



Please reply to:

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Date: 23 January 2025

Notice of meeting

Planning Committee

Date: Wednesday, 5 February 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

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

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

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

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Agenda

Page nos.

1. **Apologies and Substitutions**

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

2. **Minutes**

5 - 10

To confirm the minutes of the meeting held on 08 January 2025 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 - 24/01370/MIS Northern Runway, Heathrow Airport, Hounslow**

11 - 22

Ward

Outside the borough boundary but adjoining Stanwell North

Proposal

Adjoining Authority Consultation – Consultation by the London Borough of Hillingdon for enabling works to allow implementation of full runway alternation during easterly operations at Heathrow Airport including the creation of a new 'hold area' at the western end of the northern runway, the construction of new access and exit taxiways, the construction of an acoustic noise barrier to the south of Longford Village and temporary construction compounds (Hillingdon ref: 41573/APP/2024/2838)

Recommendation

The Council raises objection on noise grounds

5. **Planning application - 24/01268/RVC Development Site at Former the Old Telephone Exchange, Elmsleigh Road, Staines-upon-Thames, TW18 4PN**

23 - 48

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 the 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

- | | | |
|-----------|--|----------------|
| 6. | Planning Appeals Report | 49 - 56 |
| | To note details of the Planning appeals submitted and decisions received between 20 December 2024 and 21 January 2025. | |
| 7. | Major Planning Applications | 57 - 60 |
| | To note the details of future major planning applications. | |
| 8. | Glossary of Terms and Abbreviations | 61 - 66 |

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**Minutes of the Planning Committee
8 January 2025**

Present:

Councillor D.L. Geraci (Vice-Chair)

Councillors:

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

Substitutions: Councillors S.A. Dunn (In place of M. Gibson)

Apologies: Councillors S.N. Beatty and M. Gibson

1/25 Minutes

The minutes of the meeting held on 10 December 2024 were approved as a correct record.

2/25 Disclosures of Interest

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

There were none.

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

Councillors Bateson, Burrell, Geraci, Nichols and Rutherford reported that they had received correspondence in relation to application 24/01268/RVC but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillors Geraci and Nichols reported that there had been conversations between Councillors in relation to application 24/01434/FUL in the Climate Change Working Group but they had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor Rutherford reported that they had visited the site in relation to application 24/01434/FUL but had maintained an impartial role, had not expressed any views and had kept an open mind.

3/25 Planning application - 24/01268/RVC Development Site at Former the Old Telephone Exchange, Elmsleigh Road, Staines-upon-Thames, TW18 4PN

Description:

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.

Additional Information:

There was none.

Public Speaking:

In accordance with the Council's procedure for speaking at meetings, Jonathan Millership, Director of Affordable Housing for Fairview New Homes, spoke for the proposed development raising the following key points:

- Fairview Homes were experiencing severe difficulties in delivering onsite affordable housing units
- In June 2024, 81 registered providers were approached, 21 of which responded, all of which declined the opportunity to purchase the units.
- A lack of appetite from Registered Providers for high-rise buildings
- A general lack of appetite for developer led Section 106 schemes.
- Independent Financial Viability surveyors acting for the Council have agreed the value of the proposed financial contribution.

Debate:

During the debate the following key issues were raised:

- Concern that the promise of affordable housing was added to the scheme solely to get planning permission.
- That the developer should be compelled to provide the affordable units.
- Concern over what would happen if the proposal was rejected. The Committee were advised that the applicant would be able to appeal the decision and could also put in a proposal for a lower financial contribution.

It was proposed by Councillor Nichols, seconded by Councillor Beecher, to defer the decision on this application until the next meeting to allow time to discuss alternative provision with RentPlus.

- The Chair asked Jonathan Millership, whether they would be open to the decision being deferred. Jonathan Millership stated that they would not.
- The Committee advised that they felt RentPlus were a registered provider and presented a viable alternative. The Committee were informed that officers had engaged in significant talks with RentPlus and had decided they would not meet the Section 106 requirements in terms of meeting the Council's housing needs.
- The Committee acknowledged that there was a meeting between Councillors and RentPlus scheduled for 14 January 2025.
- The Chair invited Matt Caladine, Development Director for Fairview New Homes, to comment on the proposed motion. Matt Caladine stated that significant time had been spent working on alternative solutions and could not see what benefit a deferral would have. Matt Caladine reiterated that RentPlus were deemed not suitable to satisfy the Section 106 requirements.

The Committee voted on the motion to defer the application as follows:

For: 10

Against: 3

Abstain: 0

Decision:

The motion to defer the decision on this application until the next meeting to allow time to discuss alternative provision with RentPlus was **approved**.

4/25 Planning application - 24/01434/FUL Sunbury Leisure Centre, Nursery Road, Sunbury-on-Thames, TW16 6LG

Description:

Installation of Air Source Heat Pumps on flat roof.

Additional Information:

There was none.

Public Speaking:

There was none.

Debate:

During the debate the following key issues were raised:

- That the proposal would help in the move towards net zero.

- Concern over potential noise for residents
- The Committee recommended an additional condition that the acoustic level at the boundary of properties must not exceed [value to be advised], in the interest of residential amenity.
- It was agreed that an e-mail would be sent to all members of the Planning Committee as to the decibel value to be included in the above condition.

The Committee voted on the proposal as follows:

For: 13

Against: 0

Abstain: 0

Decision:

The application was **approved** subject to the agreed condition.

The meeting was adjourned at 20:05

The meeting reconvened at 20:15

5/25 Houses in Multiple Occupation (HMOs)

This item was carried over from the meeting of 10 December 2024. The Committee were advised that only members who were present at the meeting of 10 December 2024 would be allowed to vote on this item.

It was proposed by Councillor Rutherford, seconded by Councillor Clarke to confirm the Article 4 Direction made on 21 August 2024 in respect of Staines, Ashford North and Stanwell South, and Stanwell North wards, and serve an Article 4 Direction under the Town & Country Planning Act 1990 to remove Permitted Development Rights for HMOs across all ten remaining wards within Spelthorne to come into effect in twelve months' time

The Committee expressed that the threat of low-quality HMO's was growing and action needed to be taken to prevent the situation from getting worse.

The Committee were advised that implementing an Article 4 direction without robust evidence would expose the Council to risk of judicial review. The Committee countered that there had been no evidence of a judicial review being launched against London Borough of Hounslow when they served a borough-wide Article 4 direction.

The Committee queried when a judicial review could be called and were advised that for planning matters it needed to be within six weeks of a decision being made, for other matters it would be within three months of a decision.

The Committee asked what the cost to the Council would be in serving a borough-wide Article 4 direction and were informed that it would be difficult to quantify but the main cost would be to officer time.

The Committee acknowledged that with devolution talks underway the issue of HMO's was one that could potentially get overlooked and to protect residents it would be prudent to act quickly.

The Committee **resolved** to confirm the Article 4 Direction made on 21 August 2024 in respect of Staines, Ashford North and Stanwell South, and Stanwell North wards, and serve an Article 4 Direction under the Town & Country Planning Act 1990 to remove Permitted Development Rights for HMOs across all ten remaining wards within Spelthorne to come into effect in twelve months' time

6/25 Planning Appeals Report

The Chairman informed the Committee that if any Member had any detailed queries regarding the report on Appeals lodged and decisions received since the last meeting, they should contact the Planning Development Manager.

