

**Minutes of the Planning Committee
10 December 2024**

Present:

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

Councillors:

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

Apologies: Councillors J. Button and R. Chandler

In Attendance: Councillors H.R.D. Williams and S.C. Mooney

47/23 Minutes

The minutes of the meeting held on 13 November 2024 were approved as a correct record.

48/23 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

Councillor Rutherford reported that they had visited the site in relation to applications 24/00790/FUL, 24/01089/FUL and 24/01133/PAP but had maintained an impartial role, had not expressed any views and had kept an open mind. Councillor Rutherford further reported that they had attended the public consultation meetings for applications 24/00790/FUL and 24/01089/FUL but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor Gibson reported that they had visited the site in relation to application 24/01089/FUL but had maintained an impartial role, had not expressed any views and had kept an open mind.

49/23 Planning application - 24/01112/FUL Land North-East of Eco Park, Charlton Lane, Shepperton, TW17 8QA

In consultation with the Chair of the Planning Committee, consideration of this item was deferred.

50/23 Planning application - 24/00790/FUL Hitchcock and King, Station Yard, Stanwell Road, Ashford, TW15 3DT

Description:

Erection of a self-storage building (Use Class B8) with associated access, landscaping, parking and circulation space.

Additional Information:

The applicant had submitted an additional bat survey that had confirmed that tree 14 was not found to be suitable to support roosting bats.

Condition 5 should be amended to:

The trees and shrubs shall be planted on the site in accordance with the scheme hereby approved, or such longer period as may be approved by the Local Planning Authority, and that the planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season, whichever is the sooner, of any trees/shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Condition 13 should be amended to:

The development hereby approved shall not be occupied unless and until at least 20% of the available parking spaces are provided with a fast charge socket, and a further 20% of available spaces to be provided with power supply to provide additional fast charge socket with cabling for future provision (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority

Public Speaking:

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

- The proposal would redevelop a vacant commercial site

- The design conformed with policy EN1
- Would provide storage for local domestic and business customers
- The proposal complied with policy EN2
- The County Highway Authority had agreed that the proposed impact on highway safety and parking was acceptable and the application complied with policies CC2 and CC3
- The proposal would deliver a 10% uplift in biodiversity on site and complied with policies CC1 and EN8
- The proposal would deliver direct and indirect employment benefits

Debate:

During the debate the following key issues were raised:

- The Committee queried what material would be used in the final design and were advised that Condition 4 required the design and materials to be used be submitted in writing to the Local Planning Authority (LPA).
- The Committee acknowledged that there had been no objections to the proposal.
- The Committee queried whether there would be charging points for EV cars and were advised that Condition 13 required at least 20% of the parking spaces be provided with a fast charge socket.
- The Committee acknowledged the 10% uplift in biodiversity and were informed that Condition 16 required a Biodiversity Net Gain Plan to be submitted in writing to the LPA prior to work commencing.

The Committee voted on the motion as follows:

For: 12

Against: 0

Abstain: 0

Decision:

The application was **approved**.

51/23 Planning application - 24/01089/FUL 5-7 & 9 Station Approach & 21 Woodthorpe Road, Ashford, TW15 2QN

Description:

Demolition of existing office buildings, and construction of 35 new residential units together with Class E unit (Commercial, Business and Service), associated amenity and parking.

Additional Information:

There was no update

Public Speaking:

There was no public speaking

Debate:

The meeting was adjourned at 19:40

The meeting reconvened at 19:42

Councillor Howkins remained outside the Chamber

During the debate the following key issues were raised:

- The Committee asked for clarification on the independent viability assessor and were advised that the applicant had carried out a viability assessment which had indicated that it would not be possible to provide affordable housing in the scheme. The Independent Viability Assessor had assessed the proposal and agreed.

Councillor Howkins returned to the Chamber at 19:48

- The Committee queried whether a condition could be added to require more wheelchair accessible units and were advised that it would not be possible at this stage, however the emerging Local Plan would include a policy that would allow for a condition to be attached to future applications, which would require compliance with a higher level of building regulation control.
- The Committee requested clarification over the site allocation infrastructure requirements including the contribution towards affordable housing and were advised that this referred to the Pre-Submission Local Plan and carried limited weight in the decision making process.
- The Committee requested additional information on the waste management for the site and were informed that Neighbourhood Services had been consulted and had stated that waste collection would be conducted by a private company.

The Committee voted on the motion as follows:

For: 10

Against: 0

Abstain: 1

As Councillor Howkins had not been present for the entire debate she was not permitted to vote on this item.

Decision:

The application was **approved**.

52/23 Planning application - 24/01052/FUL & 24/01053/LBC Old Station, Moor Lane, Staines-upon-Thames, TW18 4BB

Description:

24/01052/FUL

External Alterations including new openings at lower ground level, access ramps and railings to create an external play area.

24/01053/LBC

Internal and External Alterations including new openings at lower ground level, access ramps and railings to create an external play area.

Additional Information:

Consultation received from the Council's Group Head Neighbourhood Services who is satisfied that there will be no impacts on the existing refuse collection arrangements for the adjoining flats.

Public Speaking:

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

- Concern over loitering
- Concern over access for residents to their parking bays
- Concern over access for emergency services
- Concern over users of the nursery intruding on to residential properties
- Concern that the play area will cause a noise disturbance
- Concern over access for waste collection
- Concern over spoiling the appearance of the Grade 2 listed building

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

- A heritage statement had been submitted
- A Lawful Development Certificate had been approved on 16 July 2024
- Local stakeholders had been engaged and a pressing need for high-quality childcare in the area

- The proposal had a heritage-sensitive design that would enhance the site's usability

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

- The proposal would alter an important grade 2 listed building in the conservation area.
- The importance of visual amenity.
- That there was insufficient parking spaces for 23 employees and 50 parents.
- The fence would make the turning circle very tight.
- Impact on the access to resident parking bays and nearby traffic junctions.
- In past years the basement had flooded.

Debate:

During the debate the following key issues were raised:

- The Committee requested clarification as to what was being considered and were advised that it was just the external alterations and the changes to the car park.
- That the proposal appeared to have been sympathetically designed.
- The Committee asked how high the fencing would be and were advised that it would be 1.2m and would be railings rather than a solid fence.
- The Committee asked whether alternative parking arrangements had been considered and were advised that the application would be operating phased drop-offs for children.
- The Committee were concerned over the turning space in the car park and were informed that there was 6m space which would allow residents to turn and exit safely.

The Committee voted on the motion as follows:

For: 10

Against: 0

Abstain: 2

Decision:

The applications were both **approved**.

53/23 Planning application - 24/01133/PAP Sunbury Leisure Centre, Nursery Road, Sunbury-on-Thames, TW16 6LG

Description:

Prior Approval Notification for the installation of a further 89 no.1kWp (kilowatt 'peak') solar photo voltaic (PVs) panels to the roof.

Additional Information:

Description of proposal should read:

'Prior Approval Notification for the Installation a further 89 KWP Solar PVs panels to the roof'.

Public Speaking:

There was none.

Debate:

During the debate the following key issues were raised:

- The Committee queried whether there would be any battery storage on site and were advised that it was not part of the proposal.
- The Committee acknowledged that the photo voltaic panels did not require direct sunlight.

The Committee voted on the motion as follows:

For: 12

Against: 0

Abstain: 0

Decision:

The application was **approved**.

54/23 Planning application - TPO297/2024 Ribera Las Palmas Estate Road, Shepperton, TW17 9HU

Description:

To seek confirmation of Tree Preservation Order 297/2024 that was served with immediate effect to protect 3 x Sycamore, 1 x Norway Spruce and 1 x Adler trees on the land of Ribera Las Palmas Estate Road, Shepperton, TW17 9HU

Additional Information:

There was none.

Public Speaking:

There was none

The Committee voted on the motion as follows:

For: 12

Against: 0

Abstain: 0

Decision:

The TPO was **confirmed**.

55/23 Motion referred from Council

In accordance with Standing Order 16.6 a motion was referred from Council.

Councillor Mooney moved and Councillor Howkins seconded the following motion: "Members will be aware that Article 4 is a direction of the General Permitted Development Order which enables a local planning authority to withdraw specified permitted development rights and bring decisions in relation to HMOs to the Planning Committee.

With increasing demand for HMOs and growing complaints from residents across the Borough, this motion is requesting that the existing Article 4 direction in place for specific wards should be extended to the whole of the Spelthorne Borough Council area."

The motion was **withdrawn** following debate and consideration of the report on Houses in Multiple Occupation (HMOs)

56/23 Houses in Multiple Occupation (HMOs)

The Committee considered a report from the Planning Development Manager on Houses in Multiple Occupation (HMOs).

The Committee were notified of the following changes to the report:

Amendment to para 8.5 as follows:

This equates to an average of 1.4 complaints/investigations

Amendment to para 8.6 as follows:

Given the very low level of complaints received not requiring planning permission (which would be covered by an Article 4 Direction) as a proportion of the number of households (as shown in Table 3), a total of 0.148% complaints per household in Ashford Town, it remains officers'

The Planning Development Manager introduced the report on the Article 4 direction made on 21 August 2024 in relation to Staines, Ashford North and

Stanwell South, and Stanwell North wards. The report set out the number of investigations that had been carried out relating to HMOs and provided details for complaints and investigations into HMOs across the whole borough. The Planning Development Manager advised that conversion of a dwelling into a HMO was permitted development for 3-6 unrelated people living together with shared facilities such as a bathroom or kitchen, whereas a HMO of 7 or more people would require planning permission. The Committee were informed that an Article 4 direction would require planning permission for all HMOs but should be based on robust evidence and are intended for use in exceptional circumstances. The Planning Development Manager cautioned that if a Article 4 direction was implemented with immediate effect it could have financial implications for the Council. The Senior Solicitor reminded the Committee that any decision of a public body could be challenged by judicial review.

The Committee queried how legislation defined a relationship in terms of HMOs and were advised that it would be residents being unrelated by blood, marriage, or cohabitation.

The Committee expressed concern over the recommendation that a further report on HMOs would be considered in 2026 and requested that this be changed to 2025.

The Committee expressed concern over the potential increase in the number of HMO's and were advised that robust evidence was required in order to put an Article 4 direction in place. The Committee stated that there was evidence of an increase with 33 applications in 2023 and 77 in this year. The Senior Environmental Health Manager advised that those figures related to license applications and not planning and as such would not be covered by an Article 4 direction.

The Committee expressed concern that the figures presented in the report did not accurately represent the reality experienced by residents. The Planning Development Manager advised that the figures are based on the complaints the Planning Enforcement Officers receive.

It was proposed by Councillor Bateson, seconded by Councillor Howkins and **resolved** to suspend Standing Order 38.3 to continue the meeting beyond three hours.

The Committee cited Hounslow Council as having instituted an Article 4 direction across the whole borough without any adverse sanctions. The Senior Solicitor advised that it was his duty to make the Committee aware of potential challenges to decisions and stated that there was not robust evidence in place to support the extension of Article 4 across the borough.

The Committee requested clarification on how complaints related to HMO's should be submitted and it was agreed that the Principal Environmental Health Officer would e-mail all Councillors with the correct procedure to follow.

The Committee expressed concern that only the Planning aspect of HMO's could be considered and suggested that a more coordinated approach was needed.

The Committee expressed a desire for the existing Article 4 direction to be expanded to include all the Ashford Wards and for a further report to be brought to Committee in December 2025.

The meeting was **adjourned** at 22:30 and further consideration of the item would take place at the Planning Committee on 08 January 2025

57/23 Planning Appeals Report

This item was not considered

58/23 Major Planning Applications

This item was not considered

The meeting finished at 10:30