



Please reply to:

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Date: 20 December 2024

Notice of meeting

Planning Committee

Date: Wednesday, 8 January 2025

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

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 - 14

To confirm the minutes of the meeting held on 10 December 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 - 24/01268/RVC Development Site at Former the Old Telephone Exchange, Elmsleigh Road, Staines-upon-Thames, TW18 4PN

15 - 32

Ward

Staines

Proposal

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.

Recommendation

The application is recommended for approval subject to the prior completion of a Section 106 agreement.

5. Planning application - 24/01434/FUL Sunbury Leisure Centre, Nursery Road, Sunbury-on-Thames, TW16 6LG

33 - 44

Ward

Halliford and Sunbury West

Proposal

Installation of Air Source Heat Pumps on flat roof

Recommendation

The application is recommended for approval.

- | | | |
|-----------|---|------------------|
| 6. | Houses in Multiple Occupation (HMOs) | 45 - 104 |
| | 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. | |
| 7. | Planning Appeals Report | 105 - 114 |
| | To note details of the Planning appeals submitted and decisions received between 28 November 2024 to 19 December 2024. | |
| 8. | Major Planning Applications | 115 - 118 |
| | To note the details of future major planning applications. | |
| 9. | Glossary of Terms and Abbreviations | 119 - 124 |

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

Present:

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

Councillors:

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

Substitutions: Councillors

Apologies: Councillors J. Button and R. Chandler

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

47/23 Minutes

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

48/23 Disclosures of Interest

a) Disclosures of interest under the Members' Code of Conduct

There were none.

b) Declarations of interest under the Council's Planning Code

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

public consultation meetings for applications 24/00790/FUL and 24/01089/FUL but had maintained an impartial role, had not expressed any views and had kept an open mind.

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

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

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

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

Description:

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

Additional Information:

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

Condition 5 should be amended to:

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

Condition 13 should be amended to:

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

Public Speaking:

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

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

Debate:

During the debate the following key issues were raised:

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

The Committee voted on the motion as follows:

For: 12

Against: 0

Abstain: 0

Decision:

The application was **approved**.

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

Description:

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

Additional Information:

There was no update

Public Speaking:

There was no public speaking

Debate:

The meeting was adjourned at 19:40

The meeting reconvened at 19:42

Councillor Howkins remained outside the Chamber

During the debate the following key issues were raised:

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

Councillor Howkins returned to the Chamber at 19:48

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

The Committee voted on the motion as follows:

For: 10

Against: 0

Abstain: 1

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

Decision:

The application was **approved**.

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

Description:

24/01052/FUL

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

24/01053/LBC

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

Additional Information:

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

Public Speaking:

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

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

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

- A heritage statement had been submitted
- A Lawful Development Certificate had been approved on 16 July 2024

- Local stakeholders had been engaged and a pressing need for high-quality childcare in the area
- The proposal had a heritage-sensitive design that would enhance the site's usability

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

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

Debate:

During the debate the following key issues were raised:

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

The Committee voted on the motion as follows:

For: 10

Against: 0

Abstain: 2

Decision:

The applications were both **approved**.

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

Description:

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

Additional Information:

Description of proposal should read:

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

Public Speaking:

There was none.

Debate:

During the debate the following key issues were raised:

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

The Committee voted on the motion as follows:

For: 12

Against: 0

Abstain: 0

Decision:

The application was **approved**.

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

Description:

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

Additional Information:

There was none.

Public Speaking:

There was none

The Committee voted on the motion as follows:

For: 12

Against: 0

Abstain: 0

Decision:

The TPO was **confirmed**.

55/23 Motion referred from Council

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

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

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

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

56/23 Houses in Multiple Occupation (HMOs)

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

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

Amendment to para 8.5 as follows:

This equates to an average of 1.4 complaints/investigations

Amendment to para 8.6 as follows:

Given the very low level of complaints received not requiring planning permission (which would be covered by an Article 4 Direction) as a proportion

of the number of households (as shown in Table 3), a total of 0.148% complaints per household in Ashford Town, it remains officers'.....

The Planning Development Manager introduced the report on the Article 4 direction made on 21 August 2024 in relation to Staines, Ashford North and Stanwell South, and Stanwell North wards. The report set out the number of investigations that had been carried out relating to HMOs and provided details for complaints and investigations into HMOs across the whole borough. The Planning Development Manager advised that conversion of a dwelling into a HMO was permitted development for 3-6 unrelated people living together with shared facilities such as a bathroom or kitchen, whereas a HMO of 7 or more people would require planning permission. The Committee were informed that an Article 4 direction would require planning permission for all HMOs but should be based on robust evidence and are intended for use in exceptional circumstances. The Planning Development Manager cautioned that if a Article 4 direction was implemented with immediate effect it could have financial implications for the Council. The Senior Solicitor reminded the Committee that any decision of a public body could be challenged by judicial review.

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

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

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

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

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

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

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

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

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

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

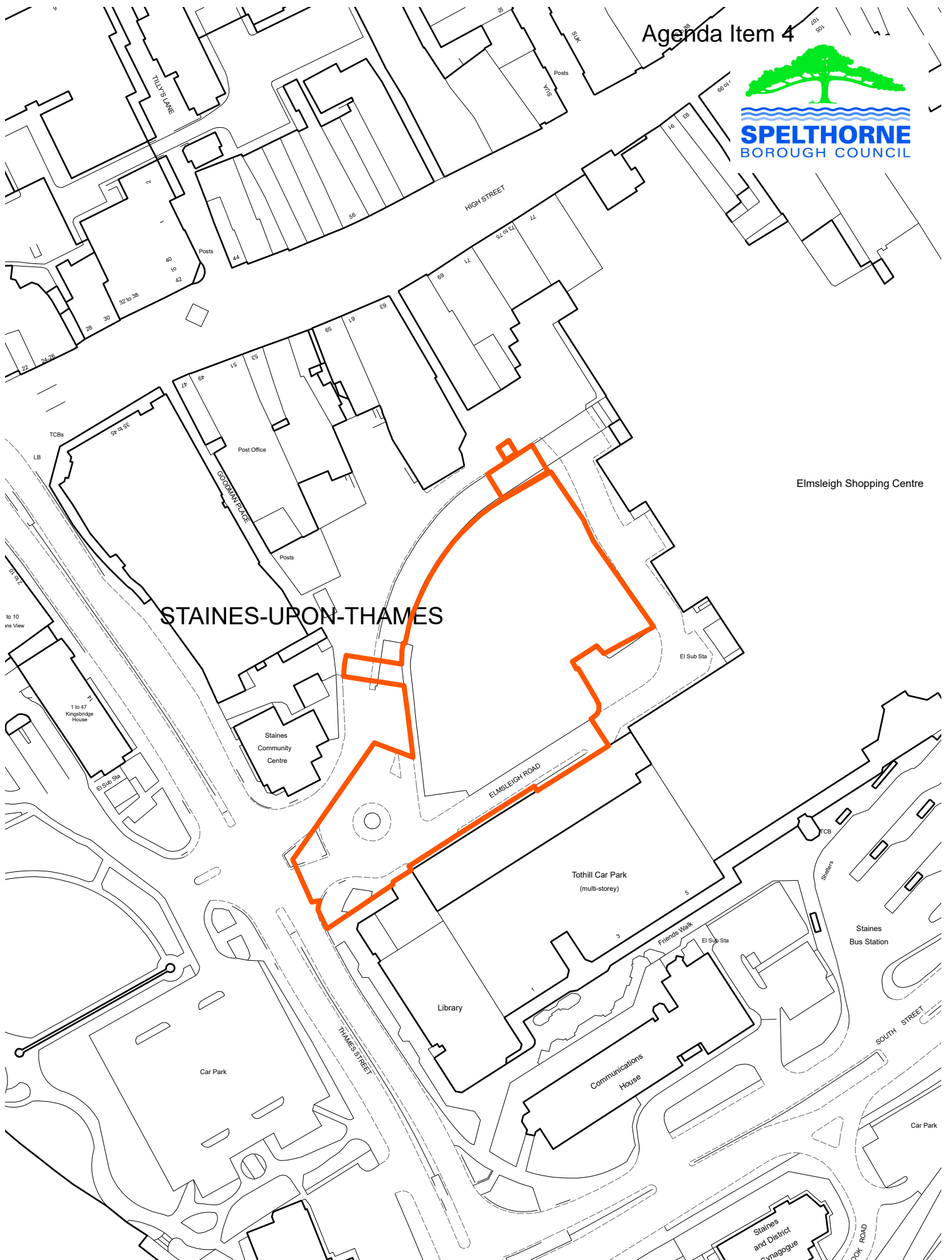
57/23 Planning Appeals Report

This item was not considered

58/23 Major Planning Applications

This item was not considered

The meeting finished at 10:30



STAINES-UPON-THAMES

24/01268/RVC Dev site former Old Telephone Exchange, Elmsleigh Rd, Staines
Scale: 1:1,250

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Planning Committee

8 January 2025



Application No.	24/01268/RVC		
Site Address	Development Site at Former the Old Telephone Exchange, Elmsleigh Road, Staines-upon-Thames, TW18 4PN		
Applicant	Mr Robert Mackenzie-Grieve on behalf of Fairview Homes Ltd		
Proposal	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.		
Case Officer	Kelly Walker		
Ward	Staines		
Called-in	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: 01.11.2024	Expiry: 31.01.2025	Target: Under 13 weeks
Executive Summary	<p>The original planning application (ref 20/01199/FUL) proposed the redevelopment of the site to provide 206 dwellings in the form of 2 towers, together with car and cycle parking, hard and soft landscaping and other associated works, following the demolition of the existing buildings. This permission was allowed at appeal (ref: APP/Z3635/W/21/3280090) on 17 January 2022, subject to conditions and a Section 106 (S106) Legal Agreement.</p> <p>This application seeks to vary Condition 2 (plan numbers) of the consent to update the approved plans to remove reference to Affordable Housing. This is because the applicant is proposing a contribution to the Local Planning Authority of £3.85 million towards off-site affordable housing in lieu of on-site provision which will be subject to a Deed of Variation to the original S106 agreement.</p> <p>This proposal has been subject to a viability review by the Council's Independent Viability consultants and has been agreed. The proposal also includes the substitution of amended plans to remove reference to the on-site affordable housing. The proposal is considered to accord with Policy HO3 and is acceptable.</p>		

Recommended Decision	The application is recommended for approval subject to the prior completion of a Section 106 agreement.
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MAIN REPORT

1. Development Plan

- 1.1 The following policies in the Council’s Core Strategy and Policies DPD 2009 are considered relevant to this proposal:
- HO3 (Affordable Housing)
 - CC3 (Parking Provision)
- 1.2 The policies contained within the National Planning Policy Framework (NPPF) (December 2024) are also relevant. This follows a Written Ministerial Statement (WMS) ‘building the homes we need’. The WMS and the NPPF 2024, sets out Government’s ambitions for growth, building homes and improving affordability. It places importance on building new homes and affordability.
- 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. This was agreed.
- 1.5 On 14 September 2023, 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.
- 1.6 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.
- 1.7 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.

1.8 On 24 October 2024, the Council agreed to re-instated 13 of the 15 Green Belt sites as housing allocations. and requested the Planning Inspector to resume the Examination into the Local Plan. On 12 December 2024, the Planning Inspectorate confirmed that the Local Plan examination would resume on the 27 January 2025.

1.9 On 12 December 2024, the Planning Inspectorate confirmed that the Local Plan would resume on the 27 January 2025.

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

- H2: Affordable Housing

1.11 The NPPF policy states at para 49 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).

1.12 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 Also relevant is the following Supplementary Planning Guidance: -

- SPG on Parking Standards

2. Relevant Planning History

2.1 The site has the following planning history: -

20/01199/FUL	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	Refused 13/01/2021 Appeal allowed 17/01/2022
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14/01377/FUL	Demolition of existing Masonic Hall and Old Telephone Exchange and redevelopment of the site to create a mixed-use scheme comprising 140 residential units (48 no. 1-bed and 92 no. 2-bed units), a 102 bedroom hotel, up to 1507 sqm of mixed commercial spaces (Classes A1, A2, A3,A4, D2 and B1), and up to 1408 sqm of masonic lodge (Class D1), together with means of access, landscaping and other associated works.	Refused 16/02/2015
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3. Description of Current Proposal and background

- 3.1 The application site originally comprised the former Masonic Hall and former Telephone Exchange. The site is located at the rear of the Elmsleigh Shopping Centre and adjacent to Tothill car park and the former Debenhams and Staines Community Centre.
- 3.2 Planning application ref 20/01199/FUL proposed the redevelopment of the site to provide 206 dwellings in the form of two towers, together with car and cycle parking, hard and soft landscaping and other associated works, following the demolition of the existing buildings
- 3.3 Following refusal of planning permission by Spelthorne Borough Council, an appeal was lodged. The appeal ref APP/Z3635/W/21/3280090 was allowed on 17 January 2022, subject to conditions and a Section 106 (S106) legal agreement to provide on-site affordable housing. The S106 also secured a number of provisions relating to landscaping, highways and transport including a Car Club scheme, and provision for an offsite play area contribution. The permission has been implemented and is nearing completion.
- 3.4 This application seeks to vary Condition 2 (plan numbers) of the consent to update the approved plans to remove reference to Affordable Housing. This is because no on-site affordable housing will now be provided. The applicants have advised that they have approached numerous Registered Providers (for affordable housing) and there has been no interest from any to take the residential units. However, the applicant is proposing a contribution towards off site affordable housing instead, and this will be subject to a Deed of Variation to the original S106 Legal Agreement.

4. Consultations

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

Consultee	Comment
Valuation Advisor	No objection

Strategic Lead, Housing	No objection
Senior Legal Officer	No objection

5. Public Consultation

- 5.1 A statutory site notice was displayed, and the application was advertised in the local press. Currently no letters have been received in relation to this application.

