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Date: 15 August 2017

## Notice of meeting

### Planning Committee

**Date:** Wednesday, 23 August 2017

**Time:** **Call Over Meeting** - 6.45 pm

The Call Over meeting will deal with administrative matters for the Planning Committee meeting. Please see guidance note on reverse

**Committee meeting** – Immediately upon the conclusion of the Call Over Meeting

**Place:** Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames

### To the members of the Planning Committee

Councillors:

R.A. Smith-Ainsley (Chairman)	J.R. Boughtflower	M.P.C. Francis
H.A. Thomson (Vice-Chairman)	S.J. Burkmar	N. Islam
C.B. Barnard	R. Chandler	A.T. Jones
R.O. Barratt	S.M. Doran	D. Patel
I.J. Beardsmore	P.C. Forbes-Forsyth	R.W. Sider BEM

**Spelthorne Borough Council, Council Offices, Knowle Green**

**Staines-upon-Thames TW18 1XB**

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## **Call Over Meeting**

### **Guidance Note**

The Council will organise a meeting immediately prior to the Planning Committee meeting (a "Call Over") which will deal with the following administrative matters for the Committee:

- Ward councillor speaking
- Public speakers
- Declarations of interests
- Late information
- Withdrawals
- Changes of condition
- any other procedural issues which in the opinion of the Chairman ought to be dealt with in advance of the meeting.

The Call-Over will be organised by Officers who will be present. Unless there are exceptional circumstances, the meeting will be held in the same room planned for the Committee. The Chairman of the Planning Committee will preside at the Call-Over. The Call-Over will take place in public and Officers will advise the public of the proceedings at the meeting. Public speaking at the Call-Over either in answer to the Chairman's questions or otherwise will be at the sole discretion of the Chairman and his ruling on all administrative matters for the Committee will be final.

Councillors should not seek to discuss the merits of a planning application or any other material aspect of an application during the Call-Over.

## **Planning Committee meeting**

### **Start times of agenda items**

It is impossible to predict the start and finish time of any particular item on the agenda. It may happen on occasion that the Chairman will use his discretion to re-arrange the running order of the agenda, depending on the level of public interest on an item or the amount of public speaking that may need to take place. This may mean that someone arranging to arrive later in order to only hear an item towards the middle or the end of the agenda, may miss that item altogether because it has been "brought forward" by the Chairman, or because the preceding items have been dealt with more speedily than anticipated. Therefore, if you are anxious to make certain that you hear any particular item being debated by the Planning Committee, it is recommended that you arrange to attend from the start of the meeting.

### **Background Papers**

For the purposes of the Local Government (Access to Information) Act 1985, the following documents are to be regarded as standard background papers in relation to all items:

- Letters of representation from third parties
- Consultation replies from outside bodies
- Letters or statements from or on behalf of the applicant

## **AGENDA**

**Page nos.**

- 1. Apologies**  
To receive any apologies for non-attendance.
- 2. Minutes** **5 - 8**  
To confirm the minutes of the meeting held on 26 July 2017.
- 3. Disclosures of Interest**  
To receive any disclosures of interest from councillors under the Councillors' Code of Conduct, or contact with applicants/objectors under the Planning Code.
- 4. Planning Applications and other Development Control matters**  
To consider and determine the planning applications and other development control matters detailed in the reports listed below.
  - a) 17/00752/FUL - 243 Thames Side, Chertsey **9 - 34**
  - b) 7/01028/FUL - The Bugle Returns Public House, 173 Upper Halliford Road, Shepperton **35 - 58**
  - c) 17/00639/FUL - 524-538 London Road, Ashford, TW15 3AE **59 - 80**
  - d) 17/00560/FUL - 55A Woodthorpe Road, Ashford **81 - 100**
- 5. Planning Appeals Report** **101 - 104**  
To note details of the Planning appeals submitted and decisions received between 25 March and 20 April 2017.
- 6. Urgent Items**  
To consider any items which the Chairman considers as urgent.
- 7. Exempt Business**  
To move the exclusion of the Press/Public for the following item, in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.

**8. Exempt Report - 16/00972/FUL - Former Brooklands College,  
Church Road Ashford**

**105 - 110**

**Reason for exemption**

This report contains exempt information within the meaning of paragraph 5 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006): Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings as the proper administration of appeals requires councillors to receive advice from independent consultants in order to fully consider their response and in all the circumstances the public interest in withholding this information outweighs the interest in disclosing it.

**Minutes of the Planning Committee  
26 July 2017**

**Present:**

Councillor R.A. Smith-Ainsley (Chairman)  
Councillor H.A. Thomson (Vice-Chairman)

**Councillors:**

C.B. Barnard	J.R. Boughtflower	M.P.C. Francis
R.O. Barratt	R. Chandler	N. Islam
I.J. Beardsmore	S.M. Doran	R.W. Sider BEM

**Apologies:** Apologies were received from Councillor S.J. Burkmar and Councillor P.C. Forbes-Forsyth

**In Attendance:**

Councillors who are not members of the Committee, but attended the meeting and spoke on an application in or affecting their ward, are set out below in relation to the relevant application.

Councillor D. Saliagopoulos	17/00849/HOU - 22 Riverside Close, Staines-upon-Thames, TW18 2LW
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**501/17 Minutes**

The minutes of the meeting held on 28 June 2017 were approved as a correct record.

**502/17 Disclosures of Interest**

**a) Disclosures of interest under the Members' Code of Conduct**

There were none.

**b) Declarations of interest under the Council's Planning Code**

Councillor S. Doran reported that she had received correspondence in relation to application 17/00700/FUL – 10A Thames Street, Staines-upon-Thames but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor R.O. Barratt reported that they had received correspondence in relation to application 17/00696/HOU – 3 Corsair Road, Stanwell but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillors C. Barnard, M.P.C. Francis, R.W. Sider and R.A. Smith Ainsley, reported that they had received correspondence in relation to application 17/00849/HOU – 22 Riverside Close, Staines-upon-Thames but had maintained an impartial role, had not expressed any views and had kept an open mind.

**503/17    17/00700/FUL - 10A Thames Street, Staines-upon-Thames, TW18 4SD**

**Description:**

This planning application seeks the conversion of the second floor from the existing leisure use to 10. No 1 and 2 bed flats along with the change of use of the first floor from A1/A2/B1 to leisure/office use.

**Additional Information:**

There was none.

**Public Speaking:**

There was none.

**Debate:**

During the debate the following key issues were raised:

- No concern over loss of leisure
- Loss of parking/inadequate parking
- Site shouldn't be left empty and unused
- We need housing in borough

**Decision:**

The application was approved as per the Planning Committee report.

**504/17    17/00849/HOU - 22 Riverside Close, Staines-upon-Thames, TW18 2LW**

**Description:**

This application seeks retrospective planning permission for the erection of decking and associated screening to the rear of 22 Riverside Close. Planning permission is required as the decking and screening exceed the height allowed to be built as 'permitted development' without explicit consent by the Local Planning Authority.

**Additional Information:**

There was none.

**Public Speaking:**

In accordance with the public speaking procedures, Steven Slator spoke for the application raising the following points:

- Meets all planning policies
- Has an acceptable impact, not visible from street scene (policy EN1a)
- Does not dominate building
- Other examples in the area
- Meets policy EN1(b) – adequate screening to protect neighbour which is not overbearing
- No flooding impact

In accordance with the Council's procedure for speaking at meetings, Councillor D. Saliagopoulos spoke as Ward Councillor against the application raising the following key points:

- The application is retrospective
- Breakdown in relationship with neighbours
- Decking should be moved away from fence boundary

**Debate:**

During the debate the following key issues were raised:

- Can build decking up to 30cm high under permitted development
- Impact on neighbour is acceptable
- No overlooking
- Condition is imposed to maintain boundary
- Query over whether decking is floodable

**Decision:**

The application was approved as per the Planning Committee Report.

**505/17 17/00696/HOU - 3 Corsair Road, Stanwell, TW19 7HN**

**Description:**

The application is for the erection of a single storey side extension.

**Additional Information:**

There was none.

**Public Speaking:**

In accordance with the Council's procedure for speaking at meetings, Councillor R. Barratt spoke as Ward Councillor on the application raising the following key points:

- Other similar extensions in the area
- Young growing family being treated unfairly

**Debate:**

During the debate the following key issues were raised:

- Is a substantial extension
- Will change the street scene
- Is a step too far

- Does not impact on neighbouring properties
- Large families cannot afford to move to a bigger house
- Larger extensions built in Hounslow
- Not too big
- Other extensions elsewhere

**Decision:**

The application was refused as per the Planning Committee report.

**506/17 Planning Appeals Report**

The Chairman informed the Committee that if any Member had any detailed queries regarding the report on Appeals lodged and decisions received since the last meeting, they should contact the Planning Development Manager.

**Resolved** that the report of the Planning Development Manager be received and noted.

**507/17 Urgent Items**

There were none.

**508/17 Committee's Thanks**

The Chairman, Councillor Smith-Ainsley wished to extend his thanks on behalf of the Committee to Janet Ferguson, formerly Principal Planning Officer for the presentations and reports that she had given to this Committee.





17/00752/FUL

Scale 1:1,250 243 Thames Side, Chertsey. KT16 8LD

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## Planning Committee

23 August 2017



<b>Application No:</b>	<b>17/00752/FUL</b>		
<b>Site Address:</b>	243 Thames Side, Chertsey, KT16 8LD		
<b>Proposal:</b>	Erection of a detached two storey dwelling and associated wheel chair access (following division of plot)		
<b>Applicant:</b>	Kye and Nicole Gbangbola		
<b>Ward:</b>	Shepperton Town		
<b>Call in details:</b>	The application is being reported to the Planning Committee at the discretion of the Planning Development Manager.		
<b>Case Officer:</b>	Matthew Churchill		
<b>Application Dates:</b>	Valid: 22.05.2017	Expiry: 17.07.2017	Target: Over 8 weeks
<b>Executive Summary:</b>	<p>The proposal seeks planning permission for the erection of a detached two storey dwelling and associated wheel chair access, which would be constructed following the subdivision of the existing plot, and the removal of the existing garage to no.243.</p> <p>It is considered the proposed dwelling would be inappropriate development within the Green Belt (and would be materially larger than the garage it replaces). The scheme would also have an unacceptable impact upon the openness of the Green Belt site, contrary to Saved Policy GB1, and the National Planning Policy Framework (in particular paragraph 88 &amp; 89).</p> <p>The Council has to balance any 'very special circumstances' of the application against the 'harm' associated with inappropriateness within the Green Belt. In this instance, the impact upon the openness of the Green Belt, alongside 'other harm' in terms of flood risk, the impact upon a TPO tree within the site, an adverse impact on the street scene, the potential impact on Dumsey Meadow by the proposed sewage</p>		

	arrangements, the impact upon the amenity of no.243 Thames Side, and inadequate parking. The 'very special circumstances' put forward by the applicant do not 'clearly' outweigh the substantial harm in this case.
<b>Recommended Decision:</b>	The application is recommended for refusal.

## MAIN REPORT

### 1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

- EN1 (Design of New Development)
- LO1 (Flooding)
- Saved Policy GB1 (Green Belt)
- CC3 (Parking Provision)
- EN6 (Historic Landscapes)
- EN7 (Tree Protection)
- EN8 (Landscape and biodiversity)
- EN9 (River Thames)

1.2 Also relevant is the Councils Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development, 2011, and the National Planning Policy Framework (NPPF), 2012

### 2. Relevant Planning History

STAINES/FUL/P10069/2	Erection of a garage and extension to existing garage.	Grant Conditional 13.02.1968
PLAN E/FUL/83/162	Erection of (a) a single-storey front extension to garage measuring 5 ft. 10 ins. (1.7 m) by 12 ft. (3.7 m) and (b) the construction of an accessway.	Grant Conditional 08.02.1984
SP/TPO/91/26	Crown thin by up to 30%, removing weak, crossing, damaged and superfluous branches. Raise crown to clear 10'.	Grant TPO Consent 24.12.1991

96/00041/TPO	Sycamore (T1) Crown thin by 30% removing weak crossing, damaged and superfluous branches and deadwood.	Grant TPO Consent 10.01.1997
98/00043/TPO	Sycamore (T1) crown thin by 25%, remove deadwood and epicormic growth and remove 4 lower limbs.	Grant TPO Consent 15.01.1999
05/00741/TPO	Crown reduction of 50% for the Sycamore (T1)	Refuse TPO 19.09.2005

### 3. Description of Current Proposal

- 3.1 The application site is occupied by a two storey semi-detached dwelling, situated on the eastern side of Thames Side, Chertsey. The property also contains a single storey detached garage, which is located at the south of the site. The River Thames runs to the west of the property on the opposite side of Thames Side, and the site is situated some 70 metres from Chertsey Bridge, which is a Grade II\* Listed Building. In addition, Dumsey Meadow, a Site of Special Scientific Interest (SSSI), is located approximately 72 metres to the south of the site. The street scene surrounding the property contains a mixture of single storey and two storey dwellings, and the Kingfisher Public House is located approximately 13 metres to the south of the property. The site contains a Sycamore Tree located within the rear garden, which is subject to a Tree Preservation Order (TPO 153/91 – T1). The property is also located within the Green Belt and the 1 in 20 year Flood Event Area (Flood Zone 3b), which is the highest level of flood risk.
- 3.2 The application proposes the erection of a two storey detached dwelling in the garden of no. 243 Thames Side, between no.243 and 245, which would be constructed following the removal of the existing garage. The works entail the sub-division of the plot, and the proposed dwelling would incorporate associated wheel chair access. The new dwelling would also contain 3 bedrooms, an integral garage, garden space at the rear, and wheel chair ramps that would be situated at both the front and rear of the property. There would also be an internal lift to allow wheelchair access to the first floor, and a roof terrace would also be contained within the front elevation. A parking bay would be available at the front of no.243 Thames Side, and a car ramp would provide access to the garage proposed within the new dwelling. An existing dwelling, no.244 Thames Side, also lies to the rear of the site.
- 3.3 Copies of the site layout and elevations are provided as an Appendix.

#### 4. Consultations

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

Consultee	Comment
Environmental Health	It is recommended that any planning permission granted, has an informative on the proximity of a historic landfill, outlining basic gas protection measures that should be installed on site on a precautionary basis.
County Highway Authority	The County Highway Authority has no objection to the proposal.
Environment Agency	In accordance with the National Planning Policy Framework (NPPF) the EA OBJECT to the proposed development as the proposal falls within a flood use vulnerability category, which is inappropriate, and in any case a Flood Risk Assessment has not been provided.
Natural England	Comments that as submitted, the application could have potential significant effects on Dumsey Meadow Site of Special Scientific Interest (SSSI). Natural England requires further information regarding a proposed cess pit, in order to determine the significance of these impacts and the scope for mitigation.
The Council's Arboricultural Consultant	Objects due to the adverse impact upon the roots of the tree protected by Tree Preservation Order. The tree would dominate the rear garden and would be subject to increased pressure to heavily prune, which would reduce its value in the street scene.
Surrey Wildlife Trust	It does not appear that ecological information has been submitted with the application. It is therefore difficult for the Local Planning Authority to assess the impact of the proposal upon legally protected species.
Heritage Consultant	No objection.
Runnymede Borough Council	No objection.
Thames Water	No comments.

## 5. Public Consultation

The occupiers of eight neighbouring properties were notified of the planning application, and at the time of writing one letter of representation has been received, which objects to the proposal on the following grounds:

- The impact upon no.245 Thames Side and the character of the area.
- The scheme would interfere with the skyline and will exclude the view of the large sycamore within the rear garden.
- The dwelling would have an adverse impact upon the privacy of a neighbouring property.
- Concerns over the proposed balcony.
- The building would interfere with a large Sycamore Tree within the rear garden.
- A Party Wall Notice must be served (note this is not a planning matter).
- Potential concerns over the future sale of a neighbouring property (note this is not a planning matter).
- The site is within the 1 in 20 year, 3b flood plain.
- Concerns over the funding of the project (viability of the project is not a planning issue)
- Private rights of way for no.244 Thames Side (any private right of way is not a planning matter)

The Council has also received one letter of representation in support of the proposed works.

## 6. Planning Issues

- Green Belt.
- Flooding.
- Trees.
- Design and appearance.
- Amenity of the occupiers of neighbouring and adjoining residential properties.
- Parking Provision.
- SSSI.
- Listed Building.
- Contamination.

## 7. Planning Considerations

### 7.1 Green Belt

- 7.2 The National Planning Policy Framework (NPPF) 2012, (paragraph 89), states “*a local planning authority should regard the construction of new buildings as inappropriate within the Green Belt*”, with a number of exceptions, including amongst other things, “*the replacement of an existing building, providing that the new building is in the same use, and is not materially larger than the one it replaces*”, as well as limited infilling in villages.

