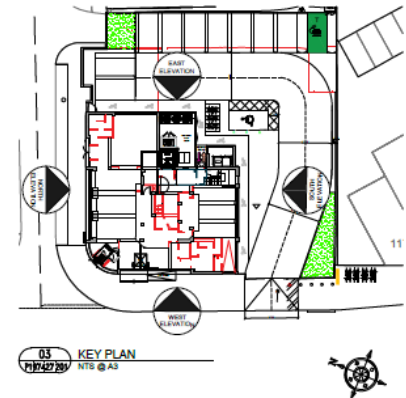
EXISTING GROUND FLOOR PLAN
 1:200 @A3

Rev	Date	Description	By
01	01/01/23	Final Issue	JA

ARCHITECT PROJECT MANAGERS AND CONSULTANTS JLA 100, NEW BRIDGE ROAD LONDON, SE1 1NY		
DISCIPLINE PLANNING		
CLIENT		
PROJECT TITLE THE ASH TREE, ASHFORD LONDON, TW15 2HW		
DRAWING TITLE EXISTING GROUND FLOOR PLAN		
Project Number	Drawing Number	Revision
23-01236-FUL	100	1
Drawn	Checked	Date
JA	JA	21.08.23



Existing and Proposed North Elevation



01 EXISTING NORTH ELEVATION
 1:100 @ A3



PROPOSED NEW LIFT SHAFT IN BRICK TO MATCH STYLE OF EXISTING BUILDING

EXISTING DOORS TO BE RETAINED AND KEPT LOCKED SHUT


PROPOSED NEW ATM

PROPOSED RAM RAID BOLLARDS

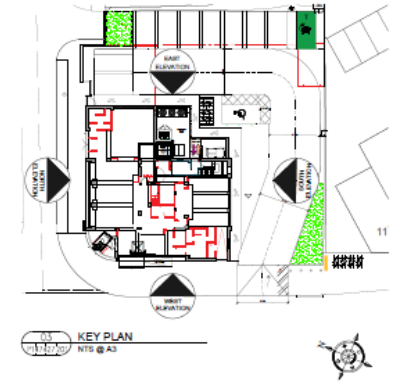
ALL RETAINED EXISTING WINDOWS TO BE REPAINTED OR REPLACED DEPENDING ON CONDITION WITH FRAMES TO MATCH EXISTING FINISHED TO RAL 8018

02 PROPOSED NORTH ELEVATION
 1:100 @ A3



01	20/08/24	Drawing revision	VA
02	20/08/23	Final Issue	25
Date	Description		
architects project managers cost consultants 			
2nd Floor 14 Abchurch Lane London EC4N 3DF tel: 020 7490 4400			
PLANNING			
Client			
Project Title THE ASH TREE, ASHFORD LONDON, TW15 2HW			
Drawing Title NORTH ELEVATION EXISTING AND PROPOSED			
Project Number	Drawing Number	Revision	
S-197427	P-197427-204	A	
Drawn	Checked	Scale	Date
JM	VA	1:100 @ A3	20/08/23
<small> We warrant that the information contained in this drawing was prepared by us or on our behalf and that it is true and correct as far as the facts stated therein are concerned. We warrant that the information contained in this drawing was prepared by us or on our behalf and that it is true and correct as far as the facts stated therein are concerned. We warrant that the information contained in this drawing was prepared by us or on our behalf and that it is true and correct as far as the facts stated therein are concerned. </small>			

Existing and Proposed South Elevation



1 EXISTING SOUTH ELEVATION
 1:100 @ A3




2 PROPOSED SOUTH ELEVATION
 1:100 @ A3

PROPOSED NEW LIFT SHAFT IN BRICK TO MATCH STYLE OF EXISTING BUILDING

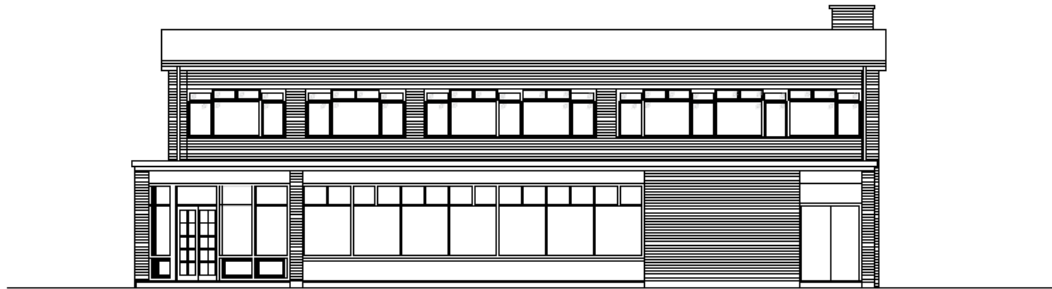
PROPOSED TIMBER HIT AND M33 FENCE AND GATE TO HIDE PLANT

ALL RETAINED EXISTING WINDOWS TO BE REPAINTED OR REPLACED DEPENDING ON CONDITION WITH FRAMES TO MATCH EXISTING FINISHED TO RAL 8019

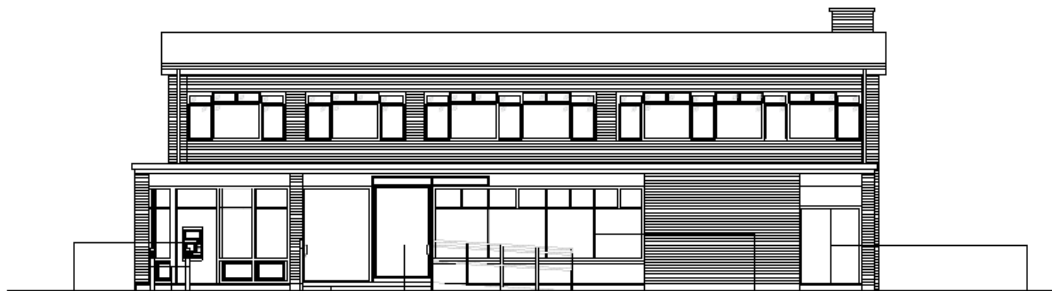
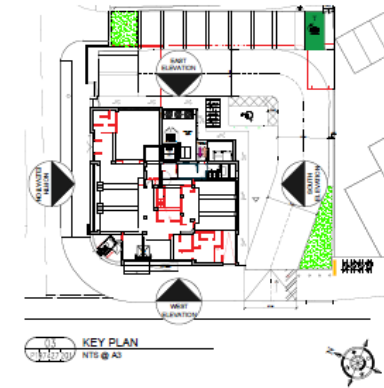
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14/03/24	Rev. amended	JK
20/03/24	Final issue	JK
Date	Description	
architect project manager lead consultant		
		
Status PLANNING		
Client		
Project Title		
THE ASH TREE, ASHFORD LONDON, TW15 2HW		
Drawing Title		
SOUTH ELEVATION EXISTING AND PROPOSED		
Project Number	Drawing Number	Revision
S-197427	P-197427-002	A
Drawn	Checked	Date
JK	JK	20/03/24
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Existing and Proposed West Elevation



11 EXISTING WEST ELEVATION
 1:100 @ A3



12 PROPOSED WEST ELEVATION
 1:100 @ A3

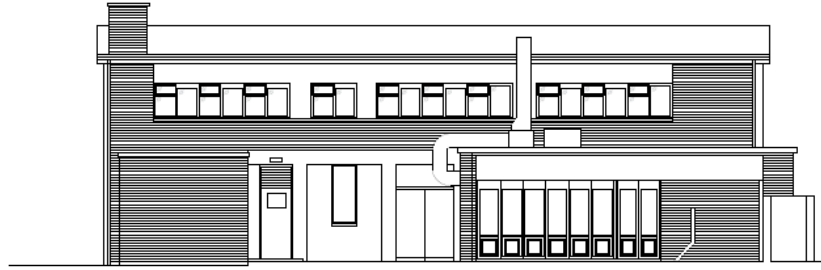
- PROPOSED NEW ATM
- PROPOSED RAM RAID BOLLARDS
- PROPOSED NEW CONCRETE STEPS WITH POWDER COATED METAL HANDRAIL FINISHED TO RAL 8019
- PROPOSED SINGLE SLIDING AUTOMATED ENTRANCE DOOR - FINISH TO RAL 8019
- PROPOSED NEW CONCRETE RAMP WITH POWDER COATED METAL HANDRAIL FINISHED TO RAL 8019
- EXISTING METAL WINDOWS TO BE REPLACED WITH SIMILAR TO ALLOW FOR NEW ENTRANCE DOOR - FINISH TO RAL 8019
- EXISTING DOORS TO BE RETAINED AND KEPT LOCKED SHUT

ALL RETAINED EXISTING WINDOWS TO BE REPAINTED OR REPLACED DEPENDING ON CONDITION WITH FRAMES TO MATCH EXISTING FINISHED TO RAL 8019

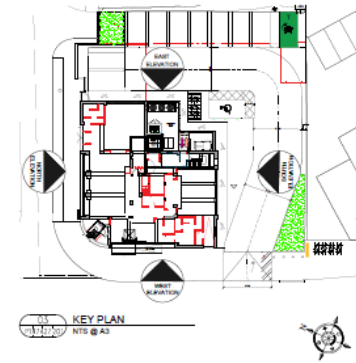
SCALE 1:100 @ A3

A	14.02.23	Plan submitted	JK
	20.02.23	Final issue	JK
Rev.	Date	Description	
jla architects project managers and drafters 1st Floor 14 Abchurch Lane London, EC4A 3DF Tel: 020 7417 2000 www.jla-architects.com			
Status PLANNING			
Client			
Project Title			
THE ASH TREE, ASHFORD LONDON, TW15 2HW			
Drawing Title			
WEST ELEVATION EXISTING AND PROPOSED			
Project Number	Drawing Number	Revision	
S-197427	P-197427-001	A	
Drawn	Checked	Scale	Date
JK	JK	1:100 @ A3	20.02.23
JLA Architects is a trading name of JLA Architects Limited, a limited liability company registered in England and Wales, number 10542827. JLA Architects Limited is a company registered in England and Wales, number 10542827. JLA Architects Limited is a company registered in England and Wales, number 10542827.			

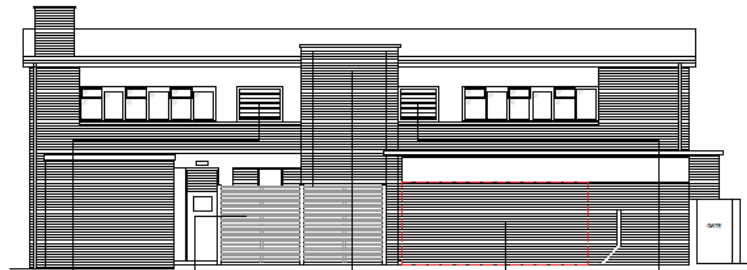
Existing and Proposed East Elevation



EXISTING EAST ELEVATION
 1:100 @ A3



KEY PLAN
 N15 @ A3




- PROPOSED NEW ALUMINUM LOUVERS TO VENT BACK OF HOUSE IN EXISTING WINDOW FRAME. - FINISH TO RAL 8018
- PROPOSED TIMBER HIT AND MISS FENCE AND GATE TO HIDE PLANT
- PROPOSED NEW LEFT SHAFT IN BRICK TO MATCH STYLE OF EXISTING BUILDING
- EXISTING FOLDING DOORS TO BE REMOVED AND OPENING BRICKED UP TO MATCH EXISTING
- PROPOSED NEW ALUMINUM LOUVERS TO VENT BACK OF HOUSE IN EXISTING WINDOW FRAME. - FINISH TO RAL 8018

PROPOSED EAST ELEVATION
 1:100 @ A3

ALL RETAINED EXISTING WINDOWS TO BE REPAINTED OR REPLACED DEPENDING ON CONDITION WITH FRAMES TO MATCH EXISTING FINISHED TO RAL 8018



Rev	Date	Description	By	Chk
A	14.09.23	Plan submitted	JH	JH
B	20.09.23	Final issue	JH	JH
01236/23 project manager lead architect architect interior design landscape architect 01753 454474 www.jla.co.uk				
				
DISCIPLINE PLANNING				
Client				
Project Title				
THE ASH TREE, ASHFORD LONDON, TW15 2HW				
Drawing Title				
EAST ELEVATION EXISTING AND PROPOSED				
Project Number	Drawing Number	Revision		
S-197427	A-197427-001	A		
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JH	JH	JH	20.09.23	
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Planning Committee

03 April 2024



Application No.	23/01236/FUL
Site Address	The Ash Tree Public House Convent Road Ashford TW15 2HW
Applicant	Sainsbury's Supermarkets Limited
Proposal	Change of use of existing public house (Sui Generis) to Class E(a) (retail) use, new lift-shaft to rear (east) of building, elevation changes including new sliding doors, louvres, removal of pub garden windows, installation of new level access ramp and ATM/bollards to north-west corner. The installation of AC condensers along with proposed timber hit and miss fence and gate (removal of existing garage).
Case Officer	Vanya Popova
Ward	Ashford Common
Called-in	This application has been called in by Councillor Rutherford for the following reason: <ul style="list-style-type: none"> • Restricted parking for customers and large delivery vehicles

Application Dates	Valid: 11.10.2023	Expiry: 06.12.2023	Target: Extension of time agreed to 05.04.2024.
Executive Summary	<p>This application seeks the change of use of existing public house (Sui Generis) to Class E(a) (retail) use with other associated alterations. The public house has been empty since it closed.</p> <p>The site is located adjacent to and within close proximity to a local shopping parade which includes a range of retail and commercial uses. The proposal involves the change of use from existing public house (Commercial Use) to a local supermarket store (another Commercial Use) rather than a new build. The principle of a retail use (Use Class E) on the site would be consistent with the National and Local Planning Policies. Furthermore, it is considered that the loss of the public house use would be acceptable.</p> <p>The proposed use would not have a greater adverse impact upon the character and appearance of the area, nor the residential amenity of adjoining properties, compared to the existing use.</p> <p>In terms of highway safety and the proposed parking provision, the County Highway Authority raises no objection, subject to conditions and informatives.</p> <p>The proposal is therefore considered to be acceptable.</p>		

Recommended Decision	Approve the application subject to conditions, as set out at paragraph 8 of this report.
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MAIN REPORT

1. Development Plan

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

- SP1 (Location of Development)
- SP4 (Town Centres and Retail Development)
- SP5 (Meeting Community Needs)
- SP6 (Maintaining and Improving the Environment)
- TC5 (Proposals for Retail Development)
- EN1 (Design of New Development)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)
- EM2 (Employment Development on Other Land)
- TC4 (Local Shopping Centre and Parades)
- CO1 (Providing Community Facilities)
- EN11 (Development and Noise)
- EN13 (Light Pollution)
- EN15 (Development of Land Affected by Contamination)
- HO1 (Providing for New Housing Development)

1.2 Also relevant is the following Supplementary Planning Document/Guidance:

- Supplementary Planning Guidance (SPG) on Parking Standards 2011

1.3 The National Planning Policy Framework (NPPF) December 2023 is also relevant.

1.4 On 19 May 2022, Council agreed that the draft Local Plan be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). It was also agreed that the draft Staines Development Framework be published for public consultation. The public consultation for both the Pre-Submission Publication

version of the Local Plan and draft Staines Development Framework ran from 15 June 2022 to 19 September 2022 and 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.*

1.5 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.

