

Planning Committee

25 June 2025



Application No.	25/00308/RVC & 25/00307/RVC		
Site Address	Old Station, Moor Lane, Staines-upon-Thames, TW18 4BB		
Applicant	Mr James Olley – BARO Holdings Limited		
Proposal	<p><u>25/00308/RVC</u> Variation of Conditions 2 (Approved Plans) and 3 (Materials) of planning approval 24/01052/FUL for 'External Alterations including new openings at lower ground level, access ramps and railings to create an external play area' to allow for amendments to the approved plans including extension to the fence line to extend across the widened ramp that replaces existing staircase; the installation of an entrance gate within the proposed fence line extension; increase in railing height from 1.3m to 1.8m; and for the materials to be approved as part of this application and with a subsequent compliance condition.</p> <p><u>25/00307/RVC</u> Variation of Conditions 2 (Approved Plans) and 3 (Materials) of approval 24/01053/LBC for 'Internal and External Alterations including new openings at lower ground level, access ramps and railings to create an external play area' to allow for amendments to the approved plans including internal alterations to openings and layout; extension to the fence line to extend across the widened ramp that replaces existing staircase; the installation of an entrance gate within the proposed fence line extension; increase in railing height from 1.3m to 1.8m; and for the materials to be approved as part of this application and with a subsequent compliance condition.</p>		
Case Officer	Matthew Clapham		
Ward	Staines		
Called-in	These applications have been called in by Councillor Williams due to the impacts on the Listed Building.		
Application Dates	Valid: 31.03.2025	Expiry: 26.05.2025	Target: Extension of Time agreed to 27.06.2025.
Executive Summary	Application 25/00308/RVC seeks to amend the existing planning approval to increase the approved existing railing height from 1.2m to 1.8m; to extend the railings across the widened ramp that replaces existing staircase; the installation of an entrance gate within the proposed extended railings; and for the materials to be approved as part of this application and with a subsequent compliance condition.		

	<p>Application 25/00307/RVC seeks to amend the listed building consent for the same as above and also additional internal alterations.</p> <p>The applications amend existing approvals that were associated with the conversion of the building from an office to a children's day nursery, which does not require planning permission as application 24/00626/CPD granted a Certificate of Lawfulness for the proposed use of the building as a children's day nursery (Class E(f)).</p> <p>The building is a Grade II Listed Building and is located within the Staines Conservation Area and the Zone 2 (1 in 1000 year event) flood risk area.</p> <p>The proposal is considered acceptable in terms of its impacts upon the setting and significance of the Listed Building and would preserve and enhance the character of the Staines Conservation Area. There are not considered to be any issues regarding flood risk and the proposal would not give rise to any highway safety concerns. There would be no significant adverse impacts upon the residential amenity of any adjoining properties.</p> <p>These applications do not relate to the already approved parking areas and layout and external alterations to the listed building. Similarly, permission for the 1.2m railings around the outdoor play area already have approval. The approved parking layout is not subject to change as part of these proposals. These applications only seek to increase the height of the approved railings, extend them across the access to the nursery and to replace the existing stairs with a widened ramp, together with minor internal alterations to the listed building.</p> <p>The future use of the site as a children's day nursery does not require planning permission, as both the existing office use and the proposed nursery fall under Class E of the Use Classes Order. This has been lawfully confirmed by the issuing of a Certificate of Lawfulness for the use under 24/00626/CPD.</p> <p>The proposals are therefore considered to be acceptable.</p>
Recommended Decision	Approve the application subject to conditions as set out in the Recommendation section (paragraphs 8.1 and 8.2).