- 7.3 Paragraph 88 of the NPPF also states *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt”*. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in ‘very special circumstances’. *“Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness or any other harm, is clearly outweighed by other considerations”*.
- 7.4 Council Saved Policy GB1 states development will not be permitted which would conflict with the purposes of the Green Belt and maintaining its openness. This policy further states development in the Green Belt is inappropriate with exceptions amongst other things, including limited extension, alteration or replacement of existing dwellings.
- 7.5 The site is not located within a ‘village’ in the Green Belt, in the Local Plan, and therefore the claimed argument of ‘limited infilling’ set out in the NPPF cannot apply. The proposed dwelling would contain an external footprint measuring approximately 128 m<sup>2</sup> and would be two storeys (containing an internal floor space of approximately 186 m<sup>2</sup>). At this scale and in the context of the plot, whilst it is noted the existing garage (containing a footprint of approximately 25 m<sup>2</sup>) would be removed, the dwelling is substantially larger and cannot be considered in any way as a ‘replacement’ of this garage. The proposed house would also have an unacceptable impact upon the openness of the Green Belt, particularly given the scale of the dwelling, and the two storey nature of the scheme. The new dwelling is approximately 11.7 metres wide and substantially fills the approximate 14 metre gap between no. 243 and no. 245. This existing gap between the properties is part of the ‘openness’ of the Green Belt in this locality. The proposal is therefore considered to have detrimental impact the openness of the site, contrary to Saved Policy GB1 and the NPPF.
- 7.6 As set out within the NPPF, if permission were to be granted for such a proposal in the Green Belt ‘very special circumstances’ need to be demonstrated. The Design and Access Statement submitted in support of the application sets out what the applicant regards to be ‘very special circumstances’:
- 1) *The development of a new fully-accessible house is necessary for the applicant to be able to enjoy full access of his home, now that he is restricted to a wheel chair.*

#### Response

Whilst one of the applicants uses a wheelchair and has a requirement for the property to be able to accommodate his needs, a house could also be provided or adapted to his specification in a ‘non-Green Belt’ site. This is not a ‘very special circumstance’ to justify development of this Green Belt site.

- 2) *The applicant wishes to remain living close to the original family home and take advantage of the extensive garden.*

#### Response

Whilst the applicants would like to remain close to the original family home, this is not a 'very special circumstance'. Neither is the existence of a large garden a 'very special circumstance' to the development site of this Green Belt site.

- 3) *The applicant is not able to sell the current house and purchase a plot within the town where he might build a new home because of the difficulty of finding a suitable plot and the problem of finding temporary suitable accommodation in an adapted rental home while the new home is being built.*

#### Response

No evidence has been provided to demonstrate that such a plot would not come forward. Indeed the Council deals with a number of applications each year for single dwellings within the urban area, demonstrating there is some availability. As the site is close to the Borough boundary with Runnymede it would also be relevant to consider development opportunities within this borough as well. No valuation or technical evidence has been presented to demonstrate why the existing property cannot be sold at a price to enable another plot to be purchased, or another property or even the existing property to be adapted.

- 4) *The new proposed development between 243 and 245 Thames Side is able to sit without crowding the street elevation, acting as a sympathetic infill.*

#### Response

The proposal factually fills an open area of Green Belt, leading to a loss of openness, and cannot be regarded as sympathetic to the Green Belt. Additionally the openness to the side of this plot is also an important part of the character of the locality in terms of policy EN1. The proposal therefore cannot be regarded as sympathetic infill.

### 7.7 Conclusion on Green Belt Issues

In this case there is harm to the Green Belt, to which the NPPF requires substantial weight to be given. In addition there is an actual loss of Green Belt 'openness' to which very 'significant' weight is given. In assessing whether 'very special circumstances' exist, the tests in paragraph 88 of the NPPF also requires 'any other harm' to also be considered before judging whether the 'very special circumstances' and any 'other harm' are 'clearly outweighed' by other considerations.

This report goes on to identify other harm to:

- Flood Zone 3b (the highest level of flood risk) – This is given significant weight.
- A Sycamore within the site subject to a TPO (TPO153/91 – T1) – This is given significant weight.
- An adverse impact upon the character of the area – This is given significant weight.
- The amenity of no.243 Thames Side – This is given significant weight.
- Dumsey Meadow, a nearby SSSI, and contamination during flood events – This is given significant weight.



- 7.9 There are no credible 'very special circumstances' to 'clearly outweigh' the subsequent weight to the harm to the Green Belt and the subsequent harm arising from the other considerations set out.

### Flooding

- 7.8 Policy LO1 of the CS & P DPD and the Council's SPD on Flooding (July 2012), states the Council will seek to reduce flood risk and its adverse effects upon people and property within Spelthorne, by amongst other things, maintaining the effectiveness of the more frequently flooded area (Zone 3b) of the floodplain, to both store water and allow the movement of fast flowing water, by not permitting any additional development including extensions.
- 7.9 The proposal seeks to introduce an additional residential dwelling into the 1 in 20 year flood event area (Zone 3b), which is the highest level of flood risk. It is noted the Design and Access Statement has included an assessment of flood risk, although it is stated that a full Environmental Flood Risk Assessment has not been carried out at this time. The Design and Access Statement further suggests that should a Flood Risk Assessment be required, it could be carried out as a condition should planning consent be granted. The Design and Access Statement further suggests that any problems associated within the plot being located within Zone 3b could potentially be addressed by raising the house sufficiently high to avoid being flooded.
- 7.10 The proposal seeks to introduce what is classified as a 'more vulnerable' use into Flood Zone 3b, which would contain a significant footprint. During the 2014 floods, this locality was extensively flooded with flood water coming through flood arches under the M3 to the north, and flowing across to Chertsey Bridge Road and westward across to Thames Side. This is a site which in a major flood event, would be in an area of fast flowing flood water and any development would impede the flow of water and reduce flood storage capacity, which can increase the impact of the flood elsewhere. Whilst it is proposed to construct the property with a floor level above the flood level, in a major flood, it would nevertheless be a further property to add to the challenge for the emergency services. Floods by their nature create risk to people's safety and can pose particular challenges for emergency services. That is why any added properties in flood risk area is contrary to local and national policy. The fact the property is specifically designed for wheelchair use suggests occupants that may inevitably add even further challenges to emergency services in a major flood event. As result the scheme presents even greater risks in the flood plain, and serves to undermine the seriousness of the flood risk concerns of this proposal.
- 7.11 The Environment Agency (EA) has also been consulted on the application, and has objected to the proposal on two grounds. Firstly the proposed development falls within a flood risk category that is inappropriate to the flood zone in which would be located, and secondly the EA has also recommended that planning permission is refused until a satisfactory Flood Risk Assessment has been submitted. The EA noted that the first objection could be overcome if the applicant demonstrates that the site is not located within

flood zone 3b. However, the Council's records indicate that the property is located within Flood Zone 3b, and as such a new dwelling or indeed a residential extension, is considered to be inappropriate development at the site from a flood perspective.

- 7.13 The NPPF advises generally that *“inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”*. The Planning Practice guidance issued by the Department for Communities and Local Government in 2014 includes advice on flood risk how to take account of and address the risks associated with flooding in the planning process. This guidance advocates a sequential, risk-based approach to the location of development. The approach is *“to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible”*.
- 7.14 The applicant states that a sequential test is not applicable in this instance *“as the applicant is only considering development on land that he already owns”*. The applicant states further that *“the alternative of selling the house and buying land on which to build a new home is not possible due to costs and the difficulty of finding an appropriate accessible home to rent in the meantime”*.
- 7.15 The NPPF advises that a sequential test should *“steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding”*. This means that development will be guided to Flood Zone 1, then Zone 2, and then Zone 3. It is considered that this proposal for a new dwelling in flood zone 3b requires a sequential test. The PPG states that *“it is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied (and they have not been satisfied), taking into account the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used when making the application. Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere.”* The NPPF sets out in a table a flood risk vulnerability classification. For flood zone 3b, only essential infrastructure is deemed to be appropriate and will be subjected to an Exception Test and water compatible uses. The site is located within close proximity of areas at lower risk of flooding which would be more suitable for this development, this point is also relevant in respect of Green Belt issues. In view of this and given the objection by the Environment Agency, it is considered that this proposal is unacceptable on flooding grounds.
- 7.16 In summary this site is located within the highest flood risk category where recent floods have highlighted the scale of risk that exists. The Council has a duty to take very seriously this risk in making planning decisions, and

there is no justification whatsoever to set aside proven risks so clearly evident in this case.

### Trees

- 7.17 Policy EN7 of the CS & P DPD states the Council will promote tree preservation orders wherever appropriate to safeguard healthy trees of amenity value, giving priority of those known to be under threat. This policy further states that permission will not normally be granted to fell preserved trees, but where such trees are felled replacement planting will be required.
- 7.18 The application site contains a Sycamore Tree situated within the rear garden, which is subject to a Tree Preservation Order (TPO 153/91 – T1), and provides considerable visual amenity to the surrounding locality. The applicant has submitted a Tree Survey and Assessment in support of the application. The Council's Arboricultural Officer was consulted, and reviewed the Tree Survey and Assessment and undertook a site visit. Following the site visit, the Arboricultural Officer objected to the application commenting:

*"I would object to the proposal for the following reasons:*

*The root distribution of T1 is likely to be greater within the proposed plot than shown due to the location of the adjacent property within the RPA (Root Protection Area), this means that the potential impact on the RPA is likely to be greater. The default position in BS5837:2012 is that structures should be located outside the RPA unless there is overriding justification and although they have tried to minimise the impact on the roots by specialist foundation design this in itself is not considered to be justification.*

*In addition underground services and pipe work such as sewers and soakaways are likely to lead to a conflict with the roots.*

*The tree will also dominate the new garden, especially the decking area to an unreasonable degree, debris and honeydew are going to create a continuous problem and pressure to heavily prune may be difficult to resist. This would reduce the value of this prominent tree which is important within the street scene.*

*The remaining trees are relatively low grade and are of no particular merit"*

- 7.19 It is evident the proposal would fundamentally prejudice the root system of this tree, and as the tree contributes significantly towards the visual amenity of the area, the application is considered to be contrary to policy EN7.

### Design and Appearance

- 7.20 Policy EN1 of the CS & P DPD states that the Council will require a high standard of design and layout of new development. Proposals should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines layout, materials and other characteristics of adjoining buildings and land. Also of relevance is the

- 7.20 The application site is situated within a relatively wide plot, containing the frontages of both the existing dwelling house and detached garage. The surrounding street scene is predominantly characterised by detached and semi-detached dwellings sited within relatively large plots, which incorporate a generous degree of openness and spaciousness around them. However, it is noted no.242 Thames Side, located to the north of the application site, is an exception to this, as this property is situated within a relatively narrow plot. The proposed dwelling results in significant loss to the general openness between no. 243 and no. 245 Thames Side, which is an important part of the character of this part of Thames Side.
- 7.21 Whilst the plot sizes of both properties would allow for the garden space of each dwelling to exceed the Council's minimum garden area requirements, in terms of separation distances, the submitted site plan (PO2) appears to indicate that the proposed dwelling would project up to the common boundary with the sub-divided plot that would contain no.243 Thames Side. Furthermore, the proposed dwelling would be located approximately 1.1 metres from the southern flank of the host building. The Council's SPD on design indicates that two storey side extensions should be 'set in' a minimum of 1 metre from the boundary, and given that the proposed dwelling would project up to the northern boundary of the proposed plot, and would be located some 1.1 metres from the southern flank of no.243, the proposal is considered to result in a cramped form of development. Indeed, as outlined above, the proposed dwelling would measure a width of approximately 11.7 metres, and would be sited within the approximate 14 metre gap between the southern elevation of no.243 Thames Side, and the northern elevation of no.245 Thames Side. Aside from the loss of the openness of the plot as a whole, the width of the dwelling is considered to be disproportionate within the context of the plot, and bulk and a scale of the dwelling, would represent a cramped, over dominant form of development, which would result in the overdevelopment of the site.
- 7.21 Properties within this particular section of Thames Side and Chertsey Bridge Road, with the exception of no.242 Thames Side, are predominantly characterised by spacious plots, incorporating a relatively high degree of openness. The 'infilling' of the plot with a dwelling containing such a scale, width and bulk, particularly as a result of the two storey nature of the scheme, is from a design perspective, viewed to considerably detract from the open and spacious character of both the existing property, and dwellings within the surrounding street scene. The proposal would not therefore pay due regard to the characteristics of adjoining properties and land contrary to Policy EN1.
- 7.22 Whilst there is only a relatively small number of dwellings within the surrounding locality, acceptable levels of separation are necessary to ensure sufficient space between dwellings. The impact of the dwelling upon the open and spacious nature of surrounding properties, is considered to detract from the character of the surrounding street scene.

### Impact on Neighbouring Properties

- 7.23 Policy EN1 of the CS & P DPD states that new development should achieve a satisfactory relationship with 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. The Council's SPD on new residential development provides detailed guidance on how to assess the impact on neighbouring properties.
- 7.24 The proposed dwelling would be sited at a distance of approximately 1.1 metres from the southern flank elevation of the host building. It was noted during the site visit that a number of ground floor window openings were contained within the southern elevation of the existing dwelling of no. 243. When measured from a height of 2 metres from the centre of the windows within the southern flank, the proposal would breach a 45° vertical arch and as such would be in breach of the Council's 45° Vertical Guide. This guide is design to ensure the height of two storey extensions or new dwellings either side of a property have an acceptable impact upon light. Given the position of window openings within this elevation and the scale and location of the proposed dwelling, it is viewed that the works would have an overbearing impact resulting in a loss of light.
- 7.25 The proposal is considered to have an acceptable impact upon no. 245 Thames side situated to the south of the application site. It was evident during the site visit this property contained a first floor window within the northern flank elevation, and whilst not visible during the site visit, it was also established whilst reviewing the planning history of this property that a ground floor window serving a utility area was also contained within this elevation. Given that this window does not serve a habitable room, it is not considered that an objection could be sustained on the grounds of light.
- 7.26 The proposed new dwelling would contain a roof terrace over the proposed garage. This would look out onto the River Thames, and the driveway area the front of the site. Given that the terrace would not overlook an area of amenity space, and also that no. 245 Thames Side, also contains an area of terrace at the front of the dwelling, it is not considered to be a reason to recommend the application for refusal.
- 7.27 The proposed works are considered to have an acceptable impact upon the residential occupiers of no. 244 Thames Side. The dwelling would be located approximately 15 metres from the rear boundary, and this distance is considered to mitigate any adverse impact upon light and privacy.

### Parking Provision

- 7.28 The Council's Parking Standards state that a dwelling at the size proposed would require a minimum of 2.25 parking spaces. In addition, a minimum of 2.5 spaces would be required at the existing dwelling.

- 7.29 The proposed dwelling would incorporate an integral garage, measuring an internal depth of 5.404 metres, and an internal width of approximately 4.15 metres. This would be in accord with the Council's minimum internal garage dimensions of 4.8 metres in depth and 2.4 metres in width, but would also enable space for 1 car with wheelchair access. A ramp would also be situated in front of the garage, and it is considered that this could accommodate an additional parking space. The proposed dwelling would fall marginally short of the Council's 2.25 minimum space requirements for a dwelling of this size but is considered to be acceptable. A single parking bay would also be provided in front of the existing dwelling. This would fall short of the Council's 2.5 metre requirement for a dwelling of this size. Within this section of Thames Side, parking restrictions mean it is not possible for 'on street' parking. A dwelling containing insufficient parking space within this particular location is therefore considered to be unacceptable and contrary to policy CC3.

### SSSI

- 7.30 The application site is located some 72 metres to the north of Dumsey Meadow, which is a Site Of Special Scientific Interest (SSSI). As such Natural England was consulted, and raised an objection to the scheme. The application form indicates the dwelling would contain a cess-pit, and Natural England stated there is a risk of foul water pollution from overflow and leakage of the cess-pit in flooding events. It was advised that confirmation is sought, to ensure that foul water is connected to the main sewage system or confirmation from Thames Water for assurance that this is not possible. Natural England has also requested further explanation as to how foul water would be managed within risk of discharge into Dumsey Meadow.
- 7.31 The applicant indicated within an email dated the 14<sup>th</sup> of July 2017 that it is not possible to connect the site to the mains sewage system, although the cess pit would have all the normal sealing. Whilst this may be the case, given that it is not possible to connect the cess pit to the main sewage system and given Natural England's objection and lack of any agreement with them, as a default position it must be concluded that the proposal may have an adverse impact upon Dumsey Meadow, and as such this is considered as a further reason to recommend the application for refusal.
- 7.32 The Surrey Wildlife Trust (SWT) has also been consulted, and commented that as no ecological information been submitted, it would be difficult for the Local Planning Authority to establish whether the proposal would have an adverse impact upon legally protected species, and the biodiversity of the site. The SWT also noted the site is located within the vicinity of Dumsey Meadow (SSSI), the South Shepperton Quarry Site of Nature Conservation Importance (SNCI), and the River Thames SNCI. In light of such comments, had the proposal been acceptable in all other regards, further ecological information would have been requested from the applicant.
- 7.33 Members of the Planning Committee are advised under Section 28I (6) of the *Wildlife and Countryside Act 1981* if Natural England advise against permitting the operations, or advise that certain conditions should be attached but the Local Authority does not follow that advice, the Authority shall –

- (a) *Shall give notice of the permission and its terms to Natural England, the notice to include a statement of how (if at all) the authority has taken account of the Councils advice, and*
- (b) *Shall not grant a permission which would allow the operations to start before the end of the period of 21 days beginning with the date of that notice.*

Given the above the Committee could not approve this application if it were minded to do so.