1.6 The NPPF policy states at para 48:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Section 38(6) the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan (unless material considerations indicate otherwise) and not in accordance with an emerging plan, although emerging policies may be a material consideration.

1.7 The following policies of the Pre-Submission Spelthorne Local Plan 2022 – 2037 are of relevance:

- ST1: Presumption in Favour of Sustainable Development
- ST2: Planning for the Borough
- PS2: Designing Places and Spaces
- E4: Environmental Protection
- SP2: Ashford, Shepperton and Sunbury Cross
- EC1: Meeting Employment Needs
- EC2: Retail
- EC3: Local Centres, Shopping Parades and Isolated Retail Units
- EC4: Leisure and Culture
- ID1: Infrastructure and Delivery
- ID2: Sustainable Transport for New Development
- H1: Homes for All

1.8 At this stage, the policies in the Pre-Submission Spelthorne Local Plan carry limited weight in the decision-making process of this current planning application. The adopted policies in the 2009 Core Strategy and Policies DPD carry substantial weight in the determination of this planning application.

2. Relevant Planning History

2.1 The site has the following planning history:

Ref. No.	Proposal	Decision and Date
15/00692/FUL	Continued use of footpath for use for outdoor seating for the public house.	Grant Unconditional 07.07.2015
13/01765/FUL	Change of use of footpath to be used for outdoor seating for the public house.	Grant Conditional 24.01.2014
33/31506/FUL	Erecting new Licensed Premises for Fuller, Smith and Turner Limited.	Grant Conditional 30.01.1957

3. Description of Current Proposal

The application site and surrounding area

3.1 The application site comprises a vacant, detached public house referred as "The Ash Tree Public House" which occupies a square corner plot and is located between the junctions of Elm Tree Close and Convent Road service road (D3262) in Ashford. The site comprises a two-storey building (the public house) in the north-western prominent corner, fronting Convent Road B378. The site also contains a detached outbuilding located within the south-eastern corner. A car-park area is laid out as hardstanding to the east and south,

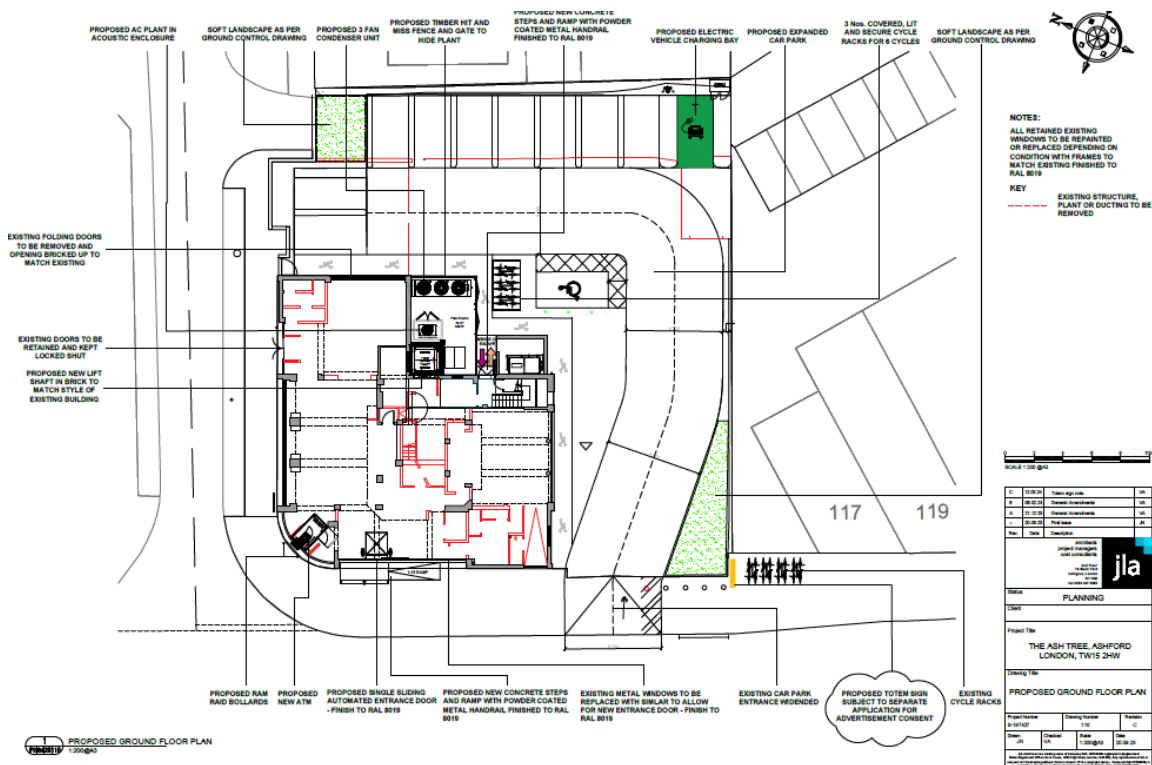
accommodating 12 parking spaces, with the vehicle access leading onto the Convent Road service road (to the south of the public house). There is an external sitting area associated with the pub use adjacent to the north-eastern corner (approx. 5 metres away from the boundary with the residential property, no 11 Elm Tree Close). Internally, the pub building contains a bar/dining area with a separate function room, kitchen and toilets. At the first floor, there is residential accommodation ancillary to the pub use. The former owners of the Ash Tree Public House were the Fuller's company and they officially closed the business on 01 January 2023.

- 3.2 There are existing trees and vegetation along with eastern and southern edges of the site. However, as an existing developed commercial site, there is little soft landscaping on the site at present, which is predominately concrete and hardstanding.
- 3.3 The site is located within the urban area. The existing building is not a heritage building. The southern boundary of the public house is bounded by a three storey terraced flat roofed building with the ground floor area comprising a shopping parade including nine commercial units of mixed use. The first and second floors of the building are in residential use (flats) with first floor external balconies facing onto the roads. To the rear of the neighbouring site is the parking area serving the building. The southern boundary of the application site is also adjacent to the neighbouring row of garages to the rear of the shopping parade. To the east and north of the site are residential properties. The site frontage onto Elm Tree Close is to the north and opposite this cul-de-sac road is 115 Convent Road, a residential property.
- 3.4 The site is located approximately 650m (0.4 miles) away from the Ashford's Town Centre to the north west, where there are a number of existing retail uses within the shopping area of Ashford, including both independent stores and national companies, including Tesco, Sainsburys and Co-Op. There is also a larger Tesco store at the Junction of the A30 adjoining Ashford Hospital. In addition, a Lidl shop has recently occupied a site on the edge of Ashford town centre. It is also relevant to note that approximately 800m (0.5 miles) away is Woodlands Parade, which contains a mixture of retail and commercial uses.

Proposal

- 3.5 This planning application seeks permission for the change of use of the existing public house (Sui Generis Use) to convenience store (Class E(a) Retail Use). Also proposed is a new lift-shaft to the rear (east) of building with alterations to the parking layout, elevation alterations including new sliding doors, louvres, changes to the fenestrations, installation of new level access ramp and new ATM/bollards to the north-west corner. The application also proposes the installation of AC condensers and a proposed timber hit and miss fence and gate and the removal of the existing outbuilding structure. The planning agent acting on the applicant's behalf has advised that the site is to be occupied by the Sainsbury's Supermarkets Limited and the intention would be to operate as a Sainsbury's Local convenience store with a similar size and format as the local store at 6 New Parade within the Ashford Town Centre location. However, the planning permission being requested is a Class E(a) (retail) use. The proposed layout plan illustrates that on site there will be

11 vehicle parking spaces (including 1 x disabled space and 1 x fast charging parking space) and a secure cycle rack accommodating 6 cycles.



Proposed Layout Plan

3.6 The existing public house is approximately 581 sq metres gross floorspace. The submitted information indicates that the local supermarket store would have a retail sales area of 254sq metres (237sq metres when excluding the checkout areas). The store’s storage and service facilities area would be located at first floor level (comprising 164sq metres in gross floorspace). The areas which are not proposed to be used for sales areas or storage space, are planned to be used for circulation space, office and staff welfare areas. The exterior would be refurbished including new glazing/openings to reflect the retail use, along with a new ramp and the installation of a new lift shaft at the rear.

3.7 The full set of proposed plans are provided as an Appendix.

4. Consultations

The following table shows those bodies consulted and their response.

Consultee	Comment
Environment Health – Noise and Lighting	No objections subject to conditions and informatives.
County Highway Authority	No objections on highways grounds subject to conditions.
Environment Health - Contamination	Recommend informatives.

5. Public Consultation

- 5.1 A total of 31 properties were notified of the planning application.
- 5.2 The Council has received 206 letters of objection to the application. The Council has also received letters of objection from a planning adviser submitted on behalf of the nearby convenience store within the parade (Nisa Local).
- 5.3 Reasons for objecting include:
- Highway safety
 - On-street parking pressure
 - Anti-social behaviour
 - Too many convenience stores within the area
 - Adverse impact on the local businesses, especially to the small ones
 - Increased traffic
 - Air-pollution
 - Loss of pub
 - The site should be used for affordable housing or other type of retail use
 - Loss of local community asset
 - Impact on the character of the area
 - One convenient store within the nearby parade is enough
 - Increased crime
 - Insufficient parking on site
 - Noise and disturbance
 - Access concerns
 - Increased litter
 - Need more doctors, schools, dentists and community hubs like pubs or restaurants.
 - Late/early deliveries
 - Cause harm on the viability and vitality of the existing designated centres

- Unsuitable location
- Impact on residential amenities
- Highway safety concerns
- Loss of jobs
- Rather see development for flats

5.4 The Council has also received 79 letters of representation, which support the proposal. One of the letters of support raised concerns that many of the objections were submitted by one source, rather than local residents. Reasons for supporting include:-

- Improving the area
- As a local resident, there is support due to vast amounts of anti-social behaviour from the existing pub use
- Rather to see people come and go than people coming and staying
- Welcoming the proposed change of use
- New job opportunities for the local community
- Good use of the space
- Suitable location within walking distance
- Need more supermarkets within the area
- Good to have more competition within the area
- More choices
- ATM is needed within the area
- The current pub is eyesore
- Parking and access are already in place
- Suitable for elderly people within the area
- Better use than housing
- Re-use existing building
- Long term opportunity for the building
- Derelict building
- Good addition to the local shopping parade

- Accessible via public transport

6. Planning Issues

- Principle/ Loss of Public House.
- Character and Appearance.
- Residential Amenity.
- Parking Provision & Highway Impact.
- Other matters

7. Planning Considerations

Principle/ Loss of Public House

- 7.1 The National Planning Policy Framework (NPPF) 2023 in paragraph 97, requires that planning policies and decisions to plan positively for the provision and use of community facilities, including public houses, and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its everyday needs.
- 7.2 It is notable that there are other licenced premises and other buildings within Ashford Town providing opportunities for social interaction, meeting the needs of the community. The loss of the public house, also results in the loss of a community type use. Policy CO1 refers to this and the fact that the use should be re-provided if the need for it is there.
- 7.3 The proposal will include the loss of the commercial use of the public house which would have provided some employment use. The submitted information provided by the applicant states that the site has not attracted any firm offers from potential purchasers for the continuation of the use as a public house since the site has been marketed since January 2023. Following its closure. The loss (change of use) of public houses now requires planning permission following changes to planning legislation. There are other existing public houses in Ashford close to the application site, including the Kings Head and the Freemans Arms, which are between 7 and 11 minutes away by walk providing similar facilities nearby, and the loss of The Ash Tree public house would not leave the local community without a choice of venues to meet and socialise in Ashford Town. The public house is not defined as an 'Asset of Community Value' and given this, the fact that it has been vacant for over a year and there are other facilities nearby, it is considered the loss is acceptable. It should also be acknowledged that there would also be some community benefit through the provision of a local supermarket store (within the building). Whilst it has been noted the proposal would also result in the loss of a residential unit, it is however not considered that an objection could be sustained as the flat has only been ancillary to the public house rather a self-contained unit.
- 7.4 Policy SP4 of the Core Strategy and Policies Development Plan Document (CS&P DPD) states *"It will seek the continued improvement of Staines as the principal town centre serving north Surrey. It will make provision for further*

retailing and related services, and support employment development. Improvements in access to the town centre, particularly by non car-based modes will be encouraged. It will maintain the role of Ashford, Shepperton and Sunbury Cross as local shopping centres and seek opportunities for their improvement. It will also maintain the role of smaller parades in serving their local neighbourhood. The Policy TC5 of the Core Strategy and Policies Development Plan Document (CS&P DPD) advises that for retail proposals for sites outside of the town centre and the edge of centres, it will be necessary to show that they will not conflict with other policies and proposals in this DPD.

- 7.5 Given the proposal would be under the 2,500sq metres gross floorspace (required threshold by para 93 of the NPPF, 2023), the proposal would not require the submission of a retail impact assessment. It would, however, need to be assessed on whether the proposed location is suitable for a main town centre use outside of the town centre, having regard to a sequential test. Outside of defined town centres, retail and other main town centre uses must demonstrate the application of a sequential approach. This reflects the provisions of paragraphs 91 and 92 of the National Planning Policy Framework 2023 (the NPPF).
- 7.6 Paragraph 91 of the Framework sets out the sequential test. It states that main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Amongst other things, paragraph 92 of the NPPF states that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. This is supported by the guidance contained within the Planning Practice Guidance (the PPG) on Town Centres and Retail which reaffirms that *“It may not be possible to accommodate all forecast needs for main town centre uses in a town centre: there may be physical or other constraints which make it inappropriate to do so. In those circumstances, planning authorities should plan positively to identify the most appropriate alternative strategy for meeting the identified need for these main town centre uses, having regard to the sequential and impact tests. This should ensure that any proposed main town centre uses which are not in an existing town centre are in the best locations to support the vitality and vibrancy of town centres, and that no likely significant adverse impacts on existing town centres arise...”*
- 7.7 Both public houses and retails developments are included within the definition of a main town centre use in the Annex 2 of the NPPF under Main Town Centre Uses, however in this case both would be outside of the town centre. The application site is in an existing commercial use (Public House - Main Town Centre Use) and relates to a change of use proposal (to a convenient store-another Main Town Centre Use) rather than a new build (reuses an existing building giving a new life). Furthermore, the site is adjacent to the shopping parade situated at the junction of School Road, Feltham Hill Road and Convent Road containing units with mixed use.
- 7.8 The applicant has submitted a Sequential Statement to support the application. It concludes that no sites within Ashford Town Centre were

identified as being suitable, available and viable for a Sainsbury Local store of this size. It is further stated that given there is already a Sainsbury Local store in Ashford Town Centre (it is indicated that this would remain open) and as such, they consider Ashford Town Centre not to be a suitable alternative viable location to a second Sainsbury Local store. The proposal would be a small scale convenience food store and would provide top-up shopping needs within a relatively small catchment area. As such, it is not considered that it would have a material effect on the vitality and viability of the nearby town centre.

