



*Please reply to:*

Contact: Melis Owen  
Service: Committee Services  
Direct line: 01784 446449  
E-mail: [m.owen@spelthorne.gov.uk](mailto:m.owen@spelthorne.gov.uk)  
Date: 25 April 2024

## Notice of meeting

### Planning Committee

**Date:** Wednesday, 8 May 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)

D.L. Geraci (Vice-Chair)

C. Bateson

S.N. Beatty

M. Beecher

M. Buck

T. Burrell

R. Chandler

D.C. Clarke

S.A. Dunn

M.J. Lee

A. Mathur

L. E. Nichols

K.E. Rutherford

H.R.D. Williams

P.N. Woodward

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

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

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

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## AGENDA

Page nos.

**1. Apologies and Substitutions**

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

**2. Minutes**

**5 - 10**

To confirm the minutes of the meeting held on 3 April 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 - 24/00170/FUL Crownage Court, 99 Staines Road West, Sunbury**

**11 - 46**

**Ward**

Sunbury Common

**Proposal**

Provision of a rooftop extension to provide 14 apartments (resubmission of PA 21/01742/FUL)

**Recommendation**

The application is recommended for approval

**5. Planning application - 24/00119/FUL Desborough Sailing Club, Ferry Lane, Shepperton**

**47 - 64**

**Ward**

Shepperton Town

**Proposal**

Erection of new boat shelter with green coated corrugated sheet metal roof and sides on scaffold pole framework with a maximum height of 2.3m standing on a 6m x 12m perimeter porous cinder base, adjacent to existing work shed

**Recommendation**

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

- 6. Planning application - 24/00178/FUL Harper House, 29-31 Fordbridge Road, Ashford** **65 - 74**
- Ward**  
Ashford Town
- Proposal**  
Erection of a fence with a trellis along the boundary wall with the neighbouring property (33 Fordbridge Road). As shown on location plan received 15.03.2024, block plan received 11.03.2024 and existing and proposed elevations of fence received 01.03.2024.
- Recommendation**  
Approve the application
- 7. Planning Appeals Report** **75 - 84**  
To note details of the Planning appeals submitted and decisions received between 21 March 2024- 22 April 2024.
- 8. Major Planning Applications** **85 - 88**  
To note the details of future major planning applications.
- 9. Glossary of Terms and Abbreviations** **89 - 94**

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**Minutes of the Planning Committee  
3 April 2024**

**Present:**

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

**Councillors:**

C. Bateson	T. Burrell	M.J. Lee
S.N. Beatty	R. Chandler	K.E. Rutherford
M. Beecher	D.C. Clarke	H.R.D. Williams
M. Buck	S.A. Dunn	P.N. Woodward

**Apologies:** Apologies were received from Councillor A. Mathur and Councillor L. E. Nichols

**Substitutes:** K. Grant (In place of L. E. Nichols) and 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.

**8/24 Minutes**

The minutes of the meeting held on 6 March 2024 were approved as a correct record.

**9/24 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 Beatty, Beecher, Buck, Burrell, Chandler, Clarke, Dunn, Geraci, Grant, Howkins, Lee, Williams and Woodward reported that they had received correspondence in relation to application 23/01236/FUL but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillors Bateson, Gibson and Rutherford reported that they had received correspondence in relation to application 23/01236/FUL and had also made an informal visit to the site. In both cases they had maintained an impartial role, had not expressed any views and had kept an open mind.

**10/24 Planning application - 23/01236/FUL, The Ash Tree Public House, Convent Road, Ashford, TW15 2HW**

**Description:**

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).

**Additional Information:**

Vanya Popova, Planning Officer reported that two additional letters of objection were received which included similar concerns to those summarised in the Committee report.

**Public Speaking:**

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

- 206 letters expressed opposition to the proposal in this application
- There will be adverse impact on existing similar businesses within a ten-minute walking radius
- The promise of 14 jobs being created by Sainsbury's would be cancelled out by the loss of many more jobs by local businesses.
- There was inadequate parking at the site for customers
- There would be a two-way traffic flow at the entrance to the site shared by customers and delivery vehicles which may be dangerous
- There were existing shops in the vicinity which offered sufficient parking and product range

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

- The site had been vacant since January 2023, and did not contribute positively to the environment or economy
- Pub numbers had been falling consistently since 1990 and there was no realistic prospect of the building being reoccupied by a pub
- There were other pubs close by within easy walking distance
- The proposal will generate up to 25 jobs, improve business rates and rejuvenate the site
- Sainsbury's local will serve a local population that was currently underserved for high quality food and convenience goods to meet every-day needs
- The store will encourage more people to visit which will increase the level of footfall to the benefit of the parade as a whole
- The store will reduce reliance on use of private cars for visits to larger supermarkets for top-up shopping needs
- The site was highly accessible and convenient for customers arriving by foot from the local catchment area
- The proposal offered 11 car parking spaces with one charging point for electric vehicles
- The deliveries that will take place via small lorries at the site was deemed to be safe and appropriate from a highway's perspective
- The proposals had been reviewed by Planning Officers to offer the best possible scheme for the environment and community, with more landscaping, better and safer access, and improvements to facilities to encourage sustainable transport choices

**In accordance with the Council's procedure for speaking at meetings, Councillor Rutherford spoke as Ward Councillor in relation to the proposed development raising the following key points:**

- 207 letters of objection had been received on this application
- Another big supermarket chain in this area was not necessary as there were several stores nearby

- Locally owned independent shops cannot compete with the increasing number of chain stores
- There was limited customer parking
- Vehicles will likely park on the curb and along the service road
- There was not sufficient space for store delivery trucks and customer vehicles to move around
- This site could provide more to the community through an alternative use

**Debate:**

During the debate the following key issues were raised:

- There was no guarantee that job opportunities would only benefit the local community
- There was inadequate parking on site which added to on-street parking pressure
- This proposal helped to maintain an existing building in Ashford which was more environmentally sustainable than creating a new build (such as a block of flats)
- The proposal provided employment opportunities
- The previous use of this site involved deliveries and customer parking
- The site was positioned in a suitable location within walking distance
- There was no material basis to refuse this application
- There were no objections from statutory bodies
- All relevant Planning conditions had been applied

**The Committee voted on the application as follows:**

**For: 15**

**Against: 1**

**Abstain: 0**

**Decision:** The application was **approved**.

**The Committee adjourned at 20:00 and readjourned at 20:05pm.**



**11/24 Tree Preservation Order- TPO293/2023, 35 The Avenue, Sunbury-on-Thames, TW16 5HY**

**Description:** 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.

**Additional Information:**

Emily Archibald, Planning Officer reported that there was no additional information.

**Debate:**

During the debate the following key issues were raised:

-This was a mature tree which added to the street scene

-It was important to retain trees as they encouraged biodiversity

**The Committee voted on the application as follows:**

**For: 16**

**Against: 0**

**Abstain: 0**

**Decision:** The Tree Preservation Order was confirmed without modification.

**12/24 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.

**13/24 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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24/00170/FUL - Crownage Court, 99 Staines Road West, Sunbury-on-Thames.  
Scale: 1:1,250

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Appendix 24/00170/FUL Crownage Court, Staines Road West

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



Existing



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



Existing



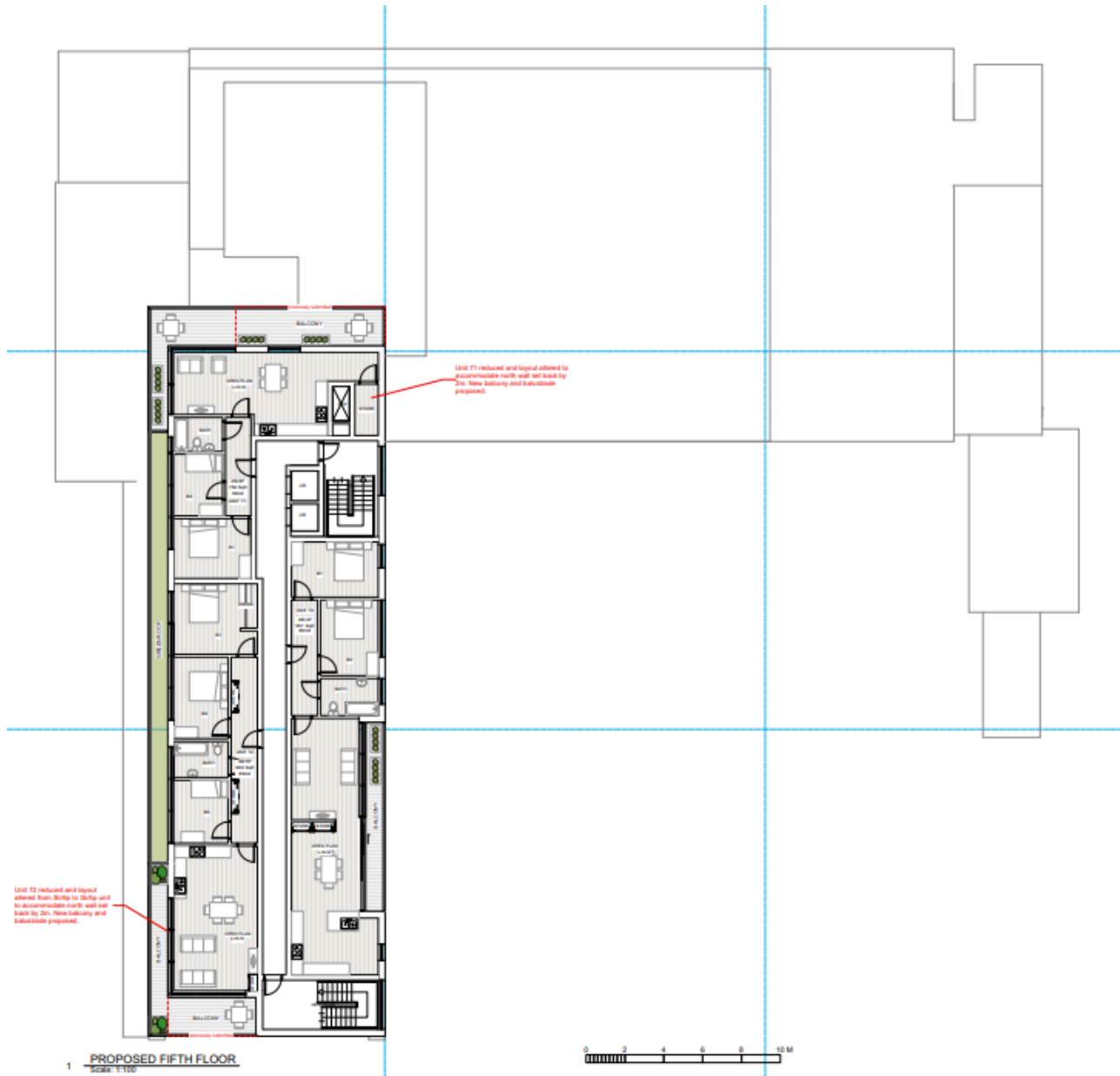
Proposed Third Floor (Orientation - Green Lane to the top Staines Road West to the left)



Proposed Fourth Floor



# Proposed fifth floor



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# Planning Committee

08 May 2024



<b>Application No.</b>	24/00170/FUL		
<b>Site Address</b>	Crownage Court, 99 Staines Road West, Sunbury-on-Thames, TW16 7AE		
<b>Applicant</b>	Mayfair Homes Management Ltd		
<b>Proposal</b>	Provision of a rooftop extension to provide 14 apartments (resubmission of PA 21/01742/FUL)		
<b>Officers</b>	Kelly Walker		
<b>Ward</b>	Sunbury Common		
<b>Call in details</b>	N/A		
<b>Application Dates</b>	Valid:29/02/2024	Expiry: 30/05/2024	Target: Within 13 weeks
<b>Executive Summary</b>	<p>This application relates to the existing building which was originally built as an office but has more recently been converted to residential flats following approval of a Prior Approval application. It is located on the northern side of Staines Road West where it adjoins Green Lane. The surrounding area contains a mixture of uses, with taller buildings on Staines Road West and in the Sunbury Cross Centre to the east. Many were originally designed for commercial uses; however, several have been converted to residential. To the rear along Green Lane and Heathcroft Avenue are two storey dwellings and some bungalows. There are other commercial uses along Staines Road West to the west, including a car showroom on the corner with Green Lane.</p> <p>This planning application proposes the erection of extensions on top of the existing building to provide a further 14 residential units comprising 6 x 1 bed, 7 x 2 bed and 1 x 3 bed units. This is a re-submission of the same proposal, approved by planning permission ref. 21/01742/FUL, which expired on the 2 March 2024. As there has been no material changes in planning circumstances since this time, this is a material planning consideration which carries very substantial weight in the decision making of this planning application.</p> <p>The proposal results in the extension of an existing residential building in a sustainable location. The proposed flats are considered to be acceptable in regard to design, and the scheme is in keeping with the character of the area. The proposal will have a satisfactory impact on the existing neighbouring residential properties and provide a good standard of amenity for future occupants. The proposal will be acceptable on</p>		

	<p>parking, highway grounds and flooding. Drainage and renewable energy provision are acceptable.</p> <p>The proposal will be an efficient use of brownfield land in a residential area, providing much needed housing, contributing to housing delivery in the Borough. In addition, the 'tilted balance' is applicable in this case. It is considered that there is no significant or demonstrable harm that would outweigh the benefits of the scheme, as with the previous scheme.</p>
<b>Recommended Decision</b>	The application is recommended for approval.

