



*Please reply to:*

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Date: 26 February 2019

## **Notice of meeting**

### **Planning Committee**

**Date:** Wednesday, 6 March 2019

**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)  
H.A. Thomson (Vice-Chairman)  
C. Barnard  
R.O. Barratt  
I.J. Beardsmore

S.J. Burkmar  
S. Capes  
R. Chandler  
S.M. Doran  
Q.R. Edgington

T.J.M. Evans  
M.P.C. Francis  
A.L. Griffiths  
J.R. Sexton  
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 - 14  
To confirm the minutes of the meeting held on 6 February 2019 and the extraordinary meeting held on 12 February 2019.
  
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.  
  
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.
  
4. **Two Rivers Bar and Restaurant, 43 Church Street, Staines upon Thames - 18/01533/FUL** 15 - 40  
*Staines Ward*  
Demolition of existing public house and erection of a 4-storey building comprising 11 residential units with Use Class A3 (restaurant/café) unit at ground floor, associated parking and landscaping.  
**Officer recommendation:** to approve the application
  
5. **103 London Road, Staines upon Thames, TW18 4HN - 18/01282/FUL** 41 - 68  
*Staines Ward*  
  
Change of use from Class B1 to Class C3 and the demolition of the existing building, followed by the erection of a 4 storey building comprising 8 no.1 bedroom flats and 1 no.2 bedroom flat together with associated parking and amenity space.  
**Officer recommendation:** to approve the application
  
6. **Land Adjoining 42 King George Close and 11 And 12 Camilla Close, Sunbury On Thames, TW16 7NW - 18/01404/FUL** 69 - 94  
*Sunbury Common*  
  
Erection of 3 no. dwellings comprising one no. two storey 3 bed

house and 2 no. one bed 2 storey back to back units with parking and landscaping

**Officer recommendation:** to approve the application

- |            |   |                  |
|------------|---|------------------|
| <b>7.</b>  | <b>Planning Appeals Report</b>  | <b>95 - 104</b>  |
|            | To note details of the Planning appeals submitted and decisions received between 19 December 2018 and 18 February 2019.   |                  |
| <b>8.</b>  | <b>Urgent Items</b>   |                  |
|            | To consider any items which the Chairman considers as urgent.   |                  |
| <b>9.</b>  | <b>Exempt Business</b>  |                  |
|            | 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.   |                  |
| <b>10.</b> | <b>Exempt Report on Planning Appeal</b>   | <b>105 - 120</b> |
|            | <b>Reason for exemption</b>   |                  |
|            | 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  
6 February 2019**

**Present:**

Councillor R.A. Smith-Ainsley (Chairman)

Councillor H.A. Thomson (Vice-Chairman)

**Councillors:**

C. Barnard

S.M. Doran

J.R. Sexton

R.O. Barratt

T.J.M. Evans

R.W. Sider BEM

I.J. Beardsmore

M.P.C. Francis

S.J. Burkmar

N. Islam

**Apologies:** Apologies were received from Councillors Q.R. Edgington and A.L. Griffiths

**29/19 Minutes**

The minutes of the meeting held on 9 January 2019 were approved as a correct record.

**30/19 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 R.A. Smith-Ainsley reported that he had spoken to the applicant and agent upon their arrival at the meeting but had maintained an impartial role, had made no comment and had kept an open mind.

**31/19 Bugle Nurseries, 171 Upper Halliford Road, Shepperton -  
18/01561/OUT**

This application was **withdrawn** by the applicant on 6 February 2019 and a decision could therefore not be made on it.

**32/19     The Old Post Office, 1 Knapp Road, Ashford - 18/01424/FUL**

**Description:**

Conversion and alterations to existing former post office building to provide 6 flats, erection of new two storey building to provide 8 flats following demolition of outbuildings together with car parking, landscaping, access and associated works.

**Additional Information:**

The Strategic Planning Manager advised that one late letter of objection had been received raising some of the same issues as noted in the Committee report and in addition:-

- Public transport is inadequate
- Refuse collection- regard must be had to when collections take place
- Loss of tree at school site recently
- Display of Planning Applications - any plans for Ashford should be the concern of every single resident.
- Development is unnecessary

**Public Speaking:**

In accordance with the Council's procedure for speaking at meetings, Malcolm Beecher spoke against the proposed development raising the following key points:

- No consideration given to access to leisure facilities by public transport
- Inadequate parking facilities
- Will lead to excessive parking congestion in Village Way

In accordance with the Council's procedure for speaking at meetings, Andrew Badosz spoke for the proposed development raising the following key points:

- Will secure long term use for this landmark building
- Will lead to significant reduction in large lorry movements
- Will improve safety for school children
- The site is in a sustainable location
- Development complies with the NPPF

**Debate:**

During the debate the following key issues were raised:

- Inadequate parking
- Scheme is of a good design retaining character of original locally listed building
- Car parking provision inadequate for the site
- Lack of recreational provision in Ashford and insufficient public transport to access elsewhere
- Impact of parking on Village Way
- Site is within the town centre; development can either take place in town centre locations or within the green belt

- Easy to get to surrounding leisure facilities; can cycle to these
- Existing traffic situation will be improved
- Dwellings are needed in the borough
- A “titled balance” in favour of approval exists as set out in the NPPF

Due to an equality of votes for and against the proposal to approve the application the Chairman used his second, or casting, vote to determine the application.

**Decision:**

The application was **approved** subject to conditions as set out in the Officer’s report.

**33/19     Urgent Items**

There were none.

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**Minutes of the Planning Committee  
12 February 2019**

**Present:**

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

**Councillors:**

C. Barnard	R. Chandler	N. Islam
R.O. Barratt	S.M. Doran	J.R. Sexton
I.J. Beardsmore	T.J.M. Evans	R.W. Sider BEM
S.J. Burkmar	M.P.C. Francis	

**Apologies:** Apologies were received from Councillor Q.R. Edgington

**In Attendance:**

Councillors who are not members of the Committee attended the meeting and spoke as the application was in their ward:

Councillor M.M. Attewell  
Councillor M.J. Madams

The following Councillors also attended the meeting but did not speak:

Councillor I.T.E. Harvey  
Councillor A.C. Harman  
County Councillor R. Walsh

**34/19 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 R.A. Smith-Ainsley declared that councillors had attended meetings and a variety of functions, including mayoral and charity events at Shepperton Studios. The facilities had, on occasions, been provided without charge but there had been no personal pecuniary interest.

A site visit had been offered to councillors.

Councillors R.A. Smith Ainsley, H.A. Thomson, C. Barnard, R.O. Barratt, I.J. Beardsmore, S. Burkmar, R. Chandler, S. Doran, T. Evans, M. Francis, N. Islam, J. Sexton and R.W. Sider BEM reported that they had received correspondence in relation to application 18/01212/OUT, Shepperton Studios, Studios Road, Shepperton, TW17 0QD but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor Smith-Ainsley had also attended a presentation on the proposals but had kept an open mind and made no comment.

Councillors M. Attewell and M. Madams, Ward Councillors for Laleham and Shepperton Green, also reported that they had received correspondence in relation to the application.

**35/19 Shepperton Studios, Studios Road, Shepperton. TW17 0QD - 18/01212/OUT**

**Description:**

This application sought outline planning permission with all matters reserved (except for principal points of access) for the redevelopment and expansion of Shepperton Studios, comprising the partial demolition and replacement of existing accommodation; construction of new sound stages, workshops, office accommodation, entrance structures and reception, security offices and backlots; creation of new vehicular and pedestrian access from Shepperton Road and the relocation of existing access off Studios Road; with associated car parking; landscaping and ecological enhancements.

**Additional Information:**

The Planning Development Manager informed the Committee of the following updates:

Para 4.15 – 5<sup>th</sup> column heading should read A-B+C

Para 22.2 – The reason for referring the application to the Secretary of State is as follows:

The proposal is “Green Belt development” which includes inappropriate development on land allocated for Green Belt in our adopted local plan and which, by reason of its scale, nature and location, would have a significant impact on the openness of the Green Belt.

Para 22.3 page 71 –

In the event that the Secretary of State does not call the application in but the s106 agreement is not completed to our satisfaction, the additional reasons for refusal should reflect the terms in the s106:

2. The development fails to provide adequate measures to mitigate increased traffic movements in the locality contrary to Policies SP7 and CC2 of the Core

Strategy and Policies DPD 2009 and the principles set out in the National Planning Policy Framework.

3. The development fails to satisfactorily mitigate the adverse impact of the proposal on the setting, landscape and views of the River Ash and fails to compensate for the adverse impacts on the biodiversity of the site; contrary to policies SP6, EN1, EN8 and EN9 of the Core Strategy and Policies DPD 2009.

3 late representations have been received:

Shepperton Studios had submitted a letter in support of the application with a document titled 'Briefing to Members of the Planning Committee' and newsletter.

The applicant advised that this was sent to members of the planning committee and Ward members. It had been uploaded to the Council's website.

Laleham Residents Association had submitted a letter of objection regarding the proposal being inappropriate development in the Green Belt and the weight afforded to the national economic interest.

One other letter of objection had been received on the following grounds:

- Preservation of the Green Belt
- The inadequacy of the very special circumstances
- The scale of development
- Inadequate transportation mitigation measures
- Inadequate community benefits

**Public Speaking:**

In accordance with the Council's procedure for speaking at meetings, David Furst spoke against the proposed development raising the following key points:

- Inappropriate development within the Green Belt
- Green Belt is performing strongly in the Arup Green Belt Review
- Limited number of jobs to be created in Spelthorne
- Lots of jobs will be created with the expansion of Heathrow
- Applicant has taken the lazy and easy option to expand on Green Belt land – no attempts to look at alternative sites – should be located in employment area
- No very special circumstances exist
- Increased traffic is projected
- Minimal financial benefit to Spelthorne
- Is not of benefit to local residents
- Applicant is a private equity firm

In accordance with the Council's procedure for speaking at meetings, Ken Snaith spoke against the proposed development raising the following key points:

- No very special circumstances exist
- Will drive a coach and horses through the Green Belt
- Green Belt is performing strongly in the Arup Green Belt Review
- National Economic policy is not defined in the NPPF as very special circumstances
- Will result in an industrial estate in the Green Belt

In accordance with the Council's procedure for speaking at meetings, Stuart Boyle spoke against the proposed development raising the following key points:

- Traffic impact on Charlton Village
- Major impact
- Increased pollution
- Increased risk of accidents

In accordance with the Council's procedure for speaking at meetings, Andrew Smith spoke for the proposed development raising the following key points:

- Proposal is a remarkable opportunity
- Last year the UK was the leading destination for feature films - £2billion was spent but demand is not being met
- More production space is needed at Shepperton Studios
- Will lead to £500 million pound investment
- Site is too small and cramped for Blockbuster productions
- Considered relocating or having a spilt site but this is not viable
- Application site is in the right location.
- Productions are being lost to other international locations
- Very special circumstances exist for development within the Green Belt
- The national economic case is compelling
- There are also other considerations which give substantial weight
- Will protect jobs
- Will create new jobs
- Business opportunities
- Highway improvements proposed
- Will provide improvements to the River Ash Corridor
- Uncertainty for the film industry if this is not approved

In accordance with the Council's procedure for speaking at meetings, Paul Golding spoke for the proposed development raising the following key points:

- The film industry is inclusive of race, gender and all levels of academic achievement
- Shepperton Studios has engaged young local people in employment and job experience

In accordance with the Council's procedure for speaking at meetings, Councillor Madams spoke as Ward Councillor for the proposed development raising the following key points:

- Development will have a major influence
- Has received mixed correspondence for and against the application
- Shepperton Studios is an iconic part of the Borough
- Shepperton Studios cannot be lost to the borough
- The studios work with the local community
- The applicant has to be able to demonstrate very special circumstances

In accordance with the Council's procedure for speaking at meetings, Councillor Attewell spoke as Ward Councillor against the proposed development raising the following key points:

- Supports the local residents who object to the scheme
- Will cause excessive traffic
- Impact of the development on the local residents
- Concern over the location of the parking spaces
- Overbearing impact of development on existing dwellings
- Letting residents down

**Debate:**

During the debate the following key issues were raised:

- Inappropriate development
- Very special circumstances have been put forward to approve
- Very special circumstances have not been put forward to approve – relies on national economic case
- Green Belt is sacrosanct
- Unsure why the report concludes that the application should be approved
- Development needs to be looked at in the round
- Current site is at capacity
- Choice is to expand and meet demand or decline
- Locality has a critical mass of expertise
- If not approved film making will move internationally
- Traffic concerns
- The final decision will be made by the Secretary of State
- Cannot rely on the decision being made by the Secretary of State
- An appeal would cost the Council a lot of money
- Clarification required on the process of referral if approved or process if refused by the Committee
- The case has not been made to approve
- Economic benefits
- Residents have raised concerns
- Unattractive appearance
- Will result in an industrial estate in the Green Belt
- Need to consider the growth of the film industry
- Proposal is in the national interest

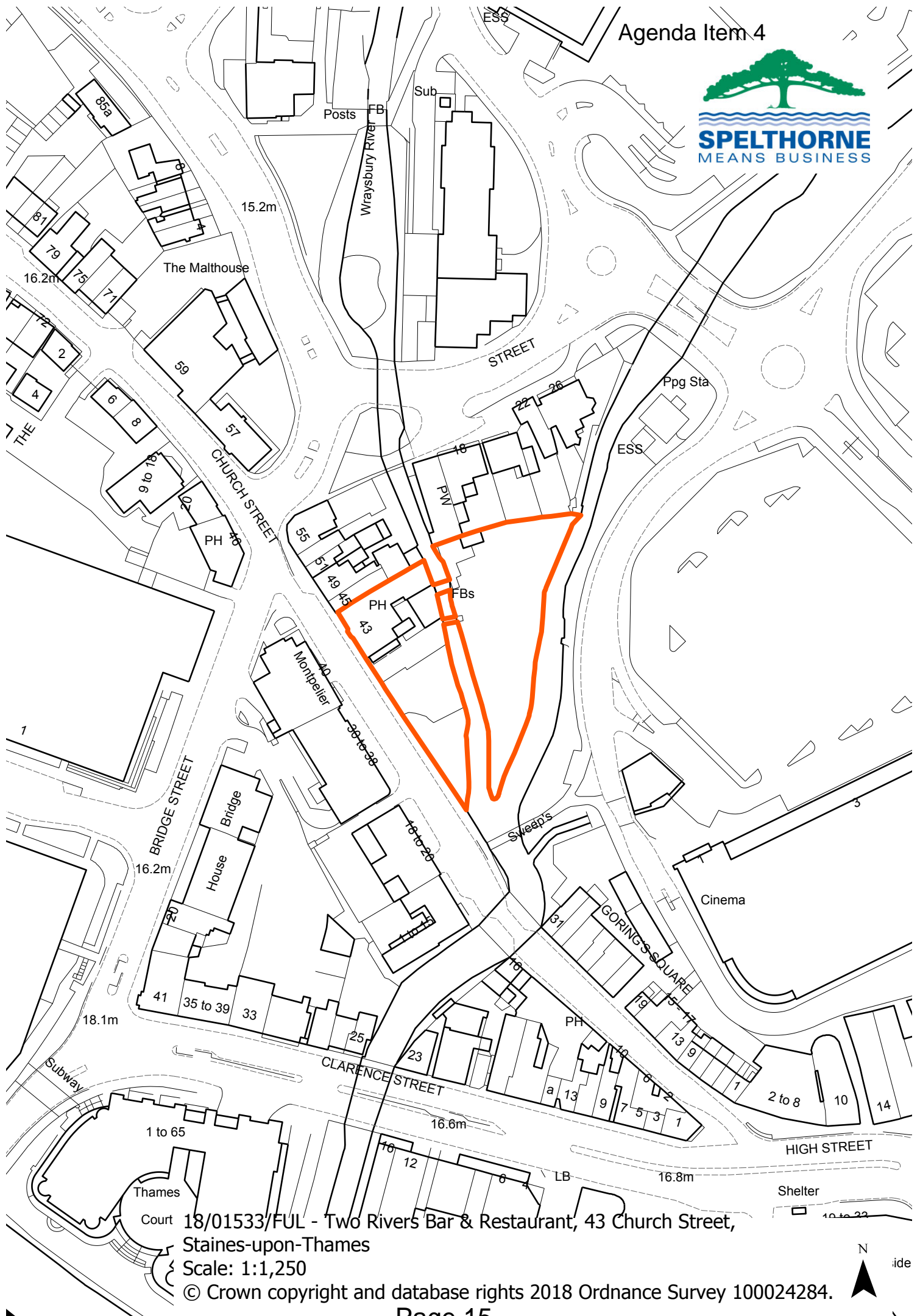
- There has been no objection from Surrey Highways Authority
- Will help to satisfy the increasing demand for film facilities
- Economic benefits are supported by Government policy
- Supporters of the scheme are not local neighbours
- Shepperton Studios has been a good neighbour to the community for many years
- If approved, need to apply restrictions to protect residents
- The application is in outline, unclear what is being applied for / inadequate information
- Impact on St Mary's Church
- Lighting concerns
- The studios are iconic
- Proposal provides the key to the film industry in the UK
- Will assist as UK moves forward after Brexit
- Provides opportunities for small businesses
- The applicant has created this problem by selling off housing in the past

Councillor Islam requested that a recorded vote was taken on the motion to approve the outline application. The voting was as follows:

<b>FOR APPROVAL (7)</b>	Councillors R. Smith-Ainsley, H. Thomson, C. Barnard, S. Burkmar, R. Chandler, M. Francis, R. Sider BEM
<b>AGAINST (6)</b>	Councillors R. Barratt, I. Beardsmore, S. Doran, T. Evans, N. Islam, J. Sexton

**Decision:**

The application to approve and refer to the Secretary of State as set out in the Planning Committee report and amended above was **approved**.



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## Planning Committee

06 March 2019



<b>Application No.</b>	18/01533/FUL		
<b>Site Address</b>	Two Rivers Bar and Restaurant, 43 Church Street, Staines upon Thames		
<b>Proposal</b>	Demolition of existing public house and erection of a 4-storey building comprising 11 residential units with Use Class A3 (restaurant/café) unit at ground floor, associated parking and landscaping.		
<b>Applicant</b>	4D Studio		
<b>Ward</b>	Staines		
<b>Call in details</b>	N/A		
<b>Case Officer</b>	Paul Tomson/Susanna Angell		
<b>Application Dates</b>	Valid: 13.11.2018	Expiry: 12.02.2019	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 4-storey building to provide a Use Class A3 (restaurant/café) on the ground floor and 11 flats on the upper floors.</p> <p>The site is located within Staines-upon-Thames town centre, within the designated Employment Area and the Secondary Shopping Area, and the principle of redeveloping the site to provide a new commercial unit on the ground floor and 11 flats on the upper floors is considered acceptable. Whilst the site is located within the Staines Conservation Area, the existing building is not statutory Listed (nor 'locally listed') and there is no objection to its demolition. The design and appearance of the new building is considered acceptable and would preserve and enhance the conservation area. It is not considered that the proposal would have a harmful impact on the amenity of neighbouring properties to justify a refusal of planning permission. The proposed car park will be located in a similar location to the existing car park and the impact on the adjoining highway is considered acceptable. The impact on flooding is also considered acceptable.</p>		
<b>Recommended Decision</b>	The 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:

- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- EM1 (Employment Development)
- TC1 (Staines Town Centre)
- TC2 (Staines Town Centre Shopping Frontage)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN4 (Provision of Open Space and Sport and Recreation Facilities)
- EN5 (Buildings of Architectural and Historic Interest)
- EN6 (Conservation Areas, Historic Landscapes, Parks and Gardens)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- 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)

1.2 It is also considered that the following Saved Local Plan Policy is relevant to this proposal:

- BE26 (Archaeology)

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

- SPD on Design of Residential Extensions and New Residential Development 2011.

- SPD on Flooding 2012.
- SPG on Parking Standards Updated 2011.

- 1.4 The advice contained within the National Planning Policy Framework (NPPF) 2018 is also relevant.

## 2. **Relevant Planning History**

OUT/P7436      Erection of six shops with flats over      Refused  
22/07/1965  
[Land adjoining 'The Phoenix' Public House]

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

- 3.1 This application relates to the Two Rivers public house (formerly known as The Phoenix), which is a site of approximately 0.24 hectares located on the eastern side of Church Street in Staines-upon-Thames. The site comprises the public house in the north-western corner fronting the street, the car park to the south, and the substantial beer garden to the east. The Wraysbury River runs through the site. The River Colne is located to the east. The two rivers merge at the southern end of the site. The existing building is not statutory listed, nor is it locally listed.
- 3.2 To the north of the site is the terrace of 45 – 55 Church Street, which comprises commercial units on the ground floor and flats above. This particular terrace is 'locally listed'. To the north of the beer garden are the residential properties of 18 – 26 Hale Street. To the south is the confluence of the Wraysbury and Colne rivers. To the east, on the other side of the River Colne is the Two Rivers Shopping Centre. To the west, on the other side of Church Street are the office buildings of Montpelier House, 30-38 Church Street, and 18-20 Church Street. The character of the area is varied with a mix of commercial and residential properties typical of a town centre location.
- 3.3 The site is subject to a number of planning constraints. These are summarised below: -
- Within urban area
  - Staines Conservation Area
  - Designated Employment Area
  - Secondary Shopping Area
  - Area liable to flood
  - Site of High Archaeological Potential
  - Area of Protected Urban Open Space
- (Officer note: this relates to the area of land to the south of the existing public house within the application site)*
- 3.4 The proposal involves the demolition of the existing public house and the erection of a new 4-storey building comprising a commercial unit on the ground floor (Use Class A3) and 11 flats on the first, second and third floors. The proposed building will measure 16.8m in width, 26m in depth and up to 14.8m in height. It will be faced with buff coloured brickwork, stone pilasters between the shop windows, and slate roof tiles. There will be a clock tower on the south-western corner of the building. 10 no. parking spaces will be

provided. All of the flats will be occupied as market housing (i.e. privately owned). The applicant has confirmed that the former beer garden will be used by the proposed A3 premises to provide external eating and drinking facilities.

- 3.5 The scheme has been amended since it was first submitted. The changes have involved removing the hardstanding and access towards the southern part of the site to safeguard the health and condition of existing trees and to ensure the landscape buffer zone adjacent to the Wraysbury River is maintained. As a consequence, the parking area has been reduced from 12 to 10. In addition, some external balconies have been removed and changes made to the fenestration.
- 3.6 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	No objection subject to conditions
Environment Agency	No objection subject to conditions
Group Head of Neighbourhood Services	No objection
Sustainability Officer	No objection
Local Lead Flood Authority (Surrey County Council)	No objection subject to conditions
County Archaeologist	No objection subject to condition
Crime Prevention Officer	No objection
Victorian Society	No comments received
Surrey Wildlife Trust	No objection
Tree Officer	No objection following the receipt of amended plans showing the reduction in the size of the parking area.
Thames Water	No objection
Environmental Health (Contaminated land)	No objection subject to conditions
Environmental Health (Air Quality)	No objection subject to conditions
Conservation Officer	Considers the scheme to be a positive contribution to the conservation area.
Environmental Health (Noise)	No objection subject to conditions

## **5. Public Consultation**

5.1 31 properties were notified of the planning application. A statutory site notice was displayed and the application was advertised in the local press. A total of 8 letters of objection have been received (2 letters are from the same household), including a letter of objection from the Staines Town Society and a letter of objection from CAMRA (Campaign for Real Ale). Reasons for objecting include:-

- Loss of this local landmark/historic pub
- Loss of access to river frontage
- Area already overcrowded
- There is already an ample supply of flats in the vicinity, some struggling to sell
- Insufficient parking for number of flats
- Proposal is too bulky and out of scale surroundings
- Would have an overbearing impact on the locally listed smaller scale properties
- The design of the block is unsympathetic to its surroundings and remains too tall and overbearing within its surroundings
- Scale would create an oppressive corridor at the junction of Church Street and Wraysbury Road
- Clock tower appears completely out of keeping with the proposed roof design

5.2 A letter has been received from the applicant responding to the comments made in the letters of objection from third parties.

## **6. Planning Issues**

- Principle/loss of public house
- Need for housing
- Housing density
- Design, appearance and effect on the Staines Conservation Area.
- Residential amenity
- Highway issues
- Parking provision
- Flooding

## **7. Planning Considerations**

### **Principle/loss of public house**

7.1 The Public House is not listed (nor is it 'locally listed') and therefore there is no objection to the loss of the building subject to its replacement with a high quality development which respects the character of the Conservation Area. The loss (demolition or change of use) of public houses now require planning permission following recent changes to planning legislation. The public house is not an 'Asset of Community Value' and it is considered that there are no planning policies that would prevent its loss. Whilst the site is located within a designated Employment Area, the proposal will create a replacement commercial unit on the ground floor in the form of a restaurant/café which is

considered acceptable. The proposed new building will not encroach into the existing Protected Urban Open Space.

### Need for housing

- 7.2 In terms of the principle of housing development regard must be had to paragraphs 59-61 of the National Planning Policy Framework (NPPF) 2018 which state the following:-

*“Para 59. To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.*

*Para 60. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.*

*Para 61. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”*

- 7.3 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 policies set out in the National Planning Policy Framework (NPPF).
- 7.4 Para 11 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 noting that:

“...Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 7.5 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). In September 2017, the government produced a consultation paper on planning for the right homes in the right places which included proposals for a standard method for calculating local authorities' housing need. A figure of 590 dwellings per annum for Spelthorne was proposed by the application of this new approach. The draft methodology has yet to be formally adopted by the Government and is being reviewed in the light of the new 2016 household projection forecasts which appeared to indicate lower growth rates. The Government is now consulting on changes to the standard methodology in the light of these new forecasts and, for the time being, the Council will continue to rely on the provisional figure of 590 based on the 2014 household formation projections as suggested by the Government in its latest consultation (Oct – Dec 2018). Despite recent uncertainties the draft methodology provides the most recent calculation of objectively assessed housing need in the Borough and is therefore the most appropriate for the Council to use in the assessment of the Council's five-year supply of deliverable sites.
- 7.6 In using the new objectively assessed need figure of 590 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review the Borough's housing supply will be assessed in light of the Borough's constraints which will be used to consider options for meeting need. The Council has now published its Strategic Land Availability Assessment (SLAA) which identifies potential sites for future housing development over the plan period.
- 7.7 The sites identified in the SLAA as being deliverable within the first five years have been used as the basis for a revised 5-year housing land supply figure. Whilst this has shown that notionally we have identified sufficient sites to demonstrate that we have a five year supply of housing sites we have recently been advised that we need to apply an additional 20% buffer rather than the previously used 5%. This is because Government guidance (NPPF para 74) requires the application of a 20% buffer "where there has been significant under delivery of housing over the previous three years. When assessed against the adopted Local Plan annual requirement figure of 166 the Council has delivered well in excess of the requirement. However, we now have to have regard to the draft Objectively Assessed Need figure of 590 dwellings per annum and, on this basis, the Council has failed to deliver a sufficient number of dwellings in recent years. It therefore has no choice now but to apply the additional buffer for the five year period from 1 April 2019 to 31 March 2024. The effect of this increased requirement is that the identified sites only represent some 4.5 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites.
- 7.8 As a result, current decisions on planning applications for housing development need to be based on the "tilted balance" approach as set out in paragraph 11 of the NPPF (2018) which requires that planning permission should be granted unless "any adverse impacts of so doing would significantly

and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole”

- 7.9 It is important to note that the NPPF confirms that the “tilted balance” approach should not be applied to protected areas such as land designated Green Belt, Local Green Spaces, Areas of Outstanding Natural Beauty, designated Heritage Assets, etc. As the Two Rivers Public House site is located within the Staines Conservation Area (a Heritage Asset), it is considered that the “tilted balance” approach is not applicable in this particular case.

#### Housing density

- 7.10 Policy HO5 of the Core Strategy and Policies DPD (CS & P DPD) states that within Staines town centre development should generally be at or above 75 dwellings per hectare. The proposal is for 11 units and is on a site of some 0.24 ha, equating to 46 dwellings per hectare (dph). However it should be noted that the proposal also includes a commercial use at ground floor level and therefore the density figure is not an accurate reflection of the amount of development on the site. As a consequence, it is not considered there to be an objection on density grounds. The proposal is also considered to comply with Policy EN1 which is covered in the next paragraph. It is therefore considered that the proposal would sufficiently accord with policy HO5.

#### Design and appearance and effect on the Staines Conservation Area

- 7.11 Policy EN1a of the Core Strategy and Policies DPD 2009 (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.”*
- 7.12 Policy EN6 of the CS & P DPD states that the Council will require the retention of buildings and other features that are important to the character of the Conservation Area. Policy EN5 of the CS & P DPD states that the Council will encourage the retention of buildings of local architectural or historic interest and seeking to ensure that their character and setting is preserved in development proposals.
- 7.13 There is a statutory duty of the Local Planning Authority (Listed Buildings Act 1990 Section 72) when dealing with a planning application to give *“special attention to the desirability of preserving or enhancing the character or appearance of a conservation area”*.
- 7.14 The application site occupies a prominent corner plot, located adjacent to a locally listed terrace 45 to 55 Church Street, while there are other modern 3 and 4 storey buildings located on the opposite site of Church Street. The terrace is listed in the Spelthorne Local List 2004 as *“ Mid 19 Century repetitive gables following the curve of street linked by short coping hiding*



*valley gutter between each gable, sash windows surmounted by gothic brick arch originally infilled with fishscale tile hanging. Facetted façade above shops in painted render*” The proposed development is considered to address the “junction” between the two buildings via a 2m set back at 2<sup>nd</sup> and 3<sup>rd</sup> floor, and the inclusion of a pitched roof section which reflects the gabled roof design of the terrace. Gable features are also replicated in the design of the proposed development.

- 7.15 The building incorporates a stepped design in its northern and eastern elevations, providing visual interest and ensuring the building would not appear unduly bulky. In terms of materials and detailing the proposal would include brick facades and a slate roof, which would reflect other materials in the street scene. The design would also incorporate window detail and balconies. Further, visual interest is provided by the inclusion of a clock tower on the south western corner of the development.
- 7.16 The Council’s Conservation Officer has been consulted on the proposal and has raised no objection. He comments that *“the proposed corner tower provides a visual incident in the street scene and successfully terminates the locally listed terrace to the west. It is unrealistic to require any new building here to replicate the diminutive scale of the terrace.....the new building presents interesting facades on three sides and avoids the common fault of having a “front and back”, it also manages the transition with the other more recent large scaled apartments on the other side of the road”* Having regard to his comments it is considered that the proposal would successfully preserve and enhance the character of the conservation area.
- 7.17 Accordingly, it is considered that the proposed design and appearance will meet the requirements of Policies EN1, EN5 and EN6, and that the new building will be an acceptable replacement for the existing public house to be demolished.

#### Impact on neighbouring residential properties

- 7.18 Policy EN1b of the CS & P DPD states that new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.
- 7.19 The Council’s Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) sets out policy requirements to ensure this is achieved. The SPD in para 3.6 acknowledges that ‘most developments will have some impact on neighbours, the aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed.’
- 7.20 As noted above the application site is located immediately to the south of terrace of two storey properties (Nos. 45-55 Church Street). These are in commercial use at ground floor with residential flats above. Three of the flats closest to the development have outside seating areas located to their rear. The “northern” elevation of the proposed development would face onto these properties extending 23.7m in total length and standing 4 storeys high. At first

floor level the flats would largely extend up to the boundary, (with some recessed areas to allow light to reach window openings). The second floor and third floors would be located between 1.9m and 2.8m's away from the boundary with the closest neighbouring sitting out area. However, no objections have been received from the occupants of these flats. In this town centre location these outside sitting areas are not secluded. The nearest window in the rear elevation of the flats serves a bathroom and is obscure glazed and therefore outlook would not be affected by the development. The nearest habitable room window is situated at least 6m away from the second and third floors of the development. The view from this window is already shielded to a large extent by the bathroom projection. Technically, the development infringes the Council's 45 degree horizontal guide, but given the distance and projection this is not considered significantly harmful. The proposal will also not break a 45 degree vertical line from the nearest habitable window. Furthermore, it is important to note that this guidance is based on standard estate layouts, and this town centre relationship is not easily comparable. On balance therefore, it is not considered that the Council could sustain an objection to the proposal on the basis of unacceptable overbearing impact or loss of light to these areas.

- 7.21 There are also a number of windows in the northern elevation of the proposed development which would face onto the neighbouring rear amenity areas. However, none of these windows would look directly into any of the rear facing windows serving the existing flats. Furthermore, these windows appear to be obscure glazed or are not the sole source of light to a habitable room. Moreover, following discussion with the Council, the applicant has removed any balconies from this elevation. The applicant has also submitted amended plans ensuring any windows in this elevation not serving a bedroom, will be obscure glazed and non-opening 1.7m above floor level, in order to mitigate loss of privacy. A number of bedroom windows would continue to face onto the rear amenity areas. However, it is considered as these are bedrooms, the occupants would not be spending large amounts of time in these rooms. Therefore it is not considered that objection could not be sustained on the basis of loss of privacy.
- 7.22 To the "east" of the site are a number of properties fronting Hale Street. The Council's Supplementary Planning Document on the Design of Residential Extensions sets out minimum separation distances for development to ensure that proposals do not create unacceptable levels of loss of light, be overbearing or cause loss of privacy or outlook. These are set as a minimum for 2 storey development of 10.5m for back to boundary distance, and 21m for back to back development. Three storey development has a back to boundary distance of 15m and back to back distance of 30m. There is also a minimum distance for back to flank elevations of 13.5m (2 storey) and 21m (3 storey).
- 7.23 The proposed development is 4 storeys, but would be at an angle with the rear gardens of the properties on Hale street. The eastern elevation of the development has an irregular footprint, its closest elevation at 3 storey being approximately 18.3m away from the rear boundary of no.18 Hale Street while at 4 storey it would be 19.3m away. Given that the back to boundary distance is 15m for 3 storey development and given the town centre location, the separation distance is considered to be acceptable. Following discussion with

the Council the applicant has also removed the balconies proposed in part of this elevation nearest the neighbouring gardens (which included sitting out areas), to ensure no significant overlooking/loss of privacy would result. These balconies have been replaced with Juliet balconies. It is also considered that the impact of the development on the commercial unit to the north of the site and the other non-residential properties in the vicinity is acceptable,

#### Amenity Space

- 7.24 The Council's Design SPD provides minimum garden sizes for new schemes. In the case of flats it requires 35 sqm per unit for the first 5 units, 10 sqm for the next 5 units and 5 sqm per unit thereafter. On this basis some 230 sq. m would be required for the 11 flats. The proposed amenity space is modest comprising a number of balconies on the southern and eastern elevations for some of the units (a combined area of 51.9sq. m). The open space at the rear will be used for the ground floor commercial unit. Whilst the proposed amenity space is small and well below the minimum 230 sq. m stipulated in the SPD, the site is located in the town centre where full compliance with standards on site cannot always be achieved. The application is within close proximity to Lammas Park, the Thames towpath and Memorial Gardens. In addition the majority of the flats would have an good outlook over the adjacent landscaped area and the river. The shortfall of amenity space is therefore considered to be acceptable in this location.

#### Proposed dwelling sizes

- 7.25 The SPD on the Design of Residential Extensions and New Residential Development 2011 sets out minimum floorspace standards for new dwellings. These standards relate to single storey dwellings including flats, as well as to 2 and 3 storey houses. For example, the minimum standard for a 1-bedroom flat for 2 people is 50 sq. m.
- 7.26 The Government has since published national minimum dwelling size standards in their "*Technical Housing Standards – nationally described space standard*" document dated March 2015. These largely reflect the London Housing Design Guide on which the Spelthorne standards are also based. The standards are arranged in a similar manner to those in the SPD and includes minimum sizes for studio flats. This national document must be given substantial weight in consideration of the current application.
- 7.27 Three of the 11 units will be marginally below the minimum floorspace standards. Flats 2 and 6 will be 66 sq. m, which is 4 sq. m short of the 70 sq. m required for a 2-bedroom 4-person unit. Flat 4 is 69 sq. m, 1 sq. m short of the minimum 70 sq. m. However, it is not considered that a refusal could be justified for this very minor shortfall. All three units will be on the upper floors of the building and will have a relatively high standard of amenity. For example, Units 2 and 6 will be dual aspect to the south and west. All of the units will have a good quality outlook towards the open space and rivers.

#### Parking provision

- 7.28 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.
- 7.29 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 (maximum parking standards continue to be applicable in relation to commercial development). The supporting text to the Parking Standards stipulates a number of important exceptional situations where a reduction in parking will only be allowed. One of these situations includes town centre locations where the reduction in parking will be assessed against the distance from a "public transport node", frequency of public transport, availability of pedestrian and cycle routes, and the range and quality of facilities supportive of residential development within reasonable walking distance. Another exceptional situation is in Conservation Areas, where the character or appearance of the Conservation Area would be harmed by the impact of parked cars.
- 7.30 The proposed parking provision is 10 spaces (0.9 spaces per residential unit). There will be no parking spaces for the commercial unit. The normal minimum parking standard for a residential development of this size is 16 spaces. The proposed provision is therefore 6 spaces below the residential standard. The site is located however, in a sustainable location within the commercial area of Staines town centre. It is close to the train station which has a frequent and extensive service. It is also within easy walking distance of the shops and services of the town centre (which has the largest range of facilities in the Borough) and the bus station. Consequently, I consider that there is clear justification for a reduction in the level of residential parking on this particular site.
- 7.31 With regard to the commercial unit, the Council's Parking Standards stipulate a maximum provision of 1 space per 4 sq. m of net dining floor area. Whilst the proposed ground floor does not show the final layout of the dining area, its overall floorspace is 298.49 sq. m. This would equate to a maximum provision of 75 spaces. However, it is important to note that these are maximum standards (i.e. not minimum) and bearing in mind the site's location in the town centre where substantial reductions in parking would normally be required, it is considered that the lack of commercial car parking would be acceptable in this particular case.

#### Flooding

- 7.32 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by requiring all development proposals within Zones 2, 3a and 3b and development outside the area (Zone 1) on sites of 0.5ha or of 10 dwellings or 1000sqm of non-residential development or more, to be supported by an appropriate Flood Risk Assessment (FRA).

- 7.33 The Environment Agency was consulted on the planning application and has responded by raising no objection. They confirm that the site is located within Flood Zone 2 and 3 (3a and 3b) which have a high probability of flooding ranging from between 1 in 1000 year chance of flooding to less than 1 in 20. More vulnerable uses such as residential need to be assessed in order to ensure there is an acceptable impact at a time of flood and in order to ensure that future occupants can escape by a dry route. The applicant has submitted a Flood Risk Assessment (FRA) as is required by Policy LO1 of the CS & P DPD.
- 7.34 The applicant's FRA states that the north part of the site where the proposed building will be located is outside the 1 in 100 year (zone 3a) flood outline. This is confirmed by the Environment Agency who have raised no objection. Furthermore, it is considered that a dry means of escape can be achieved from the location of the new building, along Bridge Street and over Staines Bridge to an area entirely outside the flood plain. Moreover, the Lead Local Flood Authority at Surrey County Council has raised no objection to the proposed SuDS scheme. It is therefore considered that the proposal complies with the requirements of Policy LO1 and is acceptable on flooding grounds.

#### Financial Considerations

- 7.35 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 Payment of approximately £39,707.03. 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

- 7.36 The County Highway Authority has raised no objection on highway safety grounds.
- 7.37 The County Archaeologist has raised no objection to the proposal subject to the imposition of a condition.
- 7.38 The Council's has raised no objection to the proposed renewable energy facilities (air source heat pumps).
- 7.39 The proposed dwellings are all one or two-bedroom in size, which is in accordance with Policy HO4 (Housing Size and Type).

- 7.40 The Surrey Wildlife Trust has raised no objection to the proposal on ecology grounds. The applicant has submitted a bat survey which confirms that there are no bat roosts present in the building to be demolished.
- 7.41 With regard to the comments from the Crime Prevention Officer, it is proposed to attach an informative to the decision notice to bring the Secured by Design award to the applicant's attention.
- 7.42 The Council's tree officer has raised no objection to the proposal following the receipt of amended plans showing a reduction in the size of the parking area.
- 7.43 Accordingly, the application is 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:

4D\_1806\_PL\_011; /012; /020; /021; /022; /030; /031 received 01 November 2018.

4D\_1806\_PL\_002\_Rev. A; /003\_Rev. A received 13 November 2018.

4D\_1806\_PL\_010\_Rev. C; /102\_Rev. B; /103\_Rev. C; /104\_Rev. C; /105\_Rev. C; /123\_Rev. B; /133\_Rev. A; /301\_Rev. A received 06 February 2019.

4D\_1806\_PL\_032 Rev. A; /030\_Rev. A; /120\_Rev. A; /130\_Rev. A received 07 February 2019.

4D\_1806\_PL\_100\_Rev. F; /101\_Rev. C; /110\_Rev. D; /121\_Rev. C; /122\_Rev. C; /131\_Rev. B; /132\_Rev. C received 19 February 2019.

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

3. No development above damp-proof course level shall take place until details of the materials and detailing to be used for the external surfaces of the buildings and surface material for parking areas are submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved materials.

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. 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. Following construction of any groundwork and foundations, no construction of the development above damp-proof course level shall take place until a report is 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.

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 occupation of the development, details of a scheme of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The scheme shall include the provision of knee-rail fencing separating the car parking area from the soft landscaped area to the south. The boundary treatment shall be completed before the buildings are 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. Prior to the occupation of the buildings 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 buildings and 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. Details of a scheme of both soft and hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby approved. The approved scheme of tree and shrub planting and other associated works shall be carried out prior to first occupation of the buildings and/or site. 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.

10. Before the first occupation of any part of the development, a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason:- To minimise the loss of visual amenity occasioned by the



development and to enhance the proposed development.

11. The proposed development works shall be carried out in accordance with the recommendations set out in 'Mitigation and Recommendations' paragraphs 5.5 to 5.8 inclusive, of the Darwin Ecology Ltd Bat Emergence/Re-entry Surveys Phase 2 Report dated September 2018.

Reason:- In the interest of encouraging wildlife on the site.

12. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason:- The site is of high archaeological potential and it is important that the archaeological information should be preserved as a record before it is destroyed by the development.

13. Prior to the occupation of development, 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.

14. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storage volumes shall be provided using a maximum Greenfield discharge rate of **2 l/s** (as per the SuDS pro-forma or otherwise as agreed by the LPA).
- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- c) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

15. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Sustainable Drainage System is designed to the technical standards

16. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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

17. The development hereby approved shall not be occupied unless and until at least 2 of the available parking spaces are provided with a fast charge socket in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason:- The above condition is required in recognition of Section 9 (Promoting Sustainable Transport) of the NPPF.

18. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment, prepared by RPS, reference 64695/001r, dated October 2018, and the following mitigation measures:

- Finished floor levels shall be set no lower than 15.63 m above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be

retained and maintained thereafter throughout the lifetime of the development.

Reason:- This condition is sought in accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere. In particular to:

- To reduce the risk of flooding to the proposed development and future occupants.

19. Prior to the occupation of the building facilities within the curtilage of the site for the storage of refuse and recycling materials shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the development hereby approved and retained thereafter.

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.

20. 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.

21. That the commercial premises shall not be used for the purposes hereby permitted before 8.00am or after 11.00pm on any day.

Reason: To safeguard the amenity of neighbouring properties.

22. Any plant together with any associated ducting installed in association with the proposed development shall be at least 10dB(A) below the background noise at the nearest noise sensitive property as assessed using the guidance contained within BS 4142 (2014).

Reason:- To safeguard the amenity of neighbouring properties.

23. Prior to the development hereby approved coming into use details of suitable ventilation and filtration equipment to be installed shall be submitted to and approved in writing by the Local Planning Authority and shall be installed and retained as approved.

Reason:- To safeguard the amenity of neighbouring residential properties in accordance with Policies SP6, EN1 and EN3 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

24. Prior to the occupation of the development hereby permitted the second and third floor obscure glazed windows on the northern elevation, as shown on drawing no. 4D\_1806\_PL\_123\_Rev. B, 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.

## 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'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. 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).
4. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
5. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.
6. If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.
7. This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting

(England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

8. Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.
9. 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)).

10. The applicant is advised that the essential requirements for an acceptable communication plan 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

**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 Section 4 of the NPPF. This included the following:-

- a) Provided pre-application advice to seek to resolve problems before the application was submitted 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.



PROPOSED SITE PLAN

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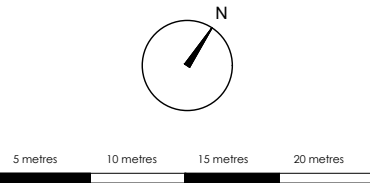
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**GIA:**

Ground Floor:	298.49m2
First Floor:	283.00m2
Second Floor:	252.56m2
Third Floor:	206.82m2
<b>TOTAL GIA:</b>	<b>1040.87m2</b>

**GEA:**

Ground Floor:	323.80m2
First Floor:	339.05m2
Second Floor:	292.54m2
Third Floor:	262.26m2
<b>TOTAL GIA:</b>	<b>1217.65m2</b>



43 CHURCH STREET  
TW18 4EN

Drawing Title: PROPOSED SITE PLAN  
Scale: 1:400 @ A3  
Date: 18 FEBRUARY 2019  
Drawing Number: 4D\_1806\_PL\_100\_Rev F

4D STUDIO  
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**MATERIALS KEY:**

- 1. SLATE ROOF
- 2. CLOCK WITH WHITE FACE
- 3. BUFF COLOURED BRICK SIMILAR TO THE USED OAT 57-59 CHURCH STREET
- 4. DARK GREY DOOR AND WINDOW FRAMES AS IN CHARTA HOUSE OPPOSITE
- 5. BLACK METAL RAILINGS
- 6. STONE COURSING
- 7. SIGNAGE ZONE
- 8. STONE PILASTERS BETWEEN SHOP WINDOWS
- 9. CLEAR GLASS JULIET BALCONY
- 10. STAINLESS STILL MESH SCREEN
- 11. OBSCURED GLASS SCREEN
- 12. WINDOWS TO BE OBSCURE GLAZED AND NON OPENING UP TO 1.7M ABOVE INTERNAL FLOOR LEVEL



**PROPOSED WEST ELEVATION**

**43 CHURCH STREET**  
TW18 4EN

Drawing Title: PROPOSED WEST ELEVATION

Scale: 1:100 @ A3

Date: 10 SEPTEMBER 2018

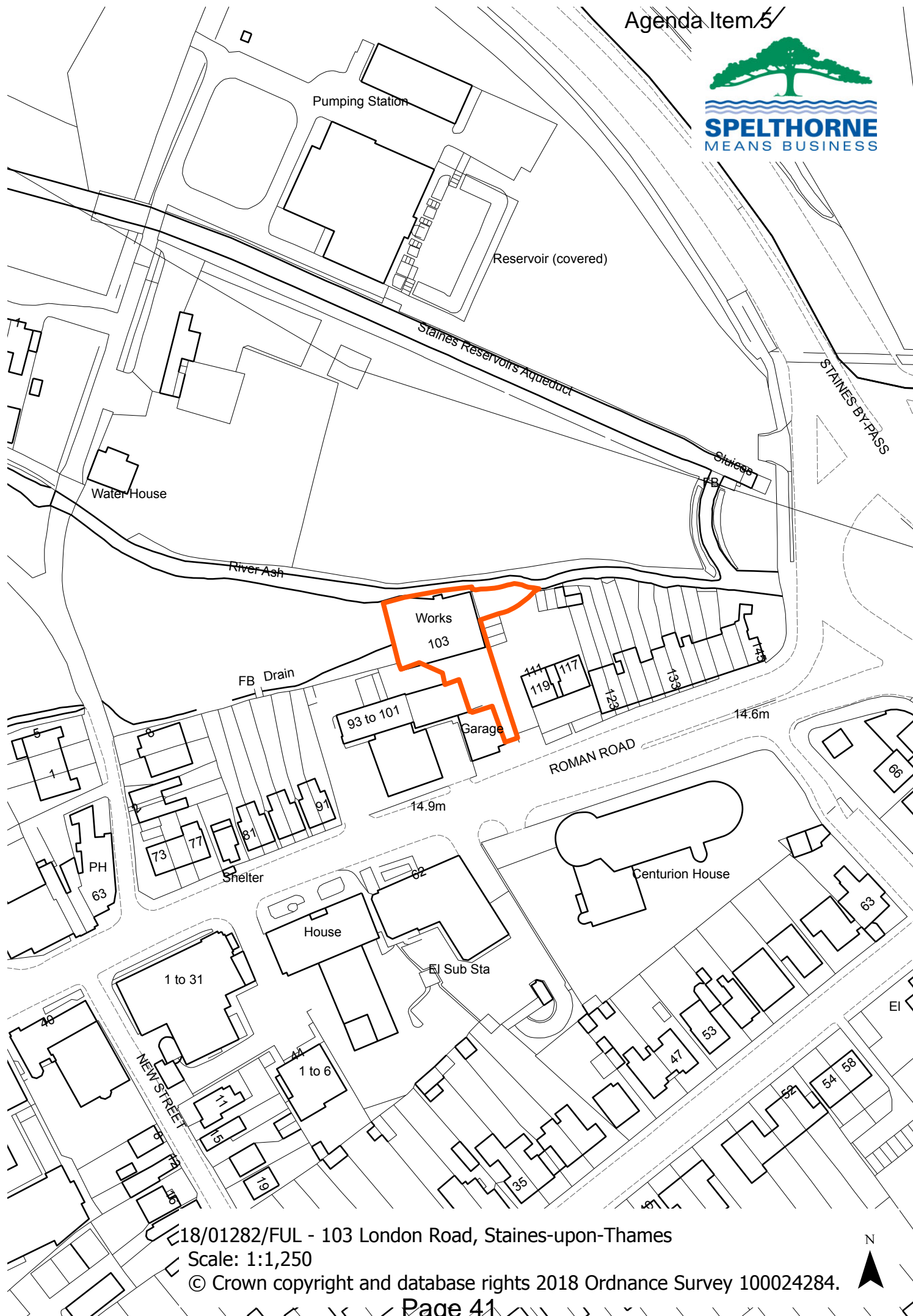
Drawing Number: 4D\_1806\_PL\_120\_Rev A

**4D STUDIO**

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18/01282/FUL - 103 London Road, Staines-upon-Thames

Scale: 1:1,250

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## Planning Committee

06 March 2019



<b>Application No:</b>	18/01282/FUL		
<b>Site Address:</b>	103 London Road, Staines-upon-Thames, TW18 4HN		
<b>Proposal:</b>	Change of use from Class B1 to Class C3 and the demolition of the existing building, followed by the erection of a 4 storey building comprising 8 no.1 bedroom flats and 1 no.2 bedroom flat together with associated parking and amenity space.		
<b>Applicant:</b>	Aspire Staines.		
<b>Ward:</b>	Staines		
<b>Case Officer:</b>	Matthew Churchill		
<b>Application Dates:</b>	Valid: 27.09.2018	Expiry: 22.11.2018	Target: Over 8 weeks (Extension of time agreed until 08 March 2019)
<b>Executive Summary:</b>	<p>This planning application is seeking a change of use at the site from Class B1 (Business) to Class C3 (Dwelling Houses), and would involve the demolition of the existing part single storey, part two storey commercial building, and the erection of a four storey residential building that would contain 8 no.1 bedroom units and 1 no. 2 bedroom unit.</p> <p>It is important to note that in December 2013, planning permission was granted at the site (13/01021/FUL), for the <i>“change of use from Class B1 to Class C3 and for the demolition of the existing building and replacement with a three storey building comprising 8 no. one bed flats with associated parking and amenity space”</i>.</p> <p>Prior to the implementation of the 2013 planning permission, a further planning application was submitted at the site in April 2016 (16/00638/FUL), which sought the erection of an additional floor above the 2013 permission (13/01021/FUL). This would have</p>		

	<p>incorporated an additional two bedroom unit in a fourth storey.</p> <p>This application was recommended for refusal by the Council in July 2016. The applicant then submitted an appeal to the Planning Inspectorate against this recommendation, which was allowed in June 2017 (APP/Z3635/W/16/3165115). However, the scheme allowed in the 2017 appeal was dependent upon the 2013 planning permission being implemented at the site (13/01021/FUL). As the 2013 planning permission was not lawfully commenced within 3 years of the date of planning permission being granted, this permission expired in December 2016. As a result, it was also not lawfully possible commence the 2017 appeal scheme (APP/Z3635/W/16/3165115).</p> <p>The present application seeks planning permission for an identical development to the 2017 appeal scheme, albeit with a revised refuse storage area.</p> <p>The construction of residential development is considered to be acceptable in this location, and the proposal is considered to have an acceptable impact upon the character of the area, the amenity of neighbouring and adjoining dwellings and parking provision. In addition, the County Highway Authority has not raised objections on highway safety or capacity grounds, the Environment Agency has not objected on flooding grounds, and the County Archaeological Officer has not objected against the impact upon the Staines Historic Core, Area of High Archaeological Potential.</p> <p>Whilst a new NPPF (July 2018) has been published since the determination of the 2017 appeal, there are not considered to be any material differences between the present application and the 2017 appeal scheme that would cause significant harm. The proposal is therefore considered to be acceptable.</p>
<b>Recommended Decision:</b>	The 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:

- EN1 (Design of New Development)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)
- LO1 (Flooding)
- HO1 (Providing for New Housing Development)
- HO5 (Density of Housing Development)
- Save Policy BE25 (Archaeology, Ancient Monuments and Historic Landscapes)

1.2 Also relevant is the Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development, 2011, The Council's SPG on Parking Standards Updated 2011 and the National Planning Policy Framework (NPPF), 2018.

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

13/00255/FUL	Demolition of existing building and erection of a part three storey/part four storey building comprising 8 flats (6 no. 1 bed and 2 no. 2 bed) with associated parking and amenity space.	Application Refused 16.04.2013
13/01021/FUL	Change of use from Class B1 to Class C3 and for the demolition of the existing building and replacement with a three storey building comprising 8 no. one bed flats with associated parking and amenity space.	Grant Conditional 20.12.2013
16/00638/FUL	Erection of an additional floor level to the previously approved scheme (13/01021/FUL) to provide 1 no. two bedroom apartment.	Application Refused 17.06.2016  Appeal Allowed 01.06.2017

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

- 3.1 The application site is accessed from London Road to the south, and is presently occupied by a part single storey, part two storey commercial building. The site is bounded by the River Ash to the north, and the majority of the site is located within the 1 in 1000 year flood event area (flood zone 2). However, a small section of the site is located within the 1 in 100 year flood event area (flood zone 3a) and a further relatively small section is located in the 1 in 20 year flood event area (flood zone 3b). Existing residential flats are situated to the east of the site, and a car garage used for servicing and MOT's is located immediately to the south. A petrol station is also situated to the south-west, which contains residential flats above. It is also relevant to note that land immediately adjoining the north and west of the site is located within the Green Belt, although none of the site itself is situated within the Green Belt. The property is also located within the Staines Historic Core Area of High Archaeological potential and the Staines to Laleham High Pressure Pipeline Consultation Zone.
- 3.2 The application proposes the change of use of the site from Class B1 (Business) to C3 (Dwelling Houses). This would include the demolition of the existing building and the erection of a four storey building that would comprise 8 no.1 bedroom flats and 1 no. 2 bedroom flat. The scheme also proposes associated parking and amenity space.
- 3.3 Copies of the site layout and elevations are provided as an Appendix.

### **4. Background**

- 4.1 On the 20<sup>th</sup> of December 2013, planning permission was granted at the site under the reference 13/01021/FUL, for a change of use from Class B1 to Class C3, which included the demolition of the existing building, and the erection of a three storey building and would have incorporated 8 no.1 bedroom flats, with associated parking and amenity space.
- 4.2 On the 16<sup>th</sup> of June 2016, a planning application was recommended for refusal at the property under the reference 16/00638/FUL. This sought the erection of an additional storey to the 2013 planning permission (which had not been constructed at the time) that would have provided an additional two bedroom flat. Following the recommendation for refusal, the applicant appealed the decision, and the appeal was allowed by the Planning Inspectorate on the 1<sup>st</sup> of June 2017. This was under the reference APP/Z3635/W/16/3165115.
- 4.3 The planning permission granted in 2013 (13/01021/FUL) did not lawfully commence on site within 3 years of the date of planning permission being granted. The permission has therefore now expired and cannot be implemented without further planning permission being granted. As the scheme for an additional ninth unit, which was allowed in the 2017 appeal, was dependent upon the 2013 scheme being implemented, this scheme can also no longer be lawfully constructed site without a further planning permission being granted.

- 4.4 The present application seeks planning permission for a scheme that is almost identical to the development that was allowed within the 2017 planning appeal, which as highlighted above, proposes 8 no.1 bedroom units and 1 no.2 bedroom unit, together with associated parking and amenity space.

## **5. Consultations**

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

Consultee	Comment
Cadent (formerly National Grid)	No objections.
County Highway Authority	<p>The travel demand of the proposed development would be the same as in the proposal allowed at appeal (APP/Z3635/W/16/3165115). Therefore, this proposal would have no further impact upon the highway network against the previously approved scheme.</p> <p>It is recommended that five conditions and an informative are attached to the decision notice.</p>
County Archaeology Officer	No objection subject to a condition relating to archaeological work.
Environmental Health	No objection subject to conditions.
Environment Agency	<p>The Environment Agency initially objected on the grounds of the original Flood Risk Assessment (FRA).</p> <p>The applicant submitted a further FRA and the Environment Agency withdrew its objection. However, two conditions were recommended.</p>
Neighbourhood Services (Waste Collection)	No objection.

## **6. Public Consultation**

The occupiers of 84 neighbouring properties were notified of the planning application, and at the time of writing six letters of representation have been received, which object to the proposal on the following grounds:

- The development would have a detrimental impact upon the amenity of neighbouring properties, and would impact outlook, privacy and would have an overbearing impact.
- Parking, loading, turning would be inadequate.
- Internal circulation within the site would be unacceptable and there would be conflicts with cyclists and vehicles.
- A neighbouring garage would be susceptible to damage during the construction process (Officer Note: this is not a planning matter).
- If approved, hours of operation should be controlled.
- Concerns over noise and air pollution.
- A lift should be provided so that the scheme conforms with the Equalities Act (this is a matter for building regulations).
- Concerns over the business operation of the neighbouring car garage (Officer Note: This is not a planning matter).
- The scheme will generate more traffic than the existing use.
- The neighbouring garage has a right of way over the site (Officer note: this is not a planning matter).

## **7. Planning Issues**

- Principle of development
- Design and appearance.
- Future occupiers.
- Amenity of the occupiers of neighbouring and adjoining residential properties.
- Parking provision.
- Transport & Highways.
- Flooding.
- The Staines Area of High Archaeological Potential.

## **8. Planning Considerations**

### **Principle of Development**

- 8.1 In terms of the principle of housing development regard must be had to paragraphs 59-61 of the National Planning Policy Framework (NPPF) which state the following:-

*“Para 59. To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.*

*Para 60. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.*



*Para 61. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)."*

- 8.2 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 policies set out in the National Planning Policy Framework (NPPF).
- 8.3 Para 11 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 noting that: "... *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*
- 8.4 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). In September 2017, the government produced a consultation paper on planning for the right homes in the right places which included proposals for a standard method for calculating local authorities' housing need. A figure of 590 dwellings per annum for Spelthorne was proposed by the application of this new approach. The draft methodology has yet to be formally adopted by the Government and is being reviewed in the light of the new 2016 household projection forecasts which appeared to indicate lower growth rates. The Government is now consulting on changes to the standard methodology in the light of these new forecasts and, for the time being, the Council will continue to rely on the provisional figure of 590 based on the 2014 household formation projections as suggested by the Government in its latest consultation (Oct – Dec 2018). Despite recent uncertainties the draft methodology provides the most recent calculation of objectively assessed housing need in the Borough and is therefore the most appropriate for the Council to use in the assessment of the Council's five-year supply of deliverable sites.
- 8.5 In using the new objectively assessed need figure of 590 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review the Borough's housing supply will be assessed in light of

the Borough's constraints which will be used to consider options for meeting need. The Council has now published its Strategic Land Availability Assessment (SLAA) which identifies potential sites for future housing development over the plan period.

- 8.6 The sites identified in the SLAA as being deliverable within the first five years have been used as the basis for a revised 5-year housing land supply figure. Whilst this has shown that notionally we have identified sufficient sites to demonstrate that we have a five year supply of housing sites we have recently been advised that we need to apply an additional 20% buffer rather than the previously used 5%. This is because Government guidance (NPPF para 74) requires the application of a 20% buffer "*where there has been significant under delivery of housing over the previous three years*". When assessed against the adopted Local Plan annual requirement figure of 166 the Council has delivered well in excess of the requirement. However, we now have to have regard to the draft Objectively Assessed Need figure of 590 dwellings per annum and, on this basis, the Council has failed to deliver a sufficient number of dwellings in recent years. It therefore has no choice now but to apply the additional buffer for the five year period from 1 April 2019 to 31 March 2024. The effect of this increased requirement is that the identified sites only represent some 4.5 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites.
- 8.7 As a result, current decisions on planning applications for housing development need to be based on the "tilted balance" approach as set out in paragraph 11 of the NPPF (2018) which requires that planning permission should be granted unless "*any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole*"
- 8.8 Having regard to the proposed development and 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 merits of this development in the urban area. It should also be noted that each planning application must be assessed in its own right and permission cannot be refused on the basis that other schemes for housing have been approved nearby.
- 8.9 As noted above, Policy HO1 of the Local Plan is concerned with new housing development in the Borough. HO1 (c) encourages housing development on all sustainable sites, taking into account policy objectives and HO1 (g) states that this should be done by:
- 8.10 "*Ensuring effective use is made of urban land for housing by applying Policy HO5 on density of development and opposing proposals that would impede development of suitable sites for housing.*"
- 8.11 As referred to above, the NPPF emphasises the government's overall housing objective to significantly boost the supply of housing. The site is within the urban area and is a brownfield site within an accessible location,

close to local facilities and public transport links. The creation of residential units at the site is considered to be acceptable in principle.

### Design and Appearance

- 8.12 Policy EN1 of the CS & P DPD states that the Local Planning Authority 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 Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development, 2011.
- 8.13 When considering the design and appearance of the present proposal, it is important to attach significant weight to the development that was allowed on appeal (16/00638/FUL), which was approved in June 2017. As highlighted above, the present proposal is virtually identical the previous appeal scheme (albeit with a different bin storage area), and the appeal was assessed against the Council's present planning policies and guidance. However, it should be noted that since determination of the appeal, the Government has published a new NPPF (July 2018).
- 8.14 As with the appeal scheme, the proposed building would be set over four storeys and would be constructed following demolition of the existing commercial building. The scheme would represent a 'backland' style residential development to be accessed from London Road to the south. The building would be 'set back' a distance of some 34.5 metres from the highway and would be partially screened from the street scene by the two storey MOT and service garage located directly in front of the site. A three storey residential building is located to the east of the site and a mixture of larger mainly commercial buildings are situated on the southern side of London Road. A petrol station is also located to the south-west of the site with residential properties situated above. Given that there is such a mixture in building types, sizes and designs within the surrounding locality, and whilst the Council's SPD on design discourages the incorporation of flat roofs, a four storey building containing a flat roof, is not viewed to be unduly out of character in the context of the wider street scene. The scale of the building is also considered to be consummate with the scale and design of further buildings within London Road.
- 8.15 The ground floor of the building would serve as the car parking area and would contain 8 car parking spaces, as well as a cycle storage area. The first floor would contain 4 no.1 bedroom units, as would the second floor, which would have a similar layout. The third floor would contain 1 no.2 bedroom flat which would incorporate a terrace in the northern elevation. The building would have a total height 11.075 metres, with the second floor measuring a height of 8.675 metres, and the third floor being inset with an overhanging roof. The building would also contain balconies within the northern elevation and amenity space would be located at the north of the site.

- 8.16 In the 2017 appeal, the Inspector did not raise any objections against the scale, massing or design of the building. From a design perspective, there are not considered to be any material design alterations between the appeal scheme and the present proposal (other than the bin storage area) that would cause harm to visual amenity. Indeed, it should be noted that in the appeal decision the Inspector commented that *“although in a backland position rather than facing directly onto the main road, the building would not look incongruous being surrounded by existing flat roof buildings”*. Further to this, the scheme is considered to significantly improve the visual appearance of the site compared with the existing commercial building and would be set further from the River Ash. In regards to height and massing, the Inspector also commented *“the additional height and bulk would not look out of place when seen between the gap between buildings on the road frontage”*. The Inspector also raised no concerns over the visual impact upon land to the north of the site. Therefore whilst it is acknowledged that a letter of representation has been received objecting to the proposal on design grounds, the scheme is considered to be in accordance with policy EN1 in from a design perspective, particularly given the Inspectors comments in the 2017 appeal.
- 8.17 The NPPF (July 2018) states that planning decisions should ensure that developments are sympathetic to the local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change. Given the mixture of buildings within the surrounding street scene, the development is considered to be broadly in accordance with these objectives.

#### Density

- 8.18 Policy HO5 states that within higher density residential areas, including those characterised by a significant proportion of flats and those in Employment Areas, new development should generally be in the range of 40 to 75 dwellings per hectare. However, there is an allowance within policy HO5 for higher density development, where it can be demonstrated that the development complies with policy EN1.
- 8.19 The NPPF states that planning decisions should support developments that makes efficient use of land and avoid homes being built at low densities and should also encourage development that optimises the potential of each site. In this case, there would be a density of approximately 141 dwellings per hectare, which would exceed the guidance within policy HO5. However, policy HO5 does allow higher density development where the development complies with policy EN1 and is located in an accessible location. Given the previous appeal decision was determined under the same policy, HO5, and given that the development would be in accordance with policy EN1, it is not considered that an objection could be made on density grounds. It is therefore considered that the development is in accordance with the objectives of the NPPF in this regard.

## Future Occupiers

- 8.20 The national described *Technical Housing Standards (THS)* (March 2015) state that a 1 bedroom dwelling set over a single storey and occupied by 2 people, should incorporate a minimum internal floor area of 50 m<sup>2</sup>. The Council's SPD on design also states that a dwelling of this size should incorporate a floor area of 50 m<sup>2</sup>. Each of the 1 bedroom units proposed within the development would be in accordance with this guidance, and as such would provide an acceptable level of amenity to future occupiers. The THS and Council's SPD also both state that a 2 bedroom unit set over a single storey, occupied by up to 4 people, should incorporate a minimum floor area of 70 m<sup>2</sup>. The third floor flat would accord with this guidance (70.9 m<sup>2</sup>).
- 8.21 The development would incorporate an amenity (garden) area at the rear of the site which would measure some 206.472 m<sup>2</sup>. The third floor flat would also contain a terrace measuring 38 m<sup>2</sup>, which could be utilised by the occupiers of this unit. The Council's SPD on design states that flats should be provided with 35 m<sup>2</sup> of amenity space for the first 5 units, 10 m<sup>2</sup> for the next 5, and 5 m<sup>2</sup> per unit thereafter. On this basis the 8, no. 1 bedroom units should be provided with 225 m<sup>2</sup> of amenity space. Whilst there would be a small shortfall of 19 m<sup>2</sup>, the site is located approximately 180 metres from amenity space at Birch Green and given this together with the 2017 appeal decision, it is not considered that an objection could be justified on this basis. The third floor flat would also be in compliance with the Council's amenity space guidance.

## Residential Amenity

- 8.22 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.
- 8.23 There are a number of residential properties in the immediate vicinity of the site, including above the nearby petrol station and in the three storey block of flats situated to the east of the site. It should also be noted that the Council has received a letter of representation, which objects to the proposal on the grounds of overlooking, loss of privacy and an overbearing impact.
- 8.24 At its closet point, the building would be situated approximately 7 metres from the nearest residential property. Windows were observed in the rear elevation of this building during the site visit. However, in the 2017 appeal decision, the Inspector commented "*the field view from some of the habitable rooms of those and other adjoining flats may be affected to some degree*", although it was not considered "*that the degree of infringement to outlook would bring about oppressive living conditions within the affected rooms*". There are not considered to be material alterations between the present application and the appeal scheme that would justify a different conclusion in terms of outlook.

- 8.25 During the site visit, ground floor windows were observed, which served the flats situated to the east of the site (no.'s 111 – 121 London Road). The proposed building would to an extent breach the Council's 45° Horizontal Guide when measured from such windows. However, given that there is a distance of some 13 metres between the proposed development and these flats, and when attaching weight to the fact that the Inspector did not raise concerns over the relationship between the works and this building in the 2017 appeal, the relationship between the development and these properties is considered to be acceptable.
- 8.26 In terms of privacy, the windows within the building are considered to be situated in an acceptable location in the context of the nearby residential buildings. The windows that would be situated on the southern elevation of the building in the first and second floors, would serve bathrooms and the stairwell and reception areas. Such windows would not serve habitable rooms. There would be a window serving a kitchen in the southern elevation on the third floor although this is not considered to have an adverse impact upon privacy. The majority of windows serving habitable rooms would primarily be situated in the northern, eastern and western elevations. Within the 2017 appeal decision the Inspector commented "*the proposal would have an acceptable effect on the living conditions of the occupiers of adjoining flats. In this respect the proposal would also comply with DPD policy EN1*". There are not considered to be any material alterations between the present proposal and the appeal scheme in this regard. The proposal is therefore considered to have an acceptable impact upon the residential amenity of all neighbouring and adjoining dwellings.

### Flooding

- 8.27 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne.
- 8.28 The majority of the site is located within the 1 in 1000 year flood event area (flood zone 2). However, small sections of the site are also located within the 1 in 100 year (flood zone 3a) and 1 in 20 year (flood zone 3b) flood event areas. The site is also located within a 20 metre buffer zone around a main river (River Ash). As such, the applicant submitted a Flood Risk Assessment (FRA) and the Council consulted the Environment Agency (EA).
- 8.29 The EA initially objected the application as the submitted FRA was considered to be unacceptable. The EA's comments were drawn to the applicant's attention and a further FRA was submitted on the 11<sup>th</sup> of January 2019. The EA was re-consulted, and on the basis of the new FRA withdrew their objection and requested that two conditions were attached to the decision notice. The first related to the development being carried out in accordance with the details contained within the FRA. The second condition related to the requirement of a landscape management plan which was considered to be necessary to ensure the protection of wildlife and the riparian habitat. The NPPF states that conditions should be kept to a minimum and should only be imposed where they are necessary,

relevant to the development permitted, enforceable, precise and reasonable in all other respects. This condition is considered to meet such tests, and is therefore recommended to be attached to the decision notice. The EA also commented that the applicant should be advised that a Flood Risk Activity permit is likely to be required.

- 8.30 In terms of the principle of residential development in this location, the majority of the site is located within the 1 in 1000 year flood event area (flood zone 2) and the Council's SPD on Flooding (July 2012) states residential uses, which constitute a 'more vulnerable use', are acceptable in flood zone 2. Given this, alongside the fact the Environment Agency has not objected, residential development is considered to be acceptable in this location. There is also considered to be means of safe access and egress outside the 1% annual exceedance probability.

#### Parking Provision & Transport

- 8.31 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.
- 8.32 The development would incorporate 8 car parking spaces, which would be situated on the ground floor of the building. This would amount to 0.89 car parking spaces per unit. The Council has received a letter of representation raising concerns that the number of car parking spaces would be inadequate. The Council's Parking Standards state that a 1 bedroom dwelling should contain a minimum of 1.25 off-street car parking spaces, and a 2 bedroom dwelling should contain a minimum of 1.5 car parking spaces. On this basis, the development would normally be required to incorporate a minimum of 11.5 car parking spaces. The development would therefore fall 3.5 car parking spaces short of the Council's minimum guidance.
- 8.33 However, the Council's Parking Standards state that where development would be situated in one of the borough's 4 town centres, a reduction will be allowed subject to amongst other things, the distance from transport nodes, the frequency of transport services and the availability of pedestrian and cycle routes. Whilst not situated within one of the borough's 4 town centres as defined by the Core Strategy (February 2009), the development is located some 670 metres from Staines Railway Station and London Road is also well served by local buses. The development is also located approximately 530 metres from the pedestrianised section of Staines High Street, which provides numerous amenity facilities within reasonable walking distance. On balance, the proposal is therefore considered to be acceptable in terms of parking provision. It should also be noted that within the 2017 appeal decision the Inspector commented "*the site is close to a wide range of facilities. I do not consider that the proposed occupants would rely upon private vehicles. Parking arrangements would be satisfactory*". There is not considered to be a material difference between the present proposal and the appeal scheme in terms of parking provision. The development is therefore considered to be in accordance with policy CC3 and the NPPF in this regard.

## Transport & Highways

- 8.34 Policy CC2 (Sustainable Travel) of the CS & P DPD states that the Council will seek to ensure more sustainable travel patterns by amongst other things only permitting traffic generating development where it can be made compatible with transport infrastructure taking into account capacity of the network, access and egress onto the highway and highway safety. The NPPF also states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact safety, or if the residual cumulative impacts upon the highway network would be severe.
- 8.35 The Council has received two letters of representation raising concerns over the potential traffic generated by the development and as a result of safety concerns, particularly as a result of the width of the single entrance to the site. The Council consulted the County Highway Authority (CHA), and on safety, capacity and policy grounds, the CHA did not object to the development. However, the CHA did request that 5 conditions were attached to the decision notice. The CHA further commented that “*the travel demand of the proposed development would be the same as the proposal allowed at appeal. Therefore, this proposal would have no further impact upon the highway network against the previously approved scheme*”.
- 8.36 The operators of the neighbouring MOT and Servicing business have submitted a letter of representation, which states that their business has a right of way over the application site and that the MOT servicing bay, which has its entrance in the eastern flank elevation, is regularly used by vehicles which reverse out from the MOT ramp onto the right of way. The occupiers of this business have raised concerns that this could cause health and safety risks when occupants of the residential units are leaving and entering the site at the same time vehicles at the MOT business are utilising this access. Whilst such concerns are acknowledged, the County Highway Authority has not raised objections from a highway safety perspective, and it is therefore not considered that an objection could be reasonably justified against this on planning grounds.
- 8.37 For the reasons outlined above, whilst concerns of the occupiers of this business are acknowledged, the scheme is considered to be in accordance with policies CC2, CC3 and the NPPF.

## Finance Considerations

- 8.38 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.



- 8.39 In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development rate of £140 per sq metre of new floor space (the CIL charge would be approx. £8,436.45 on the basis of the submitted plans). 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

- 8.46 The application site is situated within the Staines Historic Core Area of High Archaeological Potential. As such the County Archaeology Officer was notified and has commented that *"The proposed development is located within an Area of High Archaeological Potential defined around the historic core of Staines and the known location of the London to Silchester Roman. As such, the proposed development has the potential to impact on any Heritage Assets of archaeological significance that may be present"*. It was therefore requested that a condition was attached to the decision notice to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation.
- 8.47 The Council's Head of Neighbourhood Services was consulted and initially requested further information on refuse storage. The applicant submitted an additional plan (L1530/30 Rev 'A') and the Head of Neighbourhood Services commented *"that the developers have "where possible" removed the need to access the site to remove the waste which then reduces/removes the need for a reversing manoeuvre. On that basis and provided that the bin store remains in the exact location on plan L1530/30 I have no further comments"*. The County Highway Authority also raised no objections to the siting of the refuse storage.
- 8.48 In total the Council has received six letters of representation against the proposal. Of the objections not already covered in this report, in terms of concerns over the construction process, the County Highway Authority has requested a condition is attached to the decision notice requiring the submission of a Method of Construction Statement. The Council's Environmental Health Department has also request an informative which amongst other things relates to hours of construction. In regards to the impact upon a nearby garage as a result of construction, it is recommended that the applicant's attention is drawn to the Party Wall Act within the decision notice. In regards to air pollution, both the County Highway Authority and the Council's Environmental Health Department have recommended a condition, relating to charging points for electrical vehicles. A further letter of representation has been received in regards to accessibility for individuals with disabilities. Whilst it is not considered that a planning objection could be sustained against this, it is recommended that the applicant's attention is drawn to the Equalities Act within the decision notice. In terms of concerns over noise for future occupants, it is considered that this would be covered by Building Regulations and Environmental Health legislation.

**9. Recommendation**

**9.1 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; LI530/LP Rev C, LI530/32, LI530/37, LI530/35, LI530/31, LI530/36 (Received 04 September 2018) LI530/30 Rev A (Received 27.11.2018) Drawing 200 Rev A (Received 11.01.2019)

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

3. 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 may enter and leave the site in forward gear. The parking and turning 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 2018 and policy CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

4. Notwithstanding plans submitted with the application, no new development shall be occupied until space has been laid out within the site for a minimum of 9 bicycles to be stored in a secure, covered and accessible location. The bicycle storage area shall thereafter be retained and maintained to the satisfaction of the Local Planning Authority.

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 2018 and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

5. No development shall start until a Method of Construction Statement, 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 materialshas been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

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 2018 and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

6. No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for refuse collection. The refuse collection 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 2018 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

7. No demolition shall take place, including any works of demolition or site clearance, until a demolition method statement detailing the proposed methodology for demolishing the existing structures and the mitigation measures to be implemented has been submitted to and approved in writing by the Local Planning Authority. The DMS shall include submission of a Pre-Demolition Asbestos Survey. The agreed methodology and mitigation measures shall be implemented in accordance with the approved details.

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

8. No development shall take place until:-
- (i) 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.
  - (ii) 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.
  - (iii) 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.

9. The development shall be carried out in accordance with the submitted flood risk assessment Flood Risk Assessment; 103 London Road, Staines' prepared by Katherine Colby (dated December 2018) and the following mitigation measures it details:
  - Finished flood levels shall be set no lower than 15.56 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason:-. To reduce the risk of flooding to the proposed development and future occupants.

10. Prior to occupation a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:
  - detail extent and type of new planting (N.B. planting is to be of native species, suited to the river catchment)
  - detail of any other structures e.g. fencing and artificial lighting
  - details of maintenance regimes
  - details of management responsibilities
  - details of treatment of site boundaries and/or buffers around water bodies (including during construction and operation)

Reason:-. This condition is necessary to ensure the protection of wildlife and the supporting riparian habitat, and to secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

11. No development above damp course level shall take place until details of the materials to be used for the external surfaces of the building(s) and surface material for parking areas are submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved materials and detailing.

Reason:-. To ensure that the proposed development does not prejudice the appearance of the development and the visual amenities and character of the locality in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

12. Following construction of any groundwork and foundations, no construction of development above damp course level shall take place until a report is 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.

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.

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

Reason:-. To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

14. 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.

- 15 Prior to the occupation of the development hereby permitted the central side panels on the central flank elevations of the central balconies on the first and second floors in the rear elevation 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.

- 16 The development hereby approved shall not be occupied unless and until at least 2 of the proposed car parking spaces are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) for the charging of electric vehicles in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: The above condition is required to promote sustainable travel. and accord with the objectives of Section 9 “Promoting Sustainable Transport “ in the National Planning Policy Framework 2018 and CC2 of Spelthorne Borough Council’s Core Strategy and Policies Development Plan Document February 2009.

### **Informatives**

1. The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary.
2. 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).

3. The applicant is advised that the essential requirements for an acceptable communication plan 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.
- 4 Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Ash, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found at: [www.gov.uk/guidance/flood-risk-activities-environmental-permits](http://www.gov.uk/guidance/flood-risk-activities-environmental-permits)
- 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
- 6 The applicant's attention is drawn to the Equalities Act 2010, which requires the property to be accessible to disabled people.
- 7 Article 2 (3) Development Management Procedure (Amendment) Order 2012 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 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.





PROPOSED SITE PLAN  
TO BE RETAINED THE SAME  
AS APPROVED SITE PLAN  
(REF: 13/01021/FUL)

OUTLINE OF EXISTING BUILDING

AMENITY SPACE  
206.472 M<sup>2</sup>

9.106

EXISTING BOUNDARY  
TREATMENT RETAINED

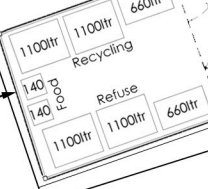
WH CYCLES

PROPOSED DEVELOPMENT  
TO CONNECT INTO  
EXTG FOUL DRAINAGE

EXISTING ACCESS ROAD

ENTRANCE TO  
MOT GARAGE

RECYCLING &  
WASTE STORE



SAFE ROUTE

EXISTING CROSSOVER  
RETAINED

EXISTING BOUNDARY RETAINED



ROBERT DAVIES JOHN WEST LIMITED

Chartered Architects

The Courtyard 59 Church Street  
Staines on Thames Middx TW18 4XS  
Tel: 01784 459211 E-mail: info@rdjw1td.com

DATE  
03/01/13

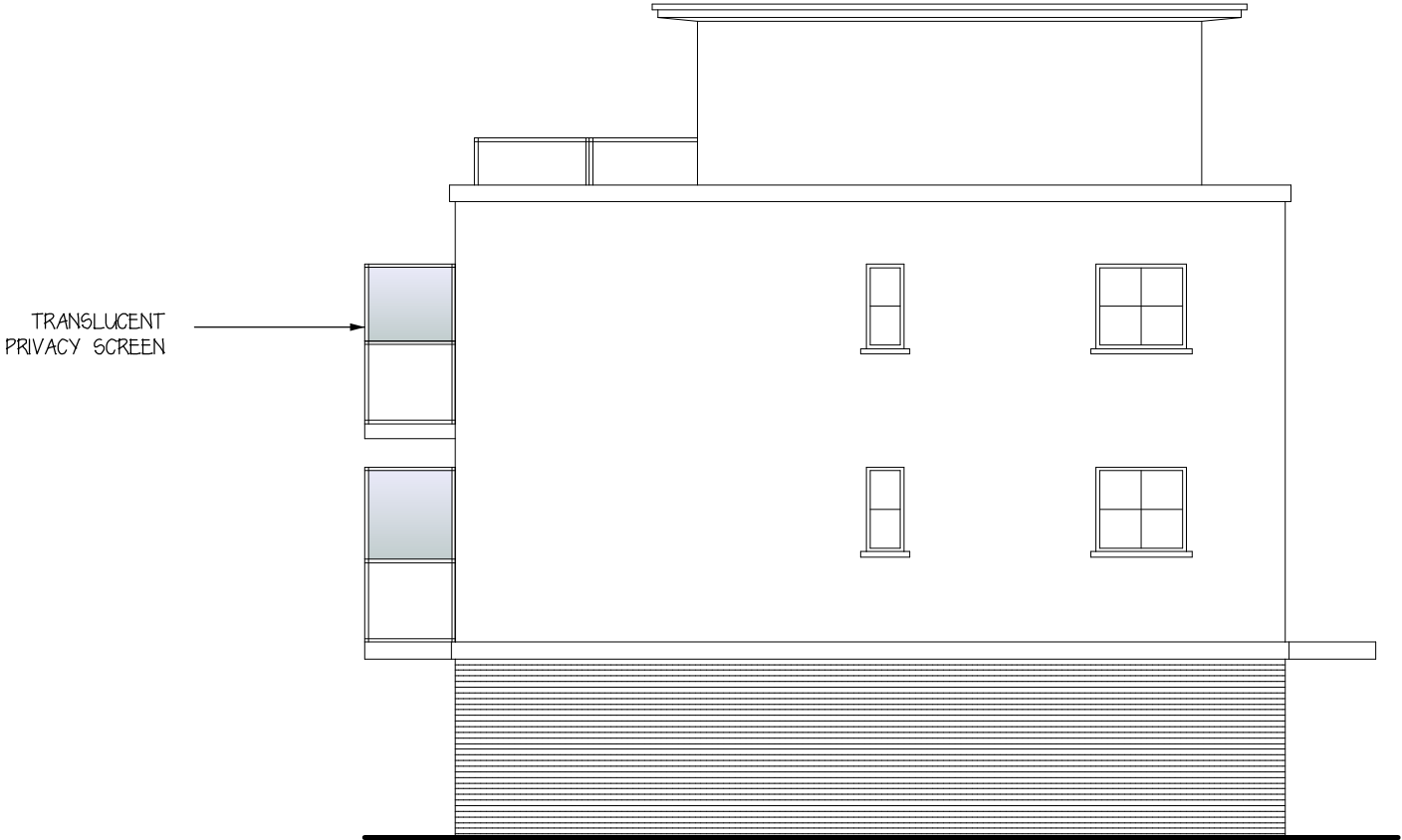
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PROPOSED DEVELOPMENT,  
103 LONDON ROAD  
STAINES  
APPROVED SITE PLAN

DRWG No L1530/30 REV A



SIDE ELEVATION



FRONT ELEVATION



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DATE  
06/04/16

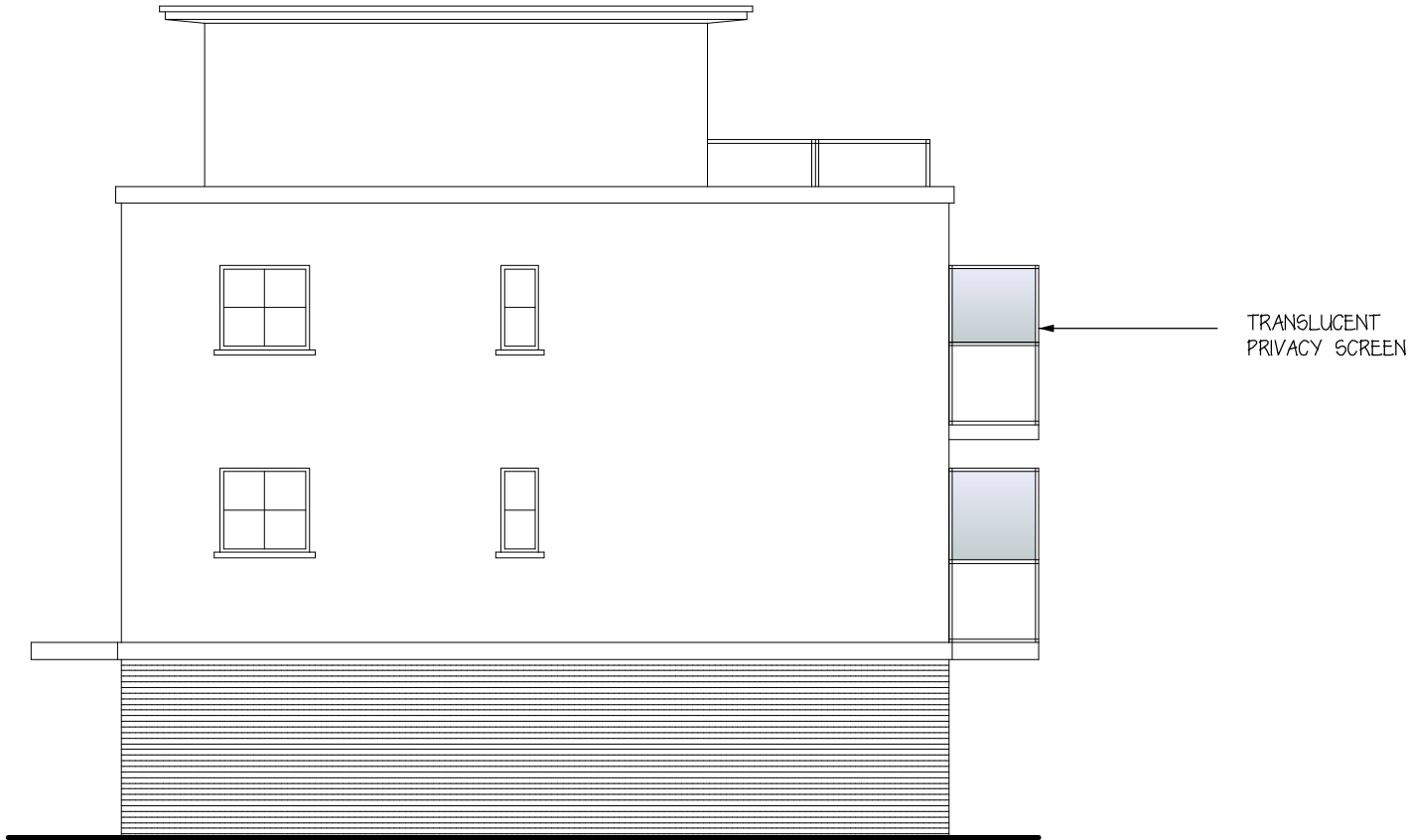
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AJ / RN

PROPOSED DEVELOPMENT,  
103 LONDON ROAD  
STAINES

PROP ELEVATIONS 1 OF 2

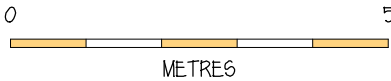
DRWG No **L1530/36** REV -



SIDE ELEVATION



REAR ELEVATION



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DATE  
06/04/16

SCALE  
1:100 @ A3

DRAWN / CHKD  
AJ / RN

PROPOSED DEVELOPMENT,  
103 LONDON ROAD  
STAINES

PROP ELEVATIONS 2 OF 2

DRWG No **L1530/37** REV -

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Sports Club



12.5m

GROVELEY ROAD

12.5m

KING GEORGE CLOSE

E/Sub Sta

King George's Field

Path

12.8m

CR

CAMILLA CLOSE

CHESTNUT CLOSE

BRACKEN CLOSE

MARLIN CLOSE

21 to 44

13.1m

ROSSLYN

18/01404/FUL - Land adj 42 King George Close & 11 and 12 Camilla Close,  
Sunbury on Thames

Scale: 1:1,250

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## Planning Committee

06 March 2019



<b>Application No.</b>	18/01404/FUL		
<b>Site Address</b>	Land Adjoining 42 King George Close and 11 And 12 Camilla Close Sunbury On Thames, TW16 7NW		
<b>Proposal</b>	Erection of 3 no. dwellings comprising one no. two storey 3 bed house and 2 no. one bed 2 storey back to back units with parking and landscaping		
<b>Applicant</b>	Mr R Robbins		
<b>Ward</b>	Sunbury Common		
<b>Call in details</b>	The application has been called in by Cllr Spoor because of concerns relating to design and appearance, in that the proposal is a cramped form of development with a reduction in green space. It is considered that it does not accord with policy EN1 and the NPPF; to optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development that supports local facilities and transport networks; create places that are safe, inclusive and accessible and which promote health and well being, with a high standard of amenity for existing and future users. (Officer note: the application has been amended since the original submission)		
<b>Case Officer</b>	Kelly Walker		
<b>Application Dates</b>	Valid: 14/12/2018	Expiry: 08/03/2019	Target: over 8 weeks Extension of Time Agreed.
<b>Executive Summary</b>	<p>This planning application seeks the erection of 3 separate residential units as extensions to existing terraced blocks together with the provision of car parking and landscaping, following the demolition of an existing detached garage. The scheme has been amended from the original submission to provide units that are in keeping with the design of the existing houses.</p> <p>The proposal is considered to be a sustainable form of development for a residential use, in a design which pays due regard to the existing terrace blocks and will make a positive contribution to the street scene. Consequently, the proposal, is acceptable on design grounds. It would be an efficient use of land providing a good standard of housing, with sufficient amenity space provision, parking and landscaping and would have an acceptable impact on surrounding residential properties. It is considered to be acceptable in terms of flooding.</p>		

<b>Recommended Decision</b>	This planning application is recommended for approval.
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## MAIN REPORT

### 1. **Development Plan**

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

- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- 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)

1.2 Also relevant are the following Supplementary Planning Documents/Guidance:

- SPD on Design of Residential Extensions and New Residential Development
- SPG on Parking Standards

1.3 The advice contained within the National Planning Policy Framework (NPPF) 2018 is also relevant.

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

14/01444/TPO TPO136/89 - T12 - Horse Chestnut - To fell.  
STAINES/

Appeal regarding the replacement tree  
condition was dismissed 22.12.2015

Grant  
31.10.2014



SP/TPO/91/25 TPO/136 - T11 & T14 - Beech Trees  
- waive replanting requirement.

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

- 3.1 The site comprises an area of 0.13ha and is located at the end of the cul de sac in King George Close, accessed to the north from Groveley Road and also at the end of the cul de sac of Camilla Close to the south. The application site consists of three existing properties and their gardens, together with a detached garage, road way, turning and landscaping areas along the banks of a brook. To the east is Groveley Recreation Park, King Georges Field, which is segregated from King George Close by Feltham Hill Brook. There is vegetation and some trees (some of which are protected by Tree Preservation Orders) on the banks of the brook, providing screening and an attractive outlook from the front of the existing dwellings on King George Close. To the north are the blocks of 2 storey terraced houses along King George Close, with parking spaces to the front. To the south are the 2 storey block of terraced back to back houses along Camilla Close. The two blocks of terraced dwellings are at the end of different cul du sacs and there is a 2m boundary fence segregating the side gardens of the existing end of terraced dwellings, with no link through joining the two roads. Properties at Camilla Close have a car park to the south of the block and then a path is provided either side of the block of houses for pedestrian access to each unit, given they are small back to back units. Each has a garden area to the front of the property, enclosed by fencing.
- 3.2 To the south east are the terraced block of dwellings in Chestnut Close, No.7 has a two storey side extension and its rear garden adjoins the front garden of no. 11 Camilla Close and the application site. To the east are a block of garages and also the large rear gardens of detached dwellings located along Cadbury Road. The site is located within the urban area.
- 3.3 The common height of buildings in this location is 2 storey terraced dwellings of a traditional design and materials and this includes the houses in King George Close, Camilla Close and Chestnut Close. Larger detached houses with large gardens are located to the west along Cadbury Road, but these are not seen in the same context as the terraced blocks in the locality of the application site.
- 3.4 The originally submitted scheme has been amended to provide a reduction in the width of units in order to pay better regard to the surrounding existing residential units.. The proposal includes the erection of an end of terrace, 3 bedroomed dwelling to the end of the existing terrace block at King George Close and 2 smaller back to back units which will adjoin the end of the existing terraced block of dwellings along Camilla Close. These will have the same design and materials as the existing block but will be slightly wider, providing a gap of 3.4m at the narrowest point between the proposed built form.

- 3.5 The existing land between the terrace blocks is currently gardens for the end of terrace properties and includes a detached garage. The scheme provides the existing end of terraced properties with gardens the width of the existing properties. The new units will also have their own gardens and parking will be provided to the front of the site for 6 cars, as well as 2 for the existing dwelling.
- 3.6 The proposed site layout and elevation plans 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	No objection subject to conditions
Tree Officer	No objection subject to conditions
Environmental Health (Contaminated land)	No objection subject to condition
Environment Agency	No comments
Consultant Drainage Engineer	No objection subject to a condition

#### **5. Public Consultation**

- 5.1 Neighbouring properties were notified of the planning application. Letters have been received from 12 properties.

- 5.2 Reasons for objecting include:-

- Properties appear squashed in
- Poorly designed
- Reduces green space for young people to use
- Impact on wildlife which helps well-being of residents
- creating an access through, no longer a cul du sac
- Increase in pollution and litter
- Antisocial behaviour/crime
- parking issues
- No positive impact
- Not designed to have more houses in the close
- Out of keeping
- Drainage/Suds
- Lack of details provided
- No through access should ever be granted
- Plans do not show clearly if access through
- Area has had reduction in green spaces and trees removed over recent years
- Hardstanding and tarmac will dominate the area

- Proposed materials will not match existing
- More traffic – the road can't cope with more vehicles/safety issue
- Garden grabbing
- Too many houses on too small a piece of land
- Over development/high density
- Damage character of area
- Rights of way land ownership
- Hydrant in close proximity
- Proximity to watercourse

5.3 Neighbouring properties have been notified of the amended plans. Any further letters of representation received will be reported orally at the meeting.

## 6. **Planning Issues**

- Principle of the development
- Housing density
- Design and appearance.
- Residential amenity
- Highway issues
- Parking provision
- Flooding
- Renewable energy
- Dwelling mix
- Impact on trees

## 7. **Planning Considerations**

### Need for housing

7.1 In terms of the principle of housing development regard must be had to paragraphs 59-61 of the National Planning Policy Framework (NPPF) which state the following:-

*“Para 59. To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.*

*Para 60. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.*

*Para 61. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities,*

*service families, travellers, people who rent their homes and people wishing to commission or build their own homes).*”

- 7.2 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 policies set out in the National Planning Policy Framework (NPPF).
- 7.3 Para 11 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 noting that:  
*“...Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*  
*(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*  
*(ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 7.4 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). In September 2017, the government produced a consultation paper on planning for the right homes in the right places which included proposals for a standard method for calculating local authorities’ housing need. A figure of 590 dwellings per annum for Spelthorne was proposed by the application of this new approach. The draft methodology has yet to be formally adopted by the Government and is being reviewed in the light of the new 2016 household projection forecasts which appeared to indicate lower growth rates. The Government is now consulting on changes to the standard methodology in the light of these new forecasts and, for the time being, the Council will continue to rely on the provisional figure of 590 based on the 2014 household formation projections as suggested by the Government in its latest consultation (Oct – Dec 2018). Despite recent uncertainties the draft methodology provides the most recent calculation of objectively assessed housing need in the Borough and is therefore the most appropriate for the Council to use in the assessment of the Council’s five-year supply of deliverable sites.
- 7.5 In using the new objectively assessed need figure of 590 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review the Borough’s housing supply will be assessed in light of the Borough’s constraints which will be used to consider options for meeting need. The Council has now published its Strategic Land Availability Assessment (SLAA) which identifies potential sites for future housing development over the plan period.

- 7.6 The sites identified in the SLAA as being deliverable within the first five years have been used as the basis for a revised 5-year housing land supply figure. Whilst this has shown that notionally we have identified sufficient sites to demonstrate that we have a five year supply of housing sites we have recently been advised that we need to apply an additional 20% buffer rather than the previously used 5%. This is because Government guidance (NPPF para 74) requires the application of a 20% buffer “where there has been significant under delivery of housing over the previous three years. We now have to have regard to the draft Objectively Assessed Need figure of 590 dwellings per annum and, on this basis, the Council has failed to deliver a sufficient number of dwellings in recent years. It therefore has no choice now but to apply the additional buffer for the five year period from 1 April 2019 to 31 March 2024. The effect of this increased requirement is that the identified sites only represent some 4.5 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites.
- 7.7 As a result, current decisions on planning applications for housing development need to be based on the “tilted balance” approach as set out in paragraph 11 of the NPPF (2018) which requires that planning permission should be granted unless “any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole”.
- 7.8 Having regard to the proposed development and 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 merits of this development in the urban area.

#### Principle of the development

- 7.9 As noted above, Policy HO1 of the Local Plan is concerned with new housing development in the Borough. HO1 (c) encourages housing development on all sustainable sites, taking into account policy objectives and HO1 (g) states that this should be done by:
- “Ensuring effective use is made of urban land for housing by applying Policy HO5 on density of development and opposing proposals that would impede development of suitable sites for housing.”*
- 7.10 As referred to above, the NPPF emphasise the government’s overall housing objective to significantly boost the supply of housing.
- 7.11 The site is not within the Green Belt or within a high flood zone. It is also within the urban area and is currently garden space of existing properties along with a detached garage. As such, much of the application site is already in residential use. The creation of residential units at the site is considered to be acceptable in principle, provided other policies are met, in particular Policy EN1 on design.

### Housing density

- 7.12 Policy HO5 in the Core Strategy Policies DPD 2009 (CS & P DPD) sets out density ranges for particular context but prefaces this at paragraph 6.25 by stating:

*“Making efficient use of potential housing land is an important aspect in ensuring housing delivery. Higher densities mean more units can be provided on housing land but a balance needs to be struck to ensure the character of areas is not damaged by over-development.”*

- 7.13 Policy HO5a) states that within existing residential area that are characterised by predominately family housing rather than flats, new development should generally be in the range of 35 to 55 dwellings per hectare.
- 7.14 The proposal is for 3 units and is on a site of some 0.13 ha, equating to 43 dwellings per hectare (dph). The proposed density falls within the recommended 35 to 55 dph range stipulated in Policy HO5, and in addition the size and design of the units, as amended, is very much in keeping with the form of development on site. In addition, the proposal is considered to comply with the Policy EN1 which is explained in the following paragraphs.

### Design and appearance

- 7.15 Policy EN1a of the 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.”*
- 7.16 The originally submitted scheme has been amended to provide a reduction in the width of the units in order to pay better regard to the existing residential units at the site. The proposal includes the erection of an end of terrace, 3 bedrooomed dwelling to the end of the existing terrace block at King George Close. This property will be built of the same materials and design as the existing, with the same depth as the existing properties. It will measure some 5.4m in width which is some 1.2m wider than the existing end of terraced dwelling which has a width of 4.2m.
- 7.17 In addition the proposal also includes 2 smaller back to back units which will adjoin the end of the existing terraced block of dwellings along Camilla Close. These too will have the same design and materials as the existing block and will be the same depth backing onto one another. These units will also be slightly wider than the existing dwellings by 0.8m, with a width of 5m compared with the existing units which are 4.2m. The extra width allows for a better layout of these small units and this will not be particularly evident when viewed in the street scene from King George Close.

- 7.18 This amendment to allow a reduction in the width of the proposed units will not only make the proposed dwellings more in keeping with the existing properties, it will provide a gap of 3.4m at the narrowest point between the proposed built form. As such, the proposed units are considered to pay due regard to the design of the existing buildings and maintain the gap between the buildings, still giving a sense of place and open feel. It is important to note that the site is located at the end of a cul du sac with limited public access. Vehicles do not travel past the site at King George Close, unless they are being turned around and there is no public access from Camilla Close to the terrace block of houses; it is only for access by the occupants of these dwellings.
- 7.19 The existing land between the terrace blocks is currently gardens for the end of terrace properties and includes a detached garage. The scheme provides the existing end of terraced properties with gardens which are the width of the existing properties and in keeping with the size and shape of the gardens of the other existing terraced properties in the block. As such, this will provide units in keeping with the layout and plot sizes of the existing dwellings in the locality. The new units will also have their own gardens. The back to back units will have gardens to the front of each unit, which will be larger than the rest of the units in the block. The proposed end of terrace unit at King George Close, will have a rear garden in keeping with the neighbouring plots in terms of size.
- 7.20 The proposed new units at Camilla Close will be accessed via King George Close and have parking provision here also. The 2 proposed end of terraced back to back units on Camilla Close will each have their own garden to the front of the dwelling with a 2m close boarded fence around them, as it currently is for the existing end of terraced units at Camilla Close. There will be no route of access or link between these roads and they will remain as 2 separate cul de sacs.
- 7.21 Parking will be provided to the front of each of the units and landscaping will be provided around this to help to provide an attractive setting to the well-designed buildings and to provide a good standard of amenity for future occupants. Consequently, the proposed development is considered to be acceptable in design terms, and will make a positive impact on the street scene of King George Close, Camilla Close and the surrounding area, conforming to policy EN1.

#### Impact on neighbouring residential properties

- 7.22 Policy EN1b of the CS & P DPD states that:

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

- 7.23 The Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) sets out policies requirements in order to ensure this is met.

- 7.24 The SPD in para 3.6 acknowledges that *‘most developments will have some impact on neighbours, the aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed.’* It sets out minimum separation distances for development to ensure that proposals do not create unacceptable levels of loss of light, be overbearing or cause loss of privacy or outlook. These are set as a minimum for 2 storey development of 10.5m for back to boundary distance, and 21m for back to back development.
- 7.25 To the rear of the site are a block of garages on King George Close and the long rear garden of 128 Cadbury Road. The actual dwelling at 128 Cadbury Road is located in excess of 30m from the rear boundary. The proposed end of terraced dwelling on King George Close will have a back to boundary distance of over 12m and will also exceed the 21m back to back distance given the length of the garden at Cadbury Road.
- 7.26 The proposed back to back property at the rear of the site on Camilla Close will also have a separation distance of approximately 12m. However, because the property is a ‘back to back house’ (as are the other ones in the Close), it will not have a rear elevation and this is effectively a front to boundary relationship. There is no minimum distance for front to boundary provision. However this distance is in keeping with the neighbouring dwellings and exceeds the 10.5m back to boundary minimum requirement. This also faces towards the property at no. 128 Cadbury Road and will have an acceptable relationship and impact upon it. The proposed back to back property at the front of the Camilla Close block will have a front to boundary distance of only 8m. The side garden of no 7 Chestnut Close will be some 12m from the front of the proposed dwelling facing it, which is a similar distance to existing dwellings and the proposed unit will be located further away from the house itself. As a consequence, the proposal is considered to have an acceptable relationship with and therefore impact on the amenity of neighbouring residential properties according with Policy EN1.
- 7.27 The proposed new dwellings are located on the end of existing terraced units and will be the same depth as the existing units.. There will be no built form extending further forward or to the rear of the existing properties and as such the relationship with the adjoining properties will be acceptable and will not cause significant overlooking, loss of privacy, overbearing/overshadowing or loss of light impacts. The existing back to back end of terrace units currently have a side facing window at ground floor level which will be blocked up. However this room also has a window in the main elevation as does the other mid terrace units, and is considered to be acceptable. Although the garden areas of proposed units A and C adjoin one another at an angle, this is not considered to give rise to undue overlooking or loss of privacy. They will have an acceptable relationship with one another, in accordance with Policy EN1.

#### Amenity Space

- 7.28 The Council’s SPD on Residential Extension and New Residential Development 2011 provides general guidance on minimum garden sizes (Table 2 and paragraph 3.30). In the case of terraced or 2 bedroomed semi-detached houses, they require 60 sq. m per unit. Each unit will have its own



private amenity space. The proposed unit C will have a rear garden of approx. 61 sq. m, which accords with this requirement the 2 back to back units, A and B both have front gardens in excess of 70 sq. m which are larger than the gardens of the existing units in this block. As such the proposed garden sizes meet the requirements of the SPD and the amenity space provision at this site is considered to be acceptable.

#### Proposed dwelling sizes

- 7.29 The SPD on the Design of Residential Extensions and New Residential Development 2011 sets out minimum floorspace standards for new dwellings. These standards relate to single storey dwellings including flats, as well as to 2 and 3 storey houses.
- 7.30 The Government has since published national minimum dwelling size standards in their “*Technical Housing Standards – nationally described space standard*” document dated March 2015. These largely reflect the London Housing Design Guide on which the Spelthorne standards are also based. For example, the minimum standard for a 1-bedroom 2 storey house for 2 people is 58 sq. m and a three bed 2 storey dwelling is 84 sq. m.
- 7.31 The proposed end of terraced house, unit C has a floor area of 81 sq. m, which is considered acceptable. The proposed back to back units are one bed roomed over 2 floors and provide a floor area of approx. 57 sq. m. These units are in fact wider and therefore larger than the existing units in this block by approx. 10 sq. m. As such, although the proposed units are slightly below the minimum standard, they will in fact be larger than existing units and will be an extension of the existing blocks, adding to the types of housing stock available in the area. The units will have a good level of outlook towards their own gardens and/or the park to the south. Therefore, it is considered that the standard of amenity provided is acceptable.

#### Highway and parking provision

- 7.32 Policy CC2 of the CS & P DPD states that:
- “The Council will seek to secure more sustainable travel patterns by: ... (d) only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account: (i) number and nature of additional traffic movements, including servicing needs; (ii) capacity of the local transport network; (iii) cumulative impact including other proposed development; (iv) access and egress to the public highway; and (v) highway safety.*
- 7.33 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.
- 7.34 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 (maximum parking standards continue to be applicable in relation to commercial development).

- 7.35 The proposed parking provision for the site is 6 spaces for the 3 new dwellings. The Council's Parking Standards as set out in the Supplementary Planning Guidance requires 1.25 spaces per 1 bed unit and 1.5 spaces per 2 bed unit and 2 spaces per 3 bed unit. As such the current proposal for the 3 units would require 5 spaces. As such the proposal accords with parking policy.
- 7.36 The County Highway Authority (CHA) have been consulted and note that, *'...The proposed development site is accessed by a private section at the end of King George Close, most of which is a publicly maintained highway. The County Highway Authority therefore has no jurisdiction over the section of road that provides the immediate access to the site, but has considered the impact the development could have on the adjoining highway. A condition is required to ensure the space is made available for the parking of vehicles away from the public highway.'*
- 7.37 The proposal provides 6 car parking spaces for the new units and 2 for the existing 2 storey house at King George Close because the proposal includes the removal of the existing detached garage. The spaces will be located to the front of the units at the end of King George Close and will have landscaping provided around them to soften the appearance of the hardstanding. Given the proposal is for 3 relatively small dwellings in an existing residential area, it is not considered that the proposal will result in a significant impact in terms of traffic generation. The County Highway Authority has raised no objection to the proposed scheme on highway safety grounds or parking provision. As such it is considered that the scheme is acceptable in terms of policies CC2 and CC3 on highway and parking issues.

#### Flooding

- 7.38 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by not requiring all development proposal within Zones 2, 3a and 3b and development outside the area (Zone 1) on sites of 0.5ha or of 10 dwellings or 1000sqm of non-residential development or more, to be supported by an appropriate Flood Risk Assessment (FRA).
- 7.39 The site is located within Flood Zone 1, which has a low probability of flooding with a less than 1 in 1000 year chance of flooding, and no uses are precluded on flooding grounds.. As such, given the development site is located outside of the high flood risk area there is no risk to the future occupants of the site from flooding and accords with Policy LO1. The Environment Agency (EA) have been consulted due to the position of the brook, however they have replied but made no comments on the scheme. The Council has consulted a drainage engineer regarding the surface water drainage created by the development. He has responded by raising no objection subject to the imposition of a condition.

### Renewable Energy

- 7.40 Policy CC1 of the CS & P DPD states that the Council will require residential development of one or more dwellings and other development involving new building or extensions exceeding 100 sqm to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources unless it can be shown that it would seriously threaten the viability of the development. A condition will be imposed to ensure this requirement is met.

### Impact on Trees/Landscaping

- 7.41 Previously at the site in 2015 a preserved Horse Chestnut tree was allowed to be felled due to its condition and a replacement was required by way of a planning condition. The condition was appealed but the Inspector dismissed the appeal and required a replacement tree, but not in the same position as the original tree. The works to the original tree have been carried out, with the trunk remaining in place, in a location close to the existing garage. A replacement tree has not been planted, however the submitted plans show a location for this replacement tree on the bank of the brook. In addition, the submitted plans show tree details including the location of existing trees and their root protection areas. The plan shows landscaping to include planting and paths in particular at the front of the site, including the amenity areas and around the parking spaces to help to soften the hardstanding. This will provide a pleasant visual amenity to future occupants and complement the proposed and existing buildings, providing a pleasant visual amenity to the cul de sac.
- 7.42 The Council's Tree and Landscape Officer has been consulted and raises no objection to the scheme but recommends a condition requiring an Arboricultural Method Statement (AMS) to cover ground protection, fencing and no dig surfaces to ensure an acceptable impact on the trees. The proposed landscaping would add visual interest in addition to help to attract wildlife and will help to enhance the proposed development and is considered to be acceptable.

### Contaminated Land

- 7.43 The Council's Pollution Control Officer has raised no objection but has requested conditions to be imposed requiring investigation to be carried out and remediation measures given the proposal for new residential units. Subject to these conditions, the proposal is considered acceptable in accordance with Policy EN15.

### Refuse Storage and Collection

- 7.44 The roads are both served by refuse vehicles currently and the proposed new dwellings would form part of this. The proposal shows the provision of refuse storage areas located to the front/side of the site and is also easily accessible

by future residents. Therefore the proposed refuse storage facilities are acceptable.

#### Other matters

- 7.45 A number of issues have been raised by objectors, in particular in relation to the lack of detail on the plans and the uncertainty of a linkage between the 2 roads. The amended plans clearly show that there will be no access from King George Close to Camilla Close and vice versa. As a consequence, this should allay the concerns raised about a link being used as a 'quick getaway route' and unsociable behaviour etc. In addition, land ownership is not a planning issue that can be taken into account when assessing the application. Increased litter and pollution is not considered to be an issue with a scheme for 3 new dwellings. Lighting can be provided by future occupants however lack of lighting is not a reason to refuse the scheme.

#### Financial Considerations

- 7.46 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, but the existing floor space is currently in use and can be deducted. As such it will generate a CIL payment based on £140 per square metre of approx. £33,000 in total. This money goes toward local infrastructure and as such 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.

#### Conclusion

- 7.47 The proposal will provide 3 new dwellings in an existing residential street making effective use of urban land and meet a need for housing. As noted previously the "tilted balance" approach as set out in paragraph 11 of the NPPF (2018) requires that planning permission should be granted unless "any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole" There is a presumption in favour of sustainable development, and the benefits of the scheme in this existing residential location clearly outweighs any harm, as such the NPPF requires permission to be granted.
- 7.48 Therefore, the proposal to provide 3 new dwellings as extensions to 2 existing blocks is considered to be acceptable and the application is 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

Site location plan received on 03.10.2018 and amended plan no. KJT/Camilla/1001 d and 1002a received on 14.02.2019

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

3. No development above damp-proof course level shall take place until details of the materials and detailing to be used for the external surfaces of the buildings and surface material for parking areas are submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved materials.

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:-

- (a) 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 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. Following construction of any groundwork and foundations, no construction of the development above damp-proof course level shall take place until a report is 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.

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. Details of a scheme of both soft and hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby approved. The approved scheme of tree and shrub planting and other

associated works shall be carried out prior to first occupation of the buildings and/or site. 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.

8. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: - This condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2018 and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 9 The development hereby approved shall not be first occupied unless and 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 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.

10. The refuse and recycling facilities hereby approved shall be provided prior to the occupation of the development hereby approved and retained thereafter.

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 commencement of development an Arboricultural Method Statement, including details of ground protection, fencing and no dig

surfaces shall be submitted and agreed in writing to the Local Planning Authority and shall be implemented as per the agreed details.

Reasons:- To ensure the trees in the vicinity of the site are protected and not harmed by the development.

12. No development shall commence until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority.

The drainage scheme should demonstrate the surface water run-off generated up to and including the 1 in 100 plus climate change critical storm will be managed in line with the SuDS hierarchy. If infiltration can be achieved, then evidence of infiltration testing must be provided. If infiltration is not viable then the proposed surface water flows from site must not exceed Greenfield run-off rates (or as close as practicable), unless a higher flow rate can be justified.

The drainage scheme details to be submitted for approval shall also include:

- I. Calculations demonstrating no increase in surface water runoff rates and volumes discharged from the site compared to the existing scenario up to the 1 in 100 plus climate change storm event.
- II. Calculations demonstrating no on site flooding up to the 1 in 30 storm event and any flooding between the 1 in 30 and 1 in 100 plus climate change storm event will be safely stored on site ensuring no overland flow routes.
- III. Detail drainage plans showing where surface water will be accommodated on site,
- IV. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The surface water drainage scheme shall be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted and thereafter it shall be managed and maintained in accordance with the approved details in perpetuity.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and to ensure the future maintenance of these in accordance with Policy LO1 of the Core Strategy and Policies DPD and the policies in the NPPF.



### Informatives to be attached to the planning permission

1. If it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.
2. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
3. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs)
4. 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.
5. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
6. 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).

- 7 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) A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;
  - b) Site perimeter automated noise and dust monitoring;
  - c) Engineering measures to eliminate or mitigate identified environmental impacts e.g. hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
  - d) Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents liaison meetings, etc.)
  - e) A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme;
  - f) To follow current best construction practice BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites',
  - g) BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from ground borne vibration,
  - h) BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings - vibration sources other than blasting,
  - i) Relevant EURO emission standards to comply with Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999,
  - j) Relevant CIRIA practice notes, and
  - k) BRE practice notes.
  - l) Site traffic – Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
  - m) Site waste Management – Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations.
  - n) Noise mitigation measures employed must be sufficient to ensure that the noise level criteria as outlined in BS8233:2014 and WHO guidelines is achieved.

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).

8. The applicant is advised that the essential requirements for an acceptable communication plan 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.
9. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.  
If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent.  
If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

#### Decision Making: Working in a Positive and 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.



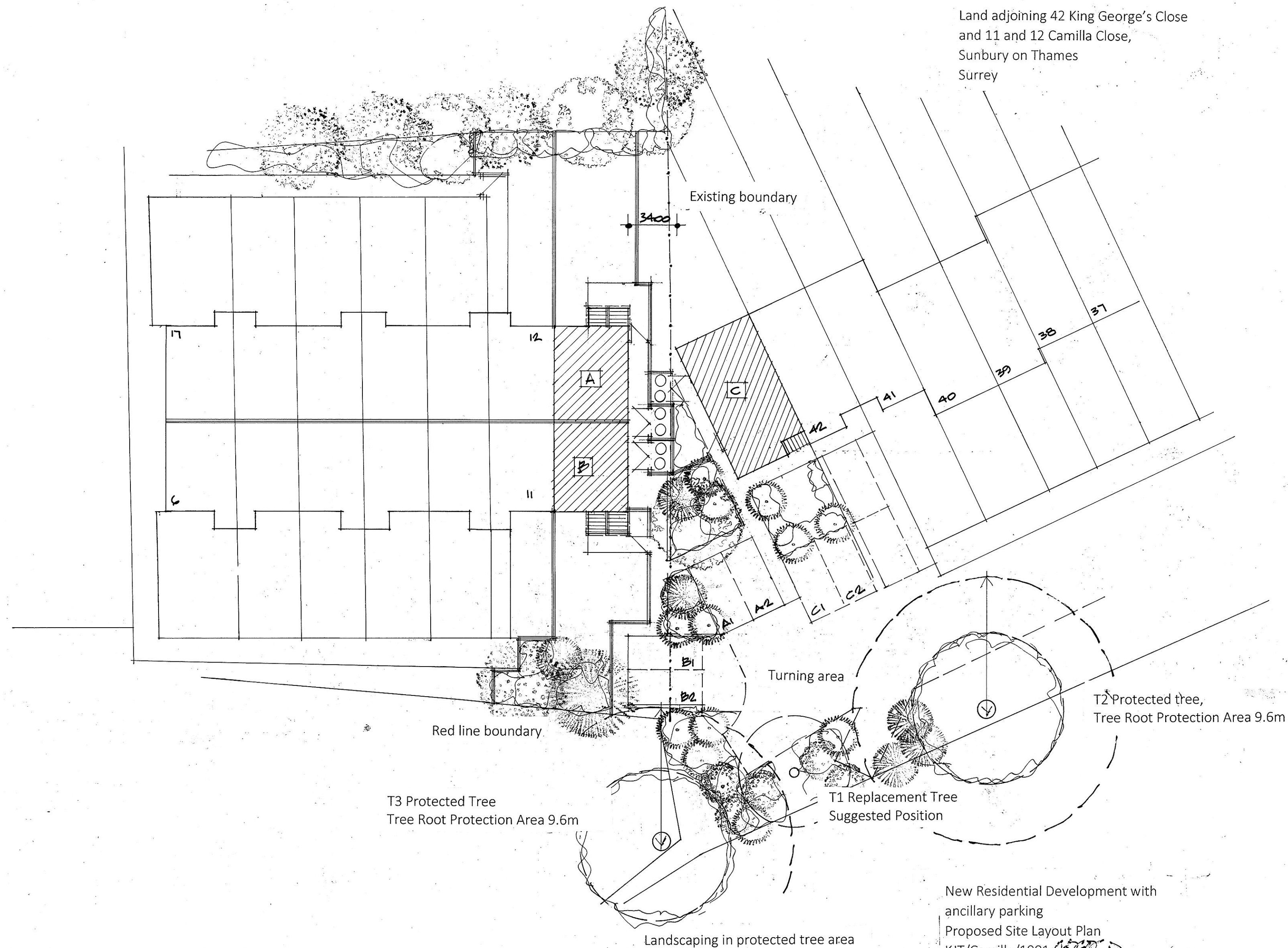
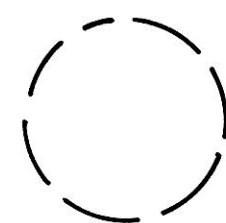
# Notes

- Denotes existing turning area
- Denotes existing King Georges property boundary
- ===== Denotes location of 2 metre high fencing with access gates

1. All car spaces to be 2.4 m by 4.8 m
2. All gardens separated by 2 metre high close boarded fencing

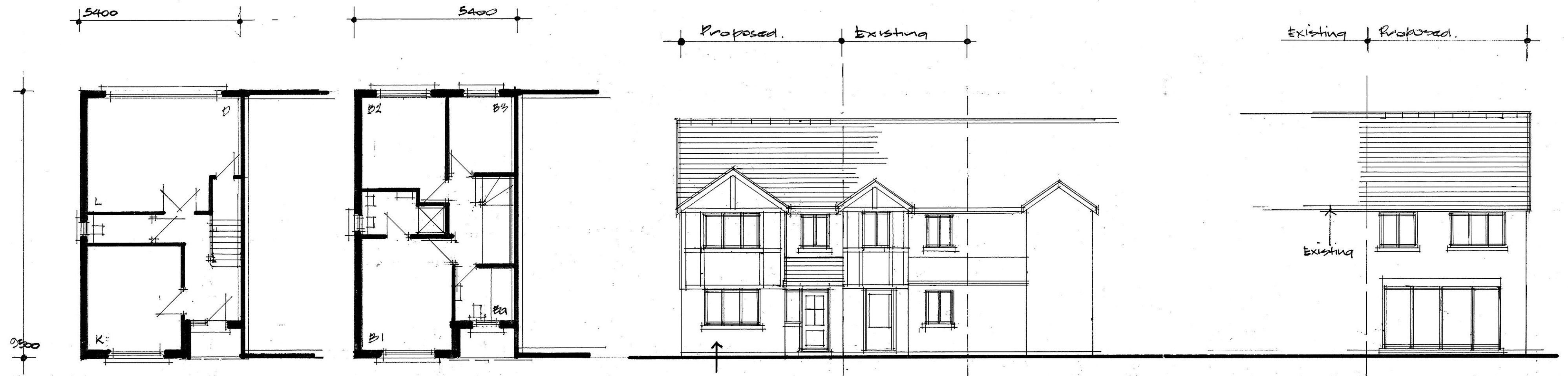
Kevin J Turner FRICS  
Chartered Surveyor, Architecture, Town Planning  
4 Little Oaks Close  
Shepperton  
Surrey  
TW17 0GA  
01932 568568/07711 056605

Land adjoining 42 King George's Close  
and 11 and 12 Camilla Close,  
Sunbury on Thames  
Surrey



New Residential Development with  
ancillary parking  
Proposed Site Layout Plan  
KJT/Camilla/1001  
Scale 1-200





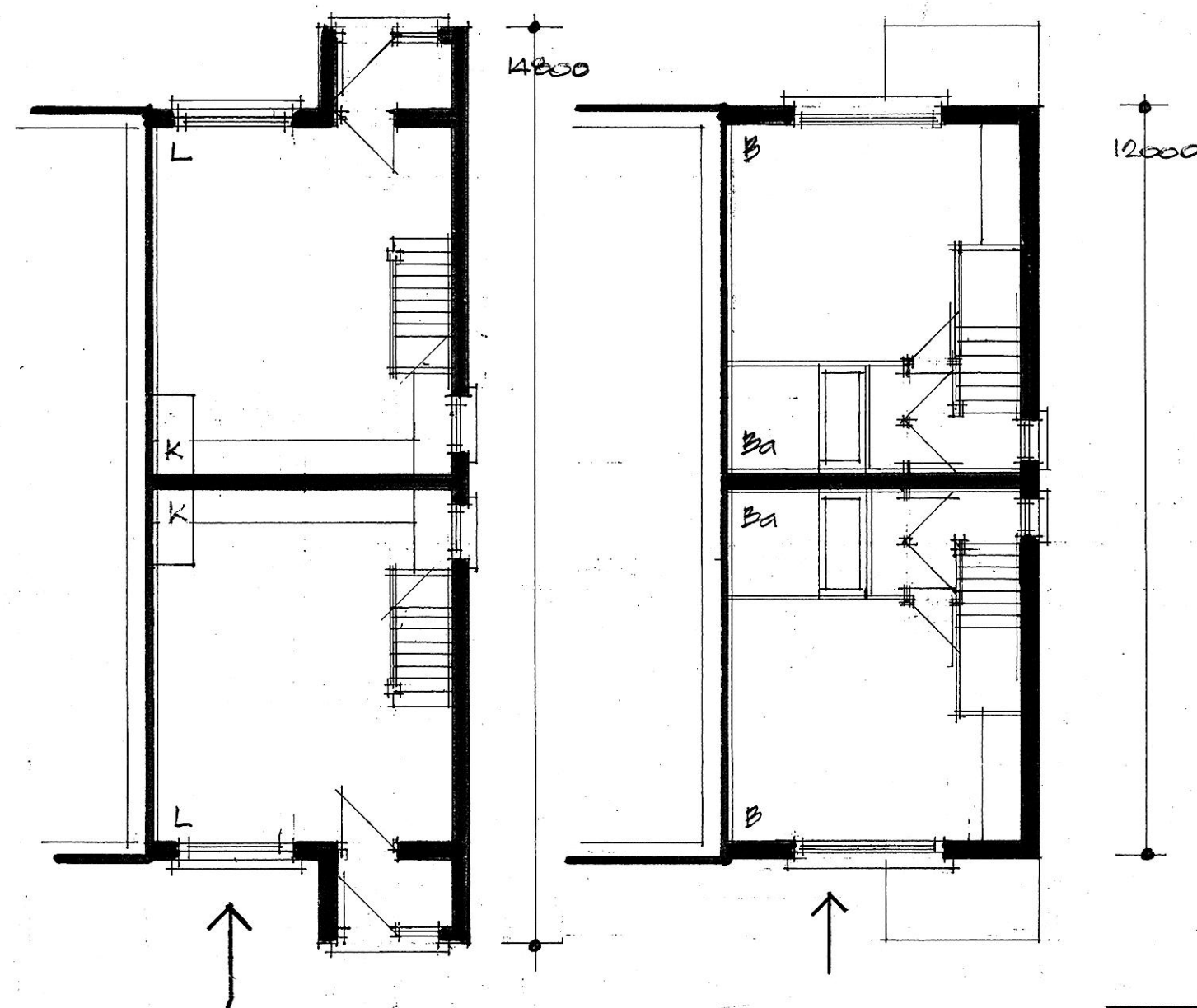
Unit C Ground Floor Plan

Unit C First Floor Plan

Unit C Front Elevation

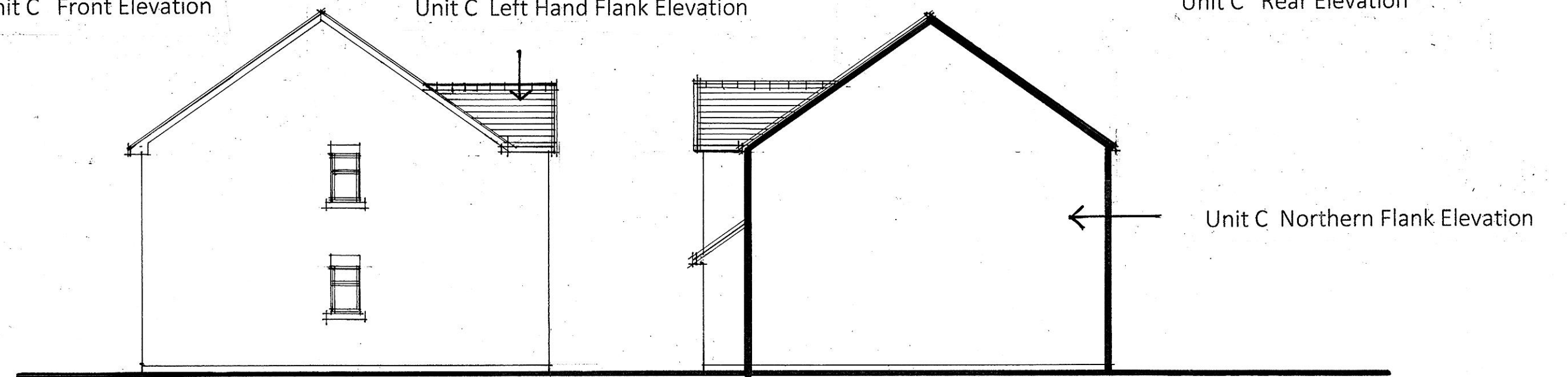
Unit C Left Hand Flank Elevation

Unit C Rear Elevation



Units A and B Ground Floor Plans

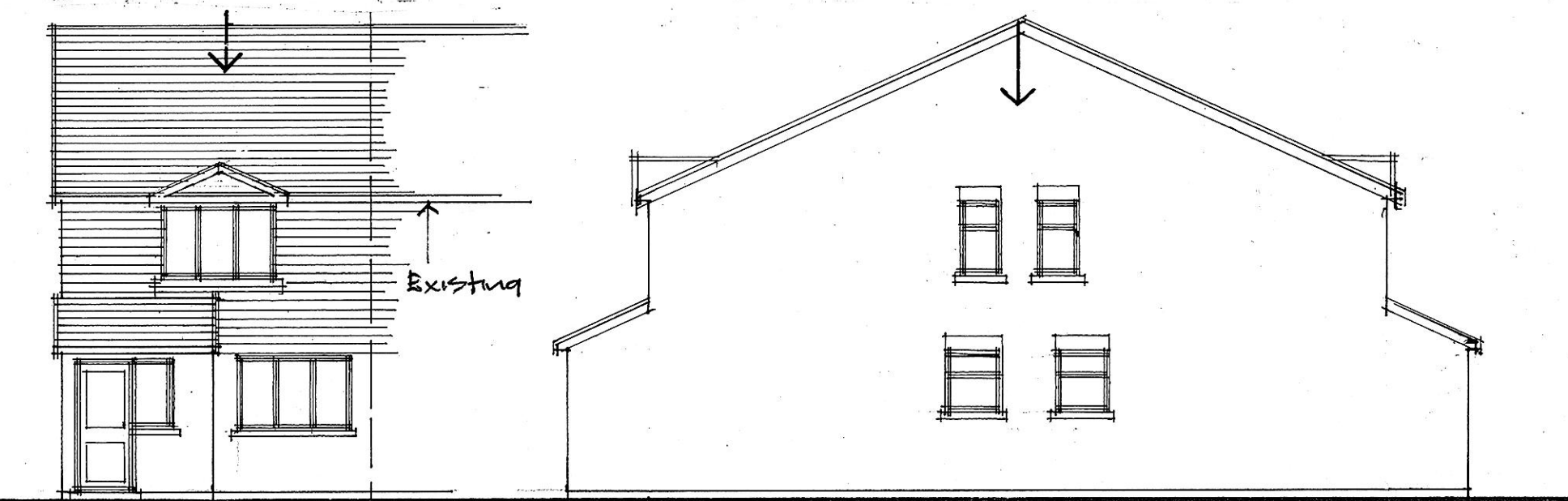
Units A and B First Floor Plans



Unit B Front Elevation

Units A and B North Flank Elevation

Unit C Northern Flank Elevation



Unit B Flank Elevation

# Notes

1. In all cases the adjoining properties are within the ownership of the applicant.
2. In all cases the heights of the proposed new houses will match those of the adjoining/existing properties
3. In all cases the external wall and roof materials will match those of the adjoining properties.

Kevin J Turner FRICS  
4 Little Oaks Close  
Shepperton  
Surrey  
TW17 0GA  
01932 568568/07711 056605

Land adjoining 42 King George's Close  
And 11 and 12 Camilla Close  
Sunbury on Thames  
Surrey

New Residential Development  
with ancillary parking  
Proposed Floor Plans and Elevations  
KJT/Camilla/1002a  
Scale 1-100 metric

**PLANNING APPEALS****LIST OF APPEALS SUBMITTED BETWEEN 19 DECEMBER 2018 AND 18  
FEBRUARY 2019**

<b>Planning Application Number</b>	<b>Inspector ate Ref.</b>	<b>Address</b>	<b>Description</b>	<b>Appeal Start Date</b>
18/00019/COU	APP/Z363 5/W/18/32 00540	Former Nursery Site Rear Of 37 - 51 Hithermoor Road Stanwell Moor	Change of use of site from former nursery site to fencing manufacture and supply business.	08/01/2019
18/01101/FUL	APP/Z363 5/W/18/32 19226	17 - 51 London Road Staines-upon- Thames TW18 4EX	Erection of six buildings to provide 474 residential homes (Class C3) and flexible commercial space at ground and first floors (Class A1, A2, A3, B1, D1 or D2) car parking, pedestrian and vehicular access, landscaping and associated works.	15/01/19
18/01106/RVC	APP/Z363 5/W/18/32 17395	McDonalds 554 London Road Ashford TW15 3AE	Variation of condition no. 21 of planning approval 13/00451/FUL for the erection of a freestanding two storey restaurant with associated drive thru lane, parking and landscaping and installation of customer order display and canopy to allow the restaurant to open for 24 hours a day, seven days a week.	16/01/19
18/01426/RVC	APP/Z363 5/W/18/32 19171	Halliford Studios Limited Manygate Lane Shepperton TW17 9EG	Variation of condition 2 (approved drawings) of planning permission 17/01065/FUL for 24 dwellings, to allow the brick wall along the Northern and Eastern boundaries to be replaced with 1.8 metre high close boarded fence topped with 300mm trellis, and a 2.1 metre high wall.	16/01/19

18/01494/HOU	APP/Z3635/ D/19/32201 82	29 Hawkewood Road Sunbury On Thames TW16 6HL	Conversion of bungalow to two storey dwelling with front and side extensions following demolition of existing side and rear conservatories.	12/02/19
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**APPEAL DECISIONS RECEIVED BETWEEN 19 DECEMBER 2018 AND 18  
FEBRUARY 2019**

<b>Site</b>	Cheyne Cottage 7 Oaks Road Stanwell
<b>Planning Application No.:</b>	18/00631/HOU
<b>Proposed Development:</b>	Erection of a detached double garage.
<b>Reasons for Refusal</b>	By virtue of its design and materials the proposed garage is considered to show insufficient regard to the setting of the adjacent Grade II Listed building Cheyne Cottage and fails to preserve or enhance the special character of Stanwell Conservation Area. The proposal is therefore contrary to policies EN1, EN5 and EN6 of the Core Strategy and Policies Development Plan Document 2009.
<b>Appeal Reference:</b>	APP/Z3635/D/18/3206638
<b>Appeal Decision Date:</b>	21/12/2018
<b>Inspector's Decision</b>	The appeal is dismissed
<b>Inspector's Comments:</b>	<p>The Inspector considered the main issue to be the effect of the proposal on the character and appearance of Stanwell Conservation Area and the setting of Cheyne Cottage.</p> <p>The garage would span almost the entire width of the existing open space to the side of Cheyne Cottage and the Inspector considered that it would appear as a purely utilitarian structure placed within a confined area with little further evidence of it being comfortable or assimilated into its surroundings. Neither the materials nor the building's form were considered to show any respect for the architectural composition of Cheyne Cottage or its immediate surroundings.</p>



	<p>The Inspector considered that the character and appearance of the Conservation Area would be neither preserved nor enhanced, which would be detrimental to the area's significance as a heritage asset. In addition, the Inspector considered that the unsympathetic presence of the building would detract from the setting of Cheyne Cottage and also harm its significance as a heritage asset. The Inspector concluded that there would therefore be conflict with policies EN1, EN5 and EN6 of the Core Strategy and Policies DPD (2009) and the appeal was dismissed accordingly.</p>
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<b>Site</b>	15 Park Road Stanwell Staines-upon-Thames
<b>Planning Application No.:</b>	17/01791/HOU
<b>Proposed Development:</b>	Erection of vehicle crossover.
<b>Reason for Refusal</b>	The proposed means of access to the highway is considered not give sufficient space to facilitate the average dimensions of a car and therefore is contrary to the objectives of the NPPF and Policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.
<b>Appeal Reference:</b>	APP/Z3635/W/18/3203670
<b>Appeal Decision Date:</b>	02/01/2019
<b>Inspector's Decision</b>	The appeal is dismissed
<b>Inspector's Comments:</b>	<p>The Inspector considered the main issue was the effect of the proposed development on the safety of other highway users. This was due to the depth of the appellants' front garden being 4.4 metres which is below the 4.8 metres parking standard that has been identified as the typical length of an average family car. The footway is approximately 1.6 metres wide and so a larger car was considered to overhang the driveway. Therefore the Inspector considered a reduction in the width from an overhanging vehicle would impact the safety of pedestrians.</p> <p>The Inspector noted the appellants' reasons related to parking a car close to the property at certain times of the day and leaving their children unattended whilst looking for a parking space. They considered</p>

	<p>that the identified harm caused to the safety of the public outweighed the benefits to the appellant.</p> <p>However, overall the Inspector considered the proposal would cause unacceptable harm to the safety of other highway users and conflicts with CS Policy CC3.</p>
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<b>Site</b>	60 Penton Road Staines-upon-Thames TW18 2LJ
<b>Planning Application No.:</b>	17/01131/FUL
<b>Proposed Development:</b>	Erection of a two storey 4 no. bedroom detached dwelling following demolition of existing garage
<b>Reason for Refusal</b>	The proposed two storey dwelling would be situated within a 'dry island' and would not provide a dry means of safe access and egress for future occupiers, and would add to the problems of the emergency services during a major flood event, contrary to the objects of policy LO1, of the Spelthorne Core Strategy and Policies Development Plan Document (Feb 2009).
<b>Appeal Reference:</b>	APP/Z3635/W/18/3197907
<b>Appeal Decision Date:</b>	16/01/2019
<b>Inspector's Decision</b>	The appeal is dismissed.
<b>Inspector's Comments:</b>	<p>The Inspector identified that the main issue was whether the site would be suitable for housing in regards to flood risk and a safe means of escape during flood events.</p> <p>The Inspector noted that whilst the site is located within Flood Zone 2, it is situated on a 'Dry Island' which is surrounded by Flood Zones 3a and 3b. Therefore at times of flooding the site was effectively cut off by flood waters.</p> <p>It was noted that the Flooding SPD states proposals for development on 'Dry Islands' will be treated the same as for the level of flood risk in the area surrounding them regardless of their size, which the Inspector considered was broadly in accordance with the requirements of the</p>

	<p>NPPF. The scheme should therefore be treated as though it was in Flood Zones 3a and 3b.</p> <p>The Inspector noted that the appellants FRA confirms that the evacuation route would be free of flooding from the River Thames within the first 100-200 hours, and the flooding would then effectively surround the dry island within 400 hours when evacuation would be difficult.</p> <p>It was noted that vulnerable residents may need more time or assistance from others to evacuate the property which would add further demand on already stretched resources at a time of emergency. Moreover, any delay in evacuation may lead to occupiers attempting to cross flood waters, and could add to the problems of the emergency services.</p> <p>It was noted that whilst the Environment Agency had not objected, the EA had stated that a dry means of escape would need to be provided outside of the 1% annual exceedance probability and the Inspector was not satisfied that this had been achieved.</p> <p>The Inspector concluded that the appeal site would not be suitable for housing with particular regard to flood risk and the provision of a safe means of escape during flooding. Therefore it would be contrary to Policy LO1 of the Core Strategy and Policies Plan Document 2009 and the SPD, and the appeal was dismissed.</p>
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<b>Site</b>	83 Thames Side Staines-upon-Thames TW18 2HF
<b>Planning Application No.:</b>	17/01837/FUL
<b>Proposed Development:</b>	Retrospective application for the retention of landing stage for boat mooring
<b>Reason for Refusal</b>	The proposal represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will diminish the openness of the Green Belt and give the locality a more urban character. Furthermore, the development is considered to be visually obtrusive in this riverside location and would not make a positive contribution to the setting of the River Thames. It is therefore contrary to saved Policy GB1 of the Spelthorne Borough Local Plan 2001, Policy EN9 of the Core Strategy and Policies DPD 2009, and Section 9 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2012.

<b>Appeal Reference:</b>	APP/Z3635/W/18/3207714
<b>Appeal Decision Date:</b>	23/01/2019
<b>Inspector's Decision</b>	The appeal is dismissed
<b>Inspector's Comments:</b>	<p>With regards to impact on the Green belt, the Inspector considered that a landing stage for mooring a boat could reasonably be considered as an appropriate facility for outdoor recreation to enable residents to enjoy the river. The Inspector noted that the landing area is about 6 metres wide and has a depth of about 1.9 metres and is supported by three metal piles about 2.5 metres high. He considered that while it introduces development into an open area, it is low lying, about level with the riverbank adjacent to the water, the lack of enclosure to the landing means it is perceived as being an open structure, with views available through it from both sides of the river bank. In his view, the size of the landing area is small, the piles are high but they have limited mass. Overall therefore, he considered that in these particular circumstances any loss of openness is minimal and as such is not materially harmful.</p> <p>In terms of impact on the character the Inspector noted that the landing is mainly constructed from timber and in this respect is an acceptable addition. He considered that the size of the landing is small and the piles, although necessarily high to prevent the boat drifting onto the landing stage in times of flood, has a minimal mass, such that the landing would not be an obtrusive feature when viewed from either side of the river bank and along the towpath similar to other structures. He considered that this together with its open nature means that views of the river and its open setting are protected and respected.</p>

<b>Site</b>	Beulah Penny Lane Shepperton TW17 8NF
<b>Planning Application No.:</b>	17/01126/FUL
<b>Proposed Development:</b>	Change of use of garages to a mixed use of garages and holiday accommodation

<b>Reason for Refusal</b>	<p>1. The site is located with Flood Zone 3a and 3b and the proposed use as a holiday accommodation (classified as a highly vulnerable use) would introduce more residents into the flood plain and put more people at risk from flooding, contrary to Policy LO1 of the Core Strategy and Policies DPD 2009 and the requirements on Flood risk as set out in the Planning Practice Guidance to the NPPF.</p> <p>2. The proposed development represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will diminish the openness of the Green Belt and give the locality a more urban character. It is therefore contrary to saved Policy GB1 of the Spelthorne Borough Local Plan 2001 and section 9 of the National Planning Policy Framework 2012.</p>
<b>Appeal Reference:</b>	APP/Z3635/W/18/3198128
<b>Appeal Decision Date:</b>	24/01/2019
<b>Inspector's Decision</b>	The appeal is dismissed
<b>Inspector's Comments:</b>	<p>The appeal site is located within the Green Belt. The Inspector summarised that the structure already exists and the development would not add to the existing footprint of the building and similarly no additional hardstanding was proposed. However he noted that whilst individual stays in the accommodation would be shorter, there would be potential for the accommodation to be in use throughout the year. In addition he considered that visitors would be independent of the main household and as such it could reasonably be expected that there would be an increased number of cars and activity independent of the main dwelling as a result of visiting tourists. He concluded that there would not, therefore, be less activity than what is currently permitted. The increased comings and goings would lead to a more intensive use, increasing the urban character of the area. This was irrespective of the existing use of Penny Lane by the residents of neighbouring properties. He considered that the development would consequently be harmful to the openness of the Green Belt and the urban encroachment would be contrary to one of the purposes of including land within the Green Belt.</p> <p>In addition, with regard to flood risk, the Inspector noted that the site falls primarily within flood zone 3b and he considered that irrespective of whether the occupants would be permanent or temporary residents of the property, they would still be at risk in the event of a flood. He did not consider that flood warnings would adequately mitigate this. He also noted that the Environment Agency had objected to the proposal on the</p>

	basis that the proposed use was not compatible with flood zone 3b and that safe access and egress issues have not been satisfactorily addressed. He therefore agreed that the proposal conflicted with LO1.
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<b>Site</b>	Two Rivers Retail Park Mustard Mill Road Staines-upon-Thames
<b>Planning Application No.:</b>	18/00625/ADV
<b>Proposed Development:</b>	Application for advertisement consent for the display of 2 no internally illuminated fascia signs to the roof canopy (3.29 x 1.190 x 0.10), 1no internally illuminated sign to the front (0.59 x 0.99 x 0.10), 1no non-illuminated fascia sign on the rear elevation above the roller shutter to the warehouse (0.52 x 2.60) and 2no freestanding partially illuminated signs adjacent to Mustard Mill Road (1.50 x 0.83 x 0.17).
<b>Reason for Refusal</b>	The proposed 2no freestanding partially illuminated signs would by reason of their position, have a harmful effect on the visual amenity of the surrounding area along Mustard Mill Road, contrary with paragraph 67 of the National Planning Policy Framework 2012.
	APP/Z3635/Z/18/3208274
<b>Appeal Decision Date:</b>	08/02/2019
<b>Inspector's Decision</b>	The appeal is dismissed
<b>Inspector's Comments:</b>	<p>The Planning Inspector considered that the main issue was the effect of the proposal on the visual amenity and particular harmful impact upon the character and appearance of Staines Centre.</p> <p>The Inspector noted that the advertisements at the shopping centre were confined to the individual stores in the various parts of the centre, but the roadside displays were limited to those erected by the centre's management providing information for visitors about the layout and car parking.</p> <p>It was considered that the erection of advertisements for a particular trader, albeit in the form of a direction towards the unit, would be the start of a clutter harmful to the visual amenity.</p>

	Whilst the Inspector agreed that the proposed signs would be helpful for the visitors, it was however considered this would be primarily in the first couple of months after the store has opened and as such it was concluded that the signage would be unnecessary for the majority of patrons who would no need for guidance on their regular shopping trips how to reach the correct car park for the store.
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<b>Site</b>	17 Rex Avenue Ashford TW15 2DA
<b>Planning Application No.:</b>	18/00672/TPO
<b>Proposed Development:</b>	TPO227/07 - T1 & T2 - Oak x 2 - Crown lift from ground level to 8 metres to provide light
<b>Reason for Refusal</b>	The two oak trees make a significant contribution to the local amenity of the area and appear to be in a healthy and stable condition and are showing no obvious signs of disease or decay. They have reasonable branch structures which form a balanced crown shape together. The proposed reduction would significantly lower the trees' amenity value. The overshadowing from the trees is not considered sufficient reason to justify the extent of the proposed crown reduction nor the impact that such a reduction would have on the contribution that the oaks make to the visual amenity of the surroundings.
<b>Appeal Decision Date:</b>	04/01/2019
<b>Inspector's Decision</b>	The appeal is dismissed
<b>Inspector's Comments:</b>	<p>The Inspector considered the trees featured prominently from Rex Avenue and Manor Road. They considered the trees made a strong and positive contribution to the character of the area. The inspector considered that the removal of large limbs would leave large wounds and would increase the likelihood of disease and decay and would adversely affect the long term health of the trees. Therefore they noted the proposed works would have a detrimental effect on their health and visual amenity.</p> <p>The Inspector notes the appellants reasoning for the works</p>

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

<b>Council Ref.</b>	<b>Type of Appeal</b>	<b>Site</b>	<b>Proposal</b>	<b>Case Officers</b>	<b>Date</b>
18/00019 /COU	Hearing	Former Nursery Site Rear of 37 – 51 Hithermoor Road, Stanwell Moor	Change of use of site from former nursery site to fencing manufacture and supply business	Paul Tomson	12/03/19
18/01101 /FUL	Inquiry	17 - 51 London Road Staines-upon-Thames TW18 4EX	Erection of six buildings to provide 474 residential homes (Class C3) and flexible commercial space at ground and first floors (Class A1, A2, A3, B1, D1 or D2) car parking, pedestrian and vehicular access, landscaping and associated works.	Russ Mounty/ Matthew Churchill	TBC



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of the Local Government Act 1972.

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