



Please reply to:

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Date: 02 December 2024

Notice of meeting

Planning Committee

Date: Tuesday, 10 December 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

T. Burrell

J. Button

R. Chandler

D.C. Clarke

K. Howkins

M.J. Lee

L. E. Nichols

K.E. Rutherford

P.N. Woodward

Substitute Members: Councillors N. Islam, A. Mathur, K.M. Grant, S.A. Dunn, A. Gale, J.T.F. Doran and S.M. Doran

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 - 6

To confirm the minutes of the meeting held on 13 November 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 - 24/01112/FUL Land North-East of Eco Park, Charlton Lane, Shepperton, TW17 8QA**

7 - 38

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

5. **Planning application - 24/00790/FUL Hitchcock and King, Station Yard, Stanwell Road, Ashford, TW15 3DT**

39 - 64

Ward

Ashford Town

Proposal

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

Recommendation

Approve the application subject to conditions

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

65 - 118

Ward

Ashford Town

Proposal

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.

Recommendation

Approve the application subject to conditions

7. **Planning application - 24/01052/FUL & 24/01053/LBC Old Station, Moor Lane, Staines-upon-Thames, TW18 4BB** **119 - 136**

Ward

Staines

Proposal

24/01052/FUL

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

24/01053/FUL

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

Recommendation

Approve both applications subject to conditions

8. **Planning application - 24/01133/PAP Sunbury Leisure Centre, Nursery Road, Sunbury-on-Thames, TW16 6LG** **137 - 148**

Ward

Halliford and Sunbury West

Proposal

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

Recommendation

Grant the Prior Approval Notification subject to conditions

9. **Planning application - TPO297/2024 Ribera Las Palmas Estate Road, Shepperton, TW17 9HU** **149 - 158**

Ward

Shepperton Town

Proposal

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

Recommendation

Tree Preservation Order 297/2024 be confirmed without modification.

10. Motion referred from Council

To consider the below motion which was referred from the Council meeting on 24 October 2024

Proposed by – Cllr S Mooney
Seconded by– Cllr M Lee

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.

11. Houses in Multiple Occupation (HMOs) 159 - 218

To consider a report on the Article 4 Direction made on 21 August 2024 in respect of Staines, Ashford North and Stanwell South, and Stanwell North wards.

12. Planning Appeals Report 219 - 222

To note details of the Planning appeals submitted and decisions received between (dates).

13. Major Planning Applications 223 - 236

To note the details of future major planning applications.

14. Glossary of Terms and Abbreviations 237 - 242

**Minutes of the Planning Committee
13 November 2024**

Present:

Councillor D.L. Geraci (Vice-Chair)

Councillors:

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

Apologies: Councillors M. Gibson and J. Button

43/23 Minutes

The minutes of the meeting held on 16 October 2024 were approved as a correct record.

44/23 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 Howkins reported that application 24/00939/ADV was in her ward and that she had spoken with residents about it but had maintained an impartial role, had not expressed any views and had kept an open mind.

**45/23 Planning application - 24/00939/ADV Shepperton Studios,
Studios Road, Shepperton, TW17 0QD**

Description:

Advertisement consent for 12 no. fascia, flexface internally illuminated signs across stages 5,6,7,8,11,12,14,15 and the multi-story car park.

Additional Information:

There was none.

Public Speaking:

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

- The north facing sign on stage 15 had been removed.
- A reduction in the hours that lights are on across the site has been proposed, lowering it from 10:00pm to 9:00pm.

Debate:

During the debate the following key issues were raised:

- Appreciated that the applicant had been accommodating in removing the one sign and reducing the hours of illumination.
- Concern was expressed over the potential impact the lit signs could have on local biodiversity.
- The Committee acknowledged that the lights on the signs was at a lesser brightness than that of the surrounding street lights.

The Committee voted on the motion as follows:

For: 12

Against: 0

Abstain: 0

Decision:

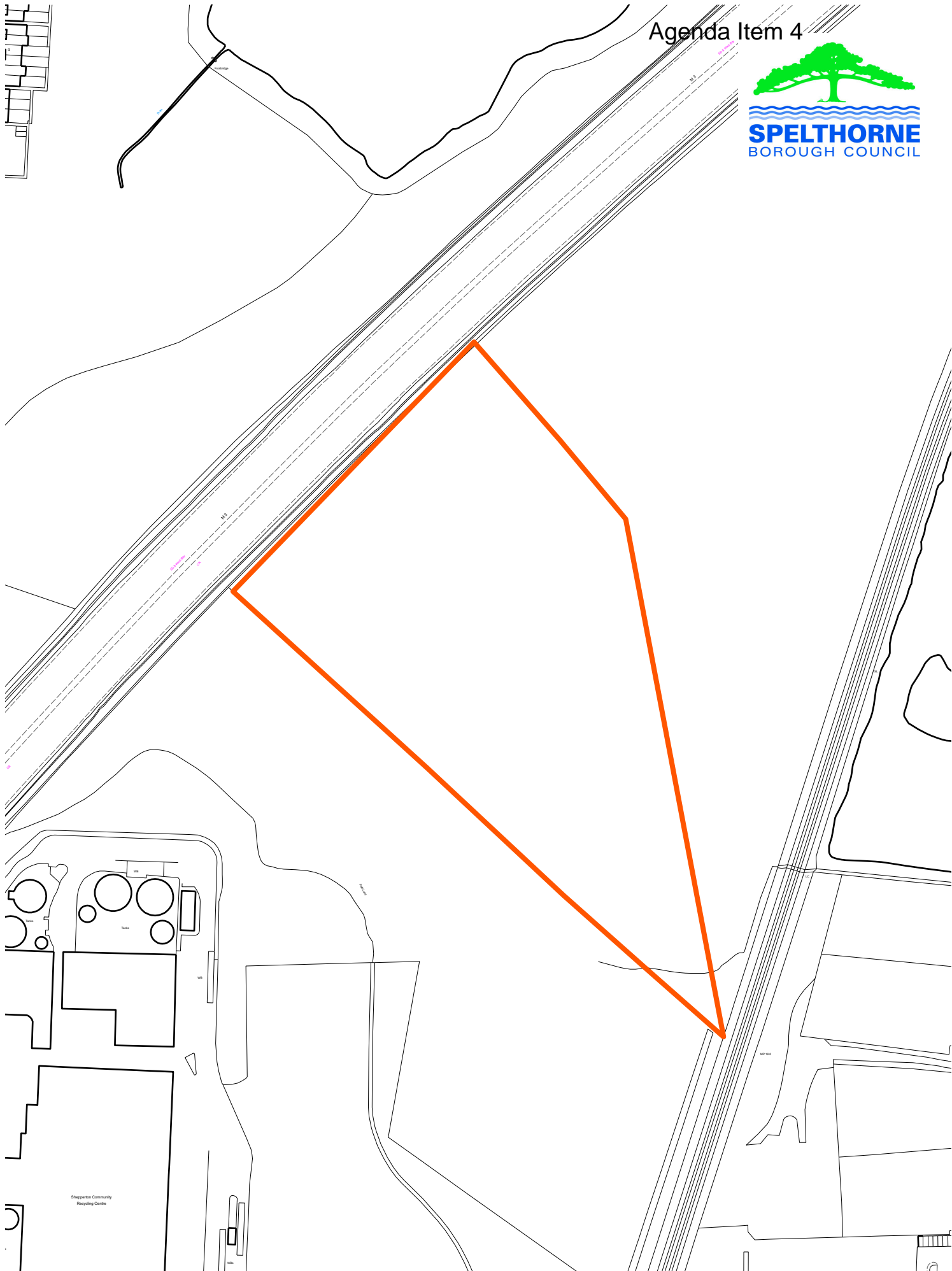
The application was **approved**.

46/23 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.

The meeting ended at 19:22



24/01112/FUL - Land to north east of Eco Park, Charlton Lane, Shepperton.
Scale: 1:2,500

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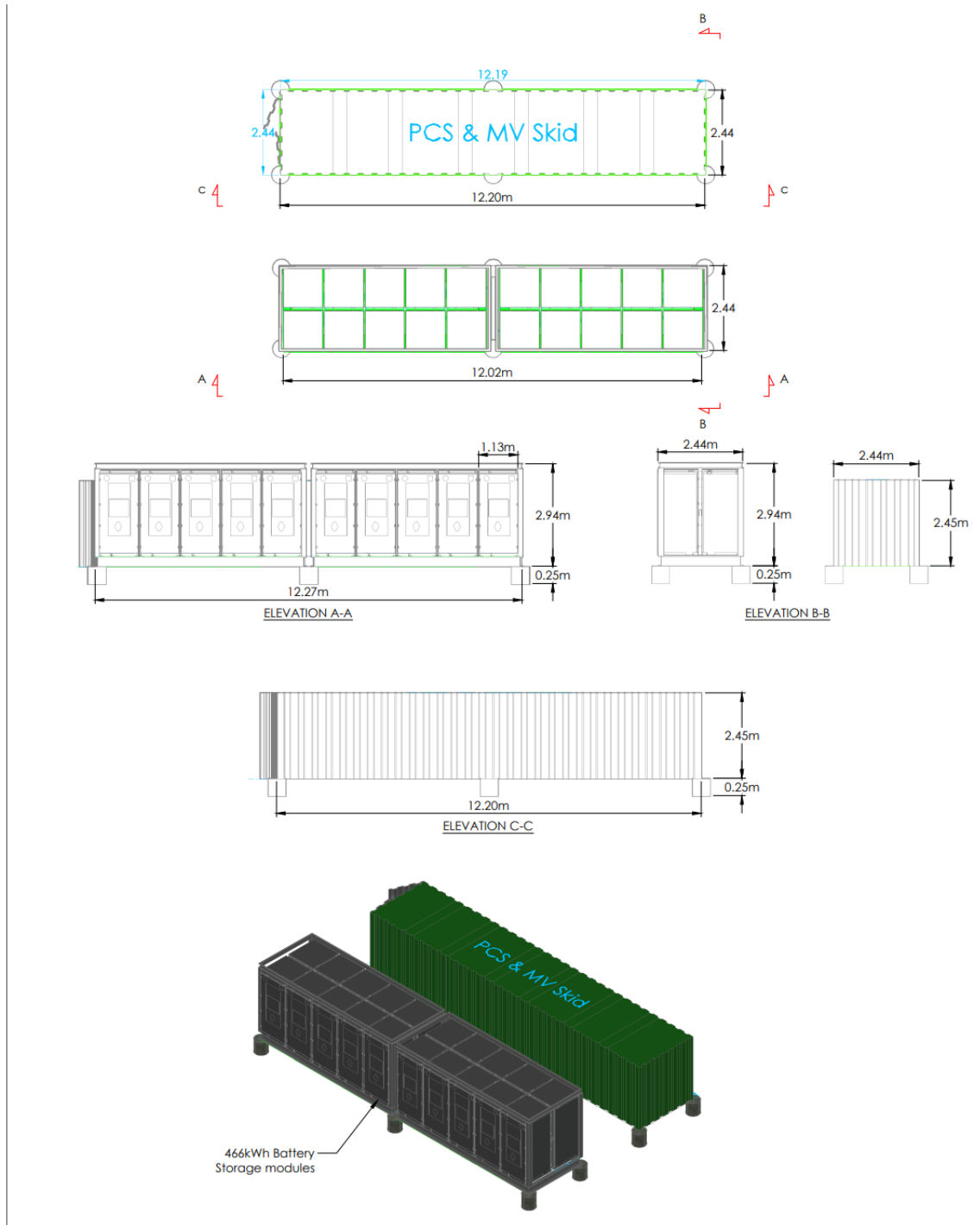
SITE LAYOUT



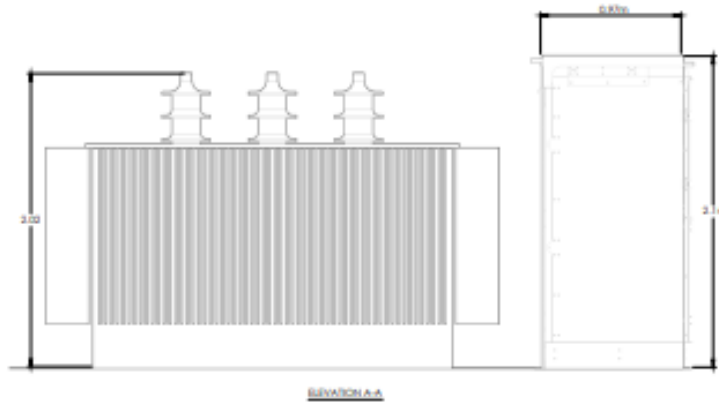
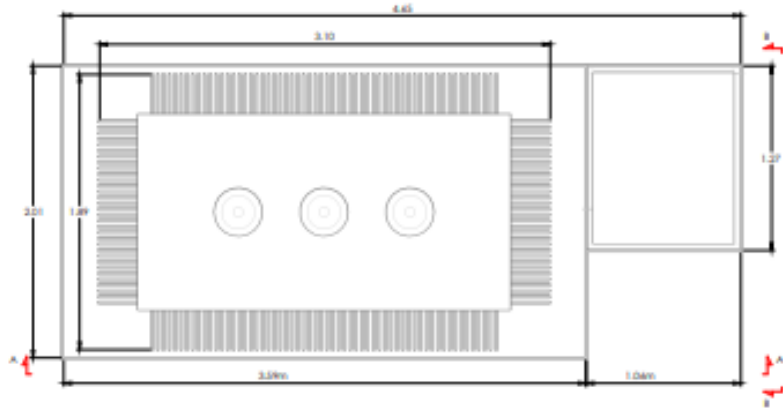
PHOTOGRAPHIC AERIAL VIEW



ELEVATIONS – BATTERIES AND CONTAINERS



ELEVATIONS - TRANSFORMERS



Planning Committee

10 December 2024



Application No.	24/01112/FUL		
Site Address	Land North-East of Eco Park, Charlton Lane, Shepperton, TW17 8QA		
Applicant	Sunbury BESS Ltd		
Proposal	The construction of and operation of a Battery Energy Storage System of up to 200 megawatts electrical output with a total capacity of up to 400 megawatt hours, associated site access and partial cable route, with associated work.		
Officer	Matthew Clapham		
Ward	Halliford and Sunbury West		
Call in details	This planning application has been referred to the Planning Committee to make a decision by the Planning Development Manager under Standing Order Part 3 section (b), 2.		
Application Dates	Valid: 12/09/2024	Expiry: 12/12/2024	Target: Within target
Executive Summary	<p>The proposed development comprises the construction of and operation of a Battery Energy Storage System ('BESS') of up to 200 Megawatts (MW) electrical output with a total capacity of up to 400 megawatt hours, together with associated site access and partial cable route and associated works on land north of Charlton Lane, Shepperton. The proposed development will take energy from the electricity grid when the demand is low or supply is high, and feed this back into the grid when demand is higher or supply is lower, thus operating in either 'energy charge', 'energy storage' or 'energy discharge' modes, providing support balancing services to the National Grid.</p> <p>The proposed site covers an area of approximately 3.58 hectares ('ha'). The site comprises a landfilled former gravel workings site which has since been restored and is located on open land to the north of Charlton Lane in Shepperton. The site is part of a triangular belt of land between the M3 motorway and a railway line and is designated as Green Belt. Access to the site follows the existing track from Charlton Lane.</p> <p>This planning application proposes the erection of 96 battery container units each being 12.2m in length; 2.44m in width and 3.19m in height and each comprising an industrial lithium-ion battery complete with a battery management system and mechanical ventilation. There will also be 48 transformers which are to be connected to each battery within the proposed BESS area. In addition, grid compliance equipment; switchgear housing; site security (including fencing; CCTV/security cameras;</p>		

	<p>maintenance (intermittent) lighting columns; and landscaping and biodiversity enhancement adjoining the proposed BESS area.</p> <p>Careful consideration has been given to the benefits of the proposal in meeting national and local policies with regard to aiding the transition to the delivery of renewable and low carbon energy to mitigate climate change and to aid the transition to increased dependency on renewable energy. This has been accorded substantial weight in support of the proposal.</p> <p>The proposal is considered to represent ‘inappropriate development’ within the Green Belt. It would result in a harmful loss of openness of the Green Belt and would conflict with two of the purposes of the Green Belt through failing to assist in safeguarding the countryside from encroachment and to check the unrestricted sprawl of large built-up areas.</p> <p>The proposal is also considered to result in harm to the character and appearance of this rural undeveloped area of land which is clearly visible from a number of vantage points in the public domain including public footpaths.</p> <p>There is an existing objection raised by the Environment Agency regarding flooding and drainage matters.</p> <p>Notwithstanding the significant concerns raised regarding fire hazards and health and safety issues, it is not considered that there is sufficient evidence to justify refusal on these grounds, as no objection has been raised by the Surrey Fire and Rescue Service, nor the Health and Safety Executive. Moreover, it is considered that the proposal would not adversely impact upon the residential amenity of the surrounding properties nor result in any harmful landscaping or biodiversity concerns.</p> <p>It is concluded that the harm to the Green Belt, the harm to the character and appearance of this rural area and harm to flood risks, are such that they outweigh the environmental benefits of the proposal.</p>
<p>Recommended Decision</p>	<p>The application is recommended for refusal for the reasons set out in paragraph 8.</p>

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)
 - SP6 (Maintaining and Improving the Environment)
 - EN1 (Design of New Development)
 - EN3 (Air Quality)
 - EN8 (Protecting and Improving the Landscape and Biodiversity)
 - EN11 (Development and Noise)
 - EN 14 (Hazardous Development)
 - EN15 (Development on Land Affected by Contamination)
 - SP7 (Climate Change and Transport)
 - CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
 - CC2 (Sustainable Travel)
- 1.2 Saved Local Plan Policy GB1 (Development Proposals in the Green Belt) is also relevant.
- 1.3 The relevant Emerging Local Plan policies are: -
- ST1: Presumption in Favour of Sustainable Development
 - ST2: Planning for the Borough
 - PS1: Responding to the climate emergency
 - PS2: Designing places and spaces
 - PS3: Heritage, Conservation and Landscape
 - SP4: Green Belt
 - E1: Green and Blue Infrastructure
 - E2: Biodiversity
 - E3: Managing Flood Risk
 - E4: Environmental Protection
- 1.4 The National Planning Policy Framework (NPPF) December 2023 is also relevant. The Government also published a draft revised NPPF in July 2024, which has not currently been adopted.

- 1.5 The Overarching National Policy Statement (NPS) for Energy (EN-1), Department for Energy Security and Net Zero, November 2023 sets out national policy for the delivery of energy infrastructure.
- 1.6 The PPG Renewable and low carbon energy, 2023 provides renewable and low carbon energy guidance and identifies the planning considerations.
- 1.7 On 19 May 2022, the Council agreed that the draft Spelthorne Local Plan 2022 – 2037 be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The public consultation for the Pre-Submission Publication version of the Local Plan ended on 21st September 2022 and the local plan was submitted to the Planning Inspectorate on 25th November 2022.
- 1.8 An Examination into the emerging Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved to request that the Planning Inspector pause the Examination for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the emerging Local Plan. After the three months pause the Council would decide what actions may be necessary before the Local Plan Examination should proceed.
- 1.9 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 Local Plan process forward.
- 1.10 On 14 September 2023, the Council considered a report following the deferral in June. The report listed three options; to continue with the local plan to include further work (especially on design codes), to request a further pause, or to withdraw the local plan. On the day of the meeting, a letter was received from the Housing Minister stating that the Housing Secretary was directing the Council “not to take any step to withdraw the plan from examination...” The Council resolved to extend the pause in the Examination timetable until the proposed changes to the NPPF had been published before determining the next steps.
- 1.11 On 22 September 2023, the Inspector agreed to a further pause to the Examination and requested that the Council continue to address the issues that he identified in the first week of the Examination, in particular flood risk and its potential implications in relation to the site allocation and delivery strategy of the plan.
- 1.12 On 10 November 2023, the Environment Agency (EA) provided comments on Spelthorne’s Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA) seeking additional information, amendments and updates to the assessment.
- 1.13 Following the Environment & Sustainability Committee meeting on 29 February 2024, it was resolved to propose, to the Planning Inspector, modifications to the emerging Local Plan, including the removal of all Green Belt site allocations, with the exception of two allocations that meet the need for Gypsy, Traveller and Travelling Showpeople, the removal of site allocations at high risk of flooding and to move some higher flood risk sites to

the later plan period (years 11-15), and the withdrawal the Staines Development Framework as a core document.

1.14 On 19 March 2024 the Council published updated Level 1 and Level 2 SFRA. On 2 May 2024 the EA provided comments, including a request for additional clarification which was provided on 17 May 2024

1.15 On 18 July 2024, Council considered a report into the resumption of the Local Plan Inquiry which had previously been agreed by the Corporate Policy and Resources Committee on 8 July 2024. The report set out the recent response from the Environment Agency, and the options for deciding whether or not Council agreed a request for further Main Modifications to the Local Plan in order to resume the Examination hearings and progress the Plan to adoption. Council agreed the option to progress the local plan and officers have now requested this from the Inspector.

1.16 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.

1.17 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.

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

- SPD on Flooding 2012
- SPD on Climate Change 2024

2. Relevant Planning History

Ref. No.	Proposal	Decision and Date
24/00017/FUL	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.	Withdrawn 19.06.24
SP18/01299/SCC	Enlargement of an existing bund, creation of two additional smaller bunds, realignment and resurfacing of third-party access track, and associated landscaping.	Surrey County Council Approval 07.03.19
SP10/0947	Development of a Waste Management Eco Park, comprising: a Gasification Facility; Anaerobic Digestion Facility; Community Recycling Facility; Recyclables Bulking Facility; Education / Visitor Centre and Offices; Other Associated Infrastructure including Infiltration Basin and Landscaping; and the diversion of Public Footpath 70.	Surrey County Council Approval 09.03.12
SP10/0883	Permanent retention of the existing waste management facility, comprising a community recycling centre, materials recycling facility with bulking bays, a waste transfer station with associated infrastructure, an improved access onto Charlton Lane and an acoustic fence adjacent to Ivydene Cottage	Surrey County Council Approval 25.02.2011
04/01212/FUL	Development of the site to create an equestrian centre. Erection of stable block, hay and machinery storage barn and portable building to act as a changing, refreshment and first aid facility. Creation of 2 no. all weather riding areas and a car park.	Refused 14.04.2005

3. Description of Current Proposal

- 3.1 The site covers an area of approximately 5.86 hectares. The site comprises landfilled former gravel workings and is located on open land to the north of Charlton Lane in Shepperton.
- 3.2 The site, which has now been restored, is part of a triangular belt of land between the M3 motorway and a railway line and is designated as Green Belt. Access to the site follows the existing track from Charlton Lane.

- 3.3 The proposed development comprises the construction of and operation of a Battery Energy Storage System ('BESS') of up to 200 Megawatts (MW) electrical capacity, associated site access and partial cable route with associated work on land north of Charlton Lane, Shepperton. The proposed development will take energy from the electricity grid when either the demand is low or the supply is high, and feed this back into the grid when demand is higher or supply is lower, thus operating in either 'energy charge', 'energy storage' or 'energy discharge' modes, providing support balancing services to the National Grid.
- 3.4 This planning application proposes the erection of 96 container units 12.2m in length; 2.44m in width and 3.19m in height, each comprising industrial lithium-ion batteries complete with a battery management system and mechanical ventilation. In addition, the following equipment is proposed:
- 48 transformers which are to be connected to each battery within the proposed BESS area;
 - Underground electrical cabling and electrical connection corridor;
 - Grid compliance equipment;
 - Switchgear housing;
 - Site security (including fencing; CCTV) / security cameras;
 - Maintenance (intermittent) lighting columns;
 - Water Tanks;
 - Landscaping and biodiversity enhancement adjoining the proposed BESS area;
 - Site preparation;
 - Provision of site access;
 - Provision of site drainage; and
 - Landscaping and Biodiversity Management
- 3.5 The site of the BESS itself is located within the Metropolitan Green Belt. Access to the site is to the south from Charlton Lane off the entrance/exit to the Eco Park whilst another access point is to be created to the northwest under the M3 motorway.
- 3.6 The BESS would comprise a variety of buildings and structures set within a compound secured by 2.4m high palisade fence. The submitted plans indicate that the 96 battery container units would form 9 rows across the site with the transformers located alongside.
- 3.7 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 highway requirements.
Health and Safety Executive (HSE)	The HSE has confirmed that it is not located in an area where there are safety concerns and state that it is not in an area of interest to the HSE.
Health and Safety Executive (Fire safety)	No objection
Surrey County Council Fire and Rescue	No objection
Sustainability Officer	No comments.
Lead Local Flood Authority (Surrey County Council)	No objection subject to conditions
Environment Agency	Raised an objection as the development involves the use of infiltration drainage of surface water which poses an unacceptable risk of pollution to groundwater.
Cadent Gas	No objection
National Grid	No objection
Surrey County Council Archaeology	No objection, recommended a condition
Environmental Health (Contaminated land)	No objection, recommended conditions
Environmental Health (Air Quality)	No objections – recommended conditions including submission of an Air Quality Assessment
Environmental Health (Noise)	Requested Additional details regarding noise levels likely to be generated
Surrey County Council Rights of Way	No objection
Surrey County Council Waste and Minerals	No objection
Network Rail	No objection

Arboricultural Officer	No objection
Surrey Wildlife Trust	No response to date

5. Public Consultation

- 5.1 The NPPF seeks to encourage pre-application engagement and front loading and advises that “early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.” The Council’s own Statement of Community Involvement states that the “Council will encourage applicants and developers to undertake pre-application consultation and discuss their proposals with their neighbours or the community before submitting their formal application.”
- 5.2 The applicant submitted a Statement of Community Involvement with the previous proposal that was withdrawn, although not with this current application. A meeting has taken place between the applicants and representatives of three Local Residents Associations, Charlton Village, Shepperton and the Lower Sunbury Residents Association (LOSRA).
- 5.3 Following receipt of the planning application, 361 properties were notified of the planning application. Statutory site and press notices were displayed, as the proposal constitutes a major application and is a departure from the development plan. A total of 160 letters of representation have been received objecting to the application. Three letters of support were also received.
- 5.4 Reasons for objecting include: -
- Green Belt
 - Character and appearance of the area
 - Health and Safety concerns
 - Fire Hazard
 - Contamination
 - Need and justification for the facility
 - Lack of local benefits
 - Noise and disturbance during construction
 - Too much industrialisation of this area
 - Too much development on top of Eco Park
 - Impact on wildlife and Biodiversity
 - Residents already but up with rodents, odours
 - Noise, dust, pollution dangers to human health
 - Unsuitable in this location / other sites not considered
 - Access safety
 - Proximity to schools and houses
 - Outlook, visual impacts
- 5.5 Reasons for support were for the benefits of the proposal with regard to climate change.

6. Planning Issues

- Green Belt
- Character and Appearance
- Climate Change
- Parking/Highway issues
- Flooding and Drainage
- Health and Safety
- Biodiversity/Landscaping and Ecology

7. Planning Considerations

Green Belt

- 7.1 The National Planning Policy Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 152 The National Planning Policy Framework states that 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.
- 7.2 At paragraph 143, the NPPF sets out 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 Paragraphs 154 and 155 set out various exceptions as to what constitutes 'Inappropriate Development' and Paragraph 156 reinforces this with regard to renewable energy projects. The proposal is not a development for renewable energy production, rather its stated aim is to contribute to the transition to renewable energy by allowing the storage of energy for use at peak times or when unforeseen demand is put on the network. Renewable energy sources are highly variable due to their weather dependency and this storage facility allows the storage of electricity generated by renewable forms of energy when the weather is suitable for energy generation for times when the weather or time of day is not suitable to generate electricity.
- 7.4 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 not allow for any development in the Green Belt unless it is one of a number of appropriate uses set out in the policy. This differs from the more recent NPPF, which allows exceptions to inappropriate development, where the identified harm to the Green Belt and any other harm is clearly outweighed by other considerations, which constitute 'very special circumstances'.

- 7.5 The site is presently located within the Green Belt and unallocated in the adopted local plan, and therefore should be considered in this context. The application site is considered to be strongly performing in Green Belt terms based on the Council's Strategic Green Belt Assessment (2018).

Inappropriate development

- 7.6 The BESS would constitute 96 container units 12.27m in length; 2.44 in width and 2.94m in height, each comprising an industrial lithium-ion battery complete with a battery management system and mechanical ventilation, together with 48 transformers which are to be connected to each battery within the proposed BESS Area and various other associated equipment, structures and works as set out in paragraph 3.3 above. Consequently, the proposed development would not fall within any of the exceptions listed in paragraphs 154 and 155 of the NPPF. Therefore, it is considered that the proposal would be inappropriate development in the Green Belt and is consequently harmful. Substantial weight should be given to this harm, and very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.

Openness

- 7.7 Openness is an essential characteristic of the Green Belt that has both visual and spatial qualities. The site currently consists of an open area of land covered by grass and some trees and is not immediately enclosed, with limited fencing securing parts of the site and the railway line. However, the site is largely open to views from the public domain including the public footpaths which run to the south and east of the site together with vantage points along Charlton Lane where the pavement rises to go over the bridge over the M3 motorway. As such, in visual terms there will be a significant loss of openness. The height of the proposed structures would make the proposal highly visible from the public footpaths, the railway line and surrounding bridges and pavements along Charlton Lane and would alter the rural appearance of the site itself. This would result in a considerable change from an open field into an industrial style setting and would harm the openness of the Green Belt.
- 7.8 The addition of the amount of equipment as set out in paragraph 7.6 above, including the 2.4m high fence, lighting and CCTV columns and the battery units and transformers themselves which are 2.94m in height is considered to have a significant and adverse impact upon the openness of the Green Belt in spatial terms. The compound housing the battery units and transformers is approximately 8,700sqm while the adjoining compound is approximately 3,200sqm. The overall footprint of the containers housing the batteries is 1,438sqm. It is not considered that some additional landscaping as proposed in the Landscape and Visual Appraisal (LVA) to provide partially screening would overcome the impacts of this particular proposal upon the openness of the green belt.

Purposes of the Green Belt

- 7.9 The level and scale of development is such that it is considered to conflict with two of the Green Belt purposes in the NPPF, namely a) to check the unrestricted sprawl of large built-up areas and c) to assist in safeguarding the countryside from encroachment. The proposal would introduce a range of industrial plant of a purely functional appearance within a fenced compound into an area of countryside that in this part of the overall site is devoid of built form. As such, the proposal is in conflict with these two purposes of including land within the Green Belt. The proposal, by developing this area of open land between residential properties to the west and the Eco-Park and those residential properties to the east beyond the railway is considered to result in conflict with purpose a) which seeks to restrict the sprawl of built up areas. Furthermore, the proposal is considered to result in encroachment into the Countryside by developing this open area of land,
- 7.10 Therefore, the proposal, being inappropriate development within the Green Belt would, by definition, harm the Green Belt. The spatial and visual effects combined would result in the loss of openness, whilst the proposal would conflict with two of the Green Belt purposes in failing to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment.

Character and Appearance of the Area

- 7.11 Policy EN1 a) of the Spelthorne Core Strategy and Policies Development Plan Document (2009) (CS&P DPD) states that new development should respect and make a positive contribution to the street scene and the character of the area in which they are situated.
- 7.12 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.
- 7.13 It is recognised that the proposal is located to the north of the Surrey County Council Eco-Park development which dominates the immediate area. However, this forms part of the Surrey County Council Waste Strategy and was built on an existing refuse facility. It also provides disposal of waste and recycling facilities for a number of Boroughs within Surrey, including Elmbridge, and its form is the exception in this area which is characterised by open grassed land with some trees and shrubs and has a topography that is generally flat. The Landscape Visual Appraisal (LVA) submitted with the application does propose some additional planting that would in part screen the proposed BESS from public views. However, landscape screening requires a significant amount of time and even a 40 year ‘temporary’ period is relatively short for landscape to mature. In addition, the site is of a size and location that currently has an open countryside character that would be replaced by regimented rows of industrial style structures that even if screened in part by hedgerows and planting, would erode the rural character of the site.

- 7.14 The site subject to this application is open Green Belt land covered with grass, trees and shrubs and is relatively visible from the two public footpaths that run to the east and south of the site. The location of these public footpaths demonstrates the rural feel of the area by providing walks and footpaths for residents to enjoy the open Green Belt land. The site itself would also be visible from pedestrians walking along Charlton Lane and from the railway line to the east as passengers enter and leave Shepperton by rail. As such, the proposal would result in the loss of an open area of land that would be detrimental to the visual amenity of the area and would not make a positive contribution to the character and appearance of the area. This is given substantial weight in assessing this proposal. As such, the proposal is contrary with Policy EN1a) of the CS&P DPD.

Climate Change

- 7.15 The local plan sets out at policy CC1 the approach to renewable energy, energy conservation and sustainable construction. This Policy states that the Council will seek to minimise the impact of climate change and reduce the impact of development in contributing to climate change by: a) promoting the inclusion of provision for renewable energy, energy conservation and waste management facilities in both new and existing developments, b) ensuring development is located in a way that reduces the need to travel and encourages alternatives to car use, and its design and layout takes account of climate change and c) supporting initiatives, including travel plans, to encourage non car-based travel.
- 7.16 Policy PS1 of the emerging Local Plan, 'Responding to the climate emergency', states that all development must respond to the climate emergency by a number of measures including the Council's intention to accelerate its efforts by introducing greener buildings, transportation, greener investments and increasing renewable energy and to plan for a low-carbon future in which carbon emissions and other greenhouse gases are reduced and we tackle and adapt to the new climatic norms. The Council declared a climate change emergency in October 2020. In addition, the Council worked with the Surrey boroughs and districts and Surrey County Council to produce the Surrey Greener Futures Climate Change Strategy (2020 – 2050) and Climate Change Delivery Plan 2021.
- 7.17 The Overarching National Policy Statement (NPS) for Energy (EN-1), Department for Energy Security and Net Zero, November 2023 sets out national policy for the delivery of energy infrastructure. Whilst a BESS does not produce renewable energy itself, it does store energy, including that of low carbon. The NPS recognises that electricity storage is one source which will help deliver the nation's energy objectives and will provide increased flexibility to store energy when there is excess supply and release it when needed. The NPS forecasts that by 2035, all the nation's electricity will need to come from low carbon sources, subject to security in supply.
- 7.18 The PPG on Renewable and low carbon energy recognises that "electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the

system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity:

- 7.19 The national grid is working to deliver carbon free operation with the ultimate goal of reaching net zero by 2050. Consequently, BESS play an important role in the national energy infrastructure system and this carries substantial weight in support the proposal.

Highways

- 7.20 National Highways has not raised any objections subject to conditions. They commented that the Applicant has submitted a scope of works to comply to the required standards to safely install the crossing under the M3 motorway.
- 7.21 The County Highway Authority (CHA) has not raised any concerns or requirements. The CHA 'noted the concerns raised by residents in terms of increased traffic concerns. However, the proposed maximum number of daily trips during the development is 8 two-way trips during the initial stages of development, 4 two-way trips for the remainder of development and 2 two-way trips per month once the site is operational, it is the CHA's position that granting the application would not have a material impact on the safety and operation of the adjoining public highway. Given the above, it is the CHA's position that no objections on highway safety or capacity grounds would be raised'. Therefore, the proposal is considered acceptable in terms of highway matters.

Flooding and drainage

- 7.22 The Environment Agency has raised an objection to the proposal. This is on the grounds that '*The site is underlain by a historic landfill, the contents of which have not been fully understood. Infiltration drainage of surface water via shallow soakaways could mobilise contaminants within the landfill material, aiding migration towards the underlying Kempton Park Gravel Member, a principal aquifer. Given this we do not have confidence that groundwater quality beneath the site will not deteriorate as a result of this development. This objection is supported by paragraphs 180, 189 and 190 of the National Planning Policy Framework (NPPF)*'. The Environment Agency did not raise any objections to the previous scheme that was withdrawn. However, when asked for clarification, they responded that '*Our previous stance was to take a more lenient approach with the hope a final drainage scheme (without the use of infiltration) would be agreed via a pre commencement condition. The FRA within this application has now been amended twice and the use of infiltration drainage is still being proposed. If a different, more acceptable, drainage scheme was in place we would be willing to include that as a pre-commencement condition. However, the current proposal is for infiltration drainage, therefore we have nothing to condition as we do not agree with the scheme proposed. We would like to see an acceptable drainage scheme in place before any approval of planning permission to ensure an acceptable scheme will be implemented correctly*'.

- 7.23 The Surrey County Council Sustainable Drainage Team acting as the Lead Local Flood Authority (LLFA) has not raised an objection but has recommended conditions. Due to the objection from the Environment Agency, refusal is recommended in terms of potential flooding concerns in relation to infiltration drainage of surface water.

The impact upon the residential amenity of adjoining properties

- 7.24 Policy EN1 b) of the Spelthorne Core Strategy and Policies Development Plan Document (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.
- 7.25 The nearest residential properties to the proposed development are those in Charlton Village to the north-west (approximately 220 metres) and Upper Halliford to the south-east (approximately 260 metres). The nearest large built-up area is Sunbury-on-Thames located approximately 1km to the north-east of the site. The site is bounded by the M3 motorway to the north-west (beyond which are fields and residential properties off Charlton Road forming Charlton Village, Charlton Lane Waste Management Eco Park to the southwest (beyond which is Charlton Lane and the Sunbury Golf Course, a former landfill site), and the Shepperton to London Waterloo railway line to the south-east beyond which are residential properties in Hawthorn Way. This street forms part of Upper Halliford. There are further properties in Birch Green to the north-east.
- 7.26 In terms of noise, the Council's Environmental Health Officer has previously raised no objection subject to the imposition of a condition requiring details of noise mitigation measures (e.g. acoustic fencing) to be submitted to and approved by the Local Planning Authority. However, any noise issues from the equipment should be considered in the wider context. There is significant background noise from the M3 motorway in particular, together with intermittent noise from the railway line, the Eco Park and flights from Heathrow Airport.
- 7.27 The proposed lighting on the site is in the form of 3m high lighting columns. These lights will only be operational for security reasons when movement is identified by sensors inside the compound, or at times when routine or emergency maintenance is being carried out. In view of existing background lighting and the limited use of lighting on site, no concerns are raised regarding light pollution. The Council's Environmental Health Officer has not objected due to the lack of detailed information on any significant lighting being used.
- 7.28 Due to the separation distances involved and the size of the structures proposed at the BESS it is not considered that there would be any adverse impacts upon local residents in terms of any loss of light, loss of privacy or overbearing impact.

- 7.29 Therefore, the proposal is considered to comply with Policy EN1b) of the CS&P DPD and no adverse impacts upon residential amenity to adjoining properties is considered to arise.

Health and Safety / Fire Hazards

- 7.30 Careful consideration has been given to concerns regarding health and safety and in particular fire concerns resulting from the use of Lithium batteries on the site. These concerns have been raised by a significant number of third party representations. Reference has been made to a documented incident of a BESS fire in the UK, when a battery system container at a BESS site in Liverpool caught fire and others elsewhere. The application has been accompanied by an Outline Safety Management Plan. which details initial appraisal of risks and also a strategy to mitigate any risks during the lifetime of the BESS.
- 7.31 It is of importance to note that neither the Health and Safety Executive, the Health and Safety Executive (Fire) or the Surrey County Council Fire and Rescue advisors have raised any objections to the proposals. It is also noted that BESS sites can be also designed with safety features, such as fire suppression systems, to ensure their safety. In this instance, after discussions with the relevant authorities, access from both the north and south has been provided for emergency vehicles in the event of a fire or other incident at the site and a number of water tanks would be provided on site.
- 7.32 With regard to fire, the site is some distance from the nearest residential properties and therefore the risk of a fire affecting neighbouring residential areas is considered minimal. Notwithstanding the incidents of fires involving Lithium batteries, there is no compelling evidence to demonstrate that this facility would be hazardous. In the unlikely event of a fire, it is considered that the facility would be readily accessible by a fire tender and there is no clear evidence, as illustrated by the lack of objections from the relevant authorities, that this facility would be especially vulnerable to the risk of fire.
- 7.33 Also, concerns have been raised that the proposed BESS could affect the health of local residents through chemicals used in the facility. However, there is also no clear evidence that such a facility would contain hazardous chemicals, likely to impact residents, or that it would result in harm to the local population or users of the adjoining public footpaths.
- 7.34 Policy EN14 states that the Council will refuse permission for any proposal likely to significantly increase the risks associated with any particular hazardous installation or impose conditions where necessary to avoid increased risk.
- 7.35 The PPG on Renewable and low carbon energy advises that “*when planning applications for the development of battery energy storage systems of 1 MWh or over, and excluding where battery energy storage systems are associated with a residential dwelling, are submitted to a local planning authority, the local planning authority are encouraged to consult with their local fire and rescue service as part of the formal period of public consultation prior to deciding the planning application. This is to ensure that the fire and rescue*

service are given the opportunity to provide their views on the application to identify the potential mitigations which could be put in place in the event of an incident, and so these views can be taken into account when determining the application". The PPG also refers to the guidance on BESS in the National Fire Chiefs Council for grid scale (typically 1 MW or larger) BESS in open air environments, using lithium-ion batteries. This proposal falls within this category. The guidance is very detailed and technical.

- 7.36 Surrey Fire & Rescue Service was consulted on this application and has advised that it appears to demonstrate compliance with the Fire Safety Order in respect of means of warning and escape in case of fire. The Service comments further that the premises may be inspected in due course in accordance with Surrey Fire and Rescue Service's risk-based inspection programme and the information in the Building Regulations and Fire Safety Statutory Consultation notes referred to in the response should be considered prior to the start of works. The scheme has been examined by a Fire Safety Inspecting Officer and it appears to demonstrate compliance with the Building Regulations 2010. The response make a number of notes on Building Regulations and Fire Safety Statutory Consultation, which should be considered prior to the start of works: Fire Risk Assessment, Fire Safety Information, Goodwill advice and Automatic Water and Fire Suppression Systems.
- 7.37 Given the clear advice given to the LPA by the Health and Safety Executive, the Health and Safety Executive (Fire) and the Surrey County Council Fire and Rescue, there are no planning reasons to prevent this development on fire safety grounds.

Biodiversity/Ecology and Landscaping

- 7.38 The site is not located within any specific area of ecological or biodiversity designation. The Queen Mary Reservoir which is located west of the proposed BESS facility is designated as a Site of Nature Conservation Importance (SNCI), as is an area to the northwest of the facility on the other side of the M3 - Land East Of Charlton Village (north of M3).
- 7.39 A Screening Opinion was made regarding the need for an Environmental Impact Assessment (EIA) and it was determined that an EIA is not required.
- 7.40 The applicant has submitted a Landscape and Visual Appraisal and a Landscape Strategy Plan which sets out various proposals for landscaping and planting that firstly will help to mitigate the visual impacts of the proposal upon the Green Belt and the open character of the area and secondly to provide enhancements that it proposes will improve the biodiversity of the site and local area. This has been updated from the previous withdrawn scheme.
- 7.41 The proposal would result in the loss of a number of existing trees and shrubs together with grassland. However, the Council's Arboricultural Officer has not raised any concerns regarding the loss of any landscaping and is satisfied with the scope of the Landscaping Strategy Plan. The proposal has also

increased the level of planting around the site in order to provide greater screening of the facility when viewed from the public domain.

- 7.42 No response has been received from the Surrey Wildlife Trust (SWT) at the time of writing this report, although it did not object to the previous application. It is also noted that Natural England has not objected. As stated previously, the site itself is not located within an SSCI. A screening opinion was undertaken and determined that an EIA is not required for this proposal. Any updates will be reported to the Committee.

Air Quality

- 7.43 The applicant has submitted further information in the form of an Air Quality Assessment (AQA) following initial comments from the Council's Environmental Health Officer (EHO) who, whilst not raising a specific objection did request further detail and recommended suggested conditions and informatives.

Contaminated land

- 7.44 The applicant has submitted a contaminated land assessment. This has been reviewed by the Council's Environmental Health Officer (EHO), who recommended conditions in accordance with para. 189 of the NPPF and Council Policy EN15.

Archaeology

- 7.45 The Surrey County Council Archaeological Officer has confirmed that the submitted 'assessment has demonstrated that deposits across at least the greater proportion of the site have previously been destroyed by mineral extraction but that there remains a potential for archaeological remains to survive within the parts of the site where no quarrying is recorded and that mitigation for impact of those areas would be reasonable. This office is in agreement with these findings'. Consequently, the officer has recommended that a condition is applied should permission be granted in order to mitigate the impacts of development.

Other Considerations

- 7.46 The applicant accepts that the proposal represents inappropriate development and has submitted a specific Very Special Circumstances Report (VSCR) to support the proposal. Of particular relevance is that 'The UK Government has committed to meeting a legally binding target of net-zero carbon emissions by 2050 and a related political target of 2035 for a net zero electricity system. Spelthorne Borough Council have subsequently declared a climate emergency'. This revised application includes an additional VSCR that provides further justification as to why this particular site is required as no suitable alternative sites are available. The assessment is set out below:
- 7.47 The applicant's VSCR specifically lists six justifications which are considered in turn:

1. The need for renewable energy generation and its role in meeting the challenge of climate change

Applicant's points

- 7.48 The applicant has stated that 'there is a significant and quantifiable need for the deployment of battery storage and the role it plays in supporting renewable energy generation, which is being driven by government at local and national level in the UK.' This is supported by various government publications and statements including the UK governments commitment to decarbonise the UK's electricity system by 2035 and the 'Net Zero Strategy, Build Back Greener' which sets out a vision to end the country's contribution to climate change and reverse the decline in the natural environment.
- 7.49 The applicant re-affirms that in order to meet these targets, a major investment in proven technologies is required in order to meet the economic, social and environmental dimensions of sustainable development set out in the NPPF which in itself is supported by the Government's Energy White Paper and the National Policy Statement EN-1. (NPS). The NPS states that 'storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated'.
- 7.50 In the VSCR the applicant also reiterates the benefits of battery storage in assisting the National Grid in balancing the electricity transmission network brought about by fluctuating power generation and surges and dips in consumption, confirming that the 'BESS has the capacity to hold the power and release it into the grid as and when is required'. The VSCR also notes that the BESS does not emit carbon dioxide as it does not generate electricity but only stores it for use when required. Various other appeal decisions for proposals elsewhere in the country are referred to.