- 7.9 The site is located adjacent to a local shopping parade with other retail uses. As such, it would serve the local community and is in a relatively sustainable location with public transport links. Therefore, the conversion from public house to local supermarket store (retail use) is considered to be acceptable provided other policy requirements are met. Whilst concerns have been raised by the existing nearby convenience store (Nisa Local), planning policy does not seek to prevent competition and as such, it is not considered a refusal could be justified on this ground.
- 7.10 The proposal would not therefore conflict with Paragraph 93 of the Framework, which amongst other things states that planning decisions should plan positively for the provision and use of community facilities. The availability of alternative social venues in the area means that there would be no conflict with the provisions of Paragraph 92 of the Framework, which seeks to promote social interaction. As such, in line with the guidance contained in the NPPF and the PPG, it is considered that there is justification to allow a retail use on this already established local shopping parade and to continue with a commercial use (changed use).

Design & Appearance

- 7.11 At part 12, on '*Achieving well-designed places*', the NPPF 2023, places a strong emphasis on design and states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, while not preventing or discouraging appropriate innovation.
- 7.12 Policy EN1 of the Core Strategy and Policies Development Plan Document (CS&P DPD) states that the Council will require a high standard of design and layout of new development. Proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines layout, materials and other characteristics of adjoining buildings and land and achieving a satisfactory relationship to adjoining properties.
- 7.13 As already highlighted above, the proposal relates to a change of use rather new build. The physical changes to the appearance of the building would include replacement of some existing windows with sliding doors, an accessibility ramp within the west elevation, along with an Automatic Telling Machine (ATM) at the north-west corner of the building. The installation of a new lift-shaft to the rear elevation of the building (eastern elevation) to be able to facilitate transfer of goods to/from storage area of first floor. The submitted

information shows that the lift shaft element will be in bricks matching the existing building. Whilst it would extend 0.6m above eaves level, it would not however go beyond the building's ridge. There would be the installation of new plant surrounding the new lift-shaft and enclosed with a timber fence. Within the plant area, new louvres at first and ground floor level would be installed. However, it is relevant to note that the proposal would result the removal of the existing vertical extraction flue and existing folding doors within the east elevation to be replaced with bricks.

- 7.14 As already highlighted above, the existing public house contains a vehicular access with an existing parking area along the southern-east (L-shape) boundary which is laid out with hardstanding. The existing landscape on site is limited. There are small areas around the boundaries with shrubs and vegetation along with seven self-seeded trees situated immediately to the boundaries. Revisions to the car parking layout are proposed with parking spaces for 11 vehicles, which would result the removal of all existing trees within the site.
- 7.15 The Council's Tree Officer was consulted and requested the applicant to show a landscape strategy, which included proposed planting of two large new trees as replacements along with smaller vegetation within the north-eastern and south-western corners of the plot (adjacent to the boundaries). After re-consultation with the Council's Tree Officer, no objection was raised with regard to the proposal. The officer noted that the existing self-seeded trees are unsuitable for their locations for long-term life and the provision of the two new trees in prominent locations was considered as a good solution for the long-term tree cover of the site.
- 7.16 It is considered that the proposed design and appearance would be in keeping with the character of the surrounding area and complies with the requirements of Policy EN1 (a).

Residential Amenity

- 7.17 Policy EN1b of the CS & P DPD states that:

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

- 7.18 Policy EN11 of the CS & P DPD states that the Council will seek to minimise the adverse impact of noise by requiring developments that generate unacceptable noise levels to include measures to reduce noise to an acceptable level.
- 7.19 The applicant has submitted Noise Assessment in support of this application, which was also considered by the Council's Environmental Health Officer (EHO). The officer has raised no objection to the proposal subject to a condition relating to mitigating the noise from the deliveries, which will be sited between the shop and the vehicle access on the southern side of the building, in a similar location to the existing pub. The applicant has agreed to the requested condition to restrict the hours of deliveries.

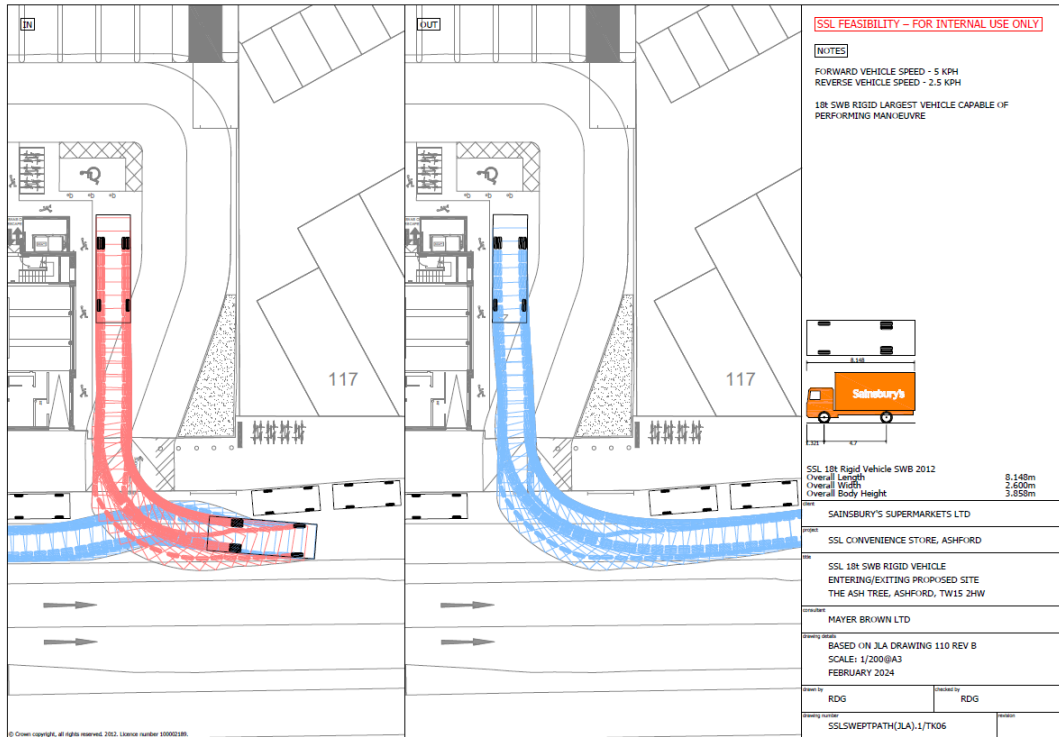
- 7.20 The proposed plans show alterations to the parking layout, in particular near the eastern rear boundary of the site, coming closer to the western flank boundary of No 11 Elm Tree Close. There is currently a small fence that separates the current parking area with the adjacent to the neighbouring flank boundary. It has been noticed that the allocated parking spaces have been moved closer to the neighbouring property due to the proposed layout of the scheme.
- 7.21 Given the proximity of the existing parking area/delivery area of the public house and its associated background noise, it is not considered that there would be a material adverse impact upon the amenity of adjoining properties in terms of noise and disturbance.
- 7.22 As the building is existing, no overbearing impact, loss of light or outlook is considered to arise. However, the proposed plans indicate the construction of a lift shaft with dimensions of 2.5 metres in depth by 2.8 metres in width, and 6.3 metres in height. The enclosed plant room area (around the lift shaft) will be in an area of 64sq metres containing screening panels measuring 2.2 metres in height. Whilst some openings are shown as removed within the rear elevation to accommodate the proposed lift shaft and louvres, no new openings are shown at first floor level.
- 7.23 The proposed lift-shaft would be situated at the rear in two storey height, extending 0.6 metres above the building's eaves (6.3 metres overall height) and would set in 19.7 metres away from no 11 Elm Tree Close's flank elevation. Furthermore, the proposed plant room with a screening panel of 2.2 metres in height which would be 15.1 metres away from the subject neighbouring flank elevation. In terms of the other nearby residential properties, the proposed lift shaft element would be some 19.7 metre away from 115 Convent Road and 22.3 metres from the flatted property no 117A (occupying first and second floor). The proposal is considered to have an acceptable relationship with the neighbouring properties, with no additional material arising from the physical changes or the proposed use.
- 7.24 The Council's Environmental Health team has been consulted and has raised no objection with regard to the lighting. The latest use of the site is a Public House with an existing car-parking area adjacent to residential properties and is surrounded by existing roads.
- 7.25 It is considered that the proposal would create no additional overlooking, noise or disturbance, overbearing impact, nor cause a loss of sunlight or daylight, or materially impact any outlook and therefore respects the amenities of the adjoining neighbouring properties. Therefore, the proposal is considered to have an acceptable impact on the amenity of existing neighbouring residential properties, conforming to the Design SPD and Policies EN1, EN11 and EN13.

Highway and parking provision

- 7.26 Strategic Policy SP7 of the CS & P DPD states that: *"The Council will reduce the impact of development in contributing to climate change by ensuring development is located in a way that reduced the need to travel and*

encourages alternatives to car use. It will also support initiatives, including travel plans, to encourage non car-based travel.”

- 7.27 Policy CC2 of the CS & P DPD states that: *“The Council will seek to secure more sustainable travel patterns by: ... (d) only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account: (i) number and nature of additional traffic movements, including servicing needs; (ii) capacity of the local transport network; (iii) cumulative impact including other proposed development; (iv) access and egress to the public highway; and (v) highway safety.*
- 7.28 Paragraph 115 of the NPPF states that ‘Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’
- 7.29 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.
- 7.30 The Council’s Parking Standards Supplementary Planning Document (SPD 2011) sets a standard of 1 space per 14sq metres gross floor area. These standards are applied as maximum standards and do not preclude lower provision where justified. It is also noted that the County Highway Authority Vehicular and Cycle Parking Guidance (February 2023) states that food retail (up to 500sq m) should provide 1 space per 30sq metres, equating to 9 spaces, although it is acknowledged that Spelthorne has not adopted CHA parking standards as its own SPD.
- 7.31 The existing permitted use of the site is a public house outside of a town centre location and currently contains 12 parking spaces. The proposal is not a new build, rather a change of use and refurbishment of the existing building and site. The parking proposed is 11 vehicle parking spaces (including 1 x disabled and 1 x fast charging parking spaces) and a secure cycle rack accommodating 6 cycles. The applicant states that the parking spaces will be clearly defined and that these are solely for the use by Sainsbury’s customers. The supporting information states that there will be allocated space for deliveries (between the building and the access of the site) that shows space to accommodate a typical 18t rigid-body, twin axle delivery vehicle (not an articulated HGV). The existing access will be slightly extended to accommodate easier delivery access and the car-park will operate with a two-way flow with the entrance and exit via the same location as the existing permitted public house.



Delivery Area

7.32 The submitted Transport Statement provides a table showing example of Sainsbury's Delivery Schedule.

Delivery	Frequency
Sainsbury's Depot Delivery	Up to two per day
Specialist Bread	Daily
Milk & Main Bread	Included in depot delivery
Newspapers & Magazines	Daily
Cigarettes	Weekly

Sainsbury's Delivery Schedule

7.33 The proposed retail sales area at ground floor level is 254sq metres and is considered that the parking standard should reasonably be applied in relation to this particular area. The proposed first floor area would be used for ancillary purposes. On this basis, the proposed shop would need to have a maximum parking standard of 19 spaces. The proposed parking spaces to serve the site are 11 spaces, which does not exceed the maximum parking standard of 19 spaces. Therefore, the proposed parking on site is acceptable.

7.34 The County Highway Authority (CHA) has raised no objections on highway grounds to the proposal. The CHA has made the following comments:-

The level of on-site car parking provided as part of this development is in line with Surrey County Council (SCC) Parking Standards. The proposed local supermarket would be provided with 11 parking spaces, which is in excess of the SCC parking standards, which recommends 9 parking spaces for a food retail use class, with a floor area of 254m². The CHA acknowledges that there

is concern from residents regarding excess parking demand, where parking could take place around the site. The applicant has undertaken a parking stress survey for the surrounding area. It has been noted that parking already takes place on-street in this vicinity, where there are no parking restrictions. It is therefore considered that overspill car parking can be accommodated on-street within the local area without generating excessive risks in terms of highway safety or capacity should this occur. The applicant has also extracted parking accumulation survey data from two other similar sized sites in the South-East area. The data revealed that there was a high parking turnover on the sites, but capacity was never exceeded.

The CHA concludes that if there is a situation when the parking demand exceeds the number of spaces available on site then this is unlikely to cause highway safety issues. The SCC Parking and Road Safety Teams have been consulted on the scheme. If there are any issues that arise with regard to parking overspill, the SCC Parking Team would be able to take a look. The on-site provision is, as mentioned, compliant with Spelthorne Borough Council and Surrey County Council policies on parking provision, and as such it is not expected that significant overspill into surrounding residential roads will occur. However, residents should be aware that if there are ongoing problems associated with parking provision, the Spelthorne Parking Review is an ongoing opportunity to input into parking restrictions in the borough.

- 7.35 The County Highway Authority is satisfied with the proposed level of parking provision as it exceeds the SCC minimum parking standards (required 9 parking spaces for a food retail use class, with a floor area of 254m²).
- 7.36 The submitted supporting information identifies the opportunities for trips by foot and bicycle routes due to a large catchment of potential staff and customers from the surrounding residential areas and the provision of nearby marked lanes on both sides of School Road (south of the site). In addition, there is a bus stop nearby to the site (Metcalf Road- The Ash Tree stop), which served via number of busses routes. The County Highway Authority considers the site within sustainable in transport terms, with links to surrounding neighbourhoods and that there are opportunities for future occupiers to make journeys by cycle or by foot. The CHA does not see the application as leading to a severe impact on the highway network as it is not considered a necessity for future users to travel by private car.
- 7.37 Given the size of the store proposed, the nature and length of visits to it would be more likely to be akin to those of a neighbourhood store than a much larger supermarket. The site is likely to be used by local people and can be accessed by public transport including buses and is most likely to be used during the evenings when there would be the opportunities to park on the service road. Although the proposal may result in an increase in on-street parking during peak times, it is not considered a material harm to highway safety or neighbours' living conditions. Given the existing pub use within the site, on balance, is considered the provided parking spaces appropriate, especially given it is within walking distance to residential properties. The proposed change of use is acceptable on parking grounds and conforms to policy CC3.

