

Planning Committee

26 July 2023



Application No.	22/01666/FUL
Site Address	Land At Ashford Road, TW15 1TZ
Applicant	Urbox (Ashford) Ltd
Proposal	Demolition of existing buildings/structures including Ash House and Oak House in Littleton Road and redevelopment of the site with the erection of two buildings subdivided into seven units for speculative B2 general industrial, B8 storage and distribution, and E(g)(iii) light industrial purposes with ancillary offices, together with associated car parking servicing and landscape planting.
Case Officer	Matthew Churchill
Ward	Laleham and Shepperton Green
Called-in	Whilst the officer recommendation is for refusal, in accordance with the Planning Committees Terms of Reference as set out in the Constitution, the Planning Development Manager has decided after consultation with the Chairman of the Planning Committee, this application should be submitted to the Planning Committee for determination.

Application Dates	Valid:15.12.2023	Expiry:16.03.2023	Target: Extension of Time Agreed
Executive Summary	<p>The application site is currently occupied by Ash House and Oak House, which are situated on the southern side of Littleton Road. The site is accessed through two vehicular access points in Littleton Road and also from a further vehicular access in Ashford Road. The site is located within the Ashford Road, Littleton Road and Spelthorne Lane designated Employment Area. The site is adjoined by residential dwellings in Spelthorne Lane to the east and residential dwellings are also located on the northern side of Littleton Road situated opposite the site. A number of commercial properties are located to the west, which are situated within the designated Employment Area, including Littleton House and Action Court.</p> <p>The proposal involves the construction of three buildings that would be divided into 7 commercial units. The two larger buildings would be located to the east of the site and would contain 6 of the proposed units. A smaller building would be located to the north-west of the site and would contain a single commercial unit. Each of the units would contain an ancillary office space. The application is speculative, and it is proposed that the units would be in either a B2 (general industrial), a B8 (storage and distribution) or a E(g)(iii) use (industrial processes).</p>		

	<p>The main access to the units would be from Ashford Road. There would also be two vehicular accesses from Littleton Road, one existing and one proposed, which would serve two parking areas. This would follow the removal the existing western vehicular accesses onto Littleton Road. Overall, the application proposes 81 car parking spaces.</p> <p>The proposal would increase employment floorspace at the site from 4017m² in the existing office buildings to 8137m² in the proposed buildings. The application form also indicates that the proposal would increase the number of jobs at the site from 45 to 285, which would be significant benefit in this designated employment area. However, the LPA considers that the capacity of the current office space amounting to 4017m² and served by 250 car parking spaces, is likely to be higher than the 45 employees stated on the application form, as this would represent a ratio of approximately 1 employee per 89m², which would appear to be an inefficient use of space.</p> <p>Notwithstanding the benefits of additional employment space in this designated employment area, the two larger buildings would be located approximately 10.4 metres from the rear boundary of gardens serving dwellings in Spelthorne Lane and would also typically be located 26-31 metres from the rear elevations of dwellings in this road. The building containing Units 2, 3 & 4 would measure approximately 96.5 metres in width, 32.2 metres in depth, 9.7 metres in height at the eaves and some 11.2 metres in height at the ridge. The building containing Units 5, 6 and 7 would be approximately 85.5 metres in width, and a similar height to the building containing units 2, 3 & 4.</p> <p>As a result of the proposed scale, mass, height and proximity of the two larger buildings to the boundary, the proposal is considered to have an overbearing impact upon the occupiers of dwelling in Spelthorne Lane.</p> <p>Officers also consider that the proposal would have a cramped and overdeveloped appearance, as demonstrated by the scale of the larger buildings, a significant shortfall in parking spaces when assessed against the Council's Parking Standards SPG, and a 4 metre high acoustic barrier required to mitigate noise and disturbance, that would measure some 64 metres in length and would front onto Littleton Road.</p> <p>Officers consider that the benefits of some 4120m² of additional employment floorspace in this designated Employment Area, whilst attracting substantial weight, would not outweigh the harm to the amenity of the occupiers of neighbouring dwellings and to the character of the area. The proposal is therefore considered to be contrary to the objectives of policy EN1a, EN1b and the NPPF.</p>
<p>Recommended Decision</p>	<p>Refuse the application for the reasons set out at Paragraph 8 of the Report.</p>

MAIN REPORT

1. Development Plan

- 1.1 The following policies in the [Council's Core Strategy and Policies DPD 2009](#) are considered relevant to this proposal:
- EN1 – Design of New Development
 - SP3 - Economy and Employment Land Provision
 - EM1- Employment Development
 - EN7 – Tree Protection
 - EN8 – Protecting and Improving Landscape and Biodiversity
 - EN11 – Development and Noise
 - EN13 – Light Pollution
 - EN15 – Development on Land Affected by Contamination
 - SP7 – Climate Change and Transport
 - CC1 – Renewable Energy, Energy Conservation and Sustainable Construction
 - CC2 – Sustainable Travel
 - CC3 - Parking Provision
- 1.2 Also relevant is the [National Planning Policy Framework \(July 2021\)](#).
- 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. An Examination into the Local Plan commenced on 23 June 2023. However, on 6 June 2023, the Council resolved the following: *Spelthorne Borough Council formally requests the Planning Inspector to pause the Examination Hearings into the Local Plan for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the Local Plan and after the three month pause the Council will decide what actions may be necessary before the Local Plan examination may proceed.*
- 1.4 The following policies of the Pre-Submission Spelthorne Local Plan 2022 – 2037 are of relevance:
- ST1: Presumption in Favour of Sustainable Development
 - ST2: Planning for the Borough
 - PS1: Responding to the Climate Emergency
 - PS2: Designing Places and Spaces
 - PS3: Heritage, Conservation and Landscape

- E2: Biodiversity
- E3: Managing Flood Risk
- E4: Environmental Protections
- EC1: Meeting Employment Needs
- ID2: Sustainable Transport for New Developments

1.5 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).