6. Planning Issues

- Affordable housing

7. Planning Considerations

Affordable housing

- 7.1 Policy HO3 of the Core Strategy and Policies DPD (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.
- 7.2 Paragraph 64 of the NPPF 2024 states that, '*...Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required (including the minimum proportion of Social Rent homes required), and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.*'
- 7.3 The planning appeal included 70 affordable units which had been reviewed and agreed by the Council's Independent viability consultant. The S106 agreement completed at the appeal provided for 70 units (34%) of the total number of dwellings to be affordable housing. This was split into 46 no. (65%) being affordable rent properties and 24 no. (35%) being intermediate housing. The agreement also included nomination rights by the Council for the affordable properties

	Private	Affordable (shared ownership)	Affordable (affordable rent)	TOTAL
One bed	69	12	24	105
Two bed	67	12	22	101
Total	136	24	46	206

- 7.4 Since the approval and the commencement of the development, the applicant has been unable to appoint a Registered Provider (RP) to take on the approved affordable housing units at the site. They have submitted a report on the tender process in support of their application to show they have carried out 4 no. separate tender processes to dispose of the affordable units subject to the S106. The most recent tender was carried out in June 2024 and the applicant approached 81 parties. The applicant notes that *'...Fairview New Homes (Fairview) issued the latest invitation to tender on the 7th June 2024, to 81 Registered Providers who either have stock in Spelthorne or the surrounding boroughs or who could potentially have an interest in affordable housing development at the subject site. Tender returns were requested by 5pm on Thursday 20th June 2024'*
- 7.5 The applicant notes that of the 81 parties approached, only 21 responses were received, all declining the opportunity, and the remaining parties did not respond. Several reasons were given for declining to bid, including: they do not currently work in Spelthorne, the location is not appropriate, they do not develop flatted development/high rise, unit mix not appropriate, they do not purchase S106 units/develop new homes and finally, due to the single stair core in the towers.
- 7.6 The applicant has concluded
- '12. Following a review of the responses received, it is clear that market sentiment has not improved since the previous tenders were undertaken.*
- 13. Registered Providers continue to remain under extreme financial pressure and market sentiment for the purchase of developer led s106 units remains extremely poor with the majority of developing RP's concentrating on owned sites and land led opportunities.*
- 14. The introduction of the Building Safety Act has led many developing RPs to avoid the development of any high-rise buildings, instead focusing on low rise developments. Where RPs will consider high-rise buildings, they require the provision of a second staircase, regardless of whether this is required by the relevant legislation relating to the development.*
- 15. The mix of smaller units within the development, which cannot now be changed, is not attractive to many RP's who prefer larger family homes and often restrict 1 bed units for rented tenure to a maximum of 25% of the overall affordable housing offer.*
- 16. The repeated attempts to tender the scheme have demonstrated that there is no appetite for the affordable housing units on site and alternatives should be considered to the delivery of on-site affordable housing based on the tenures required by the s106 agreement.'*
- 7.7 Following exhausting options to appoint an RP to provide the approved on-site affordable units, the applicant has undertaken a further viability assessment based on the viability at the time of the original planning application and not updated to reflect the current position. This has been reviewed by the Council's Independent Viability Consultant and a value of

£3.85 million has been agreed. This money will be paid to the Local Planning Authority and used by the Council to provide additional affordable units off-site.

- 7.8 The Council's Strategic Lead for Housing has been consulted and has noted that, *'The delivery of on-site affordable housing remains to be a strong preference of the Council due to substantial demand in the area. We understand that the options of engaging with Registered Providers have been extensively reviewed and despite considerable effort, no RP could be found to acquire and manage the on-site units. With that in mind (subject to an acceptable amount of monetary contribution for affordable housing delivery elsewhere agreed by the Council), we agree to the changes proposed in the deed of variation.'*
- 7.9 In regard to a commuted sum, Policy HO3 on Affordable Housing states that: *'...In proposals for housing development a financial contribution in lieu of provision for affordable housing will only be acceptable where on-site provision is not achievable and where equivalent provision cannot readily be provided by the developer on an alternative site.'*
- 7.10 This is also considered to accord with the approach set out in the NPPF which at paragraph 63 states that, *'...off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities. As such, the proposal accords with the requirement of Policy HO3 and the NPPF. The amount to be provided has been reviewed and is considered to be acceptable.*
- 7.11 The S106 Deed of Variation requires that the financial contribution is paid to the Local Planning Authority. The agreement specifies this to be not less than 5 working days following the expiry of the six week period within which a judicial review claim could be made and prior to the Occupation of any Dwellings. The money can be used to provide additional affordable housing for the Borough (over and above the policy requirements) via either newly built schemes or by the purchase of street properties, subject to the terms within the Deed of Variation agreement.

Equalities Act 2010

- 7.12 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.

- 7.13 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.
- 7.14 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.
- 7.15 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

- 7.16 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.17 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.
- 7.18 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.
- 7.19 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

- 7.20 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. The CIL contribution will increase as a result of this proposal, given that the previously approved on site affordable units were

subject to CIL relief. As these will no longer be provided on site this relief will no longer be applicable, and a new CIL Liability Notice will be issued.

Other Matters

- 7.21 As a consequence of the Deed of Variation to the S106, the proposal will no longer provide affordable housing on site. As a result, the application seeks to substitute approved plans which identify on site affordable units, with plans that do not. The plans themselves are identical to the approved ones regarding layout, size of units etc and the amendment relates only to the reference to affordable units. As such the amended plans are considered to be acceptable.
- 7.22 The approved scheme proposes 48 on-site car parking spaces. It is relevant to note that the Council's Parking Standards (SPG) stipulate lower parking standards for affordable units compared to privately owned units. For example, a two-bedroom affordable unit has a parking standard of 1.25 compared to 1.5 for a private unit. As all of the previously approved 70 affordable units are not to be occupied privately, the consequent demand for car parking will be slightly greater. In particular, the Parking Standards stipulate that the approved scheme should provide 266 parking spaces, whilst the proposed development should provide 283 spaces (an additional parking number of 17).
- 7.23 Whilst the proposed parking shortfall is slightly greater compared to the approved scheme, it is considered that the level of parking on site continues to be acceptable in this town centre location and accord with Policy CC3 of the CS and P DPD. The Inspector in the appeal considered the parking provision to be acceptable and made the following comments:

'55. The proposed development would provide significantly fewer car parking spaces than the adopted car parking standards set out in the Parking Standards SPG. However, it is a car free type development which would be supported by the highway authority in this location and would have the characteristics of developments where section 5 of the Parking Standards SPG provides opportunities for reduced requirements.

56. The appeal site is very accessible and shops, services and public transport options are within easy walking distance. The proposal would fall into the categories of schemes where standards could be reduced in accordance with the Parking Standards SPG. It would also fall within criterion (b) of Policy CC3 of the Core Strategy where the level of car parking provision can be considered having regard to the scope for encouraging alternative means of travel to the development that would reduce the need for on-site car parking, particularly relevant in areas well-served by public transport. I have placed some weight on the Council's stated position that a breach of Policy CC3 would not in isolation be sufficient to justify refusal of consent.

57. Paragraph 111 of the Framework makes it clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of on the road network would be severe. Either consideration do not apply here.

I have placed significant weight on the Framework in this regard. 58. As set out above, I consider that the level of parking provision is appropriate for the proposed development and that Policy CC3 of the Core Strategy is met. On the basis of the evidence before me, I find that no harm to the living conditions of the occupants of nearby properties with regard to car parking would occur as a result of the proposed development.'

Conclusion.

- 7.24 The proposal to no longer provide on-site affordable housing but to provide a commuted sum of £3.85 million, to be spent on off-site affordable housing, and the substitution of plans to remove reference to the on-site affordable housing, is considered to accord with Policy HO3. The proposal is considered to be acceptable and is therefore recommended for approval subject to the prior completion of a S106 Deed of Variation agreement.

8. Recommendation

- 8.1 GRANT Subject to the Deed of Variation of the S106 Agreement being signed to include the following:

-The provision of £3,85 million

-To be paid not less than 5 working days following the expiry of the six week period within which a judicial review claim could be made and prior to the occupation of any dwellings.

(and the imposition of the conditions further below)

- 8.2 In the event the S106 Agreement is not completed to the satisfaction of the Planning Development Manager, REFUSE the application for the following reason: -

The proposed development is unacceptable in that it fails to provide on site affordable housing or a financial contribution in lieu of affordable housing and is therefore contrary to Policy HO3 of the Spelthorne Core Strategy and Policies DPD 2009, and the NPPF 2024.

Conditions

1) The development hereby permitted shall be carried out in accordance with the following approved plans: ERS-ASA-ALL-00-DR-A-110 Rev. R1; /120 Rev. R1; /121 Rev. R1; 122 Rev. R1; /140 Rev. R1; /141 Rev. R1; /0200 Rev. R12; /300 Rev. R1; /301 Rev. R1; /0405 Rev. R1; /4100 Rev. R1; /4101 Rev. R1 received 14 October 2020; ERS-ASA-ALL15-DR-A-0215 Rev. R6 Received 14 October 2020. ERS-ASA-ALL-XX-DR-A-251 Rev. R4; /252 Rev. R4; /253 Rev. R4; /254 Rev. R4; /255 Rev. R4; /256 Rev. R4 Received 14 October 2020. D2864-FAB-XX-00-DR-L-0200 Rev. PL04; /0210 Rev. PL04 received 14 October 2020. ERS-ASA-ALL-00-DR-A-100 Rev. R2 received 06 January 2021. INL/E4445/007B received 09 February 2021. ERS-ASA-ALL-00-DR-A-0400 Rev. R5; /0401 Rev. R5; /0402 Rev. R5; /0403 Rev. R5; /0404

Rev. R2; and ERS-A-SK-210301MR01-R01 Rev. R3 received 19 April 2021. 04550-TR-0021-P2; 0032-P1; /0033-P2; /0033A received 01 June 2021. Amended plans numbered ERS-ASA-ALL-01-DR-A-0201 Rev R10, /202 Rev R10, /208 Rev R6, /209 Rev R6 and /213 Rev R6 received on 24 October 2024

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

2) The site shall be remediated in accordance with the agreed method statement and timetable for implementation as shown in the submitted and agreed Combined Desk Study, Data Review and Remediation Strategy Report (Card Geotechnics Ltd., CG/39188, Revision 2, August 2022), approved under reference 20/01199/DC1.

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

3) 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, in accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

4) The development shall be implemented in accordance with the details in the agreed Construction Logistics Plan (Fairview Estates (Housing) Ltd, Rev 8, February 2023) received on 24th February 2023), Construction Environmental Management Plan (Fairview Estates (Housing) Ltd, December 2022, Rev 6) received on 15th December 2022, Demolition Document (Fairview Estates (Housing) Ltd., FNH 446, Rev. C, September 2022) received on 12th September 2022, Asbestos Survey Report (OC Consulting (UK) Ltd, ML-7525-135-1, 22nd April 2022), and Road Condition Survey (Fairview New Homes, August 2022) approved under reference 20/01199/DC2.

Reason: - This condition is required 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 2019 and Policy CC2 of the Core Strategy and Policies Development Plan Document February 2009

5) The development shall be implemented in accordance with the drainage details including the Technical Note dated July 2022, reference: 332511026-TN-002 and as agreed by Surrey County Council as the Local Lead Flood Authority in the letter dated 23 August 2022 approved under reference 20/01199/DC3.

Reason: To ensure the design meets the technical stands for SuDS and the final drainage design does not increase flood risk on or off site.

6) Prior to first occupation, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the Sustainable Drainage System is built to the approved designs.

7) The renewable energy details approved under reference 20/01199/DC6, as set out in the technical letter dated 30/10/2022, the SAP summary results by Abbey Consultants and drawing numbered FNH446-A-27-M-101 Rev 0 received on 21/11/2022 which include details and drawings demonstrating how at least 39% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods shall be fully implemented with the construction of each building and thereafter retained.

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

8) The agreed Bird Hazard Management Plan from Ecology Solutions (10621.BHMP.vf), and Appendices, dated October 2022, plus the Podium Deck - General Arrangement (FNH446 02(0)), dated 15/07/2022 approved under reference 20/01199/DC5 shall be implemented as approved and shall remain in force for the life of the building. 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 development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

9) The details agreed in the 'System Modification to Mitigate Radar Harm Caused by the Old Telephone Exchange and Masonic Hall Staines Building Development', dated 23.11.2022 approved under reference 20/01199/DC7 shall be put in place to ensure that the proposed development during the construction phase and thereafter will have no impact on the H10 Radar at Heathrow Airport.

Reason:-To ensure the development does not endanger the safe movement of aircraft or the operation of Heathrow Airport through interference with communication, navigational aids and surveillance equipment.

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

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

11) The agreed amended Residential Travel Plan dated August 2024 (received 22 August 2024) setting out the sustainable transport measures shall be implemented in accordance with the agreed Travel Plan and timetable.

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

12) 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 the designated purposes.

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

13) The development hereby approved shall not be first occupied unless and until at least 20 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector – 230 v AC 32 amp single phase dedicated supply) in accordance with agreed details including plan number FNH446-0-12-031-K- and charging point specification and retained thereafter.

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

14) The development shall be carried out in accordance with the following mitigation measures:

- The non-floodable ground floor area of the building shall be no larger than 715 square meters, as shown in drawing number INL/E4445/007B (titled Flood Level Compensation Assessment, dated 2 February 2021 and prepared by Rogers Cory Partnership)

- The floodable area as shown in drawing number INL/E4445/007B shall be implemented and made floodable as outlined in the letter from Rogers Cory Partnership (RCP) to Spelthorne Borough Council, dated 10 March 2021 (reference TS/INL/E4445/17820), including the following mitigation measures it details:

- iii) There shall be a minimum of one 1m wide opening in every 5m length of wall on all sides the building (including the car parking, bin and cycle stores) that are shown as floodable in drawing number INL/E4445/007B.

- ii) The openings shall extend from ground level up to at least 15.8 metres AOD.

- iii) Vertical bars within openings, if required, shall be spaced at least 150mm apart in accordance with drawing number ERS-A-SK210301MR01-R01 (titled

Car Park Openings Bay Study, revision R2, dated 9 March 2021 and prepared by Assael Architecture Limited).

These mitigation measures shall be fully implemented prior to first occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: - To prevent an increase in flood risk elsewhere in accordance with paragraphs 160 and 163 of the NPPF and policy LO1 of the Core Strategy and Policies Development Plan Document (adopted 26 February 2009).

15) Finished floor levels shall be set in accordance with drawing number ERSA-SK-210301MR01-R01 (titled Car Park Openings Bay Study, revision R3 and dated 15 April 2021, such that:

- The residential entrance finished floor levels shall be set no lower than 15.8 metres above Ordnance Datum (AOD)
- All residential units shall be set above 15.8m AOD These mitigation measures shall be fully implemented prior to first occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: - To reduce the risk of flooding to the proposed development and future occupants in accordance with paragraph 163 of the National Planning Policy Framework and policy LO1 of your Core Strategy and Policies Development Plan Document (adopted 26 February 2009).

16) There shall be no raising of existing ground levels on site within the 1% annual exceedance probability flood extent with an appropriate allowance for climate change throughout the lifetime of the development.

Reason: - To prevent an increase in flood risk elsewhere in accordance with paragraphs 160 and 163 of the National Planning Policy Framework and Policy LO1 of your Core Strategy and Policies Development Plan Document (adopted 26 February 2009).

17) The details to demonstrate that the rated noise level from on-site plant shall be at least 5 dB(A) below the background noise level at the nearest noise sensitive property as set out in the 'Plant Noise Assessment', March 2024, Ref: 20-9042 PNA Rev A, approved under reference 20/01199/DC11, received on 04.04.2024, for on-site plant shall be installed prior to the first occupation of the development and thereafter maintained as approved.

Reason:- To safeguard the amenity of nearby properties.