- 7.38 The County Highway Authority has requested a condition requiring improvements to the existing pedestrian crossing points at Feltham Hill Road / School Road / Convent Road signalised crossroads junction and the crossing points at Convent Road service road, together with improvements to the bus stop. However, despite requests from the LPA, no reasoned justification has been provided by the CHA as to why this particular proposal would merit the scale of such works. Given the type of application, which is a change of use of an existing public house, the scale of the proposal and the acknowledged limited highway impact, the LPA does not consider that these requests are necessary or reasonable in all other respects and therefore do not meet the requirements set out in the Government Guidance on the use of planning conditions.
- 7.39 The proposal is, therefore, considered to be acceptable on highway and parking grounds.

Other Matters

- 7.40 The Council's Environmental Health Officer has raised no objection to the proposal on contamination, recommends informatives.
- 7.41 The proposal is utilising an existing commercial site, which already provides economic benefits and employment opportunities.
- 7.42 In terms of waste and recycling, as a commercial premises, waste collection will be a matter for the applicant. As with most retail uses, often plastics, cardboard etc are removed as part of the delivery and collection process and no significant concerns are considered to arise from this process.
- 7.43 Planting and landscaping improvements are limited due to the existing developed nature of the site, although the applicant has submitted a landscaping plan (requested by the Council's Tree Officer) suggesting some additional planting along the eastern and southern boundaries, with 2 large new trees as replacements for the removal of the self-seeded trees. The Council's Tree Officer has not raised any concerns to the removal of these trees due to their unsuitable locations and the provision of the 2 new trees in prominent locations is considered as a good alternative solution for the long-term tree cover of the site.

Equalities Act 2010

- 7.44 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- 7.45 The elimination of discrimination, harassment and victimisation; The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it; The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights Act 1998

- 7.46 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.47 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.48 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.49 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Financial Considerations

- 7.50 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.
- In consideration of S155 of the Housing and Planning Act 2016, the proposal is not a CIL chargeable development and will therefore not generate a CIL Payment.
- 7.51 The proposal will also generate Business Rate payments which are not material considerations in the determination of this proposal.

Conclusion

- 7.52 Accordingly, the application is recommended for approval.

8. Recommendation

GRANT planning permission subject to the following conditions:

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

Reason:- This condition is required by Section 91 of the Town and Country

Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans 101 Received on 03.10.2023, 105 Received on 07.12.2023, 111, 110 Revision C, 100 Revision A, P-197427-201 Revision A, P-197427-202 Revision A, P-197427-203 Revision A and P-197427-204 Revision B Received on 14.03.2024 and J231270-GGC-ZZ-ZZ-D-L-0200 Rev P02 and J231271-GGC-XX-ZZ-D-ARB-0101 Rev P02 Received on 18.03.2024.

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

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

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

4. Prior to the occupation of the development hereby approved the facilities for the secure parking of bicycles within the development site shall be provided in accordance with the approved plans. Thereafter the said approved facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.

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

5. Prior to the occupation, the trees and shrubs shall be planted on the site in accordance with the scheme hereby approved (as shown within the Landscape plan no J231270-GGC-ZZ-ZZ-D-L-0200 Rev P02 Received on 18.03.2024). The planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season, whichever is the sooner, of any trees/shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape features in accordance with Policies SP6, EN1 and EN8 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009 and the National Planning Policy Framework 2023.

6. No part of the development shall be first opened for trading unless and until the proposed modified access to Convent Road has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

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

7. The development hereby approved shall not be first opened for trading unless and until space has been laid out within the site in accordance with the approved plans (Drawing No. 110 - Rev. C) for cars to be parked and for cars to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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

8. The development hereby approved shall not be first opened for trading unless and until a delivery and servicing plan specifying arrangements for deliveries to and removals from the site, to include details of:
 - (a) The types of vehicles to be used and hours of their operation
 - (b) The design of delivery areas within the development site
 - (c) The dimensions and layout of lorry parking area and turning space(s) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented.

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

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

Reason:-In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2023, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

10. The development hereby approved shall not be first occupied unless and until the associated Traffic Regulation Order for new double yellow lines on Convent Road to the south of the access have been designed and

implemented, at the applicant's expense, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

12. No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen) before the hours of 08.00 nor after 22.00 Monday to Saturday and before the hours of 08.00 nor after 18.00 on Sundays and public holidays.

Reason: To protect the amenities of nearby residents in accordance with the National Planning Framework 2023.

13. Condition: The rated noise level from the plant hereby approved shall be at least 10 dB(A) below the background noise level at the nearest noise sensitive property as assessed using the guidance contained within the latest BS 4142 (2014).

Reason: To safeguard the amenity of nearby residential properties.

14. The premises shall be open for the public and used for the purposes hereby permitted between 7 a.m. and 11 p.m. on Mondays to Sundays.

Reason: To safeguard the amenity of nearby residential properties.

Informatives

1. The lighting scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2021(or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.
2. You are advised that the Council will expect the following measures to be

taken during any building operations to control noise, pollution and parking.

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

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

It should be noted that under the Environmental Protection Act 1990 Councils can serve an abatement notice on people responsible for statutory nuisances. This may require whoever's responsible to stop the activity or limit it to certain times to avoid causing a nuisance and can include specific actions to reduce the problem.

3. The applicant is advised that the site to which this planning permission relates is located on or near land that may contain harmful substances. Under Part C of the Building Regulations you will be required to consider this when designing the foundations of the development.

The applicant is advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences.

4. This development is situated within 250 metres of a current or historic landfill site or gravel pit. A gas impermeable membrane should be incorporated within the structure along with a ventilated sub floor area. Any services entering/leaving the structure should be located above the gas impermeable membrane or alternatively, adequate seals will need to be provided if the membrane is to be breached. The details of the gas impermeable membrane and with particular attention to the joins with any existing structure and seals around any services, plus details of the sub-floor ventilation should be submitted to the Local Planning Authority for approval prior to the works being carried out.

The applicant is advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences.

5. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2023.
6. The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, (www.ccscheme.org.uk) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.
7. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs
8. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-management/permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.
9. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing

highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

10. The scheme to implement waiting restrictions or other relevant works to regulate or restrict the operation of the highway shall first require a Traffic Regulation Order or Notice prior to use. The alteration of the Traffic Regulation Order or creation of a new Order or Notice is a separate statutory procedure which must be processed at the applicant's expense prior to any alterations being made. In the event that the implementation of waiting restrictions or other works requiring an Order or Notice is not successful due to unresolved objections the applicant shall submit an alternative scheme to the Local Planning Authority for its approval prior to first use of the access. Any alternative scheme or works shall be implemented prior to first use.
11. The applicant is encouraged to consider the installation of e-bike charging points. If installed, they should socket timers to prevent them constantly drawing a current over night or for longer than required. Signage should be considered regarding damaged or shock impacted batteries, indicating that these should not be used/charged. The design of communal bike areas should consider fire spread and there should be detection in areas where charging takes place. With regard to an e-bike socket in a non-domestic dwelling, the development should have detection, and an official e-bike charger should be used. Guidance on detection can be found in BS 5839-6 for fire detection and fire alarm systems in both new and existing domestic premises and BS 5839-1 the code of practice for designing, installing, commissioning, and maintaining fire detection and alarm systems in non-domestic buildings.



Key
T1: Oak

TPO293/2023

35 The Avenue, Sunbury-on-Thames, TW16 5HY



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Scale: 1:1,250

Date: 29 November 2023

TREE EVALUATION METHOD FOR PRESERVATION ORDERS ASSESSMENT

Surveyor: Stewart Bee Date: 29/11/23

Owner:

Location: Rear garden of 35 The Avenue

Tree species: T1 Oak

PART 1: AMENITY ASSESSMENT

A) Condition and suitability for TPO (NB: Refer to guidance note for definitions)

Score	Condition	Suitability	Notes
<u>5</u>	Good	Highly suitable	Oak appears healthy and stable and is showing no obvious sign of disease or decay
3	Fair	Suitable	
1	Poor	Unlikely to be suitable	
0	Unsafe	Unsuitable	
0	Dead	Unsuitable	

B) Remaining longevity and suitability for TPO (NB: Refer to 'Species guide in guidance note)

Score	Age	Suitability	Notes
5	100+	Highly suitable	Mature
<u>4</u>	40 -100	Very suitable	
2	20 - 40	Suitable	
1	10 – 20	Just suitable	
0	<10	Unsuitable	

C) Relative public visibility & suitability for TPO (NB: Consider future potential refer to guidance note)

Score	Visibility	Suitability	Notes
5	Very large or large trees that are prominent landscape features	Highly suitable	Upper crown is easily visible from The Avenue
<u>4</u>	Large/medium trees clearly visible to the public	Suitable	
3	Medium/larger trees with limited view only	Just suitable	
2	Small/larger trees visible only with difficulty	Unlikely to be suitable	
1	Trees that are not visible to the public, regardless of size	Probably unsuitable	

D) Other factors (NB: Trees must have accrued 7 or more points (no zeros) to qualify)

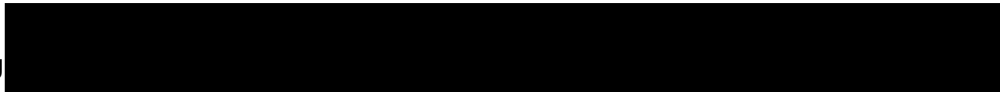
Score	Factor	Notes
5	Principal components of arboricultural features, or veteran trees	None
4	Members of groups of trees that are important for their cohesion	
3	Trees with significant historical or commemorative importance	
2	Trees of good form, especially if rare or unusual	
<u>1</u>	Trees with none of the above additional redeeming features	

PART 2: EXPEDIENCY ASSESSMENT (NB: Trees must have accrued 9 or more points to qualify)

Score	Expediency	Notes
5	Known threat to tree	House has recently been sold and a TPO request has been received by a concerned resident that the tree may be removed. Owner has mentioned to the Tree Officer that they might want to extend, but no details were currently available
3	Perceived threat to tree	
<u>2</u>	Reasonably foreseeable threat to tree	
1	Threat to tree not reasonably foreseeable	
0	Tree known to be an actionable nuisance	

PART 3: DECISION GUIDE

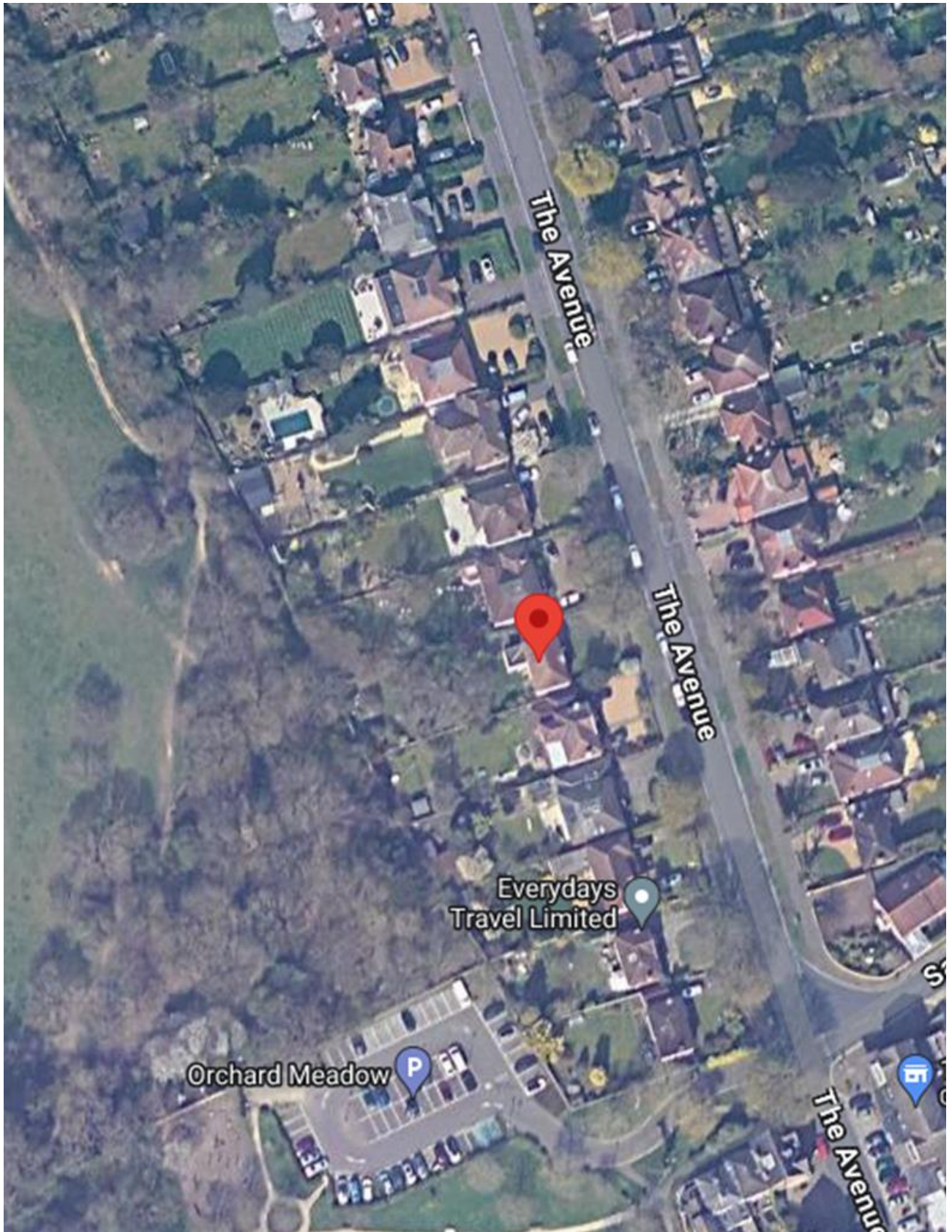
Score	TPO	Total	Decision
Any 0	Do not apply TPO	5+4+4+1+2=15	
1-10	Does not merit TPO		
11-13	Possibly merits TPO		
14+	Definitely merits TPO		

Sig 

FOR OFFICE USE ONLY:

TPO Reference No:	Tree Number	File Reference	Case officer

Aerial View



Site Visit Photo taken in March 2024



Google Maps photo taken in May 2021



View from Thames Street, Sunbury, taken in March 2024



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TRII

CONSULTANCY

Southborough,
Royal Tunbridge Wells, Kent,

Heather Morgan
Head of Planning and Housing Strategy
Spelthorne Borough Council
Knowle Green
Staines
TW18 1XB
Planning.dc@spelthorne.gov.uk

Dear Mrs Morgan,

19 January 2024

Objection to the serving of Tree Preservation Order No. 293 of 2023 on an English oak in the rear garden of 35 The Avenue, Sunbury-on-Thames, TW16 5HY

1. I am writing to you to formally object to the tree preservation order (TPO 293/2023) that was served on an English oak (T1) in the rear garden of 35 The Avenue, Sunbury-on-Thames, TW16 5HY, which was accompanied by a Regulation 5 notice dated 8 December 2023.
2. My objection to the order concerns its expediency and the tree's compromised structural integrity due to decay in its buttress roots, trunk and branches.
3. I inspected the oak (T1) on 8 January 2024 in line with the visual tree assessment method expounded by Mattheck and Breloer (*The body language of trees, DoE booklet Research for Amenity Trees No. 4, 1994*).
4. I have appended my Tree Risk Assessment Report and Tree Evaluation Method for Preservation Orders (TEMPO) Survey Data Sheet & Decision Guide to this letter.
5. While inspecting the oak, I observed extensive heartwood decay throughout the tree's buttress roots and evidence of it in its trunk and branches.
6. Decay throughout the tree's structure presents a risk of harm.
7. Consequently, the oak's long-term potential will likely be shortened, so I consider the TPO to be of only transitory worth.
8. The owner does not wish to remove the oak but seeks to manage it following good arboricultural practices.