The Council has received 212 representations in relation to the relevant policies. With reference to [para 48 of the NPPF](#), the new local plan is not yet at an advanced stage of preparation (a), and there are unresolved objections (b). In view of this, it is concluded that in this particular case, the emerging policies can only be given limited weight in development management decision making.

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. As a consequence, given this requirement, at this stage, the policies in the Pre-Submission Spelthorne Local Plan carry limited weight in the decision-making process. The adopted policies in the 2009 Core Strategy and Policies DPD carry substantial weight in the determination of this planning application.

1.6 Whilst the site is currently located within a designated Employment Area, it is relevant to note that the site is not located within an Employment Area in the Council's Local Plan 2022-2037.

2. Relevant Planning History

2.1 The site has the following planning history:

SPE/OUT/84/781	Erection of a two-storey light industrial building of 52,500 sq. ft. (4,879 sq. m) (gross) and associated parking, together with alternative parking provision for an existing factory.	Granted 01.09.1976
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SPE/OUT/84/781	Erection of a two-storey light industrial building of 52,500 sq. ft. (4,879 sq. m) (gross) and associated parking, together with alternative parking provision for an existing factory.	Granted 16.01.1985
SPE/RVC/87/728	Relaxation of Condition 7 attached to planning permission E/85/349 dated 5th June 1985 to enable occupation of the whole building by industries not in the Spelthorne locality.	Granted 21.10.1987
PLANC/FUL/74/62	Erection of two buildings for storage and warehouse purposes.	Refused 05.08.1974
SPE/FUL/85/349	Erection of 2 two-storey light industrial buildings with a gross floorspace of 23,300 sq ft (2184 sq m) and 29,000 sq ft (2693 sq m) respectively and associated parking, together with alternative parking provision for an existing factory.	Granted 05.06.1985
SPE/FUL/85/160	Erection of a two-storey light industrial building of 52,500 sq ft (4,879 sq m) (gross) and associated parking, together with alternative parking provision for an existing factory.	Granted 10.04.1985
SPE/FUL/88/252	Relaxation of Condition 8 of planning permission E/85/349 to allow occupation of the premises by a person, trade, firm, business or industry not established and operating with Spelthorne, Elmbridge, Runnymede, Surrey Heath or Woking, or within 6 miles of the boundary of Spelthorne if outside those Boroughs.	Granted 04.05.1988
96/00415/FUL	Change of use to Class B1 and construction of car park with landscaping	Granted 04.12.1996
98/00251/FUL	Construction of new chiller plant and enclosure following demolition of existing.	Granted 30.06.1998
00/00154/FUL	Enclosure of link bridge at first floor level between Ash House and Mimosa Court and alterations to car parking layout.	Granted 01.05.2000
15/00343/ADV	Retention of one non-illuminated double sided totem entrance sign and two non-illuminated fascia signs	Granted 01.05.2015

3. Description of Current Proposal

- 3.1 The application site is currently occupied by two office buildings, namely Ash House and Oak House, which are both set over two storeys. The plot is an irregular shape and is set over 1.6 hectares.
- 3.2 The site incorporates a car park at the front of the existing buildings that contains approximately 90 parking spaces, which is accessed from two entrances in Littleton Road.
- 3.3 A further car park is situated to the rear of the buildings, which contains approximately 160 parking spaces, and is accessed from Ashford Road to the west, through an access road situated between Littleton House and Thames House.
- 3.4 The site is located within the Ashford Road, Littleton Road and Spelthorne Lane, Ashford, Employment Area.
- 3.5 The current buildings are located on the southern side of Littleton Road. The site adjoins Littleton House to the west, also located on the southern side of Littleton Road, which is occupied by a commercial building set over two storeys that includes car parking and servicing areas around the building.
- 3.6 The northern side of Littleton Road is residential in character and predominantly contains detached and semi-detached dwellings set over two storeys. A building containing flatted units is also situated on the northern side of Littleton Road at the junction of Ashford Road, which is set over three storeys, with the second floor contained within the roof space (10-18 Cornerside).
- 3.7 The eastern site boundary adjoins the rear gardens of dwellings in Spelthorne Lane, which on the western side of the road, are typically two-storey, semi-detached dwellings that are similar in scale and design and contain garden areas at the rear, which adjoin the application site.
- 3.8 Ashford Road is largely residential in character to the north of the site, and commercial in character to the south, with the southern end of the road situated within the Littleton Road, Ashford Road and Spelthorne Lane Employment Area. This includes Action Court and Thames House situated to the south of the site.
- 3.9 The application proposes the demolition of the existing buildings and structures on site including Ash House and Oak House, and the redevelopment of the site with the erection of three buildings subdivided into seven units for speculative B2 (general industrial), B8 (storage and distribution) and E(g)(iii)(light industrial purposes with ancillary offices) together with associated car parking and landscape planting.
- 3.10 The application initially proposed two buildings, the smaller of which would have been contained at the northwest of the site and which would have been occupied by a single commercial unit. A further larger building would have been located to the east of the site, which would be set in approximately 8.5

metres from the rear boundaries of the gardens of dwellings in Spelthorne Lane, and would be occupied by 6 further commercial units. The original proposed site layout is shown below:



3.11 As part of the application process and requests for further information from external consultees, the applicant was made aware that the Local Planning Authority (LPA), had concerns over the scale of the proposals as a result of the depth, mass and size of the larger building and the impact this would have had upon surrounding dwellings. The LPA also raised concerns over the impact to the Littleton Road street scene and concerns that the proposal represented overdevelopment of the site.

3.12 In response, the applicant separated the larger building into two smaller buildings, each occupied by 3 commercial units and with an approximate 4 metre gap incorporated between the separated buildings. The distance between the buildings and the boundary with dwellings in Spelthorne Lane was also increased to approximately 10.4 metres when measured from the plans. The heights of the buildings were also reduced from some 11.7 metres to approximately 11.2 metres. The revised layout is shown below:



- 3.13 The eastern entrance to site on Littleton Road would be retained and would serve a car park with 14 spaces for the occupiers of Unit 2. There would be a new crossover on Littleton Road with 7 car parking spaces for the occupiers of Unit 1, with the current western entrance removed. There would be 81 off-street parking spaces across the site as a whole.

4. Consultations

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

Consultee	Comment
County Highway Authority	Recommends Conditions and Informatives.
County Archaeological Officer	No Objections.
Environment Agency	No Objections.
Thames Water	No Objections.
Environmental Health (Air Quality)	Recommends Conditions and Informatives.
Environmental Health (Contamination)	Recommends Conditions and Informatives.
Environmental Health (Noise)	No Objections.
HSE	HSE would not advise against the proposals.
Natural England	No Comments Received.
Tree Officer	No Objections.
Sustainability Officer	The Renewable Energy Requirement would be met.
Surrey Wildlife Trust	Recommends Conditions.
SUDS	No Objections Subject to Conditions.
Thames Water	No Objections.

5. Public Consultation

- 5.1 The Council has received 167 letters of representation which object to the proposal on the following grounds:

- Noise and disruption during the construction period (Officer Note: an informative would be attached to the decision notice in this regard if the proposal is found to be acceptable).
- Concerns over noise during the operation of the warehouses and the 24 opening hours.
- The parking and turning is inadequate for lorries, parking and forklifts.
- Loss of surrounding property values (Officer Note: this is not a planning matter).

- Overshadowing, loss of light and privacy.
- Staff parking concerns.
- The development is too large and concerns over the proposed height.
- There would be an increase in traffic and heavy goods vehicles and local infrastructure cannot cope.
- The scheme will overshadow surrounding dwellings.
- The scheme is not in keeping with the local area.
- Concerns over noise and air pollution.
- There will be a loss of mature trees.
- There would be an adverse impact upon wildlife and sheep at the nearby Queen Mary Reservoir.
- The height of the building will have an adverse impact upon sunlight and daylight.
- Improved road safety measures should be incorporated if planning permission is approved.
- The proposal will impact TV, FM and DAB radio reception.
- Highway safety concerns.
- The existing buildings should be converted to housing or for healthcare purposes and should not be demolished.
- The proposal would be overbearing.
- Concerns over waste storage.
- The proposed use is much more intense than the current office use.
- Other developments in the area including Shepperton Studios have already increased traffic.
- Concerns of the application address (Officer Note: The development description was amended and re-advertised during the application process to make it clear the proposal involves the demolition of buildings in Littleton Road).
- The existing buildings are more in keeping with the local character.
- Concerns over the timing of the application, which was submitted prior to Christmas (Officer Note: the application was re-advertised with the amended description, giving additional time for the occupiers of neighbouring and adjoining dwellings to comment on the proposals).
- There would be a loss of jobs.
- There would be a negative impact upon air quality.
- There would be inadequate parking at the site.
- There is a lack of choice of other transport modes.
- The proposal has insufficient regard to sustainability and climate change.

- Concerns over noise from air conditioning units.
- The neighbour consultation process should have been wider (Officer Note: notification has taken place in accordance with the Town And Country Planning (Development Management Procedure) Order 2015 (as amended)).
- Surrounding roads currently restrict lorries and HGVs, or are used as 'cut through' routes.

A petition has also been received with 185 signatures, which objects to the proposal on the following grounds:

- Concerns over the application address.
- The proximity of the development to surrounding dwellings.
- The development will block out light and cause overshadowing.
- Noise concerns.
- Surrounding roads are not designed for HGV's.
- Pollution concerns.