18) The wildlife impact avoidance measures and ecological enhancement measures shall be carried out strictly in accordance with the recommendations set out in Paragraphs 4.19, 4.20, 4.21, 4.26, 4.27. 5.2 and Appendices 1, 2 and 3, of the Environmental Dimension Partnership Ltd 'Ecological Appraisal' dated September 2020.

Reason: - To encourage wildlife on the site.

19) The details submitted in the Syntegra Consulting Ltd (“SC”) – Air Quality Technical Note (Dated May 2024 reference Ref: 22-9042-AQ), Indoor Air Quality Assessment by Syntegra (dated September 2024, reference 22-9042 Rev A) and the technical specifications for the Greenwood CMEV units, approved under reference 20/01199/DC11 shall be implemented before the development is first occupied. The equipment shall thereafter be retained and maintained in accordance with the approved details.

Reason: - To protect the future occupants from poor air quality as the result of the ingress of air subject to emissions from the adjacent car parks and from HDV emissions from the access ramp to the Elmsleigh Centre.

20) Prior to the first occupation of both buildings hereby approved, the approved public walkway through the site shall be provided and thereafter be permanently made available and accessible for members of the public.

Reason: - To ensure that the public walkway is made permanently available and accessible to the public.

21) The hard and soft landscaping details shown on amended plans numbered FNH446 02[4] received on 30 January 2024, amended plans FNH446 01 [25], FNH446 04 [25] and FNH446 05 [25] approved under reference 20/01199/DC9 shall be carried out prior to the first occupation of the buildings. 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 or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species.

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

22) The landscape management details in the agreed MCA Landscape Management Plan and Specification dated 26 September 2022 approved under reference 20/01199/DC9 shall be carried out as approved.

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

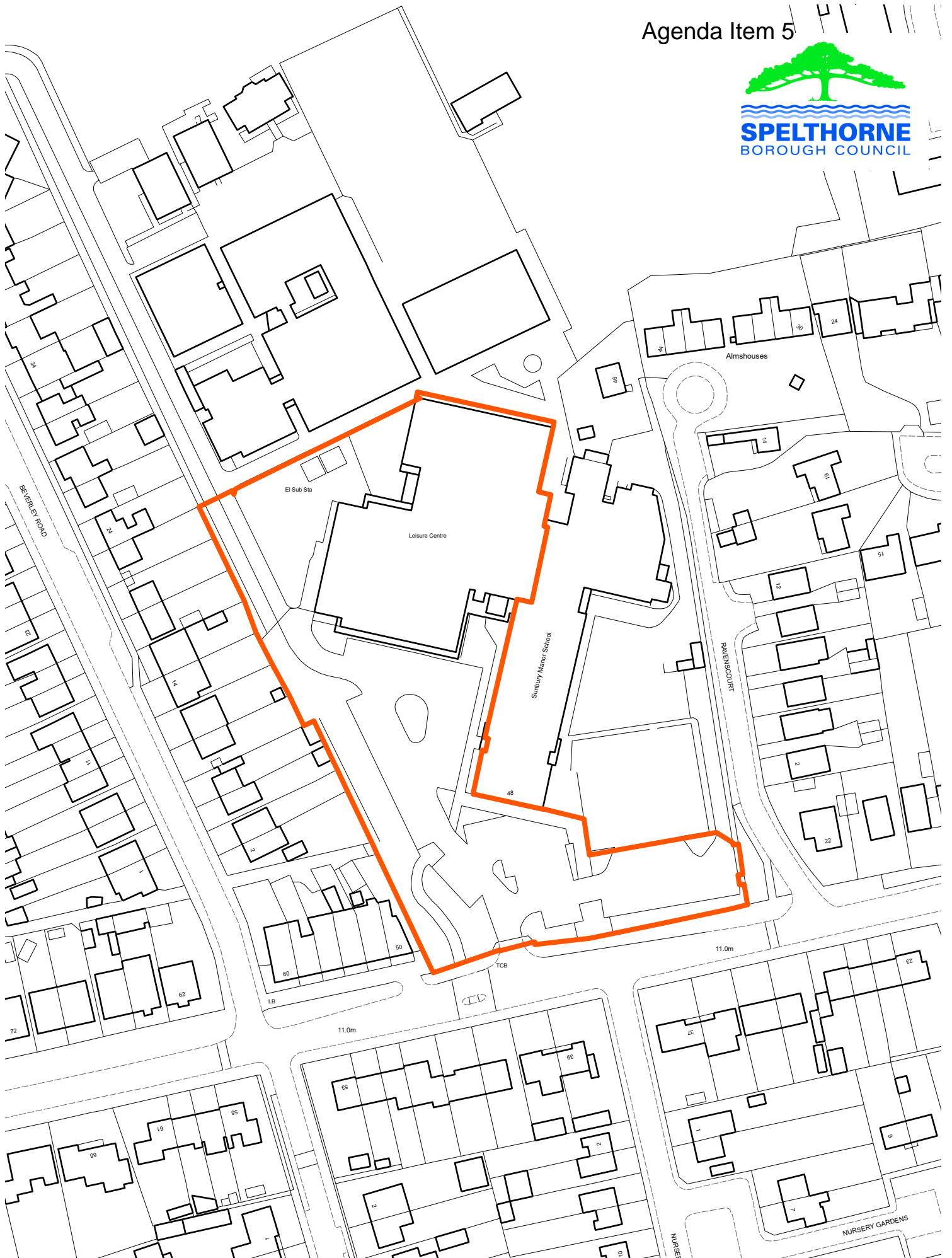
23) Before the first occupation of any part of the development, the refuse and recycling facilities shall be provided in accordance with the approved plans and retained thereafter.

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.

24) The agreed external lighting details including PSU4000.3786 S278 Elmsleigh, Staines – Proposed Lighting Layout – P01, Elmsleigh Road Staines Podium Landscape GA, Black Tall Square Aluminium Bollard

specification, Modern Post Lantern specification and Phosco details and specifications received on 6 December 2023 and amended plan no. FNH446 02 [04] and AD 27-E-200 Rev E and 201 Rev E received on 30 January 2024, all approved under reference 20/01199/DC10 shall be implemented prior to the first occupation of the buildings and shall at all times accord with approved details.

Reason:- In the interest of the visual amenity.



24/01434/FUL - Sunbury Leisure Centre, Nursery Road, Sunbury on Thames.
Scale: 1:1,250

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ASHP Sunbury Leisure Centre

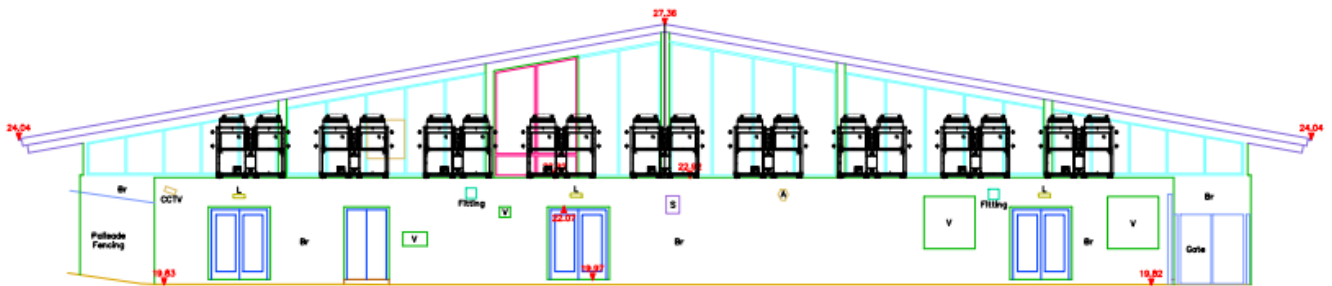
ASHP design



Roof plan

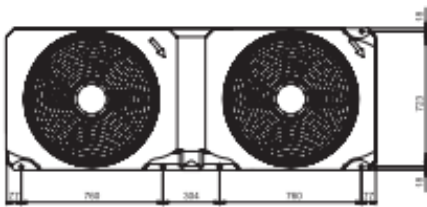


Elevation of building

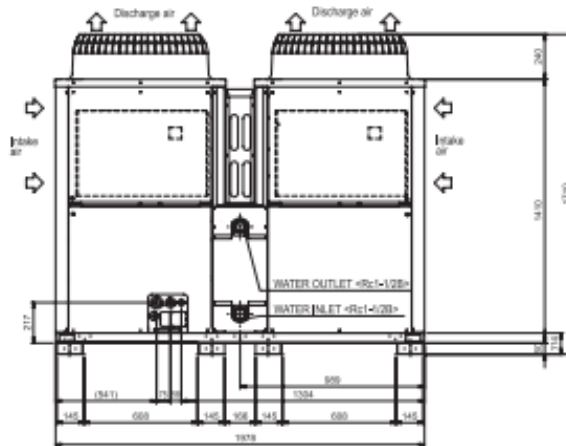


Elevation of ASHP

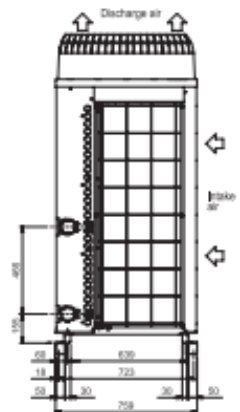
Upper View



Front View



Side View



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Planning Committee

8 January 2025



Application No.	24/01434/FUL
Site Address	Sunbury Leisure Centre, Nursery Road, Sunbury-on-Thames, TW16 6LG
Applicant	Spelthorne Borough Council
Proposal	Installation of Air Source Heat Pumps on flat 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: 29.11.24	Expiry: 28.01.2025	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, and 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 proposal is for the installation of 18 no. individual Air Source Heat Pump (ASHP) units on the flat roof of the existing leisure centre building. The applicant notes the ASHPs are required to replace the boilers and therefore will have a similar purpose to provide heating to the leisure centre and the pool. .</p> <p>Given the location of the pumps on part of the roof which is not particularly visible from public view points outside the site, the orientation of the building, and the fact the existing pitched roof on the main part of the building, provides screening, the pumps will not be unduly prominent and will have an acceptable impact on the character of the area. This part of the building is set-in from the side boundary with the neighbouring residential properties' rear gardens. The dwellings themselves being set back a further and would not be adversely affected by the proposals.. As such, the design and appearance is considered to be acceptable.</p> <p>The Environmental Health Officer (EHO) has raised no objection on noise grounds. Therefore, the proposal is considered to have an</p>		

	acceptable impact on the amenity of neighbouring residential properties including in regard to noise.
Recommended Decision	The application is recommended for approval.

MAIN REPORT

1. Development Plan

- 1.1 The following policies in the Council’s Core Strategy and Policies DPD 2009 are considered relevant to this proposal:
- SP6 (Maintaining and improving the Environment)
 - EN1 (Design of New Development)
 - CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
 - EN11 (Development and Noise)
- 1.2 The policies contained within the National Planning Policy Framework (NPPF) 2024.
- 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. This was agreed.
- 1.5 On 14 September 2023, 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.
- 1.6 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.

- 1.7 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.
- 1.8 On 24 October 2024, the Council agreed to re-instate 13 of the 15 Green Belt sites as housing allocations and requested the Planning Inspector to resume the Examination into the Local Plan.
- 1.9 On 12 December 2024, the Planning Inspectorate confirmed that the Local Plan examination would resume on the 27 January 2025.
- 1.10 The following policies of the Pre-Submission Spelthorne Local Plan 2022 – 2037 are of relevance:
- PS1: Responding to the Climate Emergency
 - E4: Environmental Protection
 - PS2: Designing places and spaces.
- 1.11 The NPPF policy states at para 49 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).
- 1.12 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 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	Grant 29.04.1992
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	pool with parking and alterations to highway.	
04/00295/FUL	Installation of an array of solar panels to the south elevation of the swimming pool roof.	Lapsed 08.06.2004
24/01133/PAP	Prior Approval Notification for the installation of a further 89 no. 1kWp (kilowatt peak) solar photo voltaic (PV) panels to the roof.	Approved 10.12.2024

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 the installation of Air Source Heat Pumps (ASHPs) on top of the flat roof part of the existing leisure centre building. The proposal involves the installation of 18 separate units in two rows. Each unit will measure 1.7m in height, 2m in length and 0.75m in width. The ASHPs will be set back from the roof edge by at least 1.2m.
- 3.3 The applicant notes the ASHPs are required to replace the boilers and therefore will have a similar purpose to provide heating to the leisure centre and the pool. Because the ASHPs will run off electricity rather than gas, the recently approved Solar PV panels on the roof will offset the additional electrical usage.

4. Consultations

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

Consultee	Comment
Environmental Health Officer (Noise)	No objection

5. Public Consultation

- 5.1 The Council has sent letters to 17 properties. No letters of representation have been received to date. Any letters received will be reported at the Planning Committee meeting.

6. Planning Issues

- Design and appearance
- Impact on the amenity of neighbouring residential properties (noise)
- Climate change

7. Planning Considerations

Design and appearance

- 7.1 This application involves the installation of Air Source Heat Pumps (ASHP) on the flat roof of the existing leisure centre building, with a total installed capacity of up to 750 KwP. The proposal will involve 18 heat pumps in total, in rows of 2 x 9. They will measure some 1.7m in height, 2m in length and 0.75m in width. There will be a gap of approximately 1m between each pump along the longer side of the roof and approximately 2.2m between the 2 separate units on the narrower side of the roof.
- 7.2 The ASHPs will be installed on the flat roof to the side/rear of the building, which is partly shielded by the taller pitched roof at the front of the building. As such, they will not be readily visible from public viewpoints outside the site, as the building is also set back approximately 80m from Nursery Road to the south. The proposed ASHPs will protrude above the flat roof by 1.7m, however, they will be set back from the edge of the roof by a minimum of 1.2m and the existing pitched roof will partly shield them from view to the south and east. The ASHPs will replace the boiler, so will provide heating to the leisure centre and the pool.
- 7.3 The ASHPs will be located on the existing roof, which is located a minimum of 12m from the side boundary with the rear gardens of the residential properties on Beverley Road. The properties are approximately 32m away in total. There is also some screening by vegetation on the side boundary. Given the separation distance, the proposed ASHPs will not appear unduly prominent when viewed from the dwellings in Beverley Road.
- 7.4 Therefore, it is not considered that an objection could be raised on design and appearance.
- 7.5 As such, the proposal is considered to accord with Policy EN1 of the Core Strategy and Policies DPD.

Impact on the amenity of neighbouring residential properties (noise)

- 7.6 The proposed pumps are to be located on the roof of the existing building which is set in from the boundary. It is considered that they will not result in overshadowing, loss of light or being overbearing and would not, therefore, result in a loss of amenity to the neighbouring properties due to their size and location..
- 7.7 Policy EN11 on noise notes that: -
'The Council will seek to minimise the adverse impact of noise by:
a) requiring developments that generate unacceptable noise levels to include measures to reduce noise to an acceptable level,
b) requiring appropriate noise attenuation measures where this can overcome unacceptable impacts on residential and other noise sensitive development proposed in areas with high noise levels. Development will otherwise be refused.'

