

**Minutes of the Planning Committee
31 May 2023**

Present:

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

Councillors:

C. Bateson	R. Chandler	A. Mathur
S.N. Beatty	D. Clarke	L. E. Nichols
M. Beecher	S.A. Dunn	K. Rutherford
M. Buck	K. Howkins	H.R.D. Williams
T. Burrell	M. Lee	

In Attendance:

Councillors who are not members of the Committee, but attended the meeting and spoke on an application in or affecting their ward, are set out below in relation to the relevant application.

26/23 Minutes

The minutes of the meeting held on 26 April 2023 were approved as a correct record.

27/23 Disclosures of Interest

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

There were none.

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

Councillors Bateson, Beatty, Buck, Geraci, Lee, Mathur, Nichols, and Rutherford reported that they had received correspondence in relation to application 23/00318/FUL but had maintained an impartial role, had not expressed any views, and kept an open mind.

Councillor Bateson also reported that he had received representation from local residents in relation to application 23/00185/FUL and had made a visit to the site, but had maintained an impartial role, had not expressed any views, and kept an open mind.

Councillor Beecher and Howkins reported that they had received correspondence in relation to application 23/00318/FUL and had made an informal visit to the site. In relation to application 23/00185/FUL they had also made an informal visit to the site, but in both instances had maintained an impartial role, had not expressed any views, and kept an open mind.

Councillor Gibson reported that she had received correspondence in relation to application 23/00318/FUL. In relation to application 23/00185/FUL she had made an informal visit to the site, but in both instances had maintained an impartial role, had not expressed any views, and kept an open mind.

28/23 Planning application - 23/00318/FUL - 89 Marlborough Road, Ashford

Description:

Erection of 12 walk-in style pens in rear garden of property and operation of Cattery.

Additional Information:

The Planning Officer reported the following:

Representations

One late representation sent to Councillors has been forwarded onto officers. Most of the issues raised are already covered in the Committee report. The additional issue is:

The A308 is close to the site and the noise generated by its proximity will cause stress to the cats and potentially cause them to be noisy.

Environmental Health has been consulted on the proposal with regards to noise impact and has raised no objection.

Consultation

A response has been received from the Environment Agency raising no objection subject to conditions and an informative already attached to the report.

Amended Plans

Plans have also been received showing all elevations and include minor changes to the elevations including clarification of window positions and changes to the rear elevation.

Condition 2 is therefore to be amended as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan, ex elev 3, ~~pro elev 5~~, ex PL2, ~~pro PL4~~ rec'd 13.03.2023.

Amended plans pro Elv 5, pro Elv5B, pro PL4, pro PL4B rec'd 24.05.2023.

Updates to report

New paragraph in section 7 of the report

Financial Considerations

Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. In consideration of S155 of the Housing and Planning Act 2016. The proposal is not CIL liable. It would be liable to pay business rates, but this is not a material planning consideration in the determination of this proposal.

River Ash

In several parts of the report, reference is made to the River Ash being located at the rear of the site. Whilst the River Ash is close to the site to the south, it is an open drain at the rear of the site which leads to the River Ash. Consequently, corrections are to be made to the executive summary (paragraph 1) and paragraphs 3.1, 3.3 and 7.1, plus the informative.

Public Speaking:

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

- Six letters of objection had already been submitted
- The introduction of a cattery to a fully residential area was not appropriate
- There was concern for additional traffic and parking
- Cattery clients would have little regard for parking on a T-junction
- Accidents would be heightened on the junction
- Adjoining neighbours would be unable to enjoy their outside space due to noise and odour from cats
- This application had caused stress for neighbours

- Running a business which caused traffic, noise, waste, and odour was not in keeping with the local area
- Foxes and rats were already rife in this street, and the cattery would encourage more of the same

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

- The Cattery exterior would be made from sustainably sourced timber
- The exterior would blend in well with the garden and surroundings
- One way glass or film would be used so cats will not be seen from outside of the building
- Marlborough Road had plenty of parking available
- Cats were clean and would not smell
- Each pen would be cleaned daily with regular checks throughout the day to monitor the cats and remove any waste.
- Odour reducing cat litter would be used
- Cat waste would be bagged and stored in a container ready for collection by a specialist company.
- The cattery was a completely enclosed building so transfer of any sound would be greatly reduced.
- Consultation with other Cattery manufacturers confirmed neighbours had never made complaints about noise or smell
- A neighbouring Cattery recently had their permanent application status confirmed

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

- There would be noise pollution with up to 24 cats
- The garden backs onto the River Ash which would affect wildlife due to noise
- Smell pollution in the heat would hinder neighbours from enjoying garden space
- This was an overdevelopment in a small garden space
- This was an eyesore for neighbours
- The design of the cattery building would not have a positive impact and went against policy EN1
- There was restricted car access on the narrow junction
- There was already issues with blocked driveways and traffic accidents
- The traffic examination was very weak
- The officer recommendations cannot be monitored
- This would be a strain on the Planning Department due to enforcement purposes
- There was six oppositions to this application
- This business was not right for the area and would ruin the street scene
- A similar cattery was turned down in Derbyshire due to detrimental impact on neighbours

Debate:

During the debate the following key issues were raised:

- Neighbours would be unable to enjoy their garden space
- A neighbouring cattery had not caused any issues in regard to odour, noise or traffic
- There was no area to pull in to park at the front of the property
- There was a large presence of dogs on this road which would cause stress for the cats
- This development would attract foxes at night-time
- This business was not right for a residential area
- There would be noise pollution
- Concern was raised about poor insulation of the pens
- Granting permission for less than two years may be a compromise

Councillor Clarke joined the meeting late and missed part of the debate for this item. He was therefore unable to vote.