6. Planning Issues

- Employment Development
- Residential Amenity
- Design, Height and Appearance
- Noise & Disturbance
- Transportation Issues
- Parking
- Air Quality
- Biodiversity
- Flooding
- SUDS
- Lighting
- Trees & Landscaping
- Archaeology
- Renewable Energy
- Biodiversity
- Equality Act
- Human Rights Act
- Local Financial Considerations

7. Planning Considerations

Employment Development

- 7.1 The application site is located within the Ashford Road, Littleton Road and Spelthorne Lane Designated Employment Area. Policy EM1 of the Core Strategy & Policies Development Plan Document (CS&P DPD) states that the Council will maintain employment development by supporting in principle proposals for employment development in designated employment areas.
- 7.2 The applicant's submission documents state that employment floorspace would increase at the site from 4017m² in the existing office buildings to 8137m² in the proposed buildings. The application form also indicates that the number of employees would increase at the site from 45 to 285 (although the Design & Access Statement states 221-320 jobs would be created).
- 7.3 Whilst the application form states that there are currently 45 jobs at the site, the LPA does not consider this to be the capacity of the offices as this would represent approximately 1 employee per 89m² of floorspace and would represent an inefficient use of the space. The offices are also served by 250 car parking spaces.
- 7.4 The application nevertheless proposes a 4120m² increase in employment floorspace in the Ashford Road, Littleton Road and Spelthorne Lane Employment Area and as such, the proposal is considered to be acceptable when assessed against the objectives of Policy EM1.

Residential Amenity

- 7.5 Policy EN1 of the CS&P DPD states that proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.
- 7.6 The NPPF at [paragraph 130](#) states the planning decisions should ensure that developments create places that are safe, inclusive and accessible, which promote health and well-being, with a high standard of amenity for existing and future users.

Overbearing Impact

- 7.7 The application proposes three buildings. The building containing units 2, 3 & 4 would be located to the north-east of the site and would measure some 96.5 metres in width, 32.2 metres in depth, 9.7 metres in height at the eaves and some 11.2 metres in height at the ridge. It would be located approximately 10.4 metres from the site boundary adjoining the rear gardens of dwellings in Spelthorne Lane, although a landscape buffer would be situated between. The building containing units 5, 6 & 7 would be located to the south of the building containing units 2, 3 & 4, also alongside the eastern site boundary. It would measure a similar height to the larger building and would be some 85.5 meters in width.
- 7.8 There would be a 'back-to-back' separation distance of approximately 23 metres between the rear elevation of the nearest residential dwelling and the larger building (no.40 Spelthorne Lane), although this is the closest dwelling

shown on the plans, and there be a separation distance range of 27-31 metres between the rear elevation of the other dwellings in Spelthorne Lane and the proposed buildings. However, the rear elevations of the majority of the dwellings in Spelthorne Lane would be located less than 30 metres from the proposed buildings.

- 7.9 At such a distance, scale and height, akin to the height of a three-storey residential building, and with a continuous mass of some 96.5 metres in width for the building containing Units 2, 3 & 4, and 85.5 metres in width for the building containing Units 5, 6 & 7 with a 4-metre separation, Officers consider that the proposal would have an overbearing impact on dwellings in Spelthorne Lane, by reason of the scale, mass and proximity of the larger buildings.
- 7.10 The Council's SPD on *Design of Residential Extensions and New Residential Development* (April 2011) contains a useful 'back-to-back' guide, which is aimed towards residential dwellings, and states that there should be a minimum 'back-to-back' separation distance of 30 metres between three storey dwellings. This guide is primarily designed to ensure that structures are not overbearing and do not lead to unacceptable levels of overlooking. Whilst this guidance is aimed towards residential dwellings rather than commercial development, given the scale of the buildings, the height to the eaves which is akin to the height of a three-storey residential building, and the proposed separation distance, this is considered to be indicative of an overbearing development.
- 7.11 It is acknowledged that this impact would be partially mitigated by removal of the existing office buildings, which measure approximately 8.2 metres at the eaves, a maximum height of 13.2 metres, although the majority of the ridge measures approximately 11 metres in height. However, given the siting and scale of the two larger buildings and their positioning in proximity to the boundary and dwellings in Spelthorne Lane, Officers consider that the proposal would have an unacceptable and overbearing impact and would fail to meet the objectives of policy EN1b.

Daylight, Sunlight and Overshadowing

- 7.12 The application has been accompanied by a daylight and sunlight report. This uses the Vertical Sky Component Test to calculate the impact of the proposal on daylight. The report indicates that the development would not breach the 25-degree test when measured from windows serving dwellings in Littleton Road and Spelthorne Lane. As such, in regards to daylight, the report concludes that the proposes would achieve BRE's daylight criteria and would also have an acceptable impact upon sunlight serving neighbouring windows.
- 7.13 The Council's SPD on the *Design of Residential Extensions and New Residential Development* (April 2011), contains a 25° guide, which is designed to ensure that in the area to the front and rear of a property a significant view of the sky is not lost. The guide is measured from a height of 2 metres, from the centre of the relevant windows. When measured from the

submitted plans, both the smaller and larger buildings are considered to be in compliance with this guide.

- 7.14 The daylight and sunlight report also confirms that the proposal would comply with BRE criteria in relation to overshadowing.