9. The National Planning Policy Framework –Planning Practice Guidance for Local Planning Authorities, under the subheading “*What does ‘expedient’ mean in practice?*” as to whether it is expedient to make a TPO, explicitly states that “*Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management.*”
10. *It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.”*
11. The guidance states that making a TPO may be expedient when a property changes ownership. While saying that, making an order where a tree is under good arboricultural management may not be expedient. The owner has no intention of managing the tree inappropriately but seeks to prolong its life through good arboricultural husbandry.
12. The decay within the tree renders it more likely to shed branches in high winds, and the risk of this should be managed to minimise the potential for uncontrolled branch failure.
13. In such circumstances, it is appropriate to control the length of its branches to shorten the lever arm and encourage new inner growth to increase branch thickening, strengthen the limbs, and reduce the overall sail area and wind loading.
14. Therefore, I propose the tree's crown be reduced to maintain its size proportionate to its setting and, ultimately, prolong its life.
15. I will apply to reduce its lateral branches to within 8 metres of its trunk. Removal of 2-3 metres from their length. Cut back to suitable side branches with a final cut diameter not exceeding 100 millimetres. Reduce its height from 19 to approximately 17 metres by pruning about 2-3 metres off the top and cutting back to suitable side branches.

16. Reducing the tree's size will minimise the potential for uncontrolled branch failure and potentially prolong its life. It will also reduce its public visibility, further questioning the expediency of the order.
17. The tree is presently not of particular visual importance in the landscape, as one needs to look for it rather than standing out as a prominent feature.
18. Due to the presence of decay, allowing the tree to grow unchecked would not be appropriate, as doing so increases the risk of branch failure arising from the lengthened lever arm of decayed limbs.
19. The oak is obscured in views from the road by the house, and it is not visually significant in views from Sunbury Park due to the presence of other foreground trees. Consequently, removing the tree from the landscape would not be particularly noticeable from a public visual amenity perspective.
20. The order does not benefit public visual amenities but is a restrictive measure upon the owner with good arboricultural management intentions.
21. For the reasons given above, it was not expedient to make the TPO, so I respectfully request that the TPO be revoked.

Thank you for your time considering my objection, and I look forward to your response.

Yours sincerely,

 Principal Consultant

Appendices: A Tree Risk Assessment Report
 B TEMPO



TREE RISK ASSESSMENT REPORT

35 The Avenue

Sunbury-on-Thames

TW16 5HY



16 January 2024



TRII

CONSULTANCY

TREE RISK ASSESSMENT REPORT

SITE	35 The Avenue, Sunbury-on-Thames, TW16 5HY	DOCUMENT REF [REDACTED]
CLIENT	[REDACTED]	DATE OF TREE INSPECTION 8 January 2024
TREE RISK ASSESSMENT SYSTEM	Trii Consultancy Tree Risk Assessment (TCRA)	DATE OF REPORT 16 January 2024
CONSTRAINTS	The property is not with a conservation area (CA), but the Lower Sunbury CA borders the rear boundary. A tree preservation order (TPO) No. 293/2023 protects the subject oak.	DATE OF NEXT INSPECTION 2026
INSPECTOR	[REDACTED] <i>TechArborA</i>	AUTHOR [REDACTED] <i>TechArborA</i>
LOCAL AUTHORITY	Spelthorne Borough Council	
TERMS OF REFERENCE To inspect the health and safety of an oak tree within the property, to carry out a risk assessment and to make recommendations for tree works as appropriate for general health and safety to minimise the potential risk of harm.		

The content of this report is for the client's, their contractor's and the local planning authority's exclusive use. Without our written consent, it may not be sold, lent, hired, or divulged to any third party not directly involved in the subject matter.

C O N T E N T S

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1.0 Summary

- 1.1 I inspected the subject oak tree (T1) within the grounds of 35 The Avenue on 8 January 2024.
- 1.2 The oak is of a low-risk rating, which means that the risk of harm from the tree within the next two years is as low as reasonably practicable.
- 1.3 I observed the presence of heartwood and sapwood decay of the buttress roots, trunk and branches. The only fungal presence I observed was Split Porecrust growing on dead branch cambium and the dead branches.
- 1.4 The tree has been previously crown lifted and possibly thinned, which has removed low and internal branches.
- 1.5 The tree would benefit from being crown reduced to encourage new growth within the inner crown, prolonging its potential life expectancy whilst maintaining its size in proportion to its setting.
- 1.6 This report can be submitted to Spelthorne Borough Council to support an application to work on a tree protected by a tree preservation order (TPO No. 293 of 2023).
- 1.7 The tree risk assessment and recommended tree work is in Appendix A of this report.
- 1.8 Whilst the oak has been assessed as a low risk, a low-risk rating does not mean that the tree will be risk-free for the two-year limited period but implies that the risk of harm from the tree in its target setting is as low as reasonably practicable.
- 1.9 The tree may contain nesting birds and bats, which are protected, so it should be checked for their presence before carrying out any work.

2.0 Introduction

- 2.1 Trees have many benefits for humans, wildlife and the environment, including human health and well-being. Trees are an integral part of the landscape. In some cases, they can increase the value of a property if they are healthy and growing in a harmonious relationship with surrounding built forms and infrastructure.
- 2.2 No tree is entirely risk-free, and it is not possible to remove all the risks that trees impose without removing the tree. Decisions on the management of trees need to be balanced with the benefits they provide against a reasonable and tolerable level of risk they impose to sustain a healthy and green environment for all. With this in mind, my conclusions are balanced and proportioned to the benefits and risks of the inspected trees.
- 2.3 The primary purpose of my report is to inform you about the trees' condition and to summarise my observations and risk assessment with recommendations for work, if necessary, in a reasonable and proportioned manner.

3.0 Tree inspection methodology and limitations

- 3.1 I inspected the tree in line with the visual tree assessment method expounded by Mattheck and Breloer (*The body language of trees, DoE booklet Research for Amenity Trees No. 4, 1994*).
- 3.2 I undertook the inspection from the ground with the aid of a monocular. I used a 500-millimetre-long steel flat-head screwdriver and a nylon-headed mallet to detect the presence of dead bark, decay or cavities by probing and acoustic resonance.
- 3.3 Besides those hand tools, I did not perform invasive examinations or take samples of soil, bark, shoots, roots, foliage, fungi or other organic or inorganic matter.
- 3.4 I inspected the surrounding site conditions, the base of the tree, its buttress roots above ground, its bark, trunk, stem, branches, crown, twigs and buds from what I could see from standing on the ground and looking up at the tree.
- 3.5 I could not see all the upper surfaces of the tree above my eye height (1600mm) when standing on the ground, so there could be features hidden from my line of sight for which I could not assess.

- 3.6 Hidden weaknesses such as cracks, cavities and decay can display symptoms such as swellings and bleeding, which can sometimes be visible from the ground. If those features are present, they might prompt me to recommend an aerial inspection.
- 3.7 My instruction, however, did not include an aerial inspection. So if there are non-symptomatic weaknesses hidden beyond my line of sight that were not reasonably discernible to me from standing on the ground at the time of my inspection, then the potential risks of those weaknesses, should they exist, are deemed tolerable within the limitations of my instruction to conduct a ground-based assessment only.
- 3.8 I measured the trunk diameter of the tree in millimetres with a rounded-down diameter tape at 1.5 metres above ground level and rounded up to the nearest five millimetres.
- 3.9 I estimated the tree's height with a laser hypsometer rounded up to the nearest half metre.
- 3.10 I estimated a single crown radius rounded up to the nearest half metre, including the trunk radius.

4.0 Tree risk assessment system

- 4.1 My assessment of the risk of harm to persons and property from the tree was conducted following the Trii Consultancy Assessment system of 2023 (TCRA).
- 4.2 TCRA is similar to the International Society of Arboriculture (ISA) basic visual tree risk assessment system (current system as of 2013), Tree Risk Assessment Qualification (TRAQ).
- 4.3 The TCRA system is a semi-quantitative or otherwise referred to as a qualitative risk assessment system instead of a purely quantitative risk assessment. The difference is that a strictly quantitative risk assessment assigns a number to risk.
- 4.4 In contrast, a semi-quantitative or 'qualitative' system such as TCRA describes the likelihood of harm in four bands of low, moderate, high and extreme-risk ratings.

4.5 I use four colours to represent the four risk ratings in Appendices A and C, listed below.

4.6 Tree risk ratings:

Green = low;

Amber = moderate;

Red = high; and

Purple = extreme risk ratings.

4.7 As part of my risk assessment, I identify the targets likely to be impacted by the tree, whether entirely or by its parts, should there be a failure. I estimate the likelihood of potential failure and the potential consequences should failure and impact occur.

4.8 I qualify my risk assessment based on the two TCRA matrices below.

TCRA Matrix 1. Likelihood matrix

Likelihood of failure	Likelihood of impacting a target			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

TCRA Matrix 2. Risk rating matrix

Likelihood of failure and impact	Consequence of failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

- 4.9 I have capped the risk assessment to two years following the date of this report.
- 4.10 My assessment is capped at two years subject to my mitigation recommendations being carried out in full, without modification to which I have not been consulted and whether any subsequent changes occur to the tree's above or below-ground environment or following any significant weather events or the appearances of diseases not evident to me at the time of my inspection.
- 4.11 The two-year time frame does not guarantee that the tree will be risk-free during that period. I have used a limited period to assess and estimate the likelihood of failure occurring, and my assessment of the risks is based on the tree's condition at the time my inspection was carried out.
- 4.12 Further explanation of the TCRA system is in Appendix A (Tree Risk Assessment Schedule Column Headings).

5.0 Recommendations

- 5.1 I recommend and an application is made to crown reduce the tree as specified in Appendix A. The pruning should stimulate new growth within the inner crown whilst shortening the existing branches lever arm. Which should prolong the life of the tree whilst maintaining its size in proportion to its setting.
- 5.2 The recommended tree work will not harm the health or public visual amenity value and complies with BS 3998:2010 *Tree work – Recommendations*.
- 5.3 I recommend that the trees within your garden are re-inspected within two years or sooner if any changes occur to their immediate environment or following extreme weather events.

6.0 Conclusion

- 6.1 The oak at is of a low risk rating. Which means there is a low risk of harm occurring within the next two years.
- 6.2 The tree will benefit from crown reduction which will not harm its health or public visual amenity value. Permission from Spelthorne Borough Council is required before carrying out the recommended work.

7.0 Closure

7.1 I trust this report's information is clear, easily understandable, and helpful, but if you have any queries, please do not hesitate to contact me.

Yours sincerely,

██████████ *TechArborA*

Principal Consultant

The statements made in this report do not consider the effects of climate extremes, vandalism or accident, whether physical, chemical or fire. Trii Consultancy cannot, therefore, accept any liability in connection with these factors, nor where prescribed work is not carried out correctly and professionally following current good practice. The authority of this report ceases at any stated time limit within it, or if none declared after two years from the date of the report or when any site conditions change, or pruning or other works unspecified in the report are carried out to, or affecting, the inspected tree or trees, whichever is the sooner.

TREE RISK ASSESSMENT SCHEDULE COLUMN HEADINGS

This risk assessment follows the Trii Consultancy Risk Assessment (TCRA) system primarily based on the International Society of Arboriculture - Tree Risk Assessment Qualification (TRAQ). The TCRA system provides a systematic and structured approach to assessing tree risk. It helps risk managers balance the tree's risk and the benefits individuals and communities derive from trees.

Tree No.	Tree reference number with a prefix of T for an individual tree, G for a group, H for a hedge, S for a shrub and W for a woodland.
Species	Common name and botanical name italicized in brackets.
Height (m)	Estimated tree height from ground level to highest foliage/buds measured with a laser hypsometer where line of sight was attainable or estimated visually where laser observation was restricted and rounded up to the nearest metre.
Stem diameter (mm)	Measured in millimetres at 1.5 metres above ground level or estimated visually where access was restricted or otherwise in accordance with Annex C of BS 5837:2012 <i>Trees in relation to design demolition and construction - Recommendations</i> .
Crown radius (m)	Branch spread measured in the direction of the cardinal compass points, either with a laser rangefinder or estimated by pacing or visually where access was restricted and rounded up to the nearest half metre.
Age class	Sapling/newly planted. Young. Early mature. Mature. Late mature. Veteran/ancient.
Physiology	Normal. Below average. Low. Dying Dead.
Structure	Good. Remediable. Irremediable. Unviable.
Observations	Tree-specific comments made by the arboriculturist when the inspection was being undertaken.
Re-inspect	Recommended next inspection time frame in years.
Tree part(s)	A brief description of the tree part assessed for risk.
Target(s) / occupancy	A brief description of what could be impacted (the target) if the risk assessed tree part failed and the frequency of the target within the impact zone: Rare - Not commonly used. Occasional - Infrequent or irregular use. Frequent - Occupied for a large portion of the day or week. Constant - Present at nearly all times.
Likelihood of failure	A judgement about the likelihood of the part failing within the inspection time frame and rated as: Improbable - Failure unlikely in normal or severe weather. Possible - Failure could occur, but unlikely during normal weather. Probable - Failure expected under normal weather conditions. Imminent - Failure started.
Likelihood of impact	A judgement about the likelihood of the part impacting the target within the specified time frame and rated as: Very low. Low. Medium. High.
Likelihood of failure and impact	A judgement about the likelihood of the part failing and impacting the target within the specified inspection time frame.
Consequence of failure	A judgement based on the value of the target and the harm that may be done to it and rated as: Negligible. Minor. Significant. Severe.
Risk rating	Based on the TRAQ risk matrices and rated as: Low. Moderate. High. Extreme.
Tree work	Recommended tree works for safety, management or general good arboricultural husbandry.
Residual risk rating	The risk rating of the tree following completion of the recommended tree works.