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

7/25 Major Planning Applications

The Planning Development Manager submitted a report outlining major applications that may be brought before the Planning Committee for determination.

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




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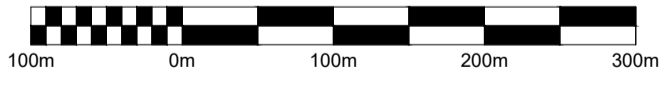
FOR PROPOSED NOISE BARRIER SITE PLAN
SEE DRAWING 19219-00-GA-247-000002
RED LINE BOUNDARY TOTAL AREA: 0.84 HECTARES

FOR PROPOSED TAXIWAY SITE PLAN
SEE DRAWING 19309-00-GA-193-000006
RED LINE BOUNDARY TOTAL AREA: 17.65 HECTARES

FOR PROPOSED PAVEMENT TO BE
REMOVED SITE PLAN SEE DRAWING
19309-00-GA-193-000007
RED LINE BOUNDARY TOTAL AREA: 2.52 HECTARES

LEGEND

-  RED LINE BOUNDARY (PROPOSED SITE BOUNDARY)
TOTAL AREA: 21.01 HECTARES
-  BLUE LINE BOUNDARY (HEATHROW OWNERSHIP BOUNDARY)
(NOTE 5)
-  UNREGISTERED LAND UNDER HEATHROW AIRPORT LTD CONTROL. APPLICATION TO REGISTER POSSESSORY TITLE PENDING DETERMINATION.



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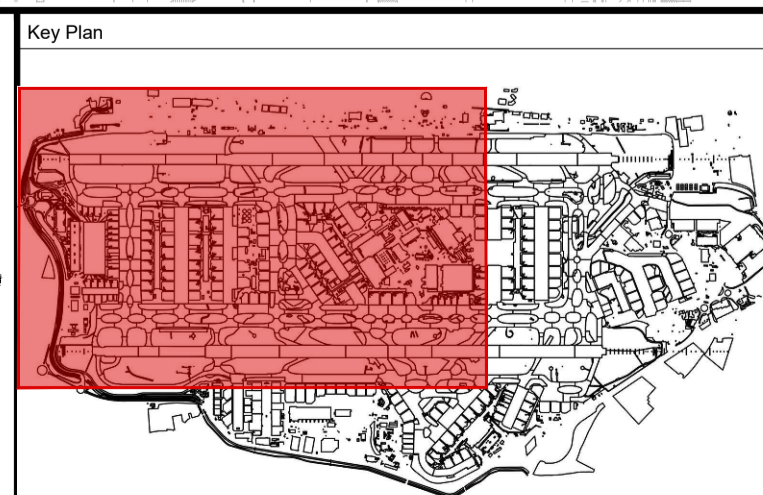
- NOTES**
- ALL BASEMAP INFORMATION HAS BEEN SUPPLIED BY HAL AND NO GUARANTEE CAN BE GIVEN BY JACOBS AS TO ACCURACY OR COMPLETENESS.
 - THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT PROJECT DRAWINGS AND DOCUMENTS.
 - ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED.
 - DO NOT SCALE FROM THIS DRAWING.
 - FOR CLARITY, OWNERSHIP BOUNDARY EXCLUDES REMOTE SITES THAT DO NOT INTERACT WITH PROPOSED RED LINE BOUNDARIES.

Model / Content References List - Name, Version & Status:

OS BASE MAIN	HAL_10000-XX-M3-XXX-000024
	19309-XX-M2-734-000001
	19309-XX-M2-960-000001




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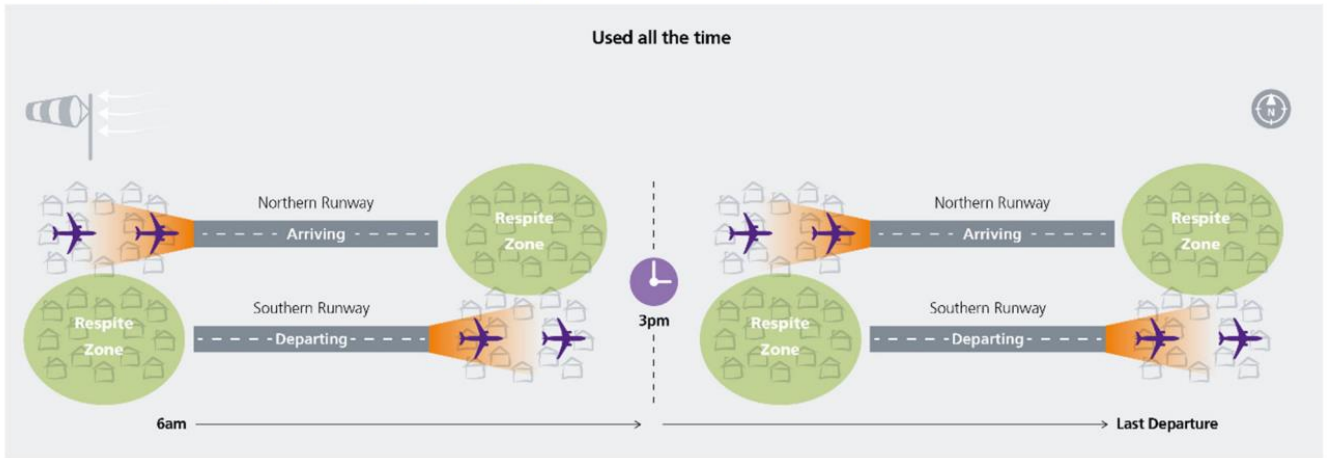
Ver	Date	Description Of Change	Drawn By	Title
2.0	23/09/24	NOISE BARRIER REDLINE UPDATED - FOR INFORMATION	JF	EASTERLY ALTERNATIONS INFRASTRUCTURE LOCATION PLAN
1.0	07/08/24	FIRST ISSUE - FOR INFORMATION	JS	

Project Name		Heathrow Project No.	
EASTERLY ALTERNATIONS INFRASTRUCTURE		B7239	
© Heathrow Airport Limited 2022		Scale 1:5000 @ A1	
Company	Drawn By	Chk/Approved	Drawn Date
JACOBS	JF	CW/RM	23/09/24
Location-Level-Sub Series/System-Identifier			Version
19309-00-GA-193-000001			2.0



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Inset 1 – Direction of arrivals and departures on the northern and southern runways during easterly operations (existing)