### Chertsey Bridge

- 7.34 The application site is located some 70 metres to the north of Chertsey Bridge, which is a Grade II\* Listed Building. Section 66 of the Listed Building Act 1990 requires authorities when considering whether to grant planning permission affecting a Listed Building to have special regard to the impact upon the Listed Building and its setting. As such the Council's Heritage Consultant was consulted upon the application. The Consultant indicated there would be no impact upon the setting of this listed structure and the preservation of its setting.

### Contamination

- 7.32 The Council's Environmental Health Department was consulted upon the application and commented:
- 7.33 *"This development is situated within 250 metres of a historic landfill site. Available monitoring information from the landfill site and the adjacent property indicates that the gas generation potential of the landfill is low and that ground gases are not migrating off-site to the application site. However, the applicant may wish to take a precautionary approach and install basic ground gas protection measures. Such measures may include a ventilated subfloor void, a resistant floor slab construction and or a gas resistant membrane. Some raised floor designs for flood protection which allow through flow of flood waters will in themselves create sufficient void beneath a property to negate application of further gas protection measures. Specialist advice should be sought to ensure that any measures incorporated comply with the British Standard BS 8485:2015, 'Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings'. Installation of basic ground gas protection measures may be a requirement under Building Regulations".*
- 7.34 It was also noted, *"in accordance with Spelthorne's Core Strategy and Policies, specifically EN15 on Contaminated Land, where a new dwelling is proposed within the Borough it would usually be subject to a recommendation that any planning permission be conditional to a requirement to check ground conditions (by means of excavating trial holes) to ensure that unexpected landfill is not present"*.
- 7.44 However, *"Environmental Health holds a copy of a site investigation report from July 2014 relating to a geo-environmental investigation at the property of 243 Thames Side, Chertsey. The fieldwork of May 2014 included five window sampler boreholes drilled in the rear garden of the existing property*

*of 243 Thames Side on 14 May 2014. Ground conditions encountered were topsoil over a thin layer of made ground, alluvium and Shepperton Gravel. The made ground, up to 0.5m thick, was described as being of brown grey sandy clay with roots flint gravel and brick fragments. There was no visual or factory evidence of contamination noted by the consultants, Geo-environmental Services Ltd (GESL). On the basis of this information additional trial pits for this development, the application site for which is a subdivision of the plot of 243 Thames Side, is not warranted”.*

- 7.45 Had the proposal been recommended for approval, it would therefore have been recommended that an informative would be attached to the decision notice.

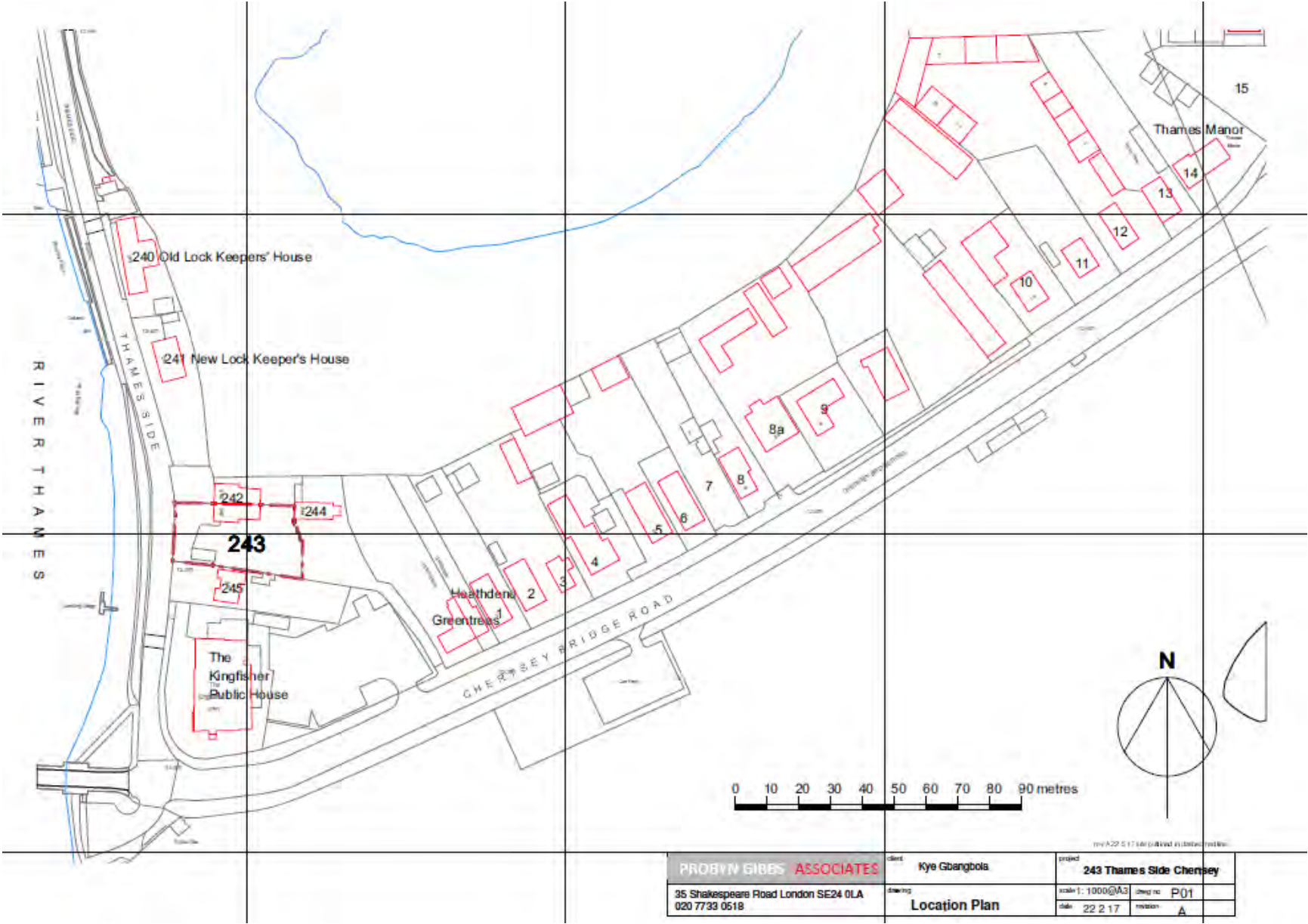
## **8. Recommendation**

### **8.1 Refuse for the following reasons:-**

- 1) The proposed two storey dwelling would represent inappropriate development within the Green Belt to which substantial weight is given, and would have a detrimental impact upon the openness of the Green Belt to which significant weight is also given, and together with ‘other harm’ does not outweigh the claimed ‘very special circumstances’ of the proposal, contrary to policy GB1 of the Spelthorne Local Plan 2001 Saved Policies and Proposals (as updated December 2009), and the National Planning Policy Framework (March 2012).
- 2) The proposed two storey dwelling would introduce an unacceptable ‘vulnerable’ category of development into Flood Zone 3b, and a sufficient Flood Risk Assessment has not been submitted and the proposal will lead to a loss of flood storage capacity and impede the flow of flood water. The proposal is therefore contrary to Policy LO1 of the Spelthorne Core Strategy and Policies Development Plan Document (February 2009).
- 3) The proposed two storey dwelling would be located unacceptably close to the adjacent Sycamore Willow Tree which is protected by a Tree Preservation Order (TPO 153/91 – T1) and which provides considerable visual amenity to the locality. It is considered that the proposal will threaten the health and condition of the protected tree, contrary to Policy EN7 of the Core Strategy and Policies DPD 2009.
- 4) The proposed two storey dwelling by virtue of design, scale and siting within the plot, is considered to have an unacceptable impact upon the character of the area by loss of openness, which is part of the character of this immediate locality. The development is therefore contrary to Policy EN1 of the Core Strategy and Policies DPD 2009, and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.
- 5) The proposed two storey dwelling by virtue of width, scale and siting, would result in a cramped form of development and the overdevelopment of the site contrary to Policy EN1 of the Core Strategy and Policies DPD 2009, and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.

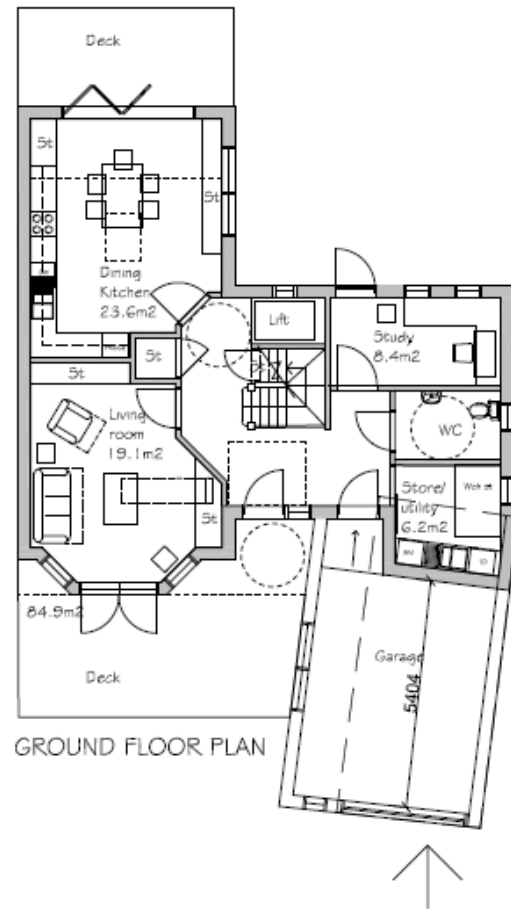


- 6) The proposal would result in an unacceptable standard of amenity for future occupiers of no. 243 Thames Side and would have an overbearing impact upon this dwelling resulting in a loss of light. The development is therefore contrary to Policy EN1 of the Core Strategy and Policies DPD 2009, and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.
- 7) The proposed two storey dwelling may have an adverse impact upon the biodiversity of Dumsey Meadow, through the overflow and leakage of foul water from the cess pit during flood events. In addition no ecological information has been submitted in support of the application to enable an assessment of the impact on protected species and the biodiversity of the site. The development is therefore contrary to Policy EN8 of the Core Strategy and Policies DPD 2009
- 8) The proposed subdivision of the plot and removal of the existing garage would result in insufficient parking space for the occupiers of no. 243 Thames Side, particularly within an area where 'on street' parking is not possible. The development is therefore contrary to Policy CC3 of the Core Strategy and Policies DPD 2009

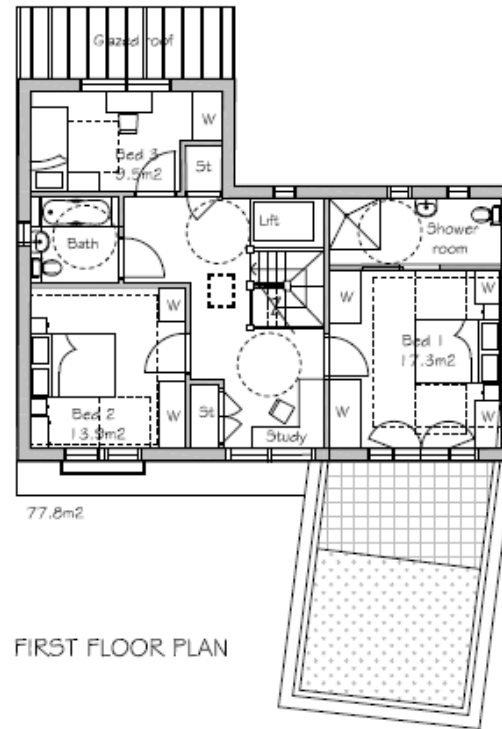


PROBYN GIBBS ASSOCIATES 35 Shakespeare Road London SE24 0LA 020 7733 0518	client	Kye Gbangbola		project	243 Thames Side Chertsey	
	drawing	Location Plan		scale 1: 1000 @ A3	sheet no	P01
				date 22.2.17	revision	A

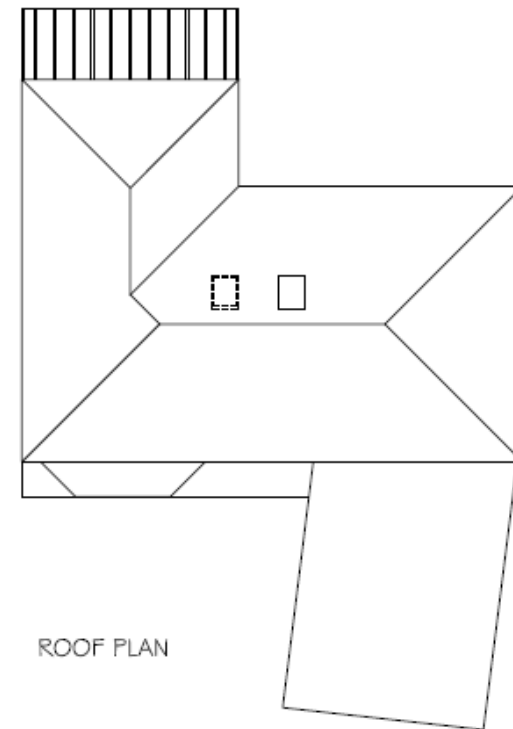




GROUND FLOOR PLAN



FIRST FLOOR PLAN



ROOF PLAN

PROBYN GIBBS ASSOCIATES 35 Shakespeare Road London SE24 6LA 020 7733 0518	des: Kye Gbangboja	project: 243 Thames Side, Chertsey
	drawn: Ground, first floor and roof plans	scale: 1: 100@A3 date: 16,03,17 drawn: P03 revision:



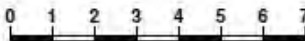


WEST, THAMES SIDE, ELEVATION OF NEW HOUSES AND IMMEDIATE NEIGHBOURS

ARCHITECT ASSOCIATES	Kye Gbangbola	243 Thames Side Chertsey	
		DATE: 10/08/24	PROJECT: PCA
35 Shakespeare Road London SE24 9LA 020 7733 0818	WEST ELEVATION	DATE: 15/8/16	SCALE:

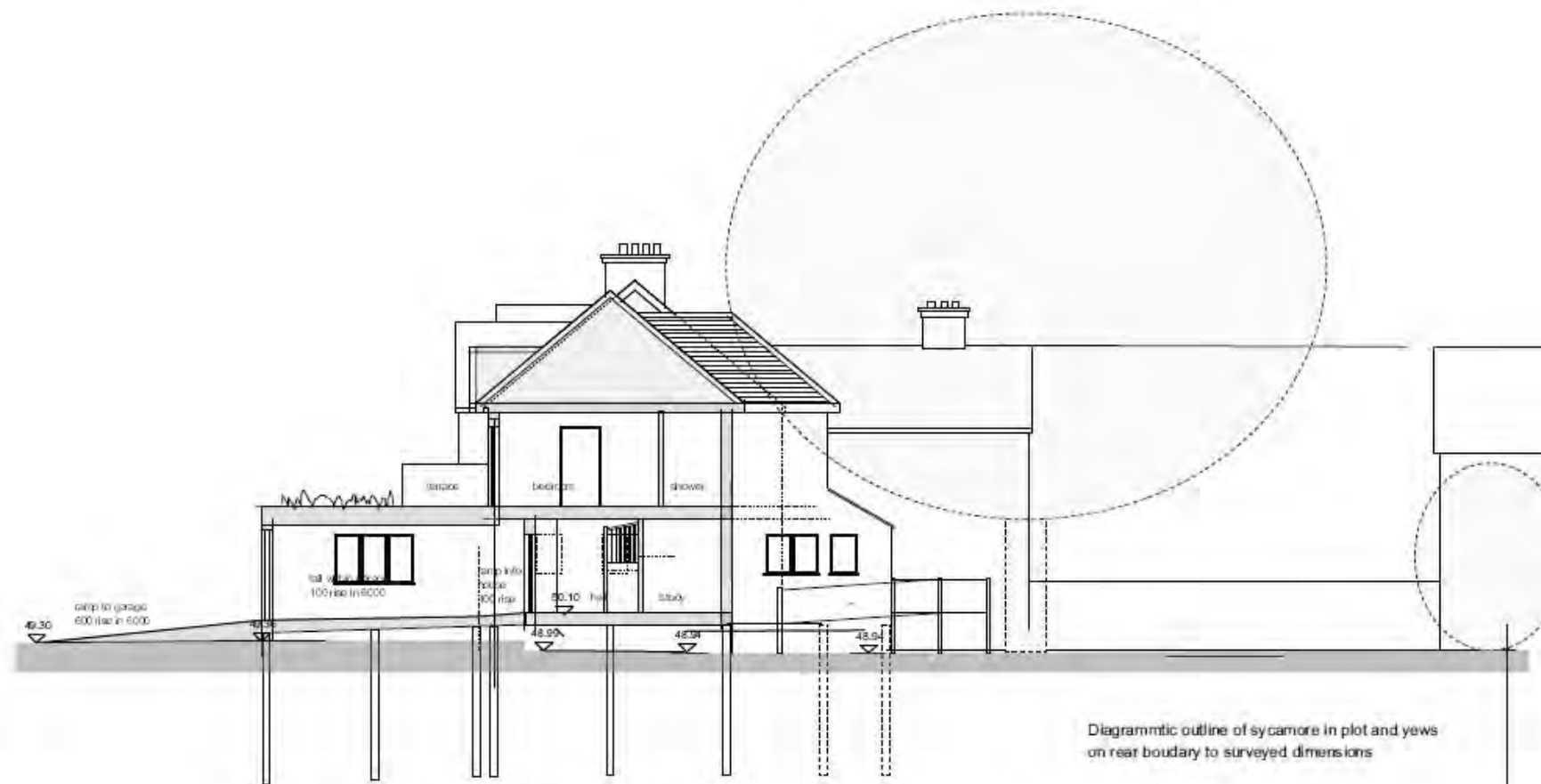


EAST, GARDEN, ELEVATION OF NEW HOUSE AND IMMEDIATE NEIGHBOURS



FRUYN GIBBS ASSOCIATES 35 Shakespeare Road London SE24 0LA 020 7733 0518	client Kye Gbangbola	project 243 Thames Side Chertsey	
	drawing EAST ELEVATION	scale 1: 100@A3 date 15.8.16	drawn by P05