Tree Risk Assessment Schedule

Appendix A

35 The Avenue, Sunbury-on-Thames TW16 5HY

Tree No.	Species	Height (m)	Stem diameter (mm)	Crown radius (m)	Age class	Tree part(s) and target	Target occupancy	Likelihood of failure	Likelihood of impact	Likelihood of failure and impact	Con-sequence of failure	Risk rating	Residual risk (Post tree work)
					Young Early-mature Mature Ancient	The part most at risk of failure and what will it hit	Rare Occasional Frequent Constant	Improbable Possible Probable Imminent	Very low Low Medium High	Unlikely Somewhat likely Likely Very likely	Negligible Minor Significant Severe	Low Moderate High Extreme	
T1	English oak (<i>Quercus robur</i>)	18	1110	10	Mature	Branch failure due to heartwood decay falling on to people.	Occasional	Probable	Low	Unlikely	Severe	Low	Low
Observations		<p>The oak grows in the rear garden with a loose brick-paved circular area surrounding its trunk. A hollow main buttress root on the south side exposes heartwood decay. Sapwood decay between buttress roots on the south side at the trunk base. A flat-head screwdriver can be inserted into the decayed sapwood at the base on the south side. Decay cavity in the buttress root on the north side. Secondary buttress root formation on the north side. Secondary buttress roots are possibly due to the degradation of the primary buttress roots due to decay. During my inspection, I saw no fungal bodies at the base or on the trunk. Historically crown lifted with fully and partiality occluded pruning wounds. Unoccluded pruning wounds exposing decay cavitation. Historical branch tear-out wound with decay cavitation. Multiple woodpecker holes in the branch internodes indicate potentially significant heartwood decay in the main branch framework. Split Porecrust fungus (<i>Schizopora paradoxa</i>) on the lowest dead branch on the northwest side. Possible squirrel damage to the upper branch surfaces of branches up to 90mm in diameter. Or the upper surface branch swellings could be the Split Porecrust fungus killing the cambium and causing sapwood decay. The crown has been thinned in the past. Multiple pruning wound cavities in many of the branches. Upper crown bud density is slightly below normal.</p>											

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Tree Risk Assessment Schedule

Appendix A

35 The Avenue, Sunbury-on-Thames TW16 5HY

Tree work	Crown reduce the lateral branch tips to within 8m of the trunk. Removing 2-3m of their length. Cutting back to suitable side branches with a final cut diameter not exceeding 100mm. Reduce height from 19m to 17m by pruning approximately 2-3m off the branch tips and cutting back to suitable side branches. To maintain the proportionality of the tree in its setting. To encourage new growth within the inner crown for the purpose of reducing the present lever arm and ultimately prolonging the tree's life. Whilst minimising the risk of uncontrolled branch failure due to decay. Timescale: 08-Jan-2026 (2 Years)
------------------	--



T1 oak photo 1 - Screwdriver inserted into the decay at the base between the buttress roots on the south side



T1 oak photo 2 - Screwdriver inserted into buttress root cavity on the south side



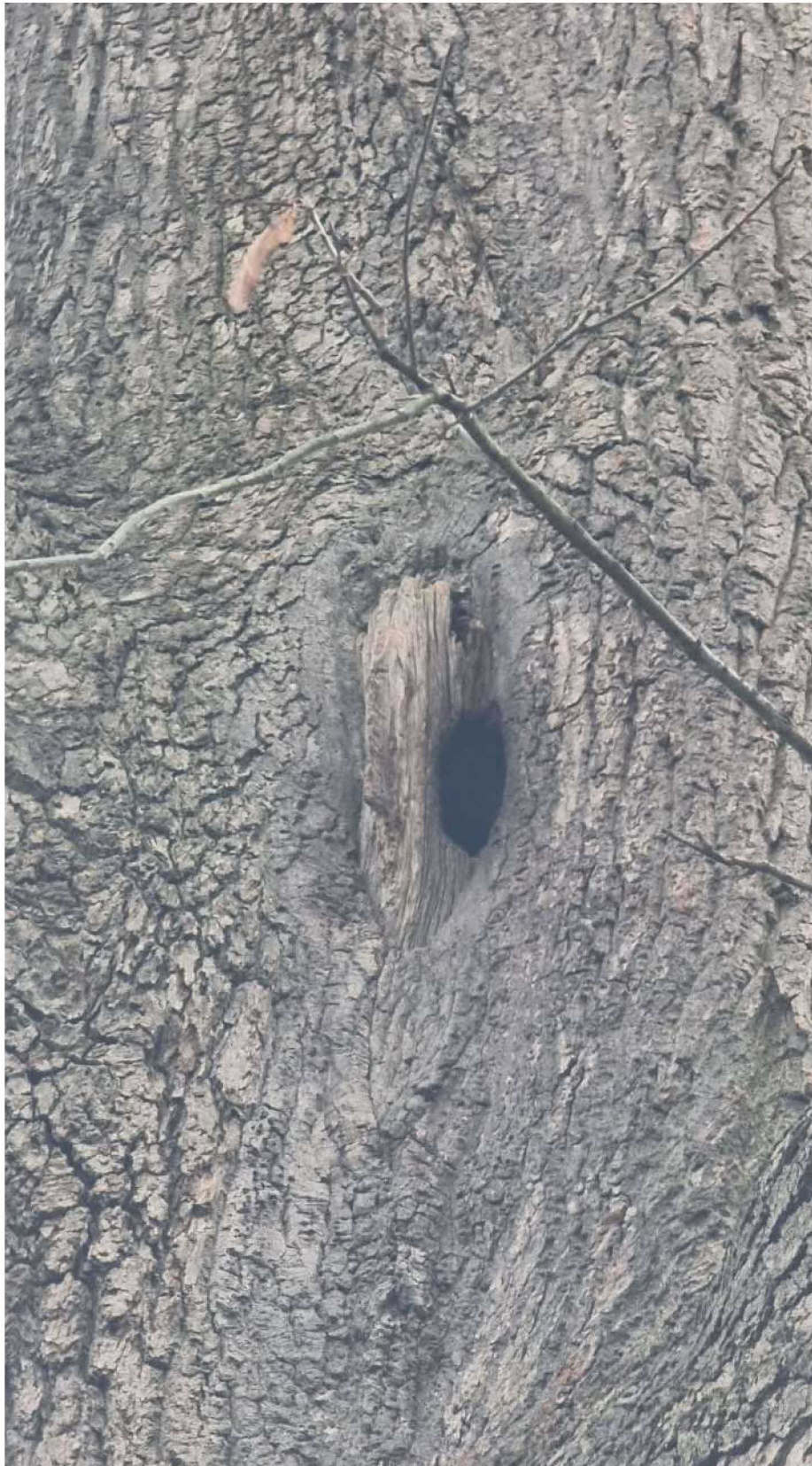
T1 oak photo 3 - Screwdriver inserted into buttress root cavity on the south side



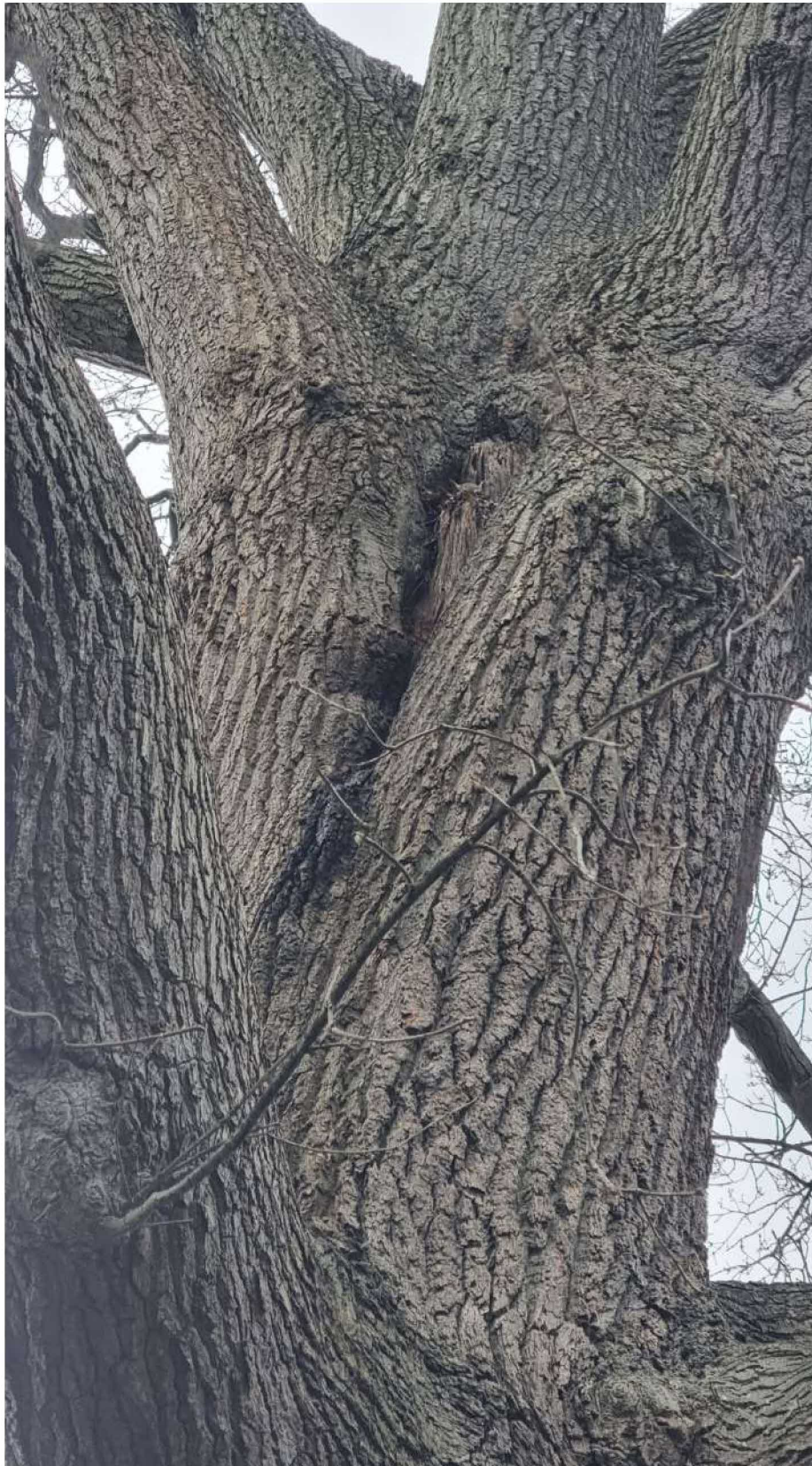
T1 oak photo 4 - Screwdriver inserted into buttress root cavity on the north side



T1 oak photo 5 – Old pruning wounds



T1 oak photo 6 - Woodpecker hole



T1 oak photo 7 - decay cavity



T1 oak photo 8 - Split Porecrust fungus



T1 oak photo 9 - View from the northwestern corner of the house



T1 oak photo 10 - View from the south western corner of the house



T1 oak Photo 11 - View from the rear boundary



T1 oak photo 12 - View from Sunbury Park car park







T1 oak photo 13 - Zoomed in view from Sunbury Park car park



T1 oak photo 14 - View looking south-west from The Avenue. The oak is in the centre of the photo

Appendix C

Key

-  Extreme risk tree
-  High risk tree
-  Moderate risk tree
-  Low risk tree



North is up the page

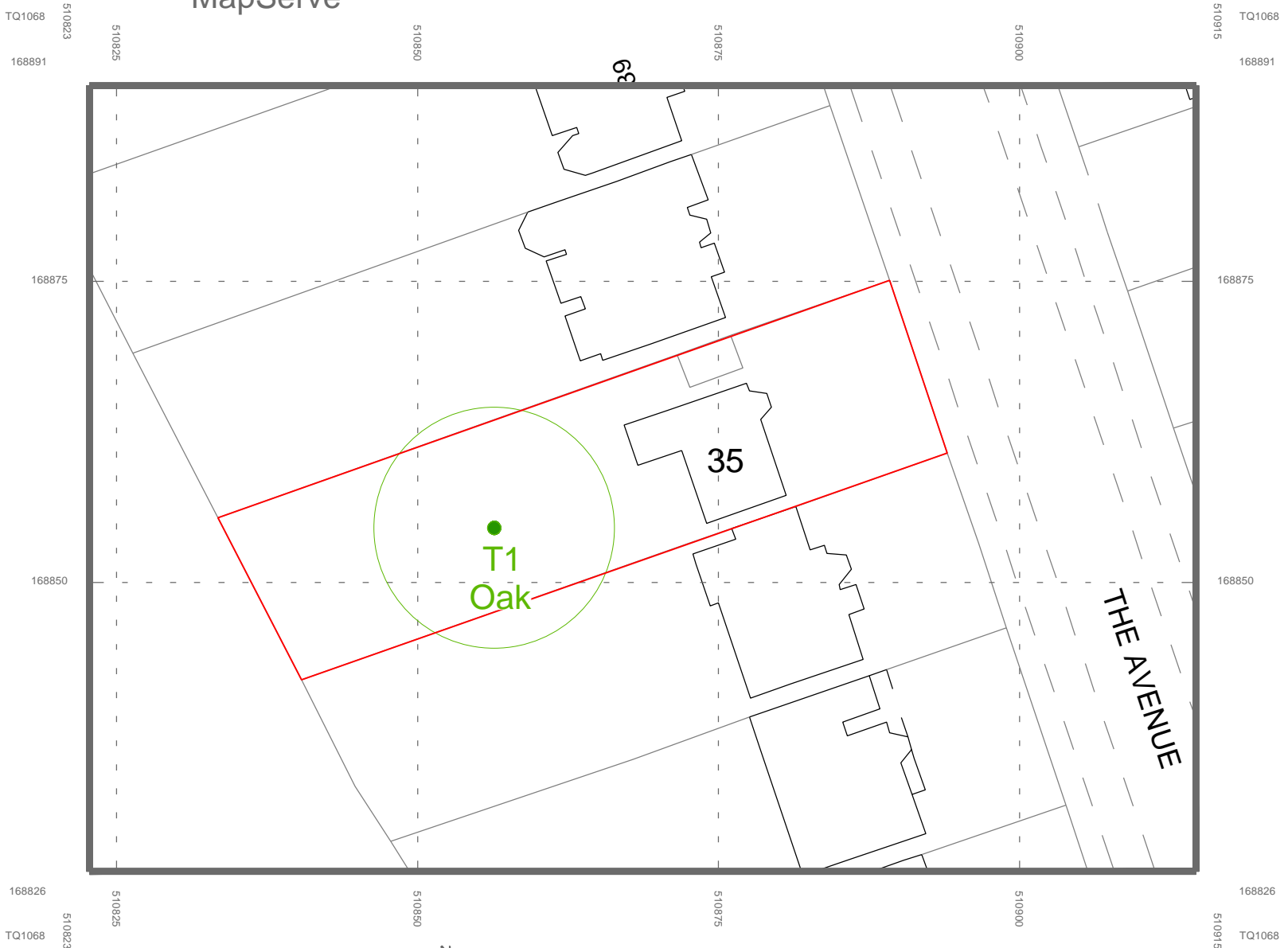
DRAWING MUST BE VIEWED AND PRINTED IN COLOUR



TITLE: Tree Inspection Plan
 SITE: 35 The Avenue
 Sunbury-on-Thames
 TW16 5HY
 DWG NO: TC-240104-TIP-240116
 SCALE: 1:500
 DATE: 16/01/2024
 REV: REV:
 PAPER: A4
 DRAWN: BO

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TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

APPENDIX B

Date: 8 January 2024	Surveyor: [REDACTED]
Tree details	
TPO Ref (if applicable): 293/2024	Tree/Group No: T1
Owner (if known): [REDACTED]	Location: 35 The Avenue, Sunbury-on-Thames, TW16 5HY
Species: English oak	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

Score & Notes: 3 Downgraded due to decay

** Relates to existing context and is intended to apply to severe irremediable defects only*

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

Score & Notes: 4 Downgraded due to decay

**Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

3 Downgraded as it is of medium size with limited visibility

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | | |
|--|--|
| 5) Principal components of arboricultural features, or veteran trees | <div style="border: 1px solid black; padding: 5px;"> <p>Score & Notes</p> <p>1</p> </div> |
| 4) Tree groups, or members of groups important for their cohesion | |
| 3) Trees with identifiable historic, commemorative or habitat importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) | |

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- | | |
|-------------------------------|--|
| 5) Immediate threat to tree | <div style="border: 1px solid black; padding: 5px;"> <p>Score & Notes</p> <p>1</p> </div> |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:

12

Decision:

TPO defensible

Planning Committee

3 April 2024



	Tree Preservation Order
TPO No.	TPO293/2023
Site Address	35 The Avenue, Sunbury-on-Thames, TW16 5HY
Date Served	08 December 2023
Expiry Date	08 June 2024
Ward	Sunbury East
Case Officer	Emily Archibald
Executive Summary	Confirmation of TPO293/2023
Recommended Decision	Confirm without modification

MAIN REPORT

1. Details of Order

- 1.1 On 8th December 2023, Tree Preservation Order (TPO293/2023) was served with immediate effect to protect 1 x Oak tree in the rear garden of 35 The Avenue, Sunbury-on-Thames, TW16 5HY.

2. Background

- 2.1 The Oak tree is situated in the rear garden of No. 35 The Avenue; however, it is visible from the Street and also from Sunbury Park to the rear.
- 2.2 The western rear boundary of no. 35 The Avenue is located immediately adjacent to Sunbury Park and the Lower Sunbury Conservation Area.
- 2.3 The Planning Department was made aware that no. 35 The Avenue had recently been sold, and as such, a TPO request was received by a concerned resident who was worried at the possibility of the Oak tree being removed.
- 2.4 The Council's Tree Officer visited the site on 29th November 2023. The owner mentioned to the Tree Officer during the site visit that they might want to extend the property, but no details were available at the time of visiting.
- 2.5 The Tree Officer assessed the tree and concluded that the Oak appears healthy and stable and is showing no obvious signs of disease or decay. The

Officer noted that the upper crown is easily visible from The Avenue and Sunbury Park.

- 2.6 It was considered that the Oak situated within the rear garden of 35 The Avenue is under a reasonable amount of threat to warrant protection by a TPO. The Local Planning Authority concluded that the Oak tree should be retained and therefore deemed it necessary to preserve the tree by serving a Tree Preservation Order.
- 2.7 Subsequently, on 8th December 2023, the Council served an emergency Tree Preservation Order (TPO293/2023) on the landowner by recorded delivery, adjoining landowners/occupiers, and all other interested parties.

3. Third Party Representations

- 3.1 The Council received one letter of objection within the consultation period.
- 3.2 The letter of objection included a Tree Risk Assessment Report, a Tree Evaluation Method for Preservation Orders, (TEMPO) and a summary report which raised the following concerns. The Council's Tree Officer has provided comments in response to each point raised which are summarised below –
 - 1) *While inspecting the oak, I observed extensive heartwood decay throughout the tree's buttress roots and evidence of it in its trunk and branches. Decay throughout the tree's structure presents a risk of harm. The decay within the tree renders it more likely to shed branches in high winds, and the risk of this should be managed to minimise the potential for uncontrolled branch failure.*

The Council's Tree Officer agrees that there is minor decay present in parts of the trees structure but in the absence of any evidence of aggressive fungal infection, considers that if the tree is managed with appropriate pruning, then retention of the tree is desirable. The placing of a TPO on the tree does not prevent appropriate pruning but requires an application to ensure the works are appropriate. An application - 24/00084/TPO - was subsequently received which proposed to 'reduce the lateral branch tips to within 8m of the trunk, removing 2-3m of their length and cutting back to suitable side branches with a final cut diameter not exceeding 100mm. Reduce height from 19m to 17m by pruning approximately 2-3m off the branch tips and cutting back to suitable side branches.' This has been agreed in a Decision Notice dated 06 March 2024.

- 2) *Consequently, the oak's long-term potential will likely be shortened, so I consider the TPO to be of only transitory worth.*

The Council's Tree Officer considers that appropriate pruning of the tree, which has been applied for and granted, is likely to mean that the oak will continue to give value in the street scene for many years.

- 3) *The guidance states that making a TPO may be expedient when a property changes ownership. While saying that, making an order where a tree is under good arboricultural management may not be expedient. The owner has no intention of managing the tree inappropriately but seeks to prolong its life through good arboricultural husbandry.*

The Council's Tree Officer confirms that the owner has indicated wishes to keep the tree but also mentioned during the site visit, a desire to extend the property. If a TPO is in place it allows a greater level of consideration of the health and longevity of the trees in any subsequent proposal.

4) *The tree is presently not of particular visual importance in the landscape, as one needs to look for it rather than standing out as a prominent feature. The oak is obscured in views from the road by the house, and it is not visually significant in views from Sunbury Park due to the presence of other foreground trees. Consequently, removing the tree from the landscape would not be particularly noticeable from a public visual amenity perspective. The order does not benefit public visual amenities but is a restrictive measure upon the owner with good arboricultural management intentions.*

The Council's Tree Officer completely disagrees with this statement. The tree is visible in the street scene. In The Tree Risk Assessment Report submitted with the objection, the surveyor concludes in section 6.2 '*The tree will benefit from crown reduction which will not harm its health or public visual amenity value*'. The site photograph of the oak taken from Thames Street shows the tree from within the public realm and this would be the case even after the proposed pruning.

5) *For the reasons given above, it was not expedient to make the TPO, so I respectfully request that the TPO be revoked.*

The Council's Tree Officer considers that the oak tree is clearly visible in the street scene and the potential for future building work may put the tree at risk. A TPO is required to safeguard the tree for future generations.

4. Conclusions

4.1 Ultimately, the Tree Officer has concluded that the Oak pays a positive contribution to the street scene in The Avenue, and therefore the risk created by possible development opportunity was enough to warrant its protection by TPO.

5. Recommendation

5.1 That Tree Preservation Order 293/2023 relating to No. 35 The Avenue, Sunbury-on-Thames, TW16 5HY be confirmed without modification.

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Planning Committee

3 April 2024

Planning Appeals Report – V1.0 ISSUED

Appeals Started between 21 February 2024 – 20 March 2024

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
22/01666/FUL Land At Ashford Road Ashford Road Shepperton	07.03.2024	Written Representation	APP/Z3635/W/23/3331965 Demolition of the existing buildings/ structures including Ash House and Oak House in Littleton Road and redevelopment of the site with the erection of two buildings subdivided into seven units for speculative B2 general industrial, B8 storage and distribution, and E(g)(iii) light industrial purposes with ancillary

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
			offices, together with associated car parking, servicing and landscape planting.
23/00687/FUL Osmanstead Condor Road Laleham	05.03.2024	Written Representation	APP/Z3635/W/23/3334656 The demolition of existing house to be replaced by five dwellings. As shown on drawing numbers (all preceded by 712 CDA) ZZ ZZ DR A 00 0100 rev 01; ZZ 00 DR A 01 1000 rev 02; ZZ 00 DR A 01 0100 rev 02; ZZ 01 DR A 01 0101 rev 02; Z1 ZZ DR A 01 0200 rev 02; Z1 ZZ DR A 01 0201 rev 02; Z1 00 DR A 05 0100 rev 02; Z1 01 DR A 05 0101 rev 02; Z1 02 DR A 05 0102 rev 02; ZZ 03 DR A 05 0103 rev 01; Z1 ZZ DR A 05 0200 rev 02; Z1 ZZ DR A 05 0201 rev 02; Z1 ZZ DR A 05 0202 rev 02; Z1 ZZ DR A 05 0203 rev 02; Z1 ZZ DR A 05 0204 rev 02; Z1 ZZ DR A 05 0205 rev 02; Z1 ZZ DR A 05 0206 rev 02; Z1 ZZ DR A 05 0207 rev 02; Z1 ZZ DR A 05 0208 rev 02 received 01.06.2023.
23/01407/HOU 16 Nursery Gardens Sunbury-on-Thames TW16 6LQ	06.03.2024	Fast Track Appeal	APP/Z3635/D/24/3338213 Retrospective planning application for the retention of outbuilding in rear garden.

Appeal Decisions Made between 21 February 2024 – 20 March 2024

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
23/00212/FUL Land To Rear Of 176 And 178 Feltham Road Ashford TW15 1AD	02.11.2023	Written Representation	APP/Z3635/W/23/3323562 Erection of 2 no. two storey semi-detached houses with parking and amenity space.	Appeal Allowed	23.02.2024	<p>The Inspector was satisfied that the proposal would sit comfortably on the appeal site and the footprint and scale of the new building and plot sizes would not appear out of character or result in any harm to the streetscene.</p> <p>He noted that there would be some visual impact and overshadowing of the rear garden of no. 174. However, he was satisfied that the level of impact would be modest and not so significant as to justify the refusal of planning permission.</p> <p>He found that the proposal would not appear overbearing or have any harmful impact on the outlook and light to the rear garden at No.174 and would not result in any significant harm to their living conditions.</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
23/00423/FUL 56 Kingston Road Staines-upon-Thames TW18 4NL	19.10.2023	Written Representation	APP/Z3635/W/23/3325176 Construction of three-storey building above existing car park to form two Houses of Multiple Occupation (HMOs) as shown on drawings numbered C3522-1, 2A, 3A, 4C, 5B and 6 received on 31 March 2023.	Appeal Dismissed	11.03.2024	<p>The Inspector considered the main issues were the character and appearance of the area and living conditions for future occupiers with particular regard to outlook, sunlight and communal space.</p> <p>In regard to character the inspector notes that the rear area of the appeal site, together with the adjacent car park, make an important contribution to the spaciousness of the station forecourt area.</p> <p><i>'The proposed development would retain a limited gap to the existing building and would be located close to the side and rear boundaries of the site, thereby resulting in a prominent and cramped form of development that would erode the open aspect of the site's rear area.'</i></p> <p>Would <i>'...unduly reduce the positive contribution that the site makes to</i></p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						<p><i>the spaciousness of the area in front of the station and harm the character of the area' little room for soft landscaping resulting in '...a hard, unattractive environment with limited planting to assist softening the built form, thereby failing to create an attractive place and make a positive contribution to the streetscene'.</i></p> <p>Not comparable to the adjacent scheme, different circumstances.</p> <p>He concludes that the proposal would have a harmful effect on the character and appearance of the area, failing to comply with Policy EN1 which requires a high standard in the design and layout of new development. And The NPPF which seeks to support development that is sympathetic to local character and consistent with the overall streetscene.</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						<p>In regard to Living Conditions The Inspector notes that it is reasonable to expect that future occupants of each HMO should have access to good standard of communal accommodation to prepare food, dine and mix with fellow residents and that social interaction is important for mental health and well-being.</p> <p>He goes on to note that the only communal space provided are the kitchens, which are limited in size, failing to provide a functional space for the HMOs' future occupants. in addition, bedrooms 2 and 5 in block A, and bedroom 7 in block B, would have their windows facing a wall at a short distance, which would appear visually intrusive, resulting in poor outlook and poor levels of sunlight.</p> <p>Noting that the limited provision in terms of communal space nor the poor outlook and restricted sunlight to some of the bedrooms. In conclusion, the proposal would fail</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						<p>to provide acceptable living conditions for future occupiers with particular regard to outlook, sunlight and communal space, contrary to Policy EN1 which requires a high standard of layout of new development and NPPF, which seeks to create spaces with a high standard of amenity for future users.'</p> <p>He concludes that the proposal would be harmful to the character and appearance of the area and create poor living conditions for future occupiers. These matters attract substantial weight. Consequently, the adverse impact of the developments would significantly and demonstrably outweigh the moderate benefits of the schemes when assessed against the policies in the Framework taken as a whole.</p>
23/00192/FUL	19.10.2023	Written Representation	APP/Z3635/W/23/3326553 Construction of Mansard roof to form 7 dwellings as	Appeal Dismissed	11.03.2024	<p>Appeal B</p> <p>The Inspector considered the plans clearly showed the previous</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
<p>56 Kingston Road Staines-upon-Thames TW18 4NL</p>			<p>shown on drawings numbered site location plan, block plan, C3490-4B, 6A, 8 (existing layout plan), 9 and 10 received on 16 February 2023, amended plan numbered 11 received on 30 March 2023 and 8C (proposed layout plan) received on 16 May 2023.</p>			<p>permission for the conversion of the office building to flats noting that ‘ <i>Indeed, the size of the proposed bin and bike storage facilities before me is commensurate with 21 no. residential units. On this basis, there is a real prospect that the previous permission will be implemented and so I have proceeded with my assessment on this basis.</i>’</p> <p>He considered the main planning issues to be character and appearance of the area and living conditions for future occupiers with particular regard to outlook and entrance arrangements .</p> <p>The Inspector notes that the existing bin storage facilities to the side retains a significant distance to Kingston Road and are modest in size, so they do not appear visually obtrusive in this street scene. However he notes that in contrast, ‘<i>...the proposed facilities would be substantial in size and be sited</i></p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						<p><i>close to Kingston Road, thereby resulting in a cramped and prominent form of development within this street scene. ' and is not characteristic of the pattern of development in Kingston Road, where waste storage facilities do not appear readily visible, appear conspicuous and at odds with the street scene.</i></p> <p>In addition, existing planting within the site would be lost to accommodate the bin storage, failing to enhance the setting of the building and would be harmful to the character of the area.</p> <p><i>'On the evidence, I am not persuaded that there would be adequate space within the site to provide the required bin storage facilities without causing harm to the character of the area, even more so when considering the practicalities of refuse collection. Further, limited evidence has been put forward to</i></p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						<p><i>demonstrate that waste storage could successfully be provided elsewhere on site. Therefore, in this instance, I am unable to conclude that the proposal would be made acceptable through the use of such a condition.'</i></p> <p>The Inspector concludes the proposal to be harmful to the character and appearance of the area, contrary to Policy EN1 which requires a high standard in the design and layout of new development and NPPF, where it seeks to support development that is sympathetic to local character.</p> <p>In regard to amenity of future occupants, the Inspector notes that the proposed bin storage facilities would be sited directly in front of several windows which would serve habitable rooms, following conversion of the building, restricting the outlook, and the only entrance doors to the building would</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						<p>be located behind the bin storage facilities, which would result in an unpleasant access arrangement for residents. <i>'The quality of the access would be poor as it would be hidden and cause undue harm to future occupiers, to the detriment of their living conditions.'</i></p> <p>The proposal would be harmful to the living conditions for future occupiers with particular regard to outlook and the entrance arrangements. The proposal would be contrary to Policy EN1 of the DPD insofar as this policy requires a high standard of layout of new development. The proposal would also fail to accord with the Framework, which seeks to create spaces that are safe with a high standard of amenity for future users.</p> <p>Despite the proposal meeting an identified housing need, the proposal would be harmful to the character and appearance of the area and create poor living conditions for future occupiers.</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						These matters attract substantial weight. Consequently, the adverse impact of the developments would significantly and demonstrably outweigh the moderate benefits of the schemes when assessed against the policies in the Framework taken as a whole.
22/01638/OUT Rear Of 37 - 51 Hithermoor Road Stanwell Moor Staines-upon- Thames	31.08.2023	Written Representation	APP/Z3635/W/23/3327945 Demolition of existing glasshouses, polytunnels and existing structures and the erection of a new single storey office building and panel making sheds. Provision of new hardstanding to accommodate external storage racks, staff and visitor parking, and access route. Provision of hard and soft landscaping to include the creation of a nature park (Outline)	Appeal Dismissed	05.03.2024	TBC
22/01637/OUT	31.08.2023	Written Representation	APP/Z3635/W/23/3327951	Appeal Dismissed	05.03.2024	The Inspector considered the main issues to be whether development is appropriate in the Green Belt; the