- 7.8 The applicant has submitted a noise report to assess the impact of the proposed ASHPs. The Council's Environmental Health Officer (EHO) has been consulted and following the submission of an amended report, raises no objection noting that, '*...noise emissions from the plant will be at a 'low impact' and therefore compliant with SBC [Spelthorne Borough Council] policy requirements.*'
- 7.9 As such the proposal is considered to accord with Policy EN11 and will be acceptable on noise grounds.

Climate Change

- 7.10 Policy CC1 states that the Council will support the provision of renewable energy, energy efficiency and promote sustainable development generally by '*...b) encouraging the installation of renewable equipment to supply existing buildings*'.
- 7.11 The importance of climate change is set out in the NPPF 2024 on climate change and renewables which states:
- '167. Local planning authorities should also 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' and*
- '168. When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:*
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;*
- b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions;*
- c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site'.*
- 7.12 The applicant has noted that the proposed ASHPs will replace the existing boilers to provide energy to the building. The proposal provides energy efficiency and low carbon energy on a non-domestic building by a renewable source, which would have an acceptable impact, and as such accords with Policy CC1 and the NPPF.

Conclusion

- 7.13 The proposed development would have an acceptable impact on the amenity of neighbouring residential properties. It is not considered that an objection could be raised on design and appearance grounds. The proposal will provide a renewable source of energy for an existing building and accordingly, the planning 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 numbered 10400 A1 C00, 10200 A1 C00, SLC-GT3-0001 and E010 02 received on 5 December 2024.

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

3. The ASHP shall be removed as soon as reasonably practicable when it is no longer needed.

Reason: -. In the interest of visual amenity.

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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>]

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

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.

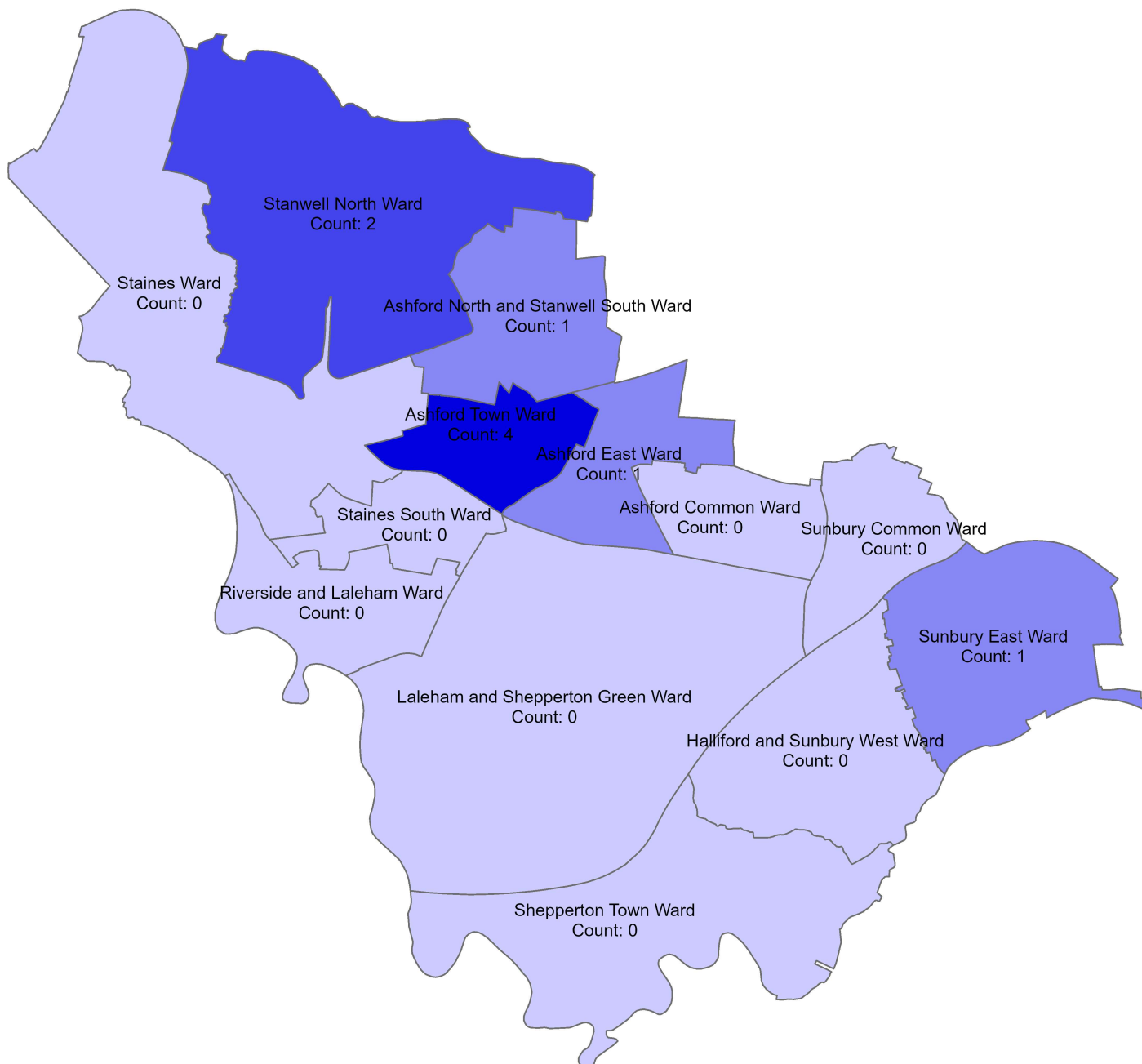
I hope council reconsiders it's decision to implement a blanket ban on HMOs using Arcitle 4 for the majority of the borough.

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

Scale: 1:60,000

Date Printed: 30/10/2024

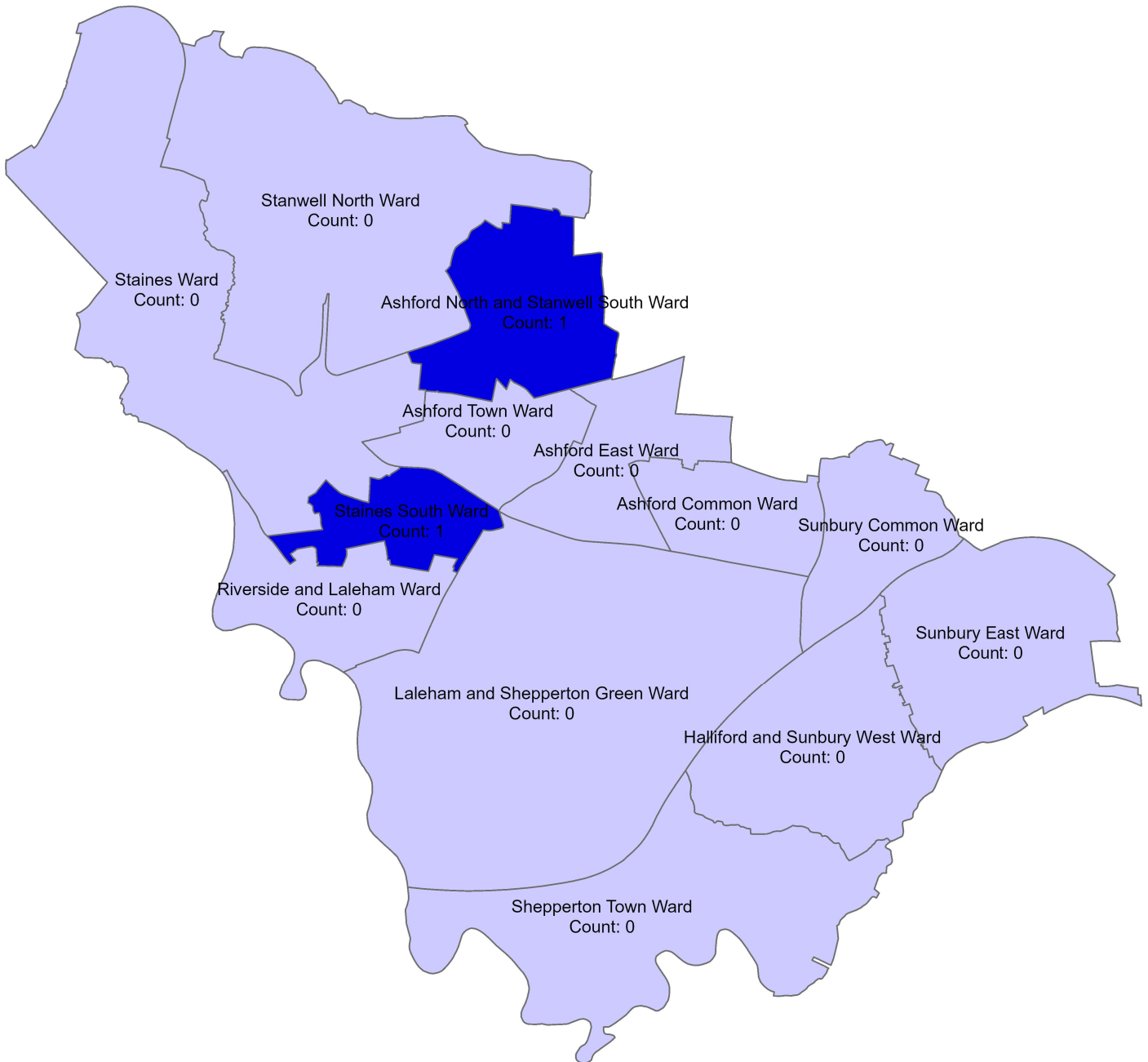
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Planning Applications for HMOs by ward determined 1 October 2023 – 30 September 2024

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

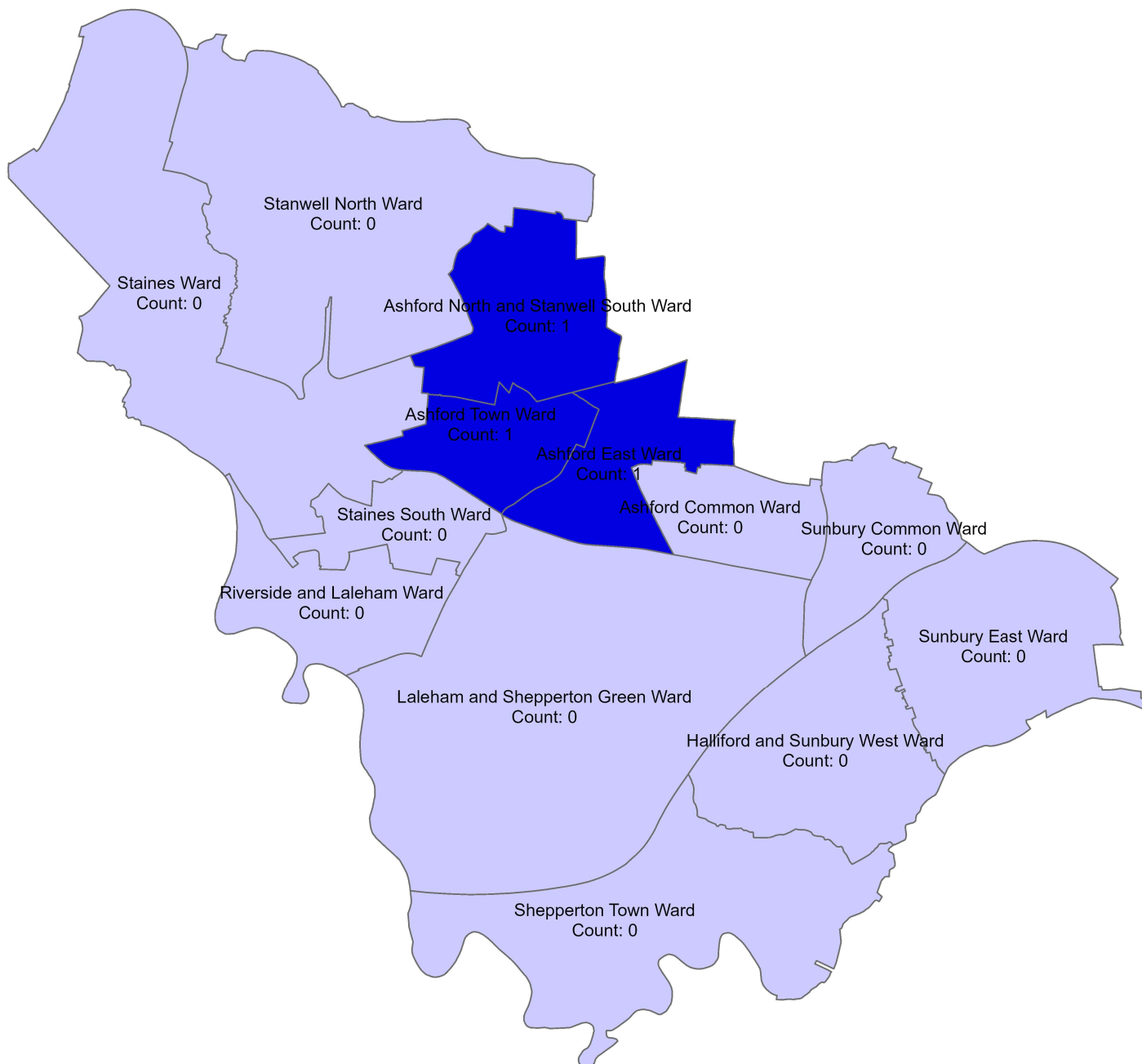
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Planning applications for HMOs by ward refused between 30 September 2023 and 1 October 2024