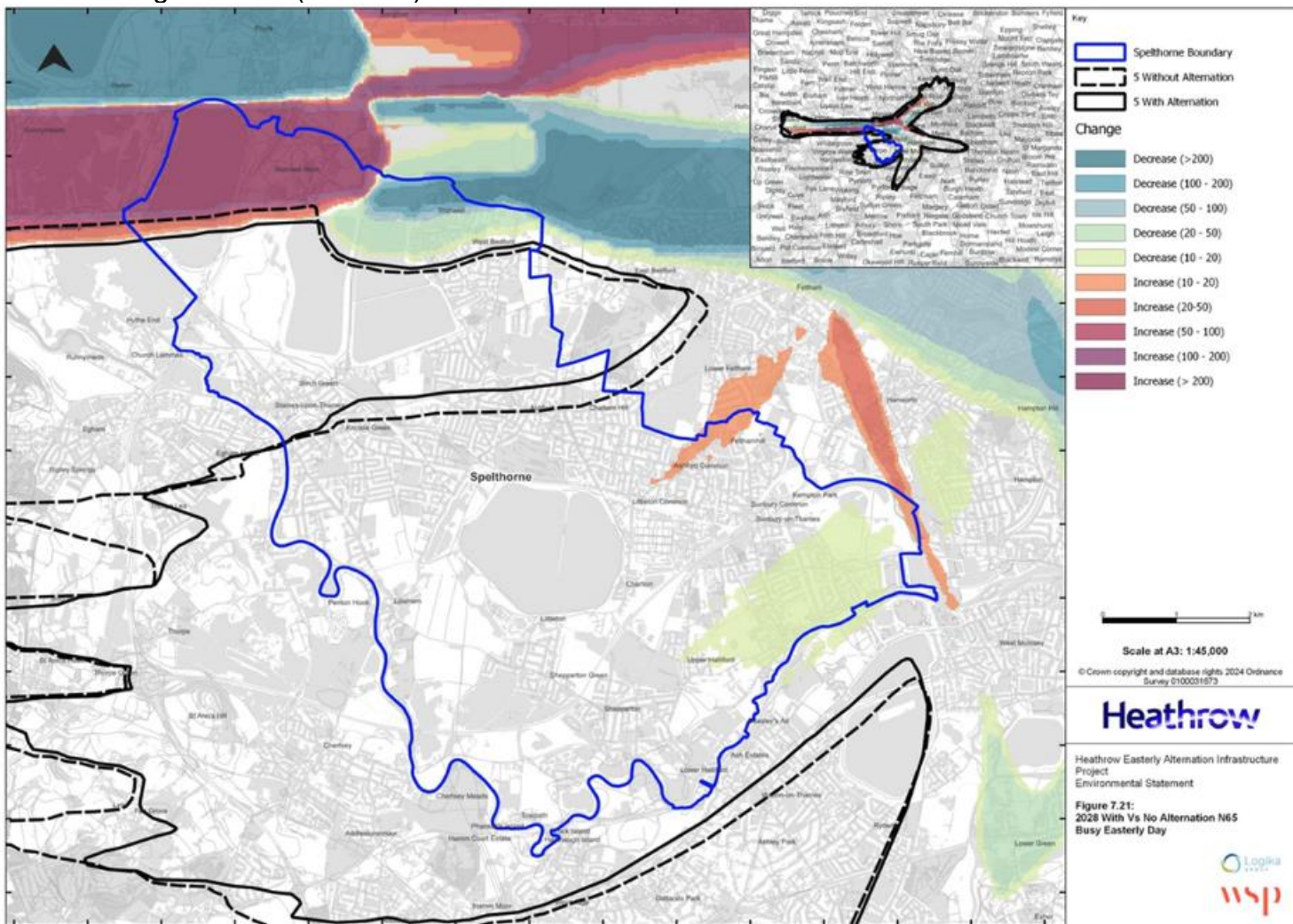
Inset 3: Direction of arrivals and departures on the northern and southern runways during easterly operations (proposed)



Easterly Alternation noise change in Spelthorne

Increase – purple/orange (Stanwell Moor)

Decrease – green/blue (Stanwell)



Planning Committee

05 February 2025



Application No.	24/01370/MIS
Site Address	Northern Runway, Heathrow Airport, Hounslow
Applicant	Heathrow Airport Limited.
Proposal	Adjoining Authority Consultation - Consultation by the London Borough of Hillingdon for enabling works to allow implementation of full runway alternation during easterly operations at Heathrow Airport including the creation of a new 'hold area' at the western end of the northern runway, the construction of new access and exit taxiways, the construction of an acoustic noise barrier to the south of Longford Village and temporary construction compounds (Hillingdon ref: 41573/APP/2024/2838)
Case Officer	Kelly Walker/Matthew Clapham
Ward	Outside the borough boundary but adjoining Stanwell North
Called-in	N/A.

Application Dates	Valid: 20.11.2024	Expiry: N/A	Target: N/A
Executive Summary	<p>This Council has been consulted by the London Borough of Hillingdon (LBH) about an application for enabling works to serve the northern runway, to allow the implementation of full runway alteration during easterly operations at Heathrow Airport. As an adjoining authority consultee, this Local Planning Authority will provide comments on the proposal, the application falls within the LBH who will be responsible for determining the application.</p> <p>Although the physical works are relatively small scale, they will allow the practical implementation of the ending of the 'Cranford Agreement', and consideration of the associated environmental impacts. The 'Cranford Agreement' dates back to 1952, and it prohibits, under normal Heathrow Airport operations, easterly aeroplane take-offs (i.e. towards central London) on the northern runway. On 15 January 2009 the then UK Government announced that it was ending the 'Cranford Agreement' (as part of the consultations on a proposed Third Runway). In September 2010 the Government reaffirmed the decision to end the 'Cranford Agreement'.</p> <p>Planning permission for the same scheme was allowed at appeal in February 2017, however this was not implemented and has since expired, hence the requirement to re-submit.</p>		

	<p>The current application will enable full runway alternation when the wind blows from the east, as well as the west.</p> <p>An objection has been received from the Council's noise officer, as the proposed works to enable full alteration on Easterly operations will clearly increase the number of flights landing directly over Stanwell Moor resulting in significant adverse impacts on the residents of Stanwell Moor.</p>
Recommended Decision	This Council raises objection on noise grounds.

MAIN REPORT

1. Relevant Planning History

1.1 The site has the following relevant planning history:

13/01001/MIS	<p>Consultation from London Borough of Hillingdon for enabling works to allow implementation of full runway alternation during easterly operations at Heathrow Airport including the creation of a new "hold area" at the western end of the northern runway, the construction of new access and exit taxiways, and the construction of a 5 metre high acoustic noise barrier to the south of Longford Village.</p>	<p>Objection by Spelthorne BC on noise grounds 26/09/2013</p> <p>Refused planning permission by London Borough of Hillingdon</p> <p>Allowed at appeal 02/02/2017</p>
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1.2 Planning application ref 13/01001/MIS referred to above was submitted for the same application as the current proposal and permission was allowed at appeal by the Secretary of State (SoS) on 2 February 2017, subject to conditions. This permission has now expired, without being implemented and therefore a new application has now been submitted.

1.3 At that time Spelthorne Borough Council (SBC) were consulted on the application by the London Borough of Hillingdon and raised an objection, due to the adverse noise impact the easterly alternations would have on the residents of Stanwell Moor. It was noted in the Council's response that if Hillingdon was minded to approve the application, a condition should be imposed to extend the mitigation measures proposed by the applicant to residents in the higher noise contours, to all residences within the 57dB LAeq 16hr contour that were likely to experience a significant adverse increase in noise levels of 3 or more dB LAeq 16hr. As noted above, following the refusal by Hillingdon, (ref 41473/APP/2013/1288) permission was allowed at appeal ref APP/R5510/A/14/2225774 in 2017 and a less restrictive noise condition, along with others were imposed on the consent.

