

**Minutes of the Planning Committee
10 November 2021**

Present:

Councillor T. Lagden (Chairman)
Councillor R.A. Smith-Ainsley (Vice-Chairman)

Councillors:

C. Bateson	M. Gibson	R.W. Sider BEM
A. Brar	H. Harvey	B.B. Spoor
J.T.F. Doran	N. Islam	J. Vinson
N.J. Gething	R.J. Noble	

In Attendance: Councillors Beecher and Fidler

519/21 Minutes

The minutes of the meeting held on 13 October 2021 were approved as a correct record.

520/21 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 T Lagden reported that he had received correspondence in relation to Application 19/01567/FUL and Councillors H Harvey, R Noble and R W Sider BEM had visited the application site but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillors J Doran, H Harvey, N Islam, R W Sider BEM and R Noble reported that they had received correspondence in relation to application 20/00780/FUL and Councillor R Noble reported that he had visited the application site but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor N Islam reported that he had received correspondence in relation to application 20/00802/FUL and Councillors R Smith-Ainsley, H Harvey, R Noble and R W Sider BEM reported that they had visited the application site

but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillors R Smith-Ainsley, J Doran, N Gething, H Harvey, N Islam, R Noble and R W Sider BEM reported that they had received correspondence in relation to application 21/00614/OUT and Councillors N Gething and R Noble. They all reported that they had visited the application site but had maintained an impartial role, had not expressed any views and had kept an open mind.

521/21 Planning application 19/01567/FUL - Florida Court, Station Approach, Staines-upon-Thames, TW18 4LZ

Councillor N Gething was not in attendance for the start of the presentation so was able to take part in the debate but was unable to vote on the application

Description:

The creation of an additional floor above the existing building to create 7 x 1 bedroom units and 2 x 2 bedroom units and the creation of 2 additional car parking spaces.

Additional Information:

Paragraphs 7.19 should be amended to as follows:

'However, when measured from 10 of the 12 windows it is considered that the 25 degrees when only be breached at the ~~very edge~~ top of the ~~roof proposed over the~~ additional storey, and the breach is not considered to be significant'.

The following addition is also made to paragraph 7.30:

'The proposal is also considered to have an acceptable impact upon the privacy of the existing units, particularly as the current first floor overlooks the central courtyard'.

Condition 2 should be amended as follows:

"The development hereby approved shall be carried out in accordance with the following approved plans: 19027 PL/01 19027 PL/02 Rev C, 19027 PL/04, 19027 PL/03 Rev C 19027 PL/05 Rev A (Received 02.06.2021) 19027 PL/06 Rev A (Received 15.10.2021) 19027 PL/07 Rev L (Received 20.10.2021)."

Public Speaking:

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

- 4 out of 18 existing flats would suffer with insufficient light in their living spaces

- 6 out of 18 existing flats would suffer with insufficient light in their bedrooms
- Current parking arrangements were not adequate so an increase in residents would make parking more problematic
- An assumption was being made that being located near to a train station would result in less parking but this was not based on any evidence

In accordance with the Council's procedure for speaking at meetings, the Committee Manager read out a statement for the proposed application on behalf of Mr A Gunne-Jones (agent) raising the following key points:

- The development would add to the Borough's housing supply and would contribute to addressing the housing under-supply that exists in the Borough
- All the residential units would comply with the Technical Housing Standards
- The heritage comments concerning the pitch of the proposed roof had been addressed
- Energy conservation measures would be put in place eg solar panels

Debate:

During the debate the following key issues were raised:

- Good transport links therefore parking ratio can be less than normally asked for
- The existing site is very cramped
- Raising the roof will change the look of the site and it would appear more cramped
- The additional 9 units would contribute to the Council's shortfall in housing provision
- There would be a major negative impact on existing residents whilst construction work is taking place
- Some flats would see reduced levels of lighting either within the lounge or bedroom due to the additional storey
- The assumption can not be made that being near to a train station would mean that residents would not use their cars so adequate parking provision still needed to be provided
- Increase in the number of wheelie bins would have a detrimental impact on the site
- This building is not a listed building but is unique and should not be developed
- Existing residents already have to park on amenity land due to lack of adequate parking so an increase in the number of residents would exacerbate the problems

