

# Planning Committee

## 15 November 2023



<b>Application No.</b>	23/00937/FUL
<b>Site Address</b>	Existing Car Park Of Communications House, South Street, Staines-upon-Thames, TW18 4PR
<b>Applicant</b>	Spelthorne Borough Council
<b>Proposal</b>	Erection of bicycle shelter and the loss of 3 no. car parking spaces
<b>Case Officer</b>	Drishti Patel
<b>Ward</b>	Staines
<b>Called-in</b>	The applicant is Spelthorne Borough Council and in accordance with the Planning Code (paragraph 40) this application is being reported to Committee for a decision.

<b>Application Dates</b>	Valid: 12.10.2023	Expiry: 22.08.2023	Target: 07.12.2023
<b>Executive Summary</b>	This application relates to existing ancillary car parking serving Communications House in Staines-upon-Thames. This application is for the replacement of 3 car parking spaces with an enclosed bicycle shelter serving 20 bicycles (10 stands). The proposal is considered to be acceptable in terms of its impact on the character of the area, the amenity of neighbouring properties, sustainable transport and parking provision.		
<b>Recommended Decision</b>	Approve the application subject to conditions as set out at Paragraph 8 of this report.		

## 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:
- Policy EN1 (Design of new development)
  - CC2 (Sustainable Travel)
  - CC3 (Parking Provision)
  - TC1 (Staines Town Centre)
- 1.2 On 19 May 2022, Council agreed that the draft Local Plan 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 ran from 15 June 2022 to 21 September 2022 and the local plan was submitted to the Planning Inspectorate under Regulation 19 on 25 November 2022.
- 1.3 An Examination into the emerging Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved *to request 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.* At the meeting of the Council on 19 July 2023, it was agreed that Catriona Riddell & Associates be appointed to provide 'critical friend' support to inform the options for taking the plan process forward. On 14 September 2023, the Council considered a report following the deferral in June. The report listed three options; to continue with the Local Plan to include further work (especially on design codes), to request a further pause or to withdraw the Local Plan. On the day of the meeting, a letter was received from the Housing Minister stating that the Housing Secretary, was directing the council "not to take any step to withdraw the plan from examination..." The Council resolved to extend the pause in the Examination timetable until the proposed changes to the NPPF have been published (expected in the Autumn) before determining the next steps and take immediate legal advice to confirm the validity of the minister's directive. On 22 September 2023, the Inspector agreed to a pause to the Local Plan and requested that the Council continues to address the issues that he identified in the first week of the hearings, in particular flood risk and its potential implications in relation to the site allocation and delivery strategy of the plan.
- 1.4 The following policy of the draft Spelthorne Local Plan 2022-2037 is of relevance:
- Policy DS1 (Place shaping)
  - Policy ID2 (Sustainable Transport for New Developments)
- 1.5 The NPPF policy states at para 48 that:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 1.6 Section 38(6) the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan (unless material considerations indicate otherwise) and not in accordance with an emerging plan, although emerging policies may be a material consideration.
- 1.7 At this stage, the policies in the Pre-Submission Spelthorne Local Plan carry limited weight in the decision-making process. The adopted policies in the 2009 Core Strategy and Policies DPD carry substantial weight in the determination of this planning application.

## **2. Relevant Planning History**

- 2.1 The site has the following planning history:

PLAN N/FUL/80/996	Erection of a part 5-storey and part 6-storey office block totalling 60,000 sq. ft (5,574 sq. m) floor area with ancillary car parking (provided partly at surface level with new access arrangements to South Street and partly within the multi-storey car park with access to Elmsleigh Road proposed under planning application (N/80/1012).	Grant Conditional 20.01.1981
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## **3. Description of Current Proposal**

- 3.1 The application relates to the ancillary car parking area of Communications House, which is situated to the east of the office building. Tothill Multi-Storey Car Park and the Elmsleigh Shopping Centre are situated to the north, and Staines and District Synagogue to the south. Staines Bus Station is situated to the east.
- 3.2 The site is located within the Staines designated Employment Area. It is also situated within the 1 in 100-year flood zone (Flood Zone 3A).

### Background

- 3.3 Between 1970-1980 the site and surrounding area were part of several applications relating to the redevelopment of “Staines Central Area”. In 1981, an application (PLAN N/FUL/80/996) was approved for new part 5-storey and part 6-storey office block which included ancillary car parking to which this application relates.