## MAIN REPORT

### 1. Development Plan

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

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

1.2 The relevant Emerging Local Plan policies are: -

- ST1: Presumption in Favour of Sustainable Development
- ST2: Planning for the Borough
- PS2: Designing places and spaces

- H1: Homes for All
- E2: Biodiversity
- E4: Environmental Protection
- ID2: Sustainable Transport for New Development

1.3 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.

As such the policies carry limited weight in the decision-making process of this current planning application.

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

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

1.5 Government policy contained within the National Planning Policy Framework (NPPF) 2023 is also relevant.

## 2. Relevant Planning History

Ref. No.	Proposal	Decision and Date
21/01742/FUL	Provision of a rooftop extension to provide 14 apartments	Grant conditional 02.03.2022
21/00543/FUL	Provision of a rooftop extension to provide 14 duplex apartments	Withdrawn 09.08.2021
18/01323/FUL	Erection of a boundary railing of 1m in height to the front of the premises	Grant 29.11.2018
16/01111/PDO	Prior approval notification for the change of use of the lower ground floor from offices (B1) to residential (C3) comprising 6 flats.	Prior Notification Office Refuse 08.09.2016
16/00698/FUL	External alterations to existing building involving the installation of metal cladding and brickwork to form new fenestration, and other alterations.	Grant Conditional 25.08.2016
16/00012/PDO	Prior approval notification for the change of use from offices (use class B1a) to residential (use class C3) comprising 59 flats	Prior Notification Office Approve 04.03.2016
14/00961/FUL	Extensions and alterations to existing building involving conversion of existing office building to 26 residential flats (2 no. 2-bed, 4 no. 3-bed, 19 no. 4-bed and 1 no. 5-bed) associated gym, reception and concierge areas, parking. -Infill extension on the at first, second and third floor level. -Erection of 3-storey front and rear extensions. 2-storey rear extension and roof extension at fourth floor level on the Green Lane frontage.	Grant 16.03.2015
13/01634/PDO	Prior Approval Notification for the change of use from offices (use class B1a) to residential (use class C3) comprising 23 flats.	Prior Notification Office Approve 23.12.2013
99/00423/FUL	Change of use from Class A1 (Retail) to class B1 (offices).	Grant 24.09.1999
91/00254/FUL	New plant room at roof top level	Grant 18.04.1991

## 3. Description of Current Proposal

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

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

- 3.2 Permission was granted on the 2 March 2022 (ref 21/01742/FUL) for the provision of a rooftop extension to provide 14 apartments. This application had a 2 year lifespan and has since expired. This application seeks permission for the same scheme. As such, this is a material planning consideration and must be given substantial weight given the policies and constraints at the site have not changed since this decision was made.
- 3.3 The applicant notes that in this short permission window, site ownership has changed and there has not been time to make a meaningful start on site, nor have time to satisfy the pre-commencement conditions attached to the permission. The applicant notes that this application seeks to re-submit the approved scheme for a new planning application with no change to the design but simply to enable more time to implement the scheme. All supporting information submitted for the original application (ref: 21/01742/FUL) is unchanged. A new contamination report, detailed SuDS Strategy and Energy Statement are included within this submission.
- 3.4 Other properties along Staines Road West to the east are of a similar scale with accommodation over 3 and 4 stories, and most were originally office buildings, many of which have now been converted to alternative uses, including residential flats. The adjacent building to the east contains a church and is over 3 stories of accommodation. Further to the east is Sunbury Cross roundabout and the junction with the M3 motorway, with more tall buildings. On the opposite side of Staines Road West is a tower block at Kempton Point of 16 storeys in height. To the west along Staines Road West are mostly buildings in residential use, but there are also some commercial developments. Most buildings in this direction, are more domestic in scale and of traditional design. On the opposite corner of Green Lane is a car show room and adjacent to this along Green Lane are some bungalows. To the north, at the rear of the application site, are the residential dwellings located in Heathcroft Avenue. These consist of semi-detached and terraced 2 storey family housing fronting the road, with their rear gardens behind, backing directly onto the application site.
- 3.5 The site is located within the urban area, within a designated Employment Area and within the 1 in 1000 year flood zone (Flood Zone 2).
- 3.6 As noted above, the approved scheme was submitted following a withdrawn scheme for a larger extension to provide 14 larger flats. This included a 2 storey extension across the entire building. It was withdrawn following concerns raised by Officers, and as such, a much larger extension in overall scale and massing. The current application which is the same as that previously approved, was subsequently submitted in order to address the issues with the previous application by reducing the scale of the proposed development, including reducing the size/number of bedrooms of the

proposed flats in order to comply with planning policies on smaller units and design, as well as increasing the setback distance from Heathcroft Avenue to the rear and prominence on Green Lane.

- 3.7 The proposal is for the erection of additional floors on top of the existing building to provide an additional 14 flats (comprising 6 x 1 bed, 7 x 2 bed and 1 x 3 bed units). This will include a new third floor on top of the existing Green Lane frontage (set back from the exiting side elevation by 2m) which will contain 5 new flats. In addition, there will be a new fourth and fifth floor on top of the existing building fronting Staines Road West. The proposed fourth floor will provide 6 flats and will extend across the frontage and close to the side elevation from Green Lane. The proposed fifth floor will be set back from the floor below and also from the corner with Green Lane and will provide a further 3 units. This extension will partly replace the existing plant located on top of the existing building.
- 3.8 The design will be flat roofed and will include a variety of materials to reflect those of the existing building and, in addition, the use of timber cladding for the new top floors. Eight of the proposed flats will have a private balcony/terrace area and in addition the proposal provides a communal terrace area.
- 3.9 The proposal will provide no further parking spaces. The site currently benefits from 75 car parking spaces in total within the basement and ground floor levels. The proposal will reutilise 11 of these existing car parking spaces for more accessible cycle storage areas. Therefore 64 car parking spaces will be provided at the site for the 73 units overall, although no further spaces are being provided for this current proposal. In addition, further cycle parking and refuse storage areas will be provided. These are shown on the plans for the existing flats, as well as those proposed in order to demonstrate that the site can accommodate this. In addition, a refuse management plan has been submitted.
- 3.10 Copies of the proposed site layout and elevations are provided as an Appendix.

#### 4 Consultations

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

Consultee	Comment
County Highway Authority	No objection, recommend conditions
Group Head-Neighbourhood Services	No objection, recommend conditions
Sustainability Officer	No objection, recommends a condition
Lead Local Flood Authority (Surrey County Council)	No objection, recommends conditions
Heathrow safeguarding	No objection

Thames Water	No objection
Crime Prevention Officer	No objection, recommend conditions
Environmental Health (Contaminated land)	No objection
Environmental Health (Air Quality)	No objection, recommends conditions

## 5. Public Consultation

5.1 Following receipt of the planning application, 98 properties were notified of the planning application. Furthermore, a statutory site notice was displayed, and the application was advertised in the local press. A total of 9 letters of representation were received objecting to the application.

5.2 Reasons for objecting include: -

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

## 6. Planning Issues

- Housing supply
- Housing density
- Design and appearance
- Residential amenity
- Parking/Highway issues
- Flooding
- Renewable energy
- Ecology
- Dwelling mix
- Air quality

## 7. Planning Considerations

The proposed flats were granted planning permission just over two years ago and as there has been no material changes in planning circumstances since this time, this is a material planning consideration which carries very substantial weight in the decision making of this planning application.

### Housing Land Supply

7.1 When considering planning applications for housing, local planning authorities should have regard to the government's requirement that they significantly boost the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF) 2023.

7.2 The Council has embarked on a review of its Local Plan and acknowledges that the housing target in its Core Strategy and Policies DPD February 2009 of 166 dwellings per annum is more than five years old and therefore the five year housing land supply should be measured against the area's local housing need calculated using the Government's standard method<sup>1</sup>. The standard method for calculating housing need is based on the 2014 household growth projections and local affordability. This equates to a need of 618 dwellings per annum in Spelthorne and this figure forms the basis for calculating the five-year supply of deliverable sites although a 20% buffer is required to be added for Spelthorne in accordance with Government requirements due to a historic under delivery. Historically, Local Planning Authorities (LPAs) needed to demonstrate a 5 year housing land supply to meet its housing needs, however, the revised NPPF, para 226 states:

*“From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.”*

7.3 This paragraph applies to Spelthorne because the emerging local plan has been submitted for Examination. Following the lack of clarity on the interpretation of this paragraph, the Government issued a revision to the PPG on Housing Supply and Delivery on 05/02/24. Within this guidance, it is

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



confirmed that *“Both the 5 year housing land supply and the 4 year housing land supply that authorities should demonstrate for decision making should consist of deliverable housing sites demonstrated against the authority’s five year housing land supply requirement, including the appropriate buffer”*.

- 7.4 The Council has considered its supply of deliverable sites, in line with the NPPF definition, as set out in Annex 2. The five year time period runs from 1 April 2023 to 31 March 2028. Government guidance (NPPF para 74) requires the application of a 20% buffer “where there has been significant under delivery of housing over the previous three years” which applies to Spelthorne. A 20% buffer applied to 618 results in a figure of 742 dwellings per annum, or 3,708 over five years.
- 7.5 In using the objectively assessed need figure of 742 as the starting point for the calculation of a four year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review, the Borough’s housing supply will be assessed in light of the Borough’s constraints, which will be used to consider options for meeting need. The Council has now published its Strategic Land Availability Assessment (SLAA) which identifies potential sites for future housing development over the plan period.
- 7.6 The sites identified in the SLAA as being deliverable within the first five years and subsequent updates from landowners have been used as the basis for a revised four year housing land supply figure. Spelthorne has identified sites to deliver approximately 2,278 dwellings in the **four** year period.
- 7.7 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 3 year supply and accordingly the Council cannot at present demonstrate a four year supply of deliverable housing sites. There is, therefore, a presumption in favour of sustainable development.
- 7.8 In terms of the five year housing land supply figures, the need is 3,708 dwellings (including a 20% buffer) and the projected supply is 2780 dwellings which provides a five year housing land supply of 3.8 years.
- 7.9 In addition, guidance on the Housing Delivery Test indicates that where housing delivery falls below 85%, a buffer of 20% should be applied to the local authority’s five year land supply and a presumption in favour of sustainable development if the figure is below 75%. The Housing Delivery Test result (2022) for Spelthorne Borough Council was published by the Secretary of State in December 2023, with a score of 68%. This means that less housing has been delivered when compared to need over the previous three years. As a consequence, there is a presumption in favour of sustainable development because the test score of 68% is less than the 75% specified in the regulations. The figure compares with 69% last year and 50% in 2020. The Council’s Housing Delivery Test Action Plan will be updated to reflect this. The current action plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough.