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:

- SP1 (Location of Development)
- SP6 (Maintaining and Improving the Environment)

- LO1 (Flooding)
- EN1 (Design of New Development)
- EN5 (Buildings of Architectural and Historic Interest)
- EN6 (Conservation Areas, Historic Landscapes, Parks and Gardens)
- CC3 (Parking Provision)

- 1.2 The National Planning Policy Framework (NPPF) December 2024 is also relevant.
- 1.3 On 19 May 2022, the Council agreed that the draft Spelthorne Local Plan 2022 – 2037 be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The public consultation for the Pre-Submission Publication version of the Local Plan ended on 21st September 2022 and the local plan was submitted to the Planning Inspectorate on 25th November 2022.
- 1.4 An Examination into the emerging Local Plan commenced on 23 May 2023. However, it was paused to allow time for the new council to understand and review the policies and implications of the emerging Local Plan and to address the issues that were identified in the first week of the Examination, in particular flood risk and its potential implications in relation to the site allocation and delivery strategy of the plan.
- 1.5 On 12 December 2024, the Planning Inspectorate confirmed that the Local Plan examination would resume on the 27 January 2025. This has now taken place and the Examination closed on 18 February 2025. Adoption of the Local Plan by Council could be by September 2025 subject to the plan being found sound by the Inspector and public consultation undertaken on the Main Modifications <https://spelthornelocalplan.info/evidence-base/>
- 1.6 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
 - PS2: Designing Places and Spaces
 - PS3: Heritage, Conservation and Landscape
 - E3: Managing Flood Risk
- 1.7 The [National Planning Policy Framework](#) (NPPF) states at para 49 that:
- Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 1.8 Section 38(6) the Planning and Compulsory Purchase Act 2004 (https://www.legislation.gov.uk/ukpga/2004/5/pdfs/ukpga_20040005_en.pdf) 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.
- 1.9 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:

Ref. No.	Proposal	Decision and Date
24/01052/FUL	External Alterations including new openings at lower ground level, access ramps and railings to create an external play area.	Granted 11.12.2024
24/01053/LBC	Internal and External Alterations including new openings at lower ground level, access ramps and railings to create an external play area.	Granted 11.12.2024
24/00626/CPD	Certificate of Lawfulness for the proposed use of the building as a children's day nursery (Class E(f)).	Granted 16.07.2024
20/00034/FUL	Erection of new building containing 5 flats, comprising 1 no. 2 bedroom unit and 4 no. 1 bedroom units incorporating car parking and cycle storage. New vehicular access through existing wall and brick up existing access. New pedestrian access through existing wall. Extended parking area and alterations to existing riverside footpath Amendment to application no. 14/01096/FUL alterations to	Grant Conditional 24.04.2020

	existing constructed 4 unit development to 5 units, accomplished with the internal subdivision of unit 4 to create additional unit 5.	
02/00938/FUL	Erection of a ramped access, provision of disabled parking spaces and internal alterations to provide a disabled w.c.	Grant Conditional 11.11.2002
02/00095/FUL	Conversion of building from Class B1 (Office) to Class D1 for use as a day nursery together with associated play spaces and parking and internal and external alterations and refurbishment of existing building.	Grant Conditional 28.03.2002

3. Description of Current Proposal

The application site and surrounding area

- 3.1 The application site is located on the eastern side of Moor Lane at a corner site close to its junction with Wraysbury Gardens to the north and Wraysbury Road to the west. The site is occupied by a detached two storey (with a basement) Grade II Listed Building which had been used as offices since 1981. Originally, the building was the Staines West Railway Station, which was the southern terminus of the Staines and West Drayton Railway until its closure in 1965. A Certificate of Lawfulness for the proposed use of the building as a children's day nursery (Class E(f)) was granted last year. Subsequently, permission was granted for alterations to the listed building and the car park to include railings around an external play area and access ramps to the building.
- 3.2 The site is located within the Staines Conservation Area and within the Zone 2 Flood Risk Area (1 in 1000 year event).
- 3.3 There is an existing parking area to the rear of the listed building and also an additional area of parking to the east of the retained wall that formed part of the railway station and the Wraysbury River, which is designated for use by occupiers of the application site.
- 3.4 The area is mixed in character with a mixture of commercial and residential uses and types and styles of properties.

Proposal

- 3.5 These applications seek to vary both the planning permission and listed building consent for internal and external alterations including new openings

at lower ground level, access ramps and railings to create an external play area. The applications also seek to approve the materials as part of these applications to avoid any requirement to discharge the materials by condition later.