#### Proposal

- 3.4 There are a total of 27 existing car parking spaces serving staff and visitors to Communications House. It is proposed to remove 3 of these spaces and erect a bicycle shelter in their place. Therefore, the proposed remaining car parking spaces would be 24.
- 3.5 The proposed bicycle shelter would serve 10 bicycles stands, which would make the total capacity 20 bicycles. It would measure 4.1 metres in depth and 5.2 metres in width. Therefore, it would be situated in the same position as the three car parking spaces to be removed with no part of the structure protruding further out. There would be no other change to the layout of the car parking area including the existing landscaping.
- 3.6 The structure would have a very shallow pitched roof made from galvanised sheet metal with a maximum height of 2.1 metres. All sides of the structure would be clad in galvanised wire mesh. It would stand on four legs and so would be raised 0.2 metres from ground level.
- 3.7 The bicycle shelter is proposed to be secured by a mechanical coded lock and internal thumb entry. The access is situated in the northwest elevation with a swing gate. The lighting is proposed to be solar LED fittings.

### **4. Consultations**

- 4.1 Surrey County Highways – No objections (1 condition recommended)

### **5. Public Consultation**

- 5.1 A total of 4 neighbouring properties were notified of the planning application. At the time of writing this report, no letters of representation had been received, although the deadline for submission is the 06.11.2023. Any letters of representation received will be reported orally at the Committee meeting.

### **6. Planning Issues**

- 6.1 The main planning considerations for the application are:
- the loss of existing car parking
  - addition of cycle storage (sustainable travel)
  - the impact of the proposed development on the character of the area

### **7. Planning Considerations**

#### Loss of Car Parking

- 7.1 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.
- 7.2 Communications House has a total floorspace of 5574 sqm. The Council's Parking Standards stipulate a maximum of 159 spaces for this size of development. The existing car parking provides 27 parking spaces, and the proposed spaces is to be 24 parking spaces.
- 7.3 Whilst the existing and proposed parking provision are both substantially below the Council's Parking Standards, the standards are 'maximum' (i.e., not minimum) and the level of proposed parking is therefore considered acceptable. Furthermore, the site is directly adjacent to Staines Bus Station and a short walk away from Staines Train Station. The County Highway Authority has raised no objection to the proposed remaining level of car parking.

#### Addition of Bicycle Shelter

- 7.4 Policy TC1 (Staines Town Centre) of the CS & P DPD states the Council will encourage measures to improve traffic management in the town centre and to further improve accessibility by public transport and other non-car-based modes.
- 7.5 Policy CC2 (Sustainable Travel) of the CS & P DPD states that the Council will seek to secure more sustainable travel patterns by supporting measures and specific schemes to improve facilities for non-car-based travel including Staines' role as a public transport interchange.
- 7.6 The applicant has stated in the covering letter that 'reducing reliance on the car offers congestion and air quality benefits. Locating and designing developments so that they are less car-dependent can assist in this process and contribute to a more sustainable pattern of development'. It further state that the proposed cycle parking will 'incentivise alternative modes of transport and reduce the need to travel by car'. It is considered the addition of 10 bicycle stands (serving 20 bicycles) complies with the requirements of Policies TC1 and CC2 as it increases non-car-based modes of transport in Staines town centre.

#### Character of the area

- 7.7 Although it would be visible from the street scene, the scale is considered small, with a height of 2.1 metres and is considered to not have a significant impact on the character of the area. Furthermore, it is considered significantly set in as it is situated approximately between 9-10 metres to the Bus Station, South Street and Communications House itself.

#### Other Matters

- 7.8 With the low height and positioning of the structure it is considered to have an acceptable impact on the amenities of neighbouring properties.

- 7.9 Whilst the site is located within Flood Zone 3A (greater than 1 in 100-year chance of flooding) the proposed structure is of an open mesh construction and is not considered to have any adverse impact on flood risk.

#### Equality Act 2010

- 7.10 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.

#### Human Rights Act 1998

- 7.11 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.12 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.
- 7.13 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.
- 7.14 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/ 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.

#### Conclusion

- 7.15 Overall, it is considered that the proposed development respects the character of the area, the amenities of the neighbouring properties and no objections to the works have been received. Furthermore, it complies with policies TC1, CC2 and CC3 relating to sustainable transport and parking.

### **8. Recommendation**

- 8.1 Approve subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: This condition is required by Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The proposed development hereby permitted shall be implemented in accordance with the following approved plans: 4<sup>TH</sup> FLOOR OFFICE (Marsh) ALLOCATED CAR PARK PLAN (existing site plan) received 24.07.2023 and 223878.001 S1.01; G.01; G.02; G.03; D.01; D.02; D.03; D.04; D.05A received 12.10.2023 and thereafter permanently maintained.

Reason: For the avoidance of doubt and to ensure the development is completed as approved and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2023 and Policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.