The Committee voted on the application as follows:

For: 7

Against: 6

Abstain: 2

Decision: The recommendation to approve was agreed and the application was approved subject to conditions as set out in the Committee report.

29/23 Planning application - 23/00185/FUL - 10 Chestnut Grove Staines-Upon-Thames TW18 1BZ

Description:

Demolition of converted garage and erection of new build part single storey, part two storey dwelling house with integral garage, including single storey rear extension to existing dwelling.

Additional Information:

The Senior Planning Officer reported the following:

The "Extension of Time Agreed until" should read 02.06.2023 rather than 28.03.2023.

The applicant has submitted a 'sunlight study'. This does impact the officer's recommendation.

An overlay floor plan has also been received, showing the outline of the existing planning permission against the current proposals.

Public Speaking:

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

- Current tenants were not made aware of this new application by the owner
- The new drawings show two kitchens which was not normal for a home dwelling
- The owner seemed to plan on having one entrance but house multiple occupants in the property per room
- Doubts were raised regarding legislation, regulation and fire risk assessment being adhered to
- There was no more room for parking down Chestnut Grove
- The current driveway for this property would be replaced with a garage
- The layout and density of this new build would not fit the profile of other houses on this street
- The proposal to bring the property towards the street would result in a loss of privacy for neighbours
- This development would be overbearing for the residents on Churchill Court
- The street cannot handle large trucks, lorries and tradesman for a long time which such a building would bring
- Long term disruption to a residential street would be caused
- This property would limit the sunlight neighbouring houses receive

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

- This was the revised application to the previous application which was granted on 29 June 2022
- The main changes compared to the previous application included a new internal parking space, a front elevation increase by 945mm and a rear extension increase by 1m
- The new dwelling would form a semi-detached part of the existing dwelling detached house
- the new dwelling would fully integrate into the existing first floor set back from the building line, with no overbearing
- The footprint was sufficient for a two bedroom house
- The guidelines set out by housing standards and local SPD on design and residential development were met
- The revised proposal would have an internal garage instead of off street parking, with no change to street parking
- A sunlight study carried out showed no impact on Churchill Court as the new areas are on the north side of it
- The first floor window was set back from the building line so is no worse than the current situation
- The first floor window was in recommended minimum distance for overlooking and privacy between windows across the road

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

- Residents had raised concern for the previous application
- The previous application was submitted and refused for this site in October 2021
- The application was previously refused for the overbearing impact for residents on Churchill Court
- This is the third application within 18 months
- The Council had received eight communications from residents opposing the scheme
- The existing dwelling would see the addition of a rear extension with a greater depth than in previous applications
- There was concern regarding the overhang of the guttering which should not overhang the boundary line with the adjoining property
- Residents argue this application is overbuilding of the existing site which would have knock on implications for those living in the locality
- The eight letters of objection raise some genuine planning concerns
- One major concern was the lack of parking provision
- Chestnut Grove was a busy road with limited off road parking
- All residents relied on parking within the street
- The street was often congested with parked cars
- The Council's car parking standards were overridden
- The public transport provision was not adequate

Debate:

During the debate the following key issues were raised:

- The report referred to a number of minor breaches to Planning guidance
- There was still an overbearing impact on Churchill Court
- This was a good proposal for tenants who are unable to buy a property
- There was insufficient parking available on the street
- There may be risk that the owners maintain the garage as habitable space rather than utilising for parking
- There was concern regarding storage of waste bins
- There was concern regarding the dimensions of the garage and difficulty with vehicle entrance
- There was no solid reason to refuse this application

The Committee voted on the application as follows:

For: 8

Against: 8

Abstain: 0

Thereafter, by 8 votes in favour and 8 votes against, on the Chair's casting vote the motion to approve the application FELL.

The meeting was adjourned at 21:02 and reconvened at 21:09

It was proposed by Councillor Geraci and seconded by Councillor Beecher that the proposed dwelling would, by reason of the design and layout to the front, have a cramped appearance and a detrimental impact on the street scene and would be out of character with the surrounding area, contrary to policy EN1 of the Spelthorne Borough Local Plan, 2009.

The voting was as follows:

For: 9

Against: 7

Abstain: 0

Decision: The application was overturned and refused planning permission for the following reason:

The proposed dwelling would, by reason of the design and layout to the front, have a cramped appearance and a detrimental impact on the street scene and would be out of character with the surrounding area, contrary to policy EN1 of the Spelthorne Borough Local Plan, 2009.

30/23 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.

31/23 Major Planning Applications

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

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