Officer's Response

- 7.51 The Council recognises the policy support for the delivery of renewable and low carbon energy and associated infrastructure to mitigate climate change. However, the proposal is not a renewable energy project, although it would provide enhanced energy resilience in the National Grid. As such, while the energy to be stored in the proposed BESS would be generated by both renewable and non-renewable energy, it could, over time, provide greater support for renewable energy production.
- 7.52 These benefits and proposals of this type are supported by Government policy and this is given significant weight in assessing this proposal in relation to the harm to the Green Belt and any other harm. In considering the justification above, the NPPF lends general support for initiatives to support low carbon and decentralised energy networks. Paragraph 152 states that 'The planning system should support the transition to a low carbon future in a changing climate..... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the

conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure’.

- 7.53 Paragraph 163 of the NPPF states that ‘When determining planning applications for renewable and low carbon development, local planning authorities should: (a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and (b) approve the application if its impacts are (or can be made) acceptable. The UK Energy White Paper, Powering Our Net Zero Future (2020) is also relevant as it sets out and describes the costs of inaction. Therefore, these issues are accorded substantial weight.

2. The requirement for the BESS in this location and the lack of alternative sites

Applicant’s Points

- 7.54 The applicant has confirmed that the site was chosen due to its close proximity to the Laleham Grid Supply point which is located 2.8km away from the proposed site which is at the end of viability in terms of the efficiency in providing the overall financial viability of the proposal due to the cost of laying cables long distances.

The key criteria in selecting the site were set out as follows:

- Separation from residential areas and settlements, including sensitive uses such as schools and hospitals;
- Site area required for the Proposed Development;
- Current suitability of the Site for the Proposed Development (former Quarry Land);
- Existing visual screening provided by the M3 Motorway, Charlton Lane Waste Management and Eco Park and trees and hedgerows around the perimeter of the Site;
- Ease of access to the site for construction and HGV’s (no amendments are required to the public highway to facilitate the Proposed Development; and
- Lack of environmental constraints (e.g., ecological/landscape designations, heritage assets, flood risk, etc.).

- 7.55 A search area was also identified showing the area 3km away from the Laleham GSP, the point of connection.

- 7.56 The updated VSCR provides eight other sites, six within Spelthorne; one within Hounslow and one within Runnymede Borough that were considered and discounted. All of these sites were also located in the Green Belt. As stated in paragraph 7.43 above, there is a requirement to connect to the Laleham GSP so the search area was centred on a 3km radius around this point. In this area the majority of land is within the Green Belt. Those undeveloped areas outside of the Green Belt were discounted due to their important community uses and close proximity to residential receptors.

Area 1 – Land East of Staines. This site, forming Shortwood Common and Hengrove Farm in part was discounted due to the constraints on the site,

namely Common Land, archaeology, SSSI's, public footpaths and proximity to Bronzefield Prison, a School and an allotment.

Area 2 – Land at London Road. This site, including Ashford Sports Club in Short Lane was discounted due to Archaeology and proximity to residential receptors and a children's play area

Area 3 – Land at Bedfont Lakes. This site was discounted as it included a Site of Nature Conservation Importance and a Local Nature Reserve together with its close proximity to residential receptors and HMP Feltham.

Area 4 – Land north of Shepperton, either side of New Road, including Shepperton Car Boot site. This site was discounted due to close proximity to residential receptors on the southern and western boundaries and its location within Flood Zone 3.

Area 5 – Land South of B376 Shepperton Road, including agricultural land at Laleham Farm and the former Littleton Lane minerals site. This site was discounted due to its location within Flood Risk Zones and proximity to Grade II* Laleham Abbey.

Area 6 - Land Nouth of B376 Shepperton Road, including agricultural land at Laleham Nurseries and land west of Shepperton Studios. This site was discounted due to its location within Flood Risk Zones.

Area 7 – Land north of Laleham, including land off Worple Road and Laleham Road including Staines and Laleham Hockey Club. This site was discounted due to its location within Flood Risk Zones and residential receptors and public footpaths.

Area 8 – Land at Penton Hook (Runnymede). This site was discounted due to it being located within Thames Basin Heaths protection area and close proximity to residential caravans.

Officer's Response

- 7.57 While acknowledging that there is need for such energy supply facilities to meet national and local need, particularly with the current uncertainty over energy supplies, insufficient evidence has been provided to justify why the proposal should be located in this location. The applicant has submitted a justification as to why this site was selected and this is partly due to the proximity to the Laleham GSP which at 2.8km away is on the limit of the distance for which a proposal of this nature is viable. Alternative sites have been considered, as set out above. It is acknowledged that a suitable site in this semi-urban location is difficult to identify. However, notwithstanding flood risks, which have now been identified as a concern by the Environment Agency, this proposed site equally with many of the alternative options has public footpaths running across the site and is in relatively close proximity to residential receptors. Therefore, the evidence is not sufficient to confirm that the BESS could not be provided in a less harmful location elsewhere in the locality or wider area.

3. Support for the rural economy:

Applicant's points

- 7.58 The applicant notes that the proposal has the potential to support economic growth through the creation of jobs associated with ongoing maintenance of the BESS as well as indirect jobs associated with its construction and decommissioning. The VSCR also states that BESS sites contribute to a more reliable, affordable and sustainable energy supply in rural areas and that significant weight should be attached.

Officer's response

- 7.59 The applicant suggests that the proposal will provide benefits in the form of new jobs both from the operation of the BESS facility and through the construction and decommissioning. These benefits are considered to be very limited with the site being subject to only occasional maintenance when in operation and the actual construction and commissioning is likely to involve specialist contractors which are not necessarily to be from the locality. The benefits to the local economy are therefore given only limited weight.
- 7.60 The applicant has stated that BESS sites assist the National Grid in balancing the electricity transmission network. No evidence has been provided to support the assertion that they, or this site in particular, would contribute to a more reliable, affordable and sustainable energy supply. In addition, since it relates to the national grid, the specific reference to rural areas must be irrelevant. Therefore, no weight can be afforded to this consideration.

4. Wider environmental benefits including planned biodiversity net gain

Applicant's points

- 7.61 The VSCR asserts that the existing site is considered to be of limited ecological value and the proposal will result in a number of biodiversity enhancements as set out in the Landscape Strategy Plan will result in a Biodiversity Net Gain.

Officer's response

- 7.62 The applicant has stated that the site is considered to have limited ecological value and that the proposed Landscape Strategy Plan will result in Biodiversity Net Gain (BNG). The Surrey Wildlife Trust has not responded to this application. However, for the previous application they did request additional information to be submitted. Furthermore, whilst noting the benefits of aiding the constant supply of energy to the National Grid, the BESS is about storage rather than energy creation through renewables with no sustainable energy production forming part of the proposal. Therefore, it is considered that there is no more than a limited landscape effect if mitigation measures through the use of landscaping as set out in the Landscape

Strategy Plan are taken into account and as such is given limited weight in assessing this proposal.

5. The temporary and reversible nature of the proposal

Applicant's points

- 7.63 The applicant confirms that the development would be temporary, for a period of 40 years after which the site would be decommissioned and returned back to its current use. Therefore, the impact on the Green Belt is temporary and fully reversible avoiding any long term impacts. The applicant has presented an appeal decision on a comparable proposal and the applicant considers that moderate weight should be given to the consideration of very special circumstances.

Officer's response

- 7.64 It is proposed that the BESS would be in place for a period of 40 years, 14 years beyond the net-zero carbon emissions of 2050 and 29 years beyond the related political target of 2035 for a net zero electricity system, and then would be decommissioned and the land returned to its former condition. In the context of the level of harm identified, the adverse effects would be experienced over a significant period of time and the suggested temporary nature for a considerable period of 40 years is not considered to mitigate the harmful impacts upon the Green Belt. This therefore is accorded very limited weight.

6. Community benefits

- 7.65 The applicant does not elaborate on the community benefits in the VSCR. There are considered to be limited benefits in economic terms and as the BESS will feed into the National Grid directly there is no substantive evidence that the proposals will benefit the local community rather than it supporting the national supply of power and therefore these benefits are accorded limited weight.

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 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 not a CIL chargeable development and will not generate a CIL Payment. This is a material consideration in the determination of this planning application. The proposal will generate business rates but not generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

Conclusion

- 7.74 The proposed development represents inappropriate development within the Green Belt would, by definition, substantially harm the Green Belt. The spatial and visual effects combined would result in the substantial loss of openness, whilst the proposal would result in the encroachment into the countryside. The applicant has submitted Very Special Circumstances Report to justify the proposal and has highlighted national policies supporting such proposals which carry some weight in assessing the proposal. It is considered that the harm to the Green Belt, the loss of openness and other harm to the character and appearance of the area by eroding the open countryside appearance of the area when viewed from the public domain by the introduction of an industrial form of development are not clearly outweighed by other considerations in supporting the transition to renewable forms of energy generation.
- 7.75 As stated in the paragraphs above, there are merits to the proposal. BESS play an important role in the national energy infrastructure system and this carries substantial weight in support the proposal. Furthermore, the Council has afforded limited weight to the temporary nature of the development and the community and environmental / biodiversity benefits of the proposal. However, the Council consider that substantial weight should be given to the proposal representing inappropriate development within the Green Belt; substantial weight to the loss of openness and substantial weight to the harmful impacts upon the character and appearance of the area. Weight should also be given to the potential impacts raised by the Environment Agency with regard to flooding.
- 7.76 When balancing the weight given to any benefits from the proposal, it is considered that these benefits are far outweighed by the identified harm and therefore the proposal is unacceptable.
- 7.77 Therefore, it is considered that the proposed development is unacceptable in this location and that 'very special circumstances' do not exist that would justify the proposal. The NPPF states that 'local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.
- 7.78 Therefore, the application is recommended for refusal.

8. Recommendation

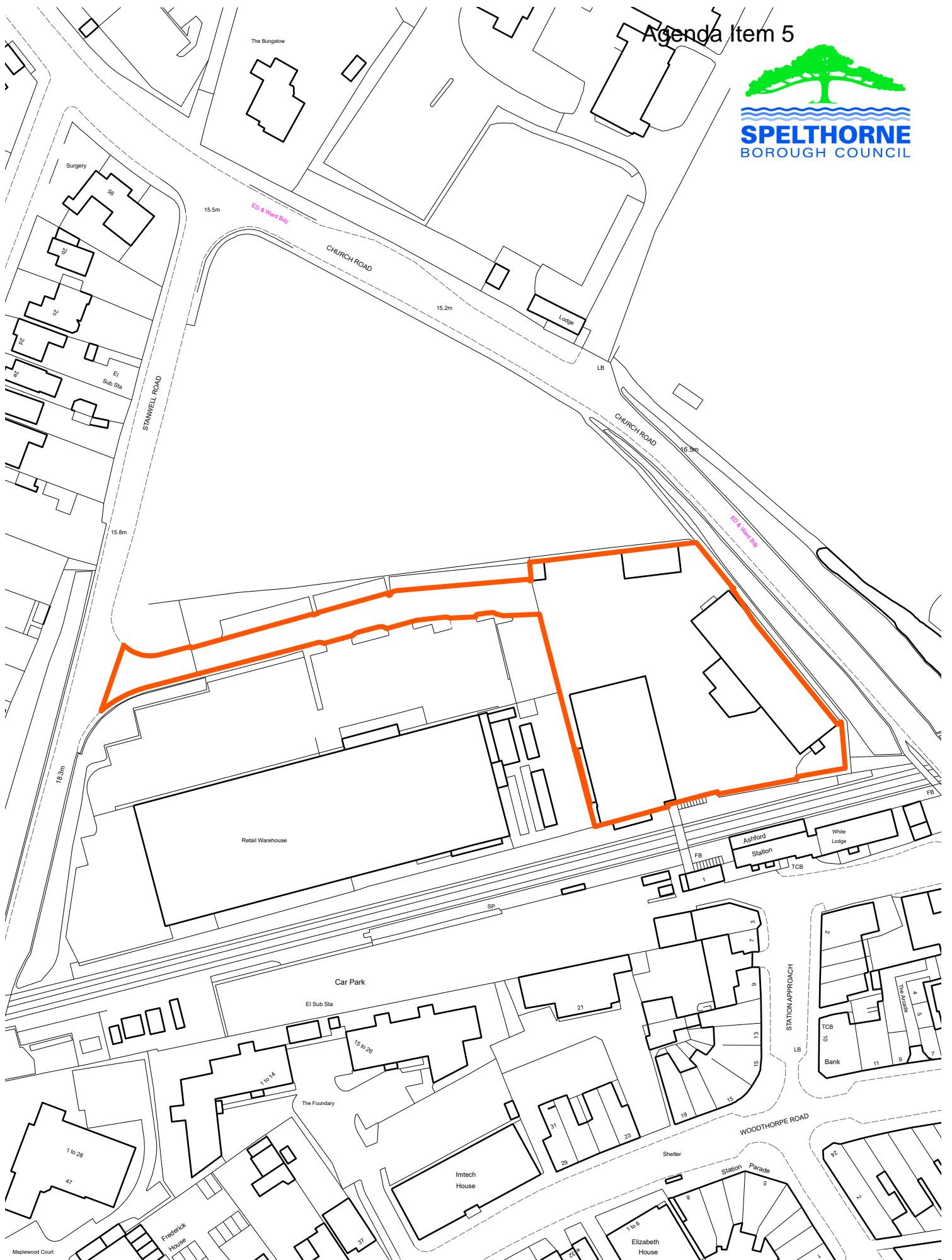
8.1 REFUSE for the following reasons:

1. The proposal is considered to represent inappropriate development within the Green Belt for which no very special circumstances have been demonstrated. It would also result in a substantial loss of openness within the Green Belt and conflict with the purposes of the Green Belt. Therefore, it is contrary to Section 13 of the National Planning Policy Framework (2023) and 'Saved' Policy GB1 of the Spelthorne Borough Local Plan (2001).
2. The proposed development, by virtue of its location in an open area of land, would result in significant harm to the character and appearance of this rural area, contrary to the National Planning Policy Framework (2023) and Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (2009).
3. Insufficient evidence has been submitted to demonstrate that the proposed development will not result in any flooding risks by virtue of the proposed drainage of surface water which poses an unacceptable risk of pollution to groundwater. It is therefore contrary to the National Planning Policy Framework and Policy LO1 of the Spelthorne Core Strategy and Policies DPD (2009).

8.2 The Committee are requested to agree to the removal of reason for refusal three were the Environment Agency to agree to any amended proposal and withdraw their objection.

8.3 With regard to reason for refusal three above, the Committee is also requested to agree to:

Delegate to the Planning Development Manager, in consultation with the Chair of the Planning Committee, authority to not defend reason for refusal no. 3 above in any appeal, in the event that the objection from the Environment Agency is subsequently satisfactorily addressed and overcome.

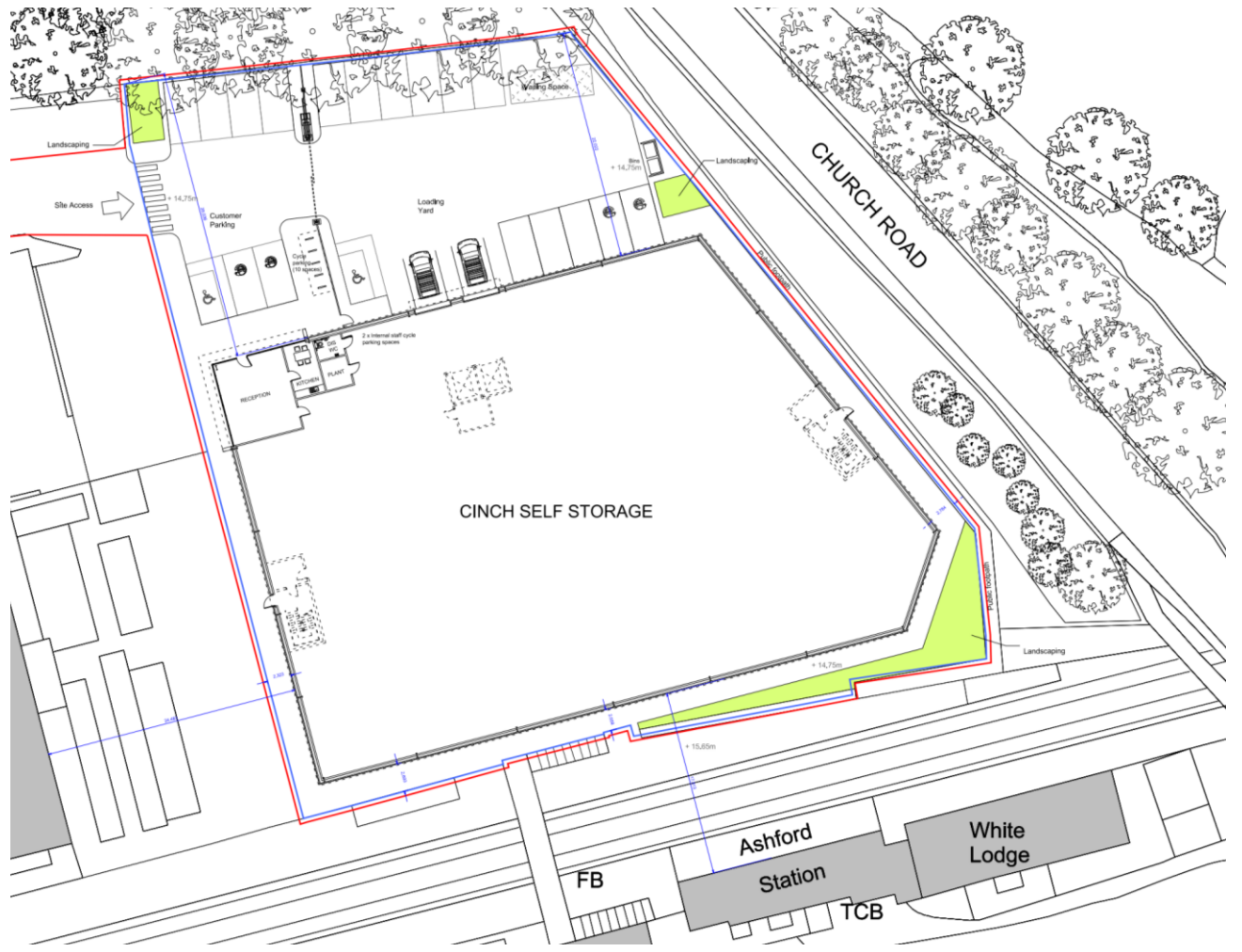


24/00790/FUL - Hitchcock & King, Station Yard, Stanwell Road, Ashford.
Scale: 1:1,250

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SITE LAYOUT



SOUTH AND WEST ELEVATIONS



NORTH AND EAST ELEVATION

Planning Committee

10 December 2024



Application No.	24/00790/FUL
Site Address	Hitchcock And King, Station Yard, Stanwell Road, Ashford, TW15 3DT
Applicant	Mr Philip Offer
Proposal	Erection of a self-storage building (Use Class B8) with associated access, landscaping, parking and circulation space.
Case Officer	Matthew Clapham
Ward	Ashford Town
Called-in	N/A

Application Dates	Valid: 15.07.2024	Expiry: 14.10.2024	Target: Extension of time agreed 13.12.2024
Executive Summary	<p>The proposal is for the erection of a new commercial building for the use as a self-storage facility. The site is located outside of a designated Employment Area although it is in an existing commercial use and has been so for a number of years. The principle of erecting a new commercial building with more floorspace compared to the previous building is considered to be acceptable.</p> <p>The design reflects the use as a storage building but has limited active frontages facing the road due to its location to the rear of a Lidl supermarket and adjoining Church Road where it rises up to pass over the railway line and Ashford Station. A mix of colours and materials to the façade is proposed and the design, which includes small landscaped areas is considered to be acceptable. The proposed parking provision, located to the front of the building is acceptable.</p> <p>The existing access through the supermarket car park will be retained. The impact on the amenity of neighbouring properties is considered to be acceptable. Matters relating to flooding, renewable energy, ecology and biodiversity, trees and landscaping, contaminated land, air quality, and crime and design are all acceptable.</p> <p>The proposal accords with the Council's policies in the Core Strategy and Policies Development Plan Document 2009 (CS &P DPD).</p>		
Recommended Decision	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:
- SP6 (Maintaining and Improving the Environment)
 - EN1 (Design of New Development)
 - EN8 (Protecting and Improving the Landscape and Biodiversity)
 - EN15 (Development on Land affected by Contamination)
 - SP3 (Economy and Employment Land Provision)
 - EM2 (Employment and Development on Other Land)
 - SP7 (Climate Change and Transport)
 - CC1 (Renewable Energy)
 - CC2 (Sustainable Travel)
 - CC3 (Parking Provision)
- 1.2 The National Planning Policy Framework (NPPF) December 2023 is also relevant. The Government also published a draft revised NPPF in July 2024, which has not currently been adopted. The draft NPPF is given limited weight currently.
- 1.3 On 19 May 2022, the Council agreed that the draft Spelthorne Local Plan 2022 – 2037 be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The public consultation for the Pre-Submission Publication version of the Local Plan ended on 21st September 2022 and the local plan was submitted to the Planning Inspectorate on 25th November 2022.
- 1.4 An Examination into the emerging Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved to request that the Planning Inspector pause the Examination for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the emerging Local Plan. After the three months pause, the Council would decide what actions may be necessary before the Local Plan Examination should 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 Local Plan process forward.
- 1.6 On 14 September 2023, the Council considered a report following the deferral in June. The report listed three options; to continue with the local plan to include further work (especially on design codes), to request a further pause, or to withdraw the local plan. On the day of the meeting, a letter was received from the Housing Minister stating that the Housing Secretary was directing the Council "not to take any step to withdraw the plan from examination..." The Council resolved to extend the pause in the Examination timetable until the

proposed changes to the NPPF had been published before determining the next steps.

- 1.7 On 22 September 2023, the Inspector agreed to a further pause to the Examination and requested that the Council continue to address the issues that he identified in the first week of the Examination, in particular flood risk and its potential implications in relation to the site allocation and delivery strategy of the plan.
- 1.8 On 10 November 2023, the Environment Agency (EA) provided comments on Spelthorne's Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA) seeking additional information, amendments and updates to the assessment.
- 1.9 Following the Environment & Sustainability Committee meeting on 29 February 2024, it was resolved to propose to the Planning Inspector, modifications to the emerging Local Plan, including the removal of all Green Belt site allocations, with the exception of two allocations that meet the need for Gypsy, Traveller and Travelling Showpeople, the removal of site allocations at high risk of flooding and to move some higher flood risk sites to the later plan period (years 11-15), and the withdrawal the Staines Development Framework as a core document.
- 1.10 On 19 March 2024 the Council published updated Level 1 and Level 2 SFRA. On 2 May 2024 the EA provided comments, including a request for additional clarification which was provided on 17 May 2024
- 1.11 On 18 July 2024, Council considered a report into the resumption of the Local Plan Inquiry which had previously been agreed by the Corporate Policy and Resources Committee on 8 July 2024. The report set out the recent response from the Environment Agency, and the options for deciding whether or not Council agreed a request for further Main Modifications to the Local Plan in order to resume the Examination hearings and progress the Plan to adoption. Council agreed the option to progress the local plan and officers have now requested this from the Inspector.
- 1.12 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.

1.13 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
- PS1: Responding to the Climate Emergency
- PS2: Designing Places and Spaces
- EC1: Meeting a Need for Employment Land
- E2: Biodiversity
- ID1: Infrastructure and Delivery
- ID2: Sustainable Transport for New Developments

1.14 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
20/00780/FUL	Sub-division of existing retail warehouse, and change of use to create two Class E commercial units, with reconfiguration of the site car park, elevational changes, installation of plant equipment, and other ancillary works. (This relates to the adjoining site to the west which was formerly Hitchcock & King but now occupied by Lidl).	Granted 12/11/2021
14/00804/FUL	Extension to existing commercial building	Grant 20/10/2010

3. Description of Current Proposal

The application site and surrounding area

3.1 The application site is a 0.5047 hectare site on the western side of Church Road and north of Ashford railway station. To the west is a Lidl supermarket

and to the north is an open area of land under the long term leasehold ownership of Spelthorne Borough Council - Scott Freeman Gardens. To the east on Church Road is the St James School, the school building and the gate lodge and railings being Grade II listed buildings.

- 3.2 The site is currently occupied by a detached building operating as a builders and timber merchants with associated external storage with some structures providing covered areas and parking areas and loading / turning space. It is accessed through the Lidl supermarket car park and the access road onto Stanwell Road to the west.
- 3.3 The nearest residential properties are in Station Crescent to the west which back onto Stanwell Road and the flats above the commercial uses on the roads on the other side of the railway line.

Proposal

- 3.4 This proposal involves the erection of a larger building on the southern part of the site, in place of the existing builders and timber merchants and the various other structures and external storage areas for trade materials. The building will be 14.1m high to the ridge of a shallow pitched roof. The top of the parapet walls, which effectively serve as the eaves, will be 12.7m. in height. The building will initially contain no additional floor levels other than ground floor, although the building has been designed to allow for the installation of up to three mezzanine floors for storage purposes on the upper floors to potentially respond to increased demand following the opening of the premises. The building will provide limited active frontages to Church Road and Scott Freeman Gardens with a visible frontage also from the railway station. The building will initially provide a total of 2,323sq.m. of floor space for storage.
- 3.5 The proposed storage facility is to be operated by Cinch, a self-storage company set up in 2017. The Planning Statement confirms that Cinch operates from 20 stores providing self-storage floorspace available to local residents and local businesses, with more than 50% of the storage space within a store being taken by business customers. Typical businesses include; e-market traders, eBay traders, mobile salespeople, entrepreneurs, new businesses and archive storage for existing businesses.
- 3.6 In terms of parking provision, the proposed development will provide a total of 19 parking spaces to the north (front) of the building, comprising 17 standard spaces and two blue badge bays (equating to 10% of the total provision). Four of the spaces will be provided with electric vehicle charging points from the outset (21%) with the remaining having passive provision. All parking spaces are 6m x 3m in size to accommodate larger cars and small vans used to transport goods to and from the site. Two loading bays will be provided with a service area where vehicles can park whilst waiting for a loading bay to become available, in the event of both loading bays being occupied. A total of ten short-stay cycle parking spaces are to be provided within the external area, and space for two bicycles will be stored safely within the building for staff.

- 3.7 The opening hours when the reception area will be staffed are 8.30am – 6pm on Monday to Friday, 9am – 4pm on Saturday and 10am – 2pm on Sundays. Key holding customers that pay a premium are permitted to access the units by swipe card access on a 24/7 basis.
- 3.8 The full set of proposed plans are provided as an Appendix.

4. Consultations

The following table shows those bodies consulted and their response.

Consultee	Comment
Surrey Wildlife Trust	Requested a bat survey on trees on surrounding land and further details regarding Biodiversity Net Gain.
Natural England	No response to date.
Thames Water	No objections.
Surrey CC Highways	No objections subject to conditions.
Surrey CC SuDS	Satisfied that the proposed drainage scheme meets the requirements subject to conditions.
Heathrow Safeguarding	No objections.
SBC Sustainability	Meets renewable energy requirements.
Surrey CC Archaeology	No archaeological concerns.
Environment Agency	No response to date.
Environment Health - Contamination	Recommend conditions.
Environment Health – Air Quality	Recommend conditions.
National Highways	No objections.
Network Rail	No objections.
Esso Pipelines	No objections.
Tree Officer	No objections but requested revised Method Statement

5. Public Consultation

- 5.1 A total of 260 properties were notified of the planning application and a statutory site notice was displayed.
- 5.2 The Council has received no third-party letters.

6. Planning Issues

- Principle of Development / Employment Use.
- Design and Appearance
- Residential Amenity.
- Parking and Highway Safety.
- Flooding.
- Renewable Energy.
- Ecology and Biodiversity.
- Trees and Landscaping.
- Contaminated Land
- Air Quality.
- Crime and Design.
- Impact on the setting of the Listed Buildings at St. James School.

7. Planning Considerations

Principle of the development / Employment Use

7.1 The application site is located on the northern side of Ashford Railway Station where Station Approach, to the south of the railway is the boundary to the designated Ashford Town Centre Employment and Shopping Areas. The site itself is an existing commercial use as a builders and timber merchants. The proposed use is for a new self-storage facility (Use Class B8). The existing building has an employment floorspace of some 566sq. m with additional external covered and uncovered storage areas for building materials. The proposal will have an employment floor space of some 2323 sq. m. It will also however, have the potential to increase the floorspace by the introduction of mezzanine floors within the main building, which can be introduced at a later date (without the need for planning permission).

7.2 The NPPF in section 6 refers to Building a Strong Competitive Economy and para 85 states: -

'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'

7.3 Policy EM2 of the Spelthorne Core Strategy and Policies Development Plan Document (CS&P DPD), in relation to 'Employment Development on Other Land' states that

'The Council will allow further employment development on existing employment land outside designated Employment Areas where it can be demonstrated the development can take place in an acceptable way'

7.4 The proposal does increase the total amount of floorspace on the site, albeit in a self-storage use which will not necessarily generate large amounts of employment. The application form states that the proposal will be served by three full time employees. However, the proposed use and development is considered to have the potential to generate employment elsewhere as it involves warehousing /self-storage, which in the applicant's planning

statement, is as much for business users as the general public storing private items. For the reasons set out in the report below, it is considered that the proposal can take place in an 'acceptable way'. Therefore, as the development is for an employment use on an existing employment site and within a parcel of land that consists of a retail unit and two smaller vacant units, the proposal is considered acceptable in principle and does comply with Section 6 of the NPPF and Policy EM2 of the CS&P DPD.

Design and appearance

7.5 The National Design Guide (NDG), *"Planning practice guidance for beautiful, enduring and successful places"*, 2021, sets out guidance for well designed places. Paragraphs 43 and 44, note that well designed buildings do not need to copy what is already in existence but do need to integrate with the surroundings in a number of ways including physically, socially and visually:

"Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including:

- *the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it;*
- *patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, grain, form and scale – see Built form;*
- *the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development – see Identity.*
- *uses and facilities, including identifying local needs and demands that well-located new facilities may satisfy; and public spaces, including their characteristic landscape design and details, both hard and soft.*

However, well-designed places do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities, and to incorporate new sustainable features or systems."

7.6 Policy EN1a of the CS&P DPD states that

"The Council will require a high standard in the 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."

7.7 The existing building on the site is a functionally designed building with cladding. The proposed building is substantially larger and is also of a functional design to reflect its use. The proposed storage building is

effectively four storeys in scale, initially with a single floor with the capacity to add three additional mezzanine floors of storage use. The site is located on an open area of land that has limited active frontages. To the north, the boundary is tree lined to Scott Freeman Gardens. To the west is the Lidl Supermarket which was a conversion of the existing building on the site and involved cladding and adding glazing to the building, although it remains relatively functional in appearance terms. To the south is Ashford Railway Station and the five storey Ash House beyond on Station Approach. To the east is Church Road, which by virtue of the railway bridge rises up alongside the site limiting some views of the site from this road, with vegetation and trees along the side embankment. The proposed building is of a commercial use and large in scale, taking up much of the site compared to the existing building, although other parts of the site are currently covered with externally stored building materials. The proposed building will be set back from the boundaries with over 2m maintained to the southern, western and eastern boundaries and over 20m to the northern boundary to Scott Freeman Gardens.

- 7.8 The proposed design is of intermediate vertical panels in contrasting shades of light grey and dark grey to the façade, which helps to break up the building's mass and adds some visual interest to a functional building. A brick plinth is proposed around the base of the building's façade which further breaks up the external appearance of the building in those areas where the full height of the façade may be viewed. In addition to the vertical panels, metal cladding in Cinch's corporate colours is used on parts of the building and, in particular, to emphasise the entrance area to the north west corner of the building. There are also areas of glazing with corridors behind it. The roofing, commonly used in light industrial and self-storage warehouses, has been specifically selected for its ability to span large spaces efficiently with a very shallow pitched roof which is concealed behind the parapet, will remain out of sight from eye level, The choice of materials is, as stated by the applicant, to ensure durability but also provide an acceptable exterior appearance. There are elements of existing landscaping that are being retained and some additional landscaping areas proposed around the building.
- 7.9 As such the proposed design is considered to accord with Policy EN1 in that the proposal is creating a building that is '*...attractive with their own distinct identity*'. It is also considered to be in keeping with the character of the area and will make a positive contribution to the street scene, providing a new larger employment building, on an existing commercial site. As such, the proposed development is considered to be acceptable in design terms and generally conforms with Policy EN1.

Impact on neighbouring residential properties

- 7.10 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."

- 7.11 The closest residential properties are located to the south on the opposite side of railway line on Station Approach. These are approximately 50m away from the proposed building. The largest building in this location is a five storey block of flats, partly facing towards the application site. The nearest properties to the west are some distance away and back onto Stanwell Road beyond the Lidl supermarket and face onto Station Crescent.
- 7.12 The proposed building at over 14m in height is substantially larger than the existing building on the site which is approximately 7m in height. However, due to the separation distances and relationships with the nearest residential properties, no adverse impacts upon residential amenity are considered to arise in terms of any loss of light, overbearing or privacy. Whilst the facility is open for users for 24 hours a day, this is an existing commercial site, adjoining a railway station and a supermarket, no significant harm is considered to arise from any noise and disturbance from the proposed use.
- 7.13 The building would be in close proximity to the London bound platform at Ashford Station and the platform opposite. However, due to the transient nature of the railway station no harm to the amenity of users of the railway is considered to arise and no objection has been received from Network Rail. The building is located on the other side of Church Road to the St James School. However, due to the embankment to the bridge the building will be partially screened from the school and in any event, it is school grounds and playing fields that are closest to the proposed development. The proposal preserves the listed building and its setting in accordance with s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. To the west is the service yard to the Lidl supermarket and two vacant units and part of the car parking area. It is considered that due to the siting and design of the proposal, the relationship is acceptable on these non-residential buildings and facilities.
- 7.14 The proposal is considered to have an acceptable relationship and therefore an acceptable impact on the amenity of existing neighbouring properties, including residential properties on Station Approach and Station Crescent, conforming to Policy EN1.

Parking and Highway Safety

- 7.15 Strategic Policy SP7 of the CS&P DPD states that:

“The Council will reduce the impact of development in contributing to climate change by ensuring development is located in a way that reduced the need to travel and encourages alternatives to car use. It will also support initiatives, including travel plans, to encourage non car-based travel.”

- 7.16 Policy CC2 of the CS&P DPD states that:

“The Council will seek to secure more sustainable travel patterns by: ... (d) only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account:

(i) number and nature of additional traffic movements, including servicing needs; (ii) capacity of the local transport network; (iii) cumulative impact including other proposed development; (iv) access and egress to the public highway; and (v) highway safety.

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.

- 7.17 The Council's Parking Standards Supplementary Planning Guidance (SPG) refers to business development. It notes that development for Warehouses used solely for storage requires 1 car space per 100 sq. m floor area, plus 1 lorry space per 200 sq. m floor area. These standards are applied as maximum standards. The Parking Standards stipulate a maximum parking provision of 24 car parking spaces and 12 lorry parking spaces for a scheme of this size and mix. A total of 19 car parking spaces and 2 light good vehicles spaces at the loading bays and one waiting space are to be provided on the site. It is recognised that the proposal is for a self-storage facility where as the applicant has suggested, *'whilst self-storage does fall into the Class B8 use class, trip rates tend to be far lower and more evenly spread throughout than a standard warehouse use'*. The parking spaces are also larger than would generally be provided in a standard car park to allow for larger vehicles to park in them. Therefore, it is considered that the parking provision is acceptable.
- 7.18 The County Highway Authority (CHA) has been consulted and made the following comments: *'The applicant has demonstrated to the satisfaction of the CHA that the development will not lead to a significant or severe impact on highway safety and capacity on the local highway network. The location of the site is particularly sustainable with bus stops situated within 350 metres walking distance of the site, and Ashford Rail Station within 600 metres whilst Ashford Centre is situated within 700 metres walking distance'*.
- 7.19 Subject to the recommended conditions, the proposed impact on highway safety and parking is considered to be acceptable in terms of Policies CC2 and CC3.

Flooding

- 7.20 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 requiring all development proposals within Zones 2, 3a and 3b and development outside these areas (Zone 1) on sites of 0.5ha or of 10 dwellings or 1000sqm of non-residential development or more, to be supported by an appropriate Flood Risk Assessment (FRA).
- 7.21 The site is located within Flood Zone 1, which has a low probability of flooding with a less than 1 in 1000 year chance of flooding, and where no uses are precluded on flooding grounds. The applicant has submitted a Flood Risk Assessment (FRA) & Surface Water Drainage Strategy, as is required by Policy LO1 of the CS & P DPD.

- 7.22 In terms of flood risk, the site is located outside of the high flood risk area and, as displayed in the FRA, there is no risk to the proposed development or other existing properties from flooding.
- 7.23 With regards to surface water drainage, the applicant is proposing to implement infiltration drainage devices to improve surface water drainage than currently on parts of the site.
- 7.24 The Lead Local Flood Authority at Surrey County Council (SCC) has been consulted on the proposed sustainable drainage scheme (SuDS). They were initially not satisfied that sufficient detail had been provided. Following the submission of further detail, SCC has been reconsulted and is now satisfied, subject to the imposition of conditions. Therefore, it is considered that the proposal complies with the requirements of Policy LO1 of the CS & P DPD.

Renewable Energy

- 7.25 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 sq. m 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.
- 7.26 The applicant proposes to use Photovoltaic panels installed on the roof to generate renewable energy, with an air source heat pump being installed in the reception area. The Council's Sustainability Officer has been consulted and has raised no objection. A condition for renewable energy will be imposed and it is considered that the proposal accords with Policy CC1.

Ecology

- 7.27 Policy EN8 of the CS&P DPD states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by ensuring that new development, wherever possible, contributes to an improvement in the landscape and biodiversity and also avoids harm to features of significance in the landscape or of nature conservation interest.
- 7.28 A Preliminary Ecological Appraisal (PEA) has been carried out, which recommends a number of measures to mitigate any adverse impacts and includes measures to be incorporated into the development to ensure a biodiversity net gain, including increased soft landscaping on site and some existing trees to be retained.
- 7.29 Surrey Wildlife Trust (SWT) were consulted and have raised concerns about the biodiversity net gain (BNG) being provided. Notwithstanding this, the site is already laid out almost entirely in hardstanding and the proposals do include some additional planting in the form of two trees, hedgerows and shrub planting in three landscaped areas. The PEA and updated documents have confirmed that BNG is applicable on the site and that the proposal will provide the required 10%. It is considered that a suitable condition should be imposed requiring that no development shall take place until a Biodiversity

Net Gain Plan following the Government's Biodiversity Net Gain Template has been approved by the Local Planning Authority.

- 7.30 The applicant has also submitted a bat survey which demonstrates that no bats would be affected by the demolition of the existing building. SWT did request that an enhanced bat survey be submitted which has been received to demonstrate that no bats occupy the existing building. SWT also requested that a bat survey be carried out on a tree that is shown to be retained on the edge of the site. As the survey has demonstrated that there is no evidence of bat roosts within the existing buildings there is no objection to the demolition and redevelopment of the site. With regard to the existing tree, this is proposed to be retained and it is therefore considered that no further bat survey work is required.

Impact on Trees/Landscaping

- 7.31 The applicant has carried out a tree survey at the site and adjacent land, although a tree on the site will be removed, another will be retained and others on the northern boundary are to be retained and protected.
- 7.32 The applicant has submitted a full landscape plan with details of planting including mixed species hedges, shrubs and native species of trees. This will be in three separate landscaped areas, two to the front of the site and one to rear / southeast corner of the site. The Council's Tree Officer has not raised any objections to the proposal although has requested a condition requiring an updated Arboricultural Method Statement.
- 7.33 The proposed planting and landscaping will help to enhance the proposed development and is considered to be acceptable and will be secured by the imposition of a condition.

Contaminated Land

- 7.34 The applicant has submitted a *Geo-Environmental Assessment* Report to ascertain the level of contamination of the existing ground conditions and proposed remediation measures. The Council's Pollution Control Officer has raised no objection subject to conditions being imposed. As such subject to these conditions, the proposal is considered acceptable in accordance with Policy EN15.

Air Quality

- 7.35 The applicant has submitted an Air Quality Assessment (AQA), as is required by Policy EN3 of the CS & P DPD. The AQA assesses the impact of construction impacts of the proposed development. The Council's Pollution Control section was consulted on the application and raised no objection on air quality subject to a condition.

Crime and Design

- 7.36 The Crime Prevention Officer was consulted, and it is considered appropriate to impose an informative rather than a condition, in line with government

advice on the use of planning conditions relating to “Secured by Design”. Many of the requirements are very detailed (e.g., standards of windows, doors and locks), elements which are not covered and enforced under the planning regulations.

7.37 Impact upon the setting of the listed buildings at St. James School

To the east of the site, on the other side of Church Road is St James School. The main School building, the Chapel and the Railings and Gates Lodge are Grade II listed buildings. The gates lodge and railings are closest to the application being at an entrance to the school off Church Road to the north east of the application site. Due to the separation distance and the relationship between the proposed building and the school site, including the raised road over the railway line which partially screens the proposed building from the school grounds and the Gates Lodge, it is not considered that the proposal will result in harm to the setting of the listed buildings and grounds of the school site. The proposal preserves the listed building and its setting in accordance with s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other matters

- 7.38 In relation to noise, Policy EN11 states that the Council will seek to minimise the adverse impact of noise. An Acoustic Assessment has been carried out and submitted in support of this application. The assessment concludes that given the nature of activities associated with the self-storage facility and the existing noise environment, and the reduction in vehicular movements compared to the previous use, the proposed operations will not have an adverse impact at the nearest sensitive receptors. There are no objections on noise.
- 7.39 Policy EN13 relates to lighting and seeks to minimise the adverse impact from light pollution on the environment, only permitting lighting proposals which would not adversely affect amenity or public safety. The proposal is not considered to cause unacceptable levels of light pollution as many of the surrounding properties are commercial. However, a lighting condition will be imposed for details of external lighting to be submitted and agreed.

Equalities Act 2010

- 7.40 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.

- 7.41 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.

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

- 7.42 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.43 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.
- 7.44 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.
- 7.45 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

- 7.46 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. The proposal will generate Business Rates which is not a material consideration in the determination of this proposal.

Conclusion

- 7.47 The proposed development is considered to be an acceptable employment use on existing employment land. The proposal will have an acceptable design and appearance and an acceptable impact on the amenity of neighbouring properties. The impact on highways is also considered to be acceptable and the proposal accords with the National Planning Policy Framework and Policies EN1, EN8, EN15, EM2, LO1, CC1, CC2 and CC3 of the Spelthorne Core Strategy & Policies Development Plan Document.

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: 230074-3DR-XX-00-DR-A-08 001 rev P01; 230074-3DR-XX-00-DR-A-08 002 rev P01; 230074-3DR-XX-00-DR-A-08 003 rev P01; 230074-3DR-XX-00-DR-A-08 004 rev P01; 230074-3DR-XX-00-DR-A-08 005 rev P01; 230074-3DR-XX-00-DR-A-08 006 rev P01; 230074-3DR-XX-00-DR-A-08 007; 230074-3DR-XX-00-DR-A-08 008 rev P01; 230074-3DR-XX-00-DR-A-08 009 rev P01; 230074-3DR-XX-00-DR-A-08 010 rev P01; 230074-3DR-XX-00-DR-A-08 011 rev; 230074-3DR-XX-00-DR-A-06 100 rev P02; 230074-3DR-XX-00-DR-A-06 101 rev P02 received on 03.07.2024.

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

3. No development above damp course level shall take place until details of the materials to be used for the external surfaces of the buildings and surface material for parking areas 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. Prior to the occupation of the development, details of a scheme of the means of enclosure shall be submitted to and approved in writing by the Local

Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details and maintained as approved.

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

5. The trees and shrubs shall be planted on the site in accordance with the scheme hereby approved, within a period of 6 months from the date on which development hereby permitted is first commenced, 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.

Reasons: - To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development. In accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

6. Following construction of any groundwork and foundations, no construction of development above damp course level shall take place until a report is 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 sustainable and complies with Policy SP7 and CC1 of the Spelthorne Development Plan Core Strategy and Policies DPD.

7. i) Should any Made Ground or signs of contamination (such as ashy material, odour, staining of soil, sheen on groundwater or surface water) be discovered at any time during the development, sampling will be required. This site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.
- ii) A written Method Statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The Method

Statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

Reason:-To protect the amenities of future residents and the environment from the effects of potentially harmful substances.

NOTE

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences.

In accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

8. Prior to the first use or occupation of the development, and on completion of the agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: -To protect the amenities of future occupiers and the environment from the effects of potentially harmful substances.

NOTE

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences.

In accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

9. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
 - a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 12.0l/s for the 1in100 year storm event with the 1in1 year storm event discharge rate to be agreed.
 - b) Evidence that the existing private sewer connection is fit for purpose for the lifetime of the development.
 - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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.

- 10 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 4 attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

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

- 11 The development hereby approved shall not be first opened for trading unless and until space has been laid out within the site in accordance with the approved plans 230074-3DR-XX-00-DR-A-08 005 RevP01 by the Local Planning Authority for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason:- In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2023 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009

- 12 The development hereby approved shall not be first occupied unless and until facilities for the secure, lit and covered parking of bicycles and the provision of a charging point with timer for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

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

- 13 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 past charge socket (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.

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

- 14 a) No development including groundworks and demolition shall take place until a revised Arboricultural Method Statement is submitted to and approved in writing by the Local Planning Authority. The protection methodology agreed in this Statement shall be maintained during the course of the development and no storage of materials or erection of buildings shall take place within the fenced area.

(b) The destruction by burning of materials shall not take place within 6 m (19 ft 8 ins) of the canopy of any tree or tree group to be retained on the site or on land adjoining.

Reason:- To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development In accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 15 Prior to the occupation of the building hereby permitted details including a technical specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The agreed external lighting shall be implemented prior to the occupation of the building and shall at all times accord with the approved details.

Reason:- To safeguard the amenity of neighbouring residential properties and in the interest of security

- 16 No development including groundworks and demolition shall take place until, a Biodiversity Net Gain Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall follow the Government's Biodiversity Net Gain Template and include details in line with the Biodiversity Net Gain/Net loss report dated October 2024 by Ecology & Land Management, November 2024 and incorporate the following:

- a) At least 7 trees and 0.0142ha of wildlife-beneficial native mixed scrub to be to be planted and tree T14 to be retained.
- b) Hedgerows comprising native species will be planted along part of the southern site boundary of the application site as part of the soft landscaping proposals.
- c) Bat and Bird boxes to be provided.

The approved details shall be implemented prior to occupation of the development and be permanently maintained thereafter.

Reason:- To comply with the requirements of the Environment Act 2021 and the Levelling Up and Regeneration Act 2023.

Informatives

1. If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.
2. Sub ground structures should be designed so they do not have an adverse effect on groundwater.
3. Due to the site being within Heathrow Airports crane circle, the crane operator is required to submit all crane details such as maximum height, operating radius, name, and phone number of site manager along with installation and dismantling dates to the CAA Airspace Coordination and Obstacle Management Service (ACOMS) system. For notification, please follow the link via CAA website: Crane notification | Civil Aviation Authority (caa.co.uk) Once crane notification has been received from the CAA, Heathrow Works Approval Team will assess and issue the necessary crane permit. No cranes should operate on site until a crane permit has been issued. Specific CAA guidance for crane lighting/markings is given in CAP1096: Guidance to crane users on the crane notification process and obstacle lighting and marking (caa.co.uk).
4. The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, (www.ccscheme.org.uk) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.
5. 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).
6. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. As per Condition 4, we

require Electric Vehicle Charging Points for 50% of available parking spaces to be fitted with a fast charge socket (active supply), and a further 50% of available spaces to be provided with power supply, i.e. cable routes, to provide additional fast charge sockets in future (passive supply). Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.

7. The need to improve alternative sustainable transport options was highlighted by the CHA in an earlier pre-application consultation, in view of the lack of a more direct and attractive route to the site for non-motorised users. Condition 1 shall require the Applicant to provide mitigation in the form of a demarcated pedestrian route running along the northern edge of the access road which would negate the need for those pedestrians arriving from the north, to have to cross in front of vehicles.
8. 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.



24/01089/FUL - 5-7 and 9 Station Approach and 21 Woodthorpe Road, Ashford.

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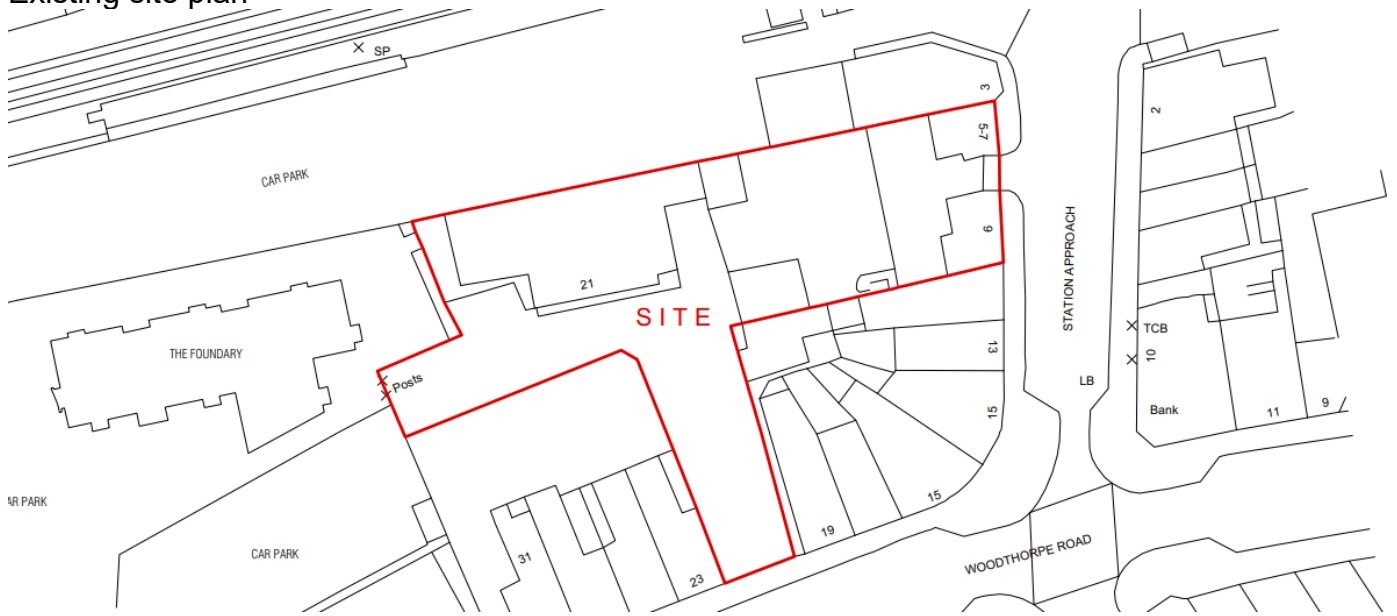
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Appendices Woodthorpe Road

Existing site plan



Proposed site plan



Proposed floor plans



SECOND FLOOR PLAN



FIRST FLOOR PLAN



FOURTH FLOOR PLAN



THIRD FLOOR PLAN

Proposed elevations



NORTH ELEVATION STATION CAR PARK



EAST ELEVATION CENTRAL BLOCK



WEST ELEVATION CENTRAL BLOCK



SOUTH ELEVATION



1:500 A.O.D.

EAST ELEVATION STATION APPROACH EAST



WEST ELEVATION



Appeal Decision

Site visit made on 23 May 2024

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 July 2024

Appeal Ref: APP/Z3635/W/23/3333864

5 - 7 & 9 Station Approach and 21 Woodthorpe Road, Ashford TW15 2RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Morris against the decision of Spelthorne Borough Council.
 - The application Ref is 23/00865/FUL.
 - The development proposed is demolition of existing office buildings and construction of 40 residential units together with Class E (commercial, business and service) floorspace, associated amenity and parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is accompanied by revised drawings which include amendments to address inconsistencies contained in the earlier drawings on which the Council's decision was based. The proposed amendments would not entail a substantial change to the proposed development and they would not cause procedural unfairness to anyone involved given their nature and extent. Therefore those amended drawings have been taken into account in the determination of the appeal.
3. The Council submitted its Emerging Local Plan 2022- 2037 (the ELP) for examination in November 2022 and it is going through the examination process. Both main parties refer to the ELP and this is discussed further below.

Main Issues

4. The main issues are (i) the effect of the proposal on the character and appearance of the area, and (ii) effects on the living conditions of the occupants of nearby properties.

Reasons

Character and Appearance

5. The appeal site lies within Ashford Town Centre which comprises a rich mix of buildings of varying design and character predominately with commercial uses at the ground floor level and residential accommodation above. The area surrounding the appeal site displays a dense pattern of development with limited spaces between buildings other than to provide areas of hard surfacing for parking.

6. Building heights in the area also vary significantly and include a two storey terrace to the south of the appeal site as well as taller buildings such as Imtech house of five storeys, The Foundry rising to four storeys and Ash House on Station Road of five storeys. As a result of this variation in building heights, views of taller buildings are frequently possible through gaps and over the smaller buildings. These taller buildings are not grouped, but are peppered across the town centre and often result in stark changes in building heights across the area. These taller buildings include those with both prominent street frontages such as Imtech House as well as those behind the main building line in the case of The Foundry. Together the variation in building scale and character contributes to the established character and visual interest of this area.
7. The proposal would respect the building heights of the surrounding area, and the top storeys would be recessed, reducing the massing and adding articulation to the upper floors. The appellant's Massing Views suggest that the upper levels of the blocks would be visible to varying degrees from the surrounding area, including from the far side of the roundabout to the south, where they would appear above the consistent height and strong parapet line of the two storey terrace. However, given the dispersed nature of taller buildings across the area and their existing impacts on the townscape, I do not consider the visual effects of the height and massing of the blocks would cause visual harm.
8. The proposed blocks would extend close to their site boundaries and the western block would sit hard against the edge of the car park to the north and would not benefit from a street frontage. However, given the relatively dense grain of development in the area, together with the adjacent development at The Foundry which is similarly set back behind the street frontage, the proposed site layout would not appear uncharacteristic in this context.
9. The proposed eastern block would include a frontage onto Station Approach. This forms part of the designated shopping area and the appellant acknowledges the importance of this frontage as it provides a link from the station to the main commercial centre and contributes to the impressions of the area of those users of the station. Despite the varied building forms which characterise the wider area, there is a greater degree of consistency in the appearance of the buildings forming the western street frontage. This arises from the combination of their storey heights, alignment of the shopfronts and first floor windows, as well as a strong horizontal parapet which runs continuously across the frontage above the first floor level. Together these contribute positively to the character of this important route. While not of any particular architectural merit, the existing building at 7-9 Station Approach shows consideration for these established characteristics.
10. By contrast, the proposed frontage onto Station Approach would deviate significantly from the established storey heights and window levels which characterise the existing frontage and the horizontal lines of the frontage would be substantially lost. While the approach to the building height is not opposed for the reasons set out above, when viewed in combination with the detailed design and proportions of the proposed Station Approach elevation, this would amount to a substantially incongruous addition which would contrast heavily with its context. It is not apparent that the proposed stepped nature of this

elevation would mitigate for or reduce these effects and its departure from the established building line adds further to its jarring effects.

11. The appellant describes the proposal as providing a marker in the townscape and comprising its own distinct identity. While this may be the case it is not apparent that the benefits in doing so would provide justification for the heavy conflict with the established frontage. Other buildings to the south may potentially be redeveloped over time, however there is not sufficient evidence of the likelihood or timescales to suggest that the harm arising from the proposal would be short lived.
12. In summary on this main issue, the proposal would cause harm to the character and appearance of the area by reason of the design of the Station Approach frontage. While the effects would be limited predominantly to localised views around Station Approach, the effects would nonetheless be very significant. The proposal would conflict with Policy EN1 of the DPD¹ insofar as it requires development to respect and make a positive contribution to the street scene and the character of the area in which they are situated, having due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land. There would also be conflict with the Council's Design of Residential Extensions and New Residential Development Supplementary Planning Document (SPD) 2011 which identifies the character of the area as one of the most important considerations for a well designed scheme. The proposal would also be at odds with the design objectives of the National Planning Policy Framework (the Framework) where it requires development to be sympathetic to local character including the surrounding built environment.
13. In respect of density, the proposal would exceed the density guideline for Ashford set out in Policy H05 of the DPD. The policy allows for a higher density where compliance with Policy EN1 is demonstrated, however, as this has not been the case the proposal would also be in conflict with Policy H05 of the DPD. I note the appellant's comments regarding the age of that policy and that it was based on different housing targets at that time. Nonetheless, it is broadly consistent with paragraph 128 of the Framework given that it allows for a higher density subject to design considerations. As such the conflict with it does not attract reduced weight.
14. The site allocation in the ELP, of which the appeal site forms a part, contains site specific requirements which include the need for a well-designed scheme that has a positive relationship with nearby town centre uses. It also identifies the site as having the opportunity to provide a well-designed scheme that makes a positive contribution to the wider street scene. For the reasons set out, the proposal would not comply with the requirements for the allocation set out in the ELP.

Living Conditions of Occupants of Nearby Properties

15. No.3 Station Approach adjoins the site to the north and comprises flats set across three storeys, some of which are served by windows in its west facing elevation. The appellant's Daylight and Sunlight Report acknowledges that diffuse daylight may be adversely affected to three of those windows closest to the appeal site. In addition, the development would also breach a 45 degree

¹ The Spelthorne Core Strategy and Policies Development Plan Document, February 2009

vertical guide line taken from the centre of those windows, in accordance with methodology set out in the Council's Design of Residential Extensions and New Residential Development SPD.

16. Nonetheless, the tests contained in the Council's SPD acknowledge that they are a guide and the Framework is clear that authorities should take a flexible approach in applying guidance relating to daylight and sunlight where they would otherwise inhibit making efficient use of the site. The appellant identifies those affected windows serve bedrooms, where expectations of high levels of daylight are generally less. Furthermore, the extent of the losses are not significant and the resultant figures fall just below the level of acceptability under the Vertical Sky Component test. The north elevation of the proposed development would be close to these windows and would inevitably be apparent and prominent to some degree in the outlook from those bedroom windows. However, there is not substantive evidence to suggest that these effects would be overbearing or amount to a significant harmful impact. For these reasons in combination, I consider the effects of the proposal on no.3 Station Approach to be acceptable.
17. The appellant acknowledges effects on other existing windows, in particular including one ground floor window within 35A Woodthorpe Road within the Foundry development. The Council accepts that the impacts of the development on their lighting would not be to an extent to warrant refusal. Based on the evidence, and considered in light of the provisions of the Framework set out above, I find the effects on the natural lighting and outlook of other properties, including within No.35A, to be acceptable.
18. In conclusion on this main issue, the proposal would not cause unacceptable harm to the living conditions of occupants of nearby properties and would comply with Policy EN1 of the DPD which, at point b), requires development to achieve a satisfactory relationship to adjoining properties and avoid significant harmful impacts in terms of matters including daylight and outlook.

Planning Balance

19. The Council accept that it cannot demonstrate a five year land supply for housing and state that it can demonstrate a supply of only 3.52 years. It states a need for 3,708 dwellings over five years including a buffer, and that it has identified sites to deliver 2,615 dwellings in the five year period. As such the provisions of paragraph 11d) of the Framework are relevant to the appeal and 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 the Framework taken as a whole.
20. The proposal would cause harm to the character and appearance of the area for the reasons set out. This harm would occur to part of the shopping frontage which forms an important spinal route connecting the station to the main part of Ashford town centre. The effects would be significant and long lasting, and would cause conflict with the development plan as well as the Framework. As such this harm attracts substantial weight.
21. In terms of benefits, the proposal would entail the redevelopment of a brownfield site in a sustainable location with good accessibility to services and facilities including public transport links. These are attributes supported by the Framework and it is a site which the Council accept is suitable for new housing.

The development would provide 40 market units, which would contribute to the national objective to boost the supply of homes and is particularly important given the identified local shortfall. These would be a mix of sizes and include wheelchair accessible units.

22. The development would utilise sustainable energy sources and would introduce areas of soft landscaping with associated drainage and ecological benefits, although these would be limited in scale. There would be some economic benefit arising from the construction process and from ongoing expenditure by future occupants, as recognised by third parties supporting the proposal. The proposal would provide a Class E use at the ground floor and as a consequence part of the Station Approach frontage would be active. However it would not appear that the existing frontage could not similarly provide such a benefit. Taken together, the benefits attract moderate weight, given the scale of the proposal and the level of its contribution to the identified housing shortfall.
23. The site also forms part of a wider area allocated within the ELP for approximately 120 residential units as well as commercial floorspace. Even if considerable weight were to be attached to the ELP as suggested by the appellant, given the conflict identified with the requirements of that allocation, it would not add any significant weight in favour of the development. Where the proposal would be policy compliant in other respects, these are neutral matters and do not weigh in favour of the proposal.
24. Accordingly, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development set out in the Framework.

Other Matters

25. The Council refers to other concerns which it finds would not amount to reasons for refusal in their own right, but which contribute to the indication of overdevelopment. The need for contributions to infrastructure are also discussed. However I have not considered these matters further since they would not change the outcome of the appeal.

Conclusion

26. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR

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Planning Committee

10 December 2024



Application No.	24/01089/FUL		
Site Address	5-7 & 9 Station Approach & 21 Woodthorpe Road Ashford TW15 2QN		
Applicant	Mr Clive Morris		
Proposal	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.		
Case Officer	Kelly Walker		
Ward	Ashford Town		
Called-in	N/A		
Application Dates	Valid: 09.09.2024	Expiry: 09.12.2024	Target: EOT agreed until 12.12. 2024
Executive Summary	<p>The application site comprises a 0.16 ha area of land situated in close proximity to Ashford Railway Station. The site is currently divided into two distinctive areas: one occupying the eastern area that is accessed by vehicles from Station Approach; one occupying the western area that is accessed from Woodthorpe Road to the south.</p> <p>The eastern portion of the site contains 7-9 Station Approach, which is a three-storey office building. A further two-storey office building is situated to the rear of No.7-9, which is also accessible from the western element of the site. The western part of the site contains a two-storey office building known as the 'Powerhouse', which is located at No.21 Woodthorpe Road. The site also includes an associated car parking area. The site is located in the urban area. No. 7-9 Station Approach and the access to the site via Woodthorpe Road are located within a designated Employment Area. It is also within, but on the edge of, a designated Shopping Area.</p> <p>This planning application proposes the demolition of the existing office buildings, and construction of 35 new residential units together with 99 sq. m of Class E floor space (Commercial, Business and Service), along with associated amenity space and parking provision. The proposal would comprise a central block, which would be set over four storeys. This would incorporate an under-croft car parking area, accessed from Woodthorpe Road. A further block would be situated to the east, which would be set over five storeys and would contain a Class E unit on the ground floor with an active frontage onto Station Approach. There will be bicycle and waste storage on the ground floor. A ground floor residential unit would also be contained in the eastern block, with all other flats</p>		

	<p>located above</p> <p>This application is an amendment to a previous similar scheme for 40 units which was refused and dismissed at appeal. The Inspector considered that the overall layout, scale, height and massing of the proposal was acceptable, but the design on the Station Approach frontage was unacceptable and did not make a positive contribution to the street scene. Therefore, this application has been submitted in order to seek to overcome the objections raised by the Inspector.</p> <p>It is considered that the proposed changes, which include the reduced height and removal of a storey, setting back the upper floors, and the alignment of storey heights, shop fronts and first floor fenestration for more consistency, has now overcome the concerns raised by the Inspector. Consequently, there is now a significant improvement in the design on the Station Approach frontage.</p> <p>As a result of addressing the design concerns raised by the Inspector, the proposal will no longer deviate from the established storey heights and window levels which characterise the existing frontage. In addition, the horizontal lines of the frontage will be retained along with improved proportions and would no longer appear incongruous. Therefore, the amendments to the proposal are considered to have overcome the Inspectors objections to the scheme. All other matters continue to be acceptable.</p>
<p>Recommended Decision</p>	<p>Approve the application subject to conditions</p>

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)
- HO3 (Affordable Housing)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- SP6 (Maintaining and Improving the Environment)
- EM1 (Employment Development)
- 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)

Also relevant are the following Supplementary Planning Documents/Guidance:

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

1.2 The policies contained within the National Planning Policy Framework (NPPF) (December 2023) are also relevant. The Government also published a draft revised NPPF in July 2024, which has not currently been adopted, along with a Written Ministerial Statement (WMS) 'building the homes we need'. The WMS and the draft NPPF 2024, set out Government's ambitions for growth,

building homes and improving affordability. The NPPF proposals are subject to consultation and therefore also subject to change or modification. Nevertheless, the 'direction of travel' as set out in the WMS is unlikely to alter and given the importance placed on building new homes and affordability, limited weight should be attached to the contribution of the proposed to the WMS's ambitions and the draft NPPF

- 1.3 On 19 May 2022, the Council agreed that the draft Spelthorne Local Plan 2022 – 2037 be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The public consultation for the Pre-Submission Publication version of the Local Plan ended on 21st September 2022 and the local plan was submitted to the Planning Inspectorate on 25th November 2022.
- 1.4 An Examination into the emerging Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved to request that the Planning Inspector pause the Examination for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the emerging Local Plan. After the three month pause the Council would decide what actions may be necessary before the Local Plan Examination should 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 Local Plan process forward.
- 1.6 On 14 September 2023, the Council considered a report following the deferral in June. The report listed three options; to continue with the local plan to include further work (especially on design codes), to request a further pause, or to withdraw the local plan. On the day of the meeting, a letter was received from the Housing Minister stating that the Housing Secretary was directing the Council "not to take any step to withdraw the plan from examination..." The Council resolved to extend the pause in the Examination timetable until the proposed changes to the NPPF had been published before determining the next steps.
- 1.7 On 22 September 2023, the Inspector agreed to a further pause to the Examination and requested that the Council continue to address the issues that he identified in the first week of the Examination, in particular flood risk and its potential implications in relation to the site allocation and delivery strategy of the plan.
- 1.8 On 10 November 2023, the Environment Agency (EA) provided comments on Spelthorne's Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA) seeking additional information, amendments and updates to the assessment.
- 1.9 Following the Environment & Sustainability Committee meeting on 29 February 2024, it was resolved to propose, to the Planning Inspector, modifications to the emerging Local Plan, including the removal of all Green Belt site allocations, with the exception of two allocations that meet the need for Gypsy, Traveller and Travelling Showpeople, the removal of site allocations at high risk of flooding and to move some higher flood risk sites to

the later plan period (years 11-15), and the withdrawal the Staines Development Framework as a core document.

- 1.10 On 19 March 2024 the Council published updated Level 1 and Level 2 SFRA. On 2 May 2024 the EA provided comments, including a request for additional clarification which was provided on 17 May 2024.
- 1.11 On 18 July 2024, Council considered a report into the resumption of the Local Plan Inquiry which had previously been agreed by the Corporate Policy and Resources Committee on 8 July 2024. The report set out the recent response from the Environment Agency, and the options for deciding whether or not Council agreed a request for further Main Modifications to the Local Plan in order to resume the Examination hearings and progress the Plan to adoption. Council agreed the option to progress the local plan and officers requested this from the Inspector.
- 1.12 On 24 October 2024, the Council agreed to re-instated 13 of the 15 Green Belt sites as housing allocations and request the Planning Inspector to resume the Examination into the Local Plan. Officers have now requested this from the Inspector.
- 1.13 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
 - PS1: Responding to the Climate Emergency
 - PS2: Designing Places and Spaces
 - H1: Homes for All
 - H2: Affordable Housing
 - E1: Green and Blue Infrastructure
 - E2: Biodiversity
 - E3: Managing Flood Risk
 - ID1: Infrastructure and Delivery
 - ID2: Sustainable Transport for New Developments
- 1.14 The NPPF policy states at para 48 that: 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).

- 1.15 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.
- 1.16 The Council's Emerging Plan identifies a site, which includes the application site within a larger parcel of land as an allocation site, which is allocated for Residential (C3): approximately 120 units and 1300 sq. m of commercial floor space (Use Class E) (AT3/016 – 23-31 (not 11-19) Woodthorpe Road).

In addition to meeting the policies in the plan, the site-specific allocations states that any development of this site will be required to provide the following:

- A mixed-use development comprising residential development and ground floor retail/office use to provide an active commercial frontage.
 - A well-designed scheme that has a positive relationship with the nearby town centre user and residential properties.
 - Include measures to mitigate the impact of development on the local road network and take account of impacts on the strategic road network as identified through a site-specific Travel Plan and Transport Assessment.
 - Provide or contribute to any infrastructure as set out in the IDP and or identified at application stage which is necessary to make the site acceptable in planning terms.
 - Maximise the use of Climate Change measures and renewable energy sources, in accordance with policy PS1 to make buildings zero carbon where possible.
- 1.17 The Infrastructure Delivery Plan (IDP) Part 2, March 2022 supplements the Infrastructure Delivery Plan (IDP) by analysing individual site allocations in greater detail. This involves highlighting specific infrastructure requirements that have been identified and that can be included as a means of securing these through developer contributions. The plan identifies the site as having the following Infrastructure requirements: (To note the figures below are for the entire allocation site and any part of the proposal would need to be a percentage of this).
- Contribution through s106 towards healthcare - £170,000

- Contribution through s106 towards identified Police needs - £96,000
- Potential education contribution to SCC as delivery body (no sum stated)
- Potential highways contribution to SCC (no sum stated)
- Contribution towards affordable housing.

1.18 At this stage, the policies in the Pre-Submission Spelthorne Local Plan carry limited weight in the decision-making process. 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 relevant to Site at 9-11 Station Approach

23/00865/FUL	Demolition of existing office buildings, and construction of 40 new residential units together with Class E (Commercial, Business and Service), associated amenity and parking.	Refused 09.10.2023 Appeal dismissed (ref 3333864) 05.07.2024
SPW/FUL/88/496	Erection of a 3 storey building incorporating 2 office suites totalling 511 sq. m (5,500 sq. ft) and one 1-bedroomed flat, and provision of 18 parking spaces	Granted 29.06.1988

A copy of the appeal decision for 23/00865/FUL is attached as an Appendix.

3. Description of Current Proposal

3.1 The application site comprises a 0.16 ha. area of land situated in close proximity to Ashford Railway Station. The site is currently divided into two distinctive areas: one occupying the eastern area that is accessed by vehicle from Station Approach, (via an undercroft access to the existing building); and one occupying the western area that is accessed from Woodthorpe Road to the south.

3.2 The eastern portion of the site contains 7-9 Station Approach, which is a three-storey office building, where the second floor is set back from the frontage. The building is served by a car park accessed through a gap in the frontage, which contains 14 off-street parking spaces. A further two-storey office building is situated to the rear of No.7-9, which is also accessible from the western element of the site.

- 3.3 The western part of the site contains a two-storey office building known as the 'Powerhouse', which is located at No.21 Woodthorpe Road, and incorporates an associated car park containing 23 parking spaces. The site is located in the urban area. No. 7-9 Station Approach and the access to the site via Woodthorpe Road, are located within a designated Employment Area. They are also within, but on the edge of, a designated Shopping Area. The rest of the site, consisting of the north-western corner of the T shaped plot, is not within these designated areas. The site is also within the Esso Pipeline consultation zone and within Heathrow Airport safeguarding heights zone.

Surrounding area

- 3.4 The application site is located to the south of Ashford Railway Station and its car park. Immediately to the north of No.7-9 Station Approach, is a former office building (No.3 Station Approach), which has been converted to eight residential units through the Prior Approval process (20/01274/PDO). It also has a roof extension, containing two further residential units on the second floor (18/00174/FUL), which is set back from the floor below.
- 3.5 A three and four-storey flatted development at The Foundry adjoins the western site boundary (16/00196/FUL). Imtech House, a former office building converted to residential units, is located to the south-west.
- 3.6 The buildings immediately to the south of the site, which front Woodthorpe Road and go around the corner to Station Approach are a uniform set of terraced properties, set over two-storeys and contain commercial uses on the ground floor and residential units above. These are also similar to the block that is located on the opposite side of the Woodthorpe Road to the south
- 3.7 The surrounding buildings typically range from two and three storeys in height, although parts of The Foundry development occupy four storeys. Imtech House is set over five storeys, although this is the tallest building in the surrounding locality.
- 3.8 The northern side of the railway line is in commercial use and is occupied by Lidl Supermarket, and the Hitchcock and King Builders Merchants.

Proposal

- 3.9 This planning application proposes the demolition of the existing office buildings, and construction of 35 new residential units together with 99 sq. m of Class E floor space (Commercial, Business and Service), along with associated amenity and parking provision.
- 3.10 A total of 35 flats are proposed, comprising 16 no. 1 bed, 14 no. 2 bed and 5 no. 3 bed flats. The applicant is proposing all units as market housing, with no affordable units. The proposal would comprise a central block, which would be set over four storeys. This would incorporate an under-croft car parking area, accessed from Woodthorpe Road. A further block would be situated to the east of the site, which would be set over five storeys and would contain a Class E unit on the ground floor with an active frontage onto Station

Approach. The predominant material is brick with zinc vertical seam cladding to the top floor elements. There will be bicycle and waste storage areas on the ground floor, and communal gardens. A ground floor residential unit would also be contained in the eastern block, with all other flats located above.

- 3.11 There would be an approximate 5m separation distance between the two blocks, at the closest point, with a communal garden situated in between, as well as a private garden serving the ground floor unit. A further communal garden area would be situated to the west of the site, adjacent to the rear block. There would also be balconies for most units, as well as parking for 15 vehicles and cycle storage for 42 cycles. The main vehicular access would be from Woodthorpe Road to the south, through the existing access road.

Background

- 3.12 Previously, planning permission 23/00865/FUL was refused for a similar scheme, which had 40 units and a more prominent six storey building fronting Station Approach. The reason for refusal was:

‘The proposal, by reason of its design, scale and siting would represent an overdevelopment of the site by virtue of:- excessive housing density; cramped layout; poor outlook; inadequate light; excessive height and scale; poor relationship with neighbouring properties and insufficient bin storage facilities. The development will fail to make a positive contribution to the area, will be visually obtrusive in the street scene, will not create a strong sense of place and will have a poor standard of amenity for future occupiers. The proposal is therefore contrary to Policies EN1 and HO5 of the Core Strategy and Policies DPD 2009, the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011, and the National Planning Policy Framework 2023.’

- 3.13 Following the Council’s refusal, the scheme was appealed against (ref 3333864) and the Planning Inspector considered that the main issues were the impact on the design and appearance and also the impact on the amenity of neighbouring properties. The Inspector disagreed with the Council that the proposal would have an unacceptable impact on the amenity of neighbouring properties. He considered, given the variation in building scale and character which contributes to the established character and visual interest of the area, the overall layout, scale, height and massing of the proposal was acceptable. However, the Inspector did consider that the design on the Station Approach frontage was unacceptable and did not make a positive contribution to the street scene and dismissed the appeal on these grounds. As such, this application has been submitted in order to try to overcome the concerns raised by the Inspector.
- 3.14 The proposal makes some changes to the building fronting Station Approach, when compared to the previous scheme as follows: -
- the height is reduced, (one storey is removed)
 - the upper floors are set back further from the floors below.

- alignment of storey heights, shop fronts and first floor fenestration for more consistency
- reduced from 40 to 35 units in total

4. Consultations

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

Consultee	Comment
County Highway Authority	No objection, subject to conditions
Environment Agency	No comments received
Group Head- Neighbourhood Services	No objection, dis raise concerns about Council collection
Surrey County Council (Minerals and Waste)	No objection, recommend conditions
Sustainability Officer	No objection, recommend conditions
Local Lead Flood Authority (Surrey County Council)	No objection, recommend conditions
County Archaeologist	No objection
Crime Prevention Officer	No objection, recommend conditions
Heathrow Safeguarding	No objection, recommend conditions
Natural England	No comments received
Surrey Wildlife Trust	No comments received with this application. However previous application no objections were received.
Network Rail	No objection. Request CIL money should be spent on contribution towards improving the station and its accessibility
Tree Officer	No objection
Surrey Fire Safety	No objection, recommend conditions
Esso	No objection
Environmental Health (Noise/light)	No objection, recommend conditions
Environmental Health (Contaminated land)	No objection, recommend conditions
Environmental Health (Air Quality)	No objection, recommend conditions
Thames Water	No objection, - informatives requested
Independent Viability Advisor	No objection. Affordable housing not viable

5. Public Consultation

- 5.1 The NPPF seeks to encourage pre-application engagement and front loading and advises that “early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.” The Council’s own Statement of Community Involvement states that the “Council will encourage applicants and developers to undertake pre-application consultation and discuss their proposals with their neighbours or the community before submitting their formal application.”.
- 5.2 The applicant notes that with the previous scheme, they carried out a Public Consultation event on Thursday 1st June from 4-7pm at St Hilda’s Church, Stanwell Road, Ashford, where the proposed plans were displayed, with the architect and client present to respond to any questions or concerns. Flyers advertising the event were distributed to surrounding businesses and residents and also displayed on a website with comments invited. The applicant notes that the consultation event attracted approximately 10 people, four of whom provided written comments, plus two further online comments were received. A further public consultation by the applicant following the appeal decision has not been undertaken.
- 5.3 A statutory site notice was displayed, and the application was advertised in the local press. The Council has sent letters to 276 properties and 2 letters of objection have been received raising the following concerns: -

- Too many residential units
- Already lots of new flats in this location, many due to conversions.
- Noise and disturbance
- Already had lots of disruption due to Esso pipeline
- Proving difficult to run a business and keep staff
- Traffic generation
- Parking pressure
- Parking costs
- Air pollution/dust
- Highway/transport matters
- Local security

- 5.4 One of the letters was from the SCAN Officer (Spelthorne Committee for action Now) noting the following:

Units must be accessible and adaptable for disabled people to Part M4(2) at least and there should be another disabled parking bay. He comments that if planning permission is granted a condition needs to be imposed requiring it to be built to Part M4(2) and to PartM4(3) for the wheelchair accessible units proposed.

6. Planning Issues

- Principle
- Housing density
- Design and appearance

- Neighbouring residential amenity
- Amenity space provision
- Proposed dwelling sizes
- Highway issues
- Parking provision
- Affordable housing
- Flooding
- Dwelling mix
- Archaeology
- Contaminated land
- Air quality
- Crime and design
- Climate change
- Biodiversity

7. Planning Considerations

Background.

- 7.1 The Council completed its 'Preferred Options Consultation' (Regulation 18) in January 2020 as part of its preparation for a new Local Plan for the Borough. The Preferred Options Consultation Document proposed a number of sites within the Borough to be allocated for housing and employment development (including some sites currently located within the Green Belt),
- 7.2 The Spelthorne Local Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities for Examination on 25 November 2022. The spatial strategy is centred on an efficient use of brownfield land in the urban area and a small amount of Green Belt release to meet specific needs of the community. The site at Woodthorpe Road (AT3/016) has been identified as an allocation in the draft Spelthorne Local Plan for 120 residential units and 1300 sqm of Class E floorspace (approximately). The allocation has been informed by discussions with the site promoter and the Strategic Planning team.
- 7.3 Whilst the Council is supportive of this site as an allocation through the Local Plan, the emerging Spelthorne Local Plan carries limited weight in decision making as its soundness has not yet been subject to examination by an independent planning inspector. Officers have reviewed representations on the allocation site, some in support and some objecting. In addition, policies are subject to a wide range of representations and objections.
- 7.4 Whilst a limited level of response was received in relation to the site, a notable number of comments were received in relation to the wider strategy. One letter was received supporting the site, and one objection noting an overdevelopment of the site, and one from the Environment Agency (EA) referring to ground water. The officer responses as well as the proposed changes, have been passed to the Planning Inspectorate. However, it is not

yet known whether the site will be allocated, or if modifications will be required through the examination process.

7.5 In regard to the position of the emerging Local Plan, despite a number of pauses, the following applies: -

- i. The plan before the examining Inspector has not changed since it was submitted
- ii. The Council's request that the Examining Inspector consider Main Modifications to remove proposed Green Belt housing allocation sites has been withdrawn.
- iii. The Environment Agency has entered into a Statement of Common Ground in respect of flooding matters pertaining to the spatial strategy and proposed emerging allocation sites.

c.6 As the Local Plan progresses through to examination and adoption, additional weight can be given to it. This is set out in paragraphs 47-50 of the NPPF. Para 48 states: '*...Local planning authorities may give weight to relevant policies in emerging plans according to:*

the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given).

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).

"49. However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

*50. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; * or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is*

refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process”.

*officer emphasis

Housing Land Supply

7.7 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.

7.8 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 method¹. 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.”

7.09 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 confirmed that *“Both the 5 year housing land supply and the 4 year housing*

¹ Planning Practice Guidance Reference ID: 68-005-20190722

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".

- 7.10 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.
- 7.11 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.
- 7.12 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.
- 7.13 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.
- 7.14 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.
- 7.15 The information above is the Council's stated position as of 31/03/24. However, at the recent appeal on the Hazelwood housing scheme for 67 dwellings (23/00070/FUL – appeal hearing held on 22/10/24), it was acknowledged by the LPA that the housing supply position was continuing to deteriorate and the five year supply currently stood at 2.35 to 2.4 years supply of deliverable housing. The four year figure (applications submitted from 19/12/23 when the revised NPPF was published) which applies for this application, was 2 years.
- 7.16 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 has been 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.

- 7.17 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'. In this particular case, substantial weight should be given to the delivery of housing.

Principle of the development

- 7.18 As noted above, 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."

- 7.19 This is also reflected in the NPPF paragraph 117 which emphasises the need for the effective use of land in meeting the need for homes, whilst safeguarding the environment. The site is a brownfield site located in a sustainable location, in the town centre, close to local facilities and transport links, with the railway station in close proximity. The site is not located in the Green Belt or within the functional floodplain and as such the principle of housing is acceptable in this location. Commercial development is also expected on the street frontages with retail and active frontages. As such, the principle of the development is acceptable.

Housing density

- 7.20 Policy HO5 in the Core Strategy Policies DPD 2009 (CS & P DPD) sets out density ranges for particular context 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."

- 7.21 Policy HO5 specifies that within Ashford, Shepperton and Sunbury Cross centres, new development should generally be in the range of 40-75 dwellings per hectare. It does say that 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.

- 7.22 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, providing sustainable developments. However, the proposal involves the creation of 35 residential properties on a site of 0.16 hectares and the proposed housing density is approximately 218 dwellings per hectare (dph) (a reduction from 40 units or 250 dph for the previous scheme). Although this is considerably above the density ranges set out in Policy HO5, these represent broad guidelines, and development will also be considered against the requirements of Policy EN1 on design. The design is now considered to be acceptable which is discussed further below, and as such the density in this case is also considered to be acceptable.

Design and appearance

- 7.23 Policy EN1a of the CS & P DPD states that “*the Council will require a high standard in the 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.*”
- 7.24 The NPPF states that planning decisions should ensure that development will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to the local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change.
- 7.25 The proposal is to demolish the existing commercial buildings on site and erect 2 no. blocks: one fronting Station Approach at 4 storey, with another storey set back from the frontage, (5 stories maximum height) and adjacent to this at the rear of the site, a 5 storey block (with the top storey set back). This rear block will be accessed via the existing vehicular access from the south at Woodthorpe Road, with no street frontage itself. The buildings take up the majority of the site with the access road joining from the south. There is some landscaping/amenity space provided between the blocks and also to the west of the site.
- 7.26 The proposed layout of the buildings uses the existing built form as a guide, in that the buildings line up with the existing terraces fronting Station Approach and also the blocks at The Foundry. However, the blocks are maximising the site and extend not only across the width but also the depth of the plot with little in the way of space around the building. The buildings are taller than the ones they replace and adjacent to them.
- 7.27 As noted above, the scheme has been submitted in order to seek to overcome the Inspector’s design concerns at appeal. As the appeal decision is very recent, it is a material consideration in the determination of the current application which carries significant weight. In regard to the general character

and appearance, the Inspector referred to the character of the area noting that,

'... The appeal site lies within Ashford Town Centre which comprises a rich mix of buildings of varying design and character predominately with commercial uses at the ground floor level and residential accommodation above. The area surrounding the appeal site displays a dense pattern of development with limited spaces between buildings other than to provide areas of hard surfacing for parking. Building heights in the area also vary significantly and include a two storey terrace to the south of the appeal site as well as taller buildings such as Imtech house of five storeys, The Foundry rising to four storeys and Ash House on Station Road of five storeys. As a result of this variation in building heights, views of taller buildings are frequently possible through gaps and over the smaller buildings. These taller buildings are not grouped but are peppered across the town centre and often result in stark changes in building heights across the area. These taller buildings include those with both prominent street frontages such as Imtech House as well as those behind the main building line in the case of The Foundry. Together the variation in building scale and character contributes to the established character and visual interest of this area.'

- 7.28 With respect of the height and design of the overall scheme, the Inspector considered the appeal scheme to be in keeping noting that,

'The proposal would respect the building heights of the surrounding area, and the top storeys would be recessed, reducing the massing and adding articulation to the upper floors. The appellant's Massing Views suggest that the upper levels of the blocks would be visible to varying degrees from the surrounding area, including from the far side of the roundabout to the south, where they would appear above the consistent height and strong parapet line of the two storey terrace. However, given the dispersed nature of taller buildings across the area and their existing impacts on the townscape, I do not consider the visual effects of the height and massing of the blocks would cause visual harm.'

- 7.29 The Council was previously concerned about the proximity of the proposed buildings to the boundaries with little space around them. However, the Inspector did not consider this was out of character. He noted that,

"The proposed blocks would extend close to their site boundaries and the western block would sit hard against the edge of the car park to the north and would not benefit from a street frontage. However, given the relatively dense grain of development in the area, together with the adjacent development at The Foundry which is similarly set back behind the street frontage, the proposed site layout would not appear uncharacteristic in this context'.

- 7.30 However the Inspector did have concerns about the design of the appeal scheme on the street frontage of Station Approach: -

'The proposed eastern block would include a frontage onto Station Approach. This forms part of the designated shopping area and the appellant acknowledges the importance of this frontage as it provides a link from the

station to the main commercial centre and contributes to the impressions of the area of those users of the station. Despite the varied building forms which characterise the wider area, there is a greater degree of consistency in the appearance of the buildings forming the western street frontage. This arises from the combination of their storey heights, alignment of the shopfronts and first floor windows, as well as a strong horizontal parapet which runs continuously across the frontage above the first floor level. Together these contribute positively to the character of this important route. While not of any particular architectural merit, the existing building at 7-9 Station Approach shows consideration for these established characteristics.'

'By contrast, the proposed frontage onto Station Approach would deviate significantly from the established storey heights and window levels which characterise the existing frontage and the horizontal lines of the frontage would be substantially lost. While the approach to the building height is not opposed for the reasons set out above, when viewed in combination with the detailed design and proportions of the proposed Station Approach elevation, this would amount to a substantially incongruous addition which would contrast heavily with its context. It is not apparent that the proposed stepped nature of this elevation would mitigate for or reduce these effects and its departure from the established building line adds further to its jarring effects.'

- 7.31 The Inspector concluded that the proposal would conflict with Policy EN1, as the development did not respect and make a positive contribution to the street scene and the character of the area in which it is situated and would conflict with the Council's Design of Residential Extensions and New Residential Development Supplementary Planning Document (SPD) 2011, which identifies the character of the area as one of the most important considerations for a well-designed scheme. He also noted that the proposal would also be at odds with the design objectives of the NPPF where it required development to be sympathetic to local character including the surrounding built environment and stated that: -

'...the proposal would cause harm to the character and appearance of the area by reason of the design of the Station Approach frontage. While the effects would be limited predominantly to localised views around Station Approach, the effects would nonetheless be very significant.'

- 7.32 As noted above, this application is subject to an amended proposal which has been submitted in order to address the concerns raised by the Inspector on the Station Approach frontage. The proposal has been reduced from 40 to 35 units. However, the rest of the proposal, including the western building, which the Inspector had no objection to, remains the same as that previously submitted. The changes to the building fronting Station Approach, when compared to the previous scheme are as follows: -

- the height is reduced, from 17.5m to 15.5m. (one storey is removed)
- the upper floors are set back further from the floors below.
- alignment of storey heights, shop fronts and first floor fenestration for more consistency

- 7.33 These amendments have been made in order to ensure the design pays due regard to the existing consistent street context so that it integrates with the existing terraced properties, which extend around the corner of Woodthorpe Road and Station Approach. The proposal now continues the 'strong horizontal parapet which runs continuously across the frontage' above the first floor level and aligns up with the existing shopfronts and first floor windows (as referred to by the Inspector as contributing positively to character). In doing so, the floor levels/stories at ground and first floor now match that of the existing terrace (previously the proposed new building had lower floor to ceiling heights and did not line up with the existing building floor levels). The floors above the parapet are set back further from the street with a staggered frontage. As a result, the proposal has one storey less than the previously refused scheme, and is lower in overall height. The maximum height of the building has been reduced from 17.5m to 15.5m (a reduction of approximately 2m) and is not the height of a full storey, due to the change to the storey levels/heights.
- 7.34 As a result of addressing the design concerns raised by the Inspector, the proposal will no longer deviate from the established storey heights and window levels which characterise the existing frontage. In addition, the horizontal lines of the frontage will be retained along with improved proportions and would no longer appear incongruous. Therefore, the amendments to the proposal are considered to have overcome the Inspector's objections to the scheme.
- 7.35 The main facade material proposed is a warm red / orange brick, and the top floors are in a zinc vertical seam cladding, in a dark grey, to differentiate between the main mass of the buildings. Balconies and gates are to have ornate metal railings, as with the previous scheme. The proposed design and appearance is considered to be in keeping and respects and make a positive contribution to the street scene and the character of the area in which it is situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings, conforming to Policy EN1

Impact on neighbouring residential properties

- 7.36 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."