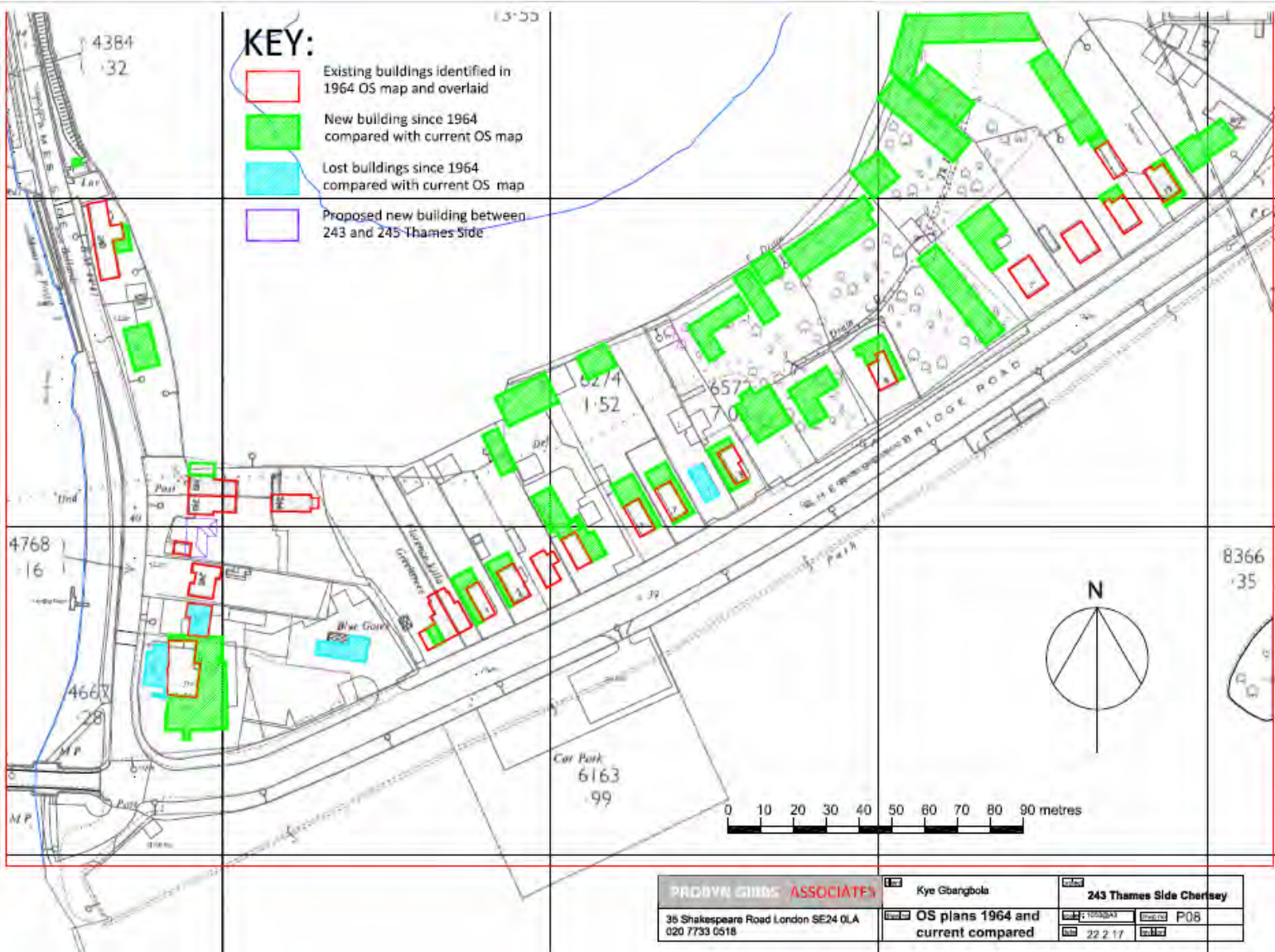


Diagrammatic outline of sycamore in plot and yews on rear boundary to surveyed dimensions

SECTION THROUGH PROPOSED HOUSE AND GARAGE,  
OUTLINE OF EXISTING HOUSES 243 AND 244 THAMES SIDE BEYOND

<b>PROCHYM GIBBY ASSOCIATES</b> 35 Shakespeare Road London SE24 6LA 020 7733 0518	client Kye Gbangbola	project 243 Thames Side Chensey
	drawing <b>section</b>	scale 1:100@A3 date 15.8.16







PROBYN GIBBS ASSOCIATES 35 Shakespeare Road London SE24 0LA 020 7733 0518	client Kye and Nicole Gbangbola  drawing <b>Street elevation</b>	project <b>243 Thames Side, Chertsey</b>	
		scale NTS date 07.04.17	drawn by P09 revision



## Planning Committee

23 August 2017



<b>Application Nos.</b>	17/01028/FUL		
<b>Site Address</b>	The Bugle Returns Public House, 173 Upper Halliford Road, Shepperton		
<b>Proposal</b>	Demolition of existing public house and erection of a new building with part 2 floors/part 3 floors of accommodation to provide 6 no. 2-bed and 2 no. 1-bed flats, together with associated access, parking, amenity space, bin store and cycle store.		
<b>Applicant</b>	Spelthorne Borough Council		
<b>Ward</b>	Halliford and Sunbury West		
<b>Call in details</b>	N/A		
<b>Case Officer</b>	Paul Tomson		
<b>Application Dates</b>	Valid: 28/06/2017	Expiry: 23/08/2017	Target: Extension of time agreed.
<b>Executive Summary</b>	<p>This application seeks the demolition of the existing public house and the erection of a new building to provide 8 flats (2 no. 1-bed and 6 no. 2-bed) together with associated access, parking, amenity space and other associated works.</p> <p>Whilst the proposal constitutes 'inappropriate development' in the Green Belt, it is considered that the merits of the development will clearly outweigh this harm and consequently, 'very special circumstances' exist to justify the scheme.</p> <p>The proposed design and appearance is considered to be in keeping with the surrounding area and will make a positive contribution to the street scene. Furthermore, the relationship with neighbouring residential properties will be acceptable. The development will provide a satisfactory level of parking and amenity space. The impact on the adjacent highway of Upper Halliford Road is considered acceptable.</p>		
<b>Recommended Decisions</b>	This planning application is recommended for approval.		



## 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:
- HO1 (Providing for New Housing Development)
  - HO4 (Housing Size and Type)
  - HO5 (Housing Density)
  - EN1 (Design of New Development)
  - CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
  - CC2 (Sustainable Travel)
  - CC3 (Parking Provision)
- 1.2 It is considered that the following saved policy in the Borough Local Plan 2001 are relevant to this proposal:
- GB1 (Green Belt)

### 2. **Relevant Planning History**

SP/92/0039	(A) Extension at ground floor level providing a conservatory, bar area, toilets, grill area and ancillary accommodation; (B) Extension at first floor level to provide a bedsit unit, and erection of an external stairway and access area to bedsit (C) Extension of car park, and addition of exit only access.	Refused 27/05/1992
SP/97/0161	Alterations and extension to existing public house.	Approved 23/07/1997
SP/97/0162	Alterations and extension to existing public house.	Approved 23/07/1997
SP/97/0408	Erection of single storey extensions, incorporating 2 lobbies, toilets, bottle store, office and staff room. Extension to existing car park and erection of floodlighting.	Approved 20/08/1997
SP/97/0633	Alterations, single storey rear extensions, front porch and extension to existing car park, associated landscaping to existing public house	Approved 01/04/2017

### **3. Description of Current Proposal**

- 3.1 The site relates to The Bugle Returns Public House, which is located on the western side of Upper Halliford Road in Shepperton. The application site is 0.1443 hectares and comprises the public house and the car parking area at the rear. It does not however, include the former beer garden located further to the west. The public house has been vacant for some time and the site is now enclosed with temporary hoarding. The site is owned by Spelthorne Borough Council. The field, lake and former beer garden to the north/west of the public house is also owned by the applicant.
- 3.2 To the north of the site are the neighbouring maisonettes of 175 and 175A Upper Halliford Road. Also to the north is the playing field owned by the applicant together with a former changing room building. To the south is an access road leading to the Bugle Nurseries site. Further to the south is the detached dwelling of 171 Upper Halliford Road. To the west is the former beer garden, whilst to the east on the other side of the road is Halliford House Recreation Ground.
- 3.3 The site lies largely within the Green Belt. However, it is relevant to note that a small piece of land in the north-eastern corner of the site is within the urban area. Upper Halliford Road is a classified road (A244). There is a designated public footpath to the south of the site.
- 3.4 The proposal involves demolition of the former public house and the erection of a new building with part 2 floor/part 3 floors of accommodation to provide 6 no. 2-bed and 2 no. 1-bed flats, together with associated access, parking and landscaping. The proposed building will measure between 8m – 16.8m in width, between 11.7m – 21.8m in depth and up to 10.1m in height. The 2<sup>nd</sup> floor accommodation within the main part of the building will be located within the roofspace and be served with dormer windows and windows within the gables. Likewise, the 1<sup>st</sup> floor accommodation with the lower rear wing will be located within the roofspace. 13 no. car parking spaces are to be provided on the site. All of the units are to be occupied as market housing.
- 3.5 Copies of the proposed site layout and elevations are provided as an Appendix.

### **4. Consultations**

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

<b>Consultee</b>	<b>Comment</b>
County Highway Authority	Requested additional information regarding a turning layout for a Spelthorne sized refuse lorry and for the plans to show the existing bus stop outside the site. Amended plans have been submitted and forwarded to the County Highway Authority (CHA) for comment. The CHA's response will be updated orally at the meeting.

Thames Water	No objection. Requests a condition relating to piling during constructions, and informatives relating to surface water drainage and water supply.
Surrey Wildlife Trust	No objection subject to conditions.
Environmental Health (Pollution)	No objection subject to conditions relating to contaminated land and the installation of an electric vehicle charging point. Also recommends a condition controlling the emission levels of gas-fired boilers/combined heat and power boilers, and informatives relating to the construction phase.
Sustainability Officer	No objection to the proposed renewable energy facilities (photovoltaic solar panels)
Neighbourhood Services	No objection.
Tree Officer	No objection.
Countryside Access Officer (Surrey County Council)	No objection. Has made various comments in relation to the public right of way located to the south of the application site, which have been attached as an informative.

## 5. **Public Consultation**

- 5.1 32 properties were notified of the planning application. 1 letter of objection has been received from SCAN (Spelthorne Committee for Access Now). Reasons for objecting include: -

- None of the flats are designed to provide access and facilities for wheelchair users.

## 6. **Planning Issues**

- Green Belt
- Housing density
- Design and appearance
- Impact on neighbouring properties
- Amenity space
- Parking
- Need for housing

## 7. **Planning Considerations**

### Green Belt

- 7.1 The site lies within the Green Belt. Section 9 of the National Planning Policy Framework (NPPF) states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of

Green Belts are their openness and their permanence. The policy is similarly reflected in the Council's Saved Local Plan Policy GB1.

- 7.2 The proposal involves the demolition of the existing public house and the erection of a new building comprising 8 flats. The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. Although the NPPF lists a limited number of exceptions, the proposed new building does not fit into any of these categories. It is also considered that the change of use of the site to create a new residential development together with the associated car parking and the bin and cycle stores constitutes inappropriate development in the Green Belt. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.3 The proposal will involve the demolition of the existing public house, which already has a significant impact on the Green Belt. Whilst the proposed building will be slightly larger in scale compared to the existing building, it will be positioned closer to the road and, unlike the existing building, will also occupy the piece of the site within the urban area. By discounting the part of the new building within the urban area, the difference in scale between the existing and proposed building will be similar. This is a benefit to which I give significant weight. The applicant has submitted a schedule which sets out the existing and proposed footprint, floorspace and volume, which is shown below:

	Footprint	Floorspace	Volume
Existing Building	241 sqm	364 sqm	1,421.3 cubic metres
Proposed Building (Part within the Green Belt)	242 sqm	514.53 sqm	1,702.6 cubic metres

- 7.4 In terms of footprint, the proposed building is virtually identical to the existing public house (only 1 square metre greater). Whilst the proposed floorspace is some 41% greater than that of the existing building, this mainly due to the second floor accommodation provided within the roofspace of the main part of the new building, and also the first floor accommodation provided within the roofspace of the rear wing. If the proposed "*roofspace floorspace*" is deducted from the overall figure, the existing and proposed floorspace figures would be similar. With regard to volume, the proposed building will be 20% greater in scale. This relatively small increase is mainly due to the slightly higher and bulkier roof compared to the existing building.
- 7.5 There are several benefits which weigh in favour of the development, set out below:



- Whilst the part of the proposed building located within the Green Belt is slightly greater in scale, this needs to be balanced by the benefit of moving the position of the building towards the road and in line with the existing properties to the north. I give this benefit significant weight.
- There is also the benefit of removing substantial areas of hardstanding associated with the public house car park and replacing it with space for landscaping. I also give this significant weight.
- The removal of the public house use (and risk of continued nuisance it creates) and replacing it with a residential development will be more compatible with the surrounding properties. There will be less noise and disturbance compared to the existing public house, and I give this significant weight.
- Moreover, the residential use will create less car parking on the site. This is a further benefit.

Overall, I conclude that whilst substantial weight must be given to the harm to the Green Belt, in this case the benefits are substantial and clearly outweigh that harm. Consequently, it is considered that 'very special circumstances' exist to justify the development in the Green Belt.

#### Housing Density

- 7.6 Policy HO5 of the CS & P DPD states that within existing residential areas that are characterised by predominantly family housing rather than flats, new development should generally be in the range of 35 to 55 dwellings per hectare (dph). Higher density development may be acceptable where it is demonstrated that the development complies with Policy EN1 on design, particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non car-based modes of travel.
- 7.7 The proposed density is 55 dwellings per hectare (dph), which is within the recommended 40 to 55 dph range stipulated in Policy HO5. Moreover, in design terms, the proposal is considered to comply with the requirements of Policy EN1 which is explained in more detail in the following paragraphs.

#### Design and Appearance

- 7.8 Policy EN1 of the Core Strategy and Policies DPD (CS & P DPD) 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; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
- 7.9 This part of Upper Halliford Road is characterised by two-storey houses and flats positioned close to the road. The maisonettes of 175, 175A, 177 and 177A located to the north of the application site, and the flatted block of 1 – 6

Park View are two-storey in scale, are traditional in appearance and faced in London stock brick. Further to the north is the small cul-de-sac of 191 – 197 Upper Halliford Road. These houses are also traditional in appearance, faced in brickwork and tile-hanging and are two-storey in scale. To the south of the application site is the detached dwelling of 171 Upper Halliford Road. This is a bungalow situated within a sizable plot. Due to the hedge lining the front boundary it is not particularly visible when viewed from the road.

- 7.10 It is considered that the proposed building will respect the character and appearance of the surrounding area and complies with Policy EN1. Like the neighbouring properties, the new building will have a traditional appearance with a pitched roof design. It will be faced in a mix of red brickwork, tile hanging, roof tiles, feature brickwork and other design features, which area considered acceptable. Moreover, moving the building line forward so that it is in line with the existing buildings to the north is considered to better reflect the pattern of development locally. It is not considered that an objection could be raised to the 2½ storey scale of the main part of the building, with the second floor accommodation within the roofspace served by windows in the gables and dormer windows.