- 3.6 The internal alterations comprise relocating internal toilets and amending/widening existing internal openings. Externally, the existing staircase from the parking area to the building is to be replaced by a widened access ramp. The enclosed play area will be surrounded by 1.8m high metal railings, increased from the approved 1.2m railings with an additional extended stretch of railings, including an access gate to the proposed widened ramp. This will also be 1.8m in height extending to the corner of the existing building.
- 3.7 This scheme has been amended since it was first submitted. These changes involve the removal of the proposed external refuse store and the realignment of the railings to be set back within the site along the line between an existing single storey part of the building along the front of the existing staircase/proposed ramp to connect with the approved railings around the outdoor play area.
- 3.8 The proposed plans are provided as an Appendix.

4. Consultations

The following table shows those bodies consulted and their response.

Statutory Consultees

Consultee	Comment
County Highway Authority	No objections.

Non-Statutory Consultees

Consultee	Comment
Conservation Officer	No objections.
Environmental Health (Contamination)	No comments.

5. Public Consultation

- 5.1 A total of 14 properties were notified of the applications. A statutory site notice was displayed and a notice placed in the local press.
- 5.2 The Council has received 1 letter of objection to the application 25/00308/RVC.
- 5.3 Reasons for objecting include:
- Location of Bin Store is an eyesore [*Officer note: this has been removed from the plans*]

- Parents will still have to access car park to access the nursery itself through the gates / railings

6. Planning Issues

- Impact on the Listed Building and the Staines Conservation Area.
- Residential Amenity.
- Parking and Highway Safety.
- Flooding

7. Planning Considerations

Background

- 7.1 The future use of the site as a children's day nursery does not require planning permission, as both the existing office use and the proposed nursery fall under Class E of the Use Classes Order. This has been lawfully confirmed by the issuing of a Certificate of Lawfulness for the use under 24/00626/CPD. Furthermore, the internal and external alterations to the existing building, the access ramps and the 1.2m railings around the external play area have also been approved under 24/01502/FUL and 24/01503/LBC. Therefore, the only issues that are under consideration for these proposals are those that are related to the additional physical changes to the listed building, the increase in height to the railings, the additional railings and gate and the replacement of an existing external staircase with a widened ramp.

Impacts upon the Listed Building and the Staines Conservation Area.

- 7.2 There is a statutory duty placed on all local planning authorities by Section 72 of the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#), which requires authorities when, amongst other responsibilities, making decisions on planning applications in conservation areas that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'. In respect of Section 66 of the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#), in dealing whether to grant listed building consent the local planning authority "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." These requirements seek a positive aim of "preserving or enhancing character of conservation areas and preserving listed buildings." This duty has particular importance when considering and weighing all the issues in this case.
- 7.3 At Chapter 16 (Conserving and enhancing the historic environment) of the [National Planning Policy Framework](#), Local Planning Authorities should consider the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.4 Policy EN5 of the Spelthorne Core Strategy and Policies Development Plan Document (CS&P DPD) for Buildings of Architectural and Historic Interest

states the Council will seek to preserve its architectural and historic heritage by requiring alterations and extensions to listed buildings to respect any features of special historic or architectural importance and refusing consent for any alteration or extension to a listed building that will not preserve the building or its setting. The Policy also requires development proposals for any sites affecting the setting of a listed building to have special regard to the need to preserve its setting.