- 7.37 The Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) 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.' The SPD is a material consideration in the determination of this planning application. 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 two 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 is also a minimum distance for back to flank elevations of 13.5m (two storey) and 21m (three storey).

7.38 The NPPF states that Local Planning Authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies relating to daylight or sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

7.39 The submission documents include a daylight/sunlight report, which uses BRE guidance to assess the impact of the scheme upon light entering windows serving habitable rooms at neighbouring properties. The Council, in the previous application, had raised some concerns about the impact of the proposal on the amenity of existing neighbouring properties namely 3 Station Approach and 35A Woodthorpe Road within the Foundry development. However, the Inspector did not agree in regard to the living conditions of occupants of nearby properties. The Inspector noted: -

'No.3 Station Approach adjoins the site to the north and comprises flats set across three storeys, some of which are served by windows in its west facing elevation. The appellant's Daylight and Sunlight Report acknowledges that diffuse daylight may be adversely affected to three of those windows closest to the appeal site. In addition, the development would also breach a 45 degree vertical guide line taken from the centre of those windows, in accordance with methodology set out in the Council's Design of Residential Extensions and New Residential Development SPD.

Nonetheless, the tests contained in the Council's SPD acknowledge that they are a guide and the Framework is clear that authorities should take a flexible approach in applying guidance relating to daylight and sunlight where they would otherwise inhibit making efficient use of the site.'

7.40 The Inspector noted that these windows were for bedrooms, where expectations of high levels of daylight are generally less and the loss of the light is not significant, as the results fall just below the level of acceptability. He states further that the proposed north elevation would be close to the windows and would be prominent to some degree in regard to outlook from the windows. However, he stated that the relationship would be acceptable,

... 'there is no substantive evidence to suggest that these effects would be overbearing or amount to a significant harmful impact. For these reasons in combination, I consider the effects of the proposal on no.3 Station Approach to be acceptable.' The Inspector also commented on another property:

'The appellant acknowledges effects on other existing windows, in particular including one ground floor window within 35A Woodthorpe Road within the Foundry development. The Council accepts that the impacts of the

development on their lighting would not be to an extent to warrant refusal. Based on the evidence and considered in light of the provisions of the Framework set out above, I find the effects on the natural lighting and outlook of other properties, including within No.35A, to be acceptable.'

- 7.41 The Inspector concluded to that '*...the proposal would not cause unacceptable harm to the living conditions of occupants of nearby properties and would comply with Policy EN1 of the DPD which, at point b), requires development to achieve a satisfactory relationship to adjoining properties and avoid significant harmful impacts in terms of matters including daylight and outlook'*
- 7.42 The proposed scheme generally remains the same, in regard to the relationship with existing properties. The reduced overall height would ensure that the impact outlook and loss of light would, in fact, be slightly reduced from the previously refused scheme. As such, the proposal is considered to have an acceptable impact on the amenity of neighbouring properties and accords with Policy EN1.

Amenity Space

- 7.43 The Council's SPD on Residential Extensions 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 per unit for the first 5 units and 10 sq. m per unit for the next 5 units and 5 sq. m per unit thereafter. On this basis, some 350 sq. m would be required for the proposed flats in total.
- 7.44 The applicant states that the scheme provides 239 sq. m of private amenity space and 274 sq. m of communal amenity space. The amenity space consists of some communal balconies and garden areas on the ground floor, one area is for a private garden for the only ground floor flat. This is located directly between the two buildings and wraps around the proposed flat to the west and south. As such, although a useful outside space for this flat, it will be limited due to its size and location as a result of the proximity of the boundary wall/fence and the buildings themselves. The other communal outside spaces are the areas left over between the buildings, which includes paths for accessing between the building and also the west of the western block. Although these spaces are limited in their size, they will provide a space where residents can spend time outside. Although limited in their use the spaces are a welcome addition to the proposed flats in a town centre development and on a site which currently has only buildings and hardstanding. The Inspector raised no objection to this on the previous scheme and therefore the proposed outside amenity space provided is acceptable, particularly given that the current proposal is for a reduction in residential units.

Proposed dwelling sizes/amenity for future occupants

- 7.45 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 for

two and three storey houses. For example, the minimum standard for a 1-bedroom flat for two people is 50 sq. m.

- 7.46 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.
- 7.47 The proposal includes a mixture of sizes of units. The 1 bed 1 person flats are 39 sq. m and 42 sq. m, in size, 1 bed 2 person flats are 50 sq. m. and 51 sq. m (with 2 no wheelchair units at 61 and 64 sq. m), 2 bed 3 person flats are 61 sq. m, (wheelchair one at 74 sq. m). 3 bed 4 person flats are 74 sq. m and 3 bed 5 person flat is 91sq m.
- 7.48 Therefore, all of the proposed flat sizes comply with the minimum standards stipulated in the national technical housing standards and the SPD. The flats on the block fronting Station Approach are single aspect only. All other flats have windows in at least two elevations. There is only one flat located on the ground floor, which is at the back of the front block. It has windows in the south and western elevations, and its own private garden. Each of the other flats, apart from two on the fourth floor at the rear block and the front facing flats on the first and third floors, have a private balcony. Although small, they would be a useful outside amenity space. Most of the balconies are recessed to provide privacy. The flats without private balconies on the third and fourth floors do have access to a communal roof garden on their level. There are also communal gardens at ground level to the west of the front block and to the south and west of the rear block.
- 7.49 The Council had previously raised some concerns about small issues with the layout, window positions and the fact that the flats on Station Approach are single aspect. However, it was noted that these elements along with the poor design were a reflection of the overdevelopment of the site and in itself was not a reason to refuse permission. The Inspector has not objected on this basis and there has been an improvement in the design. As such, the amenity of future occupants is considered to be acceptable and no longer points towards an overdevelopment of the site.

Highway and parking provision

- 7.50 Strategic Policy SP7 of the CS & P DPD states that:

“The Council will reduce the impact of development in contributing to climate change by ensuring development is located in a way that reduced the need to travel and encourages alternatives to car use. It will also support initiatives, including travel plans, to encourage non car-based travel.”

- 7.51 Policy CC2 of the CS & P DPD states that:

“The Council will seek to secure more sustainable travel patterns by: ... (d) only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account: (i) number and nature of additional traffic movements, including servicing needs; (ii) capacity of the local transport network; (iii) cumulative impact including other proposed development; (iv) access and egress to the public highway; and (v) highway safety.

- 7.52 The County Council was consulted as the County Highway Authority (CHA) and has requested additional clarification on certain matters. This has been received and the CHA has raised no objection noting that the applicant has demonstrated to the satisfaction of the CHA that the development will not lead to a significant or severe impact on highway safety and capacity on the local highway network.
- 7.53 The CHA notes that, *‘... public transport points are easily accessible including Ashford Railway Station, and various bus stops well within walking distance, which provide a high frequency service. In addition, there are opportunities for future occupiers to make journeys by foot or by cycle, and there are a range of local services including retail, education and leisure within a short distance of the site. As such the CHA considers that this location is sufficiently accessible to the extent that it would not be a necessity for future occupiers to require their own private car.’*
- 7.54 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, however this is likely to take place within parking bays along Station Approach or Woodthorpe Road. Double yellow line parking restrictions are currently in place along the eastern side of Station Approach, whilst the mini-roundabout junction is protected by single yellow parking restrictions, thereby preventing any on-street parking from occurring here and protecting users from any highway safety hazards.
- 7.55 The CHA refers to the access arrangements including the existing vehicular access off Woodthorpe Road is to be extended and vehicular access from Station Approach will be stopped up. The request by the Applicant to relocate the existing 'Keep Clear' markings, and reorder the parking spaces, has been considered as part of the CHA response and it is likely this would be acceptable but changes to parking restrictions would require the Traffic Regulation Order (TRO) to be amended and this would be subject to a public consultation and advertising process. The Applicant would be expected to pay the costs of this work in addition to the amendments to the lining itself should the TRO amendment be approved. This is a matter outside of the application process as it is not a requirement to make the planning application acceptable.

- 7.56 Consequently there are no objections on highway grounds.

Parking Provision

- 7.57 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. 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 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 (maximum parking standards continue to be applicable in relation to commercial development).

- 7.58 A total of 35 flats are proposed, comprising 16 no. 1 bed, 14 no. 2 bed and 5 no. 3 bed flats. The proposed parking provision for the residential properties is 15 spaces. The Council's Parking Standards as set out in the Supplementary Planning Guidance (SPG) requires 51 spaces, for the occupants of the flats. The SPG states that a reduction of parking requirements will normally only be allowed within the Borough's 4 town centres defined in the Core Strategy and Policies DPD where public transport accessibility is generally high. Any reduction will be assessed against the following relevant factors: -
- a. Distance from public transport node i.e. main railway station, bus station, main bus stop;
 - b. Frequency and quality of train service;
 - c. Frequency and quality of bus service;
 - d. Availability and quality of pedestrian and cycle routes;
 - e. Range and quality of facilities supportive of residential development within a reasonable walking distance (or well served by public transport) e.g. retail, leisure, educational, and possibly employment.
- 7.59 Therefore, the location of the site in Ashford town centre close to local facilities and transport links, including the train station, allows for a lower amount of parking to be provided, as set out in the Council's Supplementary Planning Guide (SPG) on parking.
- 7.60 The CHA has also raised no objection on this basis, noting that they are aware of resident's concerns that the proposed car parking provision is insufficient, and that this represents a notable reduction of the maximum standards recommended by Spelthorne Borough Council. However, the parking standards state that a reduction would be allowed for development located within one of the Borough's 4 town centres defined in the Core Strategy and Policies DPD where public transport accessibility is generally high. As the site meets this location criteria, a reduced parking provision can be considered to accord with the adopted local policy.
- 7.61 The previous scheme had the same parking provision but was for more units, (40 opposed to 35) and off street parking provision was not considered to be a reason to refuse the scheme previously, This was not an issue raised by the Planning Inspector. As such, the proposal is considered to be acceptable on parking grounds and accord with Policy CC3.

Affordable housing

- 7.62 Policy HO3 of the CS & P DPD requires up to 50% of housing to be affordable where the development comprises 15 or more dwellings. The Council's policy is to seek to maximise the contribution to affordable housing provision from each site having regard to the individual circumstances and viability, including the availability of any housing grant or other subsidy, of development on the site. Negotiation is conducted on an 'open book' basis.
- 7.63 The applicant is proposing to provide no affordable housing units, and the applicant has submitted a viability assessment to justify this. The Council's independent viability consultant has reviewed this submission and has concluded that the proposed scheme cannot provide any affordable housing contribution from a viability point of view. It should also be noted that there was no affordable housing provision with the appeal scheme and the outcome of the viability review was also agreed. Therefore, the fact that there is no affordable housing contribution with this scheme, is considered to be acceptable.

Flooding

- 7.64 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 requiring all development proposals within Zones 2, 3a and 3b and development outside these areas (Zone 1) on sites of 0.5ha or of 10 dwellings or 1000sqm of non-residential development or more, to be supported by an appropriate Flood Risk Assessment (FRA).
- 7.65 The site is located within Flood Zone 1, which has a low probability of flooding with a less than 1 in 1000 year chance of flooding, and no uses are precluded on flooding grounds. The applicant has submitted a Flood Risk Assessment (FRA) & Drainage Strategy, as is required by Policy LO1 of the CS & P DPD.
- 7.66 In terms of flood risk, the site is located outside of the high flood risk area and as displayed in the FRA there is no risk to the future occupants of the site from flooding.
- 7.67 With regards to surface water drainage, the applicant is proposing to implement a combination of green roof and crate storage systems to provide improved surface water drainage than currently on the site.
- 7.68 The Lead Local Flood Authority at Surrey County Council has been consulted on the proposed sustainable drainage scheme and raises no objection to the scheme, subject to conditions. The Environment Agency has made no comment on the current application. Accordingly, the application complies with the requirements of Policy LO1 of the CS & P DPD.

Dwelling mix

- 7.69 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.

- 7.70 The number of smaller units (1 bed and 2 bed units) is 30 out of the total 35 units and equates to 86% of the total units. As such the proposal complies with Policy HO4 and is acceptable in this regard.

Archaeology

- 7.71 Whilst the site is not located within an Area of High Archaeological Potential the applicant has submitted an Archaeological Desk-Based Assessment. The County Archaeologist was consulted on the application and raises no objection. Therefore, the impact of the development on archaeology is considered acceptable and accords with Saved Local Plan Policy BE26

Contaminated Land

- 7.72 The applicant has submitted a Phase 1 – Desk Study and Preliminary Risk Assessment report to ascertain the level of contamination of the existing ground conditions and proposed remediation measures. This is particularly important as the proposal introduces new residential development onto the site which has existing commercial uses and reflects the council's standard precautionary approach to contamination risk. The Council's Pollution Control Officer has raised no objection subject to conditions being imposed requiring a further investigation to be carried out to refine risks and remediation measures. As such, subject to these conditions, the proposal is considered acceptable and accords with Policy EN15.

Air quality

- 7.73 The applicant has submitted an Air Quality Assessment (AQA), as is required by Policy EN3 of the CS & P DPD. The AQA assesses the impact of construction impacts of the proposed development and recommends mitigation measures. The Council's Pollution Control section was consulted on the application and raised no objection on air quality, subject to conditions.

Refuse Storage and Collection

- 7.74 Policy EN1 states that proposals for new development should demonstrate that they will incorporate provision for the storage of waste and recyclable materials.
- 7.75 The Council's "*Waste management guidelines for property developers, architects, planners and contractors*", advises that for flats and communal properties, the Council allocates 240 litres of bin storage for waste and 240 litres for recycling. Although the proposal provides two bin stores that would store enough bins for the proposed 35 flats, this is within the building and would require the bins to be moved to the street for collection.
- 7.76 The applicant has provided a Waste Management Strategy which sets out that the refuse and recycling will be collected by a private company, as occurs at the site currently, to ensure any issues with distances associated with Local Authority collections, and also removes any issue with bins blocking the public footpath. The Council's Group Head Neighbourhood Services has been consulted and has no objection to the proposal, as it will not be collected by

the Council. However, sufficient bins storage spaces have been provided for the number of units proposed.

Loss of Employment Space

- 7.77 The site is partially located within the Ashford Town Centre Employment Area. The building at No.7-9 Station Approach, and the building to the rear is located within the Employment Area. However, "The Powerhouse at No.21 Woodthorpe Road, is situated outside of the Employment Area.
- 7.78 Policy EM1 states that the Council will maintain development in designated employment areas by refusing proposals that involve a net loss of employment land or floor space in employment area, unless the loss of floorspace forms part of a redevelopment that more effectively meets needs for an existing business operating from the site or the loss of employment land is part of a mixed use development that which results in no loss of employment space, or it can be demonstrated that the site is not viable in the long term.
- 7.79 Whilst the proposal would include 99m² of Class E floorspace on the ground floor, the application specifies that 1135m² of non-residential floorspace would be lost, although it should be noted that this includes No.21 Woodthorpe Road, which is not located within the Employment Area. The proposal is for 99sq m and the site at 7-9 Station Approach (which is within the employment zone) has a commercial floor area of some 511 sq. m. As such, the net loss of employment floor space, within the employment zone, would in fact be 412 sq. m.
- 7.80 Whilst this would be a loss of employment floorspace, Policy EM1 was adopted in 2009, and in more recent years the government has encouraged a change of use of employment space to residential, notably through the prior approval process. In this instance, whilst there would be a loss of employment floorspace, this loss is not considered to outweigh the benefits of 35 additional dwellings to the Council's 5 year housing land supply, in this sustainable location. The Inspector in the previous appeal scheme did not object to the loss of employment floorspace. In addition, the site forms part of the allocation in the emerging local Plan which also carries some weight in favour of the development.

Biodiversity

- 7.81 Policy EN8 of the CS&P DPD states that the Council will seek to protect and improve landscape and biodiversity in the borough by ensuring that new development, wherever possible, contributes to an improvement in the landscape and biodiversity and also avoids harm to features of significance in the landscape or of nature conservation interest.
- 7.82 It is relevant to note that the application is not subject to the National Biodiversity Net Gain requirements as it involves the redevelopment of a brownfield site which has buildings and hardstanding upon it and it does not include the loss of an area of at least 25 sq. m of habitat (one of the specified requirements).

- 7.83 The applicant has submitted a Preliminary Ecological Appraisal. Surrey Wildlife Trust (SWT) has been consulted and although no comments have been received with this application, they raised no objection to the previous scheme. The report recommends bird and bat boxes and planting of native species, which will be controlled by conditions.
- 7.84 The Inspector raised no objection on ecology grounds on the previous appeal scheme; Therefore, the proposal is considered to provide an improvement to the ecology of the site which is currently covered in buildings and hard standing and conforms to Policy EN8. In addition, the proposal includes the addition of landscaped areas and green roofs which will help to soften the development and provide some ecological benefits and is acceptable on these grounds.

Climate Change

- 7.85 The Climate Change Supplementary Planning Document (SPD) was adopted by the Council in April 2024. It provides more detailed guidance to applicants on how to implement adopted Policy SP7 from the Core Strategy 2009. Policy SP7 seeks to reduce climate change effects by:
- a) promoting inclusion for renewable energy, energy conservation and waste management in new and existing developments*
 - b) development reduces the need to travel and encourages alternatives to car use*
 - c) encourage non car-based travel,*
 - d) promoting the efficient use and conservation of water resources,*
 - e) promoting measures to reduce flooding and the risks from flooding,*
 - f) supporting measures to enhance and manage Staines' role as a public transport interchange.*
- 7.86 There are also three implementation policies; Policy CC1: Renewable Energy Conservation and sustainable Construction, Policy CC2: Sustainable Travel and Policy CC3: Parking provision.
- 7.87 Policy CC1 states that the Council will require residential development of one or more dwellings and other development involving new building or extensions exceeding 100 sq. m 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. The applicant has submitted an energy statement noting that they will use photovoltaics panels and air source heat pumps and the Council's Sustainability Officer has raised no objection to the proposal. A condition will be imposed in order to ensure the policy requirement is met.
- 7.88 There are also other key documents supporting action on climate change; the NPPF 2023 chapter 14 "*Meeting the challenge of climate change*", the *National Model Design Code and Spelthorne Borough Council's Climate Change Strategy 2022 – 2030*.

- 7.89 The applicant has submitted an Energy and Sustainability report and completed the Climate Change Checklist (which forms part of the SPD) as part of their submission. The report notes that the design has an optimised layout and orientation to minimise the energy usage. Attention has been given to reducing the environmental impact of the building during its lifetime, with an enhanced fabric performance complemented with the incorporation of renewables that ensure a reduction of CO2 emissions. The report has demonstrated that a highly energy efficient building fabric and its services do better the Building Regulations Part L1A, and thermal performance. The addition of renewable energy sources; PV panels for energy generation and air-source heat pumps for space and water heating, will be most appropriate and practical strategy to meet the energy efficiency and carbon reduction targets set by the council and central government.
- 7.90 Overall, the scheme is considered to performs well against the Council's SPD and climate change policies and in particular is an efficient use of a brownfield site providing more residential units in a sustainable location and the principal of which was not objected to previously.

Crime and Design

- 7.91 With regard to the Crime Prevention Officer's comments, it is considered appropriate to impose an informative rather than a condition, in line with government advice on the use of planning conditions relating to "Secured by Design". Many of the requirements are very detailed (e.g., standards of windows, doors and locks), elements which are not covered and enforced under the planning regulations.

Other Matters

- 7.92 The landscaping is considered to soften the hardstanding and buildings and provide a benefit compared to the existing situation where the site is laid to hardstanding and has buildings upon it.
- 7.93 The SCAN Officer has referred to accessible units. The applicant has noted that there will be 4 wheelchair user dwellings and all remaining units will be M4(2) Accessible and adaptable dwellings. Also, the proposal provides 3 disabled car parking spaces. The emerging local plan has a policy which will allow in the future for a condition to be attached to consents to ensure all units are compliant with a higher level of building regulation control. At present this is at the early stages and can only be given limited weight. As such, a condition would not be reasonable at this stage and would be covered by building regulation control.
- 7.94 In regard to noise, the applicant has submitted a noise report, and no objection has been received from the Council's Environmental Health Officer (EHO) on these grounds however noise from commercial uses could be an issue in the future. There is no objection to the proximity of the train station and noise, and indeed other existing residential properties are located a similar distance from the train line and station.

- 7.95 As part of the application assessment Network Rail was consulted given the proximity of the development to Ashford Railway Station. Network Rail has replied to request that some Community Infrastructure Levy (CIL) money is pooled with other contributions from nearby development towards funding a scheme to improve accessibility at the station.
- 7.96 This is a matter for the CIL Working Party and not for the determination of this application and the matter has been referred to the CIL officer.

Equalities Act 2010

- 7.97 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.
- 7.98 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.
- 7.99 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.
- 7.100 It is considered that this proposal may affect individuals with protected characteristics specifically the impact of the development on disabled people. However, given the application is at outline stage and design is not under consideration.

Human Rights Act 1998

- 7.101 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.102 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.
- 7.103 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.

7.104 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

7.105 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. It is relevant to note that the proposal is a CIL chargeable development and given there are buildings to be demolished the proposal will generate a CIL fee of approximately £32,000. The proposal will generate Council tax payments which is not a material consideration in the determination of this proposal.

Conclusion

7.106 The proposal will provide 35 new residential units on a brownfield site, in a sustainable town centre location, close to public transport links and local facilities. As such, it will be an efficient use of land and will provide for much needed housing. Despite there being no affordable housing provided, the provision of new dwellings would be a benefit of the scheme which would carry substantial weight in favour of the development. The proposal has been submitted in order to address the design concerns raised by the Planning Inspector at the recent appeal at the site which is a material consideration which carries significant weight. Therefore, the proposed layout, scale and design, is now considered to be in character with the locality, in particular on the Station Approach frontage, and will not be of detriment to the locality.

7.107 There are no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. The proposal conforms to Policies of the Core Strategies and Policies DPD and is therefore 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 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 TPH-01, 24, 27 and 28, B23026 101A_1, 102A_2, 28301A-1, 2-1, 2-2 and 2-3 received on 11 September 2024 and amended plans numbered TPH 22A, 23B, 25A and 26A received on 21 November 2024

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

3. No development above damp course level shall take place until details of the materials to be used for the external surfaces of the building and surface material for parking area is 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. The refuse and recycling facilities hereby approved shall be provided prior to the occupation of the development hereby approved and retained thereafter.

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.

5. No part of the development shall be first occupied unless and until the proposed vehicular modified access to Woodthorpe Road has been constructed and provided with visibility zones in accordance with drawing number P2819/TS/03 (dated 04.09.24), hereby approved, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 600mm high.

Reason:- In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2023 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

6. The development hereby approved shall not be first occupied unless and until the existing eastern vehicular access from the site to Station Approach has been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason:- In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2023 and policy CC2 of Spelthorne Borough

7. The development hereby approved shall not be first utilised unless and until a dropped kerb access onto Station Approach, has been constructed in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. Thereafter the access, which is not to serve vehicles, shall be retained and maintained for its designated purpose.

Reason: - In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2023 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009

8. No development shall commence until a Demolition and Construction Transport/Environmental Management Plan, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
 - (f) HGV deliveries
 - (g) hours of demolition/construction
 - (h) measures to prevent the deposit of materials on the highway
 - (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - (j) on-site turning for construction vehicles
 - (k) dust suppression measures

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the demolition and construction of the development.

Reason: - In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2023 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009

9. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: - In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework

10. The development hereby approved shall not be first occupied unless and until facilities for the secure, lit and covered parking of at least 42 bicycles and the provision of a charging point with timer for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

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

11. Prior to the occupation of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Heads of Travel Plan' document (if appropriate, specify). And then the approved Travel Plan shall be implemented on occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

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

12. Prior to the occupation of development, a scheme to provide bird and bat boxes/bricks on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the buildings are occupied and thereafter maintained.

Reason: - As part of the proposed mitigation measures for the interest of encouraging wildlife and Policy EN8

13. Following construction of any groundwork and foundations, no construction of development above damp course level shall take place until a report is 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 the proposed building 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 sustainable and complies with Policy SP7 and CC1 of the Spelthorne Development Plan Core Strategy and Policies DPD.

14. No development shall take place until:-

i) A site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.

ii) A written Method Statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The Method Statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

The site shall be remediated in accordance with the approved Method Statement, with no deviation from the statement without the express written agreement of the Local Planning Authority.

Reason: -. To protect the amenities of future residents and the environment from the effects of potentially harmful substances. In accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

15. Prior to the first use or occupation of the development, and on completion of the agreed contamination remediation works, a Validation Report that demonstrates the effectiveness of the remediation carried out, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of future residents and the environment from the effects of potentially harmful substances.

NOTE

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences.

16. The rated noise level from any plant/machinery/ducting shall be at least 10dB(A) below the background noise level at the nearest noise sensitive property as assessed using the guidance contained within BS 4142 (2014).

Reason: -.To safeguard the amenity of nearby residential properties.

17. No deliveries nor collections/loading nor unloading, including refuse collection of the Class E use shall occur at the development other than between the hours of 08:00 to 18:00 on Monday to Friday, 09:00 to 18:00 on Saturdays and at no time on Sundays and Public/Bank Holidays.

Reason: To ensure that the amenity of occupiers of the development site/

surrounding premises is not adversely affected by noise,

18. The ground floor Class E unit shall not be used for the purposes hereby permitted before 8.00am or after 11.00pm on any day.

Reason: To safeguard the amenity of neighbouring properties.

- 19 The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national NonStatutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to 1.2l/s.

b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

d) Details of drainage management responsibilities and maintenance regimes for the drainage system.

e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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

20. 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 designed to the National Non-Statutory Technical Standards for SuDS.

- 21 Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds.

The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary to manage the flat roofs to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

- 22 No development shall take place until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP shall demonstrate that waste generated by the construction and excavation is limited to the minimum quantity necessary and that opportunities for re-use and recycling of any waste generated are maximised. The SWMP should be implemented as approved.

Reason:- To ensure sustainability measures are taken into account in the development in accordance with policies SP7 and CC1 of the Spelthorne Core Strategy and Policies DPD 2009 and the Climate Change SPD, April 2024.

- 23 Prior to the occupation of the development hereby permitted, the sustainability measures proposed in the supporting Climate Change Checklist shall be incorporated into the design of the development and/or site layout as relevant. Thereafter the approved sustainability measure shall be retained and maintained.

Reason: -. To ensure sustainability measures are taken into account in the development in accordance with policies SP7 and CC1 of the Spelthorne Core Strategy and Policies DPD 2009 and the Climate Change SPD, April 2024.

- 24 Prior to the first occupation of the buildings hereby permitted, details including a technical specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The agreed external lighting shall be implemented prior to the first occupation of the buildings and shall at all times accord with approved details.

Reason: To safeguard the amenity of neighbouring properties.

- 25 Details of a scheme of both soft and hard landscaping works shall be submitted to and approved by the Local Planning Authority prior to first occupation of any part of the development hereby approved. The approved scheme of tree and shrub planting shall be carried out prior to first occupation of the buildings and/or site. The planting so provided shall be maintained as

approved for a minimum period of 5 years, such maintenance to include the replacement in the current or next planting season, whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason:- To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development. In accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 26 Before the first occupation of any part of the development, a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason:- To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development.

Informatives

1. The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary.
2. Please note that this application is subject to the payment of Community Infrastructure Levy (CIL). 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.

For amended permissions, a new CIL Liability Notice will only be issued where there has been a change to the developments Gross Internal Area (GIA). Where there is no change in GIA, the CIL Liability Notice for the original permission applies.

In all cases, 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.

*Please note, where planning permission is granted by way of general consent (including prior approval notifications), a Liability Notice will be generated following the submission of a Notice of Chargeable Development.

Before any works in respect of a CIL liable development is commenced, a Commencement Notice, or Notice of Chargeable Development in cases of general consent, must be submitted to the Council.

Non-compliance with the CIL Regulations will trigger enforcement action under the Part 9. Further information on CIL and the stages which need to be followed is available on the Council's website. www.spelthorne.gov.uk/CIL. Further guidance can be found on the Government website on the following link - <https://www.gov.uk/guidance/community-infrastructure-levy>.

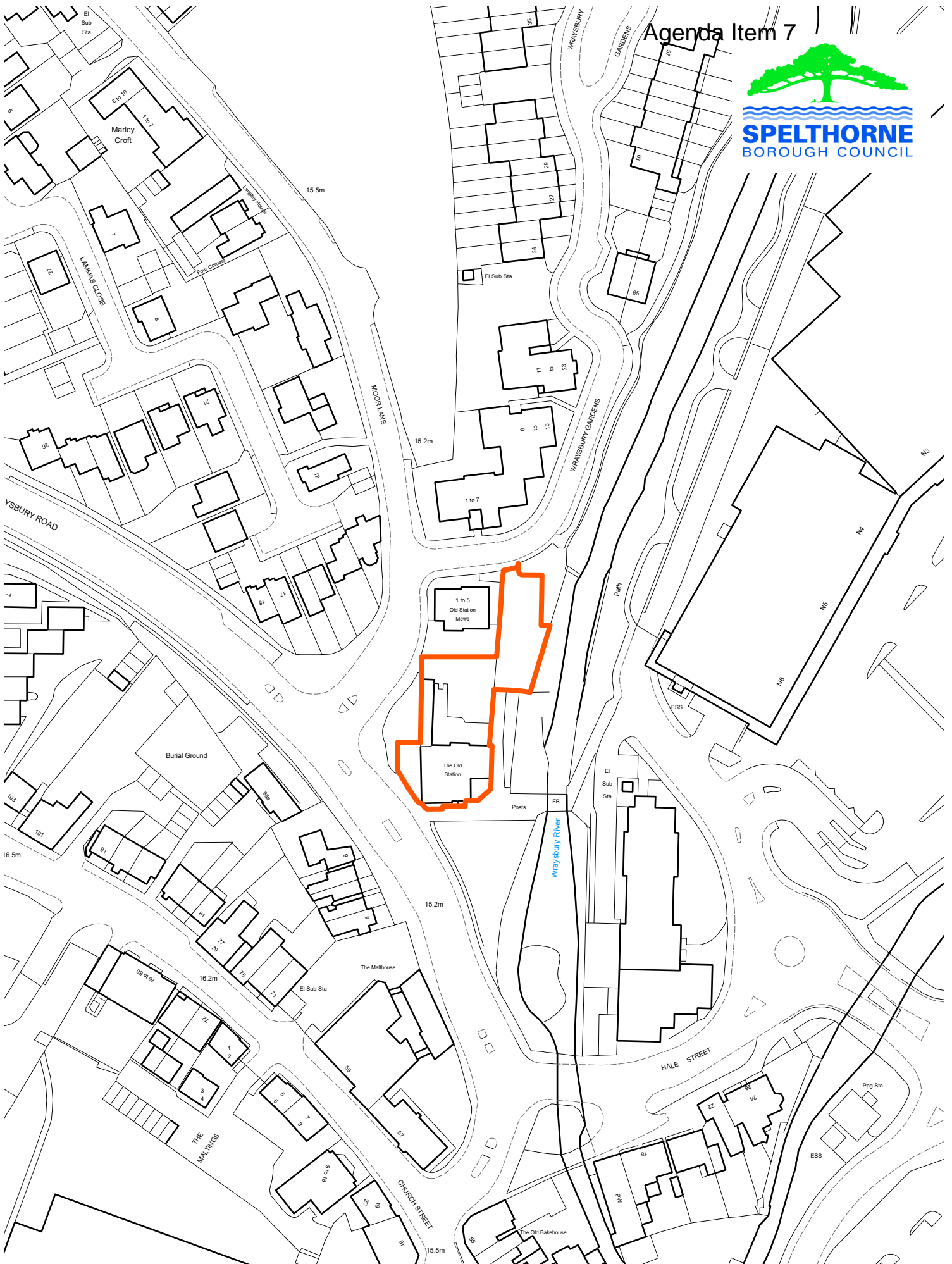
3. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
 - (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs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

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

4. 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.
5. In accordance with Approved Document S of the Building Regulations, you will be required to install electric vehicle charging facilities.
6. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2023.

7. The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, (www.ccscheme.org.uk) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.
8. The applicant should consider the use of e-bike and the installation of e-bike charging points with socket timers to prevent them constantly drawing a current over night or for longer than required. Signage should be considered regarding damaged or shock impacted batteries, indicating that these should not be used/charged. The design of communal bike areas should consider fire spread and there should be detection in areas where charging takes place. With regard to an e-bike socket in a domestic dwelling, the residence should have detection, and an official e-bike charger should be used. Guidance on detection can be found in BS 5839-6 for fire detection and fire alarm systems in both new and existing domestic premises and BS 5839-1 the code of practice for designing, installing, commissioning, and maintaining fire detection and alarm systems in non-domestic buildings.
9. Due to the site being within 6km of Heathrow Airport the crane operator is required to submit all crane details such as maximum height, operating radius, name, and phone number of site manager along with installation and dismantling dates to the CAA Airspace Coordination and Obstacle Management Service (ACOMS) system. For notification, please follow the link via CAA website: Crane notification | Civil Aviation Authority (caa.co.uk) Once crane notification has been received from the CAA, Heathrow Works Approval Team will assess and issue the necessary crane permit. No cranes should operate on site until a crane permit has been issued. Specific CAA guidance for crane lighting/markings is given in CAP1096: Guidance to crane users on the crane notification process and obstacle lighting and marking (caa.co.uk).
10. The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Heathrow Airside Operations staff. In some instances it may be necessary to contact Heathrow Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. Classification: Public The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England before the removal of nests and eggs.

11. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website. If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards. Sub ground structures should be designed so they do not have an adverse effect on groundwater. If there are any further queries please contact the Flood Risk, Planning, and Consenting Team via SUDS@surreycc.gov.uk. Please use our reference number in any future correspondence.
12. 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.



24/01052/FUL & 23/01053/LBC - Old Station, Moor Lane, Staines-upon-Thames.
Scale: 1:1,250

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PROPOSED ELEVATIONS Sheet 2

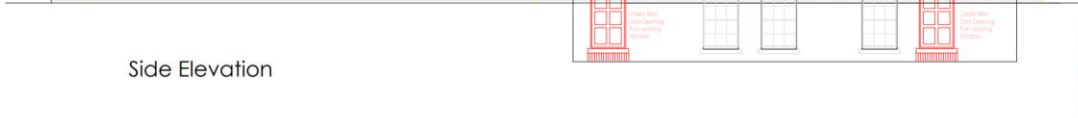
Rear Elevation - Building & Outdoor Play Area



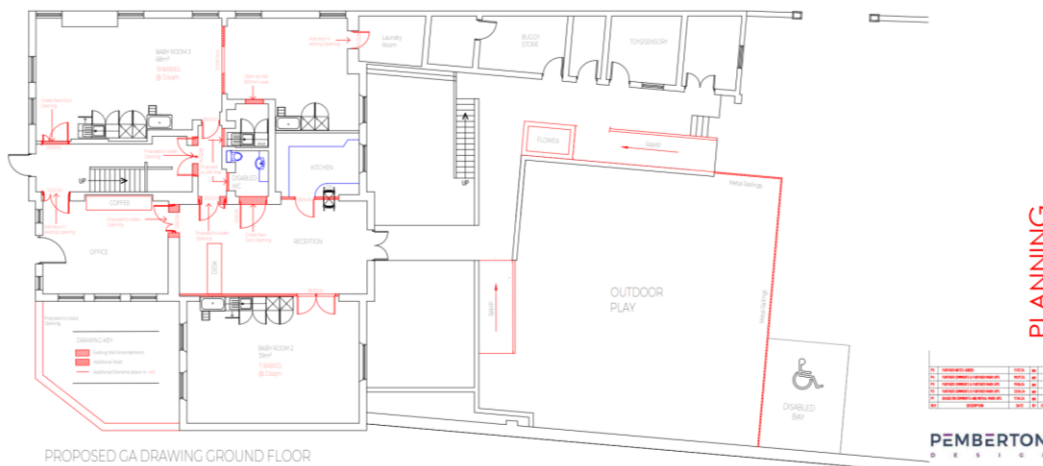
Rear Elevation - Building



Side Elevation



PLAN
 The Old Station, Moor Lane
DATE
 PROPOSED ELEVATIONS Sheet 2of2
USER
 My Ohana
PEMBERTON
 DESIGN
 21.06.24
 3001 EL102 P2



PROPOSED GA DRAWING GROUND FLOOR AND OUTSIDE AREA

PLANNING
PEMBERTON
 DESIGN
 My Ohana
 The Old Station, Moor Lane
 Station Square, Thirsk, YO21 4BB
 Proposed GA Drawing
 Ground Floor & Outside Area
 17.04.24
 3001 PD102 P5

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Planning Committee

10 December 2024



Application No.	24/01052/FUL & 24/01053/LBC		
Site Address	Old Station, Moor Lane, Staines-upon-Thames, TW18 4BB		
Applicant	Mr James Olley – BARO Holdings Limited		
Proposal	<p><u>24/01052/FUL</u> External Alterations including new openings at lower ground level, access ramps and railings to create an external play area.</p> <p><u>24/01053/LBC</u> Internal and External Alterations including new openings at lower ground level, access ramps and railings to create an external play area.</p>		
Case Officer	Matthew Clapham		
Ward	Staines		
Called-in	These applications have been called in by Councillor Williams due to the impacts on the Listed Building.		
Application Dates	Valid: 02.09.2024	Expiry: 28.10.2024	Target: Extension of time agreed to 13.12.2024.
Executive Summary	<p>Application 24/01052/FUL seeks to carry out external alterations to the existing Grade II Listed Building by making new larger openings to the basement level on two elevations of the building and adding access ramps between the external paved area and the building and adding railings to part of an area of hardstanding to create an external secure play area.</p> <p>Application 24/01053/LBC seeks listed building consent for the same and also additional internal alterations.</p> <p>The applications are associated with the conversion of the building from an office to a children’s day nursery which does not require planning permission as application 24/00626/CPD granted a Certificate of Lawfulness for the proposed use of the building as a children’s day nursery (Class E(f)).</p> <p>The building is a Grade II Listed Building and is located within the Staines Conservation Area and the Zone 2 (1 in 1000 year event) flood risk area.</p> <p>The proposal is considered acceptable in terms of its impacts upon the</p>		

	<p>setting and significance of the Listed Building and would preserve and enhance the character of the Staines Conservation Area. There are not considered to be any issues regarding flood risk and the proposal would not give rise to any highway safety concerns. There would be no significant adverse impacts upon the residential amenity of any adjoining properties. The future use of the site as a children's day nursery does not require planning permission, as both the existing office use and the proposed nursery fall under Class E of the Use Classes Order. This has been lawfully confirmed by the issuing of a Certificate of Lawfulness for the use under 24/00626/CPD.</p> <p>The proposals are therefore considered to be acceptable.</p>
<p>Recommended Decision</p>	<p>Approve both applications subject to conditions, as set out at paragraph 8 of this report.</p>

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)
- SP6 (Maintaining and Improving the Environment)
- LO1 (Flooding)
- EN1 (Design of New Development)
- EN5 (Buildings of Architectural and Historic Interest)
- EN6 (Conservation Areas, Historic Landscapes, Parks and Gardens)
- CC3 (Parking Provision)

1.2 The National Planning Policy Framework (NPPF) December 2023 is also relevant. The Government also published a draft revised NPPF in July 2024, which has not currently been adopted. The draft NPPF is given limited weight currently.

1.3 On 19 May 2022, the Council agreed that the draft Spelthorne Local Plan 2022 – 2037 be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The public consultation for the Pre-Submission Publication version of the Local Plan ended on 21st September 2022 and the local plan was submitted to the Planning Inspectorate on 25th November 2022.

1.4 An Examination into the emerging Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved to request that the Planning Inspector pause the Examination for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the emerging Local Plan. After the three months pause, the Council would

decide what actions may be necessary before the Local Plan Examination should 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 Local Plan process forward.
- 1.6 On 14 September 2023, the Council considered a report following the deferral in June. The report listed three options; to continue with the local plan to include further work (especially on design codes), to request a further pause, or to withdraw the local plan. On the day of the meeting, a letter was received from the Housing Minister stating that the Housing Secretary was directing the Council "not to take any step to withdraw the plan from examination..." The Council resolved to extend the pause in the Examination timetable until the proposed changes to the NPPF had been published before determining the next steps.
- 1.7 On 22 September 2023, the Inspector agreed to a further pause to the Examination and requested that the Council continue to address the issues that he identified in the first week of the Examination, in particular flood risk and its potential implications in relation to the site allocation and delivery strategy of the plan.
- 1.8 On 10 November 2023, the Environment Agency (EA) provided comments on Spelthorne's Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA) seeking additional information, amendments and updates to the assessment.
- 1.9 Following the Environment & Sustainability Committee meeting on 29 February 2024, it was resolved to propose, to the Planning Inspector, modifications to the emerging Local Plan, including the removal of all Green Belt site allocations, with the exception of two allocations that meet the need for Gypsy, Traveller and Travelling Showpeople, the removal of site allocations at high risk of flooding and to move some higher flood risk sites to the later plan period (years 11-15), and the withdrawal the Staines Development Framework as a core document.
- 1.10 On 19 March 2024 the Council published updated Level 1 and Level 2 SFRA. On 2 May 2024 the EA provided comments, including a request for additional clarification which was provided on 17 May 2024
- 1.11 On 18 July 2024, Council considered a report into the resumption of the Local Plan Inquiry which had previously been agreed by the Corporate Policy and Resources Committee on 8 July 2024. The report set out the recent response from the Environment Agency, and the options for deciding whether or not Council agreed a request for further Main Modifications to the Local Plan in order to resume the Examination hearings and progress the Plan to adoption. Council agreed the option to progress the local plan and officers have now requested this from the Inspector.
- 1.12 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.

1.13 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
- E3: Managing Flood Risk

1.14 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
24/00626/CPD	Certificate of Lawfulness for the proposed use of the building as a children's day nursery (Class E(f)).	Granted 16.07.2024
20/00034/FUL	Erection of new building containing 5 flats, comprising 1 no. 2 bedroom unit and 4 no. 1 bedroom units incorporating car parking and cycle storage. New vehicular access through existing wall and brick up existing access. New pedestrian access	Grant Conditional 24.04.2020

	through existing wall. Extended parking area and alterations to existing riverside footpath Amendment to application no. 14/01096/FUL alterations to existing constructed 4 unit development to 5 units, accomplished with the internal subdivision of unit 4 to create additional unit 5.	
02/00938/FUL	Erection of a ramped access, provision of disabled parking spaces and internal alterations to provide a disabled w.c.	Grant Conditional 11.11.2002
02/00095/FUL	Conversion of building from Class B1 (Office) to Class D1 for use as a day nursery together with associated play spaces and parking and internal and external alterations and refurbishment of existing building.	Grant Conditional 28.03.2002

3. Description of Current Proposal

The application site and surrounding area

- 3.1 The application site is located on the eastern side of Moor Lane at a corner site close to its junctions with Wraysbury Gardens to the north and Wraysbury Road to the west. The site is occupied by a detached two storey (with a basement) Grade II Listed Building which had been used as offices since 1981 although is currently vacant. Originally, the building was the Staines West Railway Station which was the southern terminus of the Staines and West Drayton Railway until its closure in 1965. A Certificate of Lawfulness for the proposed use of the building as a children's day nursery (Class E(f)) was granted earlier this year.
- 3.2 The site is located within the Staines Conservation Area and within the Zone 2 Flood Risk Area (1 in 1000 year event).
- 3.3 There is an existing parking area to the rear of the listed building and also an additional area of parking to the east of the retained wall that formed part of the railway station and the Wraysbury River, which is designated for use by occupiers of the application site.
- 3.4 The area is mixed in character with a mixture of commercial and residential uses and types and styles of properties.

Proposal

- 3.5 This planning application seeks both planning permission and listed building consent for internal and external alterations including new openings at lower ground level, access ramps and railings to create an external play area.
- 3.6 The internal alterations comprise widening, re-opening and closing various openings to facilitate better movement through the building to enable the use as a nursery. Additional/ altered toilets are proposed. Externally, to the listed building itself, four new door openings are proposed at basement level replacing non-original window openings and sections of wall below. To the rear of the hardstanding / parking area, two access ramps are to be provided to allow accessibility between the hardstanding and the entrance to the building itself. The play area is to be located at the southeast corner of the existing hardstanding / parking area abutting the existing wall to the east and the proposed ramps to the south and west. The enclosed play area will be completed by 1.2m high metal railings to the north.
- 3.7 The full set of proposed plans are provided as an Appendix.

4. Consultations

The following table shows those bodies consulted and their response.

Consultee	Comment
Conservation Officer	No objections.
Surrey CC Highways	No objection. Requested a parking user survey.
Environment Health - Contamination	Recommend conditions.
Head of Neighbourhood Services	Awaiting response – to be reported to the Committee

5. Public Consultation

- 5.1 A total of 15 properties were notified of the applications. A statutory site notice was displayed and a notice put in the local press.
- 5.2 The Council has received 4 letters of objection to the applications, from 3 separate addresses.
- 5.3 Reasons for objecting include:
- Noise levels from play area
 - Loss of privacy
 - Loss of views
 - Access to Refuse Storage Area
 - Traffic flows
 - Access for delivery, catering and emergency vehicles
 - Insufficient parking

- Capacity of site at collection and drop off time
- Inappropriate location for a nursery
- Lack of space to manoeuvre vehicles / location of disabled space
- Anti-social behaviour in the locality

6. Planning Issues

- Impacts upon the Listed Building and the Staines Conservation Area.
- Residential Amenity.
- Parking and Highway Safety.
- Flooding

7. Planning Considerations

Background

- 7.1 The future use of the site as a children's day nursery does not require planning permission, as both the existing office use and the proposed nursery fall under Class E of the Use Classes Order. This has been lawfully confirmed by the issuing of a Certificate of Lawfulness for the use under 24/00626/CPD. Therefore, the only issues that are under consideration for these proposals are those that are related to the physical changes to the listed building and the hardstanding / parking area (not the use itself).

Impacts upon the Listed Building and the Staines Conservation Area.

- 7.2 There is a statutory duty placed on all local planning authorities by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires authorities when, amongst other responsibilities, making decisions on planning applications in conservation areas that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'. In respect of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in dealing whether to grant listed building consent the local planning authority "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." These requirements seek a positive aim of "preserving or enhancing character of conservation areas and preserving listed buildings." This duty has particular importance when considering and weighing all the issues in this case.
- 7.3 At Chapter 16 (Conserving and enhancing the historic environment) of the NPPF, Local Planning Authorities should consider the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.4 Policy EN5 of the Spelthorne Core Strategy and Policies Development Plan Document (CS&P DPD) for Buildings of Architectural and Historic Interest states the Council will seek to preserve its architectural and historic heritage by requiring alterations and extensions to listed to respect any features of special

historic or architectural importance and refusing consent for any alteration or extension to a listed building that will not preserve the building or its setting. The Policy also requires development proposals for any sites affecting the setting of a listed building to have special regard to the need to preserve its setting.

- 7.5 Policy EN6 of the CS&P DPD for Conservation Areas, Historic Landscapes, Parks and Gardens states the Council will seek to preserve and enhance the character of conservation areas by requiring the retention of buildings, trees and other features, including open spaces, views and vistas, which are important to the character of the area.
- 7.6 As required by the NPPF, the application has been submitted with a detailed Heritage Impact Assessment clearly setting out an assessment of the significance and setting of the heritage asset and the impacts that the proposals would have. It concludes that the proposals would have a low level of less than substantial harm, and that any less than substantial harm is mitigated by the proposed works and their positive impacts and benefits together with the public benefits of providing a nursery facility. Paragraph 208 of the NPPF states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.
- 7.7 The Council's Conservation Officer has not raised any objections to the proposals, stating that they 'will not harm the character of this listed building, which should have a long-term useful life in its new proposed use. There will also be no effects on the character of the Staines Conservation Area'.
- 7.8 The internal alterations will not be visible from the street scene, and the four new door openings are at basement / lower ground floor level and are located within lightwells limiting their visibility from the street scene. The ramps are located alongside existing raised areas to the building and are necessary to ensure inclusivity to the site and accessibility for prams/buggies, etc. The railings are predominantly on one side of the proposed play area and are of a height, size and design that would not harm the character and appearance of the area.
- 7.9 Therefore, it is considered that the proposal would not result in any harm to the setting and appearance of the Listed Building and would preserve and enhance the Staines Conservation Area. The proposal is considered to comply with the NPPF (2023), Policies EN5 and EN6 of the Spelthorne Core Strategy and Policies Development Plan Document and is considered acceptable.

Residential Amenity

- 7.10 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.”

- 7.11 The third-party representations have raised concerns regarding loss of privacy, loss of views, noise and disturbance from the use of the external play area as a children’s nursery, and general noise and disturbance from traffic movements.
- 7.12 With regard to the use of the play area as a nursery, this is not a material consideration in assessing this proposal. The site including the area proposed as the play area has a lawful use as a children’s day nursery and any issues surrounding the use are not a matter when assessing these proposals.
- 7.13 As the area is already an area of hardstanding used primarily for parking, and the altered openings are at lower ground floor levels, it is not considered that there will be any adverse impacts with regard to any loss of privacy or any views. The play area will inevitably result in some noise as a result of its use. However, the area could be used as a play area in any event without permission. This proposal facilitates a secure and safe outdoor play area for children attending the nursery where outdoor areas are required as part of Ofsted requirements. In terms of traffic movements, there will be less than currently occurs as the introduction of a play area will reduce the number of spaces in this part of the site by 5 spaces with only one disabled space being provided in this area together with the five existing spaces for residents of the flats in Old Station Mews. Therefore, it is not considered that there will be any significant adverse impacts upon local residents in terms of noise and disturbance from traffic movements in this part of the site. The area of parking located to the east of the site near to the Wraysbury River will be retained for the use of the nursery for staff parking, and parents collecting and dropping off children. This is also an existing parking area and located behind a substantial wall that was formerly part of the railway station. It is not considered that this parking area which result in any significant harm to local residents above and beyond what already exists.
- 7.14 Therefore, no significant loss of privacy, overbearing or noise and disturbance is considered to arise, conforming to Policy EN1 of the CS&P DPD.

Parking and Highway Safety

- 7.15 The proposal would result in the net loss of five parking spaces. The proposal includes one disabled space adjoining the proposed play area and a further 12 spaces located on the existing car park to the east of the site adjoining the Wraysbury River. The Council’s Parking Standards do not have a specific requirement for a children’s day nursery. However, the closest comparison is considered to be that of a school. This would require 2 spaces per member of staff. The applicant has confirmed that at full capacity, the nursery would accommodate 23 staff and therefore the 13 spaces will meet this standard.
- 7.16 The retained car parking area to the east is existing with access onto Wraysbury Gardens and no specific highway safety concerns are considered to result from the use of this parking area. Similarly, the access to the site from Moor Lane is also existing and provides access to the disabled bay and

the residents of Old Station Mews and with the reduction of five parking spaces in this area, is less than who can currently use this access.

- 7.17 The County Highway Authority (CHA) requested some additional information regarding pick-up and drop-off at the nursery. The applicant has confirmed that at full capacity the nursery can accommodate 80 children however the nursery is unlikely to be at full capacity at all times. They have also stated that 'It is anticipated that drop off and collection times will be split into 15 minute intervals over a course of one and a half hours, in both the mornings and the evenings, i.e. 10 time intervals. Accordingly, at maximum capacity and assuming 100% arrivals by private motor vehicle, a maximum of 8 no. vehicles would arrive in each interval. The on-site car parking facilities are, therefore, of ample size to accommodate these trips. Notwithstanding the CHA's request for a 'user survey', it is not considered reasonable to ask for one as the use of the building as a nursery is lawful and is not under consideration as part of these applications.
- 7.18 There will undoubtedly be pressures on the site at peak collection and drop off times. However, the applicant has stated that they will encourage members of staff to commute to work by public transport in view of the sustainable town centre location, and will stagger arrival and departure times for children at times of peak demand. It should also be noted that the use of the building and the parking areas as a children's nursery is established by the Certificate of Lawfulness. As such, the nursery could be put into use immediately and technically reserve the parking areas for staff only with users of the nursery having to find their own arrangements for dropping off and collecting children. Therefore, it is not considered that there are grounds to refuse the proposal on parking and highway safety grounds.

Flooding

- 7.19 Policy LO1 of the CS&P DPD seeks to reduce flood risk and its adverse effects on people and property in Spelthorne.
- 7.20 The only physical additions are the access ramps and railings to the play area on an existing hardstanding / parking area. The railings themselves have openings to allow the free flow of flood water.
- 7.21 The site is located within the Zone 2 Flood Risk Area. In view of the very limited amount of additions on existing hardstanding and the relatively low risk level in Zone 2, it is not considered that there are sufficient harmful impacts in terms of flooding to justify refusal.

Other Matters

- 7.22 The Council's Street Scene Officers are reviewing the access arrangements for the collection of refuse from Old Station Mews. Any comments will be reported orally to the Committee. Any anti-social behaviour in the locality is not a material planning consideration in assessing this proposal. The access for delivery and catering vehicles and emergency services are not considered to be significantly affected by the proposals compared to the existing arrangements. The proposal does not qualify for Biodiversity Net Gain. The

Council's Environmental Health Officer requested conditions regarding contaminated land on the basis that there may be some soft landscaping works proposed. The submitted plans do not show any landscaping and as such, it is not considered necessary or reasonable to impose any conditions in this regard.

Equalities Act 2010

- 7.23 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

- 7.24 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

- 7.25 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 for planning permission is not a CIL chargeable development and will therefore not generate a CIL Payment.

The proposal will generate Business Rate payments which is not a material consideration in the determination of this proposal.

Conclusion

7.26 Accordingly, both applications are recommended for approval.

8. Recommendation

8.1 GRANT planning permission for **24/01052/FUL** 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; E1000 rev B; E1100 rev B; E1101 rev B; E1102 rev B; E1190 rev B; E1199 rev B; E2000 rev B; EL101 rev P2; EL102 rev P2; PD101 rev P5; PD102 rev P5; PD103 rev P5 received on 02.09.2024

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

3. No development above damp course level shall take place until details of the materials and detailing to be used for the external surfaces of the building, railings and surface material for the access ramps be 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 listed building and Staines conservation area which is of high historic value, in accordance with policies EN5 and EN6 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.

8.2 GRANT Listed Building Consent for **24/01053/LBC** subject to the following conditions:

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

Reason:- This condition is required by Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

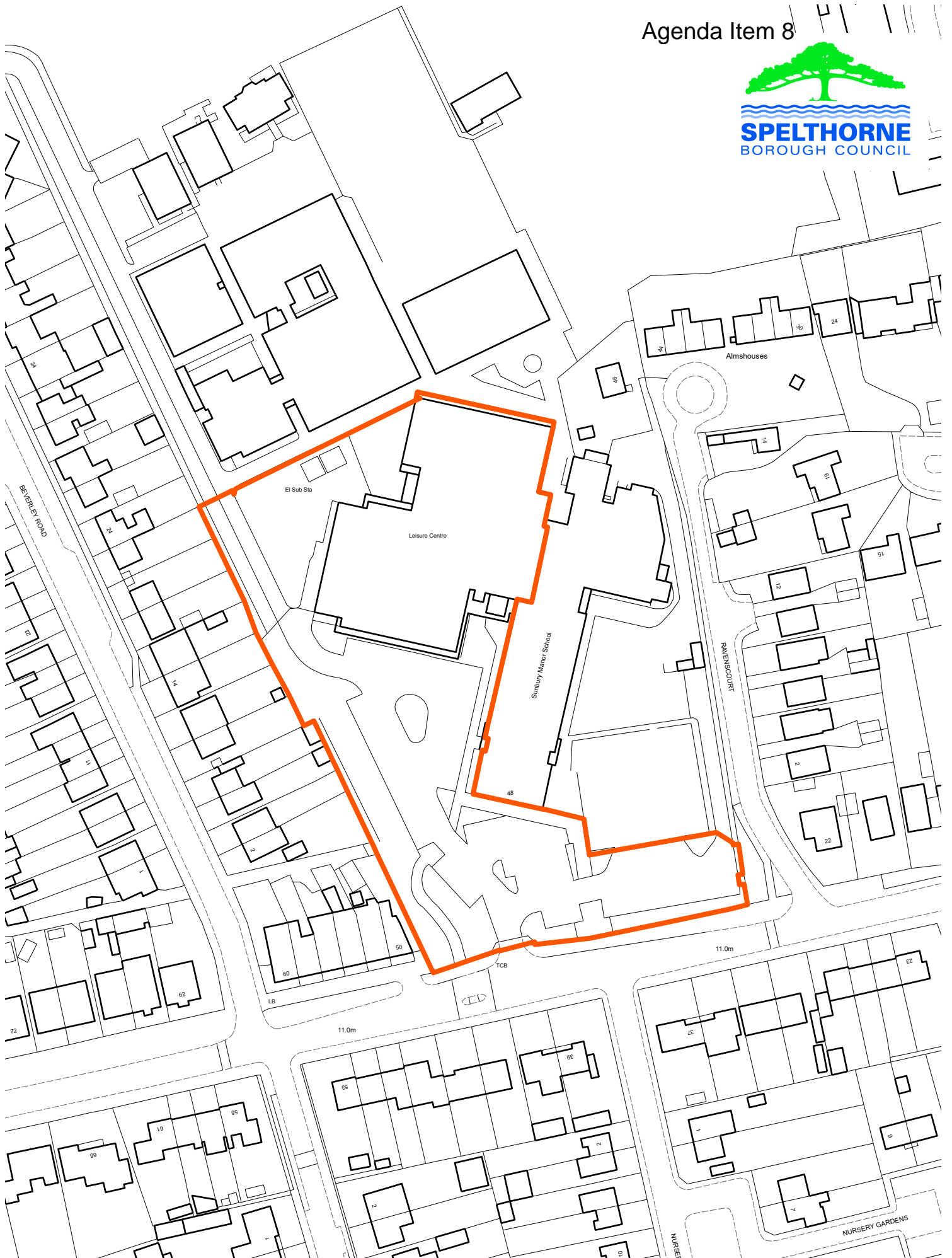
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; E1000 rev B; E1100 rev B; E1101 rev B; E1102 rev B; E1190 rev B; E1199 rev B; E2000 rev B; EL101 rev P2; EL102 rev P2; PD101 rev P5; PD102 rev P5; PD103 rev P5 received on 02.09.2024

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

3. No development above damp course level shall take place until details of the materials and detailing to be used for the internal materials, the external surfaces of the building, railings and surface materials for the access ramps be 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 listed building and Staines conservation area which is of high historic value, in accordance with policies EN5 and EN6 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

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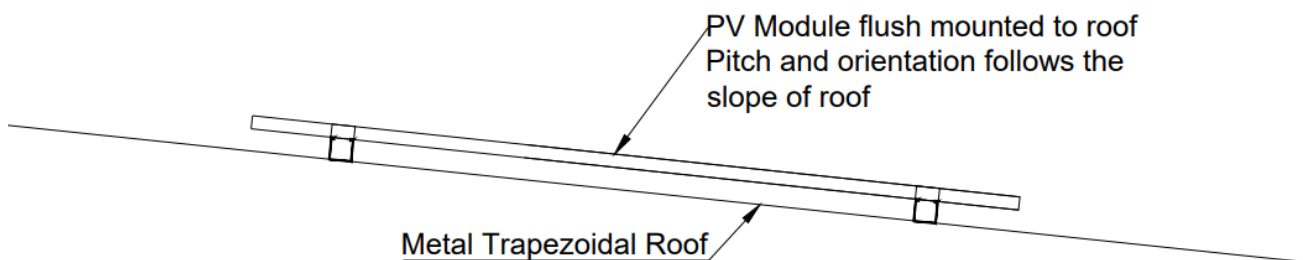
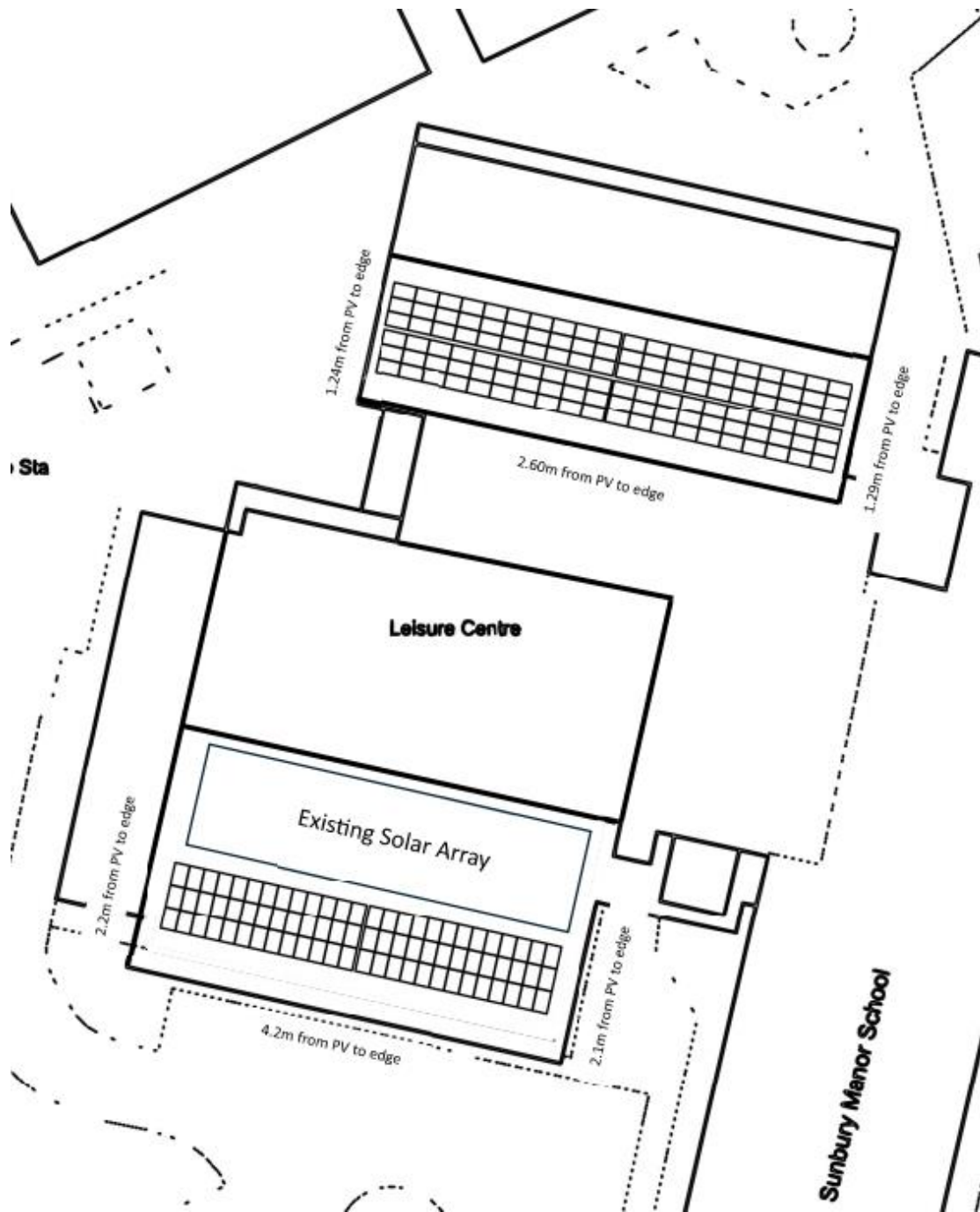


24/01133/PAP - Sunbury Leisure Centre, Nursery Road, Sunbury-on-Thames.
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Planning Committee

10 December 2024



Application No.	24/01133/PAP
Site Address	Sunbury Leisure Centre, Nursery Road, Sunbury-on-Thames, TW16 6LG
Applicant	Spelthorne Borough Council
Proposal	Prior Approval Notification for the installation of a further 89 no.1kWp (kilowatt 'peak') solar photo voltaic (PVs) panels to the roof
Case Officer	Kelly Walker
Ward	Halliford and Sunbury West
Called-in	N/A. This application is being referred to the Planning Committee for a decision, as the applicant is Spelthorne Borough Council

Application Dates	Valid: 23.10.2024	Expiry: 18.12.2024	Target: Within 8 weeks
Executive Summary	<p>The subject property is Sunbury Leisure Centre, which is located on the northern side of Nursery Road. The site is irregular in shape with the building set back from the road, with car parking in front. To the north and east is Sunbury Manor School, and to the west are the rear gardens of the dwellings located along Beverley Road. The site is located in the urban area.</p> <p>The application is a Prior Approval Notification, (a Permitted Development Procedure), and the proposal is for the installation of a further 89 no.1 kWp Solar Photovoltaic (PV) panels to the sloping roofs of the existing leisure centre. There is already a group of panels on the roof which were installed in 2004. As the proposed panels will generate in excess of 50 kilowatts of electricity, Prior Approval is required under Schedule 2, Part 14, Class J(c) of the Town and Country Planning (General Permitted Development) Order 2015 (GDPO) (As amended), for the installation of solar equipment on non-domestic premises. This type of application requires an assessment on design and external appearance of the development, in particular the impact of glare on occupiers of neighbouring land.</p> <p>The location of the building away from neighbouring properties and directed towards the road, together with the fact that the solar panels will protrude only 80mm from the sloping roof profile, will ensure the proposal has an acceptable design and appearance and an acceptable impact of on occupiers of neighbouring properties in regard to glare.</p>		

	Therefore, the proposal is considered to meet the requirements of Prior Approval and is acceptable
Recommended Decision	Grant the Prior Approval Notification subject to conditions

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:
- SP6 (Maintaining and improving the Environment)
 - EN1 (Design of New Development)
- 1.2 The policies contained within the National Planning Policy Framework (NPPF) (December 2023) are also relevant. The Government also published a draft revised NPPF in July 2024, which has not currently been adopted. The draft NPPF is given limited weight currently.
- 1.3 On 19 May 2022, the Council agreed that the draft Spelthorne Local Plan 2022 – 2037 be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The public consultation for the Pre-Submission Publication version of the Local Plan ended on 21st September 2022 and the local plan was submitted to the Planning Inspectorate on 25th November 2022.
- 1.4 An Examination into the emerging Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved to request that the Planning Inspector pause the Examination for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the emerging Local Plan. After the three month pause, the Council would decide what actions may be necessary before the Local Plan Examination should 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 Local Plan process forward.
- 1.6 On 14 September 2023, the Council considered a report following the deferral in June. The report listed three options; to continue with the local plan to include further work (especially on design codes), to request a further pause, or to withdraw the local plan. On the day of the meeting, a letter was received from the Housing Minister stating that the Housing Secretary was directing the Council “not to take any step to withdraw the plan from examination...” The Council resolved to extend the pause in the Examination timetable until the proposed changes to the NPPF had been published before determining the next steps.

- 1.7 On 22 September 2023, the Inspector agreed to a further pause to the Examination and requested that the Council continue to address the issues that he identified in the first week of the Examination, in particular flood risk and its potential implications in relation to the site allocation and delivery strategy of the plan.
- 1.8 On 10 November 2023, the Environment Agency (EA) provided comments on Spelthorne's Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA) seeking additional information, amendments and updates to the assessment.
- 1.9 Following the Environment & Sustainability Committee meeting on 29 February 2024, it was resolved to propose, to the Planning Inspector, modifications to the emerging Local Plan, including the removal of all Green Belt site allocations, with the exception of two allocations that meet the need for Gypsy, Traveller and Travelling Showpeople, the removal of site allocations at high risk of flooding and to move some higher flood risk sites to the later plan period (years 11-15), and the withdrawal the Staines Development Framework as a core document.
- 1.10 On 19 March 2024 the Council published updated Level 1 and Level 2 SFRA. On 2 May 2024 the EA provided comments, including a request for additional clarification which was provided on 17 May 2024.

On 18 July 2024, Council considered a report into the resumption of the Local Plan Inquiry which had previously been agreed by the Corporate Policy and Resources Committee on 8 July 2024. The report set out the recent response from the Environment Agency, and the options for deciding whether or not Council agreed a request for further Main Modifications to the Local Plan in order to resume the Examination hearings and progress the Plan to adoption. Council agreed the option to progress the local plan and officers requested this from the Inspector.

- 1.11 On 24 October 2024, the Council agreed to re-instate 13 of the 15 Green Belt sites as housing allocations and request the Planning Inspector to resume the Examination into the Local Plan. Officers have now requested this from the Inspector.
- 1.12 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.
- 1.13 The NPPF policy states at para 48 that: 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).

- 1.14 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.
- 1.15 At this stage, the policies in the Pre-Submission Spelthorne Local Plan carry limited weight in the decision-making process. 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 relevant planning history:

92/00119/DEE	Erection of a dual use leisure centre including sports hall and swimming pool with parking and alterations to highway.	Grant 29.04.1992
04/00295/FUL	Installation of an array of solar panels to the south elevation of the swimming pool roof.	Lapsed 08.06.2004

3. Description of Current Proposal

- 3.1 This application relates to Sunbury Leisure Centre, which is situated on the northern side of Nursery Road. The site is irregular in shape and the building is set back from the road with a car park in front. To the north and east is Sunbury Manor School, and to the west are the rear gardens of the dwellings located along Beverley Road. The site is located in the urban area.
- 3.2 This application is for a Prior Approval Notification for the installation of solar panels on the roof of the leisure centre. There is already an array of solar panels on the leisure centre roof which was installed in 2004. This proposal is for the installation of more solar panels adjacent to these on the front elevation, and also on the rear roof elevation.
- 3.3 Under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) Order 2015 (GDPO) (as amended), the installation of solar equipment on non-domestic premises constitutes permitted development, subject to meeting various requirements. The proposal will generate in excess of 50 kWp of energy and therefore would fall within Class J(c), which permits development subject to the condition that before beginning the developer must apply to the local planning authority for a determination as to whether the Prior Approval of the authority will be required

as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land.

4. Consultations

4.1 No consultations are required for this prior approval notification

5. Public Consultation

5.1 The Council has sent letters to 17 properties. No letters of representation have been received.

6. Planning Issues

- Design and appearance (glare)

7. Planning Considerations

7.1 This application seeks Prior Approval for the installation of photovoltaic (PV) solar panels on the roof of the existing leisure centre building, with a total installed capacity of 89 kWp. The proposed rear array will measure approx. 35m in length and 7m in width and the front array will measure some 19m by 6m.

7.2 As noted above under Class J, Part 14, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, development is not permitted by Class J if **(Officer response in bold)**:

(a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope. **The panels protrude only 0.08 metres from the pitched roof plane.**

(b) the solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney) **(Not relevant as not installed on a flat roof)**

€ the solar PV equipment or solar thermal equipment would be installed within 1 metre of the external edge of that roof. **The panels are set at least 1m from the external edge of the roof.**

(d) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway. **(Not relevant as the site is not located in a Conservation Area)**

€ the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; **(Not relevant)** or

(f) the solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building. **(Not relevant)**'

7.3 However, as noted above, the proposal is for micro solar PV equipment and which will generate in excess of 50 kilowatts of electricity (the proposal is for

89 kilowatts). Therefore, the proposal would fall within Class J(c), and as such, this application has been submitted for a determination as to whether the Prior Approval of the authority will be required for the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land. Given what is proposed, and its location adjacent to neighbouring properties, It is considered that Prior Approval is required and is considered below.

7.4 Class J, Part 14, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

The local planning authority must, when determining an application:

- (a) take into account any representations made to them as a result of any notice given under sub-paragraph (6); and
- (b) have regard to the National Planning Policy Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

7.5 The proposal includes two no. arrays of solar panels. Both will be installed on the pitched roof of the existing leisure centre building, facing south. One will be located on the front sloping roof, located beneath the existing panels, and one will be on the rear roof, but on the slope that is angled towards the building. As such, the rear array will not be readily visible from outside the site. The proposed panels will protrude from the plane of the existing roof slope by 80mm and will be set back at least 1m from the edge of the external roof (1.2m at its closest), which has a gentle slope and already has some solar panels upon it. Also, the roof is already of a dark colour and the installation of more panels would not be particularly evident. The panels at the front of the building will be located approximately 18m from the side boundary with the rear gardens of the residential properties on Beverley Road. The properties are approximately 36 m away. Also, it should be noted that no letters of objection have been received in relation to the proposal. The building is also set back approximately 80m from Nursery Road to the south. The panels would not be readily visible from outside the site as they are located at height on the gentle sloping roof on the existing building.

7.6 Therefore, the proposed solar panels will not significantly affect the external appearance of the building and will have an acceptable design. Given the distance from the road and boundaries, and given the angle of the roof, there will not be a significant impact in regard to glare on occupiers of neighbouring land.

7.7 It is acknowledged that the proposal relates to an application for Prior Approval and the policies of the Local Plan are therefore identified for guidance purposes in addressing the potential impact of the proposal on the identified criteria. As such the proposal is considered to accord with Policy EN1 of the Core Strategy and Policies DPD.

7.8 Class J, Part 14, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

The local planning authority must, when determining an application—

- (c) take into account any representations made to them as a result of any notice given under sub-paragraph (6); and
- (d) have regard to the National Planning Policy Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

7.9 The NPPF on climate change and renewables states that

‘163. When determining planning applications for renewable and low carbon development, local planning authorities should:

(a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions.

(b) approve the application if its impacts are (or can be made) acceptable ...

164. In determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights)’

7.10 As noted above no letters of objection have been received in relation to the proposal. The proposal provides energy efficiency and low carbon energy on a non-domestic building energy by a renewable source, which would have an acceptable impact, and as such accords with the NPPF.

Conclusion

7.11 It is considered that Prior Approval is required. The proposed development would have an acceptable design and external appearance, with particular regard to the impact of glare on occupiers of neighbouring land. The proposal will provide a renewable source of energy for an existing building and accordingly, the Prior Approval application is recommended for approval.

8 Recommendation

8.1 APPROVE subject to the following conditions:

1. The development hereby permitted shall be completed within 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: E010 01 received on 19 September 2024, site location plan received on 21 October 2024 and amended plan numbered E010 02 received on 21 November 2024.

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

3. The solar photovoltaic (PV) equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area.

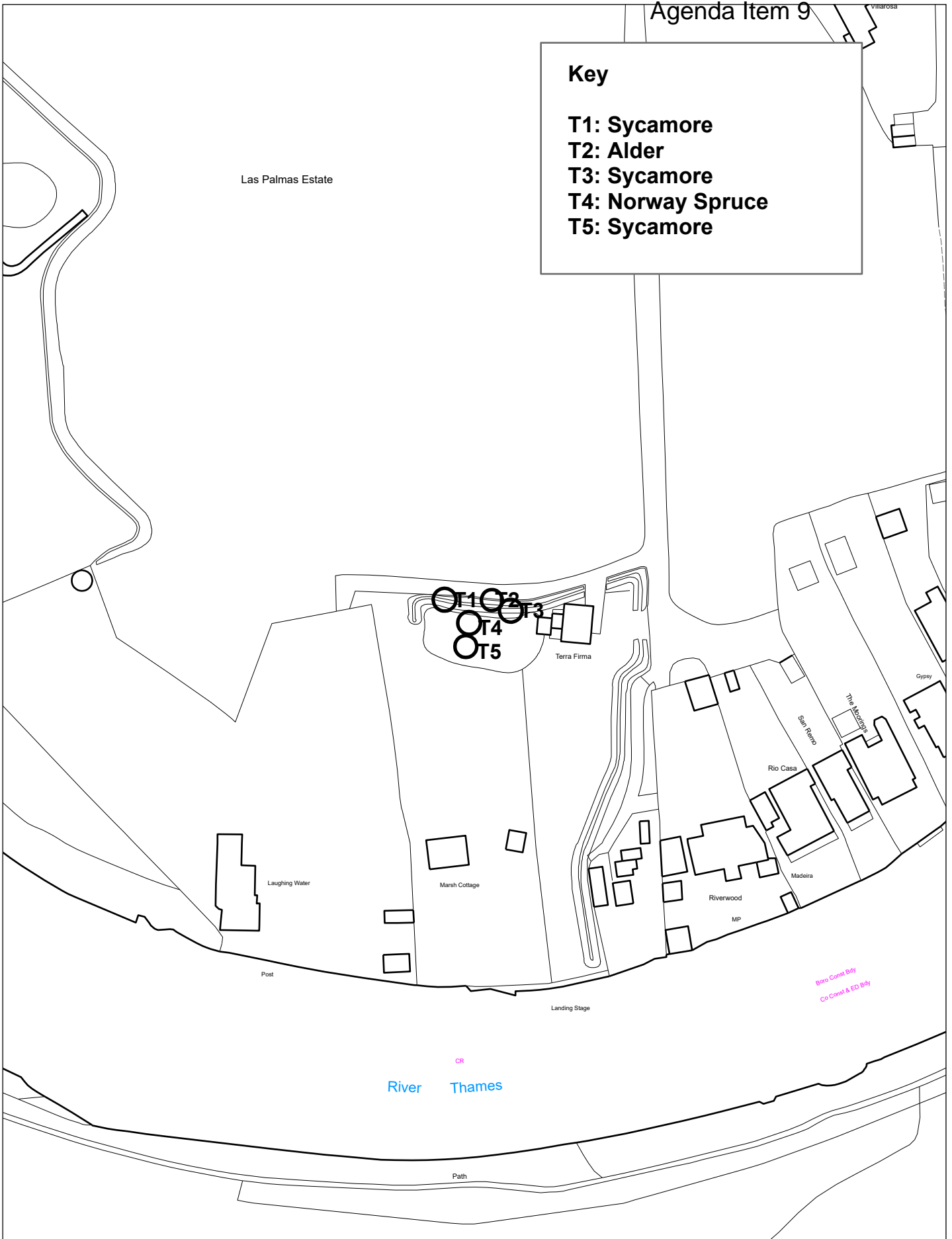
Reason: -. In the interest of visual amenity.

4. The solar photovoltaic (PV) equipment shall be removed as soon as reasonably practicable when it is no longer needed.

Reason: -. In the interest of visual amenity.

Key

- T1: Sycamore**
- T2: Alder**
- T3: Sycamore**
- T4: Norway Spruce**
- T5: Sycamore**



TPO297/2024

**Ribera, Las Palmas Estate Road, Shepperton,
TW15 2AN**



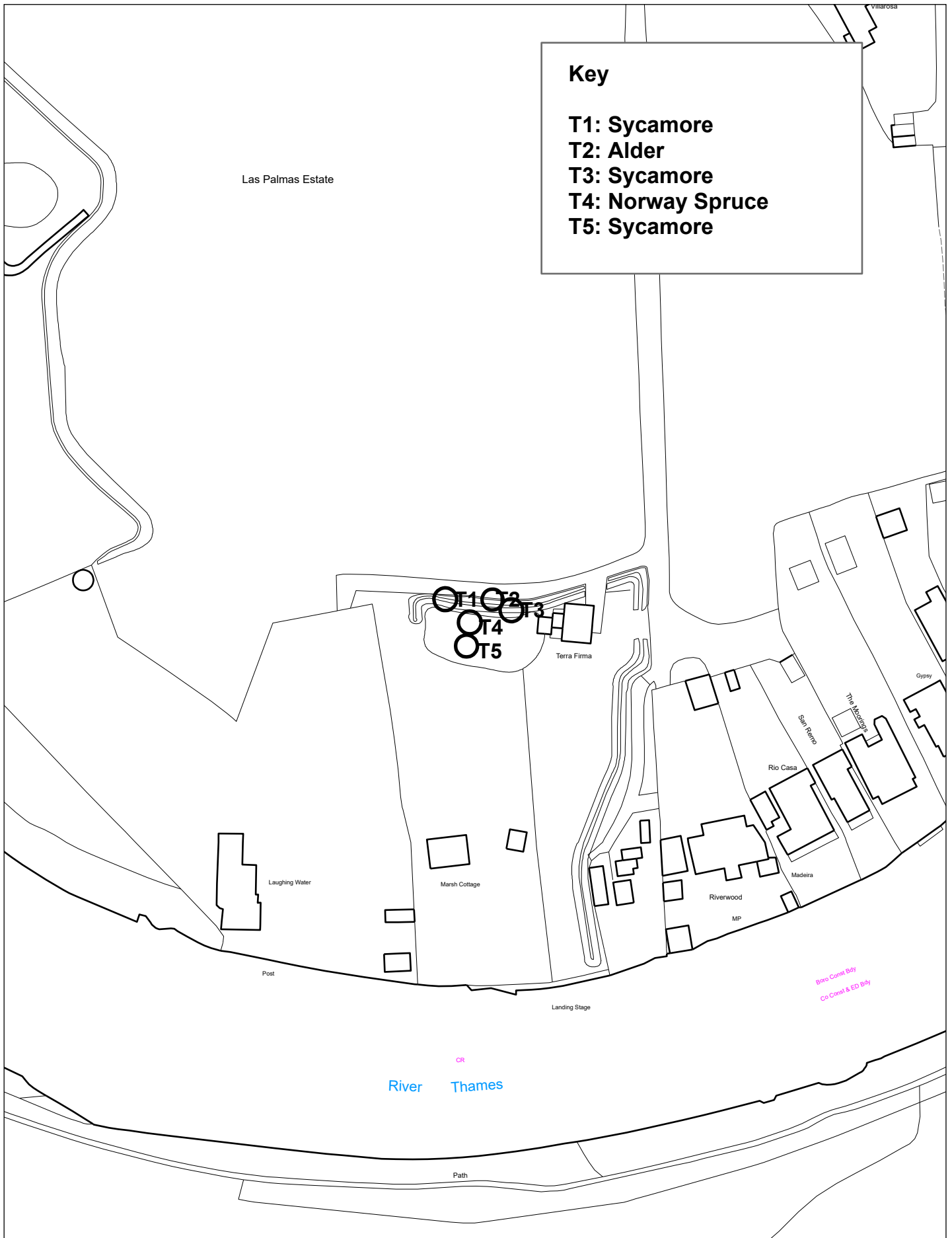
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Date: 18 September 2024

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Key

- T1: Sycamore**
- T2: Alder**
- T3: Sycamore**
- T4: Norway Spruce**
- T5: Sycamore**

TPO297/2024

**Ribera, Las Palmas Estate Road, Shepperton,
TW15 2AN**



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Date: 18 September 2024

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Planning Committee

10 December 2024



	Tree Preservation Order
TPO No.	TPO297/2024
Site Address	Ribera Las Palmas Estate Road Shepperton TW17 9HU
Date Served	17 July 2024
Expiry Date	17 January 2025
Ward	Shepperton Town
Case Officer	Vanya Popova
Executive Summary	Confirmation of TPO297/2024
Recommended Decision	Confirm without modification

MAIN REPORT

1. Details of Order

- 1.1 On 17th July 2024, Tree Preservation Order (TPO297/2024) was served with immediate effect to protect 3 x Sycamore, 1 x Norway Spruce and 1 x Alder trees on the land of Ribera Las Palmas Estate Road Shepperton TW17 9HU.

2. Background

- 2.1 The site relates to a land referred to as Ribera located in the Las Palmas Estate Road off Rusell Road in Shepperton. Its northern boundary is adjacent to the nearby private single-track road, and the southern boundary faces the River Thames. This section of the narrow road allows vehicle access to the nearby residential properties (Terra Firma, Marsh Cottage and Laughing Waters). The subject land is well-landscaped, containing a number of the trees spread around the plot; the majority of which are orientated towards the nearby road. The site does not contain vehicle access and does not relate to land for residential use.
- 2.2 In terms of planning constraints, the entire area (including the site) is located in the Green Belt and the majority of the plot within the floodplain (Flood Zone 3b). In addition, there are number of trees within the site, and the nearby sites which are subject to Tree Preservation Order (TPO013/SUN) served in 1964. Furthermore, further north (opposite the access road) starts the Woodland Tree Preservation Order (TPO242-W001) served in 2013, which covers a large area of undeveloped land, mostly consisting of woodland.

- 2.3 In March 2024, it was brought to the Planning Department's attention that some trees within the Ribera site were potentially under threat when the Landowner enquired about the possibility of removal trees on site. In addition to this, a fir tree had already been removed from the site. The Council also received a third party TPO request.
- 2.4 Taking into account the site was well treed, particularly towards the north (near the track road) with none of these trees being subject to a Tree Preservation Order, the Council's Tree Officer considered that an emergency Area Tree Preservation Order (TPO296/2024-A1) was required and was subsequently served on 28 March 2024 with immediate effect. This was to allow him to gain a full assessment to determine exactly which trees were worthy protected under a separate Tree Preservation Order covering only individual trees.
- 2.5 In July 2024, Council's Tree Officer revisited the site and assessed each tree individually within the subject Area TPO (TPO296/2024) and the Tree Evaluation Method for Preservation Orders Assessment (TEMPO) confirmed that 5 no. trees (3 x Sycamore, 1 x Alder, and 1 x Norway Spruce) were to be put forward for an individual TPO. They were considered to be good semi-mature specimens with no obvious faults nor any signs of disease or decay. It was considered that the trees were visible from the Las Palmas Estate Road and the Council's Tree Officer noted that they add positively to the woodland character within the area. The remaining trees within the Area TPO were considered not suitable for a Tree Preservation Order due to either poor form structures or growing in unsuitable locations.
- 2.6 Consequently, the Area Tree Preservation Order (TPO296/2024) was superseded by the new Tree Preservation Order (TPO297/2024) concerning 5 no. individual trees (3 x Sycamore, 1 x Alder, and 1 x Norway Spruce). The landowner objected to the TPO297/2024 on several grounds (summarised below). One of the reasons for objection included the locations of the selected trees being inaccurate in the TPO map.
- 2.7 It should be noted that the original TPO map that was served was amended due to discrepancies amongst the selected trees and how they were plotted on the map. Therefore, a new TPO map was re-issued which resulted interested parties to be re-notified and the consultation period being extended. Following this, the land owner confirmed that his objection regarding inaccuracy of the TPO map remains unchanged. It was further indicated the other reasons for objecting to the TPO297/2024 remain unchanged.

3. Third Party Representations

- 3.1 As required under the legislation all affected parties, including owners and adjoining neighbours were served with copies of the Tree Preservation Order.
- 3.2 The Council received two letters of representation within the consultation period and the re-notification stage from the landowner raising objection to the TPO297/2024. The Council's Tree Officer has provided comments in response to each point raised which are summarised below:-
1. *T1 (Sycamore shown within the TPO Schedule) is NOT of great importance to the amenity of the locality. Consequently, should be removed from the TPO297/2024.*

The majority of the trees within this area are Sycamores and it is usually recommended that this type of species are spaced 19m apart to prevent overcrowding, which is the case here. The letter of objection considers that the T1 does not have any great importance to the amenity of the locality and does not make any significant contribution to the visual amenities of the locality. Due to its location (private road), the tree will not be seen by the general public.

2. *Ribera should have vehicular access (T1 is the main obstacle for access)*

The letter of objection states that the owner used to gain vehicle access by the existing driveway of the adjacent residential property Marsh Cottage. However, the owner has recently been denied access to the neighbouring land and he considers the T1 and its Root Protection Area are the main obstacle of creating a direct vehicle access to the Ribera land. The owner has indicated that the subject land has been used for leisure purposes (including water sports activities). In addition, over the years the site has also been used occasionally for celebrations, camping (in tents and mobile homes) barbecues or just to relax with friends and their families. The lack of direct vehicle access has resulted in the owner no longer being able to transport the sports equipment and has made it challenging to enjoy the site.

3. *The TPO297/2024 will prevent access for Emergency vehicles*

There are existing sheds/outbuildings within the land. Due to a neighbour dispute, it is required that a fence is to be installed between Ribera and Marsh Cottage and this would result in no emergency access for the Ambulance or the Fire Brigade to the Ribera land via the Marsh Cottage.

4. *No vehicular access reduces the land value of Ribera*

The letter of objection states that without the vehicular access, the value of the plot will be impacted.

5. *The request to TPO these trees is a vindictive attempt by a couple of neighbours to prevent access to Ribera.*

The TPO request was made purely due to neighbour disputes.

6. *The latest TPO map is still shows the location of the selected trees inaccurately*

The owner is still in a view that T1, T4 and T5 are still inaccurately plotted on the latest map.

3.3 It is also worth noting that the Council received a letter of support by an interested party during the emergency Area Tree Preservation Order **TPO296/2024**. Reasons for supporting included:-

- A tree had already been cut
- Amenity value
- Trees under treat

4. Council's Tree Officer comments:-

4.1 In response to this representation the Council's Tree Officer has considered his assessment and has made the following observations:

4.2 T1 (Sycamore) tree should be removed from the TPO297/2024

The Sycamore identified as T1 (as shown within the TPO map) is healthy and stable, in a good condition and on a par with the other protected sycamores. The tree adds to the wooded character of the road by mirroring the existing tree cover which lines the road on both sides, and as many of the older trees within the wood are declining retaining good healthy trees is important for the continued tree cover of the area. The tree is visible to anybody visiting the other properties in the road and removing this tree would create another gap in the tree cover lining the road.

4.3 Ribera should have vehicular access (T1 is the main obstacle for access)

The tree sits on top of a bund which runs the entire length of the plot. This has always prevented vehicular access to this part of the plot. No comment is offered on the access granted previously by Marsh Cottage as this is a civil matter rather planning related.

The Council's Tree Officer notes that the presence of the bund means that access is difficult, but this could be overcome by a no dig engineered solution which would allow the roots and tree to remain. The lack of parking and condition of the road is not a planning matter that can be reviewed under the Tree Preservation Order stage.

4.4 The TPO297/2024 will prevent access for Emergency vehicles

Spelthorne contains a number of riverside plots that do not have vehicular access and are not within 45 metres of a parking area. This is a leisure plot, not a residential dwelling and access was always likely to be challenging.

4.5 No vehicular access reduces the land value of Ribera

Monetary value is not a planning matter.

4.6 The TPO request was made purely due to neighbour disputes

Any TPO request is assessed on the merits of the trees regardless of the reasons for it being brought to the attention of the Council. The trees were inspected and considered to be good specimens, there was a risk that one or more of the trees might be cut down and they added to the wooded character of the road. These reasons meant that they warranted a TPO.

4.7 The latest TPO map is still shows the location of the selected trees inaccurately

The Council's officers has plotted the trees as accurately as possible given the limited measuring points due to unclear boundaries. It is considered that

the protected trees can easily be identified on site from the plan and do not consider that the locations are misleading. The trees are identified on the plan by a circle and the stem of the tree can be anywhere in the circle, this allows for some leeway with the position of the stem.