The Committee voted on this application as follows:

For – 1
Against – 11

The motion to approve the application FELL

**The meeting was adjourned at 20:01
Councillor Gibson left the meeting**

It was proposed by Councillor Lagden and seconded by Councillor Bateson that the application be refused as it was in contravention of Policy EN1(b) of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

For – 11

Decision: The application was **REFUSED** for the following reasons:

The proposed development would, be reason of its additional bulk and height, result in an unacceptable loss of light to the existing residential units on the ground floor at flats 3, 6, 14 and 17, contrary to policy EN1(b) of the Core Strategy and Policies DPD 2009, the Design of Residential Extensions and new Residential Development SPD 2011 and the National Planning Policy Framework 2021.

522/21 Planning application 20/00780/FUL - Hitchcock and King Retail Warehouse, Stanwell Road, Ashford, TW15 3DX

Description:

Sub-division of existing retail warehouse, and change of use to create two Class E 'commercial' units, with reconfiguration of the site car park, elevational changes, installation of plant equipment and other ancillary works.

Additional Information:

Three further letters of representation including one letter of support and two objecting raising concerns regarding

- traffic generation
- impact on existing town centre and
- design / appearance.

In addition, a letter was received from planning consultants acting on behalf of Tesco's. Three specific points were raised:

1. Failure to satisfy the requirements of the sequential test.
2. Lack of necessary conditions restricting the proposed units to uses within the wider Use Class E
3. The need to utilize scarce urban land for housing

A response was subsequently received from the agents acting on behalf of Lidl to address the three issues raised.

1. The application was submitted with a sequential test and a retail impact assessment. The Officers report refers to the sequential test and both this test and the retail assessment were taken into account in reaching the recommendation. Officers are satisfied that the conclusions reached are reasonable and that due-process has been followed. The site is located in Ashford and is some distance from Staines and it is not considered that these are comparable areas for the purposes of considering this application.

2. Class E was introduced on the 1st September 2020 and replaced a number of previous use classes. Class E a) relates to this proposal which is for the 'Display or retail sales of goods other than hot food', although there are other sub-groups within Class E

The revisions to the Use Classes Order were introduced by the Government to streamline the Use Classes. The Government's guidance on the use of planning conditions states that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity.

Class A1 and D1 were revised to Class E, notwithstanding schools, libraries, places of worship etc. which became F.1, and it is not considered that there is an overriding reason to restrict the revised Use Class on this site.

3. The site was identified within the Preferred Options Consultations, Preferred Site Allocations Officers Site Assessment. However, Members will be aware that the Local Plan is at an early stage and the Regulation 19 is due for consultation early 2022.

As such, this document carries negligible weight in the consideration of this application.

In respect of the report, as a major application, flooding and drainage is a consideration and a Flood Risk Assessment was submitted with the application. As the site falls outside of a designated flood risk area, no flooding or drainage concerns are considered to arise.

The proposed footpath on the eastern side of Stanwell Road would result in the loss of a small length of open land designated as Protected Open Urban Space. Policy EN4 applies. Due to the small scale of the pavement being only 1.2m wide, no significant adverse impacts upon the provision of urban space are considered to arise.

In paragraph 7.22 the Transport Consultant has incorrectly stated that the new footpath is on the western side of Stanwell Road, however it is on the eastern side.

In paragraph 7.28 reference is made to a refuge area on Stanwell Road, however this is no longer being proposed.

In terms of conditions, the applicant has requested that conditions 3, 6, 8 and 21 are amended to be pre-commencement conditions rather than having a time limit of two months which is considered acceptable.

The approved plans condition 2 is also amended to remove drawing no. 102-p15 and replace it with 4415-0101-P26.

Similarly Condition 18 should be amended to drawing no. 4415-0101-P26.

With regard to condition 12, there is a requirement for 14 fast charging points. The applicant's preference is to provide 2 rapid and 6 fast charging bays with a further 12 passive spaces provided for the future.

The final condition is without a number and should be condition 21.

The applicant has suggested that they would accept conditions relating to the specific uses and floor area restrictions if Committee members would wish these to be imposed.

Informative 5 should be amended to refer to Condition 12.

Public Speaking:

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

- Vehicle access – the current driveway has an unusual camber and when vehicles turn they scraped the tarmac due to the design
- Access to the site would be problematic and potentially dangerous for pedestrians due to lack of a pavement and a steep incline on a grass bank
- Extra noise from business activity would cause excessive intrusion to nearby residents
- Light intrusion from the expected illuminated signs

In accordance with the Council's procedure for speaking at meetings, Bradley Searle, Senior Acquisitions Consultant Lidl spoke for the proposed development raising the following key points:

- This proposal made efficient use of an existing vacant retail warehouse building
- A need had been identified for an additional food store provision in Ashford
- 88% of residents confirmed their support for this application
- An independent highways expert had raised no highways safety concerns with the scheme
- Improvements to the local highways network will be undertaken
- A new informal pedestrian crossing would improve pedestrian access to the site

- The access junction to and from the site would be widened
- This application would create 50 new local jobs
- Electric vehicle charging points would be installed
- The proposed food store would increase local consumer choice

Debate:

During the debate the following key issues were raise

- The application is an improvement on what is currently on the site
- Electric vehicle charging points would be a positive
- Good use of an empty building
- Illuminated sign on the western wall of the building would have a detrimental effect on local residents
- Additional traffic would result in highway safety issues
- Would like to see an increase in the green credentials and the number of Electric Vehicle Charging points

For – 10

Against – 2

Decision: The application was **APPROVED** subject to an amendment to condition 9 as follows:

Details of the lighting levels, including surface brightness of the self-illuminated lighting fixtures on any façade of the development which faces towards residential accommodation and will be lit between 21.00hrs-07.00hrs, shall be submitted to and agreed in writing by the Local Planning authority prior to any installation. The lighting shall be implemented in accordance with the agreed details.

Reason: In the interests of amenity and protection of nearby residents from potential light nuisance.

523/21 Planning application 20/00802/FUL - Car Park to Rear of Tesco, Ashford Hospital, London Road, Ashford, TW15 3AA

Description:

Redevelopment of surplus hospital car park for 127 residential units comprising 123 flats and 4 terraced houses, in buildings ranging from 2 to 5 storeys in height, with associated access, parking, services, facilities and amenity space.

Additional Information:

The applicant has agreed to a make a contribution of £45,000 to off-site improvements to existing open spaces in the borough. The figure of £35,000 at paragraphs 7.52, 7.147 and 9 should be revised to £45,000.

Since publication of the officer's report the Local Planning Authority has received a consultation response from the Surrey Fire Service. The Fire Service has objected on the grounds that the existing barrier between the

application site and Victory Close would be retained and would restrict access to this road. The Fire Service advises that there is insufficient detail provided to assess whether it will meet with the access requirements of Approved Document B Section B5 of the Building Regulations when the initial notice is submitted. The Fire Service advises that a sprinkler, water mist system should be provided.

Officer note: it is considered that the matters relating to fire safety can be dealt with at the Building Regulation stage.

The Local Planning Authority does not have a specific planning policy relating to fire safety. However, at paragraph 4.27, the Council's SPD on design states that accessways in excess of 45 metres in length require a width of 4 metres to accommodate a fire engine. When measured from the proposed site plan, the LPA has calculated that the access throughout the site would exceed 4 metres in width.