1.4 It is important to note that the previous appeal decision is a material planning consideration and carries significant weight for decision making purposes. The applicant notes in their Planning Statement that '*...It is clearly material*

that all of the principles raised by this application have already been examined through an independent inquiry and the proposals supported by the Secretaries of State.'

2. Background

- 2.1 The 'Cranford Agreement' was established in 1952. The agreement prevented aircraft from taking off from the northern runway in an easterly direction over Cranford, except in exceptional circumstances. The purpose of the Agreement was to ensure the Cranford residents, who are located close to the end of the northern runway, would not suffer from unacceptable noise pollution associated with aircraft taking off.
- 2.2 In 2007, the Government consulted on the proposal to end the 'Cranford Agreement' in a Document called "Adding Capacity at Heathrow Airport". Subsequently, the Government made a decision to end the Agreement in 2009, and this decision was reaffirmed by the Government in a Ministerial Statement in 2010.
- 2.3 The applicant states that aircraft technology has moved on since the 'Cranford Agreement' was drawn up in the 1950's. During take-off, modern aircraft climb higher more quickly and the noise they make is less disruptive to the residents of Cranford than it would have been 70 years ago.
- 2.4 Whilst the 'Cranford Agreement' has now ended, it is not possible for Heathrow to use the northern runway (and runway alternation) efficiently for "easterly operations" (taking-off in an easterly direction), as it is necessary for some works to be carried out to include new and altered taxiways and other associated development.

3. Description of Current Proposal

- 3.1 This application is a neighbouring Authority consultation by the London Borough of Hillingdon for enabling works to allow implementation of full runway alternation during easterly operations at Heathrow Airport including the creation of a new 'hold area' at the western end of the northern runway, the construction of new access and exit taxiways, the construction of an acoustic noise barrier to the south of Longford Village and temporary construction compounds.
- 3.2 Heathrow Airport lies to the north of Spelthorne and this Council has been consulted as an adjoining Authority. The London Borough of Hillingdon is the determining authority, and SBC has been consulted along with a number of other consultees. The applicant has set out the proposed development in their submitted Planning Statement, which explains that the Easterly Alternation Infrastructure project is split into two main elements:

• Northern Runway

Proposed taxiway infrastructure located in the north-west corner of the existing airfield. The main purpose of this infrastructure is to provide additional capacity to allow departing aircraft to access the existing Northern Runway.

This consists of the following elements:

- Three parallel taxiways, parallel to the runway centreline. The two most northern parallel taxiways will primarily be used as part of the runway hold area. The third, most southern parallel taxiway will primarily be used to provide access and egress from the existing aircraft stands on the north side of the T5a terminal.
- A taxiway link connecting the three parallel taxiways.
- Two new Runway Access Taxiways (RATs), which will provide a taxiway route for aircraft departing from Runway 09L.

. • Noise Barrier

Proposed noise barrier located north-west of the existing airfield. The main purpose of the proposed noise barrier is to provide mitigation against ground noise from the airport to residents in Longford Village.

- 3.3 The Applicant is aiming to introduce easterly runway alternation by 2028 as set out in Heathrow’s Sustainability Strategy. The applicant comments that easterly alternation would bring predictable periods of respite from aircraft noise to thousands of residents. The introduction of easterly alternation would mean that affected communities would share environmental effects and the benefit of respite fairly and equally, as they do today when the Airport is on westerly operations.
- 3.4 As with the previous application, the consequence of the above enabling works will be a change in the pattern of aircraft movements and associated noise around the airport. The change will impact on Spelthorne Borough and in particular, Stanwell Moor. The applicant states that the subsequent redistribution of noise around Heathrow Airport will result in lower noise effects in some locations and higher noise effects in others, but it will enable noise emanating from aircraft operations to be more fairly distributed around the airport than it is at present.
- 3.5 Implementing the full alternation on easterlies will not result in any changes to the operating hours of Heathrow Airport, nor the aircraft movement cap.

4. Consultations

Consultation	Response
Environmental Health (noise)	Raises objection on noise grounds.
Environmental Health (Air quality)	No objections, recommend conditions

5. Public Consultation

- 5.1 The applicant has advised that prior to the submission of the planning application to Hillingdon, their project team completed a period of community

engagement in September 2024, visiting neighbouring communities that will experience a change from Easterly Alternation, including an event at Stanwell Moor Village Hall, which was attended by 36 persons.

- 5.2 Following the submission of the current planning application to the London Borough of Hillingdon. Hillingdon has carried out public consultation, including consulting Spelthorne Borough Council. Therefore, this council is a consultee and is not responsible for determining the application which falls to the London Borough of Hillingdon.

6. Planning Issues

- Noise
- Air Quality

7. Planning Considerations

- 7.1 The proposed physical works, in themselves which are set out in para. 3.2 above, are relatively minor and are not considered to have any adverse impact on Spelthorne Borough. Furthermore, given the limited scale of these physical works, it is not considered that the noise and disturbance associated with the construction phase would have any adverse impact on this Borough.
- 7.2 However, the proposed enabling works will result in an increase in aircraft flying over Stanwell Moor during easterly operations, which will lead to an overall increase in noise affecting properties in that part of the Borough. At present, aircraft can only take off during easterly operations from the southern runway, which results in the vast majority of aircraft landing on the northern runway. Consequently, very few aeroplanes fly over Stanwell Moor and land on the Southern Runway. The proposed enabling works will allow aircraft to take-off during easterly operations on the northern runway over Cranford. This in turn, will allow the southern runway to be used mainly for landing purposes during these times. Although the use of the runways will alternate during the day to give residents some respite, the noise impact from the increase of flights landing over Stanwell Moor will be greater than at present.
- 7.3 The applicant is proposing some mitigation and compensation measures for residents most affected by the change in the flight patterns. They are proposing that “...households newly exposed to the 69dB LAeq 16hr contour or more will be offered home relocation assistance”; and that “...households newly within the 63dB LAeq 16hr contour and experiencing a noise increase of 3dB or more will be eligible for residential acoustic insulation with 100% of the cost of insulation met by HAL” [Heathrow Airport Limited]. However, it is not clear from the applicant’s noise assessment if the residents of Stanwell Moor (and Stanwell) will benefit from these measures (they do not specify if the residents of Stanwell Moor and Stanwell would experience an increase in noise levels of 3 or more dB LAeq 16hr).
- 7.4 With regard to westerly operations, the level of flights taking off over Stanwell Moor and the alternation of the runways during the day will remain the same. It is noted that the proposals are shown to result in a slight improvement for

the residents of Stanwell (not Stanwell Moor) as the number of aircraft taking off on the southern runway during easterly operations will reduce.

- 7.5 The applicant also comments that *'...beneficial decreases in aircraft 'ground' noise exposure have also been identified in Stanwell and Stanwell Moor due to the reduced activity at the western end of the southern runway.'*

Noise

- 7.6 The Council's Environmental Health Officer (EHO) has been consulted and has raised objection on the adverse impact of noise on the properties in Stanwell Moor.
- 7.7 As noted above, previously in 2013, SBC was consulted on a very similar scheme and raised an objection, due to the adverse noise impact the easterly alternations would have on the residents of Stanwell Moor. However, if the LBH was minded to approve the application, a condition was recommended to be imposed to mitigate noise impacts. Following Hillingdon's refusal of planning permission, an appeal was allowed subject to conditions, including relating to noise. Given this decision is a material planning consideration and the proposal is very similar to the one previously allowed, this needs to be given substantial weight. In the appeal decision. The Secretary of State (SoS) stated, *'...With regard to the Inspectors' conclusions on the impact on noise on living conditions the Secretaries of State agree with him that the noise mitigation measures proposed by your company should be supplemented by provision of the 'Cranford-specific' insulation scheme to which the Inspector refers and which he proposes should be imposed as a condition in granted planning permission... They agree with the Inspector that such measures would be proportionate, particular to the development, adequate and appropriate and in compliance with the development plan, the Framework and the NPSE,'* (Noise Policy Statement for England).
- 7.8 However, given the passage of time and the substantial proposals submitted, the Council's noise officer remains concerned with the adverse impact the proposal will have on the properties in Stanwell Moor within Spelthorne Borough. The Noise Officer has made the following comments:

'Due to its proximity to the Southern runway, most of Stanwell Moor falls within the 64-69 dB, 16h noise contour, derived owing to noise from planes taking off during Westerly operations. This noise level can be quite significant, impacting the daily lives of residents. During Westerly operations, residents of Stanwell Moor are exposed to constant stream of aircraft noise for half the day, either between 07.00-15.00, or 15.00-23.00 period.

Currently, during Easterly operations residents of Stanwell Moor get a respite from constant noise and only experience occasional landings, averaging 36 arrivals a day. If full Easterly alternation is implemented, these 36 arrivals a day would increase to approximately 328 planes landing over Stanwell Moor during an 8-hour daytime period, significantly increasing the noise and frequency of overflights and significantly affecting the residents who live in Stanwell Moor.

The impact of the residents during night time operations is less clear. Currently, Heathrow is allowed 5,800 landings or take-offs a year between 23:30 and 06:00. The majority of these are assigned to landings between 04:30 and 06:00, and Heathrow is allowed to use either runway for landings, resulting in residents of Stanwell Moor already getting disturbed sleep. The Environmental Statement submitted with the planning application states that to the west of the airport additional “sleep awakenings” are forecasted to “slightly increase” (A sleep awakening is defined as number of N60 events where aircraft noise occurs and when the noise can awake a person from sleep.). The statement also specifically mentions Stanwell Moor as one of the impacted locations, suggesting it is expected that residents will see increased night time overflights. The Environmental Statement does not articulate the exact number of additional sleep awakenings expected to occur, nor the reasoning behind them occurring.

The noise mitigation on offer will not provide any mitigation from noise outdoors and as such the additional noise will impact residents’ gardens, local parks and play areas.

The supporting documentation accompanying the planning application failed to demonstrate a clear understanding of the precise increase in noise levels that Stanwell Moor will experience. This lack of clarity raises concerns about the potential impact on the community, as accurate borough specific noise data would have been preferable.

Due to the proposed works enabling full alteration on Easterly operations, this clearly will increase the number of flights landing directly over Stanwell Moor. Consequently, in relation to impact on noise, Environmental Health recommends that Spelthorne Borough Council object to the proposal due to the significant adverse impact Easterly alternations will have on the residents of Stanwell Moor’.

7.9 Therefore, an objection on noise grounds should be raised.

Air quality

7.10 The air quality assessment undertaken for the Proposed Development concludes that no significant air quality effects are predicted and the air quality effects of implementing easterly alternation are negligible. It states further that: -

‘The quantity of air pollutants emitted from aircraft may change slightly because of the Proposed Development, but the principal impacts will be associated with the change in the spatial distribution of emissions across the airfield. The Proposed Development does not involve an increase in aircraft movements or passenger throughput at the airport, but it will lead to a change in aircraft movement patterns on the ground and in the air, during easterly operations only, which occur for approximately 30% of the time. The main effect in air quality terms would be an increase in the number of aircraft departing on the northern runway and arriving on the southern runway (09R) during easterly operations and an equivalent decrease in the number of

aircraft departing on the southern runway and landing on the northern runway during easterly operations.'

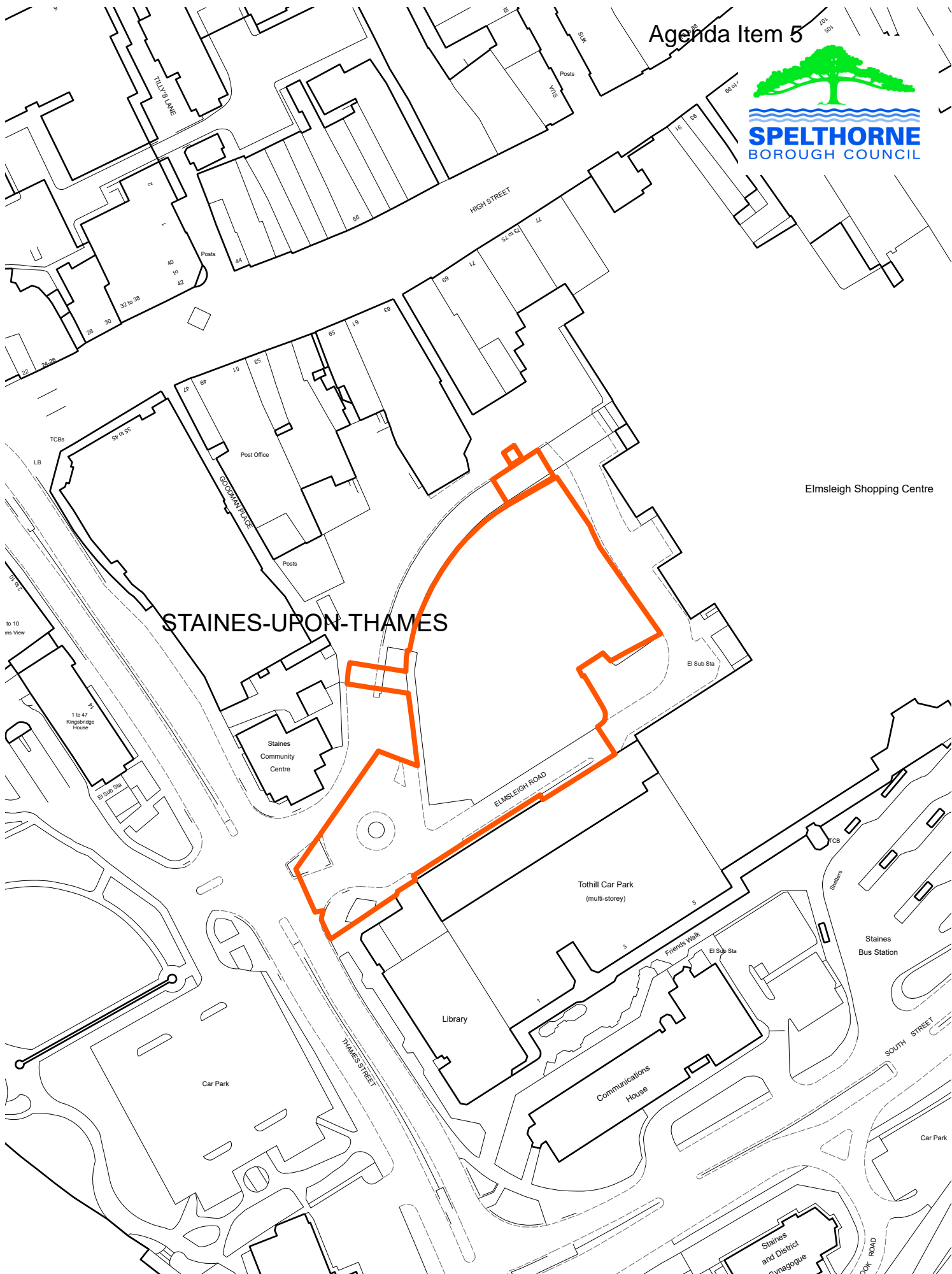
- 7.11 The Council's EHO on air quality has been consulted and raises no objection to the proposal although some conditions have been recommended. The conditions include the submission of an Environmental Construction Management Plan and Construction Logistics Plans to help mitigate the impacts on air quality. These comments have been forwarded directly to the Case Officer at Hillingdon. It is also important to note that during the appeal in 2017, the SoS raised no objection on air quality grounds, and imposed conditions to ensure mitigation measures are implemented, '*... The Secretaries of State agree with the inspectors conclusion that mitigation of the air quality effects of the proposed development is necessary and justified and that the proposed mitigation would be reasonable, proportionate and sufficient to adequately mitigate the adverse effects of the development so that there would be no conflict with the development plan in this regard.*'
- 7.12 There is no objection on air quality grounds subject to the imposition of a condition to ensure mitigation measures are implemented. (as with the previous scheme allowed at appeal).

Conclusion

- 7.13 There is a concern that the proposals will have an unacceptable noise impact on Spelthorne's properties within Stanwell Moor and objection is raised on this basis.

8 Recommendation

- 8.1 That the London Borough of Hillingdon be informed that this Council raises "**objection**" to the proposal, on the ground that the proposal will have an adverse noise impact on the residential properties within Stanwell Moor which are located within this borough.
- 8.2 The London Borough of Hillingdon is also advised that if the LPA is minded to grant approval for this proposal, the conditions relating to noise and air quality that were previously imposed on the appeal scheme ref APP/R5510/A/14/2225774 should be imposed with this scheme.



STAINES-UPON-THAMES

Elmsleigh Shopping Centre

Tothill Car Park (multi-storey)

Library

Communications House

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

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Planning Committee

5 February 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-Greive 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: Over 13 weeks EOT agreed
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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Updates

- 1.1 The decision on this application was deferred at the 8 January 2025 Planning Committee meeting until the next Planning Committee meeting (5 February 2025) to allow time to discuss alternative provision with Rentplus UK.
- 1.2 A meeting with Rentplus UK was held on Tuesday 14 January 2025 which provided Members with details about what Rentplus UK offer in terms of their business model and how they provide affordable rented units. The application at Elmsleigh Road was discussed briefly at the end of the meeting.
- 1.3 The Rentplus UK website refers to their Strategy and business model (<https://rentplus-uk.com>)

'We are a privately owned business with a social purpose driven by outcomes which benefit our communities'

'We buy new, attractive, affordable homes from developers under section 106 and let these on 20-year full repairing leases to Registered Providers (RPs), which manage them on our behalf'

'The RPs work with Local Authorities (LAs) to allocate the homes to local people on their housing lists who want to get on the property ladder'.

'Successful applicants move in and pay an affordable rent for between five and 20 years'

'At the end of the tenancy, our tenants will be buying 100% of their home. When they do so we give them 10% of property's value as a gift to boost their deposit and they use this to secure a high street mortgage.'

- 1.4 Rentplus UK explained that they sell 25% of the units on 5 year time frames. With 25% of the units sold to the occupant after 5 years, another 25% after 10 years, another 25% after 15 years and the final 25% after 20 years.
- 1.5 The main issue with the Rentplus UK model is that in order for future occupants to be eligible for the affordable housing they offer, occupants must meet certain income levels.
- 1.6 Rentplus UK have shared the minimum income level threshold, residents in Spelthorne area need to qualify for a property within the scheme, which is as follows:
 - a minimum of £44k pa to qualify for a 1-bed flat
 - a minimum of £64k pa to qualify for 2-bed flat
- 1.7 The Council's Housing Allocation Policy sets out the criteria of eligibility to be included in the Council's Housing Register. One of the criteria of eligibility is assessed at income level (2.3 (iv) of the Policy) which provides as follows:

“To qualify, a single person household applicant MUST NOT have an income higher than £30,000 net. For joint applicants, the total household income MUST NOT be greater than £60,000 a year.”

- 1.8 There are 2495 applicants on the Councils Housing Register, of which 1064 require a 1 bed unit and 878 a 2 bed unit (see below).

Housing Register Applications by Band and Calculated Bedroom Need:

Band	Requires a 1-bed	Requires a 2-bed	Requires a 3-bed	Requires a 4-bed or more	Grand Total
A	32	14	3	-	49
B	119	245	112	32	508
C1	285	181	174	32	679
C2	110	107	70	17	304
D	518	331	101	12	962
Grand Total	1,064	878	460	93	2,495

- 1.9 Therefore no applicant on the Council Housing Register would meet the Rentplus UK income criteria to qualify for a 2-bedroom flat. Also, no single applicant on the Council Housing Register would meet the Rentplus UK criteria to qualify for a 1-bedroom flat.

- 1.10 The only scope for applicants on the Housing Register would be - for a couple with no children to apply for a 1-bedroom flat if their income is above £44k pa. The Council’s Strategic Lead for Housing has noted that at present there are 26 applicants on the Spelthorne Housing Register who could potentially meet this requirement out of 1,069 applicants seeking a 1-bedroom flat. Of those, 4 are in receipt of benefits as part of their income, and 5 are receiving pension as part of their income, which may or may not be accepted as an income source by Rentplus UK.

- 1.11 In addition, applicants on the Councils Housing Register are assessed and banded to reflect the level of need, with A being the highest priority (see below)

All applications are assessed and awarded a Band to reflect the level of need of the applicant and local connection. There are five bands:

- **Band A** – Emergency / Priority.
- **Band B** – Urgent need to move.
- **Band C1** – Identified need to move.
- **Band C2** – Cases with a reasonable preference need but no local connection.
- **Band D** – Low housing need and no 'deemed' housing need.

- 1.12 Therefore of those 26 households with the required income level for a 1-bedroom flat, 22 are in band C or D, 3 couples in Band B (of which one is expecting a child and will need a larger property) and 1 retired couple in Band A seeking a transfer from another property.
- 1.13 This shows there are very few people on the Council's Housing Register who would qualify to be able to live (rent and eventually purchase) an affordable housing unit with Rentplus UK. The Rentplus UK model will not provide affordable housing for those who need it the most, as it would not fulfil the requirements of the Council's Housing Allocation Policy or therefore the nominations agreement required by the S106 agreement.
- 1.14 Notwithstanding the above, at present the Council has 231 households in B&B and Temporary Accommodation (TA), with the Council's annual revenue cost of over £2.5m a year to cover the cost of the temporary accommodation. The income levels of those in B&B and TA does not meet the income thresholds set by Rentplus UK.
- 1.15 In addition, the Council's Strategic Lead for Housing notes that *'Our experience shows that A2D are risk conscious in their operations due to significant external pressures. Thus, we have reservations as to the proposed model of transferring some of the existing A2D tenants with a high-income level to Rentplus and the Council nominating tenants with lower income into A2D portfolio instead'*
- 1.16 As such Officers continue to have concerns with using Rentplus UK to deliver affordable housing at this site.