#### Impact on neighbouring properties

- 7.11 Policy EN1 of the CS & P DPD states that proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook. Also of relevance is the Council's SPD on the Design of Residential Extensions and New Residential Development.
- 7.12 The proposed development is considered to have an acceptable relationship with neighbouring properties and complies with Policy EN1. With regard to the maisonettes of 175 and 175A Upper Halliford Road, there will be a gap of at least 5.4 metres between the proposed northern elevation and the side wall of the neighbouring properties. Whilst No. 175 and 175A have some windows in their side elevation, the proposal will not break a vertical 45 degree line when measured from these windows and will therefore comply with the requirements of the Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development 2011. Moreover, they are secondary windows serving lounge/diners which have windows on the rear elevation. It will also comply with the SPD's vertical and horizontal 45 degree line rules in relation to the neighbouring properties' rear windows. With regard to 171 Upper Halliford Road, there will be a separation distance of at least 15 metres between the proposed southern side elevation and the neighbouring garden's northern boundary, which accords with the SPD. Consequently, this particular relationship is also considered acceptable.

#### Amenity Space

- 7.13 The proposed development comprises a communal garden to the rear of the new building measuring 123 sqm. This is above the Council's minimum amenity space standard of 205 sqm for scheme for this size and is considered acceptable. Moreover, the flats (particularly the units on the upper floors) will

have the benefit of a pleasant outlook over the existing open space to the rear, and over the Halliford House Recreation Ground to the east.

#### Parking Provision

- 7.14 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.
- 7.15 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum.
- 7.16 The proposed parking provision of 13 spaces, exceeds the minimum parking standard for a scheme of this size is 12 and is therefore considered acceptable.

#### Need for Housing

- 7.17 In terms of the need for housing, it is relevant to have regard to paragraph 47 of the National Planning Policy Framework (NPPF) which states:
- “When considering planning applications for housing local planning authorities should have regard to the government's requirement that they boost significantly the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent with policies set out in the National Planning Policy Framework (NPPF) para 47.
- 7.18 The government also requires housing applications to be considered in the context of the presumption of sustainable development. Relevant policies for the supply of housing cannot be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable site (para 49 of NPPF).
- 7.19 The Council has embarked on a review of its Local Plan and accepts that the housing target in its Core Strategy and Policies DPD-Feb 2009 of 166 dwellings per annum is significantly short of its latest objectively assessed need of 552-757 dwellings per annum (Para 10.42 – Strategic Housing Market Assessment – Runnymede and Spelthorne – Nov 2015). On the basis of its objectively assessed housing need the Council is unable to demonstrate a five-year supply of deliverable sites.
- 7.20 Para 14 of the NPPF stresses the presumption in favour of sustainable development and that proposals which accord with a development plan should be approved without delay. When the development plan is absent, silent or relevant policies are out of date, permission should be granted unless *‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a*

*whole or specific policies in this Framework indicate development should be restricted.’ This application must be considered having regard to the above requirements of Para 14 of the NPPF. “*

- 7.21 Having regard to the proposed development and taking into account the above and adopted policy HO1 which encourages new development, it is considered that particular weight should be given to the merits of this development.

#### Local Finance Considerations

- 7.22 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.
- 7.23 In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development and will generate approximately £38,437 in CIL Payments. This will be at a rate of £160 per sq metre of new floorspace. This is a material consideration in the determination of this planning application. The proposal will also generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

#### Other Matters

- 7.24 All of the proposed units will be one or two bedroom in size. The development will therefore comply with Policy HO4 of the CS & P DPD which requires developments, including conversions, to include at least 80% of their total as one or two bedroom units.
- 7.25 The floorspace of the proposed units comply with the minimum standards stipulated in the SPD.
- 7.26 The applicant is proposing to install solar photovoltaic panels in order to achieve the minimum 10% renewable energy requirement stipulated in Policy CC1 of the CS & P DPD. A renewable energy report has been submitted with the application, which the Council's Sustainability Officer considers to be acceptable.
- 7.27 The proposal includes the provision of a bin store located towards the rear of the site, adjacent to the new parking area. The Council's Head of Neighbourhood Services has raised no objection to the proposed bin store and its location. Whilst the County Highway Authority (CHA) has requested further details to be submitted, including an amended site layout plan showing a swept path for a Spelthorne sized refuse lorry (amended plans have now

been submitted), that the CHA's final response will be received prior to the meeting. Members will be updated orally on this issue at the meeting.

- 7.28 The Countryside Access Officer (Surrey County Council) has raised no objection to the proposal in relation to the nearby public footpath. She has however, provided some comments relevant to the construction phase which are to be attached to the decision notice as an informative.
- 7.29 The applicant has submitted a bat survey which confirms that there are no bat roosts within the existing building. Consequently, the demolition of the building can take place without the need for any bat specific mitigation measures.
- 7.30 With regard to the response from the Council's Pollution Control Officer, it is not considered reasonable to impose a condition controlling emissions from gas-fired boilers/CHP boilers. However, it is proposed to bring this issue to the applicant's attention in the form of an informative to be attached to the decision notice.
- 7.31 With regard to the comments from SCAN, the applicant has confirmed that the proposal has been designed to be fully accessible to all users. Finished floor levels have been set to enable level thresholds throughout with easily identifiable paths leading to entrances/exits at a gradient of no greater than 1:20 in accordance with good practice and Part M of the Building Regulations.
- 7.32 Accordingly, the application recommended for approval.

## **8. Recommendation**

### **8.1 GRANT 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 and drawings:

BPH-MHA-00-XX-DR-A-0002 Rev. P2; /0005 Rev. P6; /0006 Rev. P5; /0007 Rev. P2 received 26 June 2017.

17-035/001; 17-035G/002 received 26 June 2017.

BPH-MHA-00-XX-DR-A-0001 Rev. P3; /0003 Rev. P2; /0004 Rev. P4 received 04 August 2017.

TK-001 Rev. A05 received 09 August 2017.

Reason:- For the avoidance of doubt and in the interest of proper planning

3. Prior to the construction of the building hereby permitted is first commenced details of the materials and detailing to be used for the external surfaces of the buildings and surface material for parking areas be submitted to and approved by the Local Planning Authority.

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 policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

4. No development shall take place until:-

(a) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.

(b) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.

(c) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

The site shall be remediated in accordance with the approved method statement, with no deviation from the statement without the express written agreement of the Local Planning Authority.

Reason:-

To protect the amenities of future residents and the environment from the effects of potentially harmful substances.

#### NOTE

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences. An information sheet entitled "Land Affected By Contamination: Guidance to Help Developers Meet Planning Requirements" proving guidance can also be downloaded from Spelthorne's website at [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk).

In accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

5. Prior to the first use or occupation of the development, and on completion of the agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:- To protect the amenities of future residents and the environment from the effects of potentially harmful substances.

6. Prior to the construction of the building hereby permitted is first commenced a report shall be submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of the building and thereafter retained and maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

Reason:- To ensure that the development is sustainable and complies with Policy SP7 and CC1 of the Spelthorne Development Plan Core Strategy and Policies DPD.

7. Prior to the construction of the building hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the building is occupied and thereafter 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 policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

8. No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for cars to be parked and for vehicles to turn so that they exit the site in forward gear. The parking area and access shall be used and retained exclusively for its designated purpose.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users.

9. No new development shall be occupied until space has been laid out within the site in accordance with the approved plans to provide secure, lit and covered cycle parking to the satisfaction of the Local Planning Authority and shall thereafter be permanently maintained

Reason:- The above condition is required in recognition of Section 4 (Promoting Sustainable Transport) of the NPPF

10. That within 3 months of the commencement of any part of the development permitted, or such longer period as may be approved by the Local Planning Authority, facilities shall be provided within the curtilage of the site for the storage of refuse and waste materials in accordance with the approved plans, and thereafter the approved facilities shall be 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 policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

11. Prior to the occupation of the building hereby permitted details including a technical specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The agreed external lighting shall be implemented prior to the occupation of the building and shall at all times accord with the approved details.

Reason:- To safeguard the amenity of neighbouring residential properties.

12. Prior to the commencement of development details of a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the provision of soakaways on the site, and shall demonstrate that the external parking spaces will be surfaced using permeable paving. The agreed scheme shall be implemented prior to the occupation of the building and thereafter maintained.

Reason:- In the interest of minimising flood risk.

13. No construction of the building hereby permitted shall take place until full details of both soft and hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The trees, shrubs and other associated proposals shall be planted on the site within a period of 12 months from the date on which the building hereby permitted is first commenced, or such longer period as may be approved by the Local Planning Authority, and that the planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season



whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason:- To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development.

14. Prior to the occupation of the development hereby permitted the ground and first floor windows on the most northern elevation of the block of flats hereby approved shall be obscure glazed and be non-opening to a minimum height of 1.7 metres above internal floor level in accordance with details/samples of the type of glazing pattern to be submitted to and approved in writing by the Local Planning Authority. These windows shall thereafter be permanently retained as installed.

Reason:- To safeguard the privacy of the adjoining property(ies), in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

15. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:- The proposed works will be in close proximity to underground sewerage utility infrastructure and piling has the potential to impact on local underground sewerage utility infrastructure.

16. No new development shall be occupied until a parking space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for one dual fast charging point for electric vehicles. The scheme shall include details of criteria for laying out of an additional adjacent space as a second charging bay in the future. The charging point shall be retained exclusively for its designated purpose.

Reason:- The above condition is required in recognition of Section 4 (Promoting Sustainable Transport) of the NPPF.

17. Prior to the commencement of construction, a scheme to provide bird and bat boxes on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the buildings are occupied and thereafter maintained.

Reason:- To encourage wildlife on the site.

18. The proposed demolition and development works shall be carried out strictly in accordance with the Recommendations set out in Section 6 of the Nocturnal Emergence and Dawn Re-Entry Bat Surveys dated June 2017.

Reason:- In the interest of preventing harm to wildlife

### Informatives

1. Please note that this application is subject to the payment of Community Infrastructure Levy (CIL). Full details of the charge, how it has been calculated and what happens next are set out in the CIL Liability Notice which will be sent separately.

If you have not already done so an Assumption of Liability notice should be sent to the Council as soon as possible and before the commencement of development.

Further information on CIL and the stages which need to be followed is available on the Council's website. [www.spelthorne.go.uk/CIL](http://www.spelthorne.go.uk/CIL).

2. The applicant is advised that the site adjoins a public right of way and the following comments should be taken into consideration during the implementation of the development:

- The Public Footpath runs adjacent to the southern boundary of the development site. The legal width of the Public Footpath is the full width of the accommodation road and this should not be interfered with.
- Safe public access must be maintained at all times. If this is not possible whilst work is in progress then an official temporary closure order will be necessary. Notice, of not less than 6 weeks, must be given and the cost is to be borne by the applicant.
- There are to be no obstructions on the public right of way at any time, this is to include vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals.
- Any alteration to, or replacement of, the existing boundary with the public right of way, or erection of new fence lines, must be done in consultation with the Rights of Way Group. Please give at least 3 weeks notice.
- Any down pipes or soakaways associated with the development should either discharge into a drainage system or away from the surface of the right of way.
- There should be no encroachments by new fascias, soffits, gutters etc over the boundary of the existing property onto the public right of way.
- Access along a public right of way by contractors' vehicles, plant or deliveries can only be allowed if the applicant can prove that they have a

vehicular right. Surrey County Councils' Countryside Access Group will look to the applicant to make good any damage caused to the surface of the rights of way connected with the development.

3. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.
4. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
5. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
  - (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
  - (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
  - (c) Deliveries should only be received within the hours detailed in (a) above;
  - (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
  - (e) There should be no burning on site;
  - (f) Only minimal security lighting should be used outside the hours stated above; and
  - (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit. In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme - [www.ccscheme.org.uk/index.php/site-registration](http://www.ccscheme.org.uk/index.php/site-registration).

6. The applicant is advised that the essential requirements for an acceptable communication plan for surrounding properties forming part of a Method of Construction Statement are viewed as:
- (a) how those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme;
  - (b) how neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them;
  - (c) the arrangements that will be in place to ensure a reasonable telephone response during working hours;
  - (d) the name and contact details of the site manager who will be able to deal with complaints; and
  - (e) how those who are interested in or affected will be routinely advised regarding the progress of the work. Registration and operation of the site to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements.
7. With regard to the installation of gas-fired boilers, the applicant is advised that all gas fired boilers should meet a minimum standard of less than 40mgNOx/kWh. All gas-fired CHP plant should meet a minimum emissions standard of 50mgNOx/Nm<sup>3</sup> for gas turbines – note other limited apply for spark or compression ignition engines.

**The Town and Country Planning (Development Management Procedure) (England) Order 2015**  
**Working in a positive/proactive manner**

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:-

- a) Provided pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered;
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.











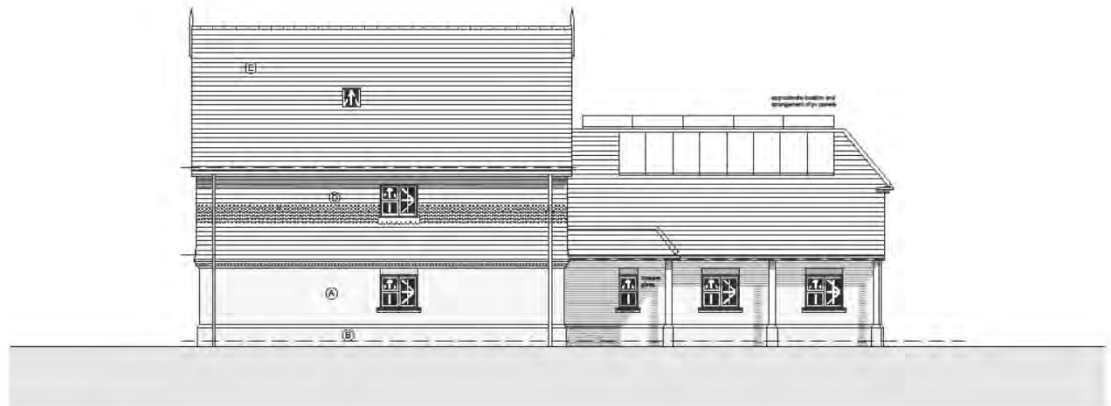
① EAST  
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② SOUTH  
elevation

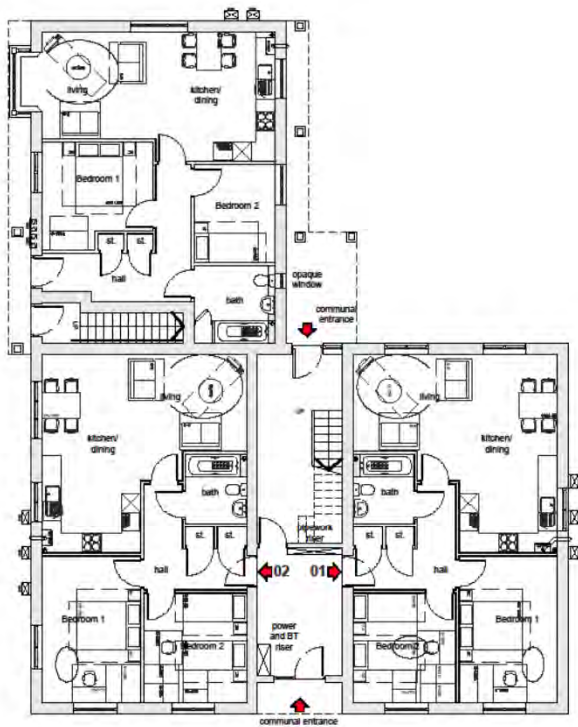


③ WEST  
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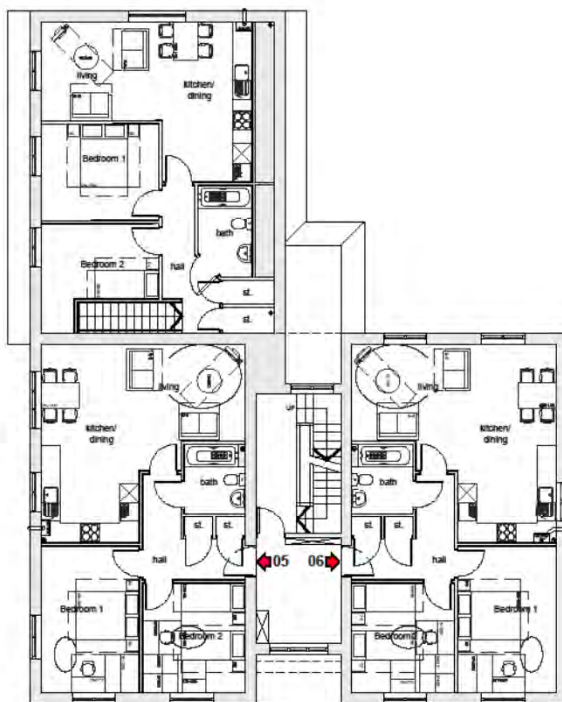


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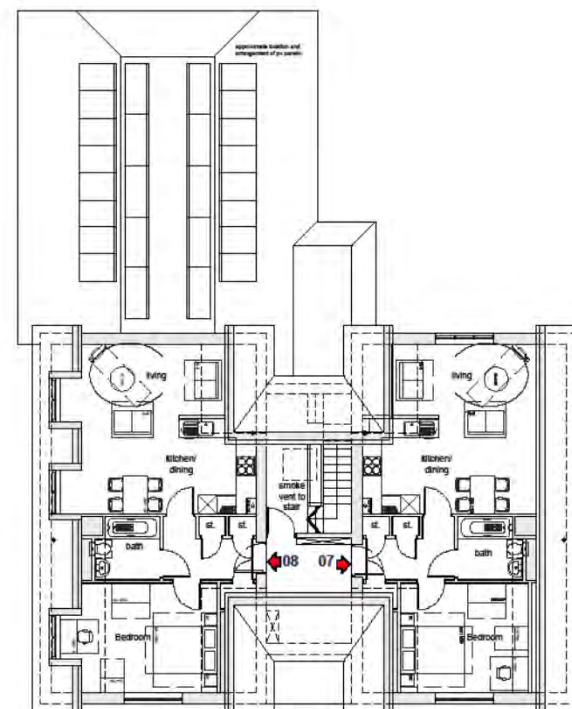




Ground Floor



First Floor



Second Floor

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# Planning Committee

23 August 2017



<b>Application No.</b>	17/00639/FUL		
<b>Site Address</b>	524 – 538 London Road, Ashford, TW15 3AE		
<b>Proposal</b>	Demolition of existing buildings and erection of a 132 room hotel with parking spaces, access & landscaping.		
<b>Applicant</b>	Staxlink Ltd		
<b>Ward</b>	Ashford North and Stanwell South		
<b>Case Officer</b>	John Brooks		
<b>Application Dates</b>	Valid: 15.5.2017	Expiry: 25.8.2014	Target: Over 13 weeks
<b>Executive Summary</b>	<p>An identical planning application to the current proposal was approved by the Committee on 10 December 2014. The proposal involves a part two, three, four and five storey building to provide a 132 bed hotel with parking for 51 vehicles in an undercroft parking area and direct access onto the A30 London Road. The hotel would have some restaurant and bar facilities for hotel guests.</p> <p>This is large site with a corresponding large building. It is in a modern design reflecting the design approach to hotels and reflecting other more modern designs in other developments in this part of London Road including Ashford Hospital. Whilst in design terms it is different to the character of the residential area to the rear of the site the Committee previously gave significant weight to the wider economic benefits of the proposal in granting the previous permission. Circumstances are unchanged since that previous decision and accordingly this current application is recommended for approval.</p>		
<b>Recommended Decision</b>	Approve		

## 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:

- LO1 (Flooding)
- HO1 (Providing for New Housing Development)
- EM2 (Employment Development on Other Land)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

### 2. **Relevant Planning History**

- 2.1 14/00194/FUL  
Demolition of existing buildings and erection of a 132 room hotel with parking spaces, access and landscaping  
Approved 10 December 2014

### 3. **Description of Current Proposal**

- 3.1 The application site comprises 0.39 hectares and is located on the southern side of the A30 London Road some 100 metres due west of the A30 junction with Town Lane and Stanwell Road (generally known as the Bulldog junction). The site has an 83 metre frontage to the A30 and a depth varying between 45 and 49 metres.
- 3.2 The site is currently occupied by three detached residential bungalows (one of which is currently derelict) and two commercial buildings, one of which is used for retail purposes. Both commercial buildings abut the rear boundary of the site and the tallest has a height of some 6.2 metres. Generally the site has a poor visual appearance with most of the existing buildings looking run down.
- 3.3 To the rear of the site and parallel with the A30 is Kenilworth Road with residential development of mainly two storey. Most are semi-detached but there are a few detached properties and some purpose built flats. Those properties abutting the rear of the site have garden depths ranging from 18 to 23 metres.
- 3.4 The proposal seeks to demolish the existing buildings on the site and provide a part two/ three/ four / five storey hotel comprising 132 bedrooms and limited meeting rooms, bar and restaurant facilities. Parking for 51 cars is to be

provided at semi-basement level and to the rear of the building and secure cycle parking.

- 3.5 The hotel building will be three storey at its western side rising across the site to its north east corner nearest London Road where it is five storey, with a maximum height to a flat roof of 14.675m. The width of the hotel overall to the road frontage would be 78.705m. In the south east corner where the new building is closest to properties in Kenilworth Road it is only two storey. Access and egress would be directly onto the London Road on the western side of the site and remove the current multiple access points. The existing access to Kenilworth Road is to be closed off.
- 3.6 To the west of the site (towards Staines) the hotel building would be 3 storey and rising to four storeys toward the middle of the site. This element will be some 17 metres away from the rear boundary of the site. To the east of the site, where the existing commercial buildings are located, the hotel building will be set back 3.75 metres from the rear boundary and initially with a two story element of 6.3 metres in height (0.1 metres taller than the existing commercial buildings). The hotel then rises in scale to 4 storey at a point 11 metres from the rear boundary and then to five storeys some 23.5 metres from the rear boundary of the site.
- 3.7 The Reservoir opposite the site is designated as a Site of Special Scientific Interest and a SPA/Ramsar site (for wildfowl). To the west of the site is a modern three storey block of flats (Exforde Court) with a ridge height of 11m and a commercial car sales business to the east.
- 3.8 Copies of the proposed site layout and elevations are provided as an Appendix.
- 3.9 The previous proposal was approved with 24 planning conditions with 16 of these being what are commonly referred to as 'pre-commencement' conditions where further details is required to be submitted and approved before the development can be started. They covered such matters as; details of materials, landscaping, hard surfaces, waste and refuse storage, remediation of any contamination, renewable energy, demolition and construction management details, detail of highway works, how the access to Kenilworth Road is to be closed off, cycle parking, travel plan and bird hazard management plan. Requiring further detail in this way is common where it relates to detail which does not affect the principle of granting permission.
- 3.10 On all these matters sufficient detail has already been submitted in relation to the previous application and approved. This technical detail has then been submitted with this proposal and which can be subject to a single planning condition requiring it to be followed/implemented as set out (see condition No.2 and 3).

#### **4. Consultations**

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

<b>Consultee</b>	<b>Comment</b>
<b>County Highway Authority</b>	No objections subject to a contribution of £4,600 to audit the travel plan and various conditions.
<b>Highways Agency</b>	No objections to the previous scheme

	and no further observations received on this proposal.
<b>Environmental Health (Pollution)</b>	No objections subject to technical information already set out in the submitted 'Technical Documents' and planning conditions.
<b>Environment Agency</b>	No objections and previous technical requirements included within the submitted 'Technical Document'.
<b>Thames Water</b>	No objection to the previous application on sewerage infrastructure capacity and no further comments on this application.
<b>Heathrow Airport Ltd</b>	No previous objections subject to conditions to control bird nesting on the roof and on which detailed technical proposal have been submitted. No further comments on this application.
<b>Natural England</b>	No objections.
<b>SUDS Authority (SCC)</b>	Any comments will be reported at the Committee

## 5. **Public Consultation**

5.1 68 letters of notification were sent out to neighbouring properties. In addition, a statutory notice has been displayed outside the site, plus a notice advertised in the local newspaper. 49 letters of objection have been received raising the following concerns:

- Loss of light / overshadowing
- Building overbearing
- Loss of privacy
- Traffic generation
- Viability of a hotel use in this area
- Inadequate parking leading to parking in residential roads
- Covenant on land preventing a hotel use and sale of alcohol
- Noise (both from guests and during construction)
- Sewerage capacity
- Cooking smells
- Litter
- Housing would be a better use of the site

## 6. **Planning Issues**

- Principle of hotel use

- Loss of Residential
- Design and appearance
- Impact on adjoining residential dwellings
- Parking and Impact on highway safety

## **7. Planning Considerations**

### Principle of Hotel Use

- 7.1 Half of this site is already in commercial use and the previous planning permission (which is still valid) was approved by the Committee with particular weight given to the economic benefits of a hotel use. The principle of hotel use has been established. In the light of the above and the Council's Economic Strategy to foster economic growth generally there is no objection to a 'renewal' of the current permission.

### Loss of Residential Units

- 7.2 The application site is part commercial and part residential. There are three residential bungalows that would be demolished to accommodate the proposed hotel.
- 7.3 In this case the issue is whether the need for this particular employment development outweighs the loss of housing. In coming to the previous decision the Committee was satisfied that it did. There is therefore no objection on this point.

### Design and appearance.

- 7.4 The hotel is of a modern design and described in general terms in pars 3.6 – 3.8 above. It, is designed with vertical relief projections and different colours and materials to help to 'break up' the appearance of the building. Various parts of the building are also set back from the main elevation to reduce the apparent scale of the building.
- 7.5 Policy EN1 of the Core Strategy and Policies Development Plan Document requires a high standard in the design and layout of new development. It states that new development should 'create buildings...that respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land'. The wider area is characterised by primarily commercial buildings fronting the A30 from this site to the Bulldog junction. To the rear of the site is a largely residential area. A contrast in uses is therefore inevitable and any development of this site with a single use and single building will present visual differences to the residential area it adjoins. The key issues in this case are the need to bring forward development which enhances this site on the A30 and secondly the scale and relationship of any new building with the residential properties in Kenilworth Road.
- 7.6 The proposed building is three storey on its western side and rises gradually across the width of the plot up to five storeys and a maximum building height of 14.675m. The flats to the west are 11m high and the commercial buildings to the east are between 8.2m and 8.4m high. The highest building on the application site (due to be demolished) is 8m high. The overall width of the new building amounts to 78.705m and it is between 17 and 31m deep. The



applicant has designed the scheme to provide the staggered roof heights and has provided plans of the wider area to show the flats on the adjoining site and other developments in the vicinity. There is landscaping around the periphery of the site to soften the impact of the site and proposed building. Overall, as a hotel proposal, the elements of the scheme are satisfactory and the tallest elements are located furthest from the properties in Kenilworth Road.

#### Impact on adjoining residential dwellings

- 7.7 The building would at its closest point at the eastern end be 4m away from the rear boundaries to the properties in Kenilworth Road (the existing building abuts the boundary). At this point the proposed building is staggered in height with the first element being two storey. A four storey element begins some 11m away from the rear boundary and the five storey element at 23.5m. In terms of the separation distance between the physical buildings themselves, the guidance contained in the Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development (April 2011) requires a 30m back to back separation distance where three storey residential buildings are proposed. The main body of the hotel where the bedrooms are largely located are 17m away from the rear boundary. The two storey element of the houses to the rear, are generally around 20m away from their rear boundaries, albeit a number do have single storey extensions. Furthermore, the proposed building would not infringe the 25 degree angle line as detailed in the Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development (April 2011)(DPD). In view of these factors, it is not considered that there can be an objection in terms of loss of light or loss of privacy to the residential dwellings themselves.
- 7.8 In terms of outlook from the properties in Kenilworth Road there will be a view of an unbroken rear elevation of 78.705m metres, however, around half is set some 17 metres from the boundary to residential properties with garden depths of around 20 metres representing a combined separation distance of 37 metres. The eastern part of the building does rise to five stories but at a point over 41 metres from the rear walls of the properties at that point in Kenilworth Road. It will not have a uniform building line facing the Kenilworth Road properties.

#### Parking and Impact on highway safety

- 7.9 The proposal includes the provision of 51 parking spaces, space for coaches/minibuses to pull onto the forecourt of the site off the highway and provision of secure cycle parking (primarily intended for those working at the site). In terms of the Council's parking standards, generally hotels have in the past been required to provide 1 space per bedroom or unit of accommodation for employees. However, this hotel is located in a position where it is intended to be used to a greater extent by those using Heathrow. Its restaurant and meeting space is geared to hotel users only. Accordingly it is expected that many users will arrive by taxi or dedicated bus/coach service linking hotels and the airport and or nearby businesses. Service by the National Express Hoppa Bus service between hotels and Heathrow is proposed. The site is very well served by buses (11 an hour each way) with a west bound stop immediately outside the hotel. These travel arrangements are set out in the Travel Plan submitted with the application. The intended

Heathrow related 'niche' market role of the hotel justifies the lower parking provision subject to the measures in the Travel Plan including non-car links to Heathrow. These arrangements are identical to those in the previous application approved by the Committee.

- 7.10 In terms of traffic generation, when compared to the existing uses on the site, the am traffic flow will be just two more movements for the morning peak time but some 26 less movements in the evening peak. Overall there will be projected net reduction of 422 two way vehicle movements a day.
- 7.11 The Transport Statement with the application suggests that the maximum parking demand would occur between 12:00 and 17:00 where a peak demand of 20 spaces would occur leaving a spare capacity of 31 parking spaces. This information is based on what is called TRICS data (this is a database of traffic flows from various types of development – in this case hotels). This TRICS data is based on hotels in Greater London, including hotels within the London Boroughs of Bexley, Barnet, Camden, Greenwich, Hillingdon, Hounslow, Merton and Newham. While some of these Boroughs are some distance from Spelthorne the margin between the projected 21 space and the 51 space actually provided is substantial and I am satisfied that given the non-car measures proposed and the Travel Plan, that the provision proposed is acceptable and it should not lead to off-site parking as feared by some objectors.

#### Other outstanding matters

- 7.12 There are a few other matters raised by residents and not already covered above. The viability of a hotel use in this area is a commercial consideration for the applicant and not a planning matter in this case.
- 7.13 Any Covenant on land preventing sale of liquor is not a planning matter. Noise issues will be managed by conditions and the 'sound management' of the hotel. Any odours from cooking would be controlled by conditions requiring appropriate extraction equipment. Submitted technical details confirm there is no sewerage capacity issues. This is not a use that would be expected to result in litter being deposited by guests.

#### Other matters - Local Finance Considerations

- 7.14 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 is not a CIL chargeable development. The proposal will not generate a New Homes Bonus. It will be required to pay Business Rates but which is not a material considerations in the determination of this proposal.

#### Conclusion

- 7.15 The proposal does involve a substantial building which is inevitable when providing a hotel and the outlook from properties in Kenilworth Road will be

different albeit no longer toward a site which is in part poorly maintained and run down. Set against this is the substantial economic benefits of providing an hotel and bringing about the substantial visual improvement of a prominent site on a key road into the Borough. Closure of the existing access onto Kenilworth Road is a further benefit and avoids any risk of the hotel activity 'spilling' into the adjoining residential area.

## **8. Recommendation**

### **8.1 Planning permission is recommended subject to the following planning 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: submitted on 18/4/2017: 50, 51,100, 101, 106, 107, 110, 112, P201.2, P202.1, P202.2, P301, P302, P303, P304, P401, P402, P501, 5028160386/6500, 8160386/6901, 8160386/6902, 8160386/6903 and the following plans submitted on 31 July 2017; 502

Reason: To ensure the scheme is completed as approved.

3. The development hereby permitted shall be carried out in accordance with the technical detail set out in the following submitted documents: documents submitted on 18 April 2017 - Design and Access Statement, Air Quality Statement, Noise Assessment, Site Investigation Report, Environmental performance report, Foul Sewerage and utilities Assessment, Transport Statement; additionally documents submitted on 31 July 2017 – Technical Document, Travel Plan, email of 1/8/16 relating to energy targets, The Brownfield Consultancy – Desk Top Study (ground and site condition), Energy Report, Demolition and Construction Method Statement, Construction Transport Management Plan, Bird Hazard Management Plan, letter dated 16/9/16 relating to the contaminated land assessment, email 3/11/16 to SCC re Construction Traffic Management Plan and Travel Plan.

Reason: To ensure the scheme is completed as approved.

4. The rating noise level of any plant installed in or on the building should be at least 5dB(A) below the existing background noise level at the nearest noise sensitive property, assessed using the guidance contained within BS4142 (1997).

Reason:- To secure reduction in the level of noise emanating from the building(s) on amenity grounds, in accordance with policies SP6, EN1 and EN11 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

5. Deliveries and collections from the premises shall only be carried out between the hours of 7.30am and 7pm Monday to Friday; 7.30am to 3pm on Saturday; and no deliveries or collections on Sundays, bank holidays and public holidays.

Reason:-.In the interests of residential amenity.

6. No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for cars to be parked. The parking area shall be used and retained exclusively for its designated purpose.

Reason:-.The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

7. The land shall be remediated in accordance with a method statement that shall be agreed in writing with the Local Planning Authority prior to the commencement of the remediation.

Reason: To protect the occupants and environment from the effects of potentially harmful substances.

8. No occupation of any part of the approved development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To protect the occupants and environment from the effects of potentially harmful substances.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason:-.To protect the environment from pollution, in accordance with paragraph 109 of the NPPF.

10. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that

there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:- To protect the environment from pollution, in accordance with paragraph 109 of the NPPF.

11. You must not occupy the building until a financial contribution of £4,600 towards the auditing of the Travel Plan has been paid to Surrey County Council.

Reason:- To ensure that the Travel Plan is complied with and reviewed to ensure that it accords with the National Planning Policy Framework 2012 and policies CC2 and CC3 of the Core Strategy and Policies DPD February 2009.