The applicant has also provided a response stating that the barrier has never been in use by the Fire Service when in the previous hospital use. The applicant also notes that the nearest fire station is located on the A308, and the access to the site would more likely be from London Road/Town Lane. The applicant has also confirmed that Block A and Block B would both be provided with an automatic sprinkler system and arc fault detection devices, which reduce the risk of fire from appliances.

The applicant has submitted a further ground floor plan for Block C, which when measured from the plan shows that the ground floor unit in this block would exceed the minimum floor space requirements set out in the Technical Housing Standards (March 2015). Paragraph 7.19 should therefore be revised to state that the ground floor unit in Block C would be in accordance with the minimum floor space requirements for a unit of this size.

The revised plan also clarifies the garden sizes for the units in Block C, with the LPA calculating that 3 of the units would contain gardens measuring approximately 59m² and one of the gardens would measure in excess of 60m², although the applicant's architect has stated that their calculations show that the gardens would measure 60m². As a consequence of this, plan number 1345-DNA-B1-G1-DR-A-1070 Rev P1 should be amended to plan 1345-DNA-B1-G1-DR-A-1070 Rev P2 (Received 04.11.2021) in Condition 2.

Condition 18 should be amended to include plan number 19008-01-006 Rev C rather than 19008-01-006 Rev B.

Condition 16 should be amended to refer to plan 1345-DNA-ZZ-GF-DR-A-0010 Rev P1 (received 07.09.2021), instead of plan 1345/ PL/1000 Rev B

A further condition is recommended as follows:

"The rated noise level from the plant hereby approved shall be at least 10 dB(A) below the background noise level at the nearest noise sensitive property as assessed using guidance contained within BS 4142 (2014)

Reason: "In the interests of the amenity of neighbouring and adjoining occupiers"

Public Speaking:

In accordance with the Council's procedure for speaking at meetings, Suzanne Rankin (NHS) and Ian Anderson (Agent) spoke for the proposed development raising the following key points:

- This development would provide much needed accommodation for key workers within the Borough
- The total provision of amenity space would be 42% greater than that required
- A £45,000 contribution to play/activity space off site would be provided by the Developer
- Two children play areas would be created on the site
- The revised design now achieved 44% energy savings which was double the savings achieved by the initial proposed design
- 22 S106 affordable housing units would be provided within the development
- 105 units would be prioritised for local NHS workers, then other key workers within the Borough
- The site is close to existing facilities
- The site adjoins Ashford Hospital where most of the residents would work
- Public transport infrastructure is close to the site
- The development makes good use of a brownfield site
- The development is acceptable on the grounds of housing size and type, character and density, impact upon existing residential dwellings, affordable housing, parking provision and highways

Debate:

During the debate the following key issues were raised:

- Developers have addressed most of the concerns raised by the Committee in January 2021
- Will help address the shortfall in the Council's housing target figures
- Will provide affordable housing for key workers in the Borough
- Significant increase in the green credentials of this application
- Improvement in the size of the gardens
- Developer may wish to consider decreasing the height of Block B
- Some units do not meet the minimum size requirement
- Inadequate open space within the development
- Inadequate parking provision within the development
- Shortfall on the Local Planning Authority's distance guidance
- Would like to see a car club set up within this development
- Many of the residents would work at the nearby Ashford Hospital and therefore would not need to use their cars to get to work

Against - 5

Decision: The application was **APPROVED**.

21:38 the meeting was adjourned

21:44 the meeting reconvened

524/21 Planning Application 21/00614/OUT - 36 & 38 Minsterley Avenue, Shepperton, TW17 8QT

Description:

Outline Planning permission with appearance and landscaping reserved for the erection of 5 detached dwellings, comprising 4x4 bedroom dwellings and 1x5 bedroom dwelling, with associated parking and amenity space following the demolition of 36 Minsterley Avenue.

