Planning Committee

11 November 2026

Application No.	26/00739/FUL
Site Address	Memorial Gardens, Market Square, Staines-upon-Thames, TW18 4SD
Applicant	Lichfields on behalf of Spelthorne Borough Council
Proposal	New children's play facility with associated railings, seating, flooring and landscaping
Case Officer	Kiran Boparai
Ward	Staines
Called-in	N/A - This application is being referred to the Planning Committee for a decision as the applicant is Spelthorne Borough Council

Application Dates	Valid: 25.08.2026	Expiry: 20.10.2026	Target: Extension of time agreed to 12.11.2026
Executive Summary	This application relates to an existing semi-circular shaped sunken feature which was built as part of the re-development of Market Square and Memorial Gardens granted planning permission in 2001 (Planning reference: 01/00153/FUL). The site was previously occupied by the 'Five Swimmers' statue and was intended to be used as a water feature. However, the site is no longer used and is vacant. It is proposed to infill the semi-circular shaped area to be level with the existing ground and to create a new children's play facility with associated railings, seating, flooring and landscaping. The site is situated within Staines conservation area, a site of archaeological importance and within a flood zone (partly in flood zone 2 and partly in flood zone 3a). To the south of the site is open space and the London Stone which is Grade II Listed. Further south of the site is the River Thames and the borough boundary with Runnymede. To the west of the site is the Old Fire Station and Staines Town Hall, which are Grade II Listed. The Town Hall has been converted into residential units. To the east of the site is the wider Memorial Gardens open area with trees and a footpath. To the north of the site is Market Square and the Staines War Memorial which is also Grade II Listed. The proposed development is considered to make efficient use of the site which is currently vacant and would provide a benefit to the community. None of the consultees have objected to the proposal. The impact of the development on Staines conservation area, the nearby Listed buildings, adjacent neighbouring properties, flooding and archaeology are considered		

	to be acceptable.
Recommended Decision	Approve the application subject to conditions as set out in the **Recommendation** section (paras. 8.1, 8.2 and 8.3).

MAIN REPORT

1. Development Plan

1.1 The following policies of the Spelthorne Local Plan 2024–2039/40 are of relevance:

- Policy ST1: Presumption in Favour of Sustainable Development
- Policy PS2: Designing Places and Spaces
- Policy PS3: Heritage, Conservation and Landscape
- Policy SP1: Staines-upon-Thames
- Policy E3: Managing Flood Risk
- Policy E5: Open Space and Recreation

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

1.3 The following Supplementary Planning Documents/Guidance is also relevant:

- Spelthorne Design Code (2026)

2. Relevant Planning History

2.1 The site has the following planning history:

Reference	Proposal Description	Decision
01/00153/FUL	Enhance Market Square, relocate War Memorial to Market Square, alter vehicular access to Market Square, create an enlarged landscaped public riverside open space on the site of Memorial Gardens/Riverside Car Park with canopies and water features, alter vehicular access to Riverside Car Park reduction in number of parking spaces, reconstruct/alter Riverside retaining wall and banks, erect new moorings.	Grant Conditional 25.05.2001

3. Description of Current Proposal

3.1 The application relates to an existing semi-circular shaped sunken feature which was built as part of the re-development of Market Square and Memorial

Gardens granted planning permission in 2001 (Planning reference: 01/00153/FUL).

3.2 The site is currently not in use and is vacant. It is proposed to infill the semi-circular shaped area to be level with the existing ground and to create a new children's play facility with associated railings, seating, flooring and landscaping.

3.3 The development is intended to provide an accessible play area for children aged 2-12 years old to include swings, a linear play trail incorporating off ground balance bars/frame/swing, a roundabout and a small slide with a crawl space. Furthermore, the play space would incorporate planting buffers along the edges of the site and bench seating.

4. Consultations

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

Statutory Consultees

Consultee	Comment
Environment Agency	No objection

Non-Statutory Consultees

Consultee	Comment
County Archaeology	No objection
Crime prevention/Surrey Police	No objection
Environment Health – Land contamination	No objection
Environment Health – Noise	No objection
Heritage Officer	No objection
Leisure Services	No objection
NATS Safeguarding Officer	No objection
Spelthorne Assets	No comments
Spelthorne Street Scene	No comments
Runnymede Borough Council	No objection

5. Public Consultation

5.1 A site notice was displayed, and a notice for the planning application was advertised in the local press.

5.2 A total of 47 neighbouring properties were notified of the planning application.

5.3 The Council has received 5 letters of support (including one from the Staines Town Society) in relation to:

- Positive design
- Good use of derelict area
- Public benefit and better use than the disused water feature
- May help reduce anti-social behaviour in the area
- Enhancement of public realm
- Economic and community benefit
- Preservation and integration with existing historical character
- Will not impinge on grassed area of Jubilee Gardens
- Public toilets should be added or considered close by

5.4 The Council has also received 1 letter of objection in relation to:
- Waste of money
- A playground already exists in Commercial Road
- Green space is under threat

6. Planning Issues

- Principle of the development
- Design, heritage, character and appearance
- Neighbouring residential amenity
- Flooding
- Archaeology

7. Planning Considerations

Principle of the development

7.1 The principle of the development is considered to be acceptable as it would re-use the existing vacant site and create a community facility. The playground is to be funded by the Community Infrastructure Levy (CIL) contributions, which have been obtained from other developments within Spelthorne. None of the consultees have objected to the proposal and the development would comply with the relevant planning policies.

Design, heritage, character and appearance

7.2 Policy HC4 in the NPPF relates to proposals for new and improved community facilities, public service infrastructure and development providing public health benefits. The policy states that substantial weight should be given to the benefits where:

a) New or improved public service infrastructure or community facilities would be provided; and
b) Development proposals would make a demonstrable contribution towards promoting good health, preventing ill-health, reducing health inequalities or supporting social interaction in the local community (such as, but not limited to, the provision of new recreation facilities, meeting places and opportunities to grow or purchase healthier food).

7.3 Policy PS2 (Designing Places and Spaces) in the Council's Local Plan 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 a positive contribution to the street scene and the character of the area in which they are situated and will pay due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.

7.4 The site is situated within Staines conservation area. Policy HE9 in the NPPF states that development proposals within or affecting the significance of conservation areas should:

a) Retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible; and
b) Consider the area's special architectural or historic interest (as identified as part of the designation of the conservation area) in the design of development.

7.5 Policy PS3 (Heritage, Conservation and Landscape) in the Council's Local Plan states that the Council will require proposals for new development to demonstrate that they will make a positive contribution to the setting and local character of the conservation area.

7.6 The site is also in close proximity to Listed and Locally Listed Buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development that affects a listed building or its setting, local planning authorities or the Secretary of State must 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.'*

7.7 The site in question is an existing semi-circular shaped sunken feature (approximately 261m² in area) which was built as part of the re-development of Market Square and Memorial Gardens granted planning permission in 2001 (Planning reference: 01/00153/FUL). The site was previously occupied by the 'Five Swimmers' statue and was intended to be used as a water feature, however, the site is no longer used and is vacant.

7.8 To the south of the site is open space and the London Stone. Further south of the site is the River Thames and the borough boundary with Runnymede. To the west of the site is the Old Fire Station and Staines Town Hall which are Grade II Listed and have been converted into residential units. To the east of the site is the wider Memorial Gardens open area with trees and a footpath. To the north of the site is the Staines Town Hall, Market Square and the Staines War Memorial which is also Grade II Listed.

7.9 The development would result in the replacement of the existing steel balustrades (fixed into baseplates), which enclose the site, with a 1.2 metre high steel bow-top playground fencing. The entrance to the site would remain as existing and the level would be raised to match that of the existing level.

7.10 The Council's Environmental Health Team has requested that details of the imported materials used to bring the site levels up to match the surroundings

should be submitted to the Council. Therefore, this has been added as a condition to the planning application. The playground surface has been shown to be rubber bonded aggregate which is a common surface material for playground use. This would be treated with play-specific coloured zoning.

7.11 The playground would consist of several pieces of play equipment for children aged between 2 and 12 years old including a spinner bowl, wheelchair carousel (roundabout), swings, a linear play trail, a play panel and a talk and tumble with a tunnel.

7.12 The submission does not include finalised elevations of the play equipment. However, the submitted documentation shows indicative street scene elevations of what the site could look like with such equipment. The play equipment is considered to be modest in scale and height consistent with standard playground provision. The proposed materials and finishes of the play equipment has been indicated as steel and timber.

7.13 The playground would incorporate planting buffers along the edges of the site and bench seating for supervision.

7.14 The application submission documents included a Heritage Statement which notes that the site is presently derelict and negatively contributes to the conservation area and the setting of a number of the surrounding listed buildings.

7.15 The Heritage Statement assessed the impact of the development on the nearby Listed Buildings and Locally Listed Buildings as follows:

- Listed buildings: Old Town Hall (Grade II), Old Fire Station (Grade II), 2 x K6 telephone kiosks (Grade II), The War Memorial (Grade II), 2 Clarence Street (Grade II), The (former) Blue Anchor public house (Grade II*).

- Locally Listed Buildings: 2-8 Church Street, 5-7 Market Square, 1-3 Market Square (The Conservative Club).

7.16 The Heritage statement concluded that in the majority of cases the proposal is considered to have ‘no harm’ to heritage assets and that these assets will be preserved. In some cases, there is considered to be ‘less than substantial harm’ to assets, by virtue of proximity and/or views.

7.17 The Council’s Heritage Officer has been consulted on this application and has advised that any works to ‘tidy up’ the sunken fountain pit would be an improvement. Due to the current condition of this area the proposal would enhance the conservation area and the setting of nearby heritage assets.

7.18 The Spelthorne Design Code has Memorial Gardens (which includes the site and the wider area) coded as an area of change. Although this guidance is predominantly in relation to new built development, it is considered that the proposed new playground would further reinforce the requirements of the design code. For instance, the key open space requirements include the extension of the existing green open space and planting. In doing so, the playground is considered to conform to the Design Code in that it could

‘activate open space with play and landscape features to encourage the use of Memorial Gardens as a destination, with play, seating and other activities available’.

7.19 It is considered that the design of the playground would be sympathetic to the wider area of Memorial Gardens, paying due regard to the existing character of the area. It is considered that the development would not have a harmful impact on the setting of the Listed Buildings or on the Conservation Area.

7.20 Overall, the proposal would result in a new community facility that is considered to enhance the existing vacant site and wider Memorial Gardens area, making a positive contribution to the setting and local character of the conservation area.

Neighbouring residential amenity

7.21 Policy PS2 in the Council’s Local Plan further 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.

7.22 The new playground would be situated within an existing outdoor area that is likely to have some noise from users of the playground. The development is not considered to generate any additional noise beyond that of a typical children’s play area. It is to be noted that no amplified sound or external lighting is proposed as part of this application. Moreover, the nearest residential properties at the Old Town Hall are considered to an appropriate distance away (minimum of 6 metres) to avoid any harmful impact on amenity.

7.23 The Council’s Environmental Health Department (noise) have been consulted on this application and has no objection to the proposal.

7.24 As a result, the development is considered to have an acceptable impact on the amenity of the neighbouring properties.

Flooding

7.25 The south of the site is situated within Flood Zone 3A and the north of the site is situated within Flood Zone 2.

7.26 Policy E3 of the Local Plan (Managing Flood Risk) states that applications must be supported by Flood Risk Assessments (FRA) where appropriate that demonstrate the development will be safe, not increase flood risk elsewhere, and maximise opportunities to reduce flood risk from all sources.

7.27 A flood risk assessment was submitted with the development, and this states that as the proposed development fills part of the site that is existing hardstanding, there is no increase in impermeable area and so surface water drainage is to remain as existing.

7.28 It is noted that the site is sunken and therefore this would need to be raised by approximately 0.7 metres. It is proposed for this to be infilled by foamed concrete which is a lightweight material, used in similar cases for void filling. Specific details of this have been requested to be submitted as per the planning condition.

7.29 The FRA concludes that the new playground is designed to be open and floodable therefore this does not encroach on the existing floodplain or reduce flood storage.

7.30 As a result, the development is considered to have an acceptable impact on flooding and is considered to be in accordance with Policy E3.

Archaeology

7.31 The site is situated within an area of high archaeological importance. The development would not include any excavation as the ground is already sunken and excavated.

7.32 The County Archaeology Officer has been consulted on this application and has advised that there are no archaeological concerns with the proposal.

Equalities Act 2010

7.33 This planning application has been considered in the 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.

7.34 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.

7.35 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.

7.36 The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long-term adverse effects on their ability to carry out normal day-to-day activities. This can include but is not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. It is considered that it would be possible for individuals with disabilities to access the development.

7.37 It is considered that the playground has been designed to be accessible, by raising the ground level in line with the existing.

Human Rights Act

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

7.39 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.

7.40 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.

7.41 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

7.42 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.

7.43 The application site is owned by the Council and would provide a publicly accessible playground on a currently vacant site. Officers have not identified any direct financial benefit to the Council arising from the granting of planning permission.

Conclusion

7.44 In conclusion, the proposed development would make an efficient use of the site which is currently vacant and would provide a benefit to the community. Consultees have not objected to the proposal. The impact of the development on Staines conservation area, the nearby Listed buildings, adjacent neighbouring properties, flooding and archaeology are considered to be acceptable. The application is therefore recommended for approval.

Recommendation

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

- To approve the application 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 application subject to additional/amended conditions and informatives. This option is not recommended, the conditions and informatives are set out below.

- To refuse the application. This option is not recommended. The report assesses why officers consider the application to be acceptable.

8.2 The application is recommended for approval, subject to conditions and informatives below.

8.3 **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 development hereby permitted shall be carried out in accordance with the following approved plans: 2441-CSA-ZZ-00-DR-A-0001 REV E, 2441-CSA-ZZ-00-DR-A-0013 REV D, received 25.08.2026.

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

3. Prior to the commencement of the development, details of the play equipment, benches, boundary treatment and details of the surface material of the site shall be submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved materials and detailing.

   Reason:-. To ensure that the proposed development does not prejudice the appearance of the development and the visual amenities and character of the locality in accordance with policy PS2 of the Spelthorne Local Plan March 2026.

4. Prior to the commencement of the development, details of the materials used to bring the site levels up to match the surroundings shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

   Reason:-. In the interests of land quality, environmental protection, and the safety of future site users

5. Prior to the occupation of the development, details of a scheme of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials, landscaping planters and type of boundary treatment to be erected. The boundary treatment shall be completed before the use is occupied. Development shall be carried out in accordance with the approved details and maintained as approved.

   Reason: - To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality in accordance with policy PS2 of the Spelthorne Borough Local Plan March 2026.

Informatives:

1. The applicant will require a Flood Risk Activity Permit (FRAP) to undertake the proposed works as the main river Thames runs adjacent to the site. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any of the following activities:

   - erecting any temporary or permanent structure in, over or under a main river, such as a culvert, outfall, weir, dam, pipe crossing, erosion protection, scaffolding or bridge.
   - altering, repairing or maintaining any temporary or permanent structure in, over or under a main river, where the work could affect the flow of water in the river or affect any drainage work
   - building or altering any permanent or temporary structure designed to contain or divert flood waters from a main river
   - dredging, raising or removing any material from a main river, including when you are intending to improve flow in the river or use the materials removed
   - diverting or impounding the flow of water or changing the level of water in a main river
   - quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
   - any activity within 8 metres of the bank of a main river, or 16 metres if it is a tidal main river
   - any activity within 8 metres of any flood defence structure or culvert on a main river, or 16 metres on a tidal river
   - any activity within 16 metres of a sea defence structure
   - activities carried out on the floodplain of a main river, more than 8 metres from the river bank, culvert or flood defence structure (or 16 metres if it is a tidal main river), if you do not have planning permission (you do not need permission to build agricultural hay stacks, straw stacks or manure clamps in these places)

   For further guidance please visit Flood risk activities: environmental permits - GOV.UK or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

2. To further enhance community safety and minimise opportunities for crime and anti-social behaviour, it is recommended that:
    - Open sightlines are maintained throughout the play area and along adjoining pedestrian routes.
    - Landscaping is designed and managed to avoid creating areas of concealment or reduced visibility.
    - Railings, play equipment, seating and associated infrastructure are robust, durable and resistant to vandalism.
    - Any future lighting proposals provide appropriate illumination to key routes, entrances and activity areas whilst avoiding dark spots and areas of isolation. Effective management and maintenance arrangements are in place to ensure the prompt removal of graffiti, litter and damage.