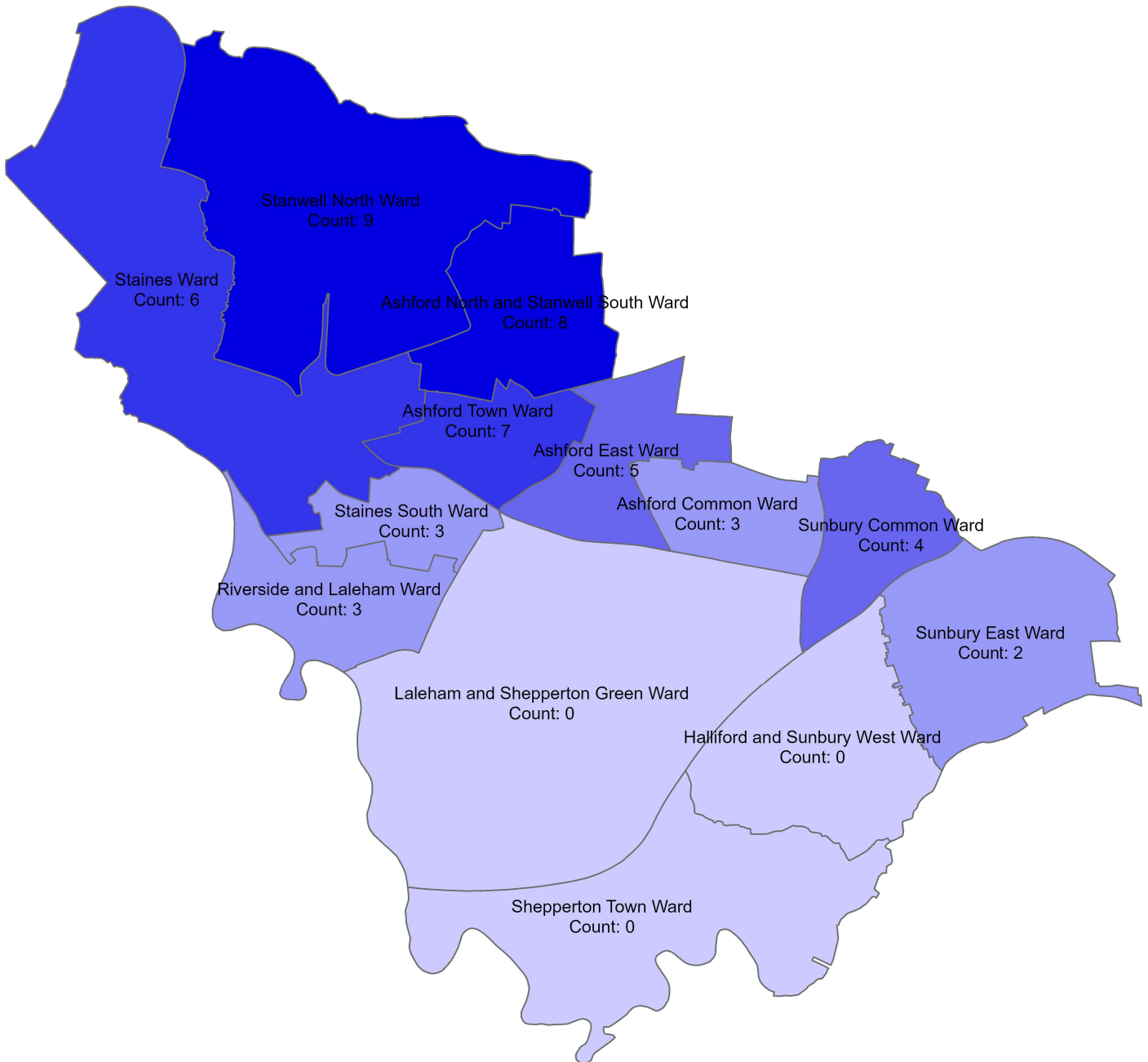
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HMO Permitted Development Investigations by Planning Enforcement 2019-2024 by ward

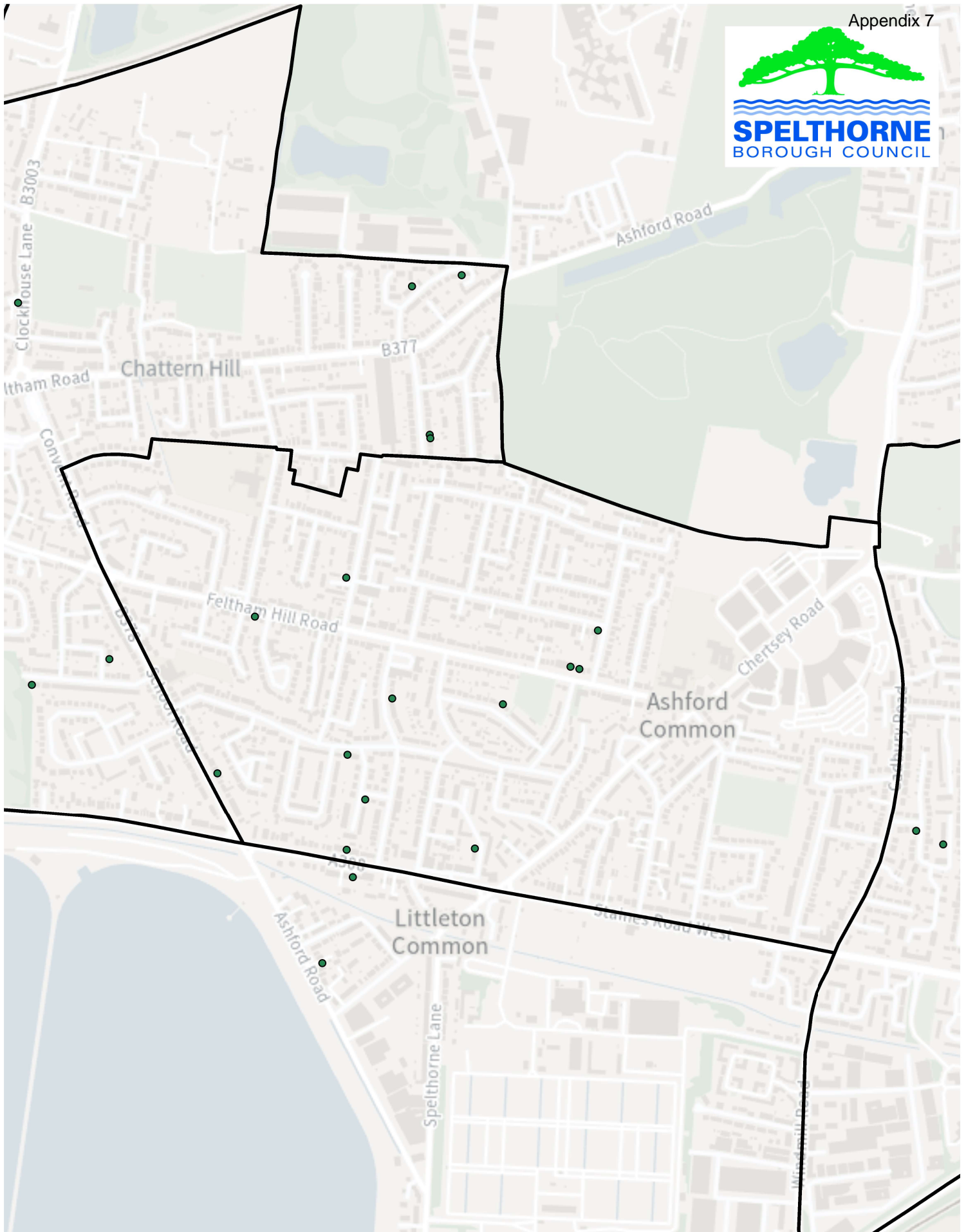
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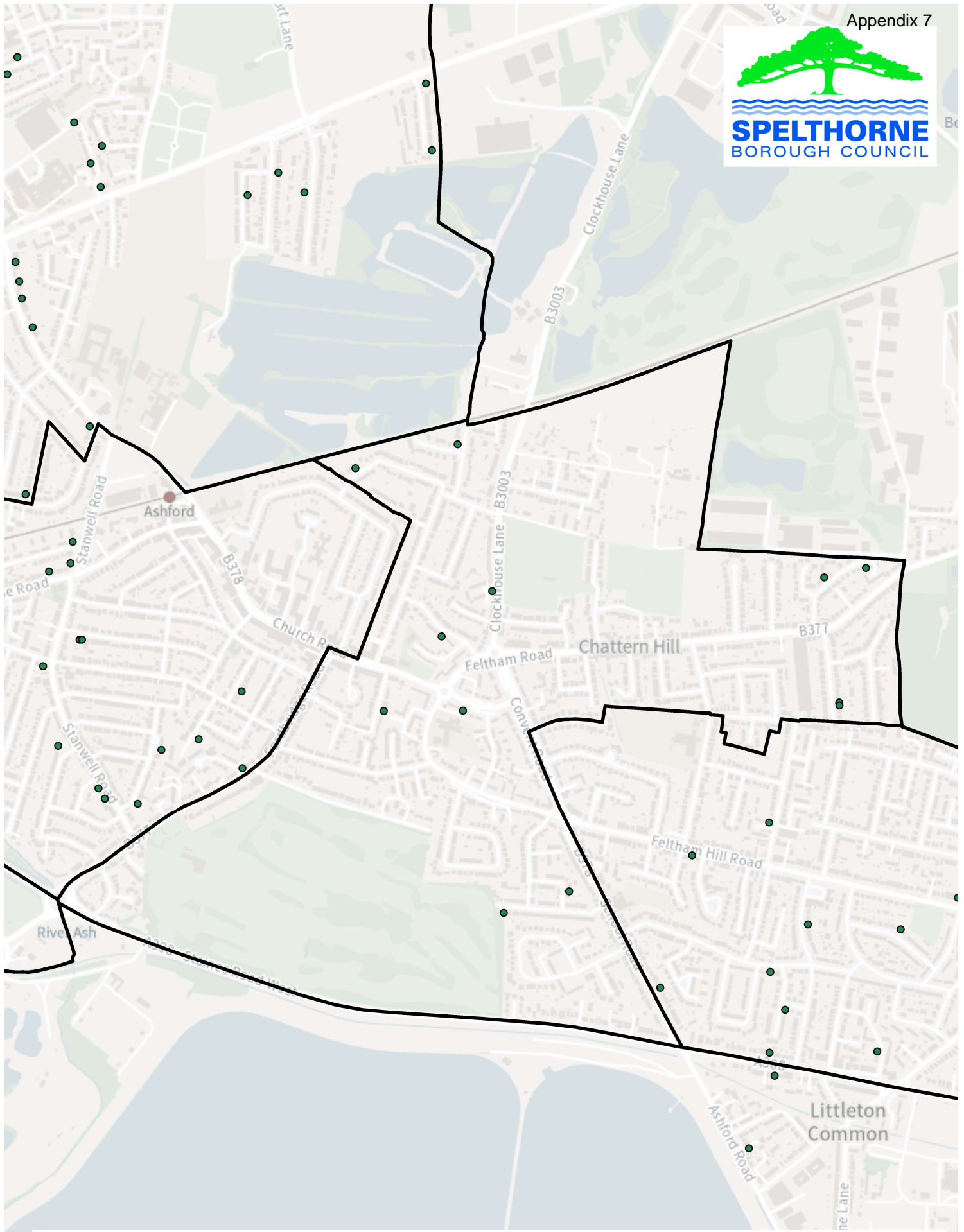
Licensed HMOs in Ashford Common Ward