5. Conclusions

- 5.1 The submitted representations appear to be mostly concerning the neighbour disputes and the owner wishing to create a direct vehicle access onto Ribera land. Ultimately, the Tree Officer has concluded that the selected trees add positively to the wooded character of the road and are good specimens enough to warrant its protection by a Tree Preservation Order.

6. Recommendation

- 6.1 That Tree Preservation Order 297/2024 relating to Ribera Las Palmas Estate Road Shepperton TW17 9HU be confirmed without modification.

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Planning Committee

10 December 2024



Title	Houses in Multiple Occupation (HMOs)
Purpose of the report	<ul style="list-style-type: none"> To make a decision
Report Author	Esmé Spinks, Planning Development Manager Liz McNulty, Planning Enforcement Officer Fidelma Bahoshy, Joint Senior Environmental Health Manager Susan Turp, Principal Environmental Health Officer
Wards Affected	All wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Community Addressing housing needs Environment Services
Recommendations	<p>The Planning Committee is asked to note:</p> <ul style="list-style-type: none"> the contents of this report and to agree. to consider whether to confirm the Article 4 Direction made on 21 August 2024 in respect of Staines, Ashford North and Stanwell South, and Stanwell North wards having regard to the representations made; and to continue to monitor the number of investigations relating to HMOs which are permitted development in the ten remaining wards and to bring back a further report to the Planning Committee by December 2026.
Reason for Recommendation	The Planning and Environmental Health Services assessed whether an Article 4 Direction should be served in respect of HMOs in April 2024. This followed on from previous assessments in 2018 and 2020. In the earlier years, it was agreed that there was insufficient evidence. In April 2024, it was decided that an Article 4 Direction should be made for three wards in the borough; Ashford North & Stanwell South, Staines and Stanwell North. This was made on 21 August 2024 and has been the subject of consultation which is referred to in this report. The committee now needs to consider the representations made before deciding whether to confirm the

	<p>Direction. If confirmed, the Article 4 Direction will come into effect one year after it was made, on 25 August 2025.</p> <p>The HMO data for the borough has now been reassessed with one year's additional data which is contained in this report. From assessing the most recent data, it remains officers' opinion that there is insufficient evidence to serve a blanket Article 4 Direction. However, officers will continue to monitor the data and if the position changes for the remaining ten wards in the borough and the number of investigations relating to HMOs which are permitted development and which are causing negative impacts on neighbours increases significantly, a further report will be brought to the Planning Committee by December 2026.</p>
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1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> In 2018, 2020 and 2024, Planning and Environmental Health data were assessed to consider whether an Article 4 Direction should be served in respect of restricting HMOs. It was agreed in the earlier years that there was insufficient evidence to justify taking this action. However, in April 2024, it was resolved that an Article 4 Direction should be made in respect of three wards; Ashford North & Stanwell South, Staines and Stanwell North. This was made on 21 August and will come into effect one year later. A further one year's assessment of data has now been undertaken. 	<ul style="list-style-type: none"> Planning and Environmental Health services have a duty to investigate complaints and to ensure that the licencing process is properly enforced.

This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> To continue to monitor the Planning and Environmental Health investigations associated with HMOs to establish if further controls are needed. 	<ul style="list-style-type: none"> If the position changes in the remaining ten wards and the number of investigations relating to HMOs which are permitted development and which are causing negative impacts on neighbours increases significantly, a further report will be brought to the Planning Committee by December 2026.

- 1.1 Under current planning legislation, the conversion of a dwelling to a house in multiple occupation (HMO) is 'permitted development' and a planning application is not required, providing it is occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.
- 1.2 However, it is possible to make an Article 4 Direction under the Town & Country Planning (General Permitted Development) (England) Order to remove Permitted Development Rights for HMOs (which would mean that planning permission would be required for any HMO regardless of the number of occupants) in certain areas. Article 4 Directions do not stop development; they simply mean that planning permission is required for the specified development which, without the Article 4 Direction, would be permitted development (i.e. does not require planning permission). Article 4 Directions are intended for use in exceptional circumstances where evidence suggests that development under Permitted Development rights harms local amenity or the proper planning of an area.
- 1.3 This matter was previously considered by the former O&S Committee in November 2018 and January 2020 where it was also agreed that given the available data, evidence was insufficient at that stage to justify the introduction of an Article 4 Direction. However, more recently in April 2024, it was resolved an Article 4 Direction in respect of three wards should be made. The direction was made in August 2024 and comes into effect one year later. Representations have now been received and are attached at **Appendix 1**. Members need to consider if they wish to confirm the Direction in the light of the comments made.
- 1.4 This report uses Planning and Environmental Health data over the past year to update the data in the April report. It includes a spatial analysis, by ward, of the numbers and types of HMOs which exist and the extent of the investigations undertaken in Spelthorne by the Planning Enforcement team.
- 1.5 It is considered that given the available data, evidence is insufficient to justify an extension to the Article 4 Direction in Spelthorne. If the position changes for the remaining ten wards in the borough and the number of investigations and complaints relating to HMOs which are permitted development and which are causing negative impacts on neighbours increases significantly, a further report

will be brought to the Planning Committee by December 2026 which would provide a data base consistent with the Committee’s earlier decision.

- 1.6 To assist in the interpretation of the planning and licencing requirements, a table explaining the position is set out below.

Planning and Licensing Requirements for All HMOs								
		Number of Occupants in HMO						
Service	Requirement	1	2	3	4	5	6	7+
Environmental Health	Licensing Required?	No	No	No	No	Yes	Yes	Yes
Planning	No Article 4 Direction – Planning Permission Required?	No	No	No	No	No	No	Yes
	Article 4 Direction in effect – Planning Permission Required?	No	No	Yes	Yes	Yes	Yes	Yes

2.0 Key issues

- 2.1 Under planning legislation, The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (the UCO) sets land use activities into various use classes. Uses are grouped into Classes B, C, E, F and *sui generis* (a unique use class not within a specified class) and within each group, there are further subdivisions of use classes. Planning permission is normally required to change from one use class to another although there are exceptions where the legislation does allow some changes between uses (The Town and Country Planning (General Permitted Development) (England) Order 2015).
- 2.2 Dwellings fall within use class C3 of the UCO. Houses in multiple occupation (HMOs) are contained within both Use Class C4 or *sui generis*. Class C4 defines an HMO as:
- Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.*
- 2.3 An HMO larger than this (i.e. with 7 or more unrelated people) is classed as a ‘*sui generis*’ use for which planning permission is always required.
- 2.4 It is currently permitted to change from a Class C3 dwelling house to Class C4 HMO property without planning permission. It is also permitted to change a Class C4 HMO property back to a Class C3 dwelling house without planning permission.

- 2.5 However, converting dwellings to an HMO, when classed as *sui generis* (i.e. seven or more occupants) will require planning permission. Likewise, a conversion from a large HMO to any other use will also require planning permission.
- 2.6 Directions are made under the Article 4 Direction of the Town & Country Planning General Permitted Development Order which enables the Secretary of State or the local planning authority to withdraw specified permitted development rights across a defined area. They remove Permitted Development Rights for certain types of specified development in certain areas but cannot be used to restrict changes between uses in the same use class of the Use Classes Order. Article 4 Directions do not stop development; they simply mean that planning permission is required for the specified development which, without the Article 4 Direction would be permitted development (i.e. does not require planning permission).
- 2.7 Article 4 Directions are intended for use in exceptional circumstances where evidence suggests that development under Permitted Development rights, such as the spread of HMOs, harms local amenity or the proper planning of an area.
- 2.8 The National Planning Policy Framework (NPPF) 2023 advises that all Article 4 Directions should be applied in a measured and targeted way. They should be based on robust evidence and apply to the smallest geographical area possible. Requirements for removing permitted development rights compels the planning authority to demonstrate that the removal is necessary to protect local amenity or the wellbeing of a particular geographic area. The Planning Policy Guidance (PPG) advises that Article 4 Directions should be limited to situations where it is necessary to protect local amenity or the well-being of the area. The potential harm that the Article 4 Direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to, for e.g., a wide area (e.g. those covering a large proportion of or the entire area of a local planning authority)
- 2.9 The PPG further advises that if a local planning authority makes an Article 4 Direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it then subsequently:
- refuses planning permission for development which would otherwise have been permitted development; or
 - grants planning permission subject to more limiting conditions than the General Permitted Development Order
- The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.
- 2.10 In procedural terms there are two types of Article 4 Directions: -

- Non-Immediate Direction – permitted development rights are withdrawn 12 months from service of the direction after a period of consultation.
 - Immediate Direction – permitted development rights are withdrawn immediately but must be confirmed within six months after a period of consultation. The Council becomes liable for abortive expenditure or other loss or damage attributable to withdrawal of the permitted development rights, if a subsequent application is refused. The ‘other loss or damage’ would include the difference in the value of the site and would expose the Council to potentially significant financial liability.
- 2.11 Consequently, compensation would be payable in some circumstances to those whose Permitted Development (PD) rights are withdrawn if the Local Planning Authority (LPA) imposed what is known as an “Immediate” Article 4 Direction and then refused planning permission for that which would otherwise have been PD; or granted permission subject to more limiting conditions than would have been applied by the General Permitted Development Order (GPDO). However, if the Council is providing 12 months’ prior notice of the removal of PD rights in respect of HMOs (known as a “Non-Immediate” Article 4 Direction), then there is no ability to claim compensation.
- 2.12 The circumstances in which an immediate direction can restrict development are limited. Immediate directions can be made in relation to development permitted by the General Permitted Development Order, where the development presents an immediate threat to local amenity or prejudices the proper planning of an area. Immediate directions can also be made in relation to certain types of development in conservation areas. In all cases the local planning authorities must have already begun the consultation processes towards the making a non-immediate Article 4 Direction. Consequently, if the Article 4 takes effect less than one year from issue, compensation can be payable to affected landowners.
- 2.13 A local planning authority must, as soon as practicable after confirming an Article 4 Direction, inform the Secretary of State. The Secretary of State does not have to approve Article 4 Directions and will only intervene when there are clear reasons for doing so. The Secretary of State has the power to modify or cancel Article 4 Directions at any time before or after they are made but will not use their powers unless there are clear reasons why intervention at this level is necessary.
- 2.14 It should be noted that planning applications required by Article 4 Directions were previously exempt from planning application fees, but this exemption has been removed and a planning fee is payable. The current fee would be £578 per application. In addition, a HMO licence fee may also be payable should it meet the HMO licensing requirements, that is if the property is an HMO with 5 or more occupants where there is sharing of basic amenity.

3.0 Options analysis and proposal

- 3.1 At a time when house prices remain high and access to finance limited, sharing a dwelling with others will continue to be an attractive option. HMOs fulfil a vital role in providing accommodation for individuals and are an essential part of the housing stock. The cost of living in an HMO is cheaper than self-contained

accommodation, which is beyond the affordability of many residents. HMOs provide an essential tenure of housing and are an important element of the Council’s housing stock. The Council’s Corporate Plan identifies under ‘Addressing Housing Need’ three actions for 2024/2025, one of which is to “work proactively with landlords and private housing providers of Homes of Multiple Occupation and temporary B&B accommodation to tackle poor conditions and anti-social behaviour”.

3.2 However there are concerns that as well as providing much needed affordable accommodation to residents, HMOs can also have negative effects. Impacts, either real or perceived from complaints received include the following:

- Noise and anti-social behaviour
- Imbalanced and unsustainable communities
- Negative impact on the physical environment
- Pressures upon parking provision
- Growth in private rented sector at the expense of owner-occupation
- Increased crime, and
- Pressure upon local community facilities.

3.3 All planning enforcement investigations undertaken relating to HMOs which did not require planning permission because they contained six residents have been recorded.

The Committee report in April considered four years of Planning and Environmental Health data:

- 01/10/19 – 30/09/20
- 01/10/20 – 30/09/21
- 01/10/21 – 30/09/22
- 01/10/22 – 30/09/23

This report considers an additional year: **01/10/23 - 30/09/24.**

3.4 The results for the most recent year, 1 October 2023 – 30 September 2024 are shown by wards in the tables further below. Several investigations listed were inspected by the Planning Enforcement officers and it was established they were not HMOs at all.

Table 1 - HMO Investigations by Planning Enforcement by ward where Planning Permission was not required as it was Permitted Development between 1 October 2023 and 30 September 2024

Ward	Referred by EH (not a complaint)*	Total numbers of Investigations**	Numbers of Households	Number of investigations as a % of households
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Ashford North & Stanwell South	0	1	3,557	0.028
Ashford Town	2	4	2968	0.13
Ashford East	1	1	3,061	0.033
Stanwell North	2	2	3,390	0.059
Sunbury East	1	1	3,162	0.032
Average			3,175	0.047%
Total	6	9		

*Referred by EH due to licence application

**Numbers refer to complaints per property

In the last year, there were nine investigations undertaken by planning enforcement, six of which were referred by Environmental Health following an application for a licence. This data is shown in a ward map attached as **Appendix 2**.

Table 2 - Reasons Planning Permission was not required between 1 October 2023 and 30 September 2024

By Ward & Reason	Count of Reason Planning Permission Not Required
Ashford North & Stanwell South	2
HMO Permitted Development	1
C3 use not a HMO	1
Ashford Town	4
HMO Permitted Development	4
Ashford East	1
HMO Permitted Development	1
Stanwell North	3
HMO Permitted Development	2
Has planning permission for 9	1
Sunbury East	2
HMO Permitted Development	1
Dwelling house – C3 Use	1
Riverside & Laleham	1
Has planning permission for 10	1
Total HMO investigations Not Requiring Planning Permission	13
Total HMO Investigations - HMO Permitted Development	9

- 3.5 Of the 13 HMO investigation that did not require planning permission received between 1 October 2023 and 30 September 2024, **9** related to HMOs which were permitted development. Therefore, **9** investigations is the relevant figure in the consideration of an Article 4 Direction.

Table 3
HMO Permitted Development Investigations/Complaints as a % of households 2023-24

Ward	No. of HMO PD investigations**	No. of households	Number of investigations as a % of households*
Ashford North & Stanwell South*	1	3,140	0.032%
Ashford Town	4	2,703	0.148%
Ashford East	1	2,959	0.034%
Stanwell North*	2	3,250	0.062%
Sunbury East	1	2,831	0.035%
Total	9		

*These two wards are already subject to an Article 4 Direction

3.6 Table 3 above shows that over the past year, three wards were subjected to only one investigation each relating to an HMO which was permitted development and two of these were referred by EH following a licence application. Two of the wards in the table above are already subjected to an Article 4 Direction made in August. There were no HMO investigations which were permitted development in the past year in eight borough wards. The number of investigations/complaints as a % of the number of households is exceptionally low; between 0.031% and 0.147%.

3.7 Table 4 below shows the number of HMO investigations undertaken by planning enforcement for the year 01/10/23 – 30/09/24 as a percentage of the total complaints received. These relate to HMOs which were permitted development. It can be seen that the % of planning enforcement investigation relating to HMOs is low, comprising an average of just 2.48% of all complaints received.

Table 4 – HMO Planning Enforcement investigations/complaints received compared with total Planning Enforcement complaints received 2023 – 2024

Year	No. of HMO PD complaints/investigations	Total number of Planning Enforcement complaints received	Number of HMO Planning Enforcement complaints received as a % of total complaints
01/10/2023 – 30/09/2024	9	363	2.48%

3.8 The number of planning applications for HMOs (containing seven or more residents) by ward which were determined between 1 October 2023 and 30 September 2024 are set out in table 5 below. A full list of the site details is contained as **Appendix 3** to this report and the information is also portrayed in the maps contained in **Appendices 4 and 5**. Of the five applications, three were refused permission and two were approved. The two approved were smaller HMOs containing 7-8 residents. Seven is the smallest number of residents within an HMO which requires planning permission. The three refused applications contained 10 – 16 residents.

Table 5 - Planning applications for HMOs by ward determined between 1 October 2023 and 30 September 2024

Ward	Numbers of planning applications approved	Numbers of planning applications refused
Ashford Common	0	0
Ashford East	0	1
Ashford North & Stanwell South	1	1
Ashford Town	0	1
Halliford and Sunbury West	0	0
Laleham and Shepperton Green	0	0
Riverside and Laleham	0	0
Shepperton Town	0	0
Staines	0	0
Staines South	1	0
Stanwell North	0	0
Sunbury Common	0	0
Sunbury East	0	0
Grand Total	2	3

3.9 Table 6 further below shows the number of HMO enforcement investigations over the past five years 2019-2024 by ward. This information is also shown by ward map in **Appendix 6**. This is a combination of the data in this current report for the past year and the four years contained in the April committee report covering 2019-2023. Ashford North and Stanwell South, Stanwell North and Staines (coloured **green**) are already the subject of an Article 4 Direction.

Table 6 HMO Permitted Development Investigations by Planning Enforcement 2019-2024 by ward (five years data)

By Ward & Reason	PP Not Required
Ashford Common	3
Ashford East	5
Ashford North & Stanwell South	8
Ashford Town	7
Halliford and Sunbury West	0
Laleham and Shepperton Green	0
Riverside and Laleham	3
Shepperton Town	0
Staines	6
Staines South	3
Stanwell North	9
Sunbury Common	4
Sunbury East	2
Total PD Investigations	50

- 3.10 The Planning Officers and Planning Enforcement Officers work closely with the Environmental Health Officers and Environmental Health Regulatory Officers who are responsible for the licensing of HMOs that fall within Spelthorne Borough Council's mandatory HMO licensing scheme. The two Departments share information about licence applications and planning applications as well as intelligence about potential HMOs.
- 3.11 A licence for an HMO is required from Environmental Health under the mandatory scheme in the following circumstances:
- The dwelling is occupied by five or more people who form two or more households; and
 - all or some of the occupants share bathroom, toilet, or kitchen facilities.
- 3.12 It should be noted that before the licensing regime change (which was from the October 2018) a licence was only required for HMOs in three or more storey buildings. Consequently, a much larger number of HMOs now fall within the Environmental Health licensing process.
- 3.13 When determining whether to grant a licence for an HMO, Environmental Health are not able to take into consideration whether or not the property has or requires planning permission to operate as an HMO. Environmental Health does, however, consult with Planning on any licence applications received where Planning Consent would apply (currently for properties with 7 or more occupiers) and notify them when granting a licence so that Planning can take appropriate enforcement action for unlawful development. Environmental Health also strongly advise HMO licence applicants to contact Planning where Planning Permission isn't in place and may be required.

- 3.14 Additionally, since 1 April 2024 when Environmental Health moved to a risk-based system to determine the duration of an HMO licence, the absence of planning consent for an HMO of 7 or more occupants has become a criteria resulting in a high score in the risk assessment. This would in turn lead to the licence being granted for the minimum period of one year. If the licence holder applied for a renewal on expiry of the year, Environmental Health would again liaise with Planning to ensure that either planning consent was in place, or if not, that appropriate enforcement action could be taken.
- 3.15 The following table shows the number of HMOs licensed by Environmental Health, by ward as well as the number of potential HMOs that have come to the attention of Environmental Health through complaints and enquiries.

Table 7 - Number of HMOs that have been licensed as of 30 September 2024, and the number of potential HMOs brought to the attention of Environmental Health between 1 October 2023 and 30 September 2024, by Ward.

Ward	Number of licensed HMOs* (as of 30 Sept 2024)	Potential HMOs** (2023-2024)
Ashford Common	12	2
Ashford East	12	6
Ashford North & Stanwell South	35	14
Ashford Town	18	6
Halliford and Sunbury West	0	1
Laleham and Shepperton Green	5	1
Riverside and Laleham	5	6
Shepperton Town	1	1
Staines	19	1
Staines South	5	4
Stanwell North	17	22
Sunbury Common	17	4
Sunbury East	3	2
Grand Total	149	70
<p>*Note this includes licence renewals that are in the system being processed</p> <p>**This 'Potential HMOs' data has recently been extracted from the EH database for the years shown. The data relates to all service requests and enquiries which indicate the properties might be HMOs. From analysis of the data at this time it is not known if they are HMOs and if so whether need to be licensed.</p>		

- 3.16 Of the potential HMOs listed within table 7 above, 2 of these have since been licensed and 5 have applications pending:
- 3.17 The information shows that the highest number of licensed HMOs is within the wards Ashford North & Stanwell South, then Staines, then Ashford Town and then Stanwell North and Sunbury Common. Ashford Town is the ward with the biggest increase (by 4) of licensed HMOs in the last year. The wards subject to an Article 4 Direction are marked in **green**.
- 3.18 Maps showing the distribution of licensed HMOs throughout Spelthorne and then the distribution of licensed HMOs by ward are included as Appendix 7 to this report. The maps were created in November 2024 based on the information on the number of licensed HMOs as of 30 September 2024.
- 3.19 Environmental Health have noted a marked increase in the number of potential HMOs during the period 1 October 2023 to 30 September 2024 compared to previous years. In the last year, the number of potential HMOs has tripled from 23 to 70 as can be seen in Table 8 below. This could be as a result of some landlords deciding to create HMOs before August 2025 when the Article 4 declaration across 3 wards comes into effect following the decision made at the April 2024 committee meeting, as well as increased awareness from residents following the subsequent consultation relating to this. It can be noted that the number of potential HMOs rose significantly in Ashford North and Stanwell South from 0 in 2023-2023 to 14 in this last year and for Stanwell North from 4 to 22.

Table 8 – Showing the comparison between number of potential HMOs brought to the attention of Environmental Health last year (October 2022-September 2023) and this year (October 2023 - September 2024), by Ward

Ward	Potential HMOs	
	2022-2023	2023-2024
Ashford Common	4	2
Ashford East	5	6
Ashford North & Stanwell South	0	14
Ashford Town	4	6
Halliford and Sunbury west	1	1
Laleham and Shepperton Green	0	1
Riverside and Laleham	1	6
Shepperton Town	1	1
Staines	1	1
Staines South	1	4
Stanwell North	4	22
Sunbury Common	1	4
Sunbury East	0	2
Grand Total	23	70

- 3.20 Environmental Health have also noted an increase in HMO licence applications, which may also be a result of landlords wanting to establish HMOs in advance of August 2025. In the past year (1 October 2024 to 30 September 2024), we received 77 HMO licence applications, compared to last year where the figure was 33.
- 3.21 For the period 1 October 2023 to 30 September 2024, Table 9 below provides a summary of the complaints relating to known HMOs received by Environmental Health about matters relating to accumulations of rubbish, antisocial behaviours (ASB), noise, rats, mice and overgrown gardens. The complaints relate to issues that could affect nearby residents (generally made to Environmental Health by neighbours). It is however worth mentioning that Environmental Health will always arrange to carry out an inspection of the property once they are aware the property is an HMO (whether it requires a licence or not) and will address any issues relating to the conditions within the property as well (including fire safety and other potential hazards that would affect the occupants). It should be noted that there is some overlap of complaints received by Planning and Environmental Health. The complaints included in this data refer to HMOs that are licensed or for which Environmental Health have received a licence application that is pending (whether or not they had at the time of the complaint). The data does not include complaints about properties that were vacant where building works were taking place which may have related to their use changing to become an HMO.

Table 9: Complaints received by Environmental Health about known HMOs between 1 October 2023 and 30 September 2024

Ward	No. of Complaints	No. of Households in Ward	No. of complaints as a % of households	Complaint Type
Ashford Common	2	3392	0.06	accumulations, noise
Ashford North and Stanwell South	8 (5 about same property)	3557	0.22	accumulations. noise
Ashford Town	2	2968	0.07	accumulations, noise, mice
Laleham and Shepperton Green	2 (both about same property)	3470	0.06	noise
Staines	1	4009	0.02	ASB
Staines South	2	2912	0.07	rats, noise
Stanwell North	2 (about same address)	3390	0.06	rats and mice and noise and ASB
Sunbury East	3 (2 about same address)	3162	0.09	Noise, ASB, accumulations, overgrown garden
Other Wards	0	14945	0.0	
Grand Total	22	41805	0.05	

3.22 Table 10 below provides data on the total number of complaints received by Environmental Health relating to residential properties in general (includes HMOs and single occupation properties) about accumulations, ASB, noise, rats and mice and overgrown gardens. It also shows what percentage of these complaints relate to HMOs.

Table 10: Relevant complaints received by Environmental Health about all residential properties (whether HMOs or properties in single occupation) between 1 October 2023 and 30 September 2024.

Total no. of relevant complaints received	All complaints as a % of households	HMO complaints as a % of total complaints
718	1.72	3.06% (22)

4.0 Environmental Health controls of HMOs

- 4.1 Environmental Health have powers under various legislation such as the Environmental Protection Act, the Prevention of Damage by Pests Act and the Anti-social Behaviour, Crime and Policing Act 2014 to deal with noise and other nuisance; accumulations of rubbish; and along with our colleagues in Community Safety, to address complaints about anti-social behaviour (ASB) These powers apply to all residential properties in the Borough including licensed and unlicensed HMOs. There are also requirements under The Management of Houses in Multiple Occupation (England) Regulations 2006 that apply to all HMOs which include such matters as rubbish disposal and untidy gardens as well as conditions within the property.
- 4.2 Additionally, licensed HMOs are subject to programmed inspections to check compliance with relevant legislation and licence conditions relating to fire safety, amenities, and management. These licence conditions include matters that might adversely impact on nearby residents, particularly in relation to anti-social behaviour and accumulations of rubbish.
- 4.3 Spelthorne’s HMO licence condition for ASB has recently been revised and strengthened following discussion with our Community Safety team, where it was agreed that HMO landlords should be taking more responsibility to manage anti-social behaviour from the residents of their HMO. A landlord guide to ASB has also been produced and is available on our website. The condition is as follows:
- The Licence Holder must take all reasonable and practicable steps for preventing and dealing effectively with anti-social behaviour (ASB)* by people occupying or visiting the premises; and for preventing the use of the premises for illegal purposes. These steps must include:

- **Written contract**

Ensuring that the tenancy agreement or terms of occupancy contains a clause holding the occupants responsible for any anti-social behaviour by themselves and/or their visitors, and that this clause is drawn to the attention of occupants when they take up residence.

- **Dealing with complaints**

Responding to complaints of anti-social behaviour that concern occupiers of the premises or their visitors. Where anti-social behaviour is discovered, the Licence Holder must inform the tenant responsible in writing of the matter within 2 days and warn them of the consequences of its continuation, which could include eviction. If the ASB continues, the Licence Holder must put further measures in place such as set up an acceptable behaviour contract**.

- **Prohibition of use of outbuildings**

Ensuring that all outhouses, garages, and sheds are kept secured and used for their intended purpose. The Licence Holder must not allow them to be occupied as individual habitable rooms, kitchens, or bathrooms.

**ASB is behaviour causing harassment, alarm, or distress to one or more people who are not in the same household as the perpetrator. It covers a wide range of unacceptable behaviour, such as playing loud music, shouting, and screaming, threatening or abusive behaviour, taking/selling drugs, using racist or homophobic language, allowing the build-up of refuse in the property or garden, parking illegally or inappropriately.*

***For further information, visit the Council's website (<https://www.spelthorne.gov.uk/article/16974/Antisocial-behaviour>) or refer to Spelthorne's landlord guide to ASB.*

4.4 Spelthorne's HMO licence condition for rubbish is as follows:

Ensure that waste bins, which are provided by the Council in line with our bin allocation policy, are made available for all residents of the accommodation. Ensure that suitable refuse bins are provided within the accommodation including within all kitchens. Additional arrangements should be made for the storage and disposal of household waste from the property to ensure compliance with Spelthorne Borough Council's refuse and recycling disposal scheme. For further details about the scheme please go to <https://www.spelthorne.gov.uk/rubbishwasterecycling> or contact Neighbourhood Services on 01784 446411 or email at neighbourhoodservices@spelthorne.gov.uk.

5.0 New risk-based HMO licensing scheme

- 5.1 In April 2024, the HMO licensing scheme changed to a risk-based system so that the duration of a new or renewal HMO licence is determined by the landlord's level of compliance, the condition of the property, and the risks posed by the HMO to its occupants and neighbours.

- Landlords who provide well-managed, safe accommodation, to a good standard, will receive a 5-year licence.
- Properties calculated as being medium risk by virtue of confidence in management and the level of property defects found during inspection will receive a 3-year licence.
- Properties calculated as being of high risk will only receive a 1-year licence.

5.2 The purpose of the changes to the mandatory scheme is to drive up standards by rewarding compliant landlords with the maximum licence period while those less compliant landlords of HMOs of a poorer standard that take more Council resource (for example by needing to be inspected more frequently), will be granted a shorter licence meaning they pay more.

6.0 Additional HMO Licensing

6.1 Another option (other than Article 4) is to increase the scope of HMOs that would need to be licensed by way of setting up an additional licensing scheme. This would require all HMOs of 3 or more occupants within certain or all areas of the Borough to have a licence from the Council to operate. There however needs to be a strong evidence-based reasoning for invoking the Scheme and it is necessary to demonstrate that other strategies to address the problems have been implemented. The current data we have is not sufficient to warrant making such an application.

6.2 Currently no other Surrey authorities have either an additional licensing scheme or an Article 4 direction in place for HMOs, and this includes Runnymede and Guildford who as university boroughs would be expected to have a significantly greater HMO population.

7.0 Consultations

7.1 The following officers have been consulted on the consideration of whether an Article 4 direction should be made in respect of HMOs.

Strategic Lead • Housing Options

7.2 At a time when house prices remain high and access to finance limited, sharing a dwelling with others will continue to be an attractive option. HMOs do fulfil a vital role in providing affordable accommodation for individuals and they are an essential part of the housing stock.

7.3 The housing benefit system is complex and most people under the age of 35 who do not live with a partner or children, will usually only be able to claim for a single room in a shared house. This is called the Local Housing Allowance shared accommodation rate (SAR), unless they fall in some exceptional categories, such as they are a care leaver, they have previously lived in a homeless hostel for at least 3 months, receiving the care component of Disability Living Allowance or Personal Independence Payment, are victims of domestic abuse or modern slavery, and a few other exceptions.

- 7.4 SAR limits the amount of housing support available through the benefits system for most single private renters under the age of 35. The SAR was introduced in 1996 and originally limited the Housing Benefit a single person under the age of 25 could receive to the average rent level for a room in a shared house. As part of the October 2010 Spending Review the Government announced the SAR's extension to cover single claimants up to age 35 from April 2012. This change was brought forward to 1 January 2012.
- 7.5 Universal Credit has been replacing Housing Benefit for working-age households since 2013 and retains the SAR in calculations of housing support.
- 7.6 In 2017, the Government abandoned plans to use Local Housing Allowance (LHA) to calculate rental support in the social rented sector, so the SAR does not apply to people aged 35 and under renting from a local authority or registered housing association.
- 7.7 The SAR has been controversial since its introduction. Prior to its extension to the under-35s, draft regulations, an Impact Assessment and an Equality Impact Assessment were published and referred to the Social Security Advisory Committee (SSAC) for consultation. The Impact Assessment said around 20% of the 1-bedroom LHA caseload (at March 2010) would receive, on average, £41 per week less benefit than under the previous rules.
- 7.8 The extension to under 35s was expected to affect around 63,000 people. Since its introduction, commentators and campaigning organisations have continued to point to shortages of shared rooms available to young benefit claimants, and shortfalls between benefit levels and rent.
- 7.9 Organisations such as Crisis have been calling for Government to invest in Housing Benefit "so that covers the true cost of rents".
- 7.10 Due to the financial pressure, HMOs are in high demand and remain the only affordable options on privately rented market to those on housing benefit under the age of 35. However, the cost of rooms in HMO accommodation is also unaffordable for many. Whilst Spelthorne does not have enough of HMOs to meet the demand, at the same time many people do not want to share due to the poor quality of HMOs, even if they can't afford to cover the rent, despite support given by Rentstart. Nevertheless, the Strategic Lead, Housing Options advises that whilst HMOs are not the first choice for those looking for housing, given there is a lack of housing options and given we are experiencing a housing crisis, Housing Options would definitely not want to lose HMOs as an option. HMOs are helpful and numerous placements are made with the help of our Rentstart colleagues every month.

Neighbourhood Services

- 7.11 The Environmental Health service works together with Neighbourhood Services (NS) to improve waste management and collection from HMOs. HMOs are treated as a single dwelling for waste provision purposes and are provided with 1 x 240 litre rubbish bin and 1 x 240 litre recycling bin, both collected fortnightly and 1 x curbside food waste bin, collected weekly. However, where the provision is insufficient, NS has been working with Spelthorne Direct Services (SDS) to provide additional provision. SDS is able to offer HMOs a commercial waste collection service that can operate alongside the Council. The service can include a general waste and/or a dry mixed recycling service, generally on a weekly or fortnightly basis and can supply a range of bins from 240ltrs to 1100ltrs. In most cases NS pass the details of SDS onto the Landlord, although, in some cases the Landlord requests that NS pass their details and SDS makes direct contact. This service is currently used by around a dozen HMOs.

Community Safety Manager

- 7.12 Spelthorne Borough Council's Community Safety Team does manage a range of complaints regarding HMOs. While it is true that the complaints are not disproportionately high in relation to other complaints of anti-social behaviour, the nature of the complaints can often be complicated, particularly in HMOs where there is a short-term occupancy and a high turnover of tenants. It has been found that many of the total complaints in relation to HMOs relate to a small number of venues. Persistent re-offending is common in cases such as these. The Community Safety Team manages anti-social behaviour in partnership with other statutory partners under the Crime & Disorder Act 1998. When managed by the police, the full range of criminal law can be utilised. Often, cases are managed by the Community Safety Team by either warning or prosecuting offenders under S.43 Anti-Social Behaviour, Crime & Policing Act 2014. This allows authorised officers to issue a 'Warning Notice' to rectify behaviour that is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality. Failure to comply with the warning will lead to the issue of a Community Protection Notice that places conditions on the suspected party. If these conditions are not met, the Community Safety Team will prosecute. This method has been used on both landlords and tenants alike and is generally successful.
- 7.13 What has been noticed, however, is the lack of responsibility of some landlords when managing anti-social behaviour within their own HMO. It is clear in some cases that the landlord feels that they can solely rely on public services without the need to take remedial action in the first instance. This attitude often leads to an increase in anti-social behaviour as can be evidenced in some local cases. It has been found that some landlords appear to extricate themselves from such responsibilities. Good examples of landlord management include ASB clauses within tenancy agreements, posted acceptable conduct notices and expedient action to tackle ASB.

Consultation on the Article 4 Direction already made

- 7.14 In accordance with statutory procedures, consultation was undertaken following the making of the Article 4 Direction on 21 August 2024 for the wards of Stanwell North, Ashford North and Stanwell South and Staines. A total of five letters of representation have been received to the consultation process, four letters of support and 1 of objection. These letters are attached **Appendix 1** to this report with personal details redacted.
- 7.15 The main issues raised in the letters of support for the creation of an Article 4 Direction are summarised as
- HMOs generate more cars parking on green verges/attracts commercial vehicles
 - HMO landlords have little regard to local residents
 - HMO properties are in very poor conditions
 - Litter problems
 - HMOs occupied by shift workers coming and going day and night
 - Adverse impact on services
 - Article 4 should be in all parts of the borough
 - Article 4 should be made before the issues arise (officer comment: the NPPF states that Article 4 Directions should be based on robust evidence and apply to the smallest geographical area possible).
 - Adverse impact on the neighbourhood/building sites.
 - Residents feel intimidated
- 7.16 The main issues raised in the letters of objection to the creation of an Article 4 Direction are summarised as:
- Serving of an Article 4 is devastating to landlords who strive to provide high quality accommodation to professionals working within the Spelthorne and surrounding areas.
 - Provide high quality accommodation which is affordable
 - Private and small landlords are crucial to local economy and investment / Article 4 approach would have devastating effect on local economy and residents
 - [Most landlords and neighbours have never had an issue over years](#)
 - HMOs help to address the needs of those on low incomes that cannot afford to buy or rent an entire flat or property to which HMO provides a perfect solution
- 7.17 Members of the Planning Committee are required, having regard to the comments above, to make a decision on whether or not to confirm the Article 4 Direction made in August 2024 in respect of Ashford North and Stanwell South, Stanwell North and Staines wards.

8.0 Options for Article 4 Direction

A Article 4 Direction Made in August 2024

8.1 To confirm the existing Article 4 Direction in respect of Ashford North & Stanwell South, Staines and Stanwell North having taken into account the representations received; or

To not confirm the existing Article 4 Direction.

B Options for Article 4 Direction for Remaining 10 wards

8.2 There are four alternative options in relation to a further Article 4 Direction which are set out below for consideration with commentary as to their appropriateness.

(i) That the Council introduces an Article 4 Direction across the whole Borough (ten additional wards)

Commentary

8.3 Such an approach would need to be justified by evidence. The evidence over the past five years (table 6) show that some wards (three in total) have received no planning complaints or investigations of HMOs which are permitted development (i.e. 3-6 occupants) whilst four others only received 2-3 complaints and the remainder have just 4-7 investigations. It is considered that given the low number of complaints received on HMOs which were permitted development, the evidence available to the Council is insufficient at this stage to justify the introduction of a borough wide Article 4 Direction, the effect of which will be for planning permission to be required for a change of use from C3 to C4 from the date at which the Article 4 Direction comes into effect.

8.4 The introduction of an Article 4 Direction could indirectly result in a reduction in the supply of HMOs which in turn might impact on the groups who typically occupy this type of low-cost accommodation. Local authorities will still be required to plan to meet the housing needs of those groups and this duty has recently increased following the Homelessness Reduction Act 2017 which came into effect in April 2018. 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 Tables 5 and 6, it remains officers' opinion that there is insufficient evidence to serve an Article 4 Direction. On this basis, imposing a blanket Article 4 Direction across the whole Borough would be unnecessary and excessive. Such action risks being challenged through the courts. It should also be noted that there would be a compensation liability if an Article 4 Direction is introduced without 12 months' notice.

This option is not recommended.

- (ii) **That the Council introduces an Article 4 Direction across the ward of Ashford Town (the ward with the highest number of complaints and applications) withdrawing the permitted development right to convert a dwellinghouse (C3) to a House in Multiple Occupation (C4) coming into effect after 1 year of its introduction.**

Commentary

- 8.5 Such an approach would need to be justified by evidence. Planning enforcement undertook 7 investigations into HMO use over the past five years where planning permission was not required and hence there were no planning controls. This equates to an average of 0.047 complaints/investigations per year for this ward. It is considered that given the low number of complaints received on HMOs which were permitted development, the evidence available to the Council is insufficient at this stage to justify the introduction of an Article 4 Direction which will require planning permission for a change of use from C3 to C4 from the date at which the Article 4 Direction comes into effect.
- 8.6 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 5), a total of 0.025 complaints per household across the whole Borough, it remains officers' opinion that there is insufficient evidence to serve an Article 4 Direction. It is not considered that a non-imminent Article 4 Direction can be justified at present. It should also be noted that there would not be a compensation liability if an Article 4 Direction comes into effect is introduced without 12 months' notice. The comments above about concern this could indirectly result in a reduction in the supply of HMOs also applies.

Given the available data, this option is not recommended at this stage

- (iii) **That the Council introduces an Article 4 Direction across the ward of Ashford Town (the additional ward with the highest number of complaints and applications) withdrawing the permitted development rights to convert a dwellinghouse (C3) to a House in Multiple Occupation (C4) with immediate effect.**

Commentary

- 8.7 There would be a compensation liability if an Article 4 Direction is introduced without 12 months' notice. The right to compensation arises if an application is made for planning permission for development formerly permitted by the General Permitted Development Order and this application is refused or granted subject to conditions. Compensation can be claimed:- (a) for abortive expenditure (such as expenditure incurred in the preparation of plans); and, (b) for depreciation of land value where the loss is directly attributable to the removal of permitted development rights – this would include loss of future profit; (Exeter City Council found that there would be a premium added to the value of a HMO property compared to a dwelling and the council could be faced with significant compensation liabilities). Furthermore, such an approach would need to be justified by evidence which is presently insufficient (see above under (ii)). The

comments above about concern this could indirectly result in a reduction in the supply of HMOs also applies.

This option is not recommended.

(iv) To continue to monitor HMOs and to review if the position changes within two years (December 2026)

Commentary

8.8 It is considered that evidence available to the Council is insufficient at this stage to justify the introduction of an Article 4 Direction and it is recommended that if the position changes and the number of complaints relating to HMOs which are permitted development and which are causing negative impacts on neighbours increases significantly, a further report will be brought to the Planning Committee by December 2026.

This option is recommended.

8.9 HMOs provide a useful form of housing tenure. At a time when house prices remain high and access to finance limited, sharing a dwelling with others will continue to be an attractive option. The cost of living in an HMO is cheaper than self-contained accommodation, which is beyond the affordability of many residents. HMOs do fulfil a vital role in providing affordable accommodation for individuals and they are an essential part of the housing stock. The introduction of an Article 4 Direction could indirectly result in a reduction in the supply of HMOs which in turn might impact on the groups who typically occupy this type of low-cost accommodation. Local authorities will still be required to plan to meet the housing needs of those groups and this duty has increased following the Homelessness Reduction Act 2017 which came into effect in April 2018.

8.10 The Council already has existing powers to control some of the perceived negative effects of HMOs. This is in accordance with The Council's Corporate Plan which identifies under 'Addressing Housing Need' three actions for 2024/2025, one of which is to "work proactively with landlords and private housing providers of Homes of Multiple Occupation and temporary B&B accommodation to tackle poor conditions and anti-social behaviour". For example, Environmental Health has powers in the licencing process to control the number of occupants, ensure satisfactory conditions and amenities for the occupants, and to ensure that anti-social behaviour is properly managed by the licence holder. Additionally, they can also take action through other legislative powers in relation to noise, accumulations of rubbish and pests. Community Safety also have powers to control ASB from occupants. The Police and the Highway authority have powers to control dangerous or illegally parked vehicles and vehicles causing damage to highway verges and crime. Neighbourhood Services has powers to serve notices in relation to poor waste management.

- 8.11 The Police and the Highway authority have powers to control dangerous or illegally parked vehicles and vehicles causing damage to highway verges and crime. Neighbourhood Services has powers to serve notices in relation to poor waste management.
- 8.12 The introduction of an Article 4 Direction would need to be justified by evidence. 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, it is considered that there is insufficient evidence at this stage to justify the making of an Article 4 Direction. However, If the position changes and the number of complaints relating to HMOs which are permitted development and which are causing negative impacts on neighbours increases significantly, a further report will be brought to the Planning Committee by December 2026.

9. Financial Management Comments

- 9.1 An introduction of an Article 4 Direction with immediate effect would have financial implications associated with the (a) for abortive expenditure (such as expenditure incurred in the preparation of plans); and, (b) for depreciation of land value where the loss is directly attributable to the removal of permitted development rights – this would include loss of future profit.
- 9.2 The work associated with the introduction of an Article 4 Direction include making the order, consulting and referring the order back to Committee to confirm. This involves mainly resources from Planning Development Management (PDM) and Legal Services.
- 9.3 There will also be additional resource implications for PDM associated with an increase in planning applications if an Article 4 Direction was confirmed for small HMOs (for 3 – 6 occupants which currently do not need planning permission). It is not known how many additional planning applications will be received as a result of serving a borough wide HMO. Table 7 above shows the number of potential HMOs that have come to the attention of Environmental Health (EH) through complaints and enquiries. This totals 70 for the past year. However, an HMO licence through EH is only needed for 5+ occupants whereas an Article 4 HMO would require any HMO with 3 – 6 occupants to submit an application.
- 9.4 There would be further resource implications for PDM enforcement officers. The number of complaints / investigations relating to a property being occupied by three or more tenants from different households with shared facilities across the borough, which has a total of 41,805 households (2021 census), is potentially enormous. The planning enforcement officers (of which there are three (fte) are already stretched by dealing with close to 400 complaints a year, some of which are very complex cases.

10. Risk Management comments

- 10.1 There are risk management considerations associated with an Article 4 Direction including financial risks and possible judicial review proceeding (see legal comments below).

11. Procurement Comments

- 11.1 There are no procurement issues.

12. Legal Comments

- 12.1 The decision of the LPA to make an Article 4 Direction can be subject to judicial review proceedings. If the proceedings are successful, the Article 4 Direction could be quashed.
- 12.2 Judicial review is the procedure by which the courts examine the decisions of public bodies to ensure that they act lawfully and fairly. On the application of a party with sufficient interest in the case, the court conducts a review of the process by which a public body has reached a decision to assess whether it was validly made.
- 12.3 A claim for judicial review can be made on the following grounds:
- 12.3.1 **Illegality**
Illegality arises when a decision-maker:
- Misdirects itself in law.
 - Exercises a power wrongly.
 - Acts **ultra vires**, in purporting to exercise a power that it does not have.
- 12.3.2 **Irrationality**
A decision may be challenged as irrational, if:
- It is outside the range of reasonable responses of a public authority (this is sometimes phrased as being "so unreasonable that no reasonable authority could ever have come to it", using the standard of **Wednesbury unreasonableness**). The courts are very reluctant to find that a decision was irrational, particularly where the decision-maker is an expert.
 - The decision-maker took into account irrelevant matters or failed to consider relevant matters.
- 12.3.3 **Procedural unfairness**
This ground arises, if the decision-maker has not properly observed:
- The relevant statutory procedures, such as a failure to consult or to give reasons.
 - The principles of natural justice in the decision-making process (for example, if the decision-maker has shown bias or has failed to hear an affected party).

12.3.4 Legitimate expectation

A public body may, by its own statements or conduct, be required to act in a certain way, where there is a legitimate expectation as to the way in which it will act.