Background

- 1.17 As noted in the officer report the applicant contacted the Council approx. 2 years ago (January 2023) about their difficulties in being able to provide onsite affordable housing at the site, and specifically in relation to providing it as per the terms of the S106 agreement – 70 units (24 affordable rented and 46 shared ownership).

1.18 The S106 Agreement states: -

- 1.6 An agreement to transfer the Affordable Housing units to a Registered Provider shall be entered into prior to the carrying out of any above ground works comprised in the Development and the Owner shall not carry out any above ground works comprised in the Development unless an agreement for the transfer of the Affordable Housing Units has been completed.
- 1.7 No Occupation of any Affordable Housing Units or additional Affordable Housing pursuant to paragraph 6 below shall take place until the relevant Registered Provider has entered into a nominations agreement with the Borough Council in the Borough Council's approved form from time to time.

1.19 The applicant informed the Council that they had been trying to secure a Registered Provider (RP) to purchase and provide the affordable housing at the site but had had no success.

1.20 In October 2023 the applicant referred the Council to Rentplus UK, as a company who could provide some affordable units at the site, but this would not be as per the terms of the S106 agreement. The applicant said Rentplus UK could provide 46 affordable rented units at the site

1.21 Planning Officers sought advice from the Council's solicitor and Strategic Housing Officer, and both had concerns about what Rentplus offered.

1.22 Officers had a meeting with Rentplus UK in early 2024 and it was clear that the Rentplus UK model would not meet the terms of the approved S106 agreement, because the affordable housing provided by Rentplus UK would not be offered to the highest category of need on the Councils housing list. In addition, as a side issue at that time, Rentplus UK were not a recognised RP.

1.23 Following this, officers had a meeting with the Leader, Cllr Sexton and Cllr Doran on 19 April 2024, where they also expressed their concerns. The Leader wrote to the applicant in a letter dated 23 May 2024 noting the high number of families on the Council's housing register, acknowledged the applicants actions in trying to find an RP and that they are in breach of the S106 agreement as works had commenced,

'Indeed, I have been contacted by the proposed provider, Rent Plus, who wish to meet and explain their delivery model to me. I know that officers have carefully considered the proposal of Rent Plus model. They attended the meeting with Rent Plus to discuss the proposal and raise some concerns about its functioning. Although it might be attractive to some local authorities, the officer view is that this will neither address nor assist in providing much needed truly affordable rented units. This has already been communicated to you.

I appreciate that the current economic situation may have an impact on finding a Registered Provided but the Council is not under any obligation to accept something it finds does not represent good value for its housing need.

Both myself and the Chair of the Community and Wellbeing Committee are in full agreement with this stance. The model will not deliver what is needed for our residents (e.g. no direct nomination rights from our housing list and taking the 'cream' off the housing register or from A2D).'

Separately, I am aware that there have been discussions around viability in connection with the possible prospect of delivery via an off-site commuted sum. Again, it is disappointing that this is moving in the wrong direction as far as I and other politicians are concerned. The principle of an off-site contribution is something that we are politically willing to consider – but I need to be very clear - it has to be a very meaningful sum, and there needs to be a commitment via a S106 agreement that this is affordable rent (which falls within the legal definition).

As it stands at present, you are currently in breach of s106 agreement and the Council reserves the right to take any further action it decides is necessary to secure the best outcome for the borough.

1.24 The letter then went on to request that the applicant did the following: -

'1. Provide a revised viability assessment to officers based on the position at appeal stage (and not the current position)

2. Have a single round of discussions around viability to achieve an improved position as far as the Council is concerned – via an external review of your figures undertaken by our external advisors.

3. To undertake a further trawl of RP's as the list provided will not be reflective of the current position. It appeared very much focused on those RP's based in London who do not wish to move out, rather than casting the net wide enough.

This should not be a protracted process, and I expect this to be completed within the next four weeks, at which point we will consider our options. The Council reserves the right to take any further action it decides is necessary to secure the best outcome for the borough'

1.25 The applicant followed the advice given to them, which led to a further tender process to 81 RPs. This resulted in no offers from any RPs to provide the S106 complaint affordable housing at the application site.

1.26 The applicant also carried out a viability assessment based on the cost at the time of the appeal, (rather than at the time of the review, which would have incurred higher costs and therefore a reduced commuted sum offer) as requested in the letter. This review offered a commuted sum for offsite affordable housing of £2.37m.

1.27 The above were provided to support this current planning application which was submitted in October 2024. As with all planning applications, letters were sent out to neighbouring properties and publicity carried out. No letters of representation were received.

1.28 The Officers Committee report was written and printed for the January 2025 Planning Committee before the Christmas break. Development Management Officers in Planning have had no contact from any Members about this application or received any requests for clarification or queries prior to the Committee Meeting in January...

Points to note

- 1.29 Rentplus UK now have Registered Provider (RP) status, as of July 2024. However, this does not change their affordable housing model or how they operate. As such this would still not meet the Council's affordable housing requirements and there is still a fundamental issue with who would be housed in the affordable units provided by Rentplus UK. This would not be the people most at need and highest on the Council's Housing Register, as was the concern raised last year. It will not fulfil the requirements of the Council's Housing Allocation Policy or therefore the nominations agreement required by the S106 agreement
- 1.30 As instructed, the applicant submitted their viability assessment for a payment of £2.37m and this was independently reviewed by a Council appointed Viability Assessor and a value of £3.85 has eventually been agreed. This accords with the Council's Policy on Affordable Housing, HO3 and the NPPF 2024.

Policy HO3: Affordable Housing

The Council's target for affordable housing is that 40% of all net additional dwellings completed over the plan period, 2006-2026, should be affordable. This will be achieved by:

- a) having regard to the circumstances of each site, negotiating for a proportion of up to 50% of housing on sites to be affordable where the development comprises 15 or more dwellings (gross) or the site is 0.5 hectares or larger irrespective of the number of dwellings. The Council will 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 should be conducted on an 'open book' basis,
- b) encouraging registered social landlords to bring forward smaller sites of one to fourteen dwellings (gross) consisting wholly of affordable housing regardless of site size.

Provision within any one scheme may include social rented and intermediate units, subject to the proportion of intermediate units not exceeding 35% of the total affordable housing component.

Where affordable housing is provided on any site the Council will seek to ensure that it is maintained in perpetuity, normally by means of a legal agreement, for the benefit of those groups requiring access to such housing. Where such a restriction is lifted, for any reason, the Council will require any subsidy to be recycled for alternative affordable housing provision. Where the Council considers a site is suitable for affordable housing and a reasonable provision could be made, planning permission will be refused if an applicant is unwilling to make such provision.

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.

Where, as a means of avoiding the requirement to provide affordable housing, a proposed development site is subdivided so as to be below the site size threshold, or is not developed to its full potential so as to be below the number of dwellings threshold, planning permission will be refused.