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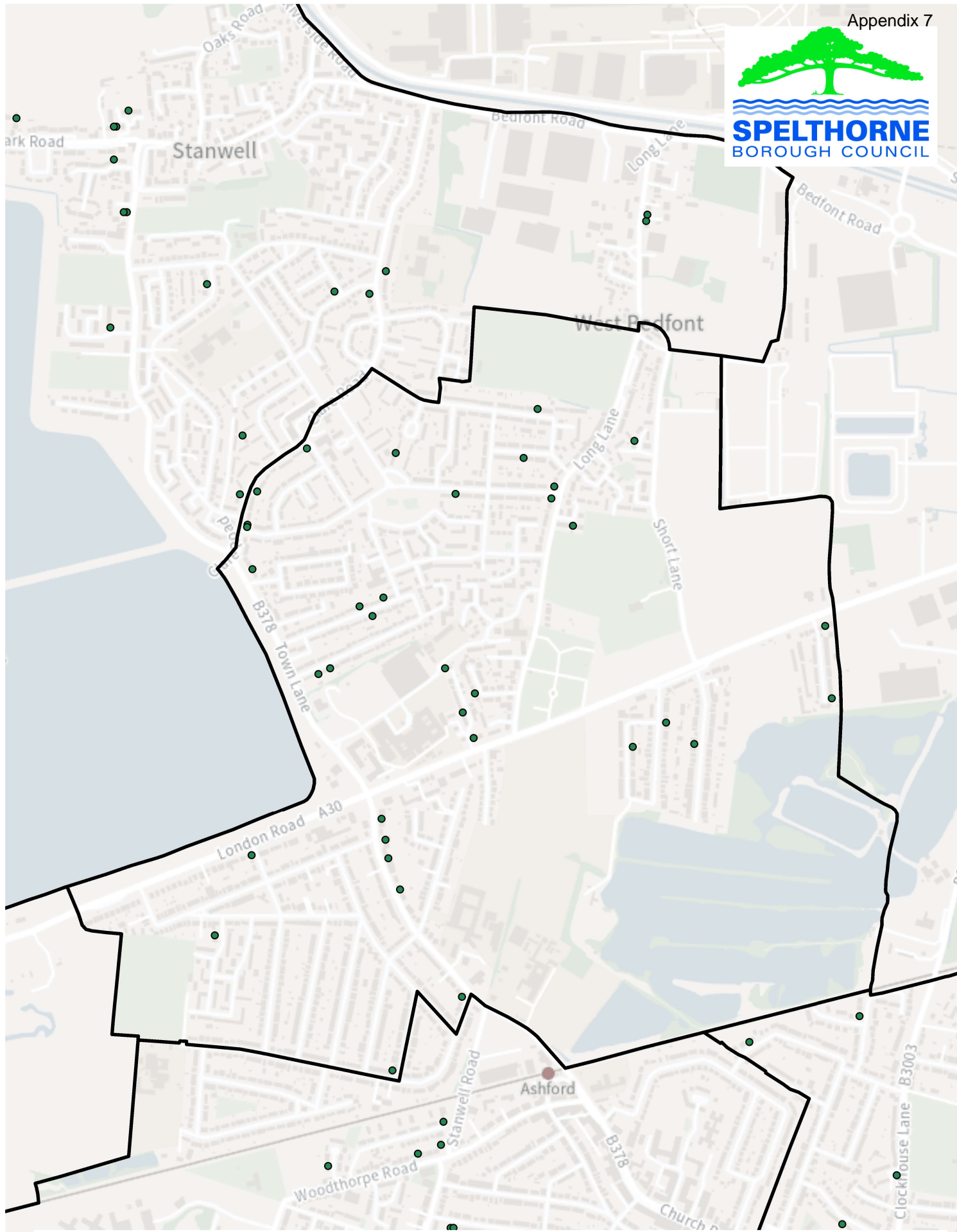
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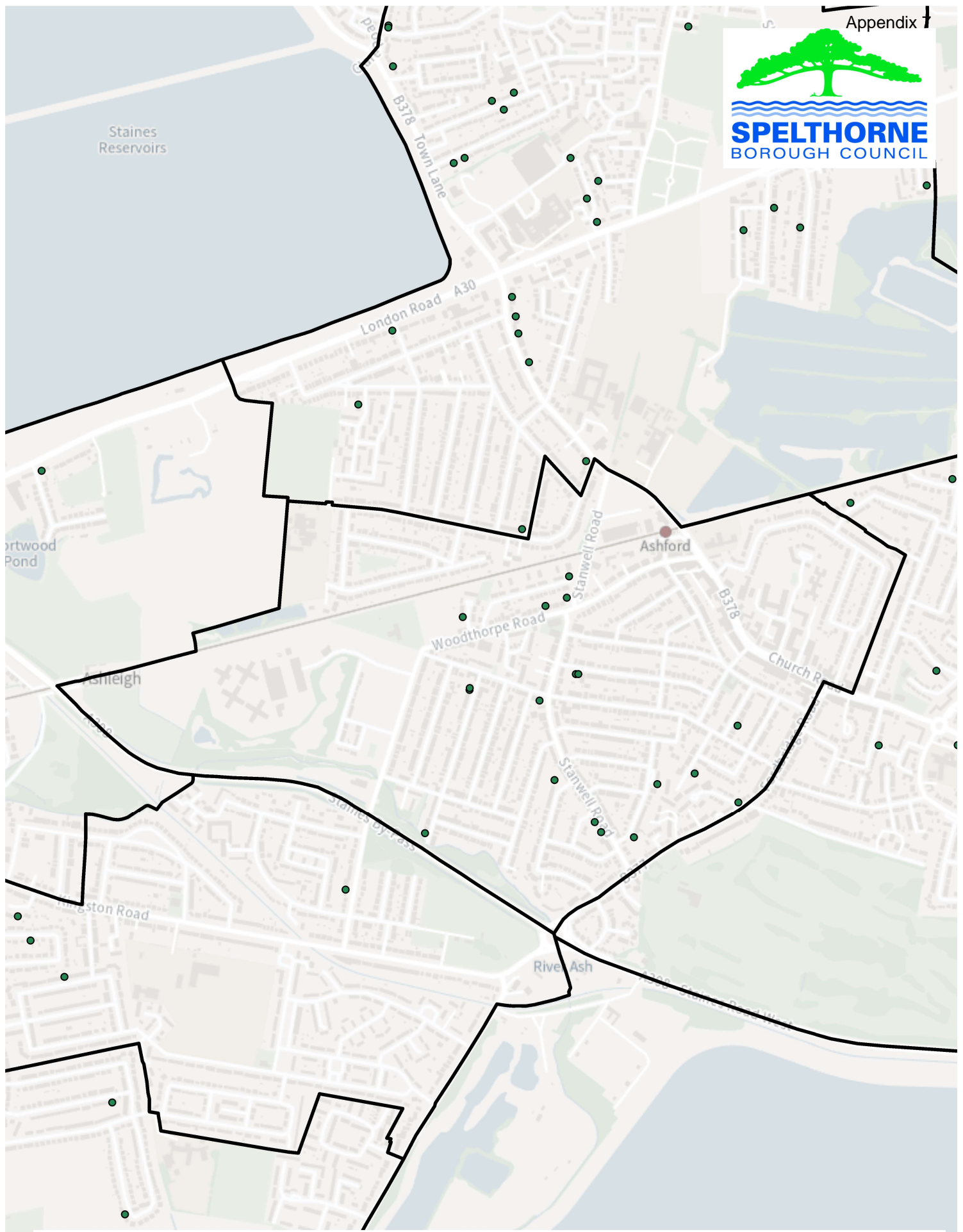
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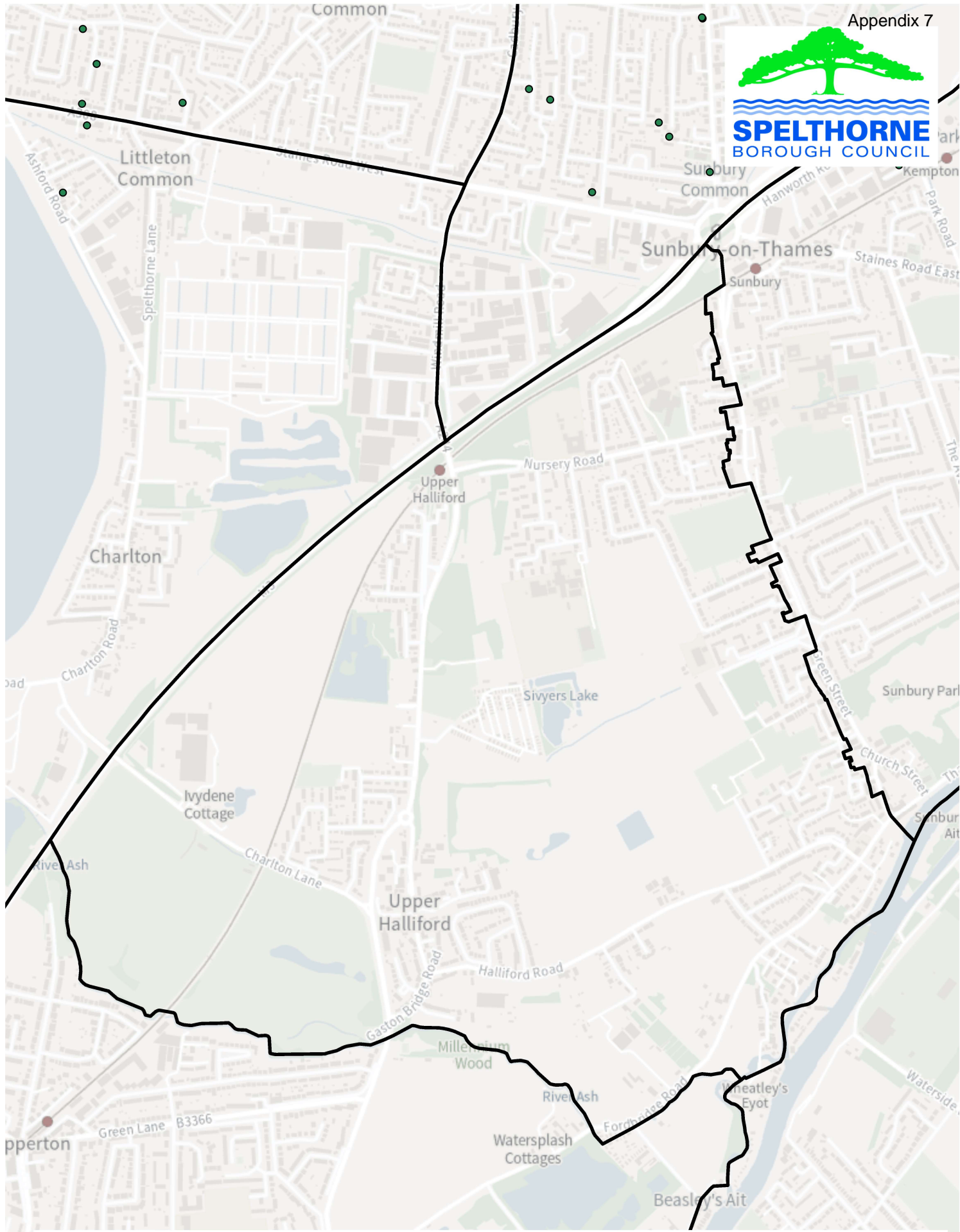
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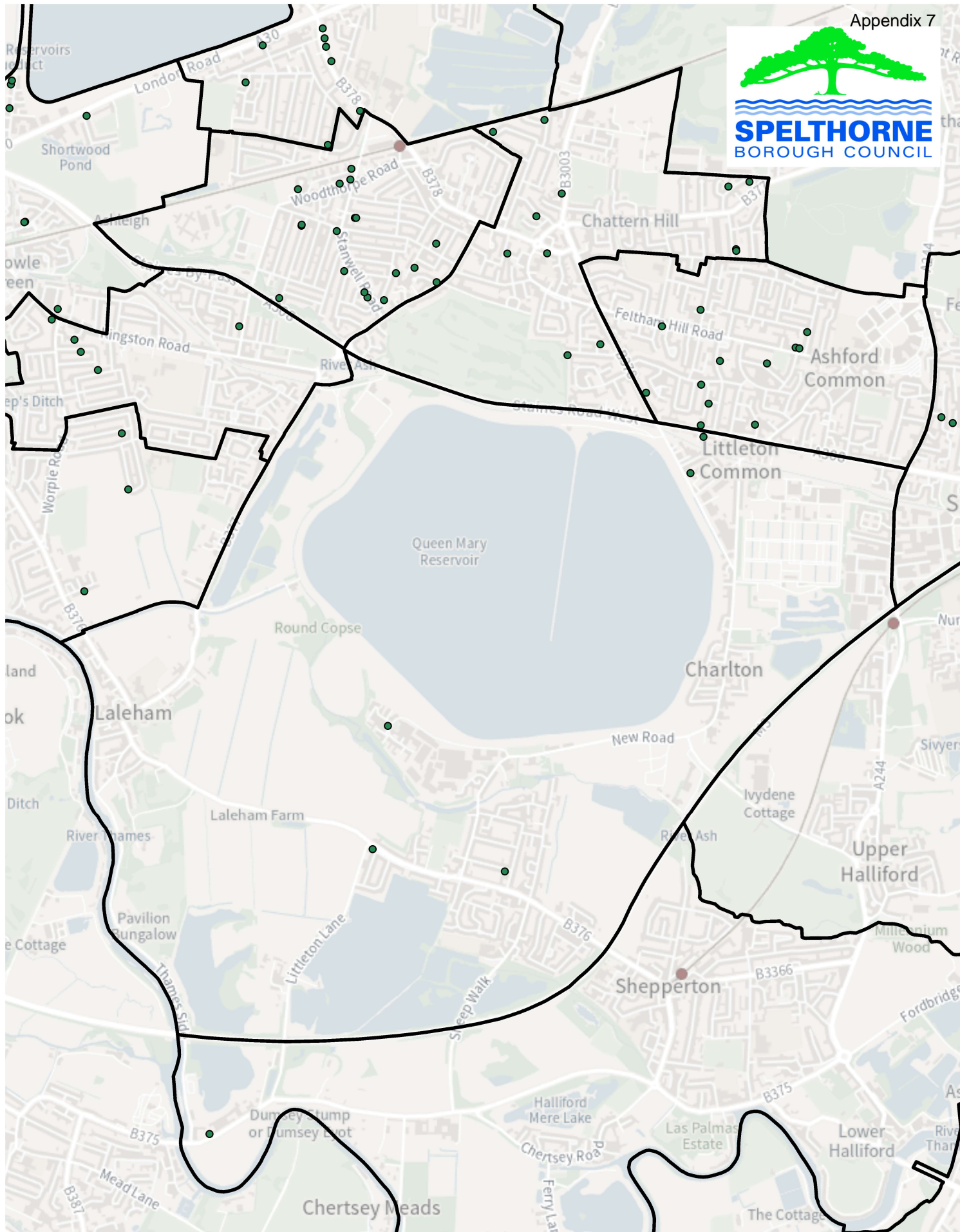
Licensed HMOs in Halliford and Sunbury West Ward