- 12.4 Accordingly, to make sure that the Council is not exposed to any possible judicial review challenges it is critical that a decision on making an Article 4 Direction not only complies with any legal requirements but is also based on strong and robust evidence so that the authority is able to defend and justify making such decision.

13. Other Considerations

- 13.1 There are no other considerations.

14. Equality and Diversity

- 14.1 The Public Sector Equality Duty was created by the Equality Act 2010 in order to harmonise the previous race, disability and gender equality duties and to extend protection to the protected characteristics of age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. In summary, the Council must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

- 14.2 Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

- 14.3 The Council's Corporate Plan and Equality Diversity and Inclusion Statement of Intent provide an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.

15. Sustainability/Climate Change Implications

- 15.1 There are no sustainability/climate change issues.

16. Timetable for implementation

16.1 It is recommended that:

- the contents of this report are noted and to agree.
- to continue to monitor the number of investigations relating to HMOs which are permitted development in the ten remaining wards and to bring back a further report to the Planning Committee by December 2026
- to consider whether to confirm the Article 4 Direction made on 21 August 2024 in respect of Staines, Ashford North and Stanwell South, and Stanwell North wards having regard to the representations made.

17. Contact

17.1 For any queries regarding the Planning Enforcement aspect of HMOs, please contact Richard Jones, Planning Enforcement Team Leader on r.jones@spelthorne.gov.uk

17.2 For Planning matters, please contact Esmé Spinks, Planning Development Manager on e.spinks@spelthorne.gov.uk

17.3 For queries relating to Environmental Health, please contact Fidelma Bahoshy, Joint Senior Environmental Health Manager or Susan Turp, Principal Environmental Health Officer on s.turp@spelthorne.gov.uk
f.bahoshy@spelthorne.gov.uk

Appendices:

Appendix 1 –CP&R Committee Report, April 2024 plus appendices

Appendix 2 – Ward Map of investigations of HMOs which did not require planning permission 2023 – 2024

Appendix 3 – Table of HMO planning applications determined 2023 - 2024

Appendix 4 - Planning Applications approved by ward 2023 - 2024

Appendix 5 - Planning Applications refused by ward 2023 – 2024

Appendix 6 - Ward Map of investigations of HMOs which did not require planning permission 2019 – 2024

Appendix 7 – Maps showing distribution of licensed HMOs by ward*

**based on data collected on licensed HMOs in Nov 2024*

-----Original Message-----

Sent: 23 August 2024 09:56
To: [REDACTED]
Subject: 22 August 204: New Planning regulations for some small HMOs

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

I support these changes, they are long over due. Here in Stanwell North Clare Road we have seen many of the bungalows that are suitable for the elderly remaining independently in their own homes being bought by investors and then being over developed and having many people living in these properties. Some of these properties have had day rooms built in the gardens then the family that built this have moved out and the property has become a small HMO. This usually means more cars that have to be parked on the highway many on the once nice green verges. the landlords have little regard for the normal residents and the property is in very poor condition, the gardens littered with trade waste, many are also used by shift workers from Heathrow Airport with comings and goings all day and night. We have seen a steady decline in the area over the last 20 years with more ASB, less Police presence, increased demand on doctors etc.

May I suggest that a proper audit is done on who actually lives here in these houses and flats.

Thank you

[REDACTED]

-----Original Message-----

From: [REDACTED]

Sent: 09 November 2024 22:31

To: [REDACTED]

Subject: Article 4 motion ashford town

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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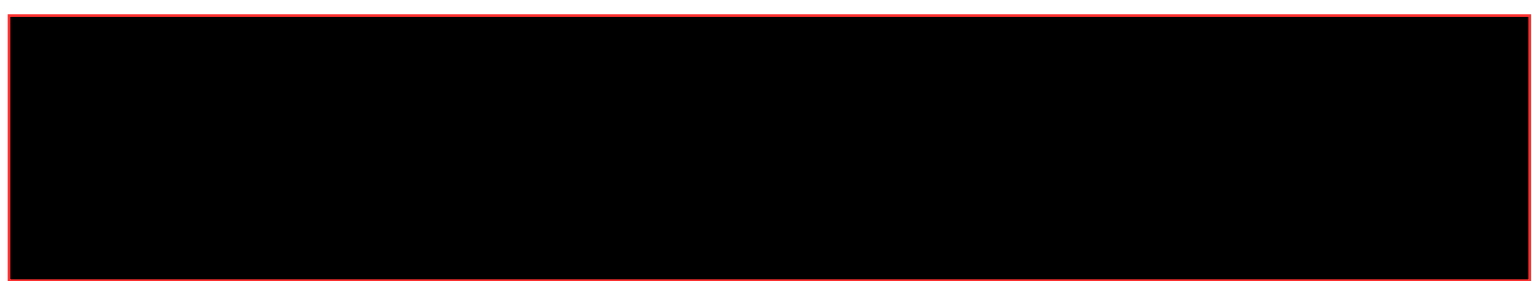
Dear Spelthorne,

Why is the whole of spelthorne not included in this article 4 motion, ashford town is especially besieged with HMOs and possible new developments so surely this should apply to the whole borough?

Best wishes,

[REDACTED]

[REDACTED]



From: [Redacted]
Sent: 27 August 2024 07:11
To: [Redacted]
Cc: eh@spelthorne.gov.uk
Subject: Dwellinghouses (C3) to small HMOs (C4) - Article 4 Direction across the Staines, Stanwell North, and Ashford North & Stanwell South wards

You don't often get email from [Redacted] [Learn why this is important](#)

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments. Hi,

The Article 4 change should be applied to all parts of the borough, or you'll just be pushing the problems into other areas.

In West Close TW15 a 'small' HMO has been made with no consideration of parking resources. There is now nowhere to park in the street of an evening. It attracts personal and commercial vehicle parking. Please come and see for yourselves.

If the problem is such for residents of part of our borough then it's such for all of us, and in my view it's short-sighted economics to only partially resolve.

Many thanks,
[Redacted]

From: [REDACTED]
Sent: 24 September 2024 16:23
To: [REDACTED]
Cc: [REDACTED]
Subject: HMO's in Spelthorne

You don't often get email from [REDACTED] [Learn why this is important](#)

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

I really cannot believe that the council seem to think

that only a few area's in Spelthorne are affected by the HMO's, Is this maybe because you are Not aware just how many of these have actually been developed or in the proceeds of being built? This new Planning Rule "Article 4" should cover the whole area, the only reason that you haven't received complaints as yet from the Whole area is because we are only just experiencing numerous HMO's popping up on our doorsteps and experiencing the issues this is causing us. Why do you need to wait until issues arise? Isn't it obvious that when family homes on what has been Family Housing estates are being taken over by Numerous HMO's that it is going to affect the neighbourhood? One HMO on one estate is probably acceptable but for myself and my close neighbours "4" is too much with too many people living in these to NOT have an affect on our lives.

I live at [REDACTED] and adjacent to Ashridge Way, initially we had 1 family house at [REDACTED] converted into a HMO. Not a problem apart from parking issues. Within the last few months and as of Today we have another "3"houses a total at this time being "4" HMO's and within metres of each other! One of these at [REDACTED] almost opposite to [REDACTED] the conversion is completed. "2" others almost all on my doorstep being converted now, no's [REDACTED] looking like and sounding like building sites, No consideration for neighbours at all. Builders, Skips, Heavy Goods Delivery Lorries, sometimes at 06-30 and all totally ignorant to the destruction they cause to grass areas and pavements/walkways.

My concerns are that as soon as the next house in this area is put up for sale it will be snapped up for HMO (possibly by the same Property Developer) I with my neighbours are fearful that every future house sale will become another Tenement HMO, Building, with the occupants all most certain to be 99 % men, this is Not a suitable area for unlimited HMO's it has always been an estate where families with children have lived, I have lived here on [REDACTED] since day "1" when the estate was built,(73years ago) I and my own children and grandchildren had a perfect childhood growing and playing on this estate BUT I would not feel comfortable today letting children out to play on the green here. I can only speak from the experiences I and my neighbours have had from the few months that the HMO at [REDACTED] has been occupied and based on this alone I feel a lot more thought needs to be given by the council to make this Article 4 apply to ALL Spelthorne areas. We have had One Police Raid with someone taken away for a RAPE!! The majority of these people are not sociable or at all interested in whether an area is kept clean and tidy! It seems that the occupants change every few weeks and On a few occasions over the last few weeks when I have driven past this HMO in the afternoon to get to my house I have seen a group of 5 or 6 men and a woman sat in the Front Garden with beer cans in hands, my first thought was that I was Downtown Miami, it felt very intimidating to me and not what you would feel comfortable about to allow children around. [REDACTED] is a family with two young daughters so put yourself in their place, two girls having to walk into their home with the front door where these people are sitting literally a couple of feet away from their front door? I usually walk my dog feeling comfortable out on the green outside my house in the evening, not anymore. I said I would not leave this estate until I'm carried out in a box that is how much I have loved living here and always felt safe, not anymore! To top all of this, and seems that we as home owners are not given any consideration again is that these HMO buildings are lowering the value of our house, Every person that you mention this topic to Everyone agrees that they would not want to live next door to or too close to one AND we have 4 on our doorstep! Also no consideration given for terraced houses with small gardens to suddenly have a 5 metre long wall x 4 metre's high, No consideration is given to the fact that 6 separate occupants per HMO coming and going at all hours, then we come back to the dreaded issue of Parking, already we have some of the HMO tenants in Ashridge Way parking their Vans and cars in the Kenyngton Drive Parking bays I dread to think what it will be like with possibly "12"more vehicles, I know though what this will mean "the nicely kept grass areas that we neighbours cut and care for will become a scruffy car park" making this area look like a slum. The area that these HMO's being created so close together on this estate is an absolute disgrace No thought on how this affects the families at all. Is anyone outside of our living area really Interested? Concerned? I doubt it and this is why this country is what it is today. Please reconsider that the whole of Spelthorne should be included in Article 4 otherwise every X council House will become a HMO because this seems to be the most favoured property that these HMO developers are favouring

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From: [REDACTED]
Sent: 30 October 2024 17:49
To: Churchill, Matthew <M.Churchill@spelthorne.gov.uk>
Cc: [REDACTED]
Subject: Article 4 Directions for Spelthorne Issues Queries

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

Caution: This is an external email and may be malicious. Please take care when clicking links or opening attachments.

Dear Matthew,

Hope you are well.

[REDACTED] and this news is devastating to landlords who strive to provide high quality accommodation to professionals working within the Spelthorne and surrounding areas.

I have always rented to working professionals (British Airways crew, BP Sunbury, British Gas) employees and apprentice who move from across the UK to gain valuable experience. A high quality accommodation which is affordable with reasonable rents is the maximum rent most tenants can afford each month, you can imagine someone on 20k or 25k per year salary can hardly afford to pay anything more than £700/£800 per month with all bills. Private and small landlords are crucial to local economy, those on low incomes.

Unfortunately, the Article 4 approach would have devastating effect on local economy and residents. I completely understand the reasons for council taking this approach and in some cases where tenants have created minor issues however most landlords and neighbour never had an issue over years, I can provide evidence of this from my neighbours and tenants. It appears all landlords are to bourne the impact caused by some tenants and landlords.

Article 4 will be detrimental to local economy and deter investment from small landlords. I can no longer plan to buy future properties within Spelthorne borough, given the uncertainty of planning permissions. This also raises question council decision to allow large number of new development in the area (flats) to provide new homes which we understand is required however does not address the needs of those on low incomes that cannot afford to buy or rent an entire flat or property to which HMO provides a perfect solution.

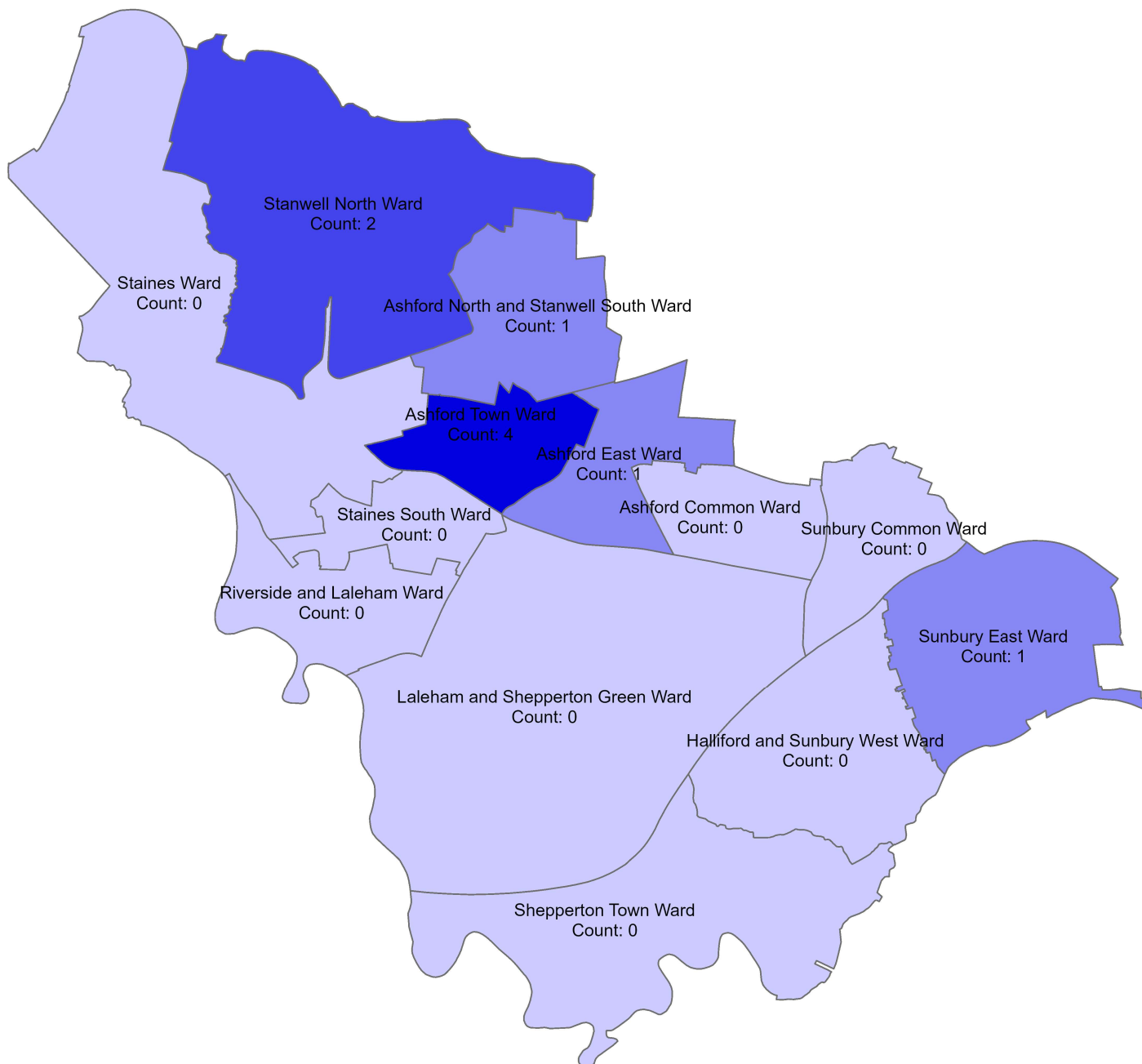
I hope council reconsiders it's decision to implement a blanket ban on HMOs using Arcitle 4 for the majority of the borough.

Please could you also help me with the below as I did not find any information on the website related to this.

1. Can you confirm South Ashford and South Staines i:e most of Kingston Road, Commercial road etc is not part of Article 4?
2. Has council published guidelines on what will be the minimum requirement for planning permission for conversions from C3 to C4 (small HMOs) for properties that fall within Article 4?
3. Existing HMOs with valid licence are not affected.

I look forward to hearing from you.





HMO Investigations by Planning Enforcement by ward where Planning Permission was not required as it was Permitted Development between 1 October 2023 and 30 September 2024

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Date Printed: 30/10/2024

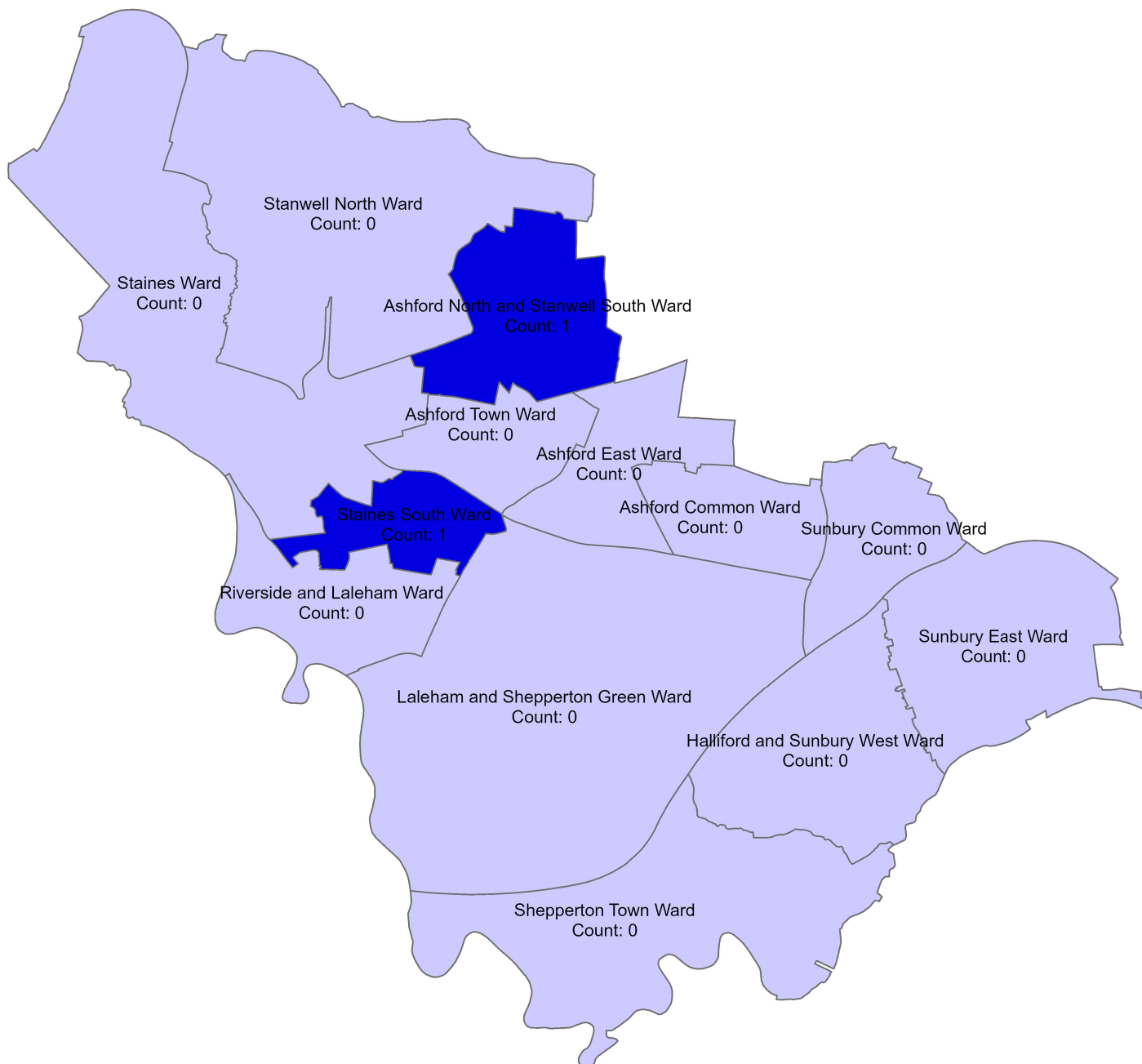
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Planning Applications for HMOs by ward determined 1 October 2023 – 30 September 2024

Site	Ward	Nos. of Residents/ bedrooms	Planning App No.	Application Received Date	Decision/Decision Date
31 Cherry Tree Avenue Staines TW18 1JB	Staines South	7	23/01155/FUL	12/09/23	Approved 06/11/23
35 Harrow Road Ashford TW14 8RT	Ashford North And Stanwell South	16/9	23/01578/FUL	27/11/23	Refused 22/02/24
27 Talbot Road Ashford TW15 3PN	Ashford Town	14/7	24/00133/FUL	02/02/24	Refused 13/06/24
12 Albain Crescent Ashford TW15 3AN	Ashford North And Stanwell South	8/8	24/00789/FUL	02/07/24	Approved 28/08/24
201 Feltham Road Ashford TW15 1BB	Ashford East	10	24/00916/FUL	02/08/24	Refused 25/09/24



Planning applications for HMOs by ward approved between 30 September 2023 and 1 October 2024

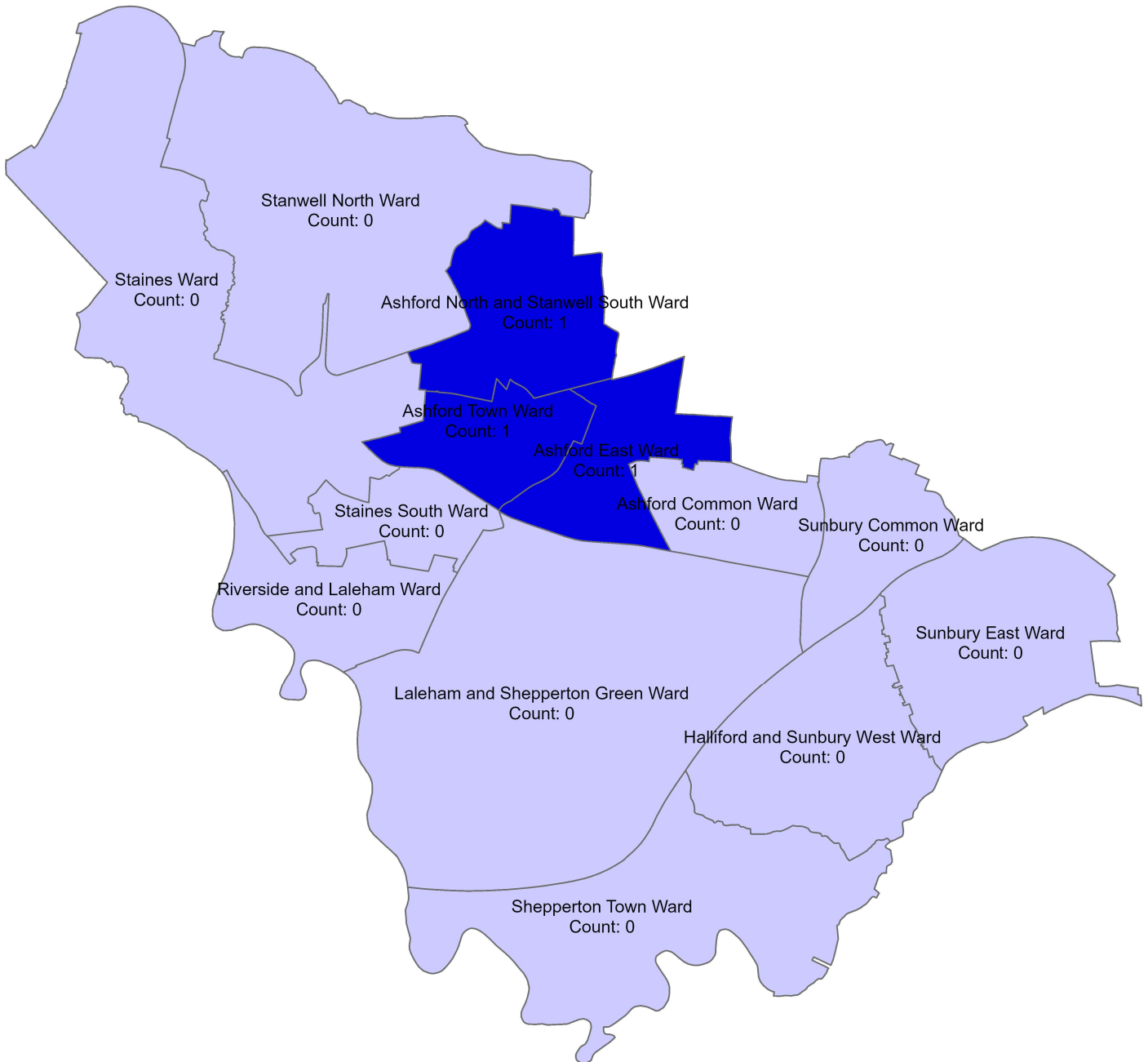
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Planning applications for HMOs by ward refused between 30 September 2023 and 1 October 2024

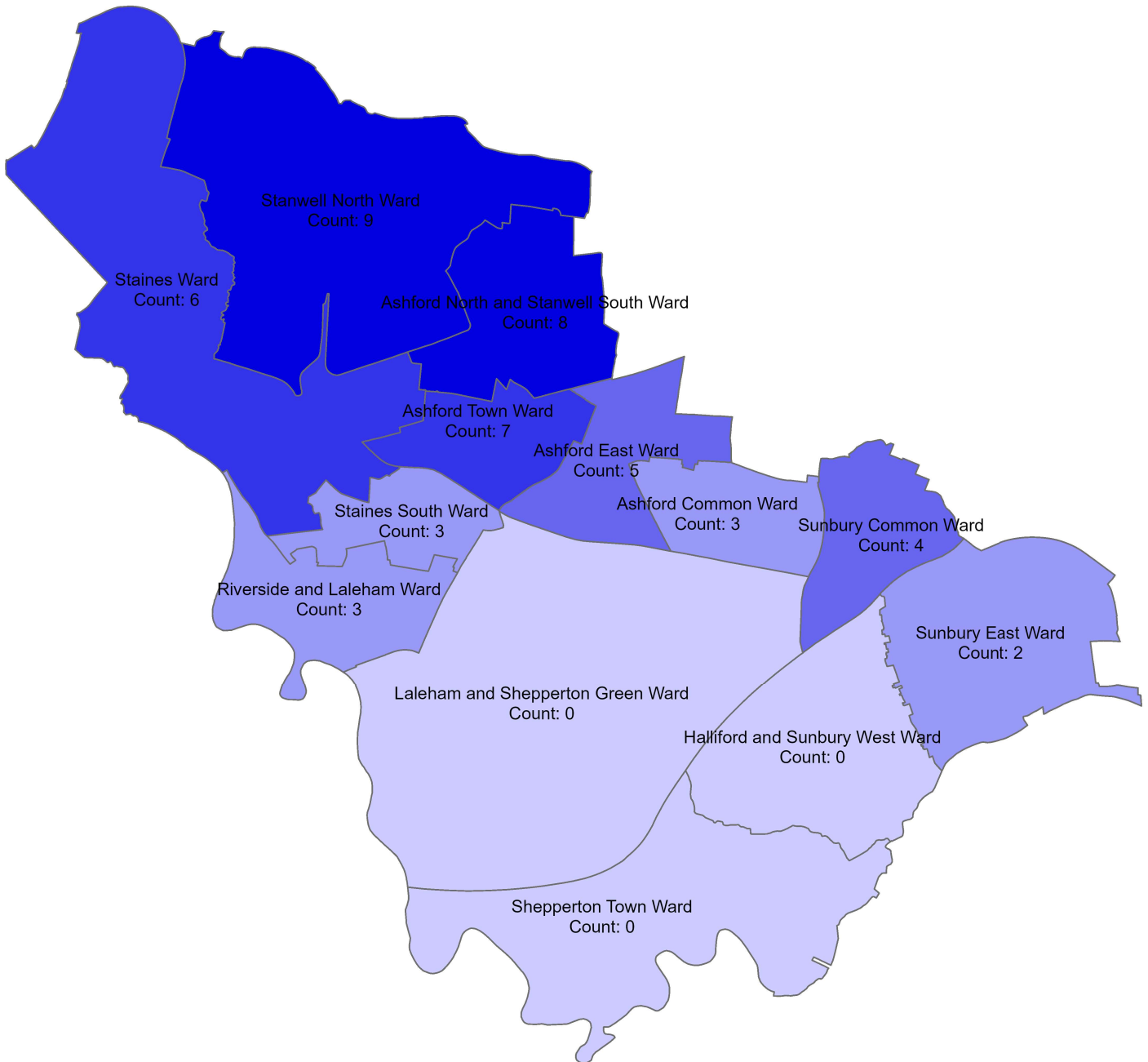
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HMO Permitted Development Investigations by Planning Enforcement 2019-2024 by ward

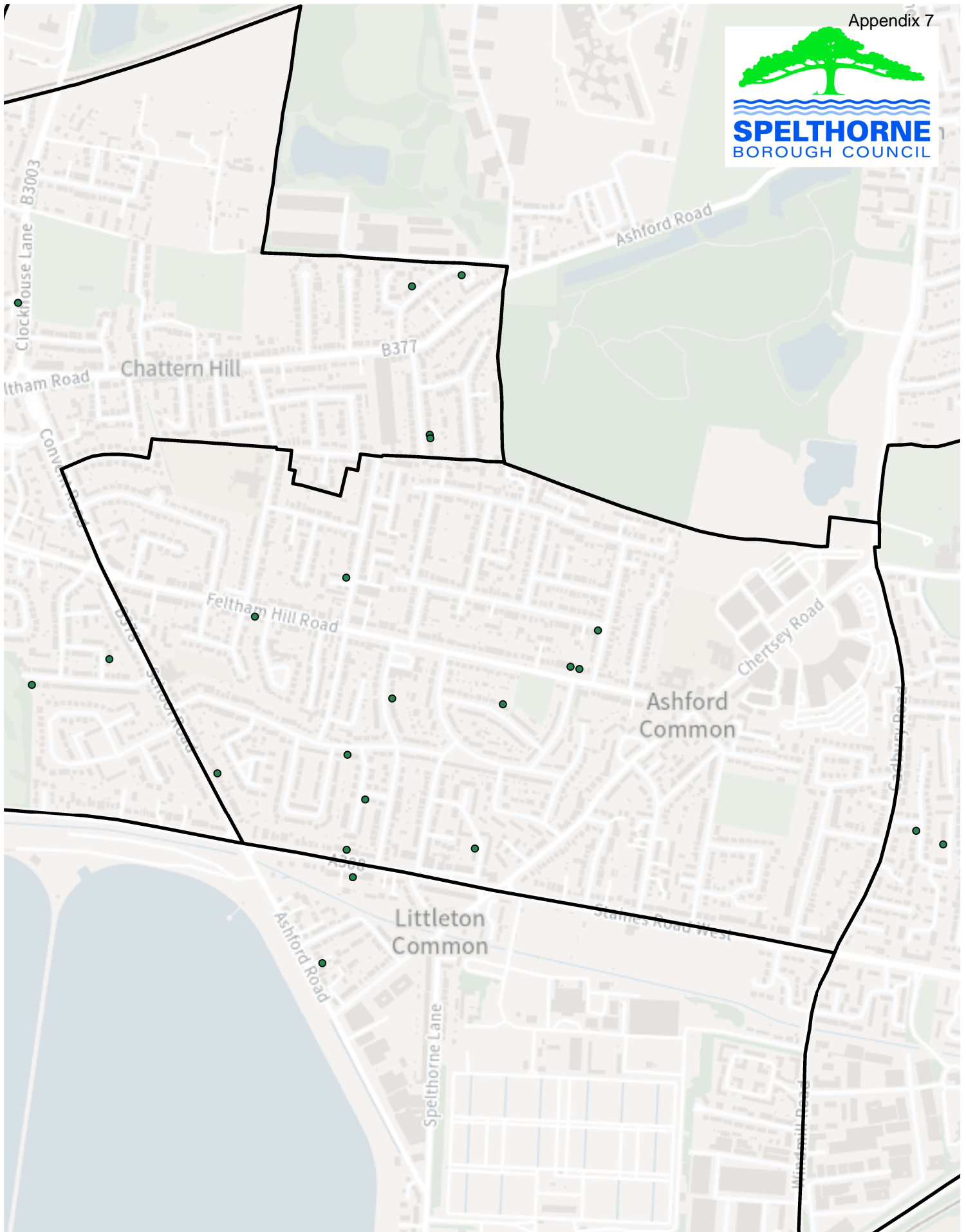
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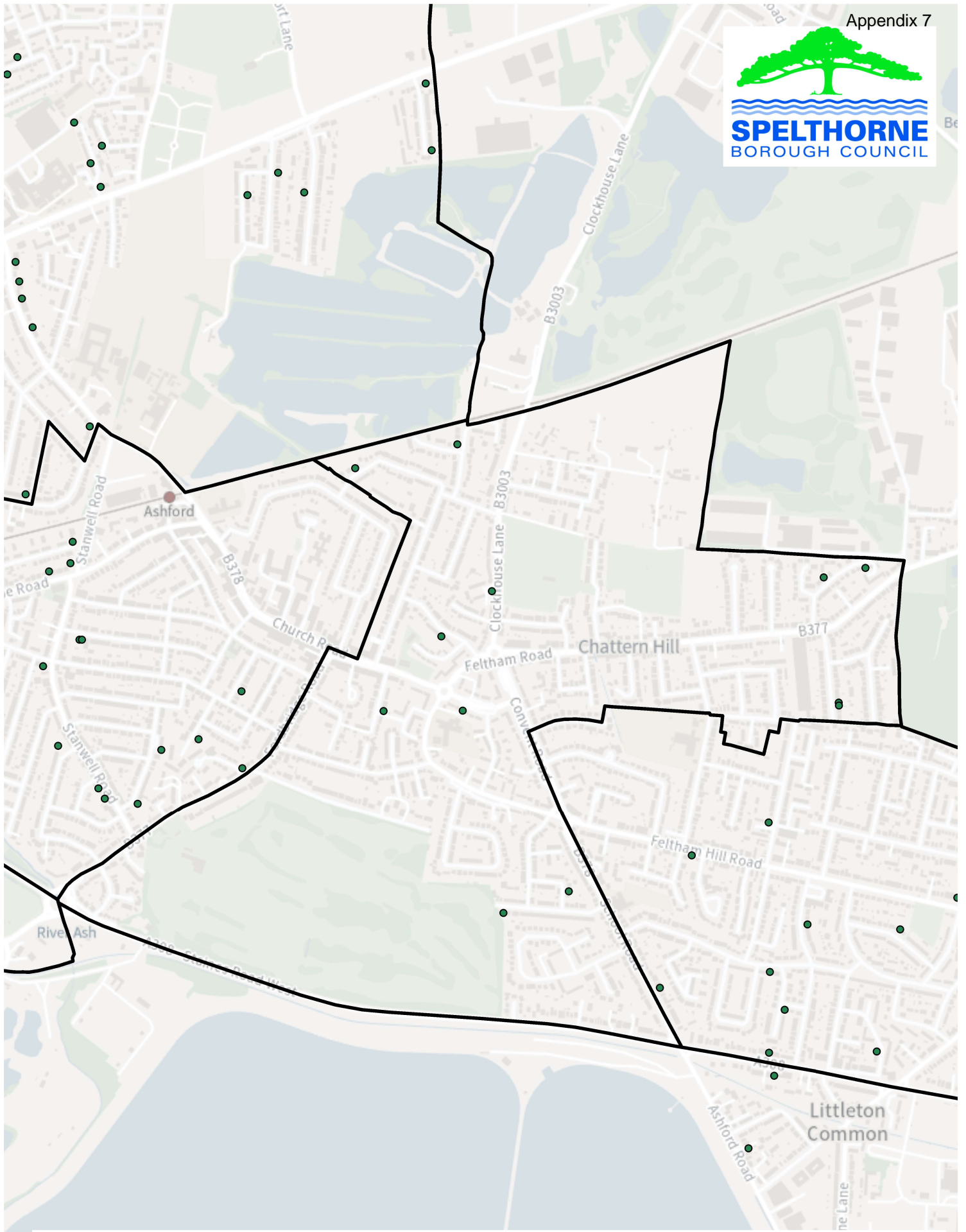
Licensed HMOs in Ashford Common Ward

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Date Printed: 28/11/2024





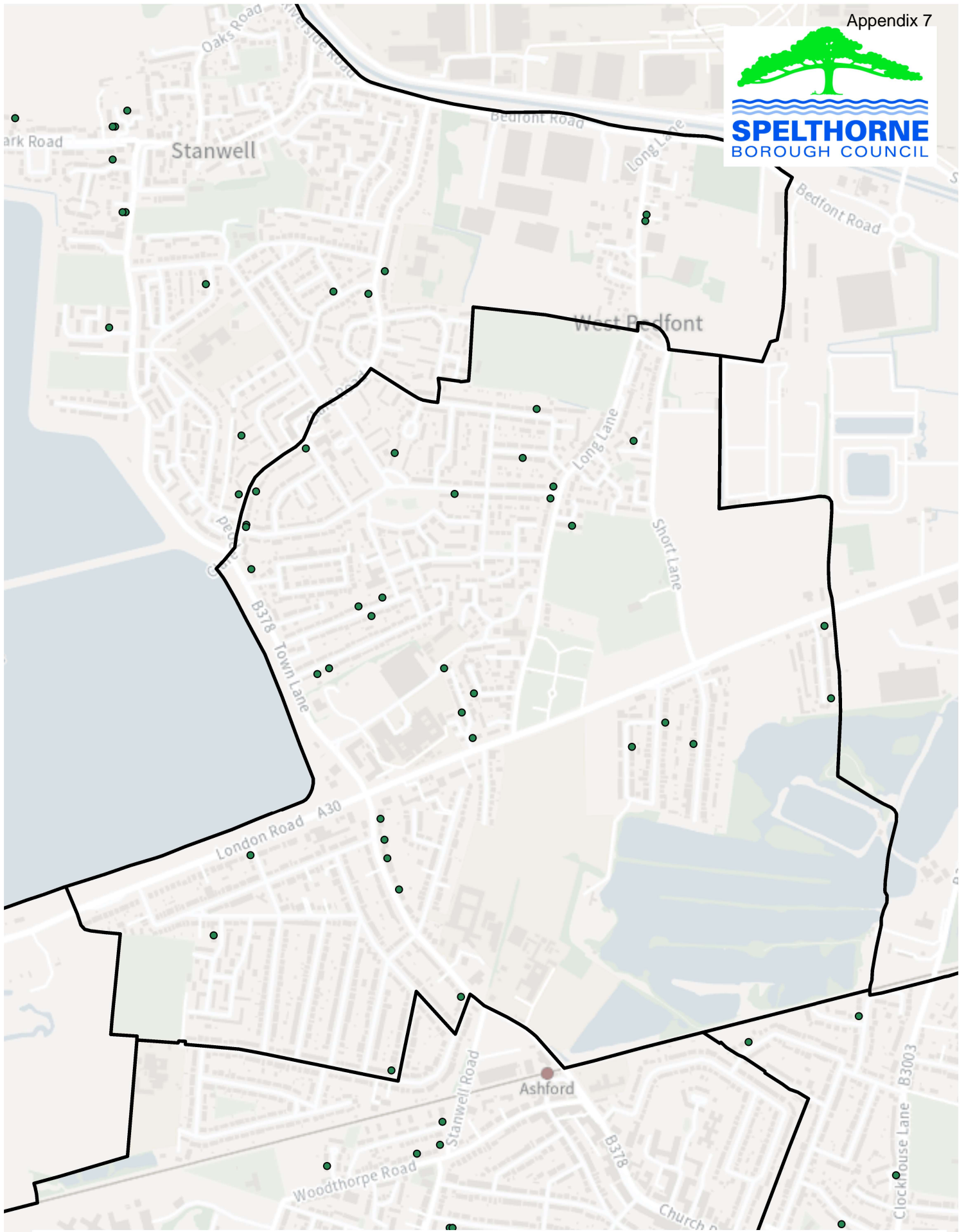
Licensed HMOs in Ashford East Ward

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Date Printed: 28/11/2024





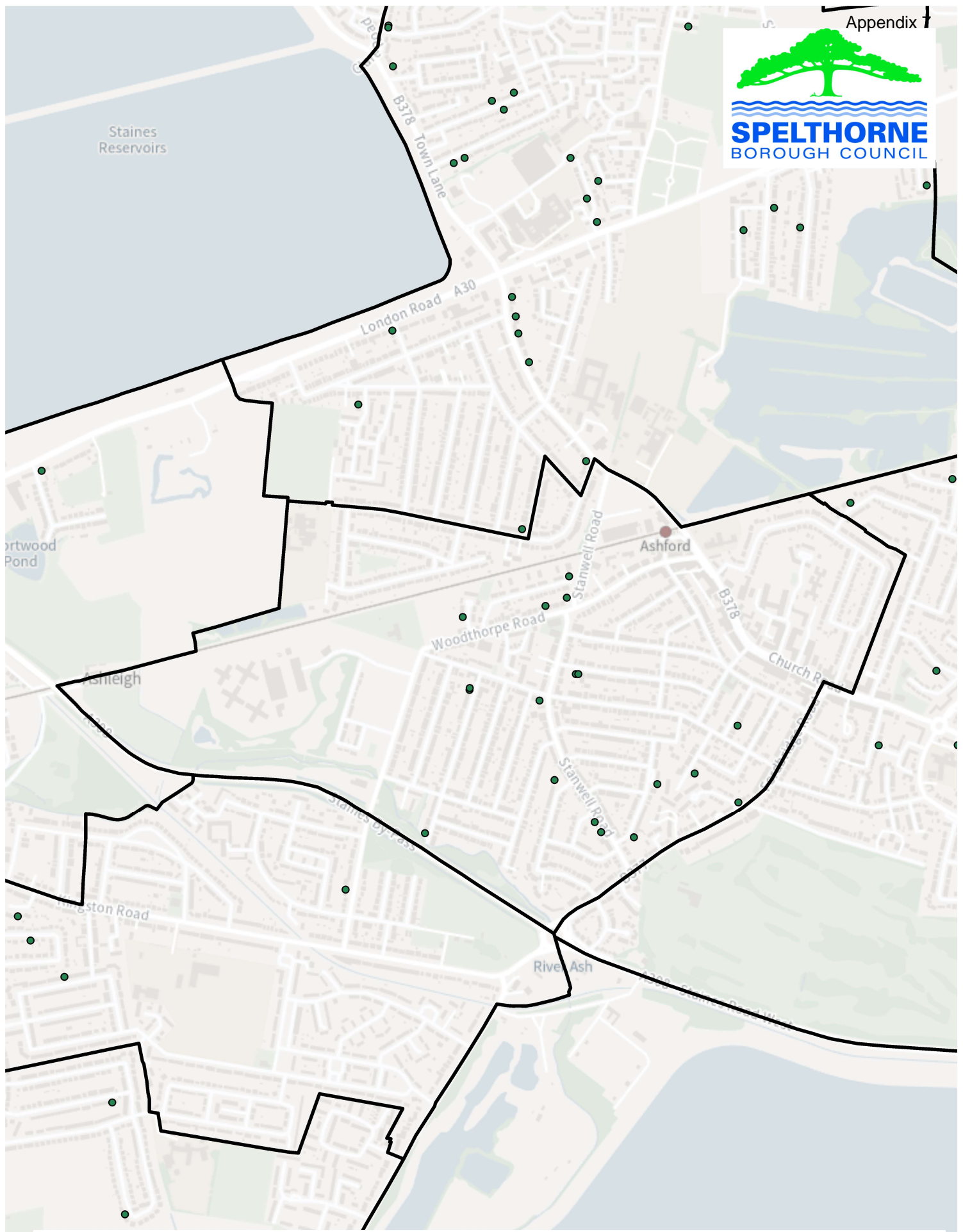
Licensed HMOs in Ashford North and Stanwell South Ward

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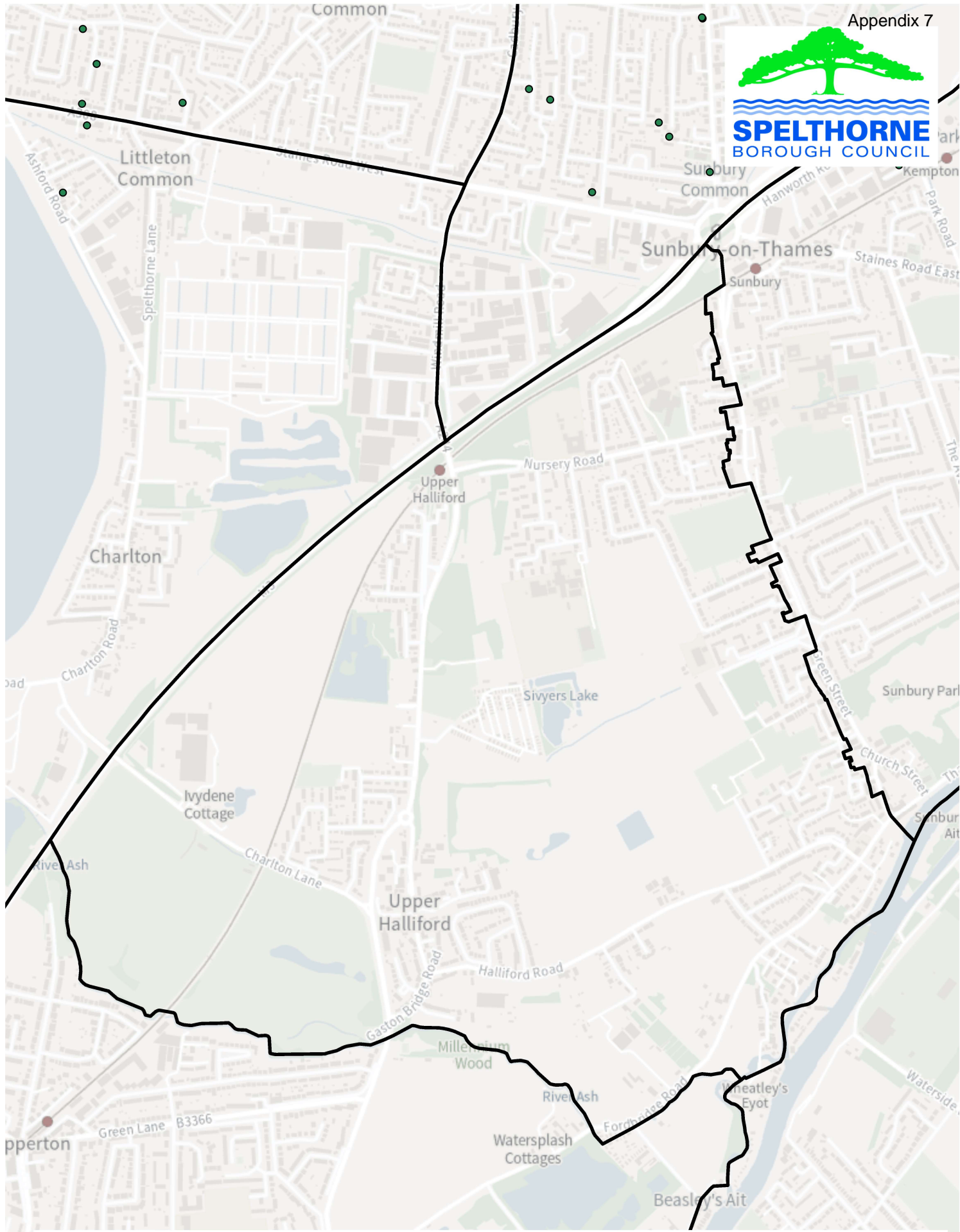
Licensed HMOs in Ashford Town Ward