Overlooking

- 7.15 It is noted that a number of letters of representation have been received, which object to the proposal on the grounds of overlooking. The plans show that there would be no first-floor windows within the rear elevation of Units 2-7. As such it is considered that the proposals would have an acceptable impact upon the privacy of the occupiers of dwellings in Spelthorne Lane, notwithstanding the overbearing impact.
- 7.16 The larger building would contain first-floor windows in its front and side elevations. The northern elevation would be situated approximately 35 metres from the front elevation of the nearest residential dwelling on the opposite site of Littleton Road (no.26) and is considered to have an acceptable impact upon privacy. The building containing Units 5, 6 & 7 would also contain windows in its front and side elevations. The units to the south and west of the property are commercial and as such, windows in these elevations are not considered to cause harm to residential amenity.
- 7.17 The application proposes first floor windows in the front and side elevations of Unit 1. When measured from the plans this unit is situated approximately 30 metres from the front elevation of the nearest dwelling in Littleton Road (no.44), and at such a distance is considered to have an acceptable impact upon privacy.
- 7.18 The proposal is therefore considered to have an acceptable impact upon the privacy of the occupiers of all neighbouring and surrounding dwellings.

Design, Height and Appearance

- 7.19 Policy EN1 of the CS&P DPD states that proposals for new development should demonstrate that they will respect and make a positive contribution to the street scene and character of the area in which they would be situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
- 7.20 [Part 12 of the NPPF](#) on '*achieving well-designed spaces*' states that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF further states that development that is not well-designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance such as supplementary planning documents.

- 7.21 In addition, the NPPF states that planning decisions should ensure that development should function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to the local character and history including the surrounding built environment, while not preventing or discouraging appropriate innovation or change.
- 7.22 The application proposes the construction of three commercial buildings in a designated employment area. The construction of three commercial buildings in this designated area is not in itself considered to be unduly out of character. However, the proposed site layout and overall scale of the development is considered to result in a cramped and overdeveloped proposal that would have an adverse impact upon the character and appearance of the area.
- 7.23 As highlighted above, the larger buildings would measure some 96.5 and 85.5 metres in width, 32.2 metres in depth, 9.7 metres in height at the eaves and some 11.2 metres in height at the ridge. The larger buildings would be an overly-dominant and visually overbearing feature within the plot, and whilst the principle of a commercial building in this location is acceptable, the dominance of the larger buildings is considered to have an unacceptable impact upon the character and appearance of the area.
- 7.24 Moreover, the application proposes a 4-metre high acoustic fence between the service area and Littleton Road, which would span the distance of the gap between the building containing units 2, 3 & 4 and the smaller building containing unit 1. It would measure approximately 64 metres in length and is required to mitigate the noise impacts of the development upon surrounding residential dwellings. Whilst elevation plans have not been provided for the fence, a 4-metre fence measuring some 64 metres in length would be visually oppressive and out of character with the setting and street scene of Littleton Road, where Ash House and Oak House are currently set back from the highway and form an integral part of the street scene. The Design & Access Statement suggests that the barrier would be completely covered by plants within a few years. Whilst this may be the case, the scale of the barrier is nevertheless considered to cause harm to the street scene of Littleton Road and would be an oppressive visual feature.
- 7.25 Whilst the use of the proposed units is also speculative, the development would also fall significantly short of maximum parking space requirements set out within both the Council's and County Highway Authority's guidelines, which is considered to be further indication of a cramped and overdeveloped appearance, by reason of the over-dominance within the plot of the larger buildings.
- 7.26 It is accepted that the construction of a new commercial building in this location would not be unduly out of character in itself. However, in this instance, the scale of the two larger buildings in the context of the plot layout and size, and the buildings over-dominance of the site, together with the scale of the 4-metre acoustic fence, which would cause a disconnect between the site and Littleton Road, is considered to cause harm to the character of the area and would not be sympathetic to the surrounding street scene. Officers therefore consider that the overall scale and design of the buildings and the

acoustic fence within the context of the plot, would be contrary to the objectives of policy EN1a and section 12 of the NPPF on '*well designed buildings and places*'.

Noise & Disturbance

- 7.27 Policy EN11 CS&P DPD states that the Council will seek to minimise the adverse impacts of noise by requiring development that generates unacceptable noise levels to include measures to reduce noise to an acceptable level.
- 7.28 [The NPPF](#) states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area impacts, that could arise from development. In doing so they should mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts upon health and quality of life.
- 7.29 The applicant's submission documents state that the development would be operational for 24 hours a day. The LPA has also received a number of letters of representation, which object to the proposals on the grounds of noise and disturbance.
- 7.30 The application proposes a 4-metre acoustic barrier between the service areas and Littleton Road. A barrier is also proposed between the now separated larger buildings. The application has been accompanied by a noise statement, which provides details of noise creation on site including HGV movements. It concludes that noise arising from operational activities at the site are predicted to be 11 dB below measured daytime background sound levels during weekday and 6 dB below measured daytime background levels during weekend periods. The operational noise level is also predicted to be 2 dB above measured night-time weekday rating levels and 1 dB above measured night-time weekend rating levels at the façade of the measured noise sensitive receptors. The applicant has also submitted additional noise information during the application process.
- 7.31 The Noise Statement and additional information has been reviewed by the Council's Environment Health Department, which has raised no objections, subject to conditions and informatives being imposed. The Noise Officer was also re-consulted following the separation of the larger buildings and the recommendations remained unchanged. As such, whilst there would be some noise and disturbance amounting from the proposals, the proposed impact of noise is considered to be satisfactory.

Transportation Issues & Highways

- 7.32 The application proposes two parking areas that would be accessed from Littleton Road, one through an existing entrance at the north-east of the site, and one vehicular access to the west. The remainder of the car parking

spaces, and heavy goods vehicle loading areas would be accessed from Ashford Road.