- 7.10 As a result, current decisions on planning applications for housing development need to be based on the ‘tilted balance’ approach set out in paragraph 11 of the NPPF (2023). This requires that planning permission should be granted unless ‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole’

#### Principle of the Development for Housing

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

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

- 7.12 This is also reflected in the NPPF paragraph 123 which notes that Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and provides further relevant context at paragraph 129 in respect of achieving appropriate densities which states that:-

*‘Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.’*

- 7.13 The site is located within walking distance of Sunbury Cross shopping centre, in the urban area on a previously developed site, with an existing residential use. As such, the site is within an accessible location close to facilities and public transport links. Therefore, the principle of creating 14 new residential units is considered acceptable and has already been given permission two years ago. Furthermore, the proposal is considered to comply with the aims of National Planning Policy Framework (NPPF) and makes efficient use of urban land. The principle of the development is, therefore, acceptable, provided other policies requirements are met as discussed further below.

#### Housing Density

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

*“Making efficient use of potential housing land is an important aspect in ensuring housing delivery. Higher densities mean more units can be*

*provided on housing land but a balance needs to be struck to ensure the character of areas is not damaged by over-development.”*

- 7.15 Policy HO5 specifies densities and notes that within higher density residential areas, including those characterised by a significant proportion of flats and those containing significant Employment Areas, new development should generally be in the range of 40 to 75 dwellings per hectare. It is important to emphasise that the density ranges are intended to represent broad guidelines and development will also be considered against the requirements of Policy EN1 on design.
- 7.16 The principle of a high density development on urban land is the focus of the NPPF and Policy HO1 in order to make efficient use of land of previously developed and brownfield land, in sustainable locations.
- 7.17 The proposal is for 14 units. The site area is some 0.32 hectares and there are 59 flats currently at the site. This would result in a total of 73 units in total and will therefore result in a density of 228 dwellings per hectare, which exceeds the recommended density range of 40-75 dwellings per hectare in Policy HO5. However, the policy also notes that higher density development may be acceptable where it is demonstrated that the development complies with Policy EN1 on design, particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non-car-based modes of travel.
- 7.18 In addition, the NPPF in para 128 Achieving appropriate densities states that,

*‘...Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use....’*

Therefore, the density is considered to be acceptable in this instance, as before, provided it complies with Policy EN1 on design which is explained in the following paragraphs.

#### Dwelling mix

- 7.19 Policy HO4 of the CS & P DPD (Housing Size and Type) states that the Council will ensure that the size and type of housing reflects the needs of the community by requiring developments that propose four or more dwellings to include at least 80% of their total as one or two bedroom units. The SPD allows for the majority to be smaller dwellings when located in an area characterised by family dwellings such as this location. The proposal provides 13 of the 14 units as smaller, 1 or 2 bed units, which is over 80% and acceptable. Consequently, the proposed dwelling mix complies with the requirements of Policy HO4 and is acceptable.

### Design and appearance

- 7.20 Policy EN1(a) of the CS & P DPD states that the Council will require a high standard of design and layout of new development. Proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines layout, materials and other characteristics of adjoining buildings and land.
- 7.21 Section 12 of the NPPF refers to design - Achieving well-designed places and in particular that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.22 In paragraph 139 the NPPF states that, '*...Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
  - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'*
- 7.23 The National Design Guide, for beautiful, enduring and successful places, produced by the {former} MHCLG in 2021, addresses how we recognise well design places by outlining ten characteristics; context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and life span.
- 7.24 In para 51 when referring to identity it states that, '*...Well-designed places, buildings and spaces: have a character that suits the context, its history, how we live today and how we are likely to live in the future*'. Other relevant paragraphs from the National Design Guide in relation to built form and home and buildings sections are noted below.
- '53 Well-designed new development is influenced by:*
- *an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;*
  - *the characteristics of the existing built form*

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

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

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

- 7.25 The proposal includes a new third floor on the Green Lane frontage, containing 5 flats, which extends back into the site towards the properties to the north on Heathcroft Avenue. This storey will be set back from the existing storey below on the Green Lane frontage by 2m and 1.5m from the building below on the Staines Road West frontage. It will have a depth of some 28m on top of the existing building but will stop some 14m short of the rear of this existing element. There is an existing stairwell feature at the rear of the building on the Green Lane frontage that exceeds the height of the existing building on this frontage and will be a similar height to the proposed new floor. The proposed set back helps to ensure that the proposed new floor is subservient, and that this elevation pays regard to the fact that development along Green Lane and Heathcroft Ave is of a smaller domestic scale. As such, this part of the proposal is considered to be appropriate for this location.
- 7.26 A new fourth floor, containing 6 flats, is proposed to extend across the Staines Road West frontage. This will have a set back from the Staines Road West elevation below by some 0.8m and will also be set back from the corner with Green Lane by some 1.7m. On the corner and along Green Lane, this will have large windows and wooden cladding to contrast with the floors below and the corner element is set back further from the road. The proposed fourth floor along the Staines Road West frontage will have the same footprint as the floor below (with no set back) and will be treated the same with grey cladding. In addition, a further fifth floor is proposed on top of this, to include 3 more flats. This will be set back from the front elevation of the floor below by 1m on the Staines Road West frontage and set in from the floor below at its point closest to the corner by 2m. In addition, it will be set back at the side towards the front, where it adjoins the adjacent property to the east at the church.
- 7.27 A mixture of materials will be used to reflect those of the existing building. This includes the same grey cladding for the fourth floor to the existing floors below. There will be a contrasting treatment, consisting of horizontal timber cladding, with large areas of glazing, to the top floors and corner on Green Lane. This will provide a contrast and in particular a 'lightness' to the top of the building, which along with the set-backs from the floor below will help the proposed extension to appear less dominant. The top floors will have a thin

roof overhanging to the building, clad with zinc, along the top to provide a 'cap' to it.

7.28 It is considered that the use of materials along with the scale and design, in particular, with the set backs from the main elevations, ensures the proposed development will pay due regard to the design and scale of the host building. In addition, balconies and terraces are provided which will have balustrades of glazing to help to integrate into the design and materials of the building.

7.29 Although the building is already relatively large in its scale, expanding across the corner of this large plot, it is considered the proposal will add further interest to the building and result in a building which is not out of keeping with its surroundings, despite it being taller than the adjacent property, which is set further forward. It is located along a stretch of Staines Road West which has a number of taller buildings and a variety of styles, and designs. As such it is considered that the proposal will have an acceptable impact on the visual amenity of the locality and will be in keeping with the street scene of Staines Road West. The separation from properties on Heathcroft Avenue allows the difference in context and street frontages to integrate sufficiently.

7.30 Paragraph 124 of the NPPF is of particular relevance to this site, it relates to optimising the site, noting that policies and decision should: -

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

The scheme is considered to optimise the use of the site by providing a residential use in a sustainable location on an existing building in residential use which will integrate with its surroundings.

7.31 As such, it is considered that the design and layout and appearance will continue to be acceptable and will be in keeping with the character of the area and accord with Policy EN1.

#### Residential Amenity

7.32 The Council's SPD on Residential Extension and New Residential Development 2011 provides general guidance on minimum garden sizes (Table 2 and paragraph 3.30). In the case of flats, it requires 35 sq. m for the first 5 units and 10 sq. m for the next 5 each. This would equate to some 265 sq. m required for the 14 flats. The proposal provides private terrace/balcony areas for 8 of the flats providing some 201 sq. m of space. In addition, the proposal also provides a communal amenity area for occupants of the flats to the rear of the building, on the fourth floor, of some 76 sq. m. The combined areas of these amenity spaces, is some 277 sq. m. This meets the minimum requirement. Therefore, the provision of amenity space is considered acceptable and of a benefit to future occupants.

- 7.33 In regard to dwelling sizes, the SPD on the Design of Residential Extensions and New Residential Development 2011 sets out minimum floorspace standards for new dwellings. These standards relate to single storey dwellings including flats, as well as houses.
- 7.34 The Government has since published national minimum dwelling size standards in their "*Technical Housing Standards – nationally described space standard*" document dated March 2015. These largely reflect the London Housing Design Guide on which the Spelthorne standards are also based. The standards are arranged in a similar manner to those in the SPD and includes minimum sizes for studio flats. This national document must be given substantial weight in consideration of the current application in that it adds this additional category of small dwellings not included in the Council's Standards.
- 7.35 All of the proposed dwelling sizes comply with or exceed the minimum standards stipulated in the national technical housing standards and the SPD. The requirement for 1 bed flats is 39 sq. m, 2 bed flats is 61 sq. m and 3 bed flats is 74 sq. m. The smallest proposed 1 bed flats is some 47 sq. m and the 2 bed flats are at least 72 sq. m, which exceeds the minimum requirement for flats. As noted previously, 8 out of the 14 proposed flats also have a private terrace/balcony area and there is also some communal outside space for the occupiers. Therefore, it is considered the size of the proposed units is acceptable.
- 7.37 In regard to light and outlook, some of the flats are dual aspect, with windows facing in two directions. The flats each have large windows and most have direct access to their own private outside space, Given the space around the building and the height of the units, this will allow for relatively good levels of natural light to reach each apartment.
- 7.38 Therefore, it is considered that the standard of amenity for future occupants, overall to be acceptable, as it was with the previous approved scheme, in accordance with Policy EN1 and the SPD.

Impact on amenity of neighbouring residential properties

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

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

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

- 7.41 The SPD in para 3.6 acknowledges that ‘most *developments will have some impact on neighbours, the aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed.*’ It sets out minimum separation distances for development to ensure that proposals do not create unacceptable levels of loss of light, be overbearing or cause loss of privacy or outlook. These are set as a minimum for 2 storey development of 10.5m for back to boundary distance, and 21m for back to back development. Three storey development has a back to boundary distance of 15m and back to back distance of 30m. There are no minimum separate distances for buildings taller than 3 storeys.
- 7.42 To the north, the application site adjoins the rear gardens of dwellings located on Heathcroft Avenue. This boundary between the properties is staggered with the gardens increasing in length towards the east. The short garden of No. 95 is located on the corner with Green Lane, which has a garden with a length of some approx. 16m. The adjoining dwellings to No. 95 have rear gardens of approx. 20m in length. In addition, the existing building fronting Green Lane, is set back from this boundary by approx. 14m at its shortest point and 20m at its longest. This provides an existing gap of approx. 35m between the rear of the existing 2 storey dwellings on Heathcroft Avenue and the existing building on the application site at its closest point. The proposed extensions will be located on top of the existing building, which already has residential use and windows facing towards these dwellings and their gardens. Along the Green Lane frontage, the proposed extension will have a depth of 28m on top of the existing building but will be set back from the rear building line of the existing building by 14m. As such, the separation distance between the proposed third floor on Green Lane will be 49m from the rear building line of the existing 2 storey dwellings. This will be a gap of approx. 34m to the rear boundary with No. 96 and 28m with the adjoining dwellings. In addition, there is an existing stairwell feature at the rear of the building on the Green Lane frontage that exceeds the height of the existing building on this frontage and will be a similar height to the proposed new floor. This will help to partly shield the proposed Green Lane element, although it is not as wide as the proposed extension.
- 7.43 As noted above, three storey development has a back to boundary distance of 15m and back to back distance of 30m. There are no minimum separation distances for buildings taller than 3 storeys. This proposed floor will be the fourth storey on the Green Lane frontage and will have a separation distance of 28m back to boundary (at its shortest point) and 49m back to back. As such, given the set back and distance between, as well as the design of this part of the proposal on the Green Lane element, it is considered to have an acceptable relationship and impact in regard to overshadowing and loss of light, with the properties located to the north along Heathcroft Avenue. Windows are proposed in this rear element (which will be the closest part of the proposal to the northern boundary) and given the separation distances noted above, are considered not to give rise to a significant overlooking issue to the properties behind. In addition, there will be a balcony/terrace area, which could have screening imposed by condition to ensure the perceived overlooking is mitigated as they will be closer to the boundary.



- 7.44 The proposed fourth and fifth floors are to be located on top of the existing building fronting Staines Road West, partly replacing the existing plant. The fourth floor will extend across the entire frontage with the fifth floor set in from the corner with Green Lane. This part of the proposal will be set back some 40m from the rear boundary with the properties on Heathcroft Avenue, (as is the existing building), and approx. 68m from the existing 2 storey rear building line of these properties. This distance is considered to be sufficient to ensure the proposal will not result in a significant overlooking, loss of light or overbearing impact that would justify refusal of the scheme.
- 7.45 Properties on the opposite side of Green Lane are set back from the street frontage and are located 32m from the existing building. The proposal is for one new storey on top of this on the Green Lane frontage which will be set back a further 2m. As such the proposal is considered to have an acceptable impact on the amenity of these dwellings in regard to loss of privacy, loss of light and being overbearing. The proposal is also considered to have an acceptable relationship with the adjacent property to the east at the church, which is set further forward. The proposal will be built on top of the existing building and will be partly set back from the side at the front of the building. In addition, there is a gap between the buildings and as such it is considered to have an acceptable relationship with and impact on this building.
- 7.46 In addition, the proposal will not cross the 25 degree line when drawn from a point at 2m above ground level from the rear of the properties to the north at Heathcroft Avenue or indeed to the west on the opposite side of Green Lane. As noted before the proposed development is located over 34m away from the existing dwellings on the opposite side of Green Lane and 49m from the rear of the 2 storey dwellings on Heathcroft Avenue. This will ensure an appropriate level of daylight and a significant view of the sky is maintained, as set out in the SPD. As such, the proposed development is considered to have an acceptable relationship with existing neighbouring residential properties, and will not cause a significant loss of light, be overbearing, cause loss of outlook or loss of privacy.
- 7.47 Although it is acknowledged that there will be noise and disruption associated with the construction of the proposed development, in particular for those already residing in the building, this is not a planning matter and would not justify a reason for refusal of planning permission. It is considered that the existing properties will not be detrimentally impacted by the physical form of the proposed development in planning terms, given that the extensions will be located on top of the existing building. Although there may be a reduction in some sunlight and views of the sky from some of the windows, in some of the units close to the corner, this is not considered to be significant and as such would not result in a significant loss of light, overbearing or overlooking impact to the existing residents.
- 7.48 The proposal is considered to have an acceptable relationship and therefore an acceptable impact on the amenity of existing neighbouring residential properties, and those existing residents of the subject building conforming to the Design SPD and Policy EN1, as with the previously approved application.

### Parking and Highway Issues

- 7.49 Strategic Policy SP7 of the CS & P DPD states that the Council will reduce the impact of development in contributing to climate change by ensuring development is located in a way that reduced the need to travel and encourages alternatives to car use. It will also support initiatives, including travel plans, to encourage non-car-based travel. Policy CC2 of the CS & P DPD states that the Council will seek to secure more sustainable travel patterns by only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account: (i) number and nature of additional traffic movements, including servicing needs; (ii) capacity of the local transport network; (iii) cumulative impact including other proposed development; (iv) access and egress to the public highway.
- 7.50 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.
- 7.51 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's then recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum standards (maximum parking standards continue to be applicable in relation to commercial development).
- 7.52 The proposal is for 14 no dwellings (1 no. 3 bed, 7 no 2 bed and 6 no. 1 bed). The Council's Parking Standards SPG states that one bedroom units should be provided with a minimum of 1.25 car parking spaces per dwelling, two bedroom units, 1.5 for 2 bed units and 2 per three bed units. On this basis the development would be required to provide 20 spaces for the proposed residential units. The site already contains 59 flats and currently has 64 car parking spaces. The proposal does not include any further parking spaces with this proposed development. As such the proposal will result in 73 residential units in total and 64 car parking spaces. There is an issue with flooding in the existing carpark which results in some of the spaces being unusable. The applicant notes that there is a drainage pump which needs to be switched on in order to drain the water in the car park, and the building owner will ensure a management company is appointed to do this.
- 7.53 However, the lack of parking for the proposed development is not considered to be a reason to refuse the scheme, in particular given the location of the site. The site is located within walking distance of local facilities including Sunbury Cross shopping centre, Sunbury train station and bus stops, therefore in a relatively sustainable location. Consequently, it is considered that the level of parking is acceptable.
- 7.54 The County Highway Authority (CHA) has raised no objection to the proposed level of car parking on the site. It notes the history of the site, specifically the previous application assessed by the CHA, i.e. planning reference no: 21/01742/FUL. The CHA notes the similarity of this to the current application which proposes the same land use, whilst associated trip rates and vehicle

sizes are unlikely to be different so, as such, there will be no significant changes in terms of highway arrangements. The CHA notes that it is aware of the concerns raised by residents in relation to parking overspill and the intensification of the site in terms of trips. It states that, '*...If a site is in a sustainable location, and we would deem this site fits that description, then SCC policy is to consider whether alternative modes of transport mean that future occupiers are by necessity going to be car owners. In this case there are walking, cycling and public transport opportunities nearby, so we wouldn't consider on-site parking to be a requirement for future occupiers.*'

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

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

7.57 The proposal also provides cycle parking for the new units as well as the existing ones. Taking into account the site's sustainable location, and the comments from the County Highway, it is considered that the parking provision continues to be acceptable in this instance and location, according with Policies CC2 and CC3, subject to conditions to ensure the proposed parking layout and cycle parking provision is implemented including line markings which are currently not present on site.

#### Flooding

7.56 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by not permitting residential development or other 'more vulnerable' uses [e.g. residential] within Zone 3a where flood risks cannot be overcome.

- 7.57 The site is located within the urban area in an area liable to flood 1 in 1000 year event (Flood Zone 2). This is not in the higher risk flood zones and is therefore acceptable location for new dwellings. SCC as the Lead Local Flood Authority has been consulted in relation to drainage and raises no objection recommending conditions for SuDS to ensure adequate drainage of the site. Therefore, the proposal is considered to be acceptable on flooding grounds and accords with Policy LO1 and the NPPF on flooding.

#### Renewable Energy

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

#### Air quality

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

#### Contaminated land

- 7.61 The applicant has submitted a contaminated land assessment. With the previous application, the Environmental Health Officer (EHO) recommended conditions in accordance with para. 183 of the NPPF and Council Policy EN15. The EHO has been consulted once again and notes that there are no proposed groundworks for this development. The submitted phase 1 desk study concludes that a site investigation is not required. Therefore, the proposal accords with Policy EN15 and is acceptable.

#### Refuse storage

- 7.62 The proposed plans show the provision of bins for all of the existing residential flats as well as the proposed ones. 73 units would require 17,520

litres of bin space and 17,560 litres has been provided (16 x 1100 litres) In addition a waste management strategy has been submitted in order to ensure that the waste on site is managed better, to help improve the current situation on site and to aid the collection process, as with the previously approved scheme. The Councils Neighbourhood Services Department has been consulted and welcome this. As such, the refuse provision is considered to be acceptable.

### Other matters

- 7.63 In regard to biodiversity the proposal is for a roof top extension to an existing building. The proposal does provide some areas of 'Green roofs' and in addition some outside space for new residents, which may have capacity for some form of vegetation, although limited, will be an improvement to the existing. The proposal is considered to be acceptable in regard to Policy EN8 and the NPPF which seeks to support opportunities to improve biodiversity in and around developments.
- 7.64 When the previous planning permission was granted, a condition was imposed to prevent hours of construction on Saturdays. This matter has been reconsidered in the light of the current application and it is considered that it is not necessary to impose this condition as it does not meet the guidance on the Use of Conditions in Planning Permissions'. The matter falls to be considered by Environmental Health and an informative has been added (no. 6) which states 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.'
- 7.65 The Health and Safety Executive (HSE) is a statutory consultee for fire safety matters for planning applications for tall buildings, which are referred to as 'relevant buildings'. For a proposal to be a relevant building requiring consultation with the HSE, (referred to as Planning Gateway One) it must contain 2 or more dwellings and met the height condition of 18m or more in height or 7 or more stories. This is measured from the upper floor surface of the top floor to the ground level and excludes roof top plant. As such the proposal does not fall under the remit of Planning Gateway One because it is lower than the specified height. Fire safety, however, will be considered as part of the Building Regulation Control. Only the design and visual nature of the proposed materials are a planning consideration and were considered acceptable previously.
- Equalities Act 2010
- 7.66 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to:

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

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

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

7.68 There is a lift provided for the new flats as well as the existing. No new parking spaces will be provided and there is no requirement to provide disabled parking spaces for this scheme and none were included in the previously approved scheme. The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. This can include but is not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. It is considered that it would be possible for individuals with disabilities to access the development and the proposal is acceptable in regard to the equalities act.

#### Human Rights Act 1998

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

7.70 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.

7.71 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.

7.72 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

- 7.73 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development and will generate a CIL Payment of approx. £176,000 in total. This is a material consideration in the determination of this planning application. The proposal will also generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

#### Conclusion

- 7.74 The proposal is for an extension on top of an existing building already in residential use, in a predominantly residential area. The proposed flats were granted planning permission just over two years ago and as there has been no material changes in planning circumstances since this time, this is a material planning consideration which carries very substantial weight in the decision making of this planning application. The proposed flats are considered to be acceptable in regard to design and appearance. The proposal will have an acceptable impact on the amenity of existing neighbouring residential properties and those in the existing building, providing a good standard of amenity for future occupants. The proposal will be acceptable on parking, highway grounds and flooding. Drainage and renewables are also acceptable.
- 7.75 The proposal will be an efficient use of brownfield land and involves building on top of an existing building already containing residential flats, which is the focus of Government Policy. The site is in a sustainable location, a residential area, providing much needed housing, contributing to housing delivery in the Borough. As noted previously the "tilted balance" approach as set out in paragraph 11 of the NPPF (2023) requires that planning permission should be granted unless "any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole" There is a presumption in favour of sustainable development, and the benefits of the scheme in this existing residential location clearly outweighs any harm, as such the NPPF requires permission to be. Therefore, the application is recommended for approval.

## 8. Recommendation

### 8.1 APPROVE subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:  
278\_2\_001, 101B, 102B, 103, 104, 105, 106, 200A, 201, received on 9 February 2024 and additional plans 100, 107, 108, 109, 110, 111, 112, 203 and 202 received on 29 February 2024.

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

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

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

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

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

5. Prior to the first occupation of the development hereby approved facilities within the curtilage of the site for the storage of refuse and recycling materials have been provided in accordance with the



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

Reason: - 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.

6. Prior to the occupation of the development, the drainage system shall be installed in accordance with the Sustainable Drainage System Strategy by STM Environmental dated February 2024. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

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

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

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

- 8 The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the proposed flats have been provided in accordance with the approved plans. Thereafter the said approved facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.

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

9. Before the development is first occupied:
  - (a) Details shall be submitted for the approval of the Local Planning Authority of on-site mitigation measures (to include mechanical whole dwelling ventilation to all properties) with the air intakes located at high level away from the direction of adjacent sources of air pollution and with consideration of the prevailing wind direction from such sources, to protect the occupiers of the development from poor air quality. The mechanical ventilation system must incorporate adequate filtration/treatment to be effective against the ingress of roadside air pollutants to the dwellings. The development shall not be first occupied until

those mitigation measures have been provided and are operational.

- (b) Details shall be submitted for the approval of the Local Planning Authority of the location of the air intakes and the complete specification and maintenance regime for the equipment, which must be established and in place before the development is first occupied. The equipment shall thereafter be retained and maintained in accordance with the approved details.

Reason: -. In the interest of the amenity of future occupants and air quality.

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

Reason:- In the interest of parking amenity and highway safety

#### Informatives

1. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-4-Cranes-2016.pdf>).
2. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
3. The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
4. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
5. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the

development itself or the associated highway works) on the highway. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see Alterations to existing roads under S278 Highways Act 1980 - Surrey County Council ([surreycc.gov.uk](http://www.surreycc.gov.uk)) and <http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-managementpermit-scheme>.

6. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
  - b) 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;
  - c) 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;
  - d) Deliveries should only be received within the hours detailed in (a) above;
  - e) 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;
  - f) There should be no burning on site;
  - g) Only minimal security lighting should be used outside the hours stated above; and
  - h) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

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

7. The applicant is advised that the essential requirements for an acceptable communication plan forming part of a Method of Construction Statement are viewed as:
  - a. how those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme;

- b. how neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them;
  - c. the arrangements that will be in place to ensure a reasonable telephone response during working hours;
  - d. the name and contact details of the site manager who will be able to deal with complaints; and
  - e. how those who are interested in or affected will be routinely advised regarding the progress of the work. Registration and operation of the site to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements.
8. A Refurbishment and Demolition asbestos survey is required to determine if asbestos containing materials are present. If removal of asbestos containing materials is required appropriate removal (without significant damage), handling and disposal by competent persons is required. The Health & Safety Executive (HSE) have produced a guide to safe removal of asbestos containing materials, which outlines good practice, how to prepare and what equipment is needed, how to remove it and how to deal with the waste once removed. There is also information on the HSE website about how to comply with the regulations, including a more generic guide to working safely with asbestos - <http://www.hse.gov.uk/asbestos/protect.htm>
9. The applicant should be mindful to follow best practice when selecting gas-fired boilers. A minimum standard of less than 40mgNOx/kWh should be met. All gas fired CHP plant should meet a minimum emissions standard of 250mgNOx/kWh for spark ignition engine.
10. The applicant should be mindful to follow best practice dust control measures during demolition, earthworks, and construction to prevent excessive dust emissions.
11. The applicant is advised to provide signage in the parking bay to inform drivers to switch off their engines when stationary. This is to help prevent idling engines contributing to poor air quality
12. The applicant is requested to submit a Travel Plan incorporate, (following the Surrey County Council 'Travel Plan Good Practice Guide') to the Local Planning Authority and regularly updated as necessary, in association with the development hereby approved
13. The applicant is advised to provide full user packs of the mechanical ventilation system to the occupants of the flats, including its full purpose (including local air quality) and how to use it
14. The applicant is requested to incorporate, Electric vehicle charging points where possible, into the development hereby approved:
15. The applicant's attention is drawn to the ACPO/Home Office Secured by Design (SBD) award scheme, details of which can be viewed at [www.securedbydesign.com](http://www.securedbydesign.com).

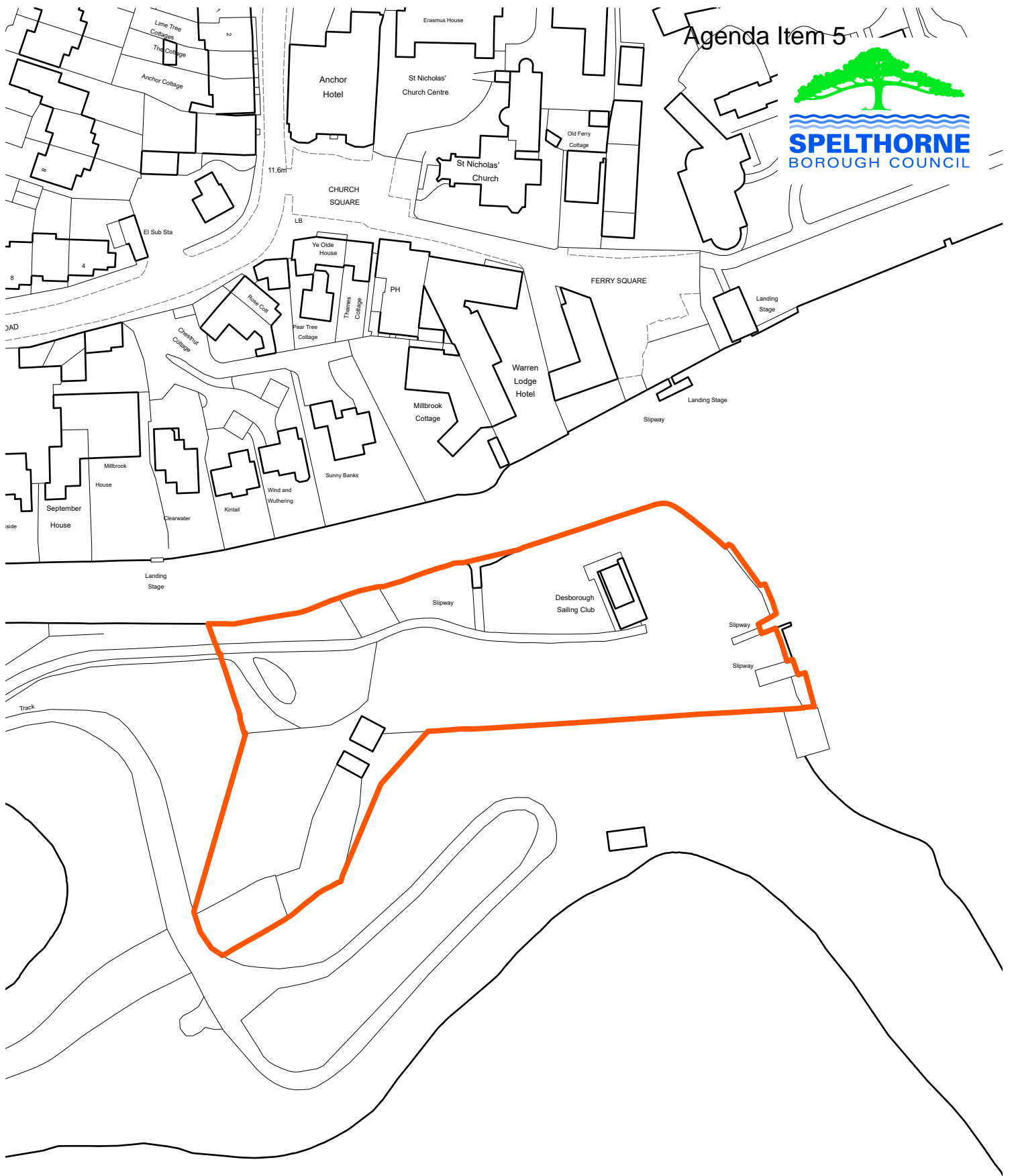
16. Please note that this application is subject to the payment of Community Infrastructure Levy (CIL). Full details of the charge, how it has been calculated and what happens next are set out in the CIL Liability Notice which will be sent separately.

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

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

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

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24/00119/FUL - Desborough Sailing Club, Ferry Lane, Shepperton  
Scale: 1:1,250

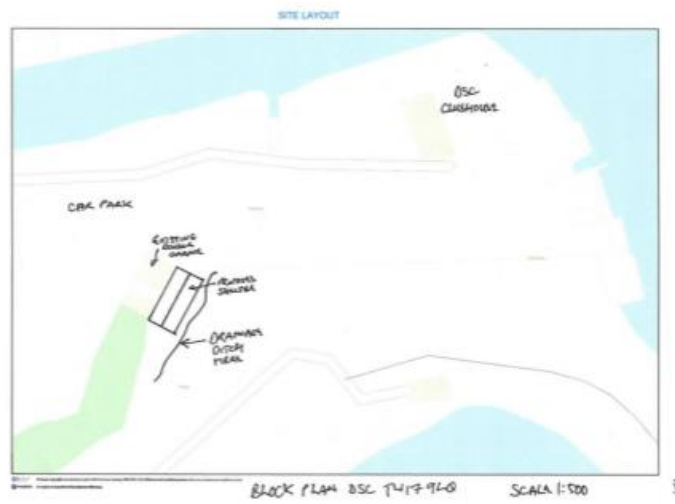
© Crown copyright and database rights 2024 Ordnance Survey AC0000812047.



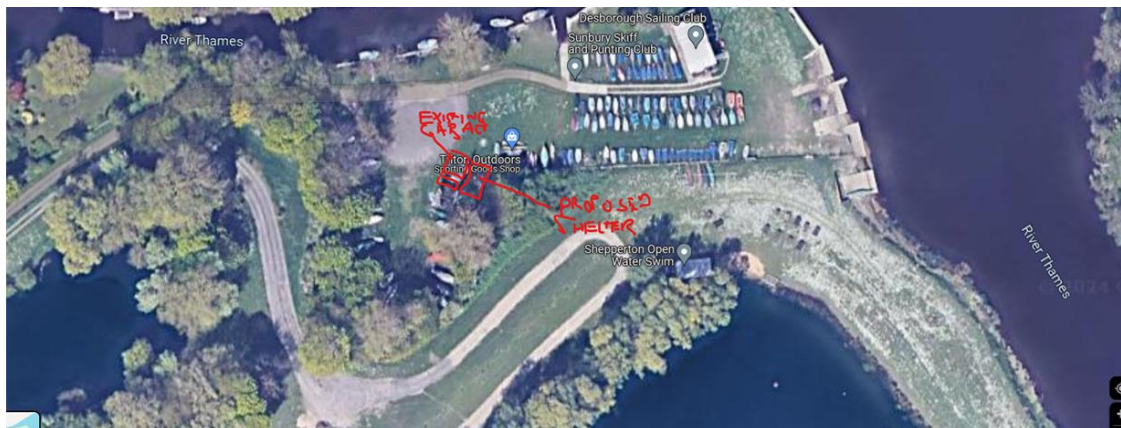
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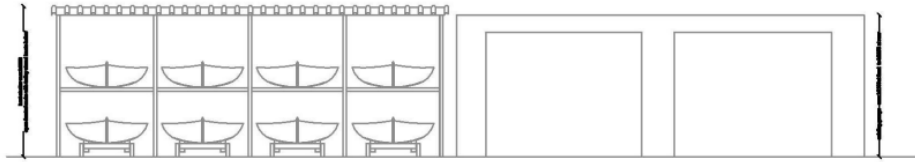
## SITE LAYOUT



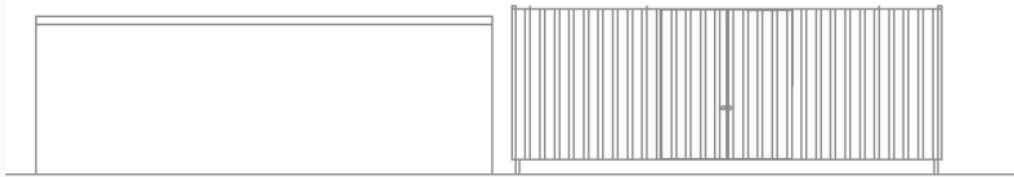
## AERIAL VIEW OF SITE LOCATION



FRONT AND REAR ELEVATIONS with existing structures to side



A



B

# Planning Committee

08 May 2024



<b>Application No.</b>	24/00119/FUL
<b>Site Address</b>	Desborough Sailing Club, Ferry Lane, Shepperton, TW17 9LQ
<b>Applicant</b>	Chris Morris
<b>Proposal</b>	Erection of new boat shelter with green coated corrugated sheet metal roof and sides on scaffold pole framework with a maximum height of 2.3m standing on a 6m x 12m perimeter porous cinder base, adjacent to existing work shed.
<b>Case Officer</b>	Matthew Clapham
<b>Ward</b>	Shepperton Town
<b>Called-in</b>	This application has been called in by Councillor Boughtflower for the following reasons: <ul style="list-style-type: none"> <li>• Green Belt</li> <li>• Conservation Area</li> <li>• Flooding</li> <li>• Overdevelopment of the site</li> </ul>

<b>Application Dates</b>	Valid: 30.01.2024	Expiry: 26.03.2024	Target: Extension of time agreed to 10.05.2024.
<b>Executive Summary</b>	<p>This application seeks to erect a new boat shelter on a base measuring 6m wide and 12m deep with a maximum height of 2.3m comprising a scaffold pole frame with corrugated metal roof and sides standing on an existing porous cinder base. The shelter is to be located alongside two existing garage / storage structures on the site.</p> <p>The site is located within the existing grounds of the Desborough Sailing Club with vehicular access from Ferry Lane.</p> <p>A previous proposal for a larger boat shelter (22/01329/FUL) was refused for two reasons – Green Belt and Ecology / Biodiversity. This revised proposal for a smaller boat shelter and without a concrete base is considered to have overcome those previous reasons.</p> <p>The proposal is for boat storage in an existing sailing facility and as such, it is considered to represent appropriate development within the Green Belt as the development is for the provision of appropriate facilities for outdoor sport and recreation. The reduction in the height of the boat shelter has overcome concerns regarding the impact upon the openness of the Green Belt.</p> <p>The proposed shelter is not considered to give rise to any significant</p>		

	<p>flooding concerns and would not have any adverse impact upon the character and appearance of the adjacent Shepperton Conservation Area, nor the residential amenity of adjoining properties.</p> <p>The scale, location and materials to be used would not result in any significant concerns regarding biodiversity or ecology as the removal of the concrete base and the utilisation of the existing surface without the loss of any grassland has overcome ecological concerns. The proposal will not the adjoining trees subject to a Preservation Order.</p> <p>The proposal is therefore considered to be acceptable.</p>
<b>Recommended Decision</b>	Approve the application subject to conditions, as set out at paragraph 8 of this report.