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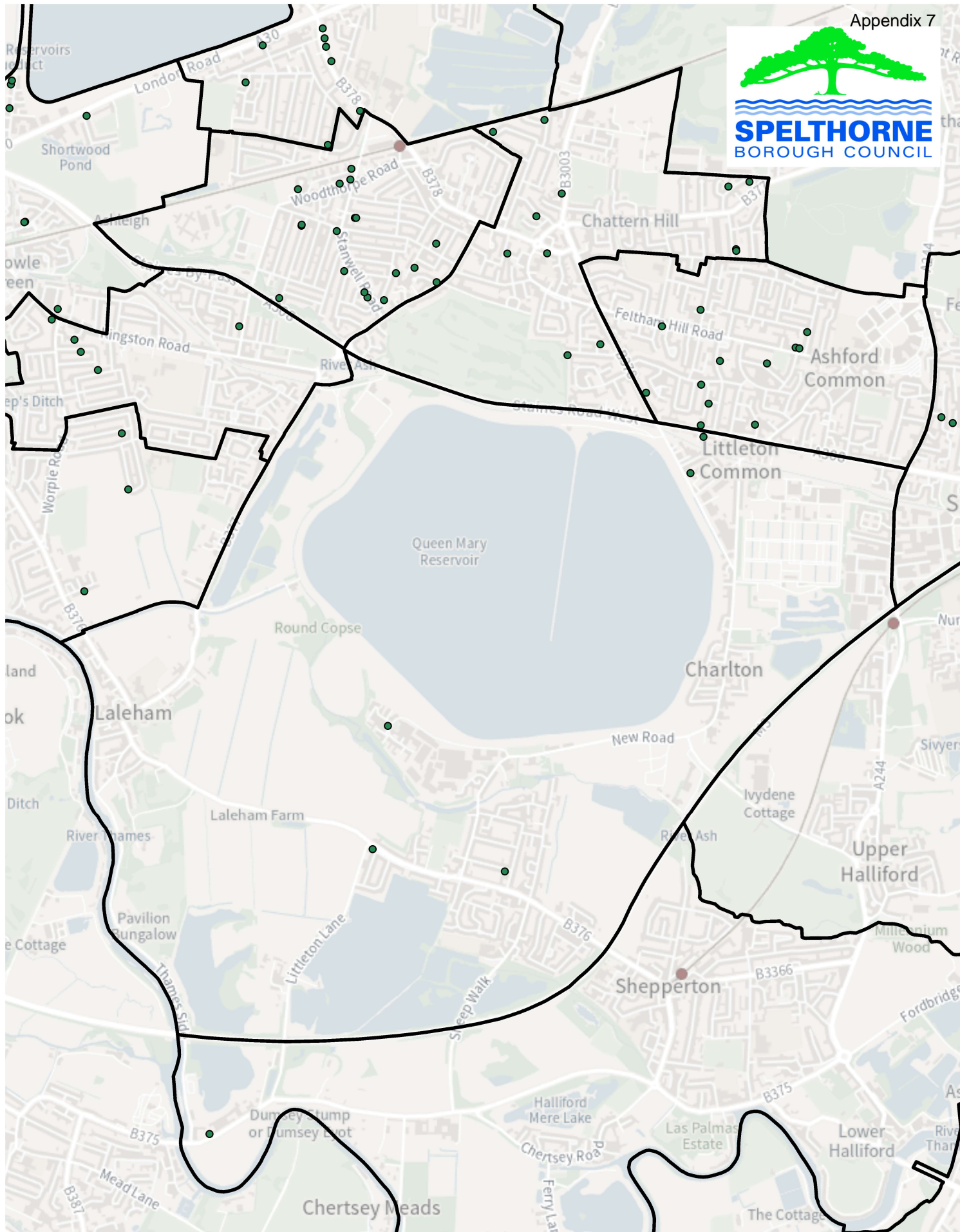
Licensed HMOs in Halliford and Sunbury West Ward

Scale: 1:14,000

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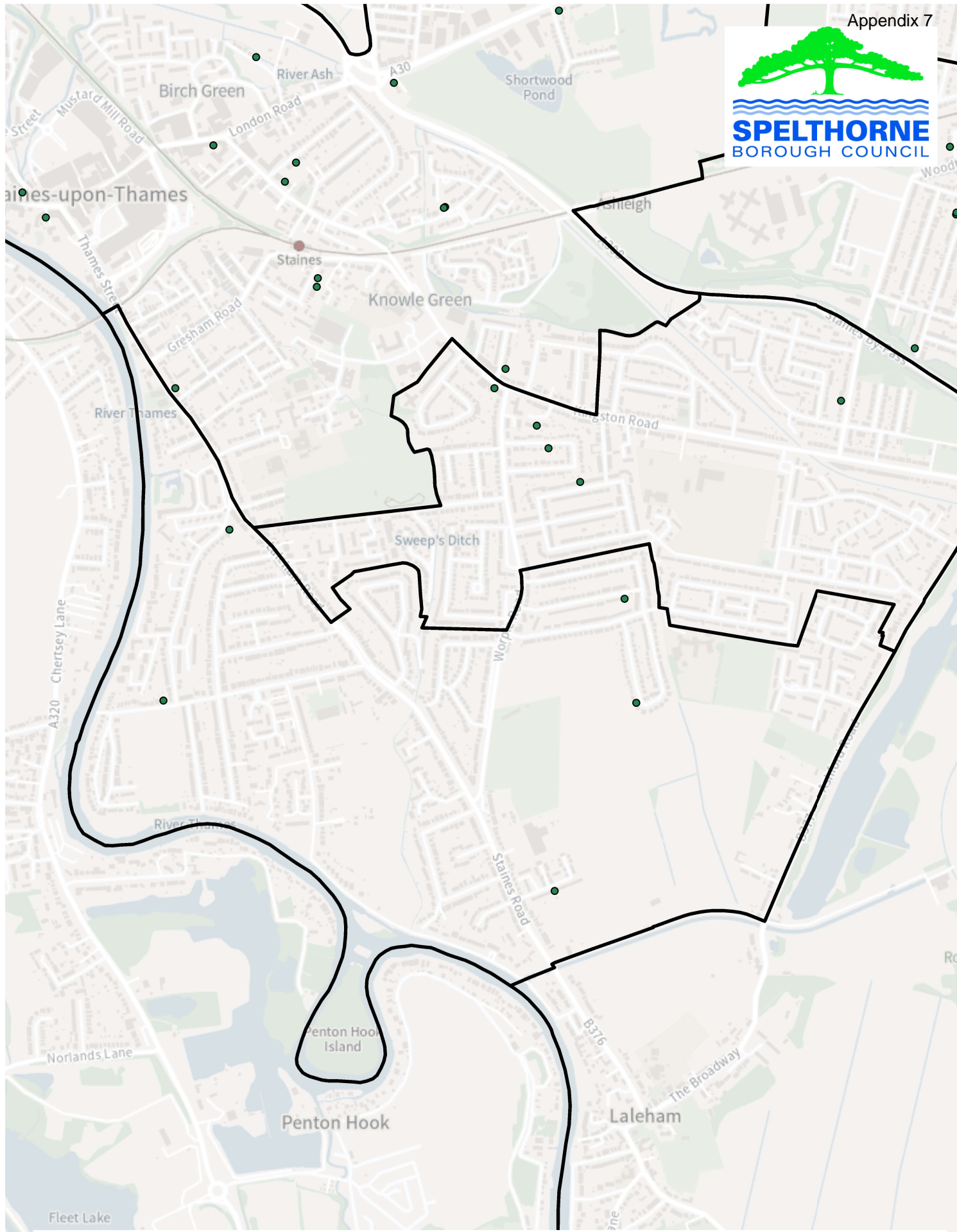
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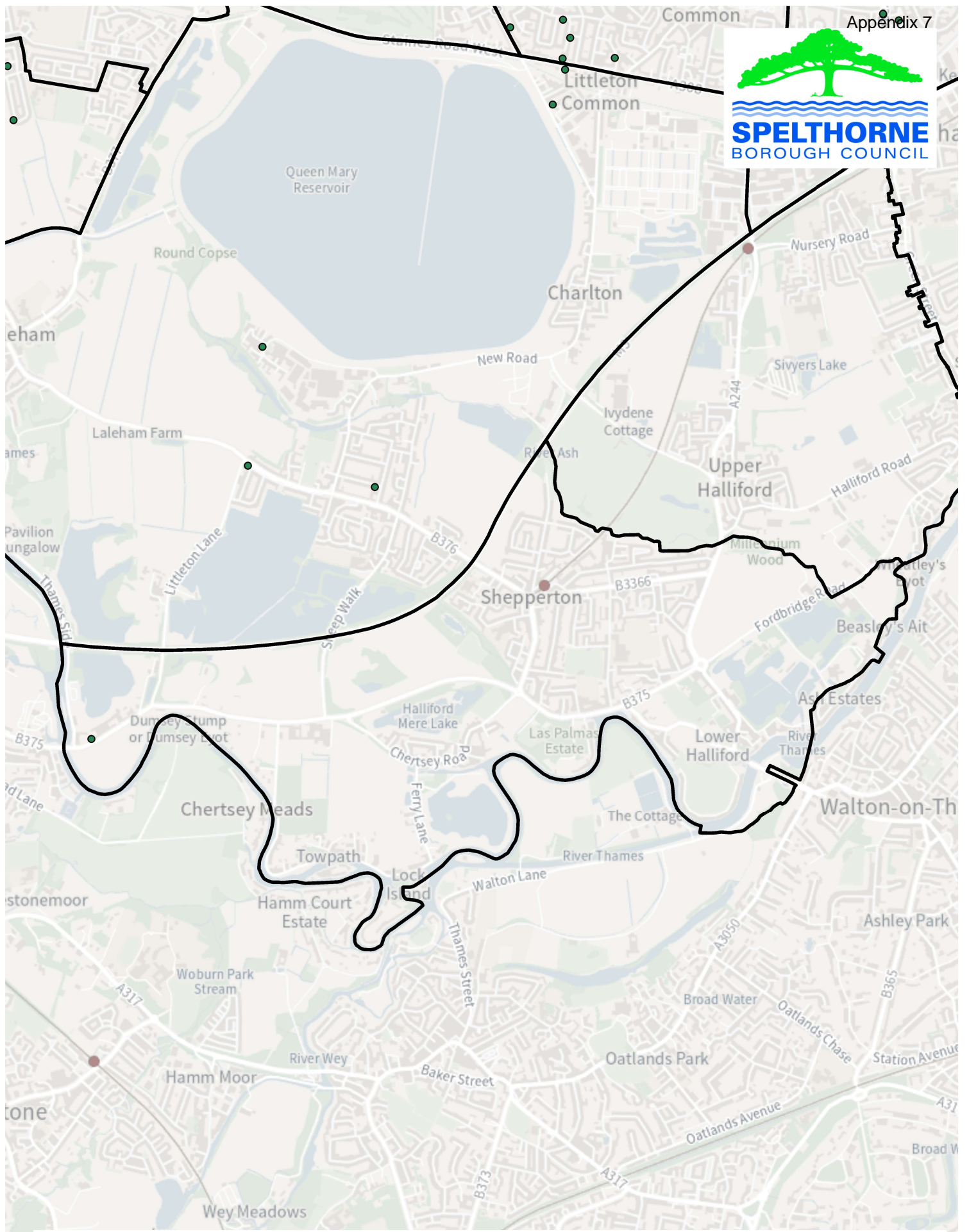
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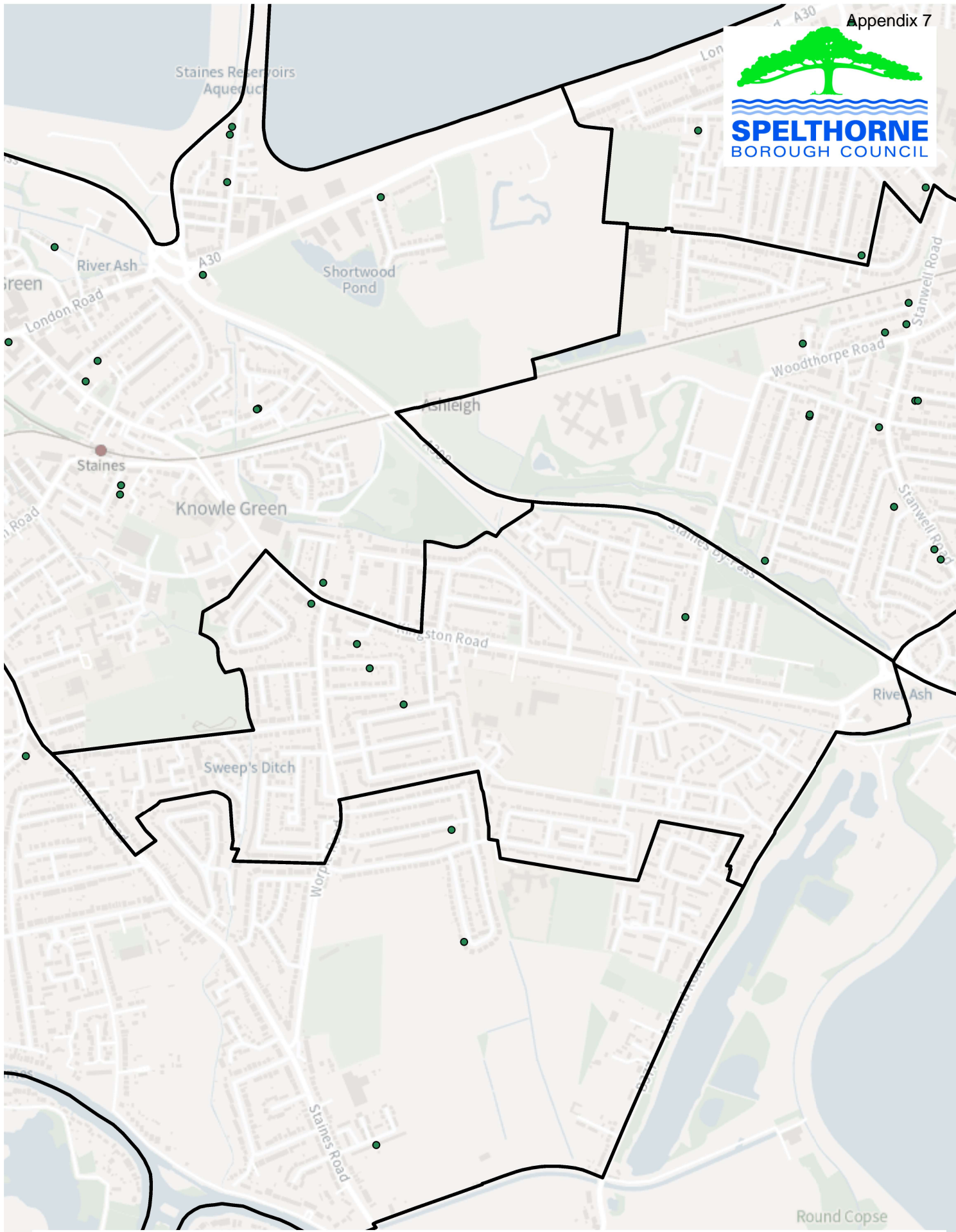
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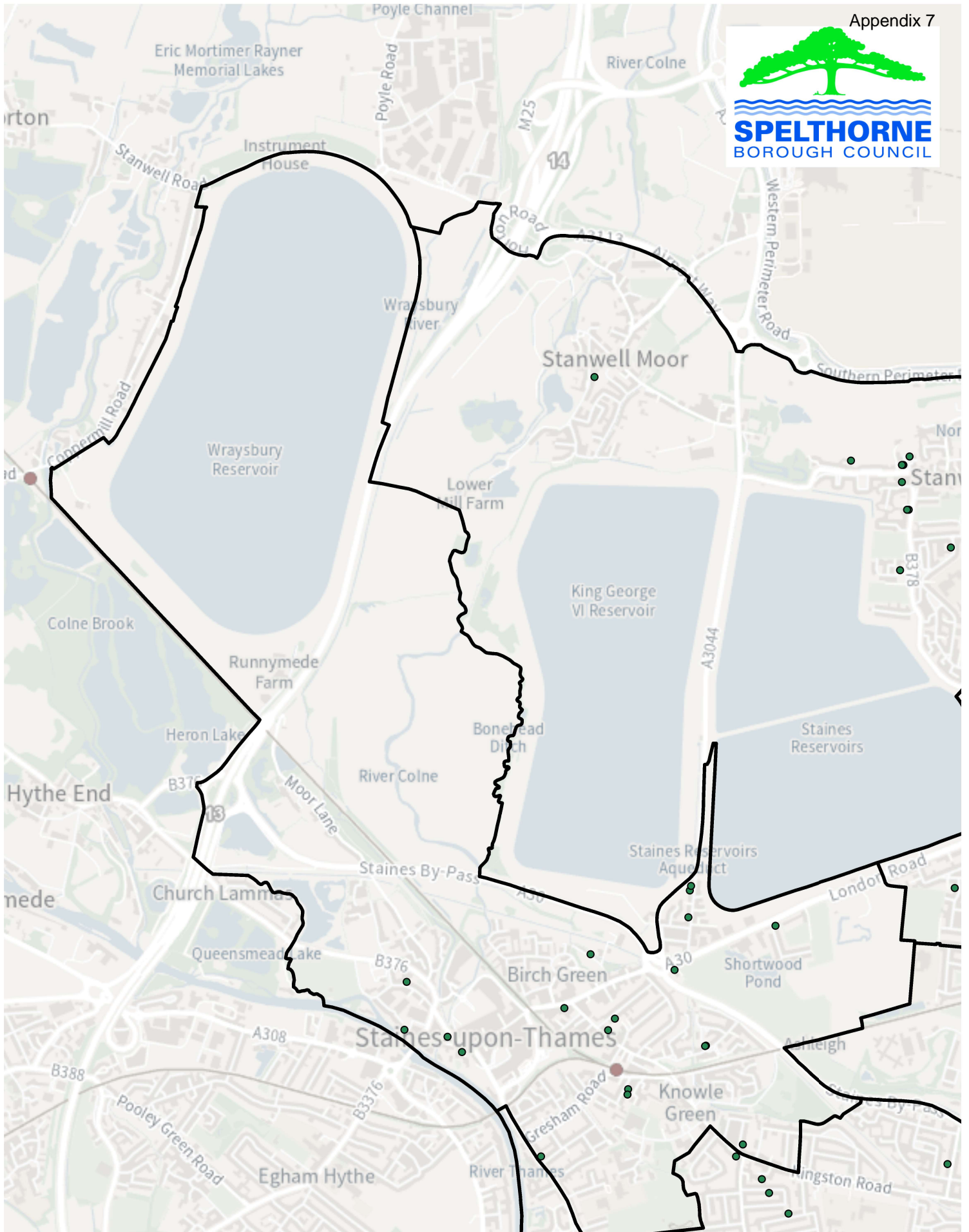
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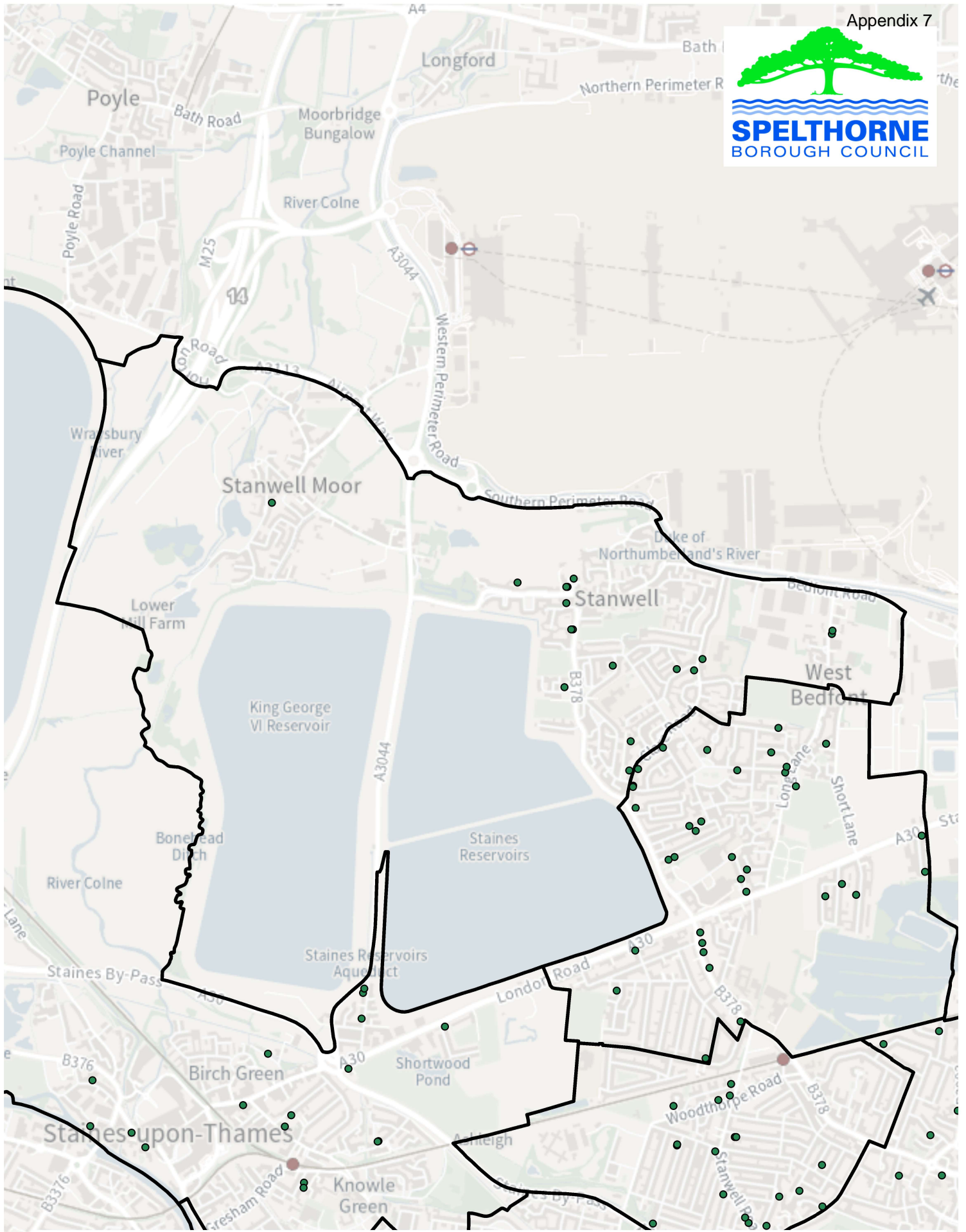
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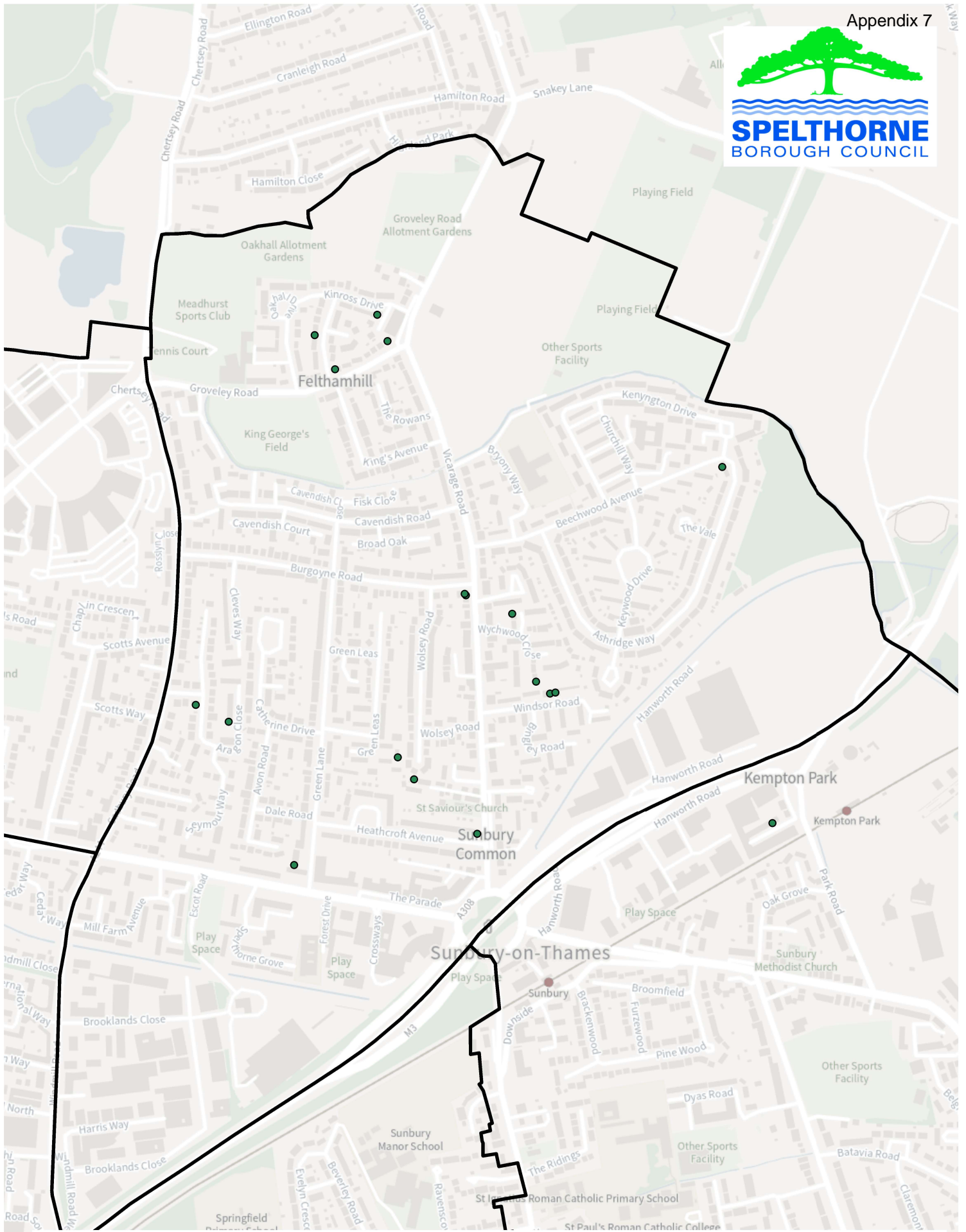
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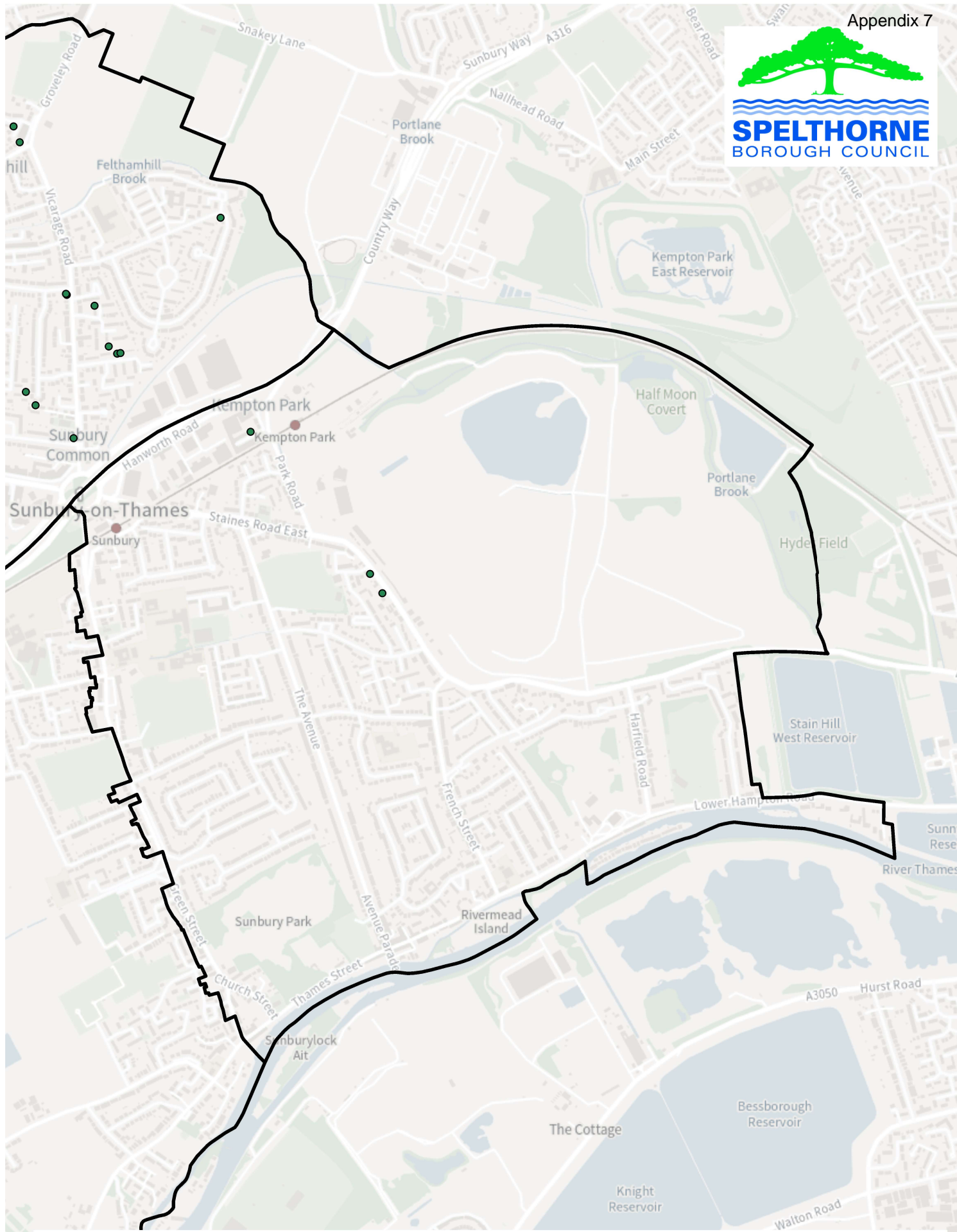
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Major Applications

This report is for information only.

The list below comprises current major applications which may be brought before Planning Committee for determination. These applications have either been submitted some time ago but are still not yet ready for consideration or are recently received applications that are not ready to be considered by the Planning Committee. The background papers for all the applications are contained on the Council's website (Part 1 Planning Register).

All planning applications by Spelthorne Borough Council and Knowle Green Estates will be brought before the Planning Committee for determination, regardless of the Planning Officer's recommendation. Other planning applications may be determined under officers' delegated powers.

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

24/00790/FUL	Hitchcock And King Station Yard Stanwell Road Ashford TW15 3DT	Erection of a self-storage building (Use Class B8) with associated access, landscaping, parking and circulation space.	Mr Philip Offer	Matthew Clapham
24/01089/FUL	5-7 & 9 Station Approach & 21 Woodthorpe Road Ashford TW15 2QN	Demolition of existing office buildings, and construction of 35 new residential units together with Class E (Commercial, Business and Service), associated amenity and parking.	Mr Clive Morris	Kelly Walker
24/01112/FUL	Land To 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 with a total capacity of up to 400 megawatt hours, associated site access and partial cable route, with associated work	Richard Haywood / Sunbury BESS Ltd	Matthew Clapham
24/01268/RVC	Development Site At Former The Old Telephone Exchange Elmsleigh Road Staines-upon- Thames TW18 4PN	Variation of Condition 2 (plan numbers) relating to planning permission 20/01199/FUL for the demolition of the former Masonic Hall and redevelopment of site to provide 206 dwellings together with car and cycle parking, hard and soft landscaping and other associated works. to update the approved plans to remove reference to Affordable Housing	Fairview New Homes	Kelly Walker
24/01296/FUL	Thamesmead County Secondary School Manygate Lane Shepperton TW17 9EE	Proposed External Fire Escape Stair	Thamesmead Secondary School	Matthew Clapham

24/01314/RVC	Builders Merchant Moor Lane Staines-upon-Thames TW18 4YN	Application to vary condition 1 (approved plans), condition 4 (refuse collection points), condition 15 (means of enclosure), condition 22 (bicycle storage) and condition 26 (bin storage) of planning permission 23/00173/RVC, [which in turn varied condition 2 of planning permission 23/01515/RVC, which in turn varied condition 2 of 22/00891/RVC, which varied condition 2 of planning permission 18/01000/FUL] to allow new bin storage layout and new bin store/bicycle store, new entrance wall and alterations to parking layout.	Shanly Homes	Susanna Angell
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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
 27/11/2024

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Planning Committee
10 December 2024

Planning Appeals Report – V1.0 ISSUED

Appeals Started between 02 October 2024 – 27 November 2024

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
24/00203/FUL Land South East Of The Ranges (addressed As 1A Priory Stables) Chertsey Road	05.11.2024	Hearing	APP/Z3635/W/24/3348103 Change of use of the land for the stationing of 6 mobile static homes for Gypsy / Traveller occupation, with associated hard and soft landscaping, parking and roadway. As shown on plan no.'s 2023-1338v3-Mobile received 19.02.2024; amended site location plan 2023-1338v3-Location

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
			received 02.04.2024; amended plan 2023-1338v3-Block received 02.04.2024.
24/00824/RVC 10 Stuart Way Staines-upon-Thames TW18 1EP	11.10.2024	Fast Track Appeal	APP/Z3635/D/24/3352570 Variation of conditions 2 and 3 relating to planning permission 18/00848/HOU to allow the existing outbuilding within the rear garden to be used as an ancillary annexe. As shown on drawings: Location Plan; Block Plan; Annexe Proposed Floor Plan and Proposed Elevations received 15.07.2024.
23/01570/FUL Brookside Acacia Road Staines-upon-Thames	11.10.2024	Written Representation	APP/Z3635/W/24/3352919 Erection of a detached replacement dwelling As shown on drawing no's B/AR/01; B/AR/02A; B/AR/03A; B/AR/04; B/AR/05A received 16.01.2024.
24/00504/FUL WR Sports Club The Clubhouse Woodthorpe Road	17.10.2024	Written Representation	APP/Z3635/W/24/3353174 Retention of hard standing for water tank and store shed and aggregate surface for parking and storage containers.

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
			As shown on drawing 's: Site Location Plan; Site Layout Plan and Parking Arrangements received 19.04.2024 and Site Layout Plan with fencing and fencing layout received 20.05.2024.
24/00687/HOU 129 Staines Road Laleham Staines-upon-Thames	21.10.2024	Fast Track Appeal	APP/Z3635/D/24/3353543 Erection of an outbuilding at the rear of garden to be used as a granny annexe.
24/00863/PAP 12 West Close Ashford TW15 3LW	23.10.2024	Fast Track Appeal	APP/Z3635/D/24/3353599 Prior approval notification for a proposed additional storey on an end of terrace dwelling house measuring 9.65 metres in height.
24/00846/HOU 1 The Coppice Ashford TW15 2BP	24.10.2024	Fast Track Appeal	APP/Z3635/D/24/3353807 Erection of first floor side extension (as shown on location plan and 10.004 rec'd 18.07.2024 and 10.002 rec'd 24.07.2024).
24/00903/FUL 12 Stanwell Close Stanwell Staines-upon- Thames	31.10.2024	Written Representation	APP/Z3635/W/24/3353954 Change of use of a residential land to commercial use for storage of vehicles when not in used for film shooting (no more of 15 vehicles) (retrospective).

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
24/00434/HOU 1 Orchard Way Ashford TW15 3AU	21.11.2024	Fast Track Appeal	APP/Z3635/D/24/3355290 Proposed new roof along with increased ridge height and the installation of a rear facing dormer. Erection of a first floor side extension and part two storey part single storey rear extension along with a single storey front extension (following demolition of existing single storey rear extension).

Appeal Decisions Made between 02 October 2024 – 27 November 2024

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
22/01666/FUL Land At Ashford Road Ashford Road Shepperton	07.03.2024	Written Representation	APP/Z3635/W/23/3331965 Demolition of the existing buildings/ structures including Ash House and Oak House in Littleton Road and redevelopment of the site with the erection of two buildings subdivided into seven units for speculative B2 general industrial, B8 storage and distribution, and E(g)(iii) light industrial purposes with ancillary offices, together with associated car parking, servicing and landscape planting.	Appeal Dismissed	28.10.2024	The Planning Inspector noted that the buildings will be in close proximity to each other and when viewed together will be large in mass and bulk across the site. Consequently, it was considered that the proposed development would have a harmful effect on the character and appearance of the area. Furthermore, the Planning Inspector found the development being unacceptable on the effect on the living conditions of the occupiers of Spelthorne Lane with particular regard to the overbearing effect. Consequently, the appeal was dismissed.
23/01536/FUL Fir Tree Place Church Road Ashford	01.05.2024	Written Representation	APP/Z3635/W/24/3340544 Construction of an additional floor to create 7 no. self-contained flats.	Appeal Dismissed	09.10.2024	The Planning Inspector noted that the addition of a fifth storey would be notably taller than neighbouring buildings and others in the vicinity. Given the large size of the building and the length of the front elevation facing Church Road, the bulk and mass arising from an additional

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						storey, would appear incongruous in the street scene. The Planning Inspector considered that the appeal scheme would fail to make a positive contribution to the street scene. Consequently, the appeal was dismissed.
23/00121/OUT Land East Of Vicarage Road Sunbury-on- Thames TW16 7LB	28.05.2024	Public Inquiry	APP/Z3635/W/24/3342657 A Hybrid planning application for an Integrated Retirement Community to consist of: a) Full planning application incorporating 38 extra care and 28 close care units (Use Class C2) with an on-site village centre to include a medical facility. Means of access off Vicarage Road, associated infrastructure, landscape buffer and open space. b) Outline planning application for a care home (up to 60 beds) and up to	Appeal Allowed	22.11.2024	The Inspector considered that the proposal would constitute inappropriate development in the Green Belt. She also considered that the development would cause harm to the openness of the Green Belt, and conflict with the purposes of the Green Belt set out in the NPPF. In terms of character and appearance, the Inspector stated that whilst the site is an open field, it has an overriding suburban character and appearance rather than a rural character. Consequently, she concluded that the proposal would cause no harm to the character and appearance of the area. With regard to housing need, the Inspector noted that there is a significant level of need for 'housing

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
			98 extra care units (Use Class C2), landscaping and open space, parking, infrastructure, and internal access roads (all matters reserved).			<p>with care' in the Borough. There is also a need for care home bedspaces. She stated that there are currently no other such developments in the pipeline, nor any proposed allocations in the emerging local plan for this type of development. She gave very substantial weight in favour of the development on the issue of housing need.</p> <p>Overall, the Inspector considered that the harm to the Green Belt was clearly outweighed by the need for 'housing with care' and care home spaces, and that 'very special circumstances' exist to allow the development.</p>
24/00093/FUL Land Adjacent To 1 Hillview Cottages Moor Lane	22.05.2024	Written Representation	APP/Z3635/W/24/3341573 Erection of a new detached dwelling house with associated parking provision and amenity space	Appeal Dismissed	15.11.2024	The Inspector concluded that the proposal constituted inappropriate development in the Green Belt. There is no building currently at the site, and the Inspector determined that the proposal must have a greater impact on the openness of the Green Belt than the existing development. Ultimately, the Inspector concluded that the

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
Staines-upon-Thames						proposal would be particularly prominent and as a result disrupt the existing openness of the site, constituting inappropriate harm in the Green Belt. The Inspector also considered the proposal to harm the character of the surrounding area by way of appearing visually jarring and out of place, and also harm to the amenities of future occupiers due to insufficient internal and external floor space.
23/01339/FUL Wardle Dental Surgery 68 Church Road Ashford	05.06.2024	Written Representation	APP/Z3635/W/24/3342789 First floor rear extension to create two new studio flats (including amendments to the parking layout granted in planning permisison 22/00581/FUL).	Appeal Dismissed	26.11.2024	The Planning Inspector raised concerns that the appeal proposal would create an extensive length of the elevation and together its scale would be a prominent form. Due to lack of space and forward position to the highway, the Planning Inspector considered the design and layout of the development would fail to achieve a high-quality development and would be harmful to the character and appearance of the area. Consequently, the appeal was dismissed.

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
24/00110/FUL 68 Church Road Ashford TW15 2TW	05.06.2024	Written Representation	APP/Z3635/W/24/3342794 First floor rear extension to create one new studio flat (including alterations to the parking layout approved in planning permission 22/00581/FUL)	Appeal Allowed	26.11.2024	Whilst the Planning Inspector noted that the proposed first floor rear extension would still result in a lengthy façade, a separation and distinction would be retained to the rest. The Planning Inspector gave weight to the contribution of small and medium sites towards housing supply and making efficient use of land and also considered that overall, it was concluded that the proposal would be appropriate for the locality and would not have any adverse impact on the street scene or the character of the area. Consequently, the appeal was allowed.
23/00070/FUL Hazelwood Hazelwood Drive Sunbury-on-Thames	16.07.2024	Hearing	APP/Z3635/W/24/3343497 Planning application for residential development comprising 67 units with the provision of landscaping, access, parking and associated works.	Appeal Allowed	21.11.2024	The Planning Inspector noted that in spatial and visual terms the appeal scheme would permanently and harmfully erode the openness of the Green Belt contrary to the Framework and Policy. However, she also concluded that the nature of the land uses surrounding the appeal site are such that the site performs weakly against Green Belt purposes and there would be

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						<p>minimal harm to the purposes of Green Belt. She also noted that there is a significant housing land supply shortfall in the Borough that has resulted in an under delivery of housing and that the provision of 50% affordable housing would attract very substantial weight in favour of the scheme.</p> <p>She gave moderate weight to the economic benefits of the scheme and a small benefit in terms of the availability of recreation facilities for local community use.</p> <p>Overall, she concluded that the substantial weight to be given to the Green Belt harm, would be clearly outweighed by the other considerations in this case, so as to amount to the very special circumstances necessary to justify development in the Green Belt.</p> <p>Consequently, the appeal was allowed.</p>
24/00426/RVC	13.09.2024	Fast Track Appeal	APP/Z3635/D/24/3350321	Appeal Dismissed	14.11.2024	The Planning Inspector noted that the spacing between the buildings contributes to the character of the

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
<p>10 Courtfield Road Ashford TW15 1JR</p>			<p>Amendment to planning permission no. 23/01475/HOU for the erection of a part two storey part single storey side extension and single storey rear extension with proposed extensions of existing front and rear facing dormers, to allow alterations to the two storey side extension.</p>			<p>area. He considered that appeal proposal would close the gap to the side of the property and would not positively contribute to the street scene. Consequently, the appeal was dismissed.</p>

Current/Future Hearings/Inquiries

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
23/01264/RVC The Paddocks, 235A Hithermoor Road, Stanwell Moor	17.09.2024	Hearing	APP/Z3635/W/24/3350632 Removal of conditions 2 (temporary consent) and 3 (personal permission) of planning application ref 19/01372/FUL for the material change of use of hay-barn and feed room, including dayroom and toilet facilities, to a single dwelling house and retention of 3 loose box, stable feed store and tack room as shown on site location plan received on 15 November 2023.			
24/00203/FUL Land South East Of The Ranges (addressed As	05.11.2024	Hearing	APP/Z3635/W/24/3348103 Change of use of the land for the stationing of 6 mobile static homes for Gypsy / Traveller occupation, with associated hard and soft			

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
1A Priory Stables) Chertsey Road			landscaping, parking and roadway. As shown on plan no.'s 2023-1338v3-Mobile received 19.02.2024; amended site location plan 2023-1338v3-Location received 02.04.2024; amended plan 2023-1338v3-Block received 02.04.2024.			

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PLANNING GLOSSARY OF TERMS AND ABBREVIATIONS

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

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

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

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

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

Esmé Spinks 21/12/2023

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