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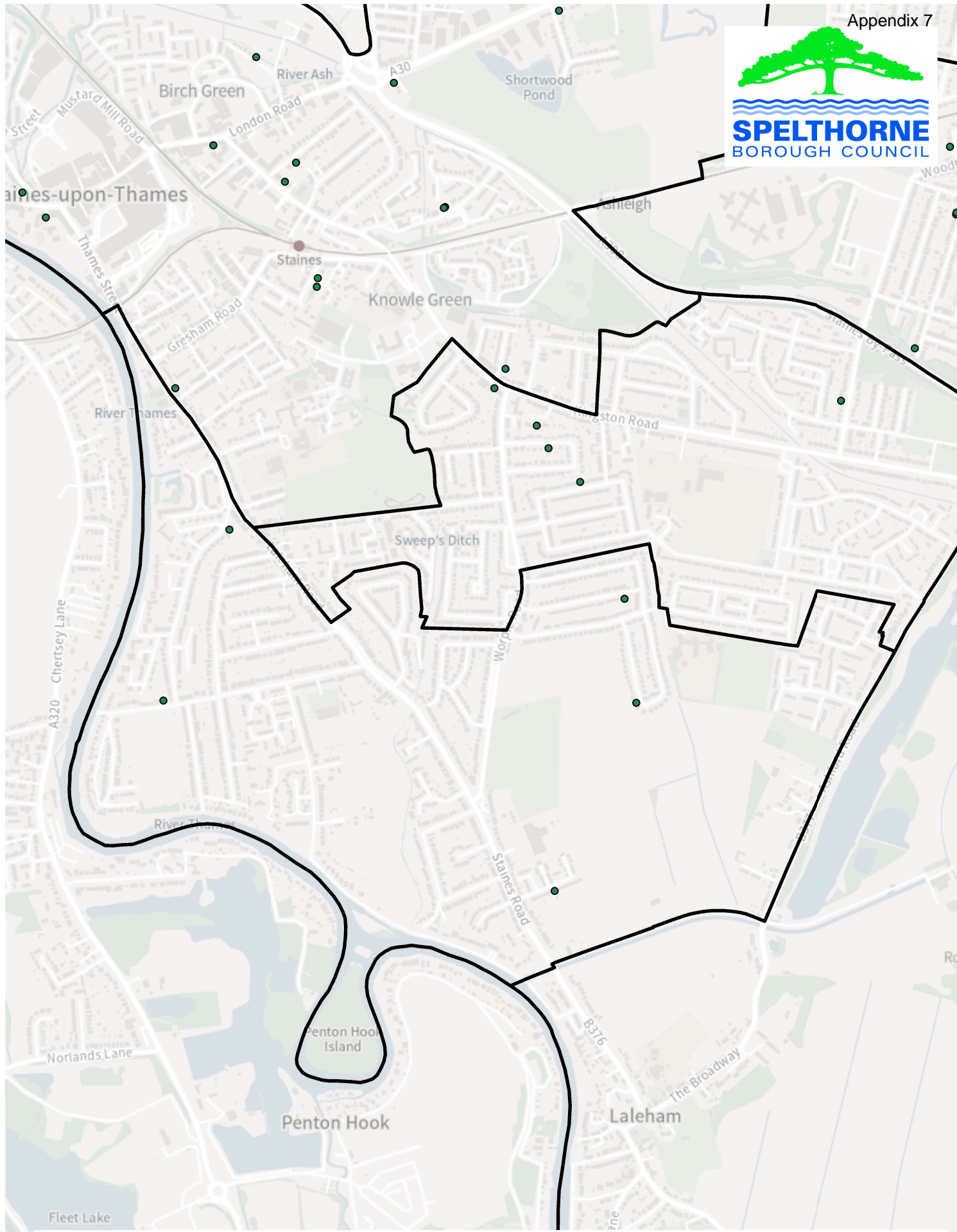
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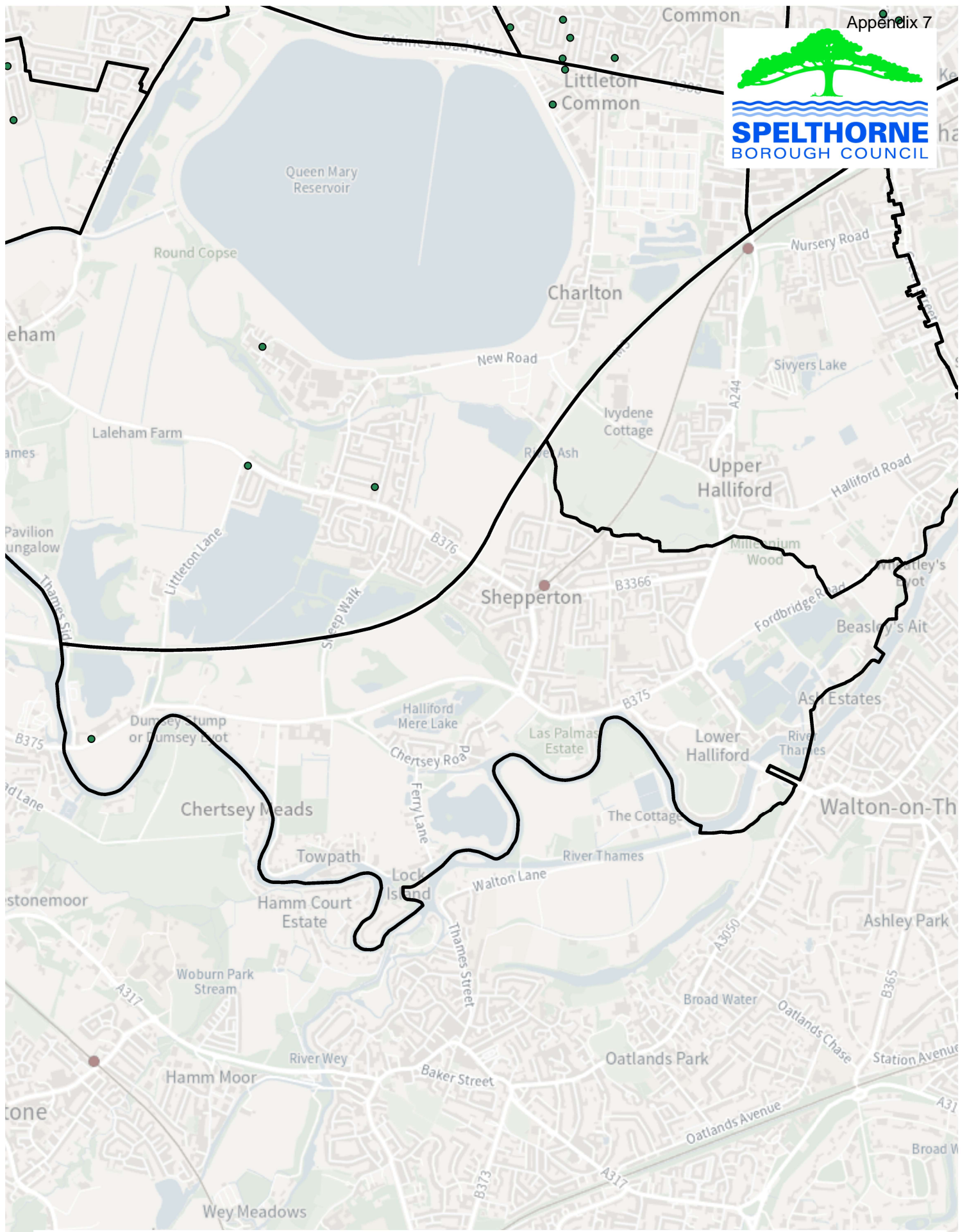
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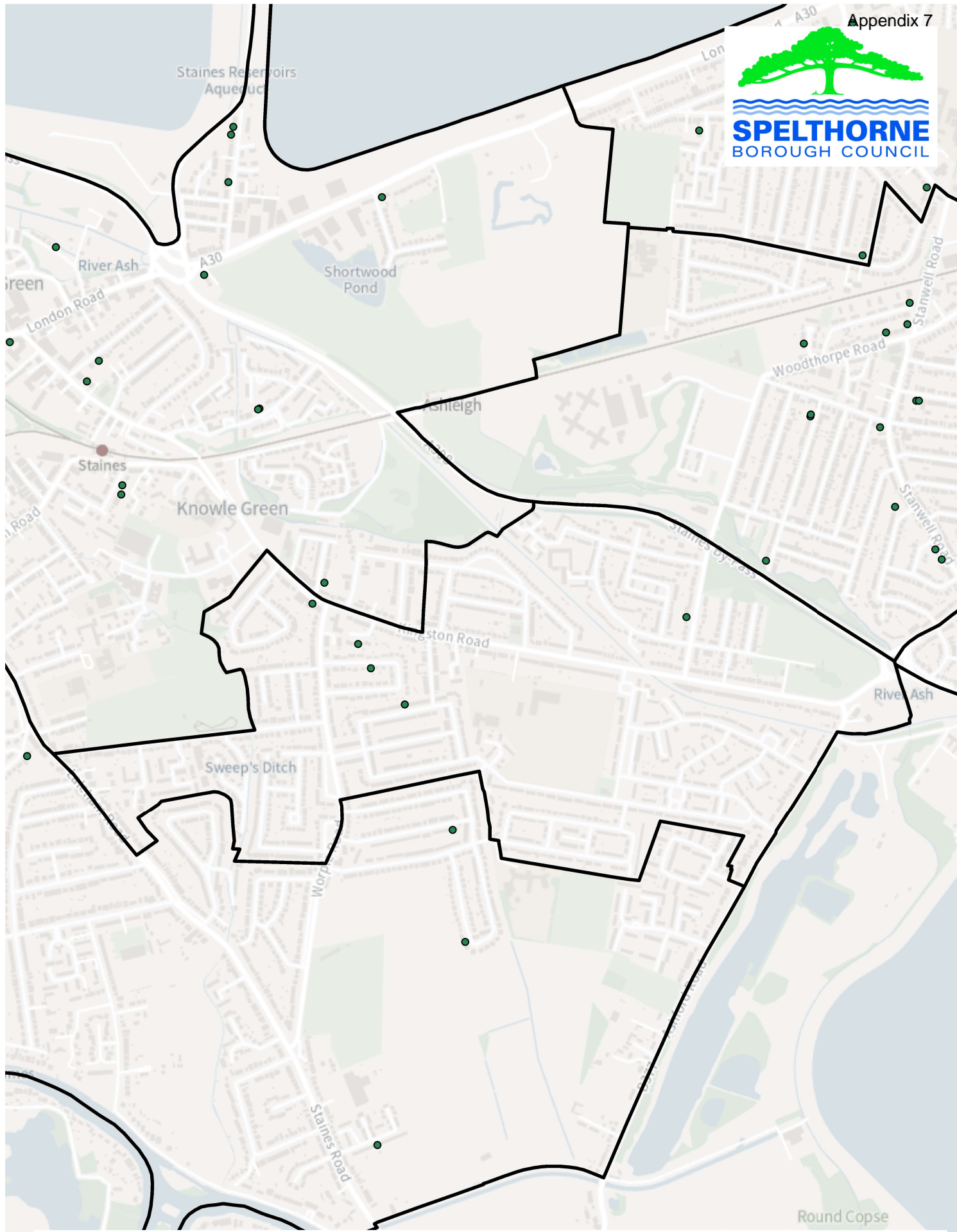
Licensed HMOs in Shepperton Town Ward

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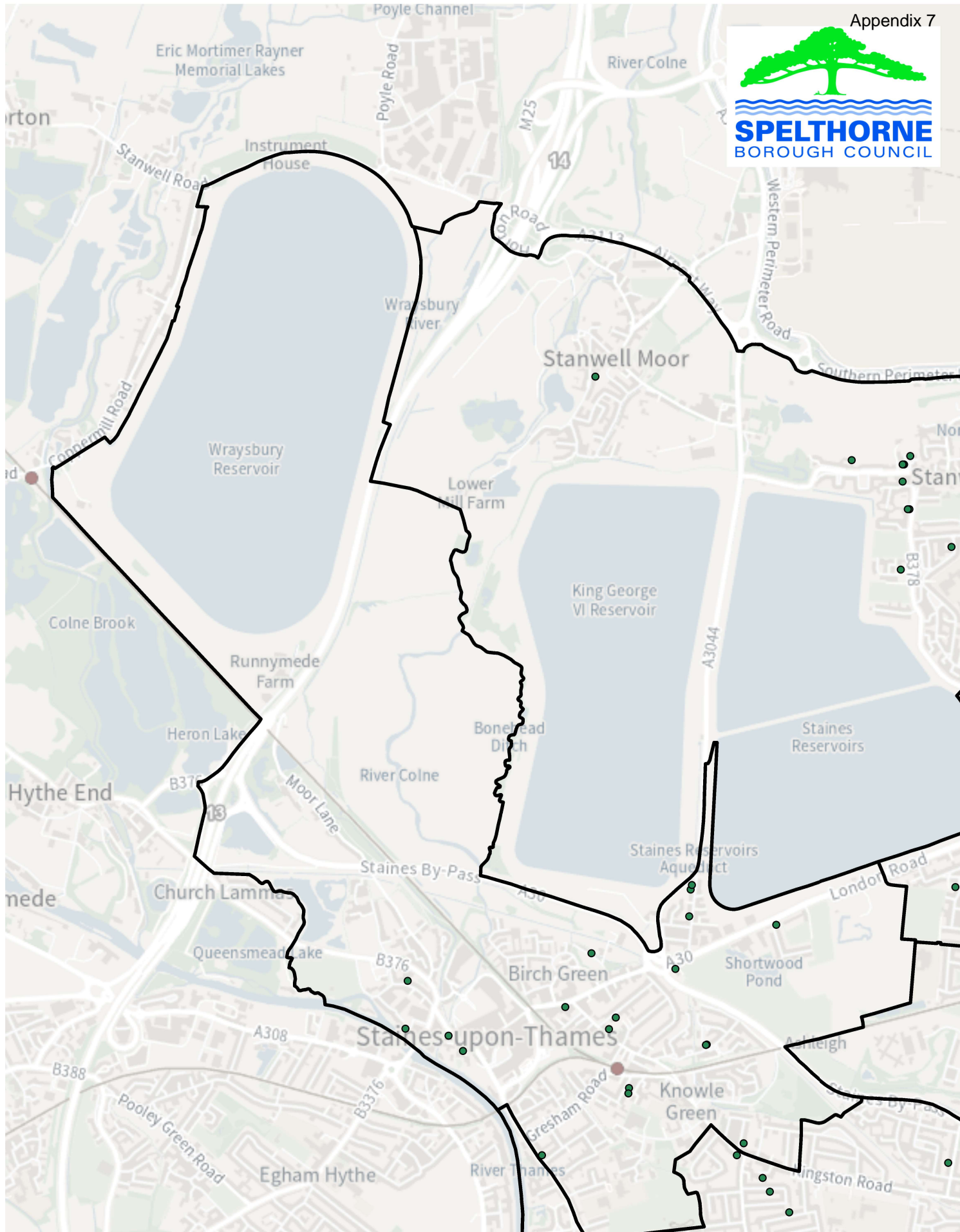
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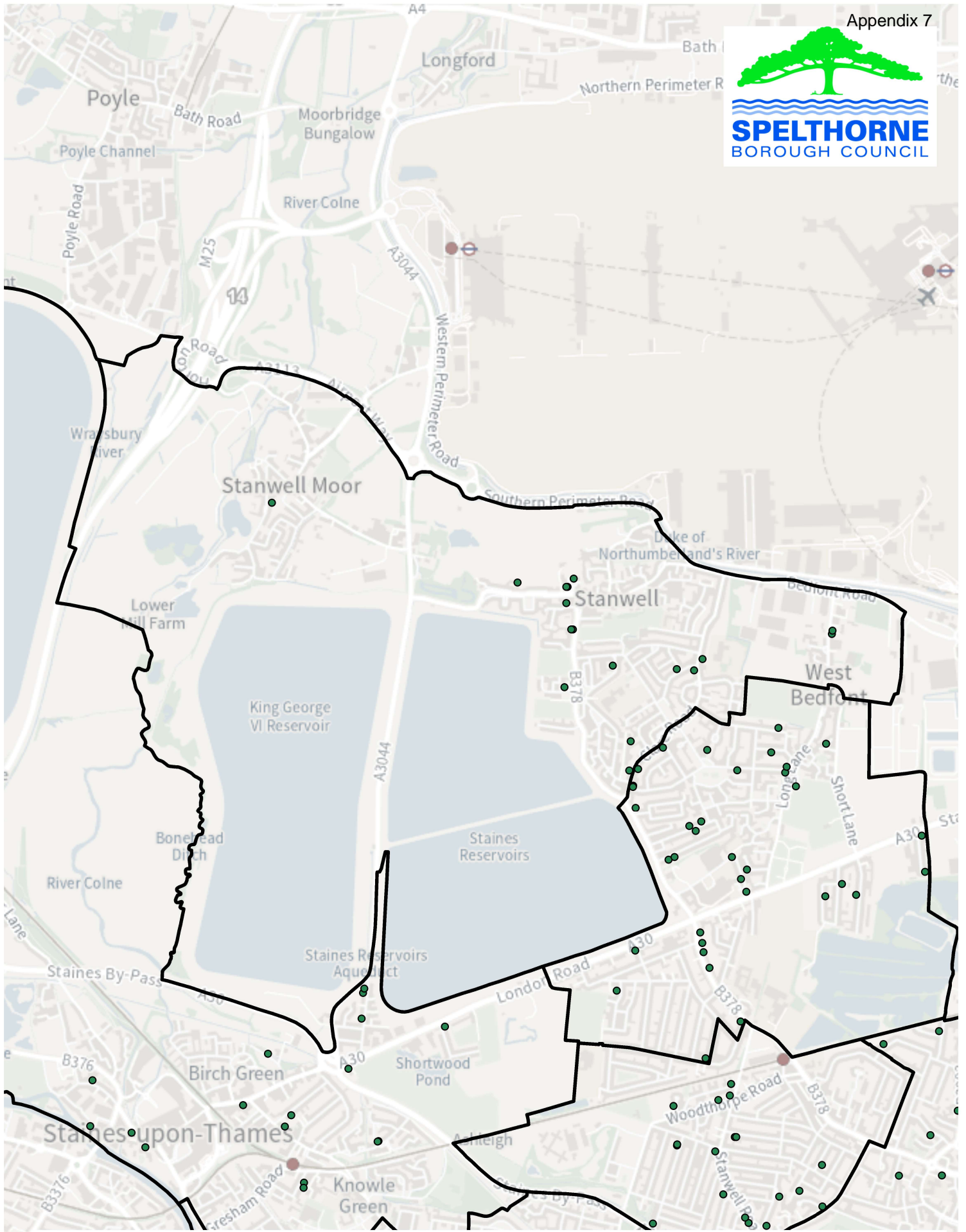
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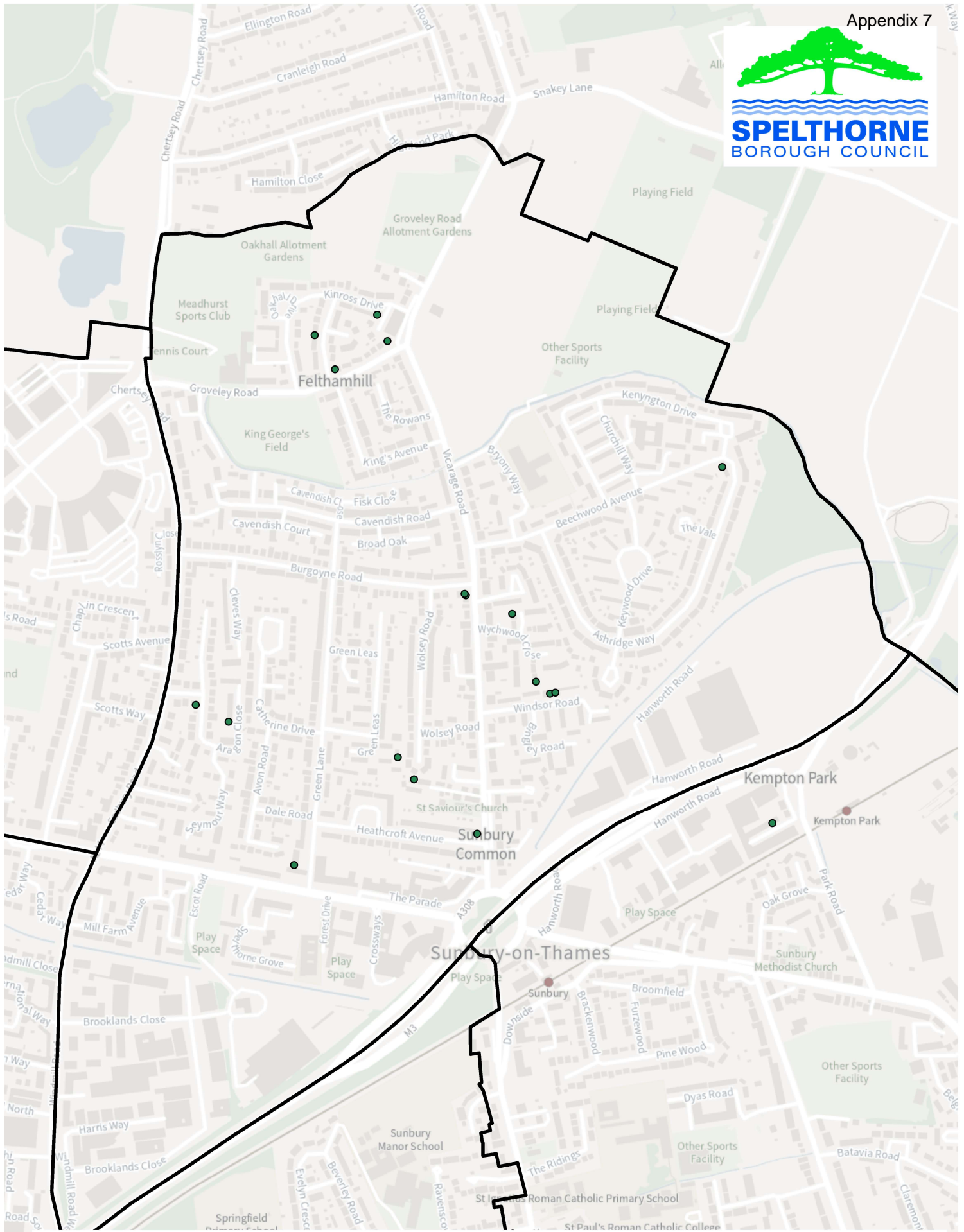
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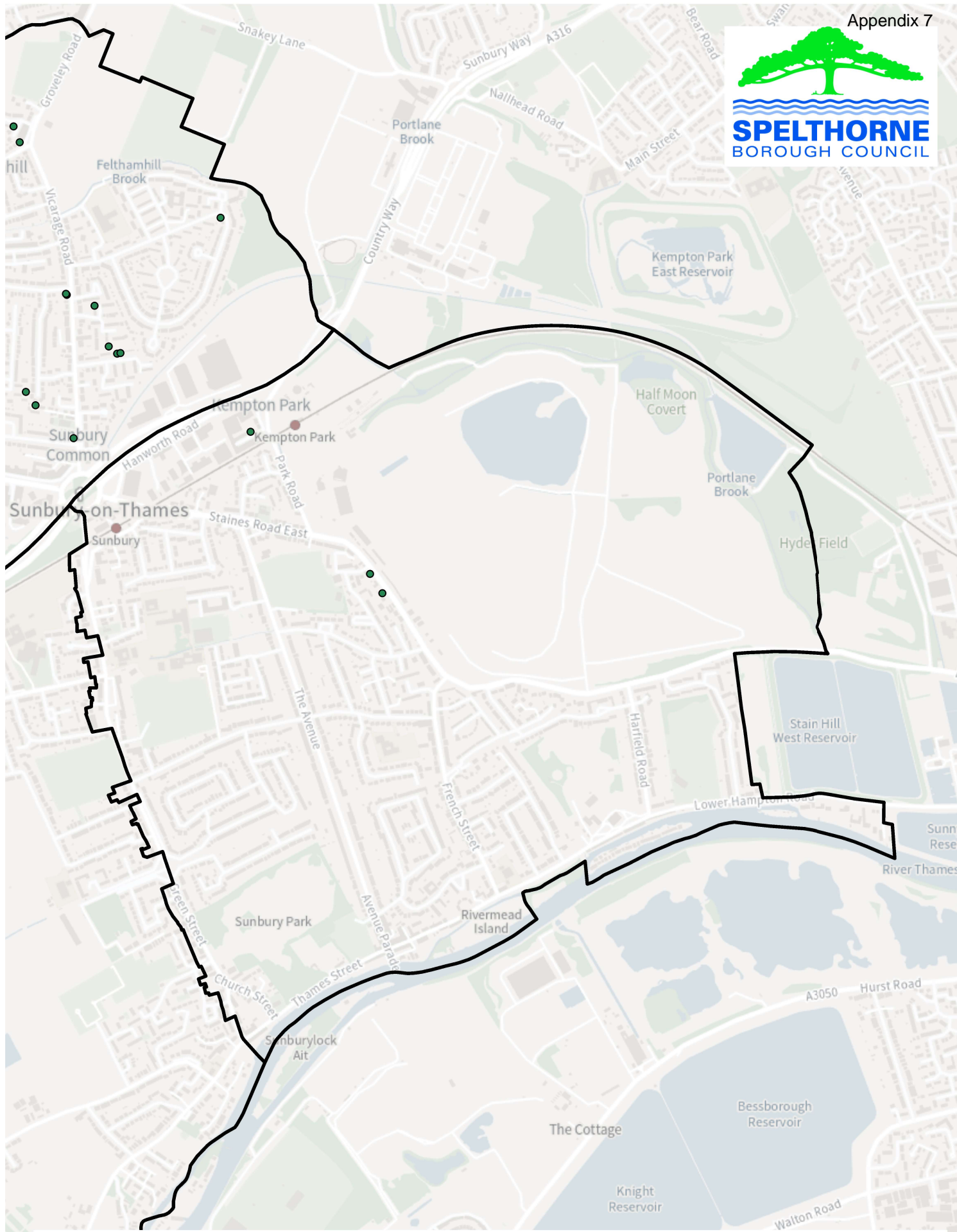
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Planning Appeals Report – V1.0 ISSUED