## MAIN REPORT

### 1. Development Plan

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

- SP1 (Location of Development)
- SP5 (Meeting Community Needs)
- SP6 (Maintaining and Improving the Environment)
- LO1 (Flooding)
- EN1 (Design of New Development)
- SP7 (Climate Change and Transport)
- CC3 (Parking Provision)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- CO1 (Providing Community Facilities)
- EN6 (Conservation Areas, Historic Landscapes, Parks and Gardens)
- EN7 (Tree Protection)
- EN9 (River Thames and its Tributaries)
- EN10 (Recreational Use of the River Thames)

1.2 Also relevant is the following 'Saved' Local Plan Policy:

- GB1 (Green Belt)

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
- PS3: Heritage, Conservation and Landscape
- SP2: Ashford, Shepperton and Sunbury Cross
- SP4: Green Belt
- SP6: River Thames and its Tributaries
- E1: Green and Blue Infrastructure
- E2: Biodiversity
- E3: Managing Flood Risk
- EC4: Leisure and Culture

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
22/01329/FUL	Erection of new canvas over metal frame Boat Shelter, on a new 6m x 12m perimeter reinforced concrete slab, adjacent to existing work shed.	Refused 31.01.2023
19/01549/FUL	Erection of replacement storage building following removal of existing storage shed.	Grant Conditional 04.03.2020
13/00092/FUL	Internal and external alterations and extensions to include replacement of existing stairway to improve accessibility, provision of platform lift to allow wheelchair access to first floor clubhouse, additional storage and lobby access and creation of a disabled toilet	Grant Conditional 15.04.2013

08/00844/FUL	Erection of a boat equipment store, & relocation of existing shed.	Grant Conditional 22.01.2009
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### 3. Description of Current Proposal

#### The application site and surrounding area

- 3.1 The application site forms part of a sailing club adjoining the River Thames in Shepperton. The site is located to the north of the Ferris Meadow site with access gained via Ferry Lane. The site is largely open and grassed with a number of trees on the site, the majority of which are subject to a Tree Preservation Order. There are some existing storage buildings / structures on the site together with the large clubhouse building for the Desborough Sailing Club.
- 3.2 There is a parking area close to the site of the storage structures. A number of sailing boats are stored out of water around the Clubhouse and its surroundings.
- 3.3 The site is located within the functional flood plain (Zone 3b Flood Risk Area), the Green Belt and a site of Nature Conservation Importance. The site also adjoins the Shepperton Conservation Area and a Listed Building.

#### Proposal

- 3.4 This planning application seeks permission for the erection of a new boat shelter with green coated corrugated sheet metal roof and sides on scaffold pole framework with a maximum height of 2.3m standing on a 6m x 12m perimeter porous cinder base, adjacent to existing work shed.
- 3.5 The storage shelter would be used to store wooden 'Skiff' boats used by the Sunbury Skiff and Punting Club, the only such club within Spelthorne Borough. The wooden skiffs are currently stored covered individually on the ground and are subject to inclement weather all year around. The proposed boat shelter would provide a weatherproof cover for the wooden boats when not in use.
- 3.6 The shelter would comprise a scaffold pole frame with corrugated metal roof and sides standing on an existing porous cinder base. The metal would be coloured green. The base is 6m by 12m while the structure itself would be 5.6m wide, 11m deep with a maximum height of 2.3m. The plans show that 8 skiffs could be stored within the storage structure.
- 3.7 A previous application (22/01329/FUL) for the erection of a new canvas over metal frame boat shelter, on a new 6m x 12m perimeter reinforced concrete slab, adjacent to existing work shed was refused for the following reasons:
  - A) The proposed structure, due to its size and design is considered to result in a detrimental and harmful impact upon the openness of the Green Belt, contrary to guidance contained within the National Planning Policy Framework (2021) and 'Saved' Policy GB1 of the Spelthorne Borough Local Plan 2001.

B) Insufficient evidence has been submitted to make an assessment of the potential impacts of the development upon the Ferris Meadow SNCI and wider ecological matters and as such is contrary to guidance contained in Chapter 15 of the National Planning Policy Framework (2021) and Policy EN8 of the Spelthorne Borough Core Strategy and Policies Development Plan Document (2009).

3.8 The proposal under consideration has been reduced in height from 3.7m to 2.3m which is commensurate with the height of the adjoining garages / storage buildings already existing on the site. The proposal is also to erect the shelter on an existing area of made ground comprising a porous cinder base rather than laying down a concrete base.

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

#### 4. Consultations

The following table shows those bodies consulted and their response.

<b>Consultee</b>	<b>Comment</b>
<b>Environment Agency</b>	No response to date - holding reply sent.
<b>SBC – Biodiversity Officer</b>	No objections.
<b>Environment Health - Contamination</b>	Recommend informatives.
<b>Council’s Tree Officer</b>	No objections.
<b>Surrey Wildlife Trust</b>	No response to date.
<b>Elmbridge Borough Council</b>	No response to date.
<b>Surrey CC Policy / Waste / Minerals</b>	No objections.

#### 5. Public Consultation

5.1 A total of 9 properties were notified of the planning application.

5.2 The Council has received 13 letters of objection to the application from 12 separate addresses including one from the Shepperton Residents Association.

5.3 Reasons for objecting include:

- Green Belt
- Conservation Area
- Already a number of buildings on the site
- Unattractive / impacts on character of area
- Flooding / Concrete base



- Biodiversity / Ecology / Environmentally unfriendly
- Part of River Thames Scheme
- The Landowner has served Notice on the sailing club to vacate the site.
- Future use of structure
- Loss of local community asset

## 6. Planning Issues

- Green Belt.
- Character and Appearance and Impact upon the Shepperton Conservation Area.
- Residential Amenity.
- Flooding.
- Biodiversity and Ecology.

## 7. Planning Considerations

### Green Belt

- 7.1 At Section 13, the NPPF sets out the Government's Policy on protecting Green Belt land. It states that "*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence*".
- 7.2 At paragraph 143, the NPPF sets of the five purposes of the Green Belt. These are:
- To check the unrestricted sprawl of large built-up areas;*  
*To prevent neighbouring towns from merging into one another;*  
*To assist in safeguarding the countryside from encroachment;*  
*To preserve the setting and special character of historic towns; and*  
*To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- 7.3 The Council's Local Plan Policy GB1 was saved from the 2001 Local Plan and pre-dates the NPPF. However, the policy is broadly consistent with the NPPF and is afforded significant weight. Saved Policy GB1 does allow for development in the Green Belt where the use comprises those appropriate to the Green Belt and comprises, amongst others, 'essential facilities for outdoor sport and recreation...which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.'
- 7.4 The NPPF which postdates the saved local plan, states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. However, this proposal would constitute one of the 'exceptions' to inappropriate development listed in

paragraphs 154 and 155 of the NPPF, which includes ‘the provision of appropriate facilities (in connection with the existing use of land) for outdoor sport, outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.’

- 7.5 The proposed shelter has been reduced in height compared to the refused scheme under 22/01329/FUL from 3.7m to only 2.3m in height. Furthermore, the originally proposed concrete base has already been replaced by a porous cinder base which is existing on the site. This reduction in height has significantly reduced size of the structure and any harm that impact upon the openness of the Green Belt. The proposal, for a small boat shelter on a site that has an existing outdoor recreational use would also not conflict with any of the purposes of the Green Belt.
- 7.6 Therefore, as the proposal is appropriate development within the Green Belt. and would not result in any harm to the Green Belt, the proposal is considered to comply with ‘Saved’ Policy GB1 of the Spelthorne Borough Local Plan (2001) and the NPPF (2023), and is considered acceptable.

#### Design & Appearance

- 7.7 The proposed structure comprises a scaffold pole frame with corrugated sheet metal roof and sides to enclose the structure and provide a weatherproof shelter for the wooden skiff and punting boats that are currently stored on the ground around the site and while covered with canvas covers are nevertheless open to the elements. While functional in design terms, it is to be located adjoining two existing functional garage/storage sheds. The site itself has various other structures on the site and the proposal would to an extent tidy up the site by providing a designated storage area rather than the boats being scattered around the site.
- 7.8 The proposed shelter is located some distance away from the adjoining residential properties on the other side of the Tributary in Church Square, Shepperton. The site adjoins, but is not located within the Shepperton Conservation Area and the nearest listed building is located over 60m away to the northeast of the proposed shelter, being the Warren Lodge Hotel. Therefore, the proposal is considered to ensure the preservation and enhancement of the conservation area and would not result in any adverse impacts upon the general character and appearance of the local area and complies with the requirements of Policies EN1 (a), EN5 and EN6 of the CS&P DPD.

#### Residential Amenity

- 7.9 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.”*

- 7.10 The proposed shelter is located over 40m away from the adjoining residential properties on the other side of the Tributary, minimising any overbearing effect

or impacts upon light. The site is used for outdoor leisure and recreation with regular sailing sessions on the river. Some boat maintenance is already likely to take place on the site, whether internally or externally. The existing site of the sailing club is largely open and users may walk around the site and sail on the river freely as may an individual utilising the River Thames for recreational purposes. The Skiff and Punting Club share the facilities with the Desborough Sailing Club, although the size of the club is relatively small and the use and storage facility is not considered to give rise to any excessive intensification of the use of the site or the River. Therefore, no significant loss of privacy, overbearing or noise and disturbance is considered to arise, conforming to Policies EN1 and EN11 of the CS&P DPD.

### Flooding

- 7.11 Policy LO1 of the CS&P DPD seeks to reduce flood risk and its adverse effects on people and property in Spelthorne.
- 7.12 At the time of writing this report the Environment Agency has not made a response to the consultation, confirming that 'Unfortunately, due to resourcing issues, we are currently behind with reviewing consultations'. However, in considering the previous application (22/01329/FUL) which was larger in size and had a concrete base, the Environment Agency did not object to the proposal, referring the matter back to the Local Planning Authority for consideration.
- 7.13 The site is located within the 5% probability functional flood plain area. However, the structure is classified as a minor commercial structure, below 250sqm and as such of relatively low risk. No objections were raised with the previous proposal and in this case, the concrete base has been removed to be replaced by the existing porous base which represents an improvement. The principal flood risk is considered to be impacts upon the flow of flood waters and as a structure storing boats, it is a floodable structure where floodwater may flow through it without significant disturbance. It is connected with the sailing club which is a water compatible use. There are other structures on the site all of which are also floodable structures or raised above flood levels. Therefore, it is not considered that there are harmful impacts in terms of flooding.

### Ecology and Biodiversity

- 7.14 The site is located within a site of Nature Conservation Importance (SNCI) and in particular, the Ferris Meadows Site of Nature Conservation Importance. Policy EN8 of the Spelthorne Borough Core Strategy and Policies Development Plan Document (2009) states 'The Council will seek to protect and improve the landscape and biodiversity of the Borough by: d) refusing permission where development would have a significant harmful impact on the landscape or features of nature conservation value'.
- 7.15 The Surrey Wildlife Trust (SWT) was consulted on this application and at the time of writing this report, no response has been received. However, it is noted that ecology matters were one of the reasons for refusal for the previous scheme (22/01329/FUL). In the response from Surrey Wildlife Trust in relation to that proposal the SWT noted that the proposed location is on

grassland habitat and that the use of a concrete base for the proposal would result in a permanent impact to an area of grassland. The SWT also recommended a condition requiring a Construction Environmental Management Plan due to the construction works required with the use of a concrete base.

- 7.16 The proposal has been amended to not include a concrete base and the proposed storage structure will not involve any significant groundworks with the structure being sited on an existing porous base. The location of the structure is clearly shown to be on this porous base adjoining existing garage structures. Therefore, it is not considered that there would be any loss of grassland habitat as suggested in the previous response and this revised proposal overcome a number of the concerns raised by the SWT. Moreover, it should be noted that the Council's Biodiversity Officer has raised no objection to the proposal.
- 7.17 In addition, the construction methods for this proposal are simple, fixing scaffold poles to the ground on an existing porous base and adding corrugated metal sheeting to the roof and sides. This would limit any potential concerns regarding construction and any potential contamination issues as the structure is effectively enclosed scaffold structure with limited ground disturbance.
- 7.18 Therefore, in view of this construction method and the utilisation of an existing established base for the structure, this is considered to have overcome the concerns of the Surrey Wildlife Trust and the proposal is considered acceptable with regard to ecology and biodiversity matters.

#### Other Matters

- 7.19 The Council's Tree Officer has not raised any concerns or objections to the proposal regarding any impacts upon the adjoining trees. There would be no highway or parking concerns. The site of the proposed shelter is on the periphery of the area designated for the River Thames Scheme. The future use of the structure would be limited to ancillary storage in relation to the lawful use of the site. Any significant change of use would require planning permission. Whether the landowner has served notice or otherwise is not a material planning consideration. Under the planning legislation, ownership Certificate B has been submitted and the required notice has been served on the landowner and no representations have been received from the said landowner.

#### Equalities Act 2010

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

The elimination of discrimination, harassment and victimisation; The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it; The fostering of good relations between persons who share a relevant protected

characteristic and person who do not share it; which applies to people from the protected equality groups.

#### Human Rights Act 1998

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

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

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

In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the 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

- 7.22 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.

The proposal will not generate Business Rate payments which are not material considerations in the determination of this proposal.

#### Conclusion

- 7.23 The proposed boat shelter is considered to have overcome the previous reasons for refusal and as appropriate development, is considered acceptable in regard to the Green Belt and would not impact upon the openness of the Green Belt. The shelter is not considered to give rise to any significant flooding concerns and would not have any adverse impact upon the character and appearance of the adjacent Shepperton Conservation Area, nor the residential amenity of adjoining properties. The scale, location and materials

to be used would not result in any significant concerns regarding biodiversity or ecology nor harm the adjoining trees subject to a Tree Preservation Order. Accordingly, the application is recommended for approval.

## **8. Recommendation**

### **8.1 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: Site Location Plan; Block Plan and Project Name: DSC – revised skiff shelter 10-1-24 ground plan; front and rear elevations and side elevations Received on 30.01.2024

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

3. The boat shelter hereby permitted shall be coloured green and the foundation base shall only comprise porous cinder base as existing and no concrete shall be laid as part of the proposed structure.

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. There shall be no raising of existing ground levels on the site within the area liable to flood, other than in accordance with the approved details.

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction in flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009..

5. All spoil and building materials stored on site before and during construction shall be removed from the area of land liable to flood upon completion.

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

### Informatives

1. 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.

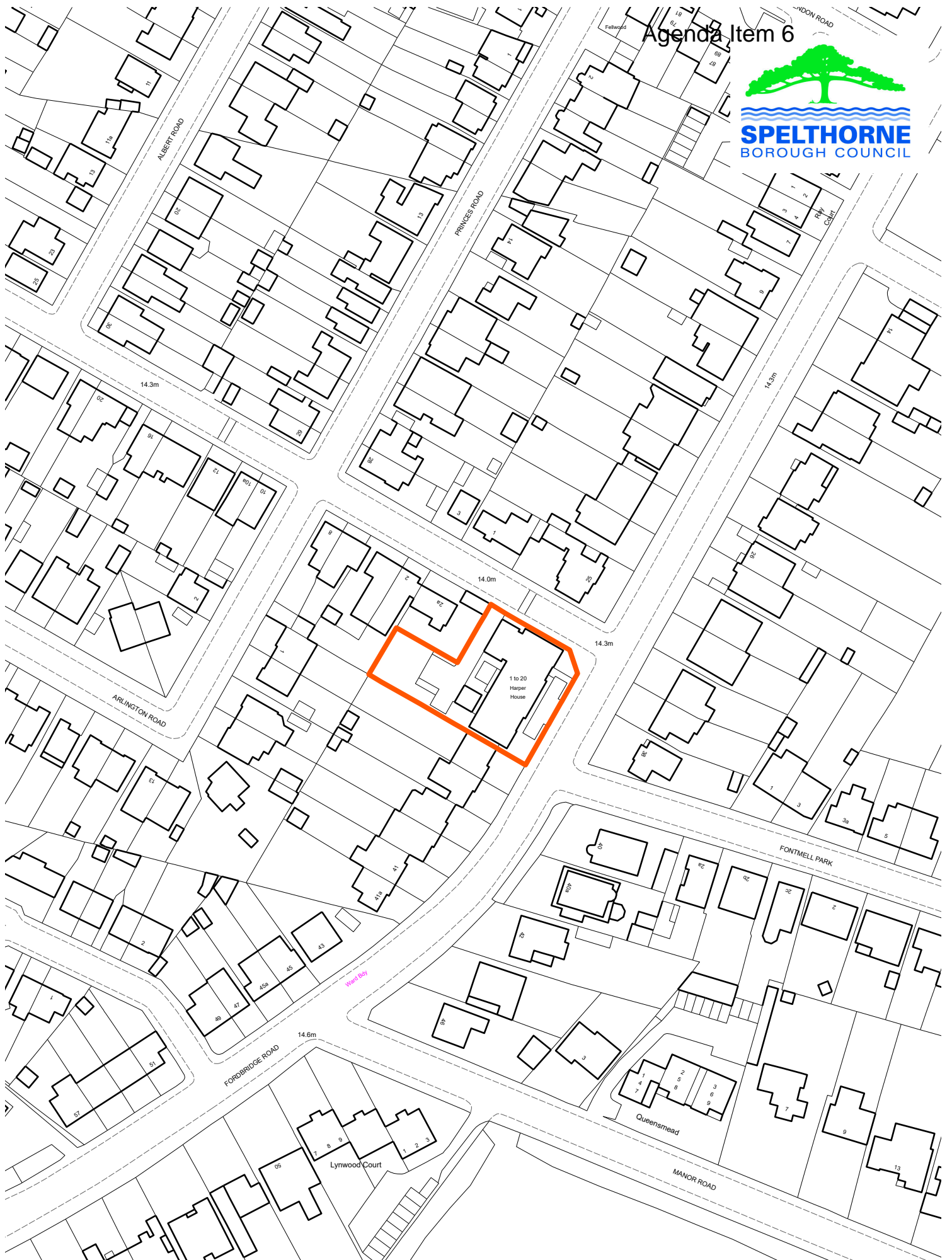
The applicant is advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences..

2. 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.

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24/00178/FUL - Harper House, 29-31 Fordbridge Road, Ashford.  
Scale: 1:1,250

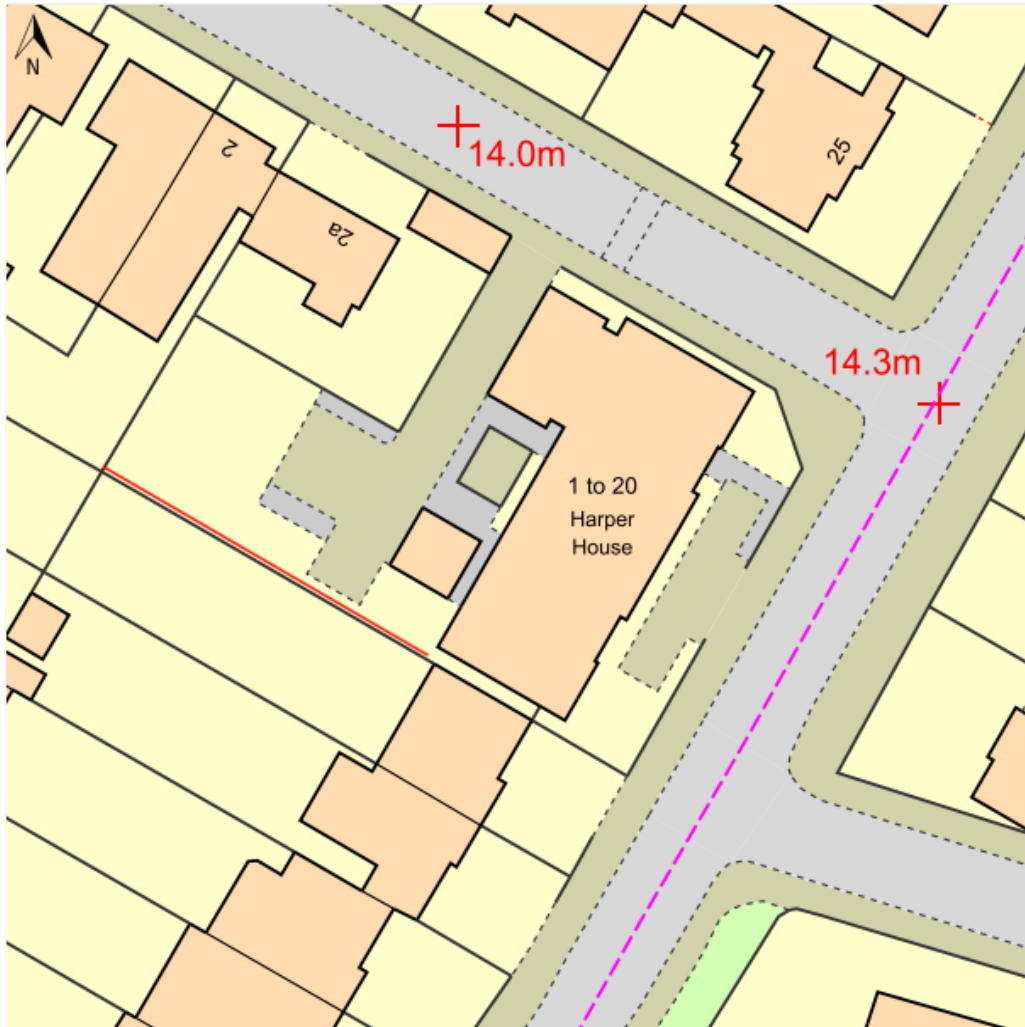
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# Location of fence

29-31, FORDBRIDGE ROAD, ASHFORD, SURREY, TW15 2TB



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0100031673 Created using Plans by Emapsite

Line of the fence with trellis

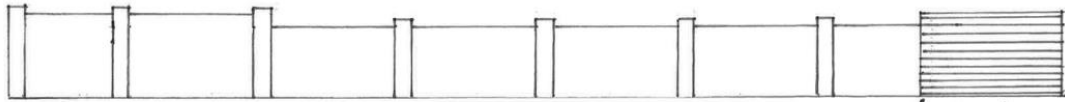
Scale: 1:500

Paper Size: A4

# Existing and proposed fence elevation

## EXISTING

BLOCKWORK WALL - HEIGHT 1.75M - 2.10M.



Existing timber fence section to be removed.

## PROPOSED

TIMBER FENCE COMPRISING - GRAVEL BOARD

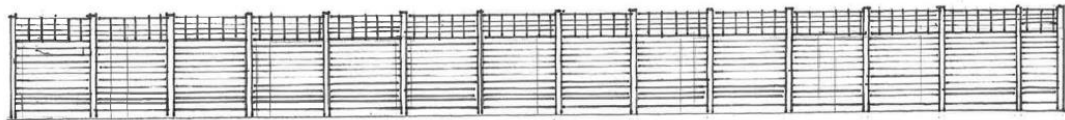
VENETIAN HIT-MISS FENCE PANELS 140MM

SQUARE TRELLIS PANELS 1816MM

TOTAL HEIGHT 560MM

2514MM

To be installed in front of existing wall.



HARPER HOUSE - PROPOSED NEW FENCE - ELEVATION  
SCALE 1:100 @ A4  
FEBRUARY 2024 - JH.

# Planning Committee

8<sup>th</sup> May 2024



<b>Application No.</b>	24/00178/FUL
<b>Site Address</b>	Harper House, 29-31 Fordbridge Road, Ashford
<b>Applicant</b>	Spelthorne Borough Council
<b>Proposal</b>	Erection of a fence with a trellis along the boundary wall with the neighbouring property (33 Fordbridge Road).  As shown on location plan received 15.03.2024, block plan received 11.03.2024 and existing and proposed elevations of fence received 01.03.2024.
<b>Case Officer</b>	Susanna Angell
<b>Ward</b>	Ashford Town
<b>Called-in</b>	This application is required to be reported to the Planning Committee for a decision as the applicant is Spelthorne Borough Council (the property is owned by the Council).

<b>Application Dates</b>	Valid: 15.03.2024	Expiry: 10.05.2024	Target: within 8 weeks
<b>Executive Summary</b>	<p>The application property is a detached building with 3 floors of accommodation. It is located on the western side of Fordbridge Road and on the corner of Chesterfield Road. The building was erected in the early 2020s following the grant of planning permission in October 2019 (19/01028/FUL). It provides 20 units of emergency temporary accommodation for homeless households. There are no relevant development constraints.</p> <p>The application is for a fence consisting of timber fencing panels with square trellis panels fitted above. It extends along the side boundary of the garden of No. 33 Fordbridge Road. The fence has already been erected and retrospective planning permission is therefore being sought. It stands a maximum height of 2.514m and is considered acceptable in appearance.</p> <p>The relationship with No.33 Fordbridge Road is also considered to be acceptable.</p>		
<b>Recommended Decision</b>	Approve the application.		

## MAIN REPORT

### 1. Development Plan

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

- Policy EN1 (Design of New Development)

1.2 The following policy of the draft Spelthorne Local Plan 2022-2037 is of relevance:

- Policy PS2 (Place shaping)

1.3 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.

1.4 As such the policies (of the emerging local plan) carry limited weight in the decision-making process of this current planning application.

### 2. Relevant Planning History

2.1 The site has the following planning history

19/01029/FUL	Demolition of existing buildings and erection of a new building with 3 floors of accommodation to provide 20 units of emergency temporary accommodation for homeless households, together with	31.10.2019
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	associated plant room, car parking, bin store, and other associated facilities.	
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### 3. Description of Current Proposal

- 3.1 The application property fronts the western side of Fordbridge Road and adjoins Chesterfield Road to the north. There are residential properties bordering the site to the side and rear.
- 3.2 The proposal is for the erection of a fence with a trellis element standing 2.514m in overall height. The fence is approximately 30m in length and extends along the northern boundary of the rear garden with No.33 Fordbridge Road.
- 3.3 The proposed fencing was erected in March 2024. The applicant states that this was in response to requests from the adjacent neighbour at 33 Fordbridge Road, to add height to the boundary wall between their property and Harper House.

### 4. Consultations

The following table shows those bodies consulted and their response.

Consultee	Comment
Environment Health (noise and odour)	No objection

### 5. Public Consultation

- 5.1 No representations received

### 6. Planning Issues

- Impact on Character.
- Impact on Residential Amenity.

### 7. Planning considerations

#### Design

- 7.1 Policy EN1 of the Core Strategy and Policies DPD states that proposals for new development 'should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
- 7.2 In terms of design, the fencing consists of 1.8m high 'hit and miss' style fencing, with square trellis panels above. It stands 2.514m in overall height and extends along the northern boundary of the rear garden of No.33 Fordbridge Road. Due to the position of Harper House it is not readily visible from Fordbridge Road. The proposal is considered acceptable in appearance in accordance with policy EN1.

### Amenity

- 7.3 In terms of impact on neighbouring amenity, Policy EN1(b) of the Core Strategy & Policies DPD (CS & P DPD) states that the Council will require proposals for new development to demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.
- 7.4 As noted above it is relevant to note that the fencing and trellis was erected in response to a request by the occupants of No.33.
- 7.5 In terms of impact on amenity, No.33 has an existing block work boundary wall, which stands between 1.78m and 2.1m in height. The proposed fencing is located adjacent to this standing 2.514m in height.
- 7.6 It is possible to construct fencing up to 2m in height adjacent to the boundary with another property (not fronting a highway) without requiring planning permission. The proposed fencing stands 2.514m in height. However, the additional 560mm of trellis is not solid and allows light through and it is considered that the proposed fencing has an acceptable relationship with No 33 avoiding significant loss of light or overbearing impact.
- 7.7 The impact on other adjoining residential properties is also considered to be acceptable.

### Equality Act 2010

- 7.8 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### Human Rights Act 1998

- 7.9 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.10 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.11 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e., peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.



7.12 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/ 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.

7.13 Conclusion

It is considered that the proposed development has an acceptable impact on the character of the area and does not have a significantly harmful impact on the amenity of neighbouring residential properties

**8. Recommendation**

To GRANT planning permission. As the proposal is retrospective there are no conditions to be imposed.

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Planning Committee

8 May 2024

**Planning Appeals Report – V1.0 ISSUED**

**Appeals Started between 21 March 2024 – 22 April 2024**

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
23/01073/FUL  <b>34 Village Way Ashford TW15 2LB</b>	25.03.2024	Written Representation	APP/Z3635/W/23/3333645 Extension of a driveway facilitating change of use from amenity land to residential parking
23/00771/FUL	27.03.2024	Written Representation	APP/Z3635/W/23/3335395

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
<b>Land Adjacent To 41 Chaplin Crescent Sunbury-on-Thames TW16 7JD</b>			Demolition of existing garage and erection of bungalow with associated parking and amenity space.
23/01094/PAP  <b>90 Staines Road East Sunbury-on-Thames TW16 5BB</b>	04.04.2024	Written Representation	APP/Z3635/W/24/3336963  Prior approval notification for two additional storeys on top of existing detached block of flats comprising 4 x 2-bedroom units following removal of existing unit in the roof space, including alterations to the parking layout and the creation of new car parking spaces.  As shown on drawing numbers: LOCATION PLAN SHEET 600; BLOCK PLAN SHEET 601; EXISTING AND PROPOSED ELEVATIONS SHEETS 120; 121; 220; 221; EXISTING SITE LAYOUT SHEET 102; SECTIONS SHEET 240 (All revision R1) received 25.08.2023  and  EXISTING AND PROPOSED FLOOR PLANS SHEETS 100; 101; 200; 201; PROPOSED SITE LAYOUT SHEET 203; ROOF PLAN SHEET 202 (All revision R1) received 05.09.2023

**Appeal Decisions Made between 21 March 2024 – 22 April 2024**

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
23/00301/T56  <b>Oaks Road Reserve Stanwell Moor Road Staines</b>	20.11.2023	Written Representation	APP/Z3635/W/23/3323671 Proposed telecommunications installation: Removal of an Existing Telecommunications Installation At: P Beach Esq, Gleneagles Close, Staines, Surrey, TW19 7PD and To Be Replaced with A +20.0m AGL Swann Column, 4No. 600? Dishes, 5 no. Unilateral Cabinets, 1 no. A/C Cabinet, 1 no. Furo Cabinet and Associated Ancillary Works.  As shown on drawing no's; 002 Issue A (Site Location Plan); 100 Issue A (Existing Site Plan); 150 Issue A (Existing Elevation A); 215 Issue A (Max Configuration Plan); 265	Appeal Dismissed	12.04.2024	The Inspector considered that as the site has a distinctive open character in what is an otherwise urban setting, the introduction of a 20 metre high mast, significantly taller than nearby properties and trees, would be an imposing structure which, given its height and proximity to dwellings and footpaths, would be an overly dominant feature that detracts from the open character of the site. Therefore, in the absence of clear and convincing evidence that there are no preferable alternative sites and notwithstanding the pressing need to secure a site for a replacement telecommunications installation in the local area, the benefits of the development are not sufficient to outweigh the harm identified.

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
			Issue A (Max Configuration Elevation A); Supplementary Information Statement - all received 09.03.2023.			
23/00325/HOU  <b>48 Elgin Avenue Ashford TW15 1QF</b>	09.02.2024	Fast Track Appeal	APP/Z3635/D/23/3333634 Retrospective planning permission for a summerhouse/shed in the side garden	Appeal Dismissed	09.04.2024	<p>The Inspector comments that the outbuilding itself is highly visible in the street scene with its eaves rising above the adjacent garden boundary fence. It has a pitched roof which accentuates its visual impact.</p> <p>Whilst the outbuilding would be incidental with gym facilities, the occupation of dwellings is ultimately transitory and the appellant's circumstances could change in the future whereas the building would remain on the site and continue to harm the character and appearance of the area in posterity.</p> <p>The Inspector concludes that by reason of its design, scale and location the summerhouse constitutes a visually obtrusive and unsympathetic form of development to the surrounding pattern of built</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						form within the locality and conflicts with Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (2009).

**Current/Future Hearings/Inquiries**

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
21/00393/ENF  <b>11 Loudwater Road Sunbury-on-Thames TW16 6DB</b>	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  <b>9 Loudwater Road Sunbury-on-Thames TW16 6DB</b>	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.



Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
22/00067/ENF  <b>4 Loudwater Road Sunbury-on-Thames TW16 6DB</b>	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  <b>2 Loudwater Road Sunbury-on-Thames TW16 6DB</b>	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.

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
<b>19/00015/ENF</b>  <b>Riverbank 1 The Creek Sunbury On Thames</b>	07.06.2023	Public Inquiry  7-8 February 2024	APP/Z3635/C/23/3320593  Appeal against serving of an Enforcement Notice. Without planning permission the unlawful development of a new dwelling house, garage, boathouse, associated terracing and planters, steps, walls, pillars and hardstanding.			The Public Inquiry overran the 2 days allocated and closing comments were presented via MS Teams on the 16 February 2024. Outstanding submissions of 'as built' plans submitted now by the Appellant to PINS as requested by the Inspector. Decision pending.
23/00507/CLD  <b>Roslin Rookery Road Staines- upon-Thames</b>	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

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
20/00257/ENF_A  <b>Stanwell Farm Bedfont Road Stanwell</b>	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 connection with a builders merchants business, including pallets and scaffolding,	Invalid	12.03.2024	The notices are a nullity, Inquiry closed
20/00257/ENF_B  <b>Stanwell Farm Bedfont Road Stanwell</b>	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.	Invalid	12.03.2024	The notices are a nullity, Inquiry closed



## 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.

<b>App no</b>	<b>Site</b>	<b>Proposal</b>	<b>Applicant</b>	<b>Case Officer(s)</b>
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.	<b>Lichfields on Behalf of Spelthorne Borough Council</b>	<b>Paul Tomson / Susanna Angell</b>
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)	<b>Ashford Corporation Ltd</b>	<b>Paul Tomson / Kelly Walker</b>

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.	<b>Shanly Homes</b>	<b>Susanna Angell</b>
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.	<b>Marlin Land Midlands Limited</b>	<b>Matthew Churchill</b>
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	<b>Sunbury BESS Ltd</b>	<b>Matthew Clapham</b>
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)	<b>Mayfair Homes Management Ltd</b>	<b>Kelly Walker</b>

24/00443/RMA	Bugle Nurseries Upper Halliford Road Shepperton TW17 8SN	Reserved matters for appearance, landscaping, layout and scale and discharge of condition 7 (Vehicular access and visibility zones) pursuant to Outline Planning Permission ref. 20/00123/OUT comprising 31 residential units, car parking, cycle storage, landscaping, open space and other associated works.	<b>Angle Property (RLP Shepperton) LLP</b>	<b>Kelly Walker</b>
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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  
 23/04/2024

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**PLANNING GLOSSARY OF TERMS AND ABBREVIATIONS**

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

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

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

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

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

Esmé Spinks 13/01/2021

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