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
Heathrow Fencing Gleneagles Farm Gleneagles Close			Outline consent (with all matters reserved for future consideration except access) for the demolition of all existing buildings [including telephone mast] to enable the redevelopment of the site to erect up to 21 dwellings (Use Class C3), ranging from 2 to 3 storeys, including open space, garden areas, a play area, up to 28 car parking spaces including disabled parking, cycle parking, with vehicular access from Gleneagles Close. As shown on drawings numbered 20524_GC_PL_011, 012, 013, 020, 021, 105 and 106 received on 25.11.2022			<p>openness of the Green Belt; and whether very special circumstances exist.</p> <p>The exception set out within paragraph 154(g)(bullet 2) of the Framework allows for limited infilling or the partial or complete redevelopment of previously developed land where this would not cause substantial harm to the openness of the Green Belt and would contribute to meeting an identified affordable housing need. As most of the appeal site is not previously developed land, the appeal proposal cannot benefit from the exception set out within paragraph 154(g).</p> <p>Therefore, the development would be inappropriate in the Green Belt, conflicting with saved Policy GB1. Inappropriate development is by definition harmful.</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						<p>In regard to openness, the Inspector notes that the paddock and circulation spaces are open with the absence of structures, containers, stacked materials, and parking related to unauthorised use of the broader site, it too would be open. This provides the baseline for his assessment.</p> <p>The proposed development would result in built form spread across a larger proportion of the site than previously permitted, indicative plans show 3-storeys building arranged in linear blocks, the overall height and massing, volume and footprint would be significantly increased, and further space would be taken by play equipment and parking.</p> <p>Given this is outline application, it is unlikely that the effects would fundamentally differ in relation to any alternative design which might be developed at reserved matters</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						<p>stage. He concludes that the development would spatially diminish the openness of the Green Belt, and this would be perceived visually from surrounding land, and upon accessing the site itself. <i>'I therefore conclude that the development would cause significant harm to the openness of the Green Belt, further conflicting with saved Policy GB1'</i>.</p> <p>In Other Considerations the Inspector addresses those put forward by the applicant including purposes, Housing provision, character, appearance and amenity, public open space and business and economy which the Inspector has afforded various weight including no weight, limited little weight.</p> <p>In the Planning Balance and Conclusion, the Inspector notes that the development would be inappropriate in the Green Belt, causing significant harm to its openness attaching substantial weight to the overall harm that</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						<p>would be caused to the Green Belt concluding that:-</p> <p><i>'The other considerations advanced in favour of the development at best attract limited weight. These other considerations do not therefore clearly outweigh harm by reason of inappropriateness, or therefore demonstrate the existence of the very special circumstances necessary to justify approval. The appeal scheme conflicts with the development plan, and there are no considerations which alter or outweigh this finding.'</i></p>
<p>23/00881/HOU</p> <p>95 Feltham Road Ashford TW15 1BS</p>	03.11.2023	Fast Track Appeal	<p>APP/Z3635/D/23/3330837</p> <p>Erection of first floor rear extension and loft conversion facilitated by new roof with higher ridge and rear dormer</p>	Appeal Allowed	23.02.2024	<p>The Inspector considered that the impact of the proposed extensions and dormer window on the host dwelling and streetscene would be modest and would not appear visually obtrusive or be harmful to the host or to the streetscene. Furthermore, the Inspector concluded that the proposal would not have an overbearing impact on the outlook and light to neighbouring</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						occupiers and would not result in any significant harm to neighbours living conditions.
23/00507/CLD Roslin Rookery Road Staines-upon-Thames	07.11.2023	Public Inquiry	APP/Z3635/X/23/3331411 Certificate of Lawfulness relating to failure to comply with condition 2 of 09/00277/COU in respect to pupil numbers As shown on site location plan and detailed in a planning statement, statutory declarations and occupancy numbers received 21.04.2023	Appeal Allowed	23.02.2024	The Inspector considered all the evidence that was presented at the Inquiry and concluded that the evidence was sufficiently precise and unambiguous to show, on the balance of probabilities, that there has continued to be more than 30 children at the nursery at any one time for a ten year period in breach of condition. Consequently, the appellant is entitled to an LDC legitimising the breach of condition to the extent of allowing up to 45 children at any one time.

Current/Future Hearings/Inquiries

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
21/00393/ENF 11 Loudwater Road Sunbury-on-Thames TW16 6DB	17.01.2024	Hearing	APP/Z3635/C/23/3333226 Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.			The appeal process has started, and a Statement of Case has been submitted to the Planning Inspectorate. The Hearing not yet been scheduled.
22/00099/ENF 9 Loudwater Road Sunbury-on-Thames TW16 6DB	17.01.2024	Hearing	APP/Z3635/C/23/3333218 Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.			The appeal process has started, and a Statement of Case has been submitted to the Planning Inspectorate. The Hearing not yet been scheduled.

22/00067/ENF 4 Loudwater Road Sunbury-on-Thames TW16 6DB	17.01.2024	Hearing	APP/Z3635/C/23/3333211 Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.			The appeal process has started and a Statement of Case has been submitted to the Planning Inspectorate. The Hearing not yet been scheduled.
22/00057/ENF 2 Loudwater Road Sunbury-on-Thames TW16 6DB	17.01.2024	Hearing	APP/Z3635/C/23/3333204 Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.			The appeal process has started and a Statement of Case has been submitted to the Planning Inspectorate. The Hearing not yet been scheduled.
19/00015/ENF Riverbank 1 The Creek	07.06.2023	Public Inquiry	APP/Z3635/C/23/3320593 Appeal against serving of an Enforcement Notice. Without planning permission the unlawful			The Public Inquiry overran the 2 days allocated and closing comments were presented via MS Teams on the 16 February 2024. Outstanding submissions

Sunbury On Thames		7-8 February 2024	development of a new dwelling house, garage, boathouse, associated terracing and planters, steps, walls, pillars and hardstanding.			of 'as built' plans submitted now by the Appellant to PINS as requested by the Inspector. Decision pending.
23/00507/CLD Roslin Rookery Road Staines-upon-Thames	07.11.2023	Public Inquiry	APP/Z3635/X/23/3331411 Certificate of Lawfulness relating to failure to comply with condition 2 of 09/00277/COU in respect to pupil numbers As shown on site location plan and detailed in a planning statement, statutory declarations and occupancy numbers received 21.04.2023	Appeal Allowed	23/02/2024	The Inspector considered all the evidence that was presented at the Inquiry and concluded that the evidence was sufficiently precise and unambiguous to show, on the balance of probabilities, that there has continued to be more than 30 children at the nursery at any one time for a ten year period in breach of condition. Consequently, the appellant is entitled to an LDC legitimising the breach of condition to the extent of allowing up to 45 children at any one time
20/00257/ENF_A Stanwell Farm Bedfont Road Stanwell	07.11.2023	Public Inquiry 12-13 March 2024	APP/Z3635/C/23/3331902 Appeal against serving of an Enforcement Notice. The material change of use of the land from open land to use comprising the storage of builders merchants materials in	Nullity	12.03.2024	The notices are a nullity, Inquiry closed

			connection with a builders merchants business, including pallets and scaffolding,			
20/00257/ENF_B Stanwell Farm Bedfont Road Stanwell	07.11.2023	Public Inquiry 12-13 March 2024	APP/Z3635/C/23/3331903 Appeal against serving of an Enforcement Notice. Without planning permission, the carrying out on the land of building, engineering, mining or other operations in particular the erection of a warehouse building and the use of that building on Green Belt land. Marked in blue on the attached plan.	Nullity	12.03.2024	The notices are a nullity, Inquiry closed

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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.

App no	Site	Proposal	Applicant	Case Officer(s)
23/00388/FUL	Multi Storey Car Park Church Road Ashford TW15 2TY	Demolition of Multi-Storey Car Park and erection of a residential block for 42 no. residential units, with associated car parking, together with a further provision of public car parking spaces, and a ground floor commercial unit (Use Class E). Landscaping/public realm and access arrangements.	Lichfields on Behalf of Spelthorne Borough Council	Paul Tomson / Susanna Angell
23/00680/OUT	Land To The East Of Desford Way Ashford	Outline Planning Permission with all matters reserved except for access for a site to accommodate Travelling Showpeople (Sui Generis)	Ashford Corporation Ltd	Paul Tomson / Kelly Walker

23/01515/RVC	Builders Merchant Moor Lane Staines-upon-Thames TW18 4YN	Application to vary condition 1 (approved plans) , condition 7 (vehicle access) and condition 11 (refuse details) of planning permission 23/00173/RVC, (which varied condition 2 of p/p 18/0100/FUL) to allow external alterations to plots 17-18 , 24-27, 28-33 and 34-36, addition of Juliet balconies and replacement of roof lights with dormer windows (to plots 28-33 and 34-36) . New bin collection area and relocation of bin storage area and car parking layout.	Shanly Homes	Susanna Angell
23/01524/FUL	193 London Road Staines-upon-Thames	Demolition of existing, vacant, trade counter and storage/industrial unit. Construction of a new steel portal frame structure with insulated metal clad facades and brickwork plinth, for use as a Self Storage facility. Including improvements to existing access off Stanwell New Road and stopping up of other redundant accesses, associated car parking, service yard and cycle parking.	Marlin Land Midlands Limited	Matthew Churchill
24/00017/FUL	Land North East Of Eco Park Charlton Lane Shepperton TW17 8QA	The construction of and operation of a Battery Energy Storage System of up to 200 megawatts electrical output, associated site access and cable route with connection point at the existing National Grid/SSE 132 kV Laleham GSP (Grid Supply Point), with associated work	Sunbury BESS Ltd	Matthew Clapham
24/00046/FUL	Ashford Town Football Club Sports Ground Short Lane Stanwell Staines-upon-Thames TW19 7BH	Provision of an artificial grass pitch (AGP), floodlighting and ancillary works	Ashford Town FC	Matthew Churchill

24/00170/FUL	Crownage Court 99 Staines Road West Sunbury-on-Thames TW16 7FG	Provision of a rooftop extension to provide 14 duplex apartments (resubmission of PA 21/01742/FUL)	Mayfair Homes Management Ltd	Kelly Walker
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If you wish to discuss any of these applications, please contact the case officer(s) in the first instance.

Esmé Spinks
Planning Development Manager
20/03/2024

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PLANNING GLOSSARY OF TERMS AND ABBREVIATIONS

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

DM	Development Management – the area of planning service that processes planning applications, planning appeals and enforcement work
DMPO	Development Management Procedure Order - This Order provides for procedures connected with planning applications, consultations in relation to planning applications, the determination of planning applications and appeals
DPH	Dwellings per Hectare (density)
EA	Environment Agency. Lead government agency advising on flooding and pollution control
EIA	Environmental Impact Assessment – formal environmental assessment of specific categories of development proposals
EHO	Environmental Health Officer
ES	Environmental Statement prepared under the Environmental Impact Assessment Regulations
FRA	Flood Risk Assessment
FUL	Full planning application
GPDO	General Permitted Development Order. Document which sets out categories of permitted development (see 'PD' below)
HOU	Householder planning application
LBC	Listed Building Consent – consent to alter a listed building
LLFA	Lead Local Flood Authority
Local Plan	The current development policy document
LPA	Local Planning Authority
Material Considerations	Matters which are relevant in the determination of planning applications
MISC	Miscellaneous applications (usually a consultation by adjoining boroughs)
NPPF	National Planning Policy Framework, 2023. This is Policy issued by the Secretary of State detailing national planning policy within existing legislation
OUT	Outline planning application – obtaining the principle of development

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

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

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

Esmé Spinks 21/12/2023

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