- 1.31 The Council's Strategic Lead for Housing has noted that the commuted sum could assist the Council with affordable housing delivery – either through development or property acquisition, with the stock further supporting the financial viability of KGE as well as providing a long term sustainable and affordable tenancies to residents in the highest priority of housing.
- 1.32 One way of utilising the commuted sum, would be to use it to top up any funding that the council may receive from Central Government to purchase properties on the open market, e.g. Local Authority Housing Fund, thus reducing the need for the Council taking on additional borrowing.
- 1.33 The current application before us was submitted in October 2024 to vary plans along with a Deed of Variation (DoV) to vary the S106 to have a payment for offsite affordable housing rather than the 70 onsite units. The evidence submitted with the application shows that S106 compliant onsite affordable housing is not achievable. The terms of the DoV have been negotiated so that the payment is to be made before occupation of the building.
- 1.34 This is what is currently 'on the table' and under assessment with this application.
- 1.35 If approved the money would be given to the Council for offsite affordable housing and the units in the development could be sold on the open market to anyone, including to an affordable housing provider – which happened at the former Brooklands site in Ashford for instance.
- 1.36 If the S106 was to be changed in any other way, this will need a new DoV to the S106 which would need to be submitted along with evidence/viability. This will take time and negotiations with any interested parties, who may change their mind in due course, or may or may not be a viable option at that time.
- 1.37 It may be possible for a new viability assessment to be submitted with today's costs, which would be higher and therefore less/no payment offered in lieu of the affordable housing on site.

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
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	Refused 16/02/2015

	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.	
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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.



Planning Committee
5 February 2025

Planning Appeals Report – V1.0 ISSUED

Appeals Started between 20 December 2024 and 21 January 2025

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
21/00557/DC2 15 Roxford Close Shepperton TW17 8RS	06.01.2025	Written Representation	APP/Z3635/W/24/3348133 Details pursuant to condition 3, (soft & hard landscaping) condition 4, (means of enclosure) condition 5, (renewable energy) condition 6, (vehicular access) and condition 8 (electric charging) reserved from planning permission 21/00557/FUL. (ONLY CONDITION 8 HAS BEEN SATISFIED AND CAN BE DISCHARGED AT THIS STAGE)
24/01019/FUL	13.01.2025	Written Representation	APP/Z3635/W/24/3354984

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
22 Sidney Road Staines-upon-Thames TW18 4LX			Proposed change of use from a single family dwelling (Use Class C3) to an 8 person House of Multiple Occupation (HMO) (Sui Generis). As shown on drawings numbered M/662/01-22A; /02-22A; /03-22A; /04-22A; /05-22A; /06-22A; /07-22A; /08-22A received on 27 September 2024.
24/00813/HOU 49 Kenilworth Gardens Staines-upon-Thames TW18 1DW	07.01.2025	Fast Track Appeal	APP/Z3635/D/24/3356784 Erection of single storey side and front extensions and two storey side extension. (as shown on location plan, 02, 03, 04, 05, 09, 11, 12 rec'd 10.07.2024 amd 07a, 08A and 10 rec'd 24.07.2024
24/01165/HOU 34 Hawkewood Road Sunbury-on-Thames TW16 6HJ	09.01.2025	Fast Track Appeal	APP/Z3635/D/24/3357417 Erection of a two storey rear extension, a single storey front extension and 3 no. front dormers following the demolition of the existing rear extension and dormers
24/00784/FUL Voyager House 44 London Road Staines-upon- Thames	13.01.2025	Written Representation	APP/Z3635/W/24/3357654 Construction of a single storey extension at roof level consisting of 2 no. self-contained residential units (Use Class C3), cycle parking and associated works

Appeal Decisions Made between 20 December 2024 and 21 January 2025

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
24/00687/HOU 129 Staines Road Laleham Staines-upon-Thames	21.10.2024	Fast Track Appeal	APP/Z3635/D/24/3353543 Erection of an outbuilding at the rear of garden to be used as a granny annexe.	Appeal Allowed	16.01.2025	The Planning Inspector was satisfied with the proposed size and internal layout with the proposed annexe, as without a kitchen there would still be a dependency on the main house. The Planning Inspector disagreed with the Council's concerns on the proposed backland location and was of the view there has not been any policy or guidance that supports the LPA's view that an annexe should form an extension to the existing house. Furthermore, the Planning Inspector disagreed with the LPA that a landscape plan should be provided for the indication of which trees were to be retained. In addition a condition for ancillary use has not been included. Consequently, the appeal was allowed.

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.

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
The Paddocks, 235A Hithermoor Road, Stanwell Moor			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.			
Stanwell Farm Bedfont Road Stanwell	23.09.2024	Hearing	APP/Z3635/C/24/3352057 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			

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
			planning permission, the erection of two structures (the approx location of which are shown with a Y and Z and hatched in red and blue respectively on the attached plan).			
23/00121/OUT Land East Of Vicarage Road Sunbury-on-Thames TW16 7LB	28.05.2024	Public Inquiry	APP/Z3635/W/24/3342657 A Hybrid planning application for an Integrated Retirement Community to consist of: a) Full planning application incorporating 38 extra care and 28 close care units (Use Class C2) with an on-site village centre to include a medical facility. Means of access off Vicarage Road, associated infrastructure, landscape buffer and open space. b) Outline planning application for a care home (up to 60 beds) and	Appeal Allowed	22.11.2024	The Inspector considered that the proposal would constitute inappropriate development in the Green Belt. She also considered that the development would cause harm to the openness of the Green Belt, and conflict with the purposes of the Green Belt set out in the NPPF. In terms of character and appearance, the Inspector stated that whilst the site is an open field, it has an overriding suburban character and appearance rather than a rural character. Consequently, she concluded that the proposal would cause no harm to the

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
			up to 98 extra care units (Use Class C2), landscaping and open space, parking, infrastructure, and internal access roads (all matters reserved).			<p>character and appearance of the area.</p> <p>With regard to housing need, the Inspector noted that there is a significant level of need for 'housing with care' in the Borough. There is also a need for care home bedspaces. She stated that there are currently no other such developments in the pipeline, nor any proposed allocations in the emerging local plan for this type of development. She gave very substantial weight in favour of the development on the issue of housing need.</p> <p>Overall, the Inspector considered that the harm to the Green Belt was clearly outweighed by the need for 'housing with care' and care home spaces, and that 'very</p>

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature	Decision	Decision Date	Comments
						special circumstances' exist to allow the development.

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 for some time but are still not ready for consideration or have been recently received but are not ready to be considered by the Planning Committee. The background documents 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
24/01527/RVC	Sunbury Cross Ex Services Association Club Crossways Sunbury-on-Thames TW16 7BG	Variation of Condition 2 (approved plans) imposed upon planning permission 21/01801/FUL for the erection of two residential buildings comprising 47 flats, to allow the addition of secondary fire escape staircases for each building and associated internal alterations.	Mr. A Chadaury. Sun-Ex 21 Ltd	Vanya Popova
25/00046/FUL	Sunbury Sports Association Lower Hampton Road Sunbury-on-Thames TW16 5PS	Erection of a single storey porch on southern side of building along with internal configurations, relocation and installation of a new doors on the eastern, southern and northern side of building.	Mr David Smith Sunbury Sports Association/Sunbury Cricket Club	Vanya Popova

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

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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