7.33 Policy CC2 of the CS&P DPD states that the Council will seek to secure more sustainable travel patterns by only permitting traffic generating development where it is or can be made compatible with transport infrastructure in the area taking into account the:

- i) *Number and nature of additional traffic movements including servicing needs,*
- ii) *Capacity of the local transport network,*
- iii) *Cumulative impact including other proposed development,*
- iv) *Access and egress to the public highway*
- v) *Highway safety.*

7.34 Policy CC3 of the CS&P DPD states that that Council will require appropriate provision to be made for development proposals in accordance with its parking standards.

7.35 [At paragraph 111](#), the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe.

7.36 It is also noted that the LPA has received a number of letters of representation, which object to the proposal on highways and parking grounds.

Highway Network

7.37 The LPA has consulted the County Highway Authority (CHA). As the development is speculative and the end user is not currently known, the CHA requested that the 'worst case scenario' was assessed for trip generation purposes, in terms of cars and HGV's. A TRICS survey of industrial units was carried out, which included parcel distribution within the B8 category.

7.38 The CHA has noted that the vehicular trip rates and associated passenger car unit movements for the AM peak (08:00-09:00) and PM peak (17.00-18.00) periods are shown in the applicant's transport statement. This shows that there would be a reduction in the personal car units as a result of the development proposals, meaning the CHA expected that congestion would be lessened. The CHA further noted that, depending upon the commercial development implemented, a proportion of the trips maybe 'pass by' trips by vehicles already on the local highway network.

7.39 The CHA expressed concerns over the use of the site for a B8 parcel distribution use, although has not objected to the proposals on such grounds.

7.37 With regard to HGV movements, the CHA has noted that many residents have expressed concerns over 'rat-running' of HGV's along Littleton Road. As the industrial nature of the development would likely make this significantly worse, the CHA has recommended that a condition is imposed upon the

decision notice, to amend a traffic regulation order already in place so that the restriction extends along the entire length of Littleton Road from its junction with the A308 to its junction with Ashford Road. In the event that the proposals were found to be acceptable, it is recommended that this condition is imposed upon the decision notice.

- 7.38 The CHA having assessed the application on safety, capacity and policy grounds, recommended that conditions and informatives were attached upon the decision notice.

Parking Provision

- 7.39 The application is speculative and it is proposed that each of the units will fall within Use Class B2, B8 or E (g)(iii).

- 7.40 The Council's Parking Standards SPG (updated September 2011) contains minimum and maximum parking space requirements for various uses. The table below illustrates the parking requirements relevant to the application:

Use Class	Maximum Parking Space Requirement
B1 (including offices and light industrial and research) (now absorbed into Class E)	1 space per 35m ² gross floor area
B2 (General Industry)	1 space per 35m ² gross floor area 1 lorry space per 200m ²
B8 (Storage and Distribution) used solely for storage	1 space per 100m ² 1 lorry per 200m ²
B8 (Storage and Distribution) cash and carry warehouse	1 space per 50m ² 1 lorry space per 200m ²

- 7.41 Each of the units would incorporate an area of ancillary office floorspace. The Parking Standards SPG states that ancillary B1 floorspace used for industry and warehousing will be assessed on the basis of a maximum provision of one parking space per 35m² of floorspace.

- 7.42 The LPA has calculated from the plans that there would be approximately 1300m² of ancillary office floorspace. This would generate a maximum parking space requirement of 37 parking spaces.

- 7.43 The remainder of the floorspace would generate the following maximum requirements, dependent upon the use of the units:

- B8 Storage Use: 66 off street parking spaces (103 including office spaces).
- B8 'cash and carry use': 132 off street parking spaces (169 including office spaces).

- B2 general industry: 189 off street parking spaces (226 including office spaces).

7.44 The Parking Standards SPG does not stipulate a maximum requirement for an E (g)(iii) Use Class. However, the B1 requirement is considered most relevant as this includes light industrial uses. This would generate a maximum parking space requirement of 189 off street paces, the same as a general industry use.

7.45 The Surrey County Council Vehicular, Electric Vehicle and Cycle Parking Guidance for New Developments, which is not an adopted Spelthorne planning document, also stipulates the following maximum parking space requirements:

Use Class	Maximum Parking Space Requirement
B1 Business	A maximum range of 1 car space per 30m ² to 1 space per 100m ² dependent on location.
B8 Storage and Distribution (warehouse storage)	1 car space per 100m ² 1 lorry space per 200m ²
B8 Storage and Distribution (warehouse distribution and cash & carry).	1 car space per 70m ² 1 lorry space per 200m ²
B2 General Industrial	1 car space per 30m ²

7.46 On the basis of the Surrey County Council guidance, the following maximum parking space requirements would be applicable to the development (excluding the ancillary office space requirements):

- B8 warehouse storage: 66 off-street parking spaces.
- B8 warehouse distribution & 'cash & carry': 94 off-street parking spaces.
- B2 general industry: 220 off street parking spaces.

7.47 The application proposes 81 off-street car parking spaces. Whilst the development is speculative and the units may fall within Use Class B2, B8 or E (g)(iii), when assessed against the Council's maximum parking standards there would be a significant shortfall, particularly against a B2 use where there would be a 145-car parking space shortfall. Furthermore, the number of car parking spaces also falls significantly below the applicants job creation figure of some 285 employees.