Additional Information:

The Council has received 7 additional letters of representation in objection to the application raising the following concerns:

- The proposal is not in keeping with existing architecture.
- The loss of the existing garages will create a greater loss of existing parking provision.
- Access to public transport and cycling are difficult at the site.
- The proposed density would be lower if no.38 Minsterley Avenue is not included in calculations.
- The width of the proposed dwellings would be significantly smaller than other dwellings in the road.
- The proposal cannot be described as good design.
- The proposal would represent 'backland' style development.

Condition 2 should be amended to as follows:

"The development hereby permitted shall be carried out in accordance with the following approved plans: ~~626 PL100 B~~, 626 PL002, 626 PL200 Revision C, 626 PL101 Revision C, 626 PL020 Revision A, 626 PL020 Revision A, 626 PL100 F, PL001 A "

An additional condition is also recommended as follows:

"The development shall be carried out in accordance with the Arboricultural Method Statement (Received 22.10.2021) unless otherwise agreed in writing with the Local Planning Authority

Reason: In the interests of biodiversity and visual amenity."

Public Speaking:

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

- 72 households in Minsterley Avenue and Chestnut Walk lodged objections to the application
- There is a symmetry of design and proportion with the existing properties surrounding the application site and the proposed properties would not be in keeping
- The proposed development would have a negative impact on the character of the surrounding area
- Five properties on this site would be overbearing
- Lack of adequate parking provision and no safe on-street parking

In accordance with the Council's procedure for speaking at meetings Edward Roberts (Architect) spoke for the proposed development, raising the following key points:

- The original application had been for 8 dwellings and this had now been reduced to 5
- All objections relating to planning policies had been addressed
- The retention of no. 38 Minsterley Avenue would keep the appearance the same and would have little impact on the street scene
- The proposed development would not impact on highway safety

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

- The Developer had not sought the views of local residents
- The surrounding properties are large family homes and the smaller proposed houses would not be in keeping
- The lack of adequate off-street parking would cause issues
- The access, layout and scale of the proposed houses had been compromised to fit more on the site
- The development would negatively affect the street scene

The Committee voted to suspend Standing Orders so that the meeting could carry on until 22:30.

Debate:

During the debate the following key issues were raised:

- The proposed houses are significantly different in appearance from the existing surrounding properties
- Scale, layout and access to the development site would have an unacceptable impact on the character of Minsterley Avenue
- 4 trees on the site that have TPOs will need to be felled
- The southern most property will overlook the back of no. 34 Minsterley Avenue causing privacy issues

- Wildlife on the site may be affected
- This would be an overdevelopment due to the size of the plot.

For – 0

Against – 10

Abstain – 2

The motion for approval FELL

It was proposed by Councillor Lagden and seconded by Councillor Bateson that the application be refused as it was in contravention of EN1 (a) of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

For – 12

Against – 0

Decision: The application was **REFUSED** for the following reasons:

The proposed development, by reason of its layout and location to the rear of the existing dwellings and its failure to provide a street frontage, would result in a development which fails to pay due regard to the existing proportions and building lines of the locality and fails to make a positive contribution to the street scene, resulting in a development which would be out of character with the surrounding area, contract to policy EN1(a) of the Core Strategy and Policies DPD 2009, the Design of Residential Extensions and new Residential Development SPD 2011 and the National Planning Policy Framework 2021.

The Chairman closed the meeting at 22:26

A second meeting of the Planning Committee would be held on Wednesday 17 November to consider the remaining items on the agenda.

525/21 Planning Appeals Report

This item was carried over to the next meeting of the Committee to be held on Wednesday 17 November 2021.

526/21 Major Applications Report

This item was carried over to the next meeting of the Committee to be held on Wednesday 17 November 2021.

527/21 Exclusion of Public and Press

This item was carried over to the next meeting of the Committee to be held on Wednesday 17 November 2021.

528/21 Planning App 21/00010/FUL - Renshaw Industrial Estate, Mill Mead, Staines-upon-Thames, TW18 4UQ

This item was carried over to the next meeting of the Committee to be held on Wednesday 17 November 2021.