Appeals Started between 28 November 2024 – 19 December 2024

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
24/00441/FUL 4 Sandhills Meadow Shepperton TW17 9HY	02.12.2024	Written Representation	APP/Z3635/W/24/3353029 Demolition of the existing bungalow and erection of a replacement bungalow with accommodation in the roof
24/01034/HOU 56 Ruggles Brise Road Ashford TW15 3LF	10.12.2024	Fast Track Appeal	APP/Z3635/D/24/3356522 Erection of a first floor side/rear extension.

Appeal Decisions Made between 28 November 2024 – 19 December 2024

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
23/00099/FUL 2 And 4 Loudwater Road Sunbury-on-Thames TW16 6DB	02.11.2023	Written Representation	APP/Z3635/W/23/3328070 Retrospective application for the retention of existing roof alteration comprising ridge height increase, hip to gable roof alteration and rear facing dormer (As shown on plans: HP 5410 ISSUE A1 SH1; HP 5411 ISSUE A1 SH1; HP 5656 ISSUE B SH1; ISSUE B1 SH2; ISSUE B SH3; ISSUE B SH4; ISSUE B SH5; ISSUE B1 SH6 and Location Plan received 26.01.2023)	Appeal Allowed	05.12.2024	The main issue is the impact on the character of the area. The Inspector states that when viewed from Loudwater Road, the changes to the main roof are readily apparent and have added greatly to the scale and bulk of the roof. However, the Inspector states this is not harmful to the street scene, as the development becomes screened by other properties when viewed from a short distance away. The Inspector notes that given the properties are set between higher properties in Halliford Road and the higher roof of No 6, neither the increase in pitch nor height has an adverse effect. Therefore, the Inspector concludes that the alterations do not harm the character and appearance of the area, with only limited harm to the

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						host dwellings that is not significant enough to justify refusing permission, and finds the development accords with Policy EN1 and the aims of the SPD.
23/00100/FUL 9 And 11 Loudwater Road Sunbury-on-Thames TW16 6DB	02.11.2023	Written Representation	APP/Z3635/W/23/3328074 Retrospective application for the retention of existing roof alteration comprising ridge height increase, hip to gable roof alteration and rear facing dormer.	Appeal Allowed	05.12.2024	The Inspector considered the dormers to be centrally located, with a roof compatible with the main roof and, 'although undoubtedly large, not to be over-dominant or out of proportion'. Furthermore, the Inspector found some limited harm to the appearance of the host dwellings, but considered 'it is not so significant as to justify refusing planning permission. I find, therefore, that it displays a standard of design that accords with the terms of Policy EN1'.
21/00393/ENF 11 Loudwater Road Sunbury-on-Thames TW16 6DB	17.01.2024	Hearing	APP/Z3635/C/23/3333226 Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height	Appeal Allowed	05.12.2024	The Inspector issued one Decision notice for all 4 properties as the cases were so similar – 2,4,9,11 Loudwater Road, 2 pairs of semi-detached dwellings. The Inspector stated that the main issue in all of the enforcement appeals was the effect of the development on the

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
			increase, hip to gable roof alteration and rear facing dormer without planning permission.			<p>character and appearance of the area. The Inspector also confirmed that the roof alterations were not permitted development due to the ridge height increase.</p> <p>However, the Inspector considered that there was considerable variety in the appeal sites' more immediate surroundings with a variety of built form and lack of uniformity. The Inspector found that the increase in the pitch and height of the roof, together with the change from hip to gable end, was not harmful to the street scene. He concluded that there was some limited harm to the appearance of the host dwellings, but this was not so significant as to justify refusing planning permission. And found, therefore, that it displayed a standard of design that accords with the terms of Policy EN1 of the Council's 'Core Strategy and Policies Development Plan Document', adopted 26 February 2009 and the aims of the SPD. The 4 enforcement appeals were</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						allowed but the applications for costs were dismissed.
22/00099/ENF 9 Loudwater Road Sunbury-on-Thames TW16 6DB	17.01.2024	Hearing	APP/Z3635/C/23/3333218 Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.	Appeal Allowed	05.12.2024	Please see 21/00393/ENF above.
22/00067/ENF 4 Loudwater Road Sunbury-on-Thames TW16 6DB	17.01.2024	Hearing	APP/Z3635/C/23/3333211 Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.	Appeal Allowed	05.12.2024	Please see 21/00393/ENF above.

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
22/00057/ENF 2 Loudwater Road Sunbury-on-Thames TW16 6DB	17.01.2024	Hearing	APP/Z3635/C/23/3333204 Appeal against serving of an Enforcement Notice. The carrying out on the land of building, engineering, mining, or other operations in particular the ridge height increase, hip to gable roof alteration and rear facing dormer without planning permission.	Appeal Allowed	05.12.2024	Please see 21/00393/ENF above.
24/00269/RVC Tower House Chertsey Road Shepperton	10.07.2024	Written Representation	APP/Z3635/D/24/3345196 Removal of condition 4 (permitted development rights) relating to planning permission PA/01/0224 As shown on the site location plan and supporting planning statement received 04.03.2024.	Appeal Dismissed	09.12.2024	The Inspector concluded that the imposition of condition 4 to restrict permitted development rights was reasonable and necessary so that the Council could assess the impact of proposals so as to prevent harmful developments in regard to Flooding and Green Belt.
24/00334/FUL 11 Scotts Way Sunbury-	05.09.2024	Written Representation	APP/Z3635/W/24/3349384 Conversion of existing dwelling into two houses. As shown on location plan	Appeal Dismissed	13.12.2024	TBC

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
on-Thames TW16 7JQ			and plan no's 01. 02, 03, 04, 05 (existing and proposed roof plan), 05 (proposed site plan) and 06 rec'd 13.03.2024.			

Current/Future Hearings/Inquiries

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
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 received 02.04.2024; amended plan 2023-1338v3-Block received 02.04.2024.			Hearing date set for 12 February 2025.
23/01264/RVC	17.09.2024	Hearing	APP/Z3635/W/24/3350632 Removal of conditions 2 (temporary consent) and 3 (personal permission) of			December 2024 hearing date was cancelled. No new date has been agreed yet.

<p>The Paddocks, 235A Hithermoor Road, Stanwell Moor</p>			<p>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.</p>			
<p>20/00257/ENF_C</p> <p>Stanwell Farm Bedfont Road Stanwell</p>	<p>23.09.2024</p>	<p>Hearing</p>	<p>APP/Z3635/C/24/3352057</p> <p>Appeal against the serving of an Enforcement Notice. Without planning permission, the material change of use of the land to use as a Builders Merchant (sui generis) Without planning permission, the erection of a warehouse building (the approx location of which is shown with an X and hatched in black on the attached plan). Without planning permission, the erection of two structures (the approx location of</p>			

			which are shown with a Y and Z and hatched in red and blue respectively on the attached plan).			
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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

24/01112/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	Shanley Homes	Susanna Angell

		18/01000/FUL] to allow new bin storage layout and new bin store/bicycle store, new entrance wall and alterations to parking layout.		
24/01452/OUT	Bugle Nurseries Upper Halliford Road Shepperton TW17 8SN	Outline application with approval sought for scale, access and layout, with details of appearance and landscaping reserved, for the demolition of existing buildings and structures and the redevelopment of the site for up to 80 residential units and the provision of open space and a play area, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.	Angle Property (RLP Shepperton) LLP	Paul Tomson/kelly Walker

If you wish to discuss any of these applications, please contact the case officer(s) in the first instance.

Esmé Spinks
Planning Development Manager
19/12/2024

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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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