7.48 Whilst the Parking Standards are applied as a maximum and not a minimum, the site is located in excess of 1.8km from the nearest railway station (Upper Halliford) and is not located in one of the Borough's four town centres where a reduction may be considered. The distance to public transport nodes is considered to be particularly relevant given the number of employees proposed.

- 7.49 It is acknowledged that in regard to sustainability, the County Highway Authority has requested that a condition is imposed, to upgrade footway provision along the sites Littleton Road frontage as well as the access at the Littleton Road Access, in order to offer an improved pedestrian access route. It is also acknowledged that the applicant's transport assessment indicates that 16,388 individuals live within a 20-minute walk of the site. Nevertheless, the significant shortfall against the Council's Parking Standards, when considered cumulatively with the overbearing impact upon dwellings in Spelthorne Lane, the impact upon the surrounding character, and mass and scale of the larger buildings, is considered to be a further indicator of an overdevelopment of the site.
- 7.50 The County Highway Authority has also commented on the level of car parking provision. The CHA is satisfied with the 81 car parking spaces proposed, as it is acknowledged that the site is located in an area where there are opportunities for sustainable travel to the site. The CHA further commented that the site is located within walking and cycling distance of a large residential area where there is access to local bus services. However, in order to support the reduction against parking standard requirements, the CHA has requested conditions for the applicant to provide footway improvements to Littleton Road and Ashford Road.
- 7.51 If any issues were to arise with regard to parking overspill, the CHA commented that it would be able to review this, although the CHA does not expect that significant overspill to surrounding roads would occur. The CHA concludes that if there is a situation where parking demand exceeds the number of parking spaces, this is unlikely to cause significant highway safety issues.
- 7.52 Whilst the LPA attaches significant weight the CHA's comments, the substantial shortfall against the Council's and Surrey's parking guidance is nevertheless considered to be indicative of overdevelopment of the site, particularly given the distance of the site to the nearest railway station.

Electric Vehicle Charging Points

- 7.53 The applicant's Transport Statement indicates that a total of 25 dual charging ports would be provided across the site that would allow a total of 50 vehicles to be charged.
- 7.54 The Surrey County Council 'Vehicle, Cycle and Electric Vehicle Parking Guidance for New Development' February 2023 states that 50% of available spaces should be fitted with a fast charge socket for an E(g), B2, or B8 use. The CHA in its comments have recommended that a condition is attached to the decision notice to secure this.

Air Quality

- 7.55 Policy EN3 of the CS&P DPD states that the Council will seek to improve the air quality of the borough and to minimise harm from poor air quality by amongst other things, refusing development where the adverse effects on air quality are of a significant scale, either individually or in combination with

other proposals, and which are not outweighed by other important considerations or effects cannot be appropriately and effectively mitigated.

- 7.56 The applicant has submitted an Air Quality Assessment, which has been reviewed by the Council's Environmental Health Department. The Environmental Health Officer has recommended conditions relating to demolition and cycle parking. Had the proposals been acceptable in all other regards, it is recommended that such conditions were attached to the decision notice.

Flooding

- 7.57 The application site is situated outside of the flood event areas. As such the proposal is considered to have an acceptable impact upon flood flows and flood storage capacity and would be acceptable in this regard.
- 7.58 The LPA has also consulted the Environment Agency, which has recommended that the requirements of the NPPF are followed. Had the proposal been considered as acceptable in all other regards, and informative would have been recommended to be attached to the decision notice in relation to flooding.

SUDS

- 7.59 The application has been reviewed by the County SUDS Department, which has recommended that a condition is imposed upon the decision notice in the event that planning permission is granted.

Lighting

- 7.60 Policy EN13 of the CS&P DPD states that the Council will seek to reduce light pollution by encouraging the installation of appropriate lighting including that provided by other statutory bodies and by only permitting proposals which would not adversely affect amenity of public safety. The policy further requires lights to be appropriately shielded, directed to the ground and sited to minimise the impact on adjoining areas, and of a height and illumination level of the minimum required to serve their purpose.
- 7.61 The applicant has submitted an external lighting layout plan and an external lighting proposals document. The Council's Environmental Health Department has been consulted with regard to lighting and has raised no objections subject to conditions.

Trees & Landscaping

- 7.62 Policy EN7 states that the Council will promote Tree Preservation Orders wherever appropriate to safeguard healthy trees of amenity value, giving priority to the protection of those known to be under threat.
- 7.63 The NPPF states that trees make an important contribution to the character and quality of urban environments and can also help to mitigate and adapt to

climate change. The Framework further states that planning decisions should ensure that trees are retained wherever possible.

- 7.64 The applicant has submitted an Arboricultural Method Statement, which indicates that some trees will be removed from the site. This has been reviewed by the Council's Tree Officer who also undertook a site visit. The Tree Officer noted that most of the boundary trees are to be retained and the larger trees that are to be removed are poorly structured and of low value. The Tree Officer further commented that new planting could compensate for any loss.
- 7.65 Given the comments of the Tree Officer the proposal is considered to be acceptable in this regard. However, had the proposal been regarded as acceptable it would have been recommended that landscaping details were secured by condition.

Archaeology

- 7.66 The applicant has submitted a desk-based archaeology assessment which has been reviewed by the County Archaeology Officer. The Officer has raised no archaeological concerns.