12. Prior to the occupation of the development hereby approved details shall be submitted for the approval of the Local Planning Authority of onsite mitigation measures for mechanical ventilation/ air filtration to protect the occupiers of the development from poor air quality. The development shall not be occupied until such mitigation measures have been provided and shall thereafter be retained with the approved details.

Reason: To provide appropriate protection from potential levels of poor air quality from vehicles using the A30.

13. Prior to the occupation of the development hereby approved double headed 7kW charging points shall be installed at the three locations within the car park as shown on Drg No.101. The 7kW charging points shall be retained exclusively for its designated purpose.

Reason: - The above condition is required in recognition of Section 4 (Promoting Sustainable Transport) of the NPPF and to ensure charging points are of sufficient power to enable rapid charging.

14. No demolition of buildings shall take place until the following documents: pre-demolition audit; pre demolition asbestos survey; dust management plan; and site waste management plan have been submitted to and approved in writing by the Local Planning Authority. All demolition and construction works shall then be undertaken in strict accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: - To ensure that neighbouring residential occupiers do not suffer a loss of amenity by reason of excess noise, nuisance and pollution from the construction work activities.

15. Within 3 months of commencement of this development hereby approved and prior to the implementation of any strategy for reuse of site won materials. A written remediation strategy shall be submitted to and approved in writing by the Local Planning Authority detailing the further assessment necessary to demonstrate that site won and imported topsoil and subsoil materials are suitable for use on this site. The Method Statement should include an implementation timetable and monitoring proposals and a remediation verification methodology. The site shall be remediated in accordance with the

approved Method Statement, with no deviation from the statement without the express written agreement of the Local Planning Authority.

Reason: - To protect the amenities of future residents and the environment from the effects of potentially harmful substances in accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

16. Prior to the occupation of the development, and on completion of the agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out in accordance with condition 15 shall be submitted to and agreed in writing by the local Planning Authority

Reason: To protect the amenities of future residents and the environment from the effects of potential harmful substances in accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009

17. Prior to the commencement of the development hereby permitted:

- a) Details of suitable ventilation and filtration equipment to be installed shall be submitted to and approved by the Local Planning Authority. This should comprise odour abatement and sound attenuation measures (so that the noise levels are 5dBA below background).
- b) The specific maintenance schedule for the approved abatement system shall be submitted to and approved by the Local Planning Authority. This must be based on the manufacturer's recommendations, taking food type and hours of cooking into account.
- c) The approved details shall be installed prior to the occupation of the premises for the use hereby permitted. Proof of correct installation and correct function shall be submitted.

The installed ventilation and filtration equipment shall thereafter be operated and maintained to the satisfaction of the Local Planning Authority. Maintenance records should be kept for a period of two years. These should include receipts for consumables, certificates of cleaning, and staff records of cleaning and changing filters.

Reason: In the interests of the amenities of the area and the amenities of the occupiers of nearby premises.

## **INFORMATIVES TO APPLICANT**

1. Access by the Fire Brigade. Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is

erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings. There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).

2. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at [http://www.aoa.org.uk/operation & safety/safeguarding.htm](http://www.aoa.org.uk/operation%20&%20safety/safeguarding.htm))

3. The permission hereby granted shall not be construed as authority to carry out works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a licence must be obtained from the Highway Authority Local Transportation Service before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see <http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice/ordinarywatercourse-consents>.

4. When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Transportation Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developers expense.

5. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

6. The Developer would be expected to instruct an independent transportation data collection company to undertake the monitoring survey. This survey must conform to a TRICS Multi-Modal Survey format consistent with the UK Standard for Measuring Travel Plan Impacts as approved by the Highway Authority. To ensure that the survey represents typical travel patterns, the organisation taking ownership of the travel plan will need to agree to being surveyed only within a specified annual quarter period but with no further notice of the precise survey dates. The Developer would be expected to fund the survey validation and data entry costs.

7. The developer should provide a sign close to the access exiting from the site advising motorists of the U turn facility which exists on the A30 to the west.

8. Informative to condition 17. The applicant is advised that the details of the ventilation and filtration equipment to be submitted should include (but not limited to): Dimensions of ducting; model and type of grease filtration and prefilters; model, type, and residence time of carbon filtration or other suitable odour suppressing technology; efflux velocity; type of food to be cooked, hours of cooking. Receipts will be required for proof of installation; a flow check report will be required for proof of correct function. For further advice and information, the applicant is advised to contact Environmental Health on 01784 446251. An information sheet "guidance on the control of odour and noise from commercial kitchen exhaust systems" can be downloaded from Spelthorne's website at [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk).

### **Article 2(3) Development Management Procedure (Amendment) Order 2012**

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:-

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
- c) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.





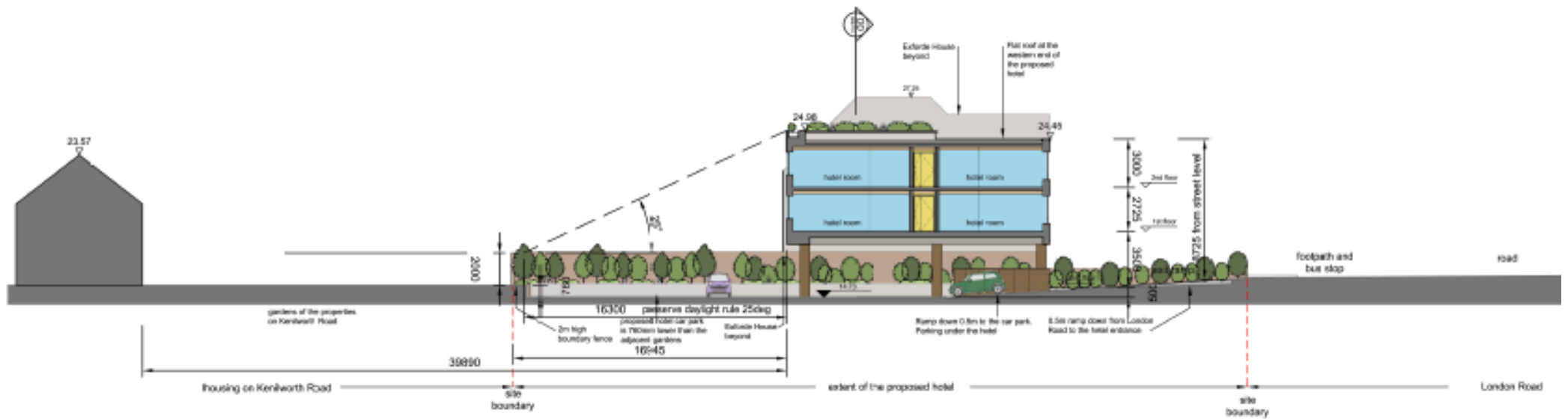


East Elevation  
Scale 1:200

South Elevation  
Scale 1:200



West Elevation  
Scale 1:200



Section A - A  
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Section C - C  
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17/00560/FUL

Scale 1:500

55A Woodthorpe Road, Ashford.

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# Planning Committee

23 August 2017



<b>Application No.</b>	17/00560/FUL		
<b>Site Address</b>	55A Woodthorpe Road, Ashford		
<b>Proposal</b>	Redevelopment of the site to provide one building comprising 9 apartments with associated parking and communal amenity space, following demolition of existing retail/commercial premises and outbuildings and one flat.		
<b>Applicant</b>	Mr P Griffiths		
<b>Ward</b>	Ashford Town		
<b>Case Officer</b>	John Brooks		
<b>Application Dates</b>	Valid: 4.4.2017	Expiry: 30.5.2017	Target: Over 8 weeks
<b>Executive Summary</b>	<p>The principle of residential development is acceptable and meets an acknowledged housing need. The scheme is well designed and will result in a significant improvement to this prominent corner site which is currently primarily in commercial use with a collection of unattractive buildings.</p> <p>The scheme meets all of the Council's design criteria and also provides adequate parking. It will also reduce the number of vehicular access points to the site, lead to less vehicle movements than with the current commercial use and result in a small improvement to highway safety.</p>		
<b>Recommended Decision</b>	Approve		

## **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:

- SP2 (Housing provision)
- HO1 (Providing for New Housing Development)
- HO4 (Housing Size and type)
- HO5 (Density of Housing Development)
- EM2 (Employment Development on Other Land)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN5 (Buildings of Architectural and Historic Interest)
- EN15 (Development on land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

### **2. Relevant Planning History**

16/01565/FUL – Redevelopment of the existing site to provide 13 apartments following demolition of existing buildings. Refused 12 November 2016

### **3. Site Description**

3.1 The site is 0.16ha and is located on the north east corner of the junction of Stanwell Road and Woodthorpe Road. It is primarily in a commercial use selling kitchens, bathroom and bedroom fittings and has a number of buildings on the site with a combined commercial internal floor space of 409 m<sup>2</sup>. It has one 2 bed flat on the upper two floors of the main building of 109m<sup>2</sup>. The site includes land to the rear of the existing maisonettes at No. 53 Woodthorpe Road.

3.2 The existing premises, whilst tidy, present a varied collection of generally unattractive buildings which provide a poor visual outlook at these crossroads and important approach to Ashford town centre.

### **4. Description of Current Proposal**

4.1 The proposal involves the erection of a single building providing 9 flats (5x1bed and 4x2 bed) over three floors with the top floor of accommodation provided within the roof space. The design involves a hipped clay tile roof with an accentuation of the height at the corner nearest the road junction, an

articulation of the elevations on all four sides and a detailing which successfully enables the building on this prominent corner site to appropriately face the two main elevations fronting both Woodthorpe Road and Stanwell Road.

- 4.2 The building has a maximum height of 9.18 metres nearest the road junction (furthest from No.53 Woodthorpe Road). The existing building on site is 9.5 m) At the point adjoining the flats at No. 53 (some 8.3 m tall) the building has a height of 8.65m. The design reflects an appropriate 'stepping down' in scale toward the existing adjoining buildings.
- 4.3 Amenity space is provide around the building and in particular to the rear of the site where parking for the development is also provided. Some of this amenity space and parking provision also serves the retained 4 maisonettes at No. 53 Woodthorpe Road. The combined vehicular access point to serve the new development at No.55 and the existing flats at No.53 is provided between No. 53 and 51 Woodthorpe Road some 42 metres distance from the Stanwell Road junction. Other existing access point to the site and closer to Stanwell Road will be closed off. A total of 18 parking spaces are to be provided on the site.
- 4.4 The current proposal has been reduced in number of units and scale compared to the previous proposal in 2016 (16/01565/FUL) and together with the improved design overcomes the reasons that scheme was refused.

## 5. Consultations

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

Consultee	Comment
<b>County Highway Authority</b>	No response received but advised in respect of the previous application the need for standard conditions requiring the construction of a 'bellmouth' type vehicular access with tactile paving, a Construction Transport Management plan and closure of redundant access points. Informatives relating to works on the highway also proposed. Any further response will be reported orally at the meeting.
<b>Conservation Consultant</b>	Redevelopment of this corner site will bring about an improvement to the general visual quality of the wider area and the setting of St Hilda's Church – a grade II listed building on the opposing corner of the road junction.
<b>Environmental Health (Noise)</b>	No objections but recommend standard conditions relating to the soundproofing of dwellings.
<b>Environmental Health (Pollution)</b>	No response. Any comments received will be reported orally at the meeting.

<b>Sustainability</b>	Satisfied renewable energy requirements will be met.
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## **6. Public Consultation**

- 6.1 27 properties were notified of the planning application. 3 letters of objection received raising the following points:
- Will make parking on Woodthorpe Road worse – need permit parking in this section.
  - Increased traffic and greater safety issues
  - Not enough parking
  - Potential increased congestion due to proximity to the Stanwell road junction.

## **7. Planning Issues**

- Need for housing
- Design and amenity
- Impact on a listed building
- Highways issues
- Parking provision

## **8. Planning Considerations**

### Principle of Housing Development

- 8.1 In terms of the principle of housing development regard must be had to paragraph 47 of the National Planning Policy Framework (NPPF) which states: “ *When considering planning applications for housing local planning authorities should have regard to the government’s requirement that they boost significantly the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent with policies set out in the National Planning Policy Framework* “.
- 8.2 The government also requires housing applications to be considered in the context of the presumption of sustainable development. Relevant policies for the supply of housing cannot be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable site (NPPF para 49).
- 8.3 The Council has embarked on a review of its Local Plan and accepts that the housing target in its Core Strategy and Policies DPD (CS&PDPD) -Feb 2009 of 166 dwellings per annum is significantly short of its latest objectively assessed need of 552-757 dwellings per annum (Para 10.42 – Strategic Housing Market Assessment – Runnymede and Spelthorne – Nov 2015). On the basis of its objectively assessed housing need the Council is unable to demonstrate a five-year supply of deliverable sites.
- 8.4 Para 14 of the NPPF stresses the presumption in favour of sustainable development and that proposals which accord with a development plan

should be approved without delay. When the development plan is absent, silent or relevant policies are out of date, permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole or specific policies in this Framework indicate development should be restricted.”* This application must be considered having regard to the above requirements of Para 14 of the NPPF.

- 8.5 Taking into account the above and adopted policy HO1, which encourages new housing development, it is considered that particular weight should be given to the use of this urban site for housing.

Housing type, size and density

- 8.6 Policy H04 of the CS&P DPD and the Council's Supplementary Planning Document (SPD) on Housing Size and Type seeks 80% of dwellings in development of 4 or more units to be 1 or 2 bed in size. This is to ensure the Borough's overall dwelling stock meets the demands that exist including the greater demand for smaller dwellings. The provision of 5x1 bed and 4x2 bed flats helps to meet this need and therefore the proposed dwelling mix is acceptable.
- 8.7 The government's technical Housing Standards prescribe minimum internal floor space standards for different sizes of dwelling. All of the 9 units proposed exceed these standards and therefore on this point are acceptable.

Density

- 8.8 Policy HO5 of the CS&P DPD sets out general guidance on density although this must be interpreted in the context of the particular mix of dwellings proposed. For this area a density range of 45 – 75dph is given as a guide. The application site includes the existing 4 flats at No. 53 therefore with the proposed 9 new flats a total of 13 units will exist on this 0.16ha site giving a density of 81.25. Given the proposed number of small units the overall scale of the new building is in keeping with the character of this locality and the resultant density, in terms of numbers of dwellings per hectare, is considered acceptable and only a little above the guide range.
- 8.9 It is noted that the existing floor space on the site of commercial uses and 1 flat amounts to 518 m<sup>2</sup> (a large amount of this is single storey) and the new development is 675 m<sup>2</sup> albeit occupying a smaller footprint than the existing development. Taking into account also that in height it is less than the existing building the proposal is considered acceptable in density terms.

Design and Appearance

- 8.10 Policy EN1 of the CS&P DPD, which is supported by the Supplementary Planning Document on the 'Design of Residential Extensions and New Residential Development', requires a high standard of design and sub point (a) requires new development to demonstrate that it will:
- “create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated”*
- 8.11 The development has been designed in a way which provides an attractive focal point at this prominent street corner with well-designed proportions and frontages to both streets that it faces with good articulation, design detail and

use of materials. It makes a positive contribution to the wider street scene and character of this locality. It is a marked improvement over the current situation.

#### Impact on Neighbouring Properties

- 8.12 Policy EN1 (b) requires that new development *“achieves a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight, sunlight, or overbearing effect due to bulk, proximity or outlook”*.
- 8.13 There are no infringements of the 45° and 25° guidelines on primary windows to habitable rooms in the flats at No.53. These measures are used to assess any impacts on outlook, privacy or loss of either sunlight or daylight. The design results in a building of a similar scale to No.53 adjoining and avoids any overbearing effect. The objectives of the policy are therefore met.

#### Amenity space

- 8.14 The existing flats at No.53 retain a similar amount of amenity space as they have now albeit with a more open outlook at the rear which enhances its potential value. For the 9 new flats 240m<sup>2</sup> of amenity space would be required (based on the guidance in the Council's Design SPD) and 380m<sup>2</sup> is provided. This is therefore satisfactory.

#### Highway Issues and Parking

- 8.15 There is already significant commercial use on the site with public show rooms and also a two bed flat and two vehicular access points with one very close to the junction with Stanwell Road. The Transport Statement explains that the current commercial use and flat generates some 64 trips a day. The new wholly residential scheme will generate 46 single trips a day resulting in a small reduction. Only one access will be retained which, as already described, is between Nos 51 and 53. The other access points and showroom parking directly off the highway will be closed which will result in a modest improvement in highway safety relating to this site.
- 8.16 The scheme provides 18 parking spaces. The existing maisonettes at No 53 currently have 1 space per unit and this level of provision will be retained partly with in the new common parking area. The 9 flats require 13.25 spaces to meet existing parking standards and 14 is provided. Both vehicle and parking standards for the new development are met.
- 8.17 Surrey Highways made no objection on highway grounds to the previous refused scheme for 13 flats and they have made no comments on this reduced proposal.
- 8.18 Whilst representations have been made about parking in Woodthorpe Road, increased traffic and not enough onsite parking I am satisfied that, given the scheme meets the Council' parking standards, traffic generation will be less than the existing use and the County Council has made no objection, there is no factual basis on which objections could be raised.

#### Historic Buildings

- 8.19 The proposal is close to St Hilda's Church which is a grade II listed building. Section 68 of the Listed Building Act 1990 places a general duty on local authorities when considering to grant a planning permission which affects a listed building or its setting to have special regard to the desirability or

preserving the building or its setting or any features of special architectural or historic interest it possesses.

- 8.20 The Council's conservation consultant is satisfied this proposal will bring about an improvement to the general visual quality of the wider area and the setting of St Hilda's Church.

Other matters - Local Finance Considerations

- 8.21 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 is a CIL chargeable development and will generate a CIL Payments based on a rate of £140 per sq. metre of net additional gross floor space. This is a material considerations in the determination of this planning application. The proposal will also generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

Conclusions

- 8.22 The NPPF at para 14 requires permission for housing to be granted unless the impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. There are no significant adverse impacts of this proposal and given it will meet an acknowledged shortfall in housing provision and the scheme will lead to a visual improvement of this prominent site there is a compelling case to approve.

**9. Recommendation**

GRANT 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 and drawings: BO1, P.200, P.201, P.202, P.203, P.204, P.205, P.206, P.207, P.208, P.300 all received on 4 April 2017.

Reason: - For the avoidance of doubt and in the interest of proper planning.



3. Before any work on the development hereby permitted is first commenced details of the materials and detailing to be used for the external surfaces of the building and other external surfaces of the development be submitted to and approved by the Local Planning Authority.

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 policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

4. No development shall take place until:-

(a) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.

(b) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.

(c) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology. The site shall be remediated in accordance with the approved method statement, with no deviation from the statement without the express written agreement of the Local Planning Authority.

Reason:- To protect the amenities of future residents and the environment from the effects of potentially harmful substances.

#### NOTE

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences. An information sheet entitled "Land Affected by Contamination: Guidance to Help Developers Meet Planning Requirements" providing guidance can also be downloaded from Spelthorne's website at [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk). In accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

5. No construction on the buildings shall commence until a report has been submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet

collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of each building and thereafter retained and maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

Reason: - To ensure that the development is sustainable and complies with Policy SP7 and CC1 of the Spelthorne Development Plan Core Strategy and Policies DPD.

6. No construction shall take place until full details of both soft and hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The trees and shrubs shall be planted on the site within a period of 12 months from the date on which development hereby permitted is first commenced, or such longer period as may be approved by the Local Planning Authority, and that the planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason: - To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development.

7. That within 3 months of the commencement of any part of the development permitted, or such longer period as may be approved by the Local Planning Authority, facilities shall be provided within the curtilage of the site for the storage of refuse and waste materials in accordance with the approved plans, and thereafter the approved facilities shall be 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 policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

8. Before any construction commences, details including a technical specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting on the site shall at all times accord with the approved details.

Reason: - To safeguard the amenity of neighbouring residential properties, in the interest of security, and in the interest of wildlife.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details and maintained approved.

Reason:- To protect the amenity of the surrounding area.

10. That the parking spaces shown on the submitted plan be constructed and the spaces shall be completed prior to the completion of the dwellings to which they relate, and thereafter the approved facilities together with the means of access thereto shall be maintained as approved, and be reserved for the benefit of the development hereby permitted.

Reason: - To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway(s) and to ensure that the facilities provided are reserved for the benefit of the development for which they are specifically required, in accordance with policy CC3 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

11. No new development shall be occupied until space has been laid out within the site in accordance with the approved plans to provide secure and covered cycle parking to the satisfaction of the Local Planning Authority and shall thereafter be permanently maintained.

Reason: The condition is required in recognition of Section 4 (Promoting Sustainable Transport) of the National Planning Policy Framework.

12. The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the access to Woodthorpe Road, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

13. No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (h) measures to prevent the deposit of materials on the highway
- (k) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and

14. The development hereby approved shall not be occupied until any redundant accesses or sections of accesses from the site to Woodthorpe Road have been permanently closed and any kerbs, verges, footways are fully reinstated.

Reason: The condition is required in order that the development does not prejudice highway safety or cause inconvenience to other highway users.

15. Prior to the first use or occupation of the development, and on completion of the agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:- To protect the amenities of future residents and the environment from the effects of potentially harmful substances.

#### NOTE

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences. An information sheet entitled "Land Affected by Contamination: Guidance to Help Developers Meet Planning Requirements" proving guidance can also be downloaded from Spelthorne's website at [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk). In accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

16. The dwellings hereby permitted shall be designed to ensure that the following internal noise levels specified by BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings are not exceeded due to environmental noise:

Bedrooms – 35dB LAeqTT\*, 20dB LAeqTT+, 45dB LAFmax T\*

Living Rooms – 35dB LAeqT+

Dining Room – 40dBLAeqT+

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with policy.

#### **Informatives to be attached to the planning permission**

1. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the

intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-andlicences/> the-traffic-management-permit-scheme. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-andcommunity/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-andcommunity/emergency-planning-and-community-safety/flooding-advice).

2. 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](http://www.securedbydesign.com).

3. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

4. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

5. Please note that this application is subject to the payment of Community Infrastructure Levy (CIL). Full details of the charge, how it has been calculated and what happens next are set out in the CIL Liability Notice which will be sent separately. If you have not already done so an Assumption of Liability notice should be sent to the Council as soon as possible and before the commencement of development. Further information on CIL and the stages which need to be followed is available on the Council's website. [www.spelthorne.go.uk/CIL](http://www.spelthorne.go.uk/CIL).

6. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:

- (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
- (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
- (c) Deliveries should only be received within the hours detailed in (a) above;
- (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsters and wheel washes;
- (e) There should be no burning on site;
- (f) Only minimal security lighting should be used outside the hours stated above; and
- (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit. In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme - [www.ccscheme.org.uk/index.php/site-registration](http://www.ccscheme.org.uk/index.php/site-registration).

7. The applicant is advised that the essential requirements for an acceptable communication plan for surrounding properties forming part of a Method of Construction Statement are viewed as:
- (a) how those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme;
  - (b) how neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them;
  - (c) the arrangements that will be in place to ensure a reasonable telephone response during working hours;
  - (d) the name and contact details of the site manager who will be able to deal with complaints; and
  - (e) how those who are interested in or affected will be routinely advised regarding the progress of the work. Registration and operation of the site to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements.

### **Article 2(3) Development Management Procedure (Amendment) Order 2012**

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:-

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.

- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
- c) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.





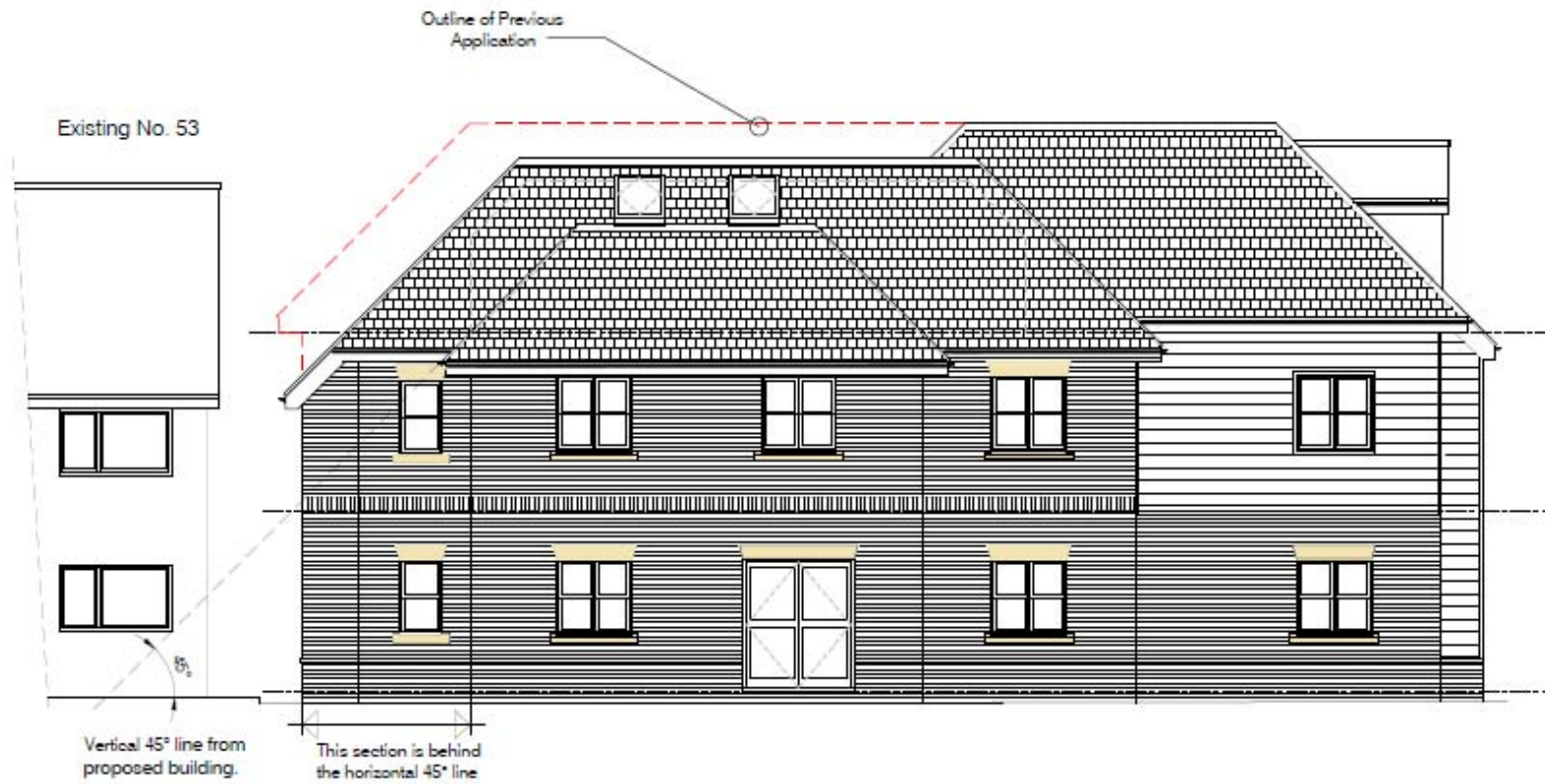




PROPOSED FRONT ELEVATION



PROPOSED EAST ELEVATION



PROPOSED REAR ELEVATION

**-PLANNING APPEALS****LIST OF APPEALS SUBMITTED BETWEEN 25 MARCH AND 20 APRIL 2017**

<b><u>Planning Application Number</u></b>	<b><u>Inspectorate Ref.</u></b>	<b><u>Address</u></b>	<b><u>Description</u></b>	<b><u>Appeal Start Date</u></b>
16/01357/FUL	APP/Z3635/W/17/3175192	London Irish Rugby Football Club The Avenue Sunbury On Thames TW16 5EQ	(Replacement of 4 no. detached 5 bedroom dwellings and) construction of 24 no. flatted residential units, parking, landscaping and associated works.	14.07.2017
16/01641/LBC	APP/Z3635/Y/17/3173999	Fresh Image Training 13 - 15 High Street Staines-upon-Thames TW18 4QY	Display of advertisement for gym (retrospective) on side wall	24.07.2017
17/00412/HOU	APP/Z3635/D/17/3176995	Willowmead Dunally Park Shepperton TW17 8LJ	Erection of a part two storey part single storey front extension.	21.07.2017
16/00370/FUL	APP/Z3635/W/17/3177681	Lookrite 13 Broadway Kingston Road Staines-upon-Thames	Change of use from hairdresser (class A1) and part of first floor flat (class C3) to a hot food takeaway (class A5) and external alterations including installation of extraction and ventilation equipment. (Appeal against condition restricting hours of opening).	25.07.2017

## APPEAL DECISIONS RECEIVED BETWEEN 13 JULY AND 10 AUGUST 2017

<b>Site</b>	11 Springfield Grove, Sunbury on Thames.
<b>Planning Application No.:</b>	17/00288/HOU
<b>Proposed Development:</b>	Erection of first floor front extension.
<b>Appeal Reference:</b>	APP/Z3635/D/17/3177081
<b>Appeal Decision Date:</b>	20/07/2017
<b>Inspector's Decision</b>	The appeal is allowed
<b>Reason for Refusal</b>	The proposed first floor front extension, by virtue of its location and design with a gable feature is considered to result in a development which would have a detrimental impact upon the character and appearance of the existing dwelling and the local area and will be visually obtrusive in the street scene. This is contrary to Policy EN1 of the Core Strategy & Policies DPD (2009) and guidance contained in the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development (2011).
<b>Inspector's Comments:</b>	The Inspector commented that the main issue was the effect of the proposed extension on the character and appearance of the area. The Inspector noted that no other properties had a first floor front extension but highlighted that due to various alterations to other properties, there was a variation in the design and style in the street scene. The Inspector concluded that the proposed extension would not project further forward than the existing front element and its design would provide a sub-servient element. The variation in design would maintain the existing variety shown within the houses on the south side of Springfield Grove. It was concluded that the proposed extension would make a positive contribution and subject to matching materials would pay due regard to the scale, height, materials and other characteristics of the area. It would therefore comply with Policy EN1 of the CS&P DPD (2009).

<b>Site</b>	Communication Station adjacent to 2 Worple Avenue, Staines-Upon-Thames
<b>Planning Application No.:</b>	16/01953/T56

<b>Proposed Development:</b>	Replacement of existing 8m monopole and the installation of a 10m Alpha 26 monopole and installation of pogona cabinet and associated development.
<b>Appeal Reference:</b>	APP/Z3635/W/17/3171906
<b>Appeal Decision Date:</b>	14/07/2017
<b>Inspector's Decision</b>	The appeal is allowed
<b>Reason for Refusal</b>	The proposed telecommunications mast, in view of its siting, increased height and design and bulk would appear visually intrusive in the street scene and would therefore have an adverse impact upon visual amenity of the area when viewed from the public highway and adjoining residential properties alike. The proposal therefore does not comply with Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (2009).
<b>Inspector's Comments:</b>	The Inspector commented that the main issue was the effect of the siting and appearance of the development upon the character and appearance of the area. The Inspector noted that the proposal would improve mobile phone coverage and capacity in the area. While acknowledging that the proposed monopole would be higher and slightly wider than the existing, because of its slim appearance and separation distances to nearby properties, it was not considered that it would have a materially greater impact upon the character and appearance of the area than the existing mast. The Inspector also considered that the mast would not result in any significant loss of outlook for the occupiers of neighbouring residential properties nor would the additional equipment cabin have a materially greater adverse effect upon the street scene. The Inspector concluded that the proposal would be acceptable in terms of its siting and design and would not have a significantly detrimental impact upon the character and appearance of the area and would accord with the design and amenity aims of Policy EN1 of the CS&P DPD (2009).

<b>Site</b>	31 Glebeland Gardens, Shepperton.
<b>Planning Application no.:</b>	16/01803/FUL
<b>Proposed Development:</b>	Erection of new 1 bed maisonette on land adjoining existing house.
<b>Appeal Reference:</b>	APP/Z3635/W/17/3167116

<b>Appeal Decision Date:</b>	20/07/2017
<b>Inspector's Decision</b>	The appeal is dismissed
<b>Reason for Refusal</b>	The proposed development, by virtue of its design, size, bulk and mass including an undercroft parking area which provides a parking space below parking size standards and the inclusion of a supported part of the building to allow for access to the Right of Way represents an incongruous form of development and the overdevelopment of the site that would be detrimental to the character and appearance of the area and contrary to Policy EN1 and CC3 of the Spelthorne Core Strategy and Policies Development Plan Document (2009).
<b>Inspector's Comments:</b>	The Inspector commented that the main issues are 1) the effect of the proposal on the character and appearance of the area and 2) the adequacy of the proposed parking arrangements. The Inspector noted that there was a unified appearance to the appearance of the properties in the terrace. However, he commented that for the proposed development there would be a different design approach at ground floor level to allow for a right of way that crosses the site. The Inspector considered that the character and appearance of the maisonette would contrast sharply with that of other dwellings in the terrace, particularly due to its conspicuous location, being the first property within the terrace and would not comply with Policy EN1 of the Core Strategy and Policies DPD. In terms of parking, the undercroft space at a depth of 4m is below the standard size for a parking space and would result in visibility and pedestrian safety issues, conflicting with Policy CC3 of the CS&P DPD (2009). The Inspector concluded that the development would have a significantly adverse effect on the character and appearance of the area, and that the proposed parking area would be unsatisfactory and would be in conflict with the development plan and the NPPF.

#### **FUTURE HEARING / INQUIRY DATES**

<b>Council Ref.</b>	<b>Type of Appeal</b>	<b>Site</b>	<b>Proposal</b>	<b>Case Officer</b>	<b>Date</b>
16/00135/ FUL	Hearing	The Paddocks rear of 237 - 245 Hithermoor Road, Stanwell Moor	Siting of static mobile home for one family.	KW/LT	TBA



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