- 7.5 Policy EN6 of the CS&P DPD for Conservation Areas, Historic Landscapes, Parks and Gardens states the Council will seek to preserve and enhance the character of conservation areas by requiring the retention of buildings, trees and other features, including open spaces, views and vistas, which are important to the character of the area.
- 7.6 As required by the NPPF, the application has been submitted with a cover letter [25_00308_RVC-OLD_STATION_S73_COVER_LETTER-857110.pdf](#) detailing the changes to the listed building as an addendum to the detailed Heritage Impact Assessment submitted with the original applications.
- 7.7 The Council's Conservation Officer has not raised any objections to the proposals, stating:
- "There are no significant changes to the main ground and first floors of this building. The amendments mostly affect the below ground floor containing the enclosed play areas. The increased height of the railings would be due to legal safeguarding issues. I have no listed building or conservation concerns. The building is ideal for its current use and is well maintained, so the minor changes will facilitate this current appropriate use, I have no adverse comments."*
- 7.8 The internal alterations will not be visible from the street scene. The widened ramp is located alongside an existing raised area to the building and is necessary to ensure inclusivity to the site and accessibility for prams/buggies, etc. The railings are predominantly on one side of the proposed play area and albeit at an increased height of 1.8m are of a height, size and design that would not harm the character and appearance of the area.
- 7.9 The proposed materials are considered acceptable and would not be detrimental to the listed building nor the character and appearance of the Staines Conservation Area. The materials include railings that would be child safe with flat / rounded top and painted black to match the existing railings. The Access Ramp would be Non-slip, durable paving materials, together with natural stone or resin-bound gravel and are detailed in the cover letter [25_00308_RVC-OLD_STATION_S73_COVER_LETTER-857110.pdf](#) accompanying the application.
- 7.10 Therefore, it is considered that the proposal would not result in any harm to the setting and appearance of the Listed Building, and would preserve and enhance the Staines Conservation Area. The proposal is considered to comply with the NPPF (2024), Policies EN1, EN5 and EN6 of the Spelthorne Core Strategy and Policies Development Plan Document, and is considered acceptable.

Residential Amenity

- 7.11 Policy EN1b of the CS & P DPD states that “

New development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.”

- 7.12 The third-party representation raised concerns over the bin store location and that the application's proposed description was inaccurate. The bin store no longer forms part of this application and the description stating that the proposal was to ensure that the 'nursery area is appropriately separated from the car park' was to refer to the nursery area where children would be occupying would be securely separated from the parking area rather than completely separating any parking areas from the nursery in its entirety.
- 7.13 The use of the play area as a nursery is not a material consideration in assessing this proposal. The site, including the area proposed as the play area, has a lawful use as a children's day nursery and any issues surrounding the use are not a matter when assessing these proposals.
- 7.14 The increased height in the approved railings is relatively small, adding 60cm to increase the approved height to 1.8m. In the context of the surrounding area with the Old Station Building behind and the substantial wall along the eastern boundary, which is in excess of 3m in height, the increased height in the railings is not considered to result in any adverse impacts in terms of visual amenity. The railings are the same design as approved and are simply taller. As railings, they are less visually obtrusive than a solid wall or fence. The extended railings, including the gate, are a minor addition to the approved railings and extend across the pedestrian access to the building to the edge of the existing building. The widened ramp is extending across an existing staircase.
- 7.15 It is not considered that there will be any adverse impacts with regard to any loss of privacy from the ramp or the extended railings, including the gate. The play area will not be increased in size nor are there to be any increase in the numbers of children attending the nursery as a result of these applications. Therefore, there will be no increased harm arising from noise. The proposal will not alter the parking layout nor affect traffic movements and therefore, it is not considered that there will be any significant adverse impacts upon local residents in terms of noise and disturbance from traffic movements in this part of the site.
- 7.16 Therefore, no significant loss of privacy, overbearing or noise and disturbance is considered to arise, conforming to Policy EN1 of the CS&P DPD.

Parking and Highway Safety

- 7.17 The proposal would not result in the net loss of any parking spaces. The existing railings would remain in the same position, but would be 1.8m in

height rather than the approved 1.2m. The extension to the railings including the entrance gate would be in line with the edge of the existing single storey part of the building on the western side of the site and would then link with the approved railings. No structures or railings would be any closer to the parking spaces serving Old Station Mews or the access to the site from Moor Lane.

- 7.18 The County Highway Authority (CHA) has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The CHA therefore has no highway requirements. Therefore, it is not considered that there are grounds to refuse the proposal on parking and highway safety grounds.

Flooding

- 7.19 Policy LO1 of the CS&P DPD seeks to reduce flood risk and its adverse effects on people and property in Spelthorne.
- 7.20 The only physical additions are the extended access ramps and railings to the play area on an existing hardstanding / parking area. The railings themselves have openings to allow the free flow of flood water.
- 7.21 The site is located within the Zone 2 Flood Risk Area. In view of the very limited amount of additions on existing hardstanding and the relatively low risk level in Zone 2, it is not considered that there are sufficient harmful impacts in terms of flooding to justify refusal.

Other Matters

- 7.22 The bin store has been removed and no longer forms part of the application. The proposal does not qualify for Biodiversity Net Gain. The Council's Environmental Health Officer has made no comments regarding contaminated land.

Equalities Act 2010

- 7.23 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 for:

The elimination of discrimination, harassment and victimisation; The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it; The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights Act 1998

- 7.24 This planning application has been considered against the provisions of the Human Rights Act 1998.

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.

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.

In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Financial Considerations

- 7.25 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 for planning permission is not a CIL chargeable development and will therefore not generate a CIL Payment.

The proposal will generate Business Rate payments which is not a material consideration in the determination of this proposal.

Conclusion

- 7.26 Accordingly, both applications are recommended for approval.

8. Recommendation

- 8.1 The options available to the Planning Committee for decision making are:
- To approve the applications as set out in this report. This option is recommended. The report analyses in some detail the reasons why the application is considered to be acceptable in planning terms.

- To approve the applications subject to additional /amended conditions and informatives. This option is not recommended, the conditions and informatives are set out below. The Planning Committee should be minded of paragraph 57 of the NPPF which states that :- *planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects ([National Planning Policy Framework](#))*.
- To refuse the applications. This option is not recommended. The report assesses why officers consider the application to be acceptable and there are [no material planning reasons](#) to refuse the proposal.

8.2 The applications are recommended for approval, subject to conditions below:

GRANT 25/00308/RVC to vary planning permission for 24/01052/FUL subject to the following conditions:

1. The development hereby permitted shall be begun before the 11th December 2027.

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 development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; E1000 rev B; E1100 rev B; E1101 rev B; E1102 rev B; E1190 rev B; E1199 rev B; E2000 rev B; EL101 rev P2; EL102 rev P2; PD101 rev P5; PD102 rev P5; PD103 rev P5 received on 02.09.2024 and drawing no's 201; 202 1; 202 2; 202 3; 203; 204; 205; 206; 207; 208; 209 and 210 received 29.05.2025.

Reason:- For the avoidance of doubt and to ensure the development is completed as approved.

3. The development shall be carried out in accordance with the materials hereby approved as set out in the Cover Letter dated 26th February 2025 Ref. SP24-1027.

Reason:- To ensure that the proposed development does not prejudice the appearance of the listed building and conservation area which is of high historic value, in accordance with policies EN5 and EN6 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

4. There shall be no raising of existing ground levels on the site within the area liable to flood, other than in accordance with the approved details.

Reason:- To prevent the increased risk of flooding due to impedance of flood flows and reduction in flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

5. All spoil and building materials stored on site before and during construction shall be removed from the area of land liable to flood upon completion.

Reason:- To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

GRANT **25/00307/RVC** to vary Listed Building Consent for 24/01053/LBC subject to the following conditions:

1. The development hereby permitted shall be begun before the 11th December 2027.

Reason:- This condition is required by Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; E1000 rev B; E1100 rev B; E1101 rev B; E1102 rev B; E1190 rev B; E1199 rev B; E2000 rev B; EL101 rev P2; EL102 rev P2; PD101 rev P5; PD102 rev P5; PD103 rev P5 received on 02.09.2024 and drawing no's 201; 202 1; 202 2; 202 3; 203; 204; 205; 206; 207; 208; 209 and 210 received 29.05.2025.

Reason:- For the avoidance of doubt and to ensure the development is completed as approved.

3. The development shall be carried out in accordance with the materials hereby approved as set out in the Cover Letter dated 26th February 2025 Ref. SP24-1027.

Reason:- To ensure that the proposed development does not prejudice the appearance of the listed building and conservation area which is of high historic value, in accordance with policies EN5 and EN6 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.