Renewable Energy

- 7.67 Policy CC1 of the CS&P DPD states that the Council will support the provision of renewable energy, energy efficiency and will promote sustainable development generally by including measures to provide at least 10% of the development's on-site renewable energy sources to be provided by renewable sources, unless it can be shown that it would seriously threaten the viability of the development.
- 7.68 The applicant has submitted a renewable energy statement, which indicates that photovoltaic panels and air source heat pumps have been incorporated into the development proposals. The report has been reviewed by the Council's Sustainability Officer. The Officer confirmed that they were satisfied that the Council's Renewable Energy requirements would be met. The proposal is therefore considered to be in accordance with the objectives of policy CC1.

Biodiversity

- 7.69 Policy EN8 CS&P DPD states that the Council will seek to protect and improve landscape and biodiversity in the borough by ensuring that new development, wherever possible, contributes to an improvement in the landscape and biodiversity and also avoids harm to features of nature conservation value.
- 7.70 At [paragraph 174, the NPPF](#) states that planning decisions should contribute to and enhance the local environment. The Framework further states that if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.

- 7.71 The LPA has consulted the Surrey Wildlife Trust (SWT), which initially requested further information. The applicant submitted further details including a biodiversity net gain calculation, landscaping details and a revised preliminary ecological appraisal. On the basis of the additional information the SWT recommended that a Landscape and Ecological Management Plan was secured by condition, as well as a condition to secure a biodiversity net gain.
- 7.72 The LPA has also consulted Natural England, although no response has been received.

Equalities Act 2010

- 7.73 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.
- 7.74 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.
- 7.75 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.

Human Rights Act 1998

- 7.76 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.77 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.
- 7.78 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
- 7.79 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.

Other Matters

- 7.80 In total the Council has received 167 letters of representation in objection to the proposals. Of the objections not already covered in this report, whilst the impact upon TV reception is considered to be a material planning consideration, it is not considered that sufficient evidence has been submitted to demonstrate this harm to an extent that a recommendation for refusal could be justified. The impact upon surrounding property values is not a planning matter.

Planning Balance

- 7.81 At [paragraph 81, the NPPF](#) states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. The Framework further states that significant weight should be placed on the need to support economic growth and activity.
- 7.82 The application proposes 4120m² of additional employment space in one of the Council's designated employment areas, which weighs in the development's favour and is attributed substantial weight. It would also potentially create a significant number of additional jobs, although the current 45 employees appears to be below the capacity of the existing buildings.
- 7.83 Despite the increase in employment floor space, the proposal would nevertheless, cause substantial harm to the amenity of the occupiers of dwellings in Spelthorne Lane as the scale, mass and bulk of the larger buildings would result in an overbearing impact. Furthermore, the scale and mass of the buildings within the site and the overall site layout, including the significant shortfall against the Council's parking standards is considered to result in overdevelopment. The 4-metre high, 64 metre length acoustic barrier between the majority of the site and Littleton Road would be a visually overbearing and oppressive feature that would cause significant harm to visual amenity in a road where Oak House and Ash House currently form part of the fabric of the street scene. The substantial shortfall in parking spaces when assessed against the Council's Parking Standards, whilst not a highway safety issue given the CHA's comments is considered to be indicative of overdevelopment of the site.
- 7.84 As such, whilst substantial weight is afforded to the benefits of additional employment floorspace in designated employment area and the creation of additional jobs, this is not considered to outweigh the substantial harm associated with the scheme namely to residential amenity by reason of an overbearing impact, and to the character of the area by reason of overdevelopment and the impact upon the street scene of Littleton Road.

Conclusion

7.85 Officers consider that the continuous mass, scale and bulk of the larger buildings measuring some 96.5 and 85.5 metres in width respectively, 32.2 metres in depth, 9.7 metres in height at the eaves and some 11.2 metres in height at the ridge, would have an overbearing impact upon the occupiers of dwellings in Spelthorne Lane and would be contrary to the objectives of policy EN1b. Furthermore, the scale and mass of the larger buildings within the site, together with the visually oppressive design of the acoustic barrier, and the significant shortfall in parking spaces, is considered to result in an unacceptable impact upon the character and appearance of the area and would represent an overdevelopment of the site contrary to the objectives of policy EN1a and section 12 of the NPPF on 'achieving well-designed places'.

7.86 Accordingly, the application is recommended for refusal.

8. Recommendation

8.1 REFUSE for the following reasons:

1. The proposed development by reason of the scale, mass and siting of the buildings would have an unacceptable overbearing impact upon the occupiers of dwellings in Spelthorne Lane and would have an un-neighbourly impact and adverse impact upon residential amenity. The proposal would therefore be contrary to the objectives of policy EN1b of the Council's Core Strategy and Policies Development Plan Document (February 2009) and the National Planning Policy Framework (July 2021).
2. The proposed development by reason of the scale and size of the buildings, the site layout and significant shortfall in parking spaces without adequate justification, and the siting and scale of the acoustic barrier, would have an unacceptable impact upon the street scene and character of the surrounding area and would represent an overdevelopment of the site. The proposal is therefore contrary to the objectives of policy EN1a of the Spelthorne Core Strategy and Policies Development Plan Document (February 2009) and the National Planning Policy Framework (July 2021).

Appendices: