

Planning Committee

28 October 2026



Application No.	26/00909/FUL		
Site Address	Various Locations in International Way and Lincoln Way, Sunbury-on-Thames TW16 7HR		
Applicant	International Way (Sunbury) Management Company Limited		
Proposal	Amended description: - Erection and alteration of estate boundary fencing at four locations, two accessing Windmill Road and two accessing Lincoln Way. Installation of installation of three pedestrian gates.		
Officer	Vanya Popova		
Ward	Laleham and Shepperton Green		
Call in details	This application has been called in by Councillor Howkins for the following reasons: • Out of character • Overbearing effect on the area		
Application Dates	Valid: 27.08.2026	Expiry: 02.11.2026	Target: 02.11.2026
Executive Summary	This application seeks permission for the erection and alteration of estate boundary fencing at four pedestrian access points, comprising two accesses onto Windmill Road and two accessing onto Lincoln Way. The proposed railing-style metal fencing will be similar in design appearance as the existing boundary treatments within the estate. The proposed design and appearance would be in keeping with the character of the surrounding area. Furthermore, having regard to its height, siting and relationship with neighbouring properties, the proposal would not result in any significant adverse impact on the residential amenity of adjoining occupiers. In terms of highway safety, the County Highway Authority raises no objection to the proposal. The latest submitted plans show the installation of pedestrian gates at three out of the four access points. Whilst these gates would introduce some restrictions on public access during certain hours, it is considered that the existing open space and children's play area can remain accessible to the public during the daytime.		
Recommended Decision	The application is recommended for approval.		

MAIN REPORT

1. Local Plan

1.1 The following policies in the Council's Local Plan 2024-2039/40 (March 2026) are considered relevant to this proposal: -

- ST1: Presumption in Favour of Sustainable Development
- PS2: Designing Places and Spaces
- E3: Managing Flood Risk
- E5: Open Space and Recreation
- ID2: Sustainable Transport for New Developments

1.2 The following policies contained within the National Planning Policy Framework (NPPF) (2026) are also relevant: -

- DP3: Key principles for well-designed places
- HC7: Development affecting existing recreational land and facilities
- TR4: Street design, access and parking

1.3 Also relevant are the following Supplementary Planning Document/Guidance:

- Spelthorne Design Code (The Code) adopted March 2026

2. Relevant Planning History

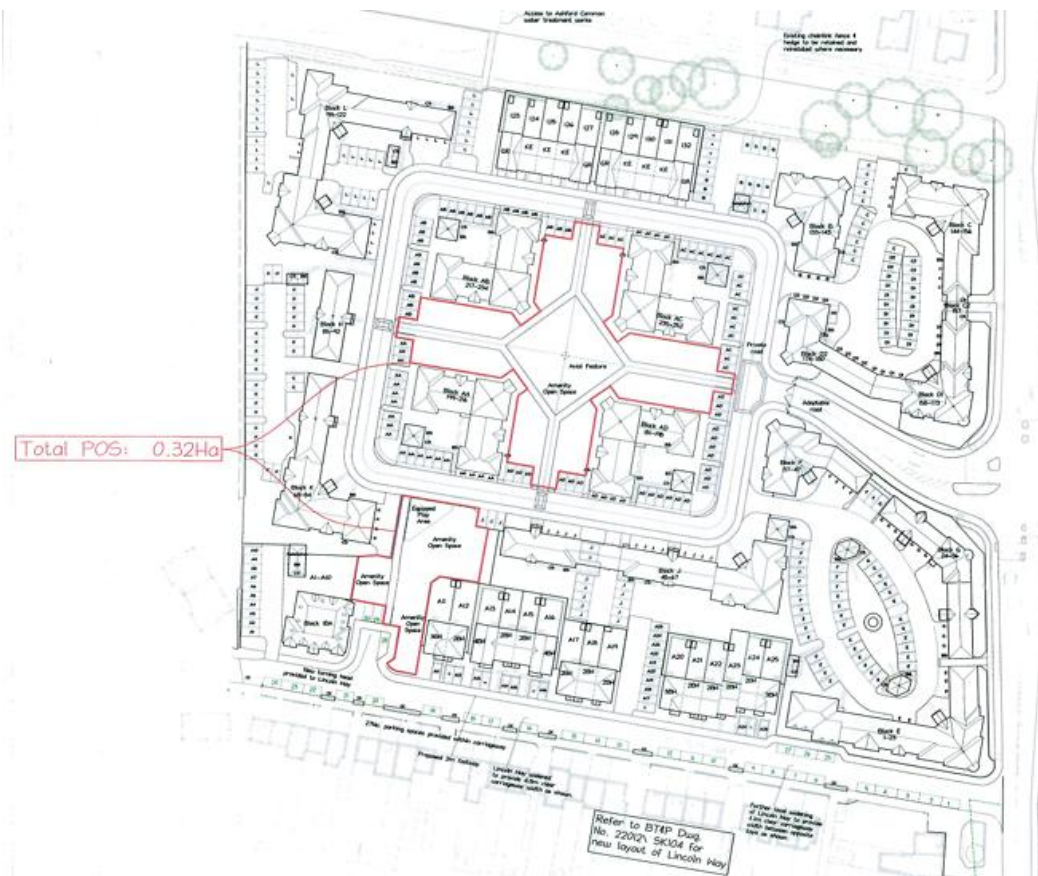
Reference	Description	Date/decision
02/00574/FUL	Redevelop site to provide 264 residential properties with assoc. parking/garages/car ports/amenity open space/substations. Construct new access to Windmill Rd. Provide parking on, & alterations to, Lincoln Way. AMENDED DESCRIPTION.	Grant Conditional 09.10.2002

3 Background

3.1 Planning history indicates that planning permission was granted in 2002 (ref. 02/00574/FUL) for redevelopment of the former commercial Windmill Trading Estate site to provide 264 residential properties with association parking/garages/car ports/amenity open space/substations. The approved plans show the provision of terraced and semi-detached two storey houses fronting Lincoln Way with a flatted development to the south-west corner of the site in two and half storeys. At the eastern end of Lincoln Way, apartment buildings of two and a half storeys are provided, rising to three storeys

towards the junction with Windmill Road. As a gateway feature, close to the main access into the estate, building heights increase up to four storeys. Inside the development, the built form comprises a mix of residential buildings, including dwellinghouses and apartment blocks ranging between two, three and four storeys in height.

- 3.2 The approved development included 264 residential units, of which 209 (10 x studio apartments, 21 x 1 bed flats, 167 x two bed flats, 1 x two bed maisonette, 4 x three bed dwellinghouses and 6 x four bedroom houses) as private housing and the remaining 55 designated as affordable housing (30 units allocated to shared equity/key workers and 25 units affordable housing for rent). The affordable units are located within the southern part of the development facing Lincoln Way. They include dwellings and apartments.
- 3.3 The main vehicular and pedestrian access to the residential estate is centrally located fronting onto Windmill Road. In addition, the development was designed with three separate pedestrian access and egress points, providing connections between the estate and the surrounding highway network. These pedestrian links were intended to promote permeability and connectivity between the development and surrounding area, facilitating convenient pedestrian movement for residents and visitors.
- 3.4 According to the approved details, there are two areas of public open space with an overall area of 0.32 hectares. The larger of the two areas is located centrally within the existing estate by four blocks of flats, whilst the smaller area is situated on the southern side of the site and is identified as an area of open space containing a children's playground. Given the limited availability of existing public open space in the vicinity to serve nearby residents, a legal agreement was completed to ensure the 0.32-hectare area of open space, including the children's play area, remains accessible to the general public in perpetuity (see below the areas of Public Open Space).
- 3.5 In addition, Condition 20 of planning permission ref. 02/00574/FUL removed permitted development rights across the estate for range of works, along with erection of gates, fences, walls, or other means of enclosure.

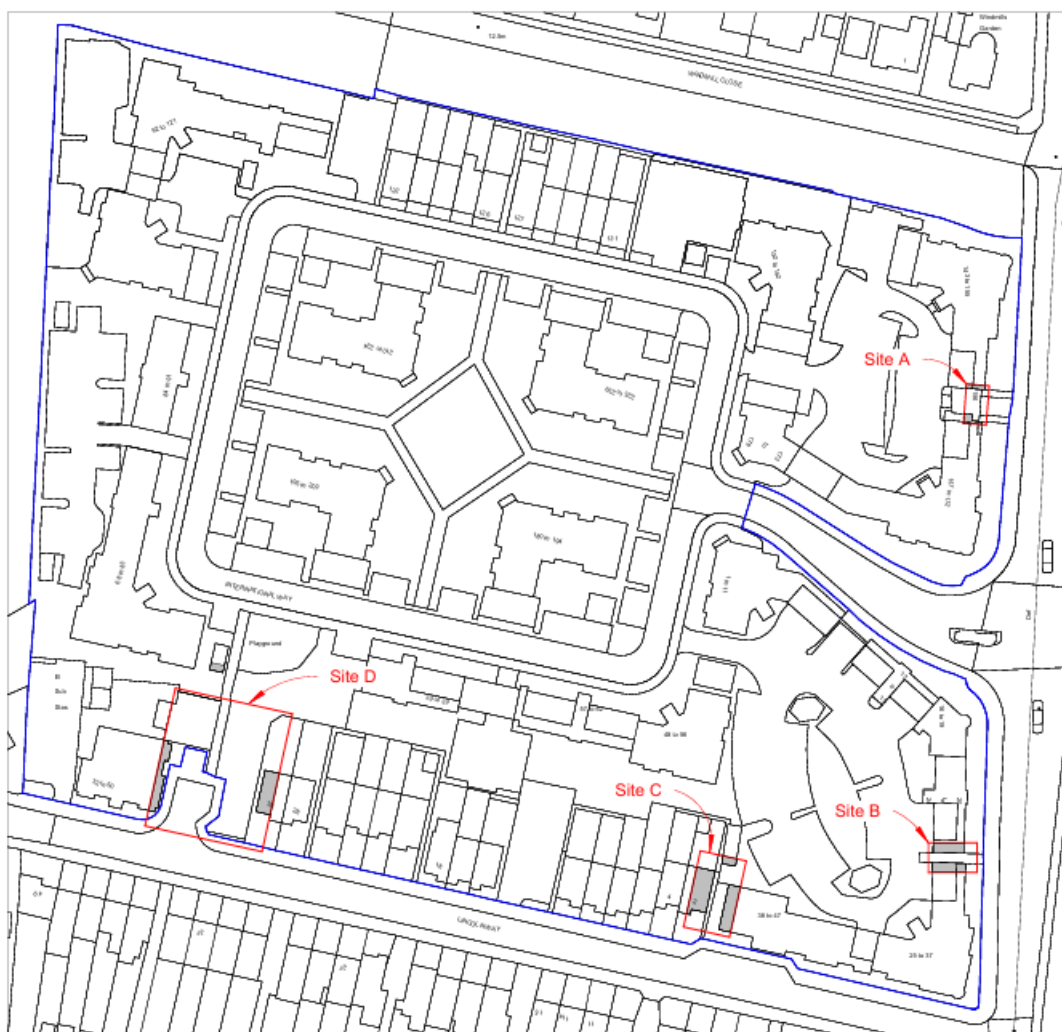


- 3.6 Enforcement history indicates that in March 2025, Heras fencing was erected at several locations along International Way and Lincoln Way, preventing pedestrian access and egress through the estate. As a result, pedestrian access has been restricted to the main estate entrance on the eastern side of the site, where pedestrians and vehicles have access via secured gates.

Description of current proposal

- 3.7 The existing residential estate (former Windmill Trading Estate) is rectangular shape and extends to 3.2 hectares in area. It is bounded by Windmill Road (A244) to the east and the Thames Water Filter Treatment Works to the west. To the south lies Lincoln Way, a residential street comprising 25 dwellings on its southern side. The approved affordable housing within the estate is located on the northern side of Lincoln Way. At the western end of Lincoln Way is Millfield, which contains four dwellings. The application estate is also bounded to the north by Windmill Close, a residential road comprising seven dwellings. In addition, five dwellings are located to the south of the junction of Lincoln Way and Windmill Road. Opposite the road, on the eastern side of Windmill Road, are predominantly commercial buildings.
- 3.8 In terms of planning constraints, the southern part of the site lies within Flood Zone 2, whilst the remainder of the site is located within Flood Zone 1. The eastern boundary is adjacent to the designated Windmill Road Strategic Employment Area.

- 3.9 The applicant seeks permission for the erection and alteration of estate boundary fencing (metal railings) at four pedestrian access points, with two facing Windmill Road and two at Lincoln Way. The proposed plans show new railings measuring 1.8 metres in height, comprising an open metal railing design at each of the four pedestrian access points. Furthermore, the latest submitted plans show the provision of pedestrian access gates at three of the four locations. The applicant has indicated that the access gates at locations A, B and D, as shown below, would remain open to public during daytime hours and would be locked during the evening. The gates would also incorporate a fire service override mechanism to allow emergency access when required.
- 3.10 According to the submitted Planning Statement, the management company seeks to reduce the volume of pedestrian, cyclist and delivery rider movements through these pedestrian access points in order to improve the safety and security of residents and help prevent anti-social behaviour.



- 3.11 The full set of proposed plans are provided as an Appendix.

4 Consultations

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

Consultee	Comment
County Highway Authority	No objection on highway safety grounds.

Non-Statutory Consultees

Consultee	Comment
Crime Prevention Officer	No objection - Secured by Design generally supports the provision of a limited number of well-defined access and egress points to residential developments.

5. Public Consultation

- 5.1 A total of 70 properties were notified of the planning application. Furthermore, four statutory site notices were displayed around the estate.

- 5.2 The Council has received 20 letters of objection to the application. Reasons for objecting include: -

- Loss of accessibility to the public open space
- Creating inconvenient distance away to reach the public open space
- Lack of consultation from the estate management company
- Limited number of residents consulted regarding this planning application
- Access challenges
- Loss of pedestrian access points
- Concerns on fire safety and emergency access
- Legal right of way
- Highway and pedestrian safety
- Flooding
- Impact on the character and appearance of the estate
- Enclosed estate
- Too high fence
- Community access and integration to the wider area
- The applicant has failed to demonstrate the need for additional fencing
- Fenced the estate illegally
- Management Company financial deficit
- Lack of management company transparency
- Not in accordance with the estate S106
- No transport statement has been submitted
- PD rights removed for additional means of enclosure

- No record of anti-social behaviour within the estate
- The proposal reduces walking and cycling through the estate
- The planning statement refers to the old NPPF
- Installation of gates should be considered
- Equality Act 2010
- Health and Safety

5.3 The Council has also received 37 letters of representation, which support the proposal. Reasons for supporting include:-

- Improved security and reassurance to the estate residents
- Not a highway or pedestrian safety
- Safe community
- Incidents of anti-social behaviour
- Improves quality of life
- Still allows access to the open space
- Protects residents' privacy
- Inclusive community

6. **Planning Issues**

- Character and appearance
- Neighbouring residential amenity
- Access and egress

7. **Planning Considerations**

Design and appearance

- 7.1 Policy PS2 of the Spelthorne Local Plan 2024-2039/2040 (2026) states that the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity, respect and make positive contribution to the street scene and the character of the area in which they are situated; and pay due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land. This is in consistency of the requirements within the recently adopted Council's Design Code.
- 7.2 There is existing 1.1 metre - 1.3 metre high railing fencing along Windmill Road frontage and adjacent to the main access road serving the estate. In addition, railing fencing is present along sections of the Lincoln Way frontage. It is noted that the two storey houses are generally characterised by low profile boundary treatment and open frontages, which facilitate the provision of off-street parking. It is also noted that examples of higher boundary treatment can be found within the vicinity of the site.
- 7.3 The proposed railing-style metal fencing will be similar in design and appearance to the existing boundary treatment within the estate. The fencing proposed along the Windmill Road frontage would be set back from the

principal elevation of the buildings. Similarly, the fence proposed at Location C would be set back from the highway frontage, reducing its prominence within the street scene.

- 7.4 It is acknowledged that the most visually prominent element of the proposal would be adjacent to the public open space and children's play area (Location D), due to the greater extent of fencing and space between buildings in this location. However, the proposed fencing would represent an increase height of 0.6 metres above existing boundary treatment. Furthermore, the railings design would maintain an open form of enclosure, allowing clear views into and out of the estate. Taking these factors into account, and given the variety of boundary treatments present within the surrounding area, it is not considered that the proposal would appear out of keeping with the established pattern of enclosure or that a refusal could be justified on character and appearance grounds. A condition has been recommended to ensure that the proposed railings match those of the existing railing fence in colour and texture.

- 7.5 It is considered that the proposed design and appearance would be in keeping with the character of the surrounding area and complies with the requirements of Policy PS2 (1) of the Spelthorne Local Plan 2024- 2039/40 (2026), Design Code and the NPPF.

Impact on neighbouring residential properties

- 7.6 Policy PS2 (2) of the Spelthorne Local Plan 2024- 2039/40 (2026) states that: *"Proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding adverse and un-neighbourly impacts in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook."*
- 7.7 The proposed fencing at Location A, B and C would not be positioned adjacent to any habitable windows. The submitted plans show that a section of the existing railing fence adjacent to No. 30 Lincoln Way would be increased in height by 0.6 metres and would be located 1 metre away from the neighbouring dwelling. Given open nature of the proposed railings design, it is not considered that the increased height would appear unduly overbearing or dominant, nor would it result in a significant loss of light to the occupiers of the neighbouring property.
- 7.8 The proposal is considered to have an acceptable impact on the amenity of existing neighbouring residential properties. Therefore, the proposal is considered to conform to Policy PS2 (2) of the Spelthorne Local Plan 2024- 2039/40 (2026).

Highway

- 7.9 Policy ID2 on Sustainable Transport for New Developments Development Proposals states that: -
- 1) *The Council will require development proposals to incorporate opportunities to facilitate sustainable and active modes of travel.*

- 7.10 In addition, Policy TR6 of the NPPF states development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement.
- 7.11 The County Highway Authority (CHA) was consulted and has raised no objection to the proposal. It was noted that the application site is accessed via International Way, which is a private road and does not form part of the public highway network. However, the CHA has considered the wider impacts of the proposal and is satisfied that it would not result in a material adverse impact on the safety and operation of the adjoining public highway.
- 7.12 The proposal seeks to either install new fencing or replace existing fencing at four separate gated pedestrian entrances located off Windmill Road or Lincoln Way. The set back distance of the four gated entrances from the highway would be sufficient, such that they would not obstruct the movement of pedestrians or other highway users. Accordingly, the proposal would not have a material adverse impact on highway safety or the free flow of traffic and pedestrian on Windmill Road or Lincoln Way.
- 7.13 Therefore, the scheme is acceptable in terms of policy ID2 and the NPPF on highway issues.

The effect on the Open Space and Play Area

- 7.14 Policy E5 on Open Space and Recreation of the Spelthorne Local Plan 2024-2039/40 (2026) seeks to protect, maintain and enhance existing open spaces, sports facilities and areas of recreation and encourage quality and accessibility improvements.
- 7.15 As set out above, the approved residential estate (ref. 02/00574/FUL) included the provision of two areas of public open space with a combined area of 0.32 hectares. To ensure the long-terms retention and acceptability of these areas, the following obligations were secured through a Section 106 Legal Agreement:-
1. *"The applicant shall provide*
 - 1.1 *the Open Space as shown on drawing no 2483 BAR-WL/POS and otherwise being not less than 0.32 hectares*
 - 1.2 *within the Open Space a play area for children aged eight years and younger to be equipped to the satisfaction of the Council ("the Play Area").*
 2. *The Open Space and Play Area shall be provided by the Applicant with the purpose and intention of permitting the general public to have access to the Open Space and the Play Area in perpetuity.*
 3. *The Open Space and Play Area being maintained by the site management company to be started by the Applicant and thereafter funded by annual management charge payable by all the residents of Dwellings on the Property."*

- 7.16 The applicant's initial proposal sought to enclose all four existing pedestrian access points, comprising two accesses onto Windmill Road and two onto Lincoln Way, with 1.8 metres high fencing. This would have resulted in all pedestrian accesses to and from the estate to be restricted and centralised via the existing central access point. Given the existing legal agreement requires the open space and children's play area to remain accessible to the general public in perpetuity, concerns were raised with the applicant regarding the potential impact of the proposal on accessibility to these areas and the inclusiveness to members of the public wishing to use them.
- 7.17 The latest plans show three out of the four existing pedestrian access points would incorporate gates. The applicant proposes that these gates would remain open to public between 8am and 8pm during the summer months, and 8am and 6pm during the winter months, thereby maintaining public pedestrian access through these locations for much of the day. Whilst it is acknowledged that the proposal would introduce some restrictions on the hours which the public could access the open space and play area, restrictions would however apply during the evenings and overnight periods, when use of these areas is generally expected to be lower. Given the proposed open design and appearance of the railing style-enclosure, the existing play area and adjacent open space on the southern side of the estate would remain visible from the public realm. The proposed gates would continue to allow access for existing residents of the estate, thereby ensuring that pedestrian permeability for residents is maintained notwithstanding the restricted public open hours. As a result, it is considered that the revised scheme has addressed the concerns previously raised regarding public accessibility to these areas as well as addressing the applicant's concerns relating to safety, security and anti-social behaviour within the estate. A condition has been recommended that the public open space and children's playground hereby approved shall be made permanently available and accessible to members of the public during the specified times, unless otherwise agreed in writing by the Local Planning Authority. It is not considered that any changes are required to the Section 106 Agreement.

Equalities Act 2010

- 7.18 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.

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.

- 7.19 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.
- 7.20 This proposal may affect individuals with protected characteristics specifically the impact of the development on disabled people. The applicant states that the proposed gates would be in line with the with Building Regulations 2010 - Access to and use of Buildings M. In the interest of accessibility, full details of the gates are requested to be submitted.

Human Rights Act 1998

- 7.21 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.22 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.
- 7.23 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.
- 7.24 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.

Conclusion

- 7.25 Accordingly, the application is recommended for approval, subject to the conditions set out in Section 8 below.

8. Recommendation

- 8.1 The options available to the Planning Committee for decision making are:

- To approve the application as set out in this report, subject to conditions and informatives. 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 application 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

mindful of the Policy DM6 of the NPPF which states that :- *Planning conditions should only be attached to planning permissions and other associated consents for development where they are: a. Necessary to make the development acceptable in planning terms; b. Relevant to the development and to planning considerations generally; c. Sufficiently precise to make them capable of being complied with and enforced; and d. Reasonable in all other respects.*
([National Planning Policy Framework.pdf](#)).

- To refuse the application. 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 application is recommended for approval, subject to conditions and informatives below.

APPROVE subject to the following:

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 development hereby permitted shall be carried out in accordance with the following approved plans P.M.300 Rev A, P.M.301 Rev A and P.M.400 Rev A Received on 27.08.2026, P.M.000 Rev B Received on 07.09.2026, P.M.100 Rev C, P.M.200 Rev C and P.M.401 Rev C Received on 09.10.2026.

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

3. The railing fence and gates hereby permitted shall be carried out in facing materials to match those of the existing railing fence in colour and texture.

Reason:-. To ensure a satisfactory external appearance in accordance with policy PS2 of the Spelthorne Local Plan March 2026.

4. The 3 no. pedestrian gates hereby approved, and the existing main pedestrian gate accessed from Windmill Road, shall remain openable and unlocked to enable access by members of the public during the following times, unless otherwise agreed in writing by the Local Planning Authority:-

- a) 08.00 to 18.00 hours January, February, March, October, November and December
- b) 08.00 to 20.00 hours April, May, June, July, August and September

Reason:- To ensure that the public open space and playground is made permanently available to the public.

5. Prior to the installation of the 3 no. pedestrian gates hereby approved, full details of the design and dimensions of the 3 no. gates shall be submitted to and approved in writing by the Local Planning Authority. The 3 no. gates shall be fully implemented in accordance with the approved details and thereafter maintained.

Reason:- To ensure that the pedestrian gates are suitably accessible for members of the public and other users.

Informatives

1. The applicant's attention is drawn to the ACPO/Home Office Secured by Design (SBD) award scheme, details of which can be viewed at www.securedbydesign.com