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Date: 18 June 2019

## **Notice of meeting**

### **Planning Committee**

**Date:** Wednesday, 26 June 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)	S.M. Doran	L. Nichols
H. Harvey (Vice-Chairman)	S.A. Dunn	R.J. Noble
A. Brar	M. Gibson	R.W. Sider BEM
S. Buttar	T. Lagden	V. Siva
R. Chandler	J. McIlroy	B.B. Spoor

**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 - 29 May 2019**

**9 - 14**

To confirm the minutes of the meeting held on 29 May 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. Application No: 19/00290/FUL Development Site at 17 - 51 London Road, Staines-upon-Thames**

**15 - 82**

**Ward:**

*Staines*

**Proposal:**

Erection of six buildings to provide 467 residential homes (Use class C3) and flexible commercial space at ground and first floors (Use Classes A1-A3, B1a, D1 or D2), car parking, pedestrian and vehicle access, landscaping and associated works.

**Officer Recommendation:**

This application is recommended for approval subject to conditions and a legal agreement.

**5. Application No: 19/00428/FUL St. James School, Church Road, Ashford**

**83 - 110**

**Ward:**

*Ashford North and Stanwell South*

**Proposal:**

Erection of new sports hall facility to include 4 no. badminton courts, fitness suite, 2 no. changing rooms, storage, first aid room and reception area. Demolition of existing multi use games area (MUGA) and provision of an outdoor 5 aside pitch and car park.

**Officer Recommendation:**

In accordance with the Town and Country Planning (Consultation) (England) Direction 2009, refer to the Secretary of State with a recommendation to approve subject to conditions as specified in the report.

- |            |  |                  |
|------------|--|------------------|
| <b>6.</b>  | <b>Application No: 19/00543/FUL Land at Orchard Close, Ashford</b><br><b>Ward:</b><br><i>Ashford Common</i><br><br><b>Proposal:</b><br>Erection of 3 bedroom chalet bungalow with ancillary access and parking.<br><br><b>Officer Recommendation:</b><br>This Planning Application is recommended for approval, subject to conditions set out in Paragraph 8 of the report.  | <b>111 - 130</b> |
| <br>       |  |                  |
| <b>7.</b>  | <b>Application No: 19/00483/FUL Building 200, BP International Centre, Chertsey Road, Sunbury-on-Thames</b><br><b>Ward:</b><br><i>Ashford Common</i><br><br><b>Proposal/To note: – Approved 30 May 2019</b><br>The installation of a new atrium roof (following removal of 'barrel vault' roof)<br><br>The purpose of this report is to advise the Planning Committee of the decision to approve this planning application, made under officer delegated powers. | <b>131 - 134</b> |
| <br>       |  |                  |
| <b>8.</b>  | <b>Development Management Performance</b><br>To note the Development Management Performance Report for the period April 2018 – March 2019.   | <b>135 - 138</b> |
| <br>       |  |                  |
| <b>9.</b>  | <b>Planning Appeals Report</b><br>To note details of the Planning appeals submitted and decisions received between 10 April 2019 and 13 June 2019.   | <b>139 - 148</b> |
| <br>       |  |                  |
| <b>10.</b> | <b>Urgent Items</b><br>To consider any items which the Chairman considers as urgent.   |                  |

**Minutes of the Planning Committee  
29 May 2019**

**Present:**

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

**Councillors:**

R. Chandler	S.A. Dunn	L. Nichols
S.M. Doran	T. Lagden	R.J. Noble
R.W. Sider BEM	J. McIlroy	V. Siva
S. Buttar	A.J. Mitchell	B.B. Spoor

**Apologies:** There were none.

**In Attendance:**

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

Councillor M. Attewell	Application No. 19/00325/HOU
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**163/19 Minutes**

The minutes of the meeting held on 21 May 2019 were approved as a correct record.

**164/19 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**

Councillors R.A. Smith-Ainsley, H. Harvey and S. Doran reported that they had made a site visit in relation to application 18/01259/FUL The Old Police Station, 69 Staines Road East, Sunbury on Thames and Councillor B. Spoor had received correspondence in relation to this application. They had all

maintained an impartial role, had not expressed any views and had kept an open mind.

Councillors R.A. Smith Ainsley, H. Harvey, R. Chandler, S. Doran, S. Dunn, T.Lagden, L. Nichols, R. Noble, R.W. Sider BEM, V. Siva and B. Spoor reported that they had received correspondence in relation to application 19/00444/ADV, Charlton Lane Eco Park, Charlton Lane, Shepperton. Councillors H. Harvey and R.W. Sider BEM had also visited the site. They had all maintained an impartial role, had not expressed any views and had kept an open mind.

**165/19 Application No 18/01259/FUL - The Old Police Station, 69 Staines Road East, Sunbury on Thames, TW16 5AA**

**Description:**

Conversion, extension and alterations of the existing old police station building, which is locally listed, to provide 4 flats together with the erection of a new 2 storey building to provide an additional 4 flats following the demolition of the existing outbuildings. The proposal would provide car parking, landscaping, access and associated works.

**Additional Information:**

The Planning Development Manager advised the Committee that following the deferral of this application, one additional letter of representation was received and 8 additional letters of objection.

The County Highway Authority confirmed that it raised no objection to the proposal or the proposed highway works.

The Group Head, Neighbourhood Services, raised no objection in relation to household waste.

**Public Speaking:**

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

- He was speaking on behalf of residents in Priory Close
- Access concerns
- Inadequate parking compared with standards – plus 2 parking spaces to be reserved for disabled drivers
- There was a restricted train service from Sunbury Railway Station
- There were only local shops at Sunbury Cross
- Concerns over emergency service access
- Refuse collection problems
- Traffic problems
- Traffic safety concerns

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

- Commuters or visitors to the public house nearby park to the front of the site. Restrictions will be proposed
- Discussions had taken place regarding highway arrangements with local residents, including the provision of bollards and a gate. He was happy to continue discussions with residents
- Working to provide a sensible solution to highway concerns

**Debate:**

During the debate the following key issues were raised:

- The building had been vacant for many years and was in disrepair
- It retained the historic appearance of a locally listed building (policy EN5)
- The extension was designed to fit in with the existing building
- The number of units had decreased from 9 to 8
- The amended access arrangement would affect all residents
- Good design
- Was waste provision adequate?
- It did not meet amenity space standards
- It did not meet parking standards
- It did not meet separation distances

Councillor Buttar arrived during this item but did not take part in the debate or vote.

**Decision:**

The recommendation to approve the application was agreed as set out in the Planning Committee report.

**166/19 Application 19/00325/HOU - 2 Bush Road, Shepperton, TW17 0HX**

**Description:**

Erection of a single storey front extension and two storey side and rear extension with incorporation of a garage.

**Additional Information:**

The Planning Development Manager advised the Committee that an amended plan had been received showing the correct roof design. Condition 2 was amended to reflect this.

The development hereby permitted shall be carried out in accordance with the following approved plans DP3123/1, DP3123/1b, DP3123/2, 3123/4, DP3123/5 and DP3123/6 Received on 18.04.2019 and **DP3123/3 Received on 24.05.2019.**

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

**Public Speaking:**

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

- There was little change to the front elevation since refused scheme / insufficient change to scheme
- It was out of keeping with the area / adverse impact on visual amenity of road
- The outbuilding at the rear was overbearing (officer note: this was checked and it is permitted development)
- Dominating effect on character of area
- There was no reference to the difference in garden levels with adjoining dwellings
- Extension was not in proportion to the host dwelling and was not subordinate

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

- He had worked hard to address the issues raised with the neighbours

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:

- Overbearing
- Overdevelopment
- Detrimental to the street scene
- Harmful impact on neighbours
- Loss of privacy and loss of light now acceptable with revised scheme but other reasons for refusal not addressed
- Other houses extended nearby are on larger plots

**Debate:**

During the debate the following key issues were raised:

- Amended scheme complies with policies
- Informative should be added to refer to hours of working
- Impact on street scene
- Concern that the extension would create a big house for a family
- There were large extensions nearby

**Decision:**

The recommendation to **approve** was agreed as set out in the Planning Committee report subject to the following additional informative:

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) 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 details of these noise and pollution measures can be obtained Considerate Constructors Scheme - [www.ccscheme.org.uk/index.php/site-registration](http://www.ccscheme.org.uk/index.php/site-registration) Further 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)

**167/19     Application No. 19/00444/ADV - Charlton Lane Eco Park, Charlton Lane, Shepperton, TW17 8QA**

**Description:**

Retention of the display of a large free standing 6.52m tall non-illuminated sign at the entrance to the Eco Park site, Charlton Lane, Shepperton.

**Additional Information:**

There was none.

**Public Speaking:**

There were no public speakers.

**Debate:**

During the debate the following key issues were raised:

- It was in an industrial area

- Encroachment on / contrary to the Green Belt
- Not needed
- Highway safety concerns
- Located in a Semi rural area
- Too large
- Too bright
- Out of scale with area
- Inappropriate
- Intrusive
- Difficult to understand the sign
- Size of sign is in context with the site
- Can be designed in a different colour

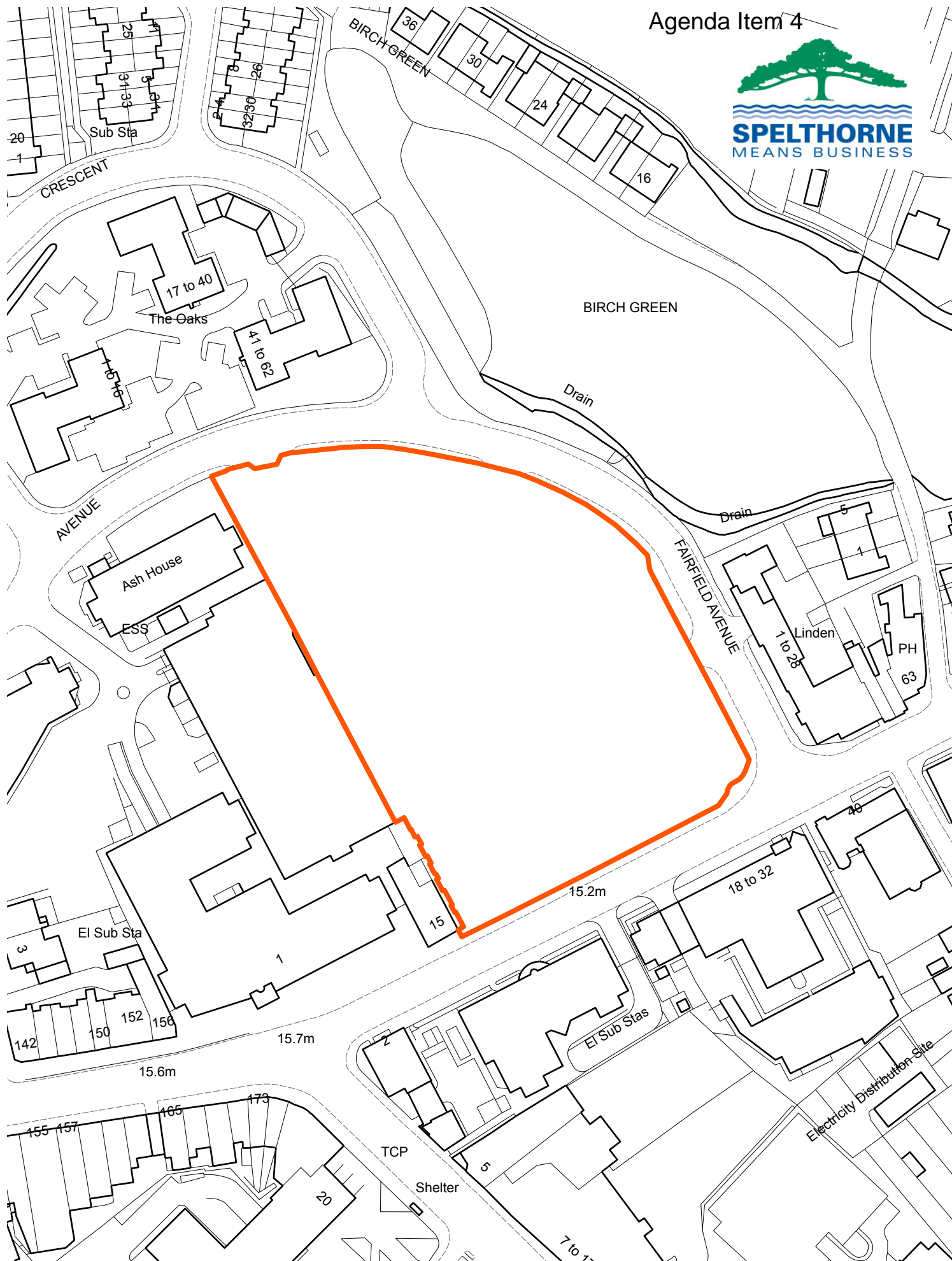
**Decision:**

The recommendation to grant was overturned and **refused** for the following reason:

The advertisement, by reason of its size, materials and prominent location, would have an adverse impact on the visual amenity of the locality, contrary to paragraph 132 of the National Planning Policy Framework, February 2019.

**168/19 Urgent Items**

There were none.



17-51 London Road, Staines-upon-Thames.

Scale: 1:1,250

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# Planning Committee

26 June 2019



<b>Application Nos.</b>	19/00290/FUL		
<b>Site Address</b>	17 -51 London Road, Staines-upon-Thames		
<b>Proposal</b>	Erection of six buildings to provide 467 residential homes (Use class C3) and flexible commercial space at ground and first floors (Use Classes A1-A3, B1a, D1 or D2), car parking, pedestrian and vehicle access, landscaping and associated works		
<b>Applicant</b>	Berkeley Homes (West London) Ltd		
<b>Ward</b>	Staines		
<b>Call in details</b>	N/A		
<b>Case Officer</b>	Russ Mouny / Matthew Churchill		
<b>Application Dates</b>	Valid: 07.03.2019	Expiry: 06.06.2019	Target: Under 13 weeks (Extension of Time agreed until 31.01.2019)
<b>Executive Summary</b>	<p>This planning application seeks to redevelop the former Centrica site to provide six buildings containing 467 residential units and 2,397m<sup>2</sup> of commercial floorspace.</p> <p>The principle of high density residential development has been set by the previous planning approval (16/01158/FUL), however a previous application (18/01101/FUL) was refused by the Planning Committee on 14 November 2018.</p> <p>This application seeks to address the reasons for refusal by reducing the height of Block A, moving Block B away from Ash House, increasing the amount of open space and increasing the parking provision. This has led to a reduction in the number of units from 474 to 467.</p> <p>In comparison to the 2016 planning permission a greater number of residential units are proposed, although the scale of the commercial development has been significantly reduced because of current demand and viability. As a result there is no material change to the overall impact of traffic movements on the surrounding road network, in comparison to the 2016 scheme.</p> <p>The proposed buildings are taller than those previously approved under planning approval 16/01158/FUL, ranging from 10 to 14 storeys, whilst the refused application sought to construct the tallest building, Block A at 16 storeys. The proposed heights are within the safeguarding zone required by the Heathrow flight safety area. The development is</p>		

	<p>considered to be an acceptable height and represent an efficient use of brownfield land in a sustainable location close to facilities, where alternative transport options are available.</p> <p>The proposal has increased the distance of built development from Ash House to the west (which is a residential development) in comparison to the refused scheme (18/01101/FUL), and this would now exceed the distance from the approved and implemented proposal (16/01158/FUL).</p> <p>The Council has negotiated the provision of 41 affordable rented residential units with 27 parking spaces. Although this represents a 9% provision, it meets the viability requirements of the policy and addresses the Borough's specific housing needs. It is also considered to be more beneficial than the £2.5 million financial contribution associated with the approved and implemented proposal (16/01158/FUL).</p> <p>The proposal is considered to have overcome the previous reasons for refusal and would be appropriate in design terms. In addition, the development would not increase the traffic movements above that of the approved proposal (16/01158/FUL).</p>
<b>Recommended Decision</b>	<p>This application is recommended for approval subject to conditions and a legal agreement.</p>

## BACKGROUND

The previous planning application (18/01101/FUL) was refused by the Planning Committee on 14 November 2018, against the advice of the Planning Officer, on the following grounds:

- 1. The proposed development, by reason of the height, bulk and location does not make a positive contribution to and would have an overbearing impact on the street scene and would be out of character with the surrounding area, contrary to policy EN1 (a) of the Spelthorne Core Strategy and Policies Development Plan Document, 2009.*
- 2. The proposed development, by reason of its height, bulk and location, would have an overbearing impact on, and fail to achieve a satisfactory relationship to the adjoining properties, particularly Ash House, resulting in a significant harmful impact in terms of loss of privacy and light, contrary to policy EN1 (b) of the Spelthorne Core Strategy and Policies Development Plan Document, 2009.*
- 3. The proposed development would provide insufficient affordable housing, contrary to policy HO3 of the Spelthorne Core Strategy and Policies Development Plan Document, 2009.*
- 4. The proposed development would provide inadequate open space, contrary to policy CO3 of the Spelthorne Core Strategy and Policies Development Plan Document, 2009.*
- 5. The proposed development provides inadequate parking provision, resulting in on street parking in the surrounding roads with associated traffic congestion, contrary to policy CC3 of the Spelthorne Core Strategy and Policies Development Plan Document, 2009.*

The applicant submitted an appeal against the refusal to the Planning Inspectorate, and a Public Inquiry has been scheduled for November 2019.

The Planning Committee has since considered advice from Officers, the Council's consultants and legal advisors and having regard to all material considerations including the appeal documentation and up to date Government policy in the form of the 2019 National Planning Policy Framework, has determined that the reasons for refusal for the purposes of the Public Inquiry will be:

- 1. The proposed development, by reason of the height, bulk and location does not make a positive contribution to and would have an overbearing impact on the street scene and would be out of character with the surrounding area, contrary to policy EN1 (a) of the Spelthorne Core Strategy and Policies Development Plan Document, 2009.*
- 2. The proposed development, by reason of its height, bulk and location, would have an overbearing impact on, and fail to achieve a satisfactory relationship to the adjoining properties, particularly Ash House, contrary to policy EN1 (b) of the Spelthorne Core Strategy and Policies Development Plan Document, 2009.*

## MAIN REPORT

### 1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies Development Plan Document (CS&P DPD) 2009 are considered relevant to this proposal:

- SP1 - Location of Development
- LO1 - Flooding
- SP2 - Housing Provision
- HO1 - Providing for New Housing Development
- HO3 - Affordable Housing
- HO4 - Housing Size and Type
- HO5 - Housing Density
- EM1 - Employment Development
- CO2 - Provision of Infrastructure for New Development
- CO3 - Provision of Open Space for New Development
- SP6 - Maintaining and Improving the Environment
- EN1 - Design of New Development
- EN3 - Air Quality
- EN4 - Provision of Open Space and Sport and Recreation Facilities
- EN11 - Development and Noise
- EN15 - Development on Land Affected by Contamination
- CC1 - Renewable Energy, Energy Conservation and Sustainable Construction
- CC2 - Sustainable Travel
- CC3 - Parking Provision

1.2 Also relevant is the Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development, 2011, and the National Planning Policy Framework (NPPF), 2019

### 2. Relevant Planning History

18/01101/FUL	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,	Refused 14.11.18
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	pedestrian and vehicular access, landscaping and associated works.	
16/01158/FUL	Redevelopment of the site to provide 5 buildings of varying height comprising 12,787 square metres of office floor space (Use Class B1a) and 253 residential units (Class C3), provision of a new landscaped area, vehicular access, car parking, cycle storage and energy centre.	Grant Conditional 30.10.17
10/00556/RMA	Reserved Matters for the erection of Building A, underground parking areas and piazza deck over, pursuant to planning permission 06/00887/OUT for the development of either Class B1 offices (with ground floor retail and restaurant uses within Classes A1/A3); or a mix of Class B1 offices and Class C1 hotel and Associated uses (with ground floor retail and restaurant uses within Classes A1/A3); associated servicing, access, parking to include underground parking and landscaping including public piazza..	Grant Conditional 18.10.10
07/00754/FUL	Erection of a two storey Class A3 (Restaurant/Cafe) building.	12.10.07
07/00744/FUL	Erection of hotel building with floorspace of 6700m2 & an office building with floorspace of 10,970m2, together with ground floor retail/restaurant uses within Classes A1/A3, associated servicing, drop off & access arrangements, landscaping & a reconfigured piazza (as a revision to that approved under permission 06/00887/OUT)	Grant Conditional 19.3.08

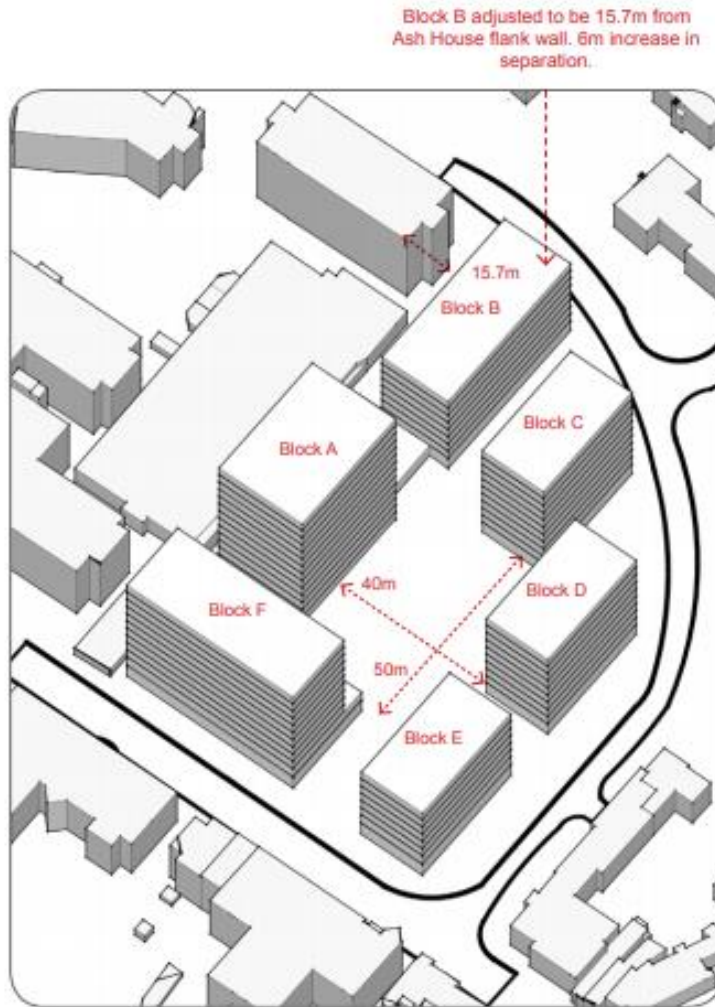
07/00639/RMA	Reserved Matters - erection of Building A, underground parking areas and piazza deck, pursuant to planning permission 06/00887/OUT for the development of either Class B1 offices (with ground floor retail and restaurant uses within Classes A1/A3); or a mix of Class B1 offices and Class C1 hotel and Associated uses (with ground floor retail and restaurant uses within Classes A1/A3); associated servicing, access, parking to include underground parking and landscaping including public piazza.	Grant Conditional 12.10.07
07/00637/RMA	Reserved Matters - erection of Buildings B and C, underground parking areas and piazza deck, pursuant to planning permission 06/00887/OUT (office option) for the development of Class B1 offices (with ground floor retail and restaurant uses within Classes A1/A3); associated servicing, access, parking to include underground parking and landscaping including public piazza.	Grant Conditional 12.10.07
06/00887/OUT	Development of either Class B1 Offices (with ground floor retail and restaurant uses within Classes A1/A3); or a mix of Class B1 Offices and Class C1 Hotel and associated uses (with ground floor retail and restaurant uses within Classes A1/A3); associated servicing, access, parking and landscaping including public piazza.	Grant Conditional 10/07/2007

### 3. Description of Current Proposal

- 3.1 The site is located at 17-51 London Road, Staines-upon-Thames and was formerly known as the Gas Board site and more recently Centrica. It comprises an area of 1.092 hectares (± 2.7 acres). The approved development (16/01158/FUL) has been commenced with basement

excavations, but works ceased when application 18/01101/FUL was refused in November 2018, as the intention had been to switch construction to this mixed use scheme.

- 3.2 The site is bounded by London Road to the south, Fairfield Avenue to the east and north and existing commercial premises, a multi storey car park and a converted office building to residential use (Ash House) to the west.
- 3.3 The Centrica building, demolished in 2008, comprised a 10 storey rectangular shaped building on a raised podium, located on the western side of the site, with a three storey, linked octagonal building on the eastern side. This building was constructed as an office, where storey heights are typically taller than residential storeys. Access to the site was via Fairfield Avenue and parking was provided in a rear deck undercroft as well as surface car parking areas.
- 3.4 The site occupies a prominent position close to Staines Town Centre, with views west to the pedestrianised centre of Staines-upon-Thames and views east to the Crooked Billet roundabout. The site is located within a designated Employment Area under policy EM1 of the Core Strategy and Policies Development Plan Document (CS & P DPD).
- 3.5 The Environment Agency's Flood Map indicates that the site is located in Flood Zone 2 which represents land having between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% - 0.1%). In addition, the southern area of the site is recorded as having archaeological potential.
- 3.6 The surrounding area is of a mixed character with office buildings located to the south and west of London Road, residential properties situated to the north, east and west in 2 and 3 storey blocks located in Moormede Crescent, Linden Place. Ash House to the immediate west of the site is a 6 storey former office block, now converted to residential. To the north-east of the site is Birch Green, which is designated Common Land and is located within the defined Green Belt.
- 3.7 The current application relates to the redevelopment of the site to provide a mixed use, primarily residential development in six blocks, comprising 467 residential units and 2,397 square metres of commercial space.
- 3.8 The commercial space would be located on the ground and first floor of Blocks E and F, with residential units above.
- 3.9 The Blocks are shown on the illustration below:



### Block A

- 3.10 This building would be 14 storeys and approximately 44.2 metres tall and contain 96 units (16 Studio, 2 x 1 bed, 65 x 2 bed and 13 x 3 bed). At ground level would be a separate residential access to the building, together with a reception and fitness centre. The floor plate provides for a mix of unit sizes on all floors of the building, with inset balconies on the corner units. The roof would utilise a central plant enclosure that would also accommodate the lift overrun (taking the total building height to approximately 46 metres), and include a brown roof.

- 3.11 Brown roofs are where the substrate surface is left to self-vegetate from both windblown and bird lime seed dispersal. They are generally considered to be a more natural, rugged urban feature and can offer a greater diversity of species. They are very low maintenance and no irrigation is required, however they offer acoustic and temperature insulation and will attenuate water run-off.

### Block B

- 3.12 This building would be 10 storeys and approximately 31.9 metres tall containing 94 units (39 studio, 19 x 1 bed and 36 x 2 bed). At ground level there would be the residential access for the block, and single aspect units looking east into the landscaped space. The northern end would contain a bin

store and substation. The residential units above the ground floor would be single aspect facing either east or west and accessed from a central spine corridor, although corner units would be dual aspect. The roof would contain a lift overrun and be constructed with a brown roof.

#### Block C

- 3.13 This building would be 11 storeys and approximately 35 metres tall containing 66 units (11 studio, 23 x 1 bed and 32 x 2 bed). At ground level there would be the residential access for the block on the eastern side with the units looking into the landscaped spaces. Balconies have been located to minimise overlooking of neighbouring units and maximise surveillance of footpaths through the site and landscaped areas. The roof would utilise a small lift overrun and comprise a brown roof.

#### Block D

- 3.14 This building would be 10 storeys and approximately 31.9 metres tall containing 60 units (10 studio, 21 x 1 bed and 29 x 2 bed). At ground level there would be the residential access for the block fronting the central open space. The roof would utilise a small lift overrun and comprise a brown roof.

#### Block E

- 3.15 This building would be 8 storeys and approximately 27 metres tall, containing 41 units (6 studio, 16 x 1 bed and 19 x 2 bed). At ground level there would be the residential access for the block on the north elevation, a proposed commercial space of approximately 195 m<sup>2</sup> (2,094 ft<sup>2</sup>), bin store with access to Fairfield Avenue, substation and secure bicycle store. The residential units would start on the first floor and be accessed from a central spine corridor. There would be an additional 66 m<sup>2</sup> of commercial space on the first floor. The roof would contain a small lift overrun and comprise a brown roof.

#### Block F

- 3.16 This building would be 12 storeys and approximately 39.3 metres tall containing 110 units (20 studio, 70 x 1 bed and 20 x 2 bed). The residential access for the block would be within the central courtyard space. There would be a commercial entrance on London road with access to two proposed commercial spaces of approximately 599 m<sup>2</sup> (6,451 ft<sup>2</sup>) and 254 m<sup>2</sup> (2,737 ft<sup>2</sup>) with dual aspect to both London Road and the central courtyard space, and both stair and elevator access to a commercial space on the first floor of approximately 840 m<sup>2</sup> (9,045 ft<sup>2</sup>)
- 3.17 The residential units would start on level 02 (3<sup>rd</sup> floor) and provide a mix of unit types on each floor accessed from a central spine corridor. There would be a pedestrian gap between building's E and F of approximately 17.8 metres, which would provide a landscaped access to the central courtyard, commercial 'spill-out' opportunities and a visual break of the built form on the London Road elevation. The roof would contain a small lift overrun and comprise a brown roof.
- 3.18 The unit mix within each Block is set out in the table below:

Unit Mix					
Block	Studio	1 Bed	2 Bed	3Bed	Total
A	16	2	65	13	96
B	39	19	36	0	94
C	11	23	32	0	66
D	10	21	29	0	60
E	6	16	19	0	41
F	20	70	20	0	110
	102	151	201	13	467

- 3.19 A central courtyard space is proposed, with a lawn area located close to the pedestrian access between Blocks E and F at London Road. The lawn abuts a central pond with proposed marginal planting and the primary route through the site, which would then run out to Fairfield Avenue and a raised table crossing point to Birch Green. Secondary routes run from the primary route and Fairfield Road to the individual buildings, which would be surrounded by residential scale planting. The landscaped areas would also contain children's play space and informal seating.
- 3.20 A total of 346 car parking spaces would be provided for the occupiers of the residential and commercial accommodation. There would be 255 spaces within the basement level, accessed via a ramp at the north-west edge of the site, 86 in the adjoining multi-storey car park to the west of the site and 5 club car/visitor spaces in a new lay-by on Fairfield Avenue.

#### **4. Consultations**

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

Consultee	Comment
BAA	Aerodrome Compliance has assessed the proposal against safeguarding criteria and can confirm that there are no safeguarding objections.
CADENT GAS	Cadent Gas have no objection as the HP gas pipeline in the vicinity will not be affected.
County Highway Authority	No objection subject to conditions and legal agreement.
County Archaeological Officer	No Objections.
Highways England	No objection on the basis that the proposal will generate minimum additional traffic on the Strategic Road Network in peak hours.
Environment Agency	No objection.
Environmental Health (Contaminated Land and Dust)	No objection subject to conditions.
Environmental Health (Air Quality)	No objection subject to conditions.
Environmental Health (Noise)	No objection.
Environmental Services (Renewable Energy)	No objection.
Housing Strategy	Supports the proposal which will provide 41 units for Affordable Rent, which is greatly needed in the local area.
National Air Traffic Services	NATS did not respond to this proposal, but previously commented that they had examined the proposal from a technical safeguarding aspect and determined that it did not conflict with safeguarding criteria. Accordingly, NATS had no safeguarding objection.
Natural England	No objection subject to Habitat Regulations Assessment screening.
Neighbourhood Services (Waste Collection)	No objection.
Crime Prevention Officer	A Secure by Design review was undertaken with the developers and the proposals were discussed in detail. The key aspects of the design were

	noted as being compatible with the principles of Secured by Design.
Fire and Rescue	No comments received, however the proposal would be reviewed through the Building Regulations process.
Thames Water	No objection with regard to Foul Water sewage network infrastructure capacity. The application also indicates that surface waters will not be discharged to the public network and as such Thames Water has no objection.
Lead Local Flood Authority (SUDS)	No objection subject to conditions.
SCAN	No comments received, however the proposal would be required to meet Building regulations.
Surrey Wildlife Trust	Recommend that the actions contained in the Ecological Appraisal are undertaken.
Staines Town Society	No objection in principle and recognise that this proposal is better than both the approved and refused proposals. However STC regret the size and height of the blocks and the excessive number of small 'studio' flats.
Valuation Advisor	Considers the proposal to provide 41 affordable rented houses units to be acceptable in terms of viability.

## 5. Public Consultation

- 5.1 A total number of 349 properties were notified of the application, statutory site notices were displayed on site and statutory notices were placed in the local press.
- 5.2 A total of 14 letters of representation has been received commenting on the proposal on the following grounds:
- Increased traffic and congestion
  - Inadequate infrastructure
  - Inadequate parking provision
  - Inadequate drainage



- Impact on existing residents
  - Overdevelopment
  - Traffic impact
  - Inadequate community facilities (doctors/schools)
  - Impact on air quality
  - Lack of green walls
  - Insufficient Electric Vehicle (EV) charging points
  - Loss of privacy
  - Loss of sunlight and daylight
  - Overbearing nature of the development
  - Loss of outlook
  - Fire risk
  - Impact on highway and pedestrian safety
- 
- The proposal would completely transform and dramatically improve the area
  - Represents investment and a thriving community
  - Supports the Council's focus on rejuvenation and increased housing delivery

5.3 The applicant has advised that prior to the submission of the previous planning application (18/01101/FUL), the applicant undertook a public consultation exercise comprising a letter drop to 1,395 residents and holding public drop-in events on 16 and 17 May 2018, which were attended by 30 local residents.

5.4 Following the refusal of the application November 2018, the applicant undertook further consultation with residents of Ash House which has included:

- A briefing for residents of Ash House on 13 March 2019
- A drop-in event held on 28 March 2019; and
- A meeting on 11 June 2019 attended by 8 residents

## 6. Planning Issues

Principle of Development

Need for Housing

Housing Type, Size and Density

Design, Height and Appearance

Amenity Space for Residents

Landscape

Open Space

Daylight and Sunlight Assessment  
Contaminated Land  
Impact on Existing Residential Dwellings  
Parking  
Transportation Issues  
Waste and Recycling  
Air Quality  
Archaeology  
Flooding  
Renewable Energy  
Biodiversity  
Microclimate Study  
Sites of Special Scientific Interest  
Local Finance Considerations

## **7. Planning Considerations**

### Principle of Development

- 7.1 Policy H01 encourages the redevelopment of poorly located employment land for housing and seeks to ensure the effective use of urban land through the application of Policy HO5 on density.
- 7.2 This is also reflected in the NPPF paragraph 117 which emphasises the need for the effective use of land in meeting the need for homes, whilst safeguarding the environment and provides further relevant context at paragraph 122 in respect of achieving appropriate densities.
- 7.3 The principle of residential development on the site was considered in the determination of application 16/01158/FUL and found to be acceptable, being within the urban area and well located for facilities. The incorporation of an office building fronting the London Road, created a mixed use development and retained employment on-site.
- 7.4 The applicant has submitted a Commercial Market Assessment which indicates that in current conditions, with the prevailing economic factors and commercial occupier demand, there has been no interest in a substantial pre-let which would make an office use, of any significant size, viable.
- 7.5 The assessment determined that a reduced quantum of office development on the site would be deliverable and viable, appealing to the occupiers in the sub 500 m<sup>2</sup> range who face difficulties finding quality space in the larger buildings.
- 7.6 The current proposal seeks to offer a mix of commercial uses, including retail, services and office, in a range of space options fronting London Road. The

site would therefore remain a mixed use development, with the potential for a range of uses.

- 7.7 On the basis that the site is not located in a high flood risk area or the Green Belt, and that permission has been granted for residential use on the land, it is considered that the principle of optimising the potential of the site for residential accommodation would be in accordance with national and local policy.

#### Need for Housing

- 7.8 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 (SHMA) – Runnymede and Spelthorne – Nov 2015). On 20<sup>th</sup> February 2019, the government updated its guidance in respect of Housing and Economic needs assessment 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. This figure of 590 based on the 2014 household formation projections has also been suggested by the Government in its latest consultation (Oct – Dec 2018). Following recent analysis, the figure has been revised to 603. Despite recent uncertainties, the standard methodology provides the most recent calculation of local housing need in the Borough and is consistent with the range of need identified by the Council in their SHMA. It is therefore appropriate for the Council to use the 603 dwellings per annum figure as their local housing need figure that comprises the basis for calculating the five-year supply of deliverable sites.
- 7.9 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". 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. A 20% buffer applied to 603 results in a figure of 724 dwellings per annum which is our current figures. The effect of this increased requirement is that the identified sites only represent a 4.4 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites.
- 7.10 In using the new objectively assessed need figure of 724 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.

- 7.11 As a result, current decisions on planning applications for housing development need to be based on the ‘tilted balance’ approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless *‘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’*. This will be assessed below.

#### Housing Type, Size and Density

- 7.12 Policy H04 of the CS&P DPD and the Council’s Supplementary Planning Document (SPD) on Housing Size and Type, seek to secure 80% of dwellings in developments of 4 or more units to be 1 or 2 bed in size. This is to ensure that the overall dwelling stock meets the demand that exists within the Borough, including a greater demand for smaller dwellings.
- 7.13 The proposed unit layout seeks to provide 102 x Studio (22%), 151 x one bed (32%), 201 x two bed (43%), 13 x three bed (3%) units. This housing mix would provide 75% one and two bed units, with 97% smaller unit sizes overall.
- 7.14 The proposed housing mix is considered appropriate for this location, close to facilities, and offers a wider choice of housing type close to the town centre area. It also allows for smaller, more affordable units with easy access to public transport options.
- 7.15 The Council’s Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development (2011) sets out minimum floor space standards for new dwellings.
- 7.16 The Government has also published national minimum dwelling size standards in their “Technical Housing Standards – nationally described space standard” document (2015). These largely reflect the London Housing Design Guide on which the Spelthorne standards were also based and are arranged in a similar manner to those in the Council’s SPD and are shown in the table below.

	Studio	1 Bed	2 Bed	3 Bed
National Space Standard	39m <sup>2</sup>	50m <sup>2</sup>	70m <sup>2</sup>	86m <sup>2</sup>
Space Proposed	42m <sup>2</sup>	51m <sup>2</sup>	73m <sup>2</sup>	96m <sup>2</sup>

- 7.17 The studio units are proposed at a size that exceeds the national standard. This allows the bedroom to be separated from the living accommodation, but does not meet a one bed requirement. Berkeley Homes consider this to be a successful model, bridging the gap between a traditional studio and a one bed unit.

- 7.18 The three bed units are located in the tallest block (block A) and would be 101m<sup>2</sup>, which is above the national standard, and allows for a greater sense of space within the accommodation.
- 7.19 The proposed units comply with the minimum standards contained in the Council's SPD and the national technical housing standards and are therefore considered to be acceptable and appropriate for future occupiers.
- 7.20 The NPPF identifies that planning policies and decisions should promote an effective use of land in meeting the need for homes and that substantial weight should be given to the value of using suitable brownfield land within settlements.
- 7.21 Policy HO5 of the CS&P DPD sets out guidance on density of housing developments. It recognises that higher densities may be appropriate in suitable areas where non-car based modes of travel are accessible.
- 7.22 In this case, the scheme proposes a density of 429 dwellings per hectare, which is higher than the previously approved scheme (16/01158/FUL) and the adjoining developments at London Square and Renshaw Industrial Estate, although a slight reduction over the proposal refused in November 2018. As an apartment development, higher numerical densities can be achieved through a more efficient use of the land, and since the site is close to Staines Town Centre and public transport options this is considered to be sustainable and would help reduce pressure on the Green Belt.
- 7.23 In this particular case, 429 dwellings per hectare is considered to be an appropriate density in accordance with policy HO5, notwithstanding that the proposal must also comply with policy EN1 on design.

#### Affordable Housing

- 7.24 The NPPF seeks to deliver a sufficient supply of homes that meet the needs of the population. Paragraph 62 of the NPPF states that:

*'Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site...'*

- 7.25 Policy HO3 of the CS&P DPD states:

*'The Council's target for affordable housing is that 40% of all net additional dwellings completed over the plan period, 2006-2026, should be affordable.'*

Having regard to specific site circumstances the LPA will negotiate for up to 50% of housing to be affordable where the development comprises 15 or more dwellings. The Council seeks to maximise the contribution to affordable housing provision from each site, having regard to the individual circumstances and viability, with negotiations conducted on an 'open book' basis.

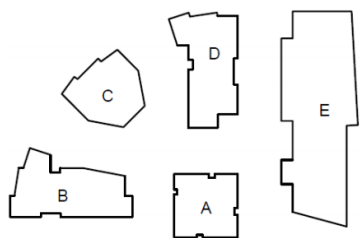
- 7.26 The policy also states that the provision within any one scheme may include social rented and intermediate units, subject to the proportion of intermediate units not exceeding 35% of the total affordable housing component. However, there is a recognised need for affordable rented properties in Spelthorne Borough.
- 7.27 The approved application (16/01158/FUL), which has been implemented, provided for a financial contribution of £2.55 million, to provide affordable housing off site, but no on-site provision.
- 7.28 In the refused application (18/01101/FUL), the applicant initially proposed a 15% provision based on their Viability Report, which would have provided 71 affordable housing units. However, these were proposed to be shared equity units, which whilst addressing a need, would not address the Borough's current need identified by the Council's Housing Strategy and Policy Manager, which is for affordable rented housing.
- 7.29 Notwithstanding that the provision of 71 affordable units on site was considered an improvement on the previously approved scheme that provided a financial contribution, negotiations were undertaken to secure affordable rented units on site.
- 7.30 As a result, the applicant agreed to provide the 41 units (9%) in Block E as affordable rented accommodation, providing 6 Studio units, 16 x one bed and 19 x two bed units in a self-contained block on the corner of Fairfield Avenue and London Road. Although this reduced the provision to 9%, the tenure was considered to be more appropriate and to meet the borough's need.
- 7.31 The applicant has made the same offer for 41 affordable rented units in Block E. The revised Viability Report has been reviewed by the Council's Financial Advisor, who has confirmed that with the provision of the 41 affordable rented units the scheme would be in deficit. However, LPA is satisfied that the overall development would return a reasonable level of profit and whilst it would not be viable for the developer to provide any additional affordable units, the offer does retain a viable development.
- 7.32 The Council's Viability Advisor is satisfied with the level of affordable housing proposed. It should also be noted that the same level of affordable housing was proposed with the application that was refused in November which was for 7 more units.
- 7.33 The previous application (18/01101/FUL) was refused on the ground that '*The proposed development would provide insufficient affordable housing contrary to policy HO3...*' However, the Council has agreed that this will not form part of the reasons for refusal that will be defended at the forthcoming Public Inquiry.
- 7.34 On the basis of the professional advice received in terms of the viability and the Borough's identified need, it is considered that the affordable rented housing provision is acceptable and in accordance with policy HO3.

#### Design, Height and Appearance

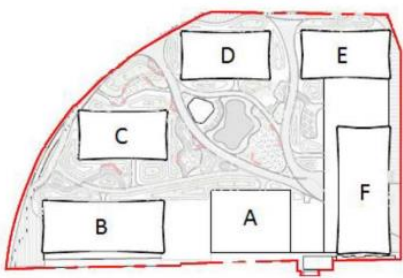
- 7.35 Policy EN1 of the CS&P DPD, which is supported by the Supplementary Planning Document on the 'Design of Residential Extensions and New Residential Development', requires a high standard of design. Sub point (a) requires new development to demonstrate that it will:

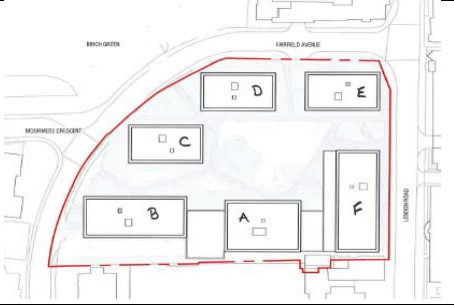
*“create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated”*

- 7.36 Policy EN1 (b) requires that new development ‘achieves a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight, sunlight, or overbearing effect due to bulk, proximity or outlook’.
- 7.37 In respect of the previous application (18/01101/FUL) the applicant undertook 2 design reviews with Design South East (d:se) which is an independent, not-for-profit organisation providing built environment design support.
- 7.38 The d:se review panel applauded the applicant’s engagement with the review process, and appreciated the description of context and significant views.
- 7.39 Whilst the panel were concerned that there was little differentiation between the architecture of the blocks, the applicant had taken a deliberate design approach to provide a consistent architecture such that from the views into the site, the overall composition would remain legible as part of a coherent scheme and this is considered to be a reasonable architectural approach.
- 7.40 The d:se panel raised no issue with the principle of the height of the proposed blocks or their proximity to each other or the adjoining development considering them to be comparable to the surrounding new developments, Charter Square and Renshaw Industrial Estate, and the previously approved proposal on this site (16/01158/FUL). The three tables below show a comparison between the approved scheme (16/01158/FUL), the refused scheme (18/01101/FUL) and the current scheme:

Approved Scheme			
Block	Storeys	Height (m)	
A	12	43	
B	8	30.2	
C	8	31	
D	8	28	
E	6	28.4	

Proposed Scheme			
Block	Storeys	Height (m)	
A	16	50	
B	10	31.6	
C	11	34.7	
D	10	31.6	
E	8	26.7	

F	12	39	
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Proposed Scheme			
Block	Storeys	Height (m)	
A	14	44.2	
B	10	31.9	
C	11	35.0	
D	10	31.9	
E	8	27.0	
F	12	39.3	

- 7.41 As indicated earlier, the current appeal proposal was refused because it was considered that the *'proposed development by reason of the height, bulk and location does not make a positive contribution to and would have an overbearing impact on the street scene and would be out of character with the surrounding area, contrary policy EN1(a)...'*.
- 7.42 The design of the buildings has been revised to address the Planning Committee's reasons for refusal in connection with 18/01101/FUL with the main changes as follows:
- The maximum height of the proposal (Block A) has been reduced from 16 to 14 storeys, a reduction of 6.1 metres;
  - The proposal (Block B) has been moved further from the adjoining Ash House, an increase of 6.3 metres;
  - The proposal has provided more usable public open space, an increase of 935 m<sup>2</sup>;
  - The massing of the London Road frontage has a clear, landscaped break; and
  - The car parking level has been increased; and the number of units has been reduced
- 7.43 The applicant submitted an Aviation Impact Assessment which considered the obstacle limitation surfaces (OLS) for London Heathrow (LHR) and RAF Northolt.
- 7.44 With the height of Block A reduced, the applicant's assessment demonstrates that London Heathrow Airport (LHR) Instrument Flight Procedure (IFP) analysis conclusions indicate that the development will not impact any of the published procedures for the airport.



- 7.45 RAF Northolt is located approximately 14 kilometres to the north east of the development area. The OLS for RAF Northolt has a base height of 91.4 metres and the proposal would therefore have no impact on this surface.
- 7.46 The design of the proposal is considered to create an attractive place with its own distinct identity, with well-designed buildings around the landscaped courtyard. The provision of an active frontage to London Road and the landscaped access point would make a positive contribution to the street scene, together with the mix of landscape and built form around Fairfield Avenue. The proposal is therefore considered to comply with Policy EN1 of the CS&P DPD.

#### Amenity Space for Residents

- 7.47 The Council's SPD, Design of Residential Extension and New Residential Development (2011) provides general guidance on minimum garden sizes (Paragraph 4.20). In the case of flats it requires 35 square metres per unit for the first 5 units, 10 square metres for the next 5 units, and 5 square metres per unit thereafter. On this basis 2545 m<sup>2</sup> of private amenity space would be required for the 467 units.
- 7.48 The design of the individual blocks shows that inset balconies would be provided for some of the units. In addition there would be residential amenity space around each of the blocks and roof terraces between Blocks A, B and F on the west side of the site. Internal amenity space would be provided through a lounge, gym within Block A. The amount of private amenity space provided on site would total approximately 2,400m<sup>2</sup> which would be below the policy requirements. However, the proposal also provides the central courtyard and space around the buildings for residents, amounting to 4,975m<sup>2</sup>, although this would be publicly accessible open space.
- 7.49 In the case of higher density town centre residential development and mixed use schemes paragraphs 4.46 – 4.47 of the SPD states:
- "Such schemes will usually involve high density flatted development... The opportunities for on-site open space provision will be limited, particularly where ground floor non-residential uses and access/delivery areas occupy most of the site area. Family accommodation is therefore unlikely to be appropriate. Some amenity space can be provided in the form of large balconies as well as at roof level, subject to design and safety considerations."*
- 7.50 Given the amount of both private and public amenity space contained within the proposed development, it is considered that the proposal complies with the aims of the Council's SPD and policy EN1 in respect of requiring a high standard of design and layout.

#### Landscape

- 7.51 The proposal seeks to provide an interesting, cohesive and attractive landscape for residents and visitors, ensuring a fully inclusive, tenure blind approach to the outside space.
- 7.52 Compared to the refused proposal (18/01101/FUL) the key changes to the landscape proposal are:
- The provision of an additional 935m<sup>2</sup> of publicly accessible open space
  - An increase in the level of tree planting along Fairfield Avenue and the provision of trees in containers along London Road
  - The removal of the café in the central courtyard, 336% increase in the size of the lawn area and reduction in the size of the water feature
  - The simplification of routes through the development
  - The creation of a more defined access from London Road, with soft landscaping and active building facades
- 7.53 By re-ordering the space within the central courtyard the provision of open space has been increased from 4040m<sup>2</sup> to 4,975m<sup>2</sup>. Within the central courtyard there would be a lawn area capable of staging events and a central pond with marginal planting. The primary route runs from the commercial space on London Road through the site, adjacent to Blocks D and E, to Fairfield Avenue and includes secondary routes to the residential blocks.
- 7.54 There was previously no planting proposed on the London Road to avoid conflict with underground utilities and reflect the existing streetscape. However, to enhance the streetscape and the proposed pedestrian access in particular, and to diffuse the massing of Block F, tree planting is proposed in containers along the London Road frontage.
- 7.55 The residential gardens around the blocks are designed to be more private than the central courtyard space. They would be protected through the use of narrower paths in a different material to the primary route and more densely planted. A variety of tree sizes would be planted with mounding providing adequate soil depth to accommodate larger trees.
- 7.56 The play strategy consists of dedicated play area for children up to the age of 11 and wider opportunities for informal play for all ages. It is intended to provide a play trail, creating a series of 'playrooms', each with distinct play elements surrounded by sensory planting to encourage exploration and creative play. The central lawn would provide space for informal play for all ages.
- 7.57 The primary route through the site would lead to a raised table crossing in Fairfield Avenue to Birch Green. This is aimed at providing better public access and helping to reduce traffic speeds in Fairfield Avenue.
- 7.58 The proposal demonstrates that sufficient residential amenity space would be provided in the layout to accord with the policy requirements and the SPD. The detailed design of the landscape would be secured through the proposed s106 legal agreement and condition 03.

### Open Space

- 7.59 Policy SP5 of the CS&P DPD indicates that new developments that individually or cumulatively add to the requirements for infrastructure and services will be expected to contribute to the provision of necessary improvements.
- 7.60 Policy CO3 requires that where new housing development of 30 or more family dwellings is proposed in areas of the borough with inadequate public open space or where provision would become inadequate because of the development, the Council will require new on-site public open space or a financial contribution to new off-site provision. Family dwellings are defined as any housing with two or more bedrooms. There should be a minimum of 0.1ha of open space for a children's play area and this should be increased proportionally according to the size of the development.
- 7.61 The proposal indicates 201 two bed units and 13 three bed units which would generate a requirement for 0.71 ha. However, with the proposed multi-residential type of development in this urban location, such a provision would be unrealistic and unviable.
- 7.62 The development is located across from Birch Green and within 800m of nine other open spaces of vary types that offer a range of recreational opportunities.
- 7.63 The proposal indicates that approximately 4,975 m<sup>2</sup> of publically accessible open space would be provided and would provide a range of open spaces.
- 7.64 Tree planting would be provided along Fairfield Avenue and along London Road in planters, due to the underground services, which would break up the visual scale of the and enhance the character and appearance of the public realm.
- 7.65 There would be a large grassed courtyard with a water feature, and a treed access to London Road, with potential for a restaurant/café located within Block F. There would also be three under 11 play spaces connected by a play trail to encourage exploration and creative play.
- 7.66 Details of the provision of equipment within the play spaces would be secured through legal agreement.
- 7.67 Both the publically accessible space and the play spaces would be overlooked by the adjoining units and the commercial units, thereby providing surveillance and creating a safe environment..
- 7.68 There are a number of recent planning permissions for high density residential development, including those on neighbouring sites within urban, accessible locations that have a shortfall in open space provision against the Council's standards. In addition, there are public open spaces in close proximity to the site and there is no evidence to substantiate that these areas are currently overused or would become so as a result of the approval of the proposal. In addition, there is no up to date evidence which demonstrates that there is a shortfall in public open space in the locality as referred to in policy CO3.

- 7.69 The previous application (18/01101/FUL) was refused on the ground that *'The proposed development would provide inadequate open space contrary to policy CO3...'*. However, the Council has agreed that this will not form part of the reasons for refusal that will be defended at the forthcoming Public Inquiry.
- 7.70 The proposal provides for the on-site provision of play space and is close to the Birch Green, the Moormede play area and Staines Moor. On balance, given the location, it is considered that the proposal provides an adequate level of open space.

#### Daylight and Sunlight Assessment

- 7.71 The applicant has submitted a revised daylight and sunlight assessment in accordance with the guidance set out in the British Research Establishment (BRE) Report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice - Second Edition, 2011 (BR209) and BS8206-2 Code of Practice for Daylighting. This compares the effects of the proposal with the consented, now implemented, scheme. This assessment indicates that based on the scale and massing proposed, there is no significant adverse impact on the surrounding properties.

- 7.72 The assessment has been made having regard to the BR209, which states that for large residential developments:

*'The aim should be to minimise the number of dwellings whose living rooms face solely north, northwest or north east.'*

It also states:

*'Sunlight in the spaces between buildings has an important impact on the overall appearance and ambiance of a development.'*

- 7.73 BR209 paragraph 1.6 states;

*'The guide (BR209) is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and the guide should not be taken as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.'*

- 7.74 The daylight amenity levels for all of the units within the development meet the BRE recommendations. The analysis indicates that all rooms on the lowest residential levels would meet the Average daylight Factor (ADF) daylight adequacy targets and those located on the upper levels would improve from this situation.

- 7.75 The overshadowing analysis demonstrates that all existing and proposed amenity areas satisfy the BRE guidelines in terms of available sunlight hours, with the proposed central space exceeding the approved permission, which has been implemented.
- 7.76 In respect of the neighbouring sunlight amenity, the report demonstrates that all predominantly south facing windows meet the BRE guidelines. However, it is acknowledged for neighbouring daylight amenity, windows and rooms within Linden Place, Ash House and The Oaks would experience material alterations beyond the current levels afforded by the vacant site. The report indicates that there would be minor variations compared to the approved consent, which has been implemented, but that where these occur they would have a negligible impact on amenity.
- 7.77 The applicant acknowledges that the Vertical Sky Component (VSC) results produce a number of daylight reductions, but that these are at a scale unlikely to be noticeable and consideration has also been given to the No Sky Line (NSL) and ADF results.
- 7.78 When compared against the 2017 residential consent the VSC results demonstrate that there would be daylight reductions to the secondary windows located in the east flank elevation of Ash House. However, when considered in association with the NSL and ADF results, there would be no material change to daylight distribution in the majority of rooms and where a change does occur the overall change beyond the 2017 residential consent would be negligible.
- 7.79 The previous application (18/01101/FUL) was refused on the ground that *'The proposed development, by reason of its height, bulk and location, would have an overbearing impact on, and fail to achieve a satisfactory relationship to the adjoining properties, particularly Ash House, resulting in a significant harmful impact in terms of loss of privacy and light, contrary to policy EN1(b...'*. However, the Council has agreed that this will not form part of the reasons for refusal that will be defended at the forthcoming Public Inquiry.
- 7.80 In terms of daylight and sunlight, the layout it is considered to be an improvement over the scheme refused by the Planning Committee (18/01101/FUL) on 14 November 2018, comparable to other similar schemes in the vicinity, satisfactory in respect of the level of amenity to occupiers and users of the open spaces and would not have a materially adverse impact on the neighbouring properties.

#### Contaminated Land

- 7.81 The applicant submitted a Ground Investigation Report based on that approved in connection with the contaminated land condition attached to the previous planning approval 16/01158/FUL, which has been agreed and discharged.
- 7.82 A Remediation Strategy was also submitted to address the potentially unacceptable risks identified in the context of the proposed redevelopment, taking into account all previous ground investigation findings. This strategy

has been agreed, and condition 10 ensures works are carried out in accordance with it whilst condition 11 requires a validation report prior to occupation in accordance with Environmental Health's recommendations

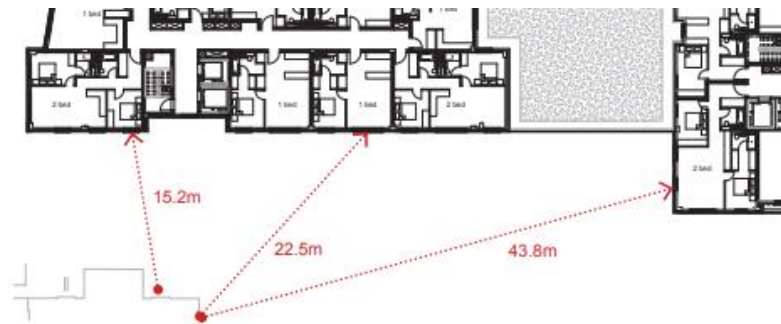
- 7.83 Neither the Council's Pollution Control Officer nor the Environment Agency have raised objections, but have requested conditions.

#### Impact on Existing Residential Dwellings

- 7.84 Policy EN1 (b) requires that new development '*achieves a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight, sunlight, or overbearing effect due to bulk, proximity or outlook.*'
- 7.85 The Supplementary Planning Document (SPD) on the 'Design of Residential Extensions and New Residential Development' sets out various distance criteria to assess the impact on privacy and daylight of surrounding residential properties, although it should be noted that these relate to a maximum of three storeys and do not specifically address multi-residential developments in the town centres. The SPD does however, state at para.3.6 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...'*
- 7.86 As indicated earlier, the current appeal scheme was refused on the ground that '*The proposed development, by reason of its height, bulk and location, would have an overbearing impact on, and fail to achieve a satisfactory relationship to the adjoining properties, particularly Ash House, contrary to policy EN1 (b)...*'. Compared with the refused scheme the applicant has proposed to move Block B further away from Ash House and reduce the height of Block A.
- 7.87 The applicant's Daylight and Sunlight Report includes a shadow study for the proposal that also compared the impact of the consented scheme. This demonstrates that both schemes would cast a shadow across the adjoining properties at Ash House, The Oaks and Linden Place during the day. However, there is no materially adverse impact resulting from the proposed scheme.
- 7.88 Due to the height and proximity of Block B, the 45 degree vertical guideline of the secondary windows of the eastern units in Ash House would be impacted. However the primary windows of the units in Ash House face either north or south, depending on the particular unit. Therefore the impact on the individual units as a whole would be mitigated.
- 7.89 There would be no impact on the vertical 45 degree line to the properties at Linden Place because of the distance between the buildings and the location of the units starting at first floor above the undercroft parking.
- 7.90 The applicant submitted an addendum to the Daylight and Sunlight Report to reflect the revisions included in the current application. The overshadowing

analysis demonstrates existing and proposed amenity areas satisfy the BRE guidelines for available sunlight hours.

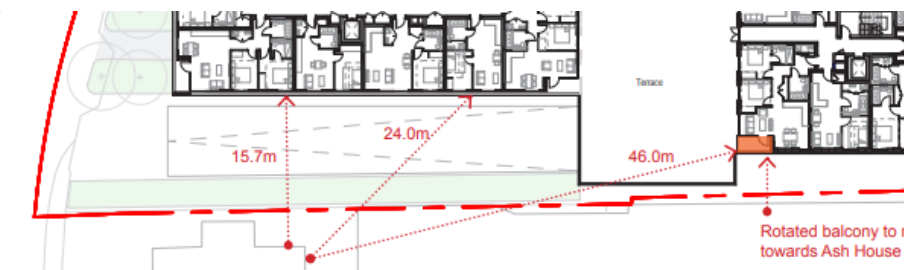
- 7.91 Block B is proposed at approximately 15.7 metres from the flank (west) elevation of Ash House. Although the windows in block B would be primary windows, those in Ash House are secondary windows. This distance exceeds the approved scheme (16/01158/FUL) and is considered acceptable in this particular situation. On the southern elevation of Ash House the primary windows would be approximately 24 metres apart, on an oblique angle, from Block B and approximately 46 metres from the balconies on Block A. This distance is considered to be appropriate in this particular context.



2017 Consented Scheme



2018 Submitted Scheme (Refused)



2019 Proposed Adjusted Scheme

- 7.92 Blocks D and E are in excess of 20 metres from Linden Pace at the closest points. Although both blocks are residential above the first floor and primarily single aspect, it is not considered that there would be a material loss of privacy as a result of the proposed development
- 7.93 Block B is 25m from The Oaks in Moormede Crescent and Block C is over 37 metres. Although both blocks are residential, their north south axis limits the number of units with a potential of overlooking. Due to the duel-aspect nature of the end units, it is considered that there would not be a material loss of privacy as a result of the proposed development.
- 7.94 The distance between Block B and the eastern façade of Ash House exceeds the approved scheme, Block A has been reduced in height and the balconies on the north west of the building have been rotated to mitigate overlooking. It is considered that these revisions to the proposal would mitigate the concerns regarding height, bulk and location that led the planning committee to refuse the previous application.



## Parking

- 7.95 Under the requirements of the Councils Parking Standards SPD (2011) the proposed residential development would require 637 parking spaces based on the following standards:

Unit Type	General Needs Housing	Affordable Housing
1 bed unit	1.25	1
2 bed unit	1.5	1.25
3 bed unit (over 80 m <sup>2</sup> )	2.25	1.75

- 7.96 The development would contain 346 off-street car parking spaces, 341 of which would serve the residential units. This equates to a parking ratio of 0.73 spaces per residential unit, an increase from 0.66 space per unit in the refused scheme (18/01101/FUL). The majority of the spaces would be contained at basement level (255) and would be accessed via a ramp at the north-west of the site. Consistent with the previous scheme, 86 of the car parking spaces would be contained in the adjacent multi-storey car park. A total of 68 spaces would provide electric vehicle charging points fitted with 'fast chargers' (7 kW), which equates to 20% of the total parking spaces. Additionally, 15 of the parking spaces at basement level would be allocated to disabled users. The development would also include 5 car club/visitor spaces at surface level. There would be 468 cycle spaces in the basement, which would serve the residential units, and 10 cycle spaces would be located at surface level serving the commercial use.
- 7.97 The below table provides a comparison between the off-street parking provision proposed in the refused scheme and the parking proposed in the present application:

	Refused Scheme (18/01101/FUL)	Present Application (19/00290/FUL)
Residential units	474	467
	100 x Studio 179 x 1 Bedroom 180 x 2 bedroom 15 x 3 bedroom	102 x Studio 151 x 1 bedroom 201 x 2 bedroom 13 x 3 bedroom
Parking Spaces	317 (Including 5 Commercial)	346 (Including 5 Commercial)
	226 Basement 86 Multi-Storey 5 Club	255 Basement 86 Multi-Storey 5 Car Club/Visitor
Residential Parking Ratio	0.66 spaces per unit	0.73 spaces per unit

- 7.98 It should be noted that whilst planning application 18/01101/FUL, was recommend for refusal on the grounds of inappropriate parking provision, the Council is not defending this reason for refusal in the ongoing appeal against this decision (APP/Z3635/W/18/3219226).

- 7.99 The commercial proportion of the development would be served by 5 car parking spaces located at basement level. The applicant's submission documents state that 1 car parking space would be provided per 221 m<sup>2</sup> for the B1 use and that the retail element of the development would be 'car free'. The application also proposes two service bays that would be located at the north and east of the site.
- 7.100 The table below demonstrates how the development would compare to other residential developments that have previously been granted planning consent in and around Staines Town Centre:

Planning App. No.	Site	No. of units	No. of Parking Spaces	Parking Provision per dwelling
15/01718/FUL	Bridge Street Car Park, Staines upon Thames	205	135	0.65 Per /unit
16/00179/RMA	Charter Square (formerly known as Majestic House), High Street, Staines, TW18 4AH	260	217	0.83 per unit
16/01158/FUL	17-51 London Road, Staines Upon Thames	253	211	0.81 per unit
17/01365/OUT	Renshaw Industrial Estate, 28 Mill Mead, Staines-upon-Thames	275	225	0.91 per unit
17/01923/FUL	Charter Square, High Street, Staines-upon-Thames	104	27 (Phase 1B) (218 in Phase 1A)	0.67 per unit across phase 1A & 1B (0.25 across phase 1B alone)
Present Application	17-51 London Road, Staines Upon Thames	467	346	0.73 per unit

- 7.101 Policy CC3 states that the Council will require appropriate provision to be made for off street parking in new developments. The policy further states that development proposals should be in accordance with the Council's maximum parking standards
- 7.102 As highlighted above, the development proposes a total of 341 residential parking spaces at a ratio of 0.73 spaces per dwelling. Whilst this is below the Council's normal parking standards, the applicants submission documents indicate that 36% of household flats in Central Staines are car free on the basis of the most recent 2011 Census data. In addition, as previously indicated, the ratio of 0.73 spaces per dwelling would be broadly in line with other residential developments that have recently been granted planning consent in and around Staines Town Centre and all of these planning permissions have been approved against the same adopted Core Strategy and Parking Standards.

- 7.103 The Council's Parking Standards SPD states that in certain circumstances there will be an exemption to the minimum parking requirements and a reduction in parking provision will normally be allowed. This includes proposals for development within the borough's 4 town centres, as defined within the Core Strategy, where public transport accessibility is generally high. Any reduction will be assessed against the distance from public transport nodes (e.g. railway stations & bus stops), the frequency and quality of train and bus services, the range and quality of facilities supportive to the residential development and the availability of pedestrian and cycle routes. The NPPF also states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 7.104 Whilst located outside of Staines Town Centre, the application site is located approximately 500 metres from Staines Railway Station which has regular train services to London Waterloo and Clapham Junction, as well as regular services to Reading, Weybridge and Windsor & Eton. London Road (A380) situated to the south of the site is also well served by buses, with eastbound and westbound bus stops located within 100 metres of the development site. The site is also situated some 280 metres from the pedestrianised section of Staines High Street, with numerous facilities and amenities available to future residents. Additionally, a number of public car parks are within a short walking distance from the site including the, The Elmsleigh Centre Car Park, and the Two Rivers Car Park.
- 7.105 It is accepted that the parking provision would be below the Council's normal parking standards. However, given the sustainable transport location of the site, and the level of facilities and amenities within a short walking distance of the site, the parking ratio of 0.73 parking spaces per unit is considered to be acceptable in this location.
- 7.106 The roads immediately adjoining the site including London Road and Fairfield Avenue have parking restrictions; Fairfield Avenue has single yellow lines with no parking between 7am and 7pm Monday to Saturday and there are double yellow lines on London Road. Further afield in the nearby residential roads, on street parking takes place at present. Even if overflow parking took place as a result of this development, there is no evidence that there would be unacceptable congestion and in any event, this could be controlled by further on street parking restrictions if required. Para 109 of the NPPF 2018 advises:

*'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.*

- 7.107 The Council has consulted the County Highway Authority (CHA). The CHA reviewed the application and raised no objections, commenting that the proximity of the site to a range of local amenities in Staines Town Centre, as well as the accessibility of both good bus and train services, means reduced parking provision is acceptable in this location. The CHA also commented that in the event that parking demand exceeds the provision on site, it is unlikely that this would cause a highway safety issue, as the existing car

parking restrictions in the vicinity of the site should prevent indiscriminate parking.

- 7.108 It is recommended that the Council enters into a legal Agreement with the developer to secure, a club car scheme, a travel plan and a financial contribution of £20,000 to review parking in the area, as outlined in the recommendation section of this report.

#### Transportation Issues

- 7.109 The site is located in close proximity to Staines Town Centre and to existing public transport provision. The NPPF encourages sustainable travel choices and promotes opportunities for the use of public transport, walking and cycling. The NPPF also encourages the focus of significant development to locations which are or can be sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The applicants have also submitted a Transport Assessment and a Residential Travel Plan in support of the application.
- 7.110 The Transport Assessment examines the differences between the present proposal and the previous application. The Transport Assessment has also undertaken a trip generation exercise and has compared the trip generations of the proposed development against the refused scheme (18/01101/FUL). It concluded that the present proposal would result in a reduction of 2 two way vehicle movements against the refused scheme during the AM peak (08.00 – 09.00) and a further reduction of 2 two way vehicle movements in the peak PM (17.00 – 18.00).
- 7.111 The County Highway Authority has reviewed the Transport Assessment submitted by the applicant and has raised no objections subject to conditions. The CHA commented that the changes between the present proposal and the approved scheme (16/01158/FUL) are unlikely to material alter the impact of the development on the local highway network.
- 7.112 Highways England has also raised no objections to the scheme on the grounds of impact on the strategic road network.
- 7.113 The developer is also seeking to provide a raised table crossing to Birch Green, to benefit pedestrian safety and reduce traffic speeds through Fairfield Avenue, although this falls outside of the application site and will require a separate highways agreement with the Highway Authority.
- 7.114 It is recommended that the Council enters into a Legal Agreement (Section 106) with the developer to provide a travel plan that would include measures including the provision of five club car vehicles, and the provision of a £50 sustainable travel voucher per household, as outlined in the recommendation section of this report.
- 7.115 In conclusion, the proposal is considered to have an acceptable impact on the surrounding road network.

## Waste & Recycling

- 7.116 The proposal would provide 102 x 1100 litre bins for residential refuse, 102 x 1100 litre bins for recycling and 27 x 240 litre bins for food waste to address the Council's requirements. Residents would access the bin stores located in the basement service core of each block, with the estate management team routinely inspecting the areas to ensure an efficient operation.
- 7.117 The proposal also incorporates a separate commercial bin store with space for 13 x 1100 litre bins
- 7.118 The development's estate management team would be responsible for transporting the bins from each individual block's waste collection area to the basement collection point and from there to the ground floor transfer area at the lay-by on Fairfield Avenue. The basement collection point incorporates a dedicated service lift allowing 6 bins at a time to be transported to the ground floor collection point. Empty bins would then be transported back to their original locations via a dedicated electric buggy.
- 7.119 The Council's Group Head Neighbourhood Services has been consulted and is satisfied that the operational aspects for waste and recycling for the proposal can be adequately accommodated.

## Air Quality

- 7.120 Policy EN3 of the CS&P DPD seeks to improve air quality within the Borough and minimise harm from poor air quality.
- 7.121 The applicant's Air Quality Assessment has been carried out to assess both construction and operational impacts of the proposed development.
- 7.122 The risks associated with the construction phase are considered to be high because of the proximity of nearby sensitive receptors. However, this risk can be mitigated using appropriate measures and the resultant impact during construction would not be significant.
- 7.123 The suggested mitigation measures include the development of a Dust Management Plan and have been addressed in the Construction Environmental Management Plan included in the approved application (16/01158/DC2). The continued adherence to this document is recommended as condition 12 of this application.
- 7.124 Post construction, the applicant's Air Quality Assessment indicates that the predicted NO<sub>2</sub> concentrations would be below the objective at all locations across the development. Air quality impacts as a result of the operation of the development were considered negligible in accordance with IAQM guidance.
- 7.125 However, the Council's Pollution Control Officer has assessed the proposal in light of the NPPF paragraph 152 and has considered that a financial contribution of £8,250 would assist in mitigating the additional degradation of the air quality as result of the proposal.

- 7.126 This contribution would be used to ensure that public rapid charging infrastructure would be provided within the local area.
- 7.127 On this basis, the Council's Pollution Control Officer has raised no objection on grounds of air quality and the proposal is considered to comply with policy EN3 of the CS&P DPD.

#### Archaeology

- 7.128 The site is located within an area designated as being of High Archaeological Potential in association with the Roman road from London to Silchester. Archaeological investigations have recorded significant evidence from the prehistoric period onwards.
- 7.129 An archaeological desk based assessment has been submitted and concludes that previous impacts within the site reach a depth of approximately 3m, and that the former basement construction is likely to have created a very low potential for evidence of significant activity dating from all periods.
- 7.130 The County Archaeologist was consulted and the following comment was made reflecting previous advice:

*'Given the likelihood that any archaeological deposits that may have been present have been destroyed, or could not be accessed if present at depth, I have no archaeological concerns. No further archaeological work is required in relation to this application.'*

- 7.131 On the basis that the applicant has commenced the below grade works in accordance with the previous planning approval (16/01158/FUL), there is no justified planning reason to object on archaeological grounds.

#### Flooding

- 7.132 The site is located in flood zone 2 which represents land having between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% - 0.1%).
- 7.133 The applicant's Flood Risk Assessment (FRA) states that detailed modelling indicates that using a maximum flood level of 15.207m AOD for the 1 in 100 year event, with a 35% allowance for future climate change, flood waters would not reach the development.
- 7.134 Notwithstanding this modelling, the applicant proposes mitigation measures including the provision of a finished floor level constructed at 15.6m AOD.
- 7.135 Surface water attenuation would be provided on site to accommodate a 1 in 100 year event with a 40% allowance to account for future climate change.
- 7.136 The FRA assessed other flood risks as low and concluded the overall flood risk to be low on this site. The Environment Agency, Thames Water and the Lead Local Flood Authority were consulted on the proposal and raised no objection to the proposal, subject to conditions and informatives.

### Renewable Energy

- 7.137 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 square metres, 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.
- 7.138 The applicant has submitted an Energy Strategy which proposes enhanced passive and active design measures to reduce energy consumption and CO<sup>2</sup> emissions. This includes enhanced efficiency for the building envelope, improved air tightness compared to the building regulations and high efficiency lighting and plant.
- 7.139 In terms of low carbon technologies, the Energy Statement states that combined heat and power and air source heat pumps were considered the most appropriate.
- 7.140 The report concludes that the proposed development would exceed a 10% reduction against Part L of the 2013 Building Regulations, and the use of low carbon technologies would meet the requirement for 10% of the development's energy requirement being from on-site renewable energy sources.
- 7.141 The Council's Sustainability Officer has been consulted and is satisfied that the renewable requirement would be met. The proposal is therefore considered to comply with policy CC1 of the CS&P DPD.

### Biodiversity

- 7.142 The applicant has undertaken a Phase 1 habitat survey which determined that the site is not subject to any statutory or non-statutory nature conservation designations and all habitats on the existing site are of low ecological value.
- 7.143 The survey provides recommendations to enhance the biodiversity value of the site, in accordance with national and local planning policies, including the use of brown roofs, a pond, native tree planting and the provision of bat roosting opportunities which should be incorporated into the landscape details.
- 7.144 Surrey Wildlife Trust was consulted and has recommended that the biodiversity actions set out in the submitted document are implemented. This has been addressed in condition 17.

## **Other Matters**

### **Microclimate Study**

- 7.145 The applicant undertook a microclimate desk study based on the revisions to the proposal and concluded that pedestrian safety and comfort would be acceptable, with some exceptions in pedestrian comfort in localised areas.
- The removal of undercroft at Block F – wind conditions at the ground levels of Block F is relatively calm and expected to be remain unchanged;
  - The removal of the 2-storey of commercial buildings between Block E and Block F – This revision creates a gap or pathway at ground level between Blocks E and F and the wind conditions within this area is expected to be suitable for thoroughfares;
  - The Block B plan is slightly moved to the northeast – the impact of the block relocation is relatively minor with respect to wind conditions; therefore, it is expected that the wind conditions around Block B remain unchanged;
  - The Block C plan is slightly moved to the southeast – Block C is relatively shielded from the south-westerly prevailing winds; hence the relocation of Block C would not materially alter the wind conditions around Block C.
- 7.146 The microclimate study concludes that the introduction of wind mitigation measures through hard and soft landscaping and design features would be expected to alleviate these exceptions. However the applicant intends to develop and validate appropriate measures through boundary layer wind tunnel testing through the detailed design process.

### **Sites of Special Scientific Interest**

- 7.147 The site is located approximately 415 metres from the Shortwood Common SSSI to the east, 670 metres from Staines Moor, 450 metres from King George VI Reservoir and 690 metres from Staines Reservoir.
- 7.148 The site lies within the Impact Risk Zone for Sites of Special Scientific Interest (SSSI) which is intended to assist the LPA to determine whether they need to seek advice from Natural England on the nature of any potential SSSI impacts and how they might be avoided or mitigated.
- 7.149 The South-West London Water Bodies Special Protection Area (SPA) comprises a series of embanked water supply reservoirs and former gravel pits that support a range of man-made and semi-natural open water habitats. The reservoirs and gravel pits function as important feeding and roosting sites for wintering wildfowl.
- 7.150 The Staines Moor SSSI comprises the largest area of alluvial meadows in Surrey and supports a rich flora.
- 7.151 An appropriate assessment will only affect a project if it would have a significant impact on the site integrity. The Local Planning Authority has



considered the potential impact on the site integrity and determined that in light of existing development and the approved proposal on the site there would be no significant impact resulting from this proposal.

- 7.152 Natural England was consulted on the approved application (16/01158/FUL) and commented that the redevelopment would not have a significant effect on, damage or destroy the features of interest of the South-West London Water Bodies SPA.
- 7.153 However, Natural England's response to this application has been no objection subject to a Habitat Regulations Assessment Screening being undertaken in respect of the South West London Waterbodies SPA.
- 7.154 The Local Planning Authority has undertaken a Habitat Regulations Assessment Screening Report considering all 4 European Sites in the vicinity, but with particular regard to the South West London Waterbodies SPA.
- 7.155 The screening assessment considered the conservation objectives and the key pressures and threats and concluded that the proposed development was not likely to have a significant effect on the ecological integrity of the South West London Waterbodies SPA alone, or in combination with other plans or projects.

#### Finance Considerations

- 7.156 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.
- 7.157 In consideration of S155 of the Housing and Planning Act 2016, the proposal would result in the following financial contributions:
- £20,000 to be used as a contribution towards the review of parking restrictions in the area.
  - £6,150 to be used to review the Travel Plan submitted as part of the justification for reducing the parking provision on the site and promoting alternative modes of transport.
  - £8,250 to be used as a contribution towards the provision of public electric vehicle (EV) charging infrastructure.
  - The Community Infrastructure Levy for Zone 2 (£140) will be payable on this site, with a reduction for the affordable housing provision.

These are considered to be a material considerations in the determination of this planning application. The proposal will also generate a New Homes Bonus Business Rates and Council Tax payments which are not material considerations in the determination of this proposal.

## **8. Conclusions**

- 8.1 It is considered that the proposal makes effective use of urban land in a sustainable location. It would not create an additional impact on the highway network over and above the previously approved, now implemented proposal and the level of parking is considered to be appropriate for this location close to the town centre. It meets the Borough's recognised need for housing and provides units with a good standard of amenity. Therefore, the application is recommended for approval.

## **9. Recommendation**

**(A)** To GRANT planning permission subject to the applicant first entering into an appropriate legal agreement in respect of the following:

1. To provide at least 41 affordable rented housing units on site:
  - Prior to the sales completions of 50% of the residential units (not being the affordable units) to build and complete the affordable rented units and transfer these to an entity nominated by the Council or in the absence of such nomination a Registered Provider.
  - Prior to occupation of the affordable rented housing units the transferee shall enter into a Nominations Agreement in respect of the affordable rented housing (in order that the affordable housing meets local needs).
  - To provide 27 parking spaces for use in connection with the affordable rented housing units.
2. To provide a Travel Plan to include, but not restricted to, the following:
  - A financial contribution of £6,150 towards the cost of auditing the Travel Plan
  - Provision of five club vehicles with phased introductions according to demand, with all costs associated with the provision of the vehicles including provision of parking space being met by the developer
  - Provision of 25 miles worth of free travel for residential users of the proposed development using the car club vehicles.
  - Provision of one year free membership of the car club for the first occupants of each of the proposed residential units
  - Provision of one £50 sustainable travel voucher per household (equates to £23,350) for the 467 proposed residential units) which can be spent on either public transport tickets or towards a bicycle. If part or all of the £23,350 is not spent within one year of sales completion then the remaining value should be used for other sustainable transport measures as agreed with the County Council.
3. To provide public access to the central courtyard and play areas.
4. To provide a financial contribution of £8,250 towards the provision of electric vehicle charging infrastructure in the local area.

5. To provide a financial contribution of £20,000 towards the review and implementation of parking restrictions in the area following the occupation of the buildings on the site.
6. To enter into a S278/S38 Agreement with Surrey County Council (SCC) for the dedication as highway and adoption of part of the application site to form a widened footpath along London Road, the construction of a crossing point at Birch Green and two lay-bys on Fairfield Avenue in accordance with details submitted to and approved by SCC.

Stopping up highway within the application site and dedicating land as part of the highway in accordance with the plan numbered 183887B/A/01.

### **In the event that the Section 106 Agreement is not completed**

In the event that the Section 106 agreement is not completed to the satisfaction of the Local Planning Authority and/or the applicant does not agree an extension of time for the determination of the planning application, delegate to the Planning Development Manager in consultation with the Chairman of the Planning Committee the following:

**REFUSE** the planning application for the following reasons:

1. The development fails to provide a satisfactory provision of affordable housing to meet the Borough's housing needs, contrary to Policy HO3 of the Core Strategy and Policies DPD 2009 and the principles set out in the National Planning Policy Framework.
2. The development fails to provide adequate measures to mitigate the level of reduced parking provision proposed and increased traffic movements on the A308 London Road, contrary to Policies SP7, CC2 and CC3 of the Core Strategy and Policies DPD 2009 and the principles set out in the National Planning Policy Framework.
3. The development fails to make adequate provision for public open space and play equipment within the development and to mitigate the increased density proposed. The proposal thereby creates additional, unnecessary pressure on the existing public open space in the immediate vicinity and would adversely affect the amenities that the wider community might reasonably expect to enjoy, contrary to Policies SP5 and CO3 of the Core Strategy and Policies DPD 2009 and the requirements of the National Planning Policy Framework.

**(B)** In the event that the Section 106 agreement is completed to the satisfaction of the Local Planning Authority; 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: 17660 U078 B1 GA(10)003, GA(10)001-02, GA(10)002, GA(10)001-01, GA(10)015, GA(11)002, GA(11)003, GA(12)002, GA(11)001, GA(12)001, GA(11)004, B2 GA(10)002-02, GA(10)001-02, GA(10)002-01, GA(10)002-01, GA(10)011-02, GA(10)011-01, GA(11)002, GA(11)003, GA(12)002, GA(11)001, GA(12)001, GA(11)004, B3 GA(10)002, GA(10)001, GA(10)012, GA(11)002, GA(11)003, GA(12)002, GA(11)001, GA(11)004, B4 GA(10)002, GA(10)001 GA(10)011, GA(11)002, GA(11)003, GA(12)002, GA(11)001, GA(12)001, GA(11)004, B5 GA(10)002, GA(10)003, GA(10)001, GA(10)009, GA(11)002, GA(11)003, GA(12)002, GA(11)001, GA(12)001, GA(11)004, B6 GA(10)002-02, GA(10)003-01, GA(10)001-02, GA(10)002-01, GA(10)001-01, GA(10)003-02, GA(10)013-02, GA(10)013-01, GA(11)002, GA(11)003, GA(12)002, GA(11)001, GA(12)001, GA(11)004, Z TP(00)001, Z TP(11)102, Z TP(11)002, Z TP(11)103, Z TP(10)004, Z TP(10)005, Z TP(10)002, Z TP(10)003, Z TP(10)001, Z TP(10)010, Z TP(10)008, Z TP(10)009, Z TP(10)006, Z TP(10)007, Z TP(10)000, Z TP(10)012, Z TP(10)011, Z TP(10)014, Z TP(10)013, Z TP(00)000, Z TP(11)001, Z TP(11)101, Z TP(00)002, Z TP(10)015, Z TP(12)002, Z TP(12)003, Z TP(12)001, Z TP(11)104.

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

- 3 Details of a scheme of both soft and hard landscaping works shall be submitted to and approved by the Local Planning Authority prior to first occupation of any part of the development hereby approved. This shall include a programme for the implementation of the landscaping works. The approved scheme of tree and shrub planting shall be carried out in accordance with the approved implementation programme.. The planting so provided shall be maintained as approved for a minimum 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. In accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 4 The parking spaces for motor vehicles and bicycles shown on the approved plans shall be constructed and laid out prior to the occupation of the development and shall be retained thereafter for the benefit of the occupiers of the development as approved and shall not be used for any other purpose without the express written consent of the Local Planning Authority

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

- 5 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 the courtyard open space 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.

- 6 The development hereby approved shall not be occupied until details of the play equipment to be installed and the layout of the Play Areas have been submitted to and approved in writing 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 complies with policy C03 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009 and section 8 (promoting healthy and safe communities) of the National Planning Policy Framework.

- 7 Prior to the occupation of any part of the development hereby approved, the applicant shall enter into a s278 agreement with Surrey County Council to provide the pedestrian footway, crossing and laybys, together with associated works, as illustrated on drawing 183887B/A/01 contained in the Transport Assessment Addendum dated March 2019.

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

- 8 The last building to be constructed on the development hereby approved shall not be occupied until a minimum of sixty eight (68) 7kW (fast charge) charge points for electric vehicles have been laid out within the site. The charging points shall be retained exclusively for their designated purpose, unless agreed in writing with the Local Planning Authority.

**Reason:** To ensure that the development complies with policies CC2 and EN3 of the Core Strategy and Policies DPD and section 9 (Promoting Sustainable Transport) of the National Planning Policy Framework.

- 9 All construction work shall be undertaken in accordance with the Construction Transport Management Plan approved under 16/01158/DC2 unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To ensure that the development does not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policy CC2 of Spelthorne

- 10 Prior to the occupation of any of the buildings hereby approved a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, and Surrey County Council's "Travel Plans Good Practice Guide". The approved Travel Plan shall be implemented upon first occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

**Reason:** To ensure that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 11 The site shall be remediated in accordance with the approved remediation strategy, unless otherwise 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 in accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009

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

- 13 All of the construction work shall be undertaken in accordance with the Construction Environmental Management Plan approved under 16/01158/DC2 unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that neighbouring residential occupiers do not suffer a loss of amenity by reason of excess noise, nuisance and pollution from the construction work and activity taking place on the site when implementing the decision in accordance with policy EN1 and EN11 and the National Planning Policy Framework 2019.

- 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 discharge rate to be agreed with SCC as LLFA.
- 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) 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.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) 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.

**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 drainage system is constructed to the national Non-Statutory Technical Standards for SuDS.

- 16 The development shall be constructed in accordance with the details provided in the energy statement dated March 2019, submitted with the application, to deliver a minimum of 10% of the energy requirement generated by the development by renewable energy methods, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** .In the interest of sustainable development and in accordance with policies CC1, SP6 and EN1 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 17 That the development hereby approved shall be carried out in accordance with the mitigation and biodiversity recommendations as set out in paragraphs 4.13 to 4.21 of the Preliminary Ecological Appraisal (v.2 Final) dated March 2019 unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard and protect important species using the site in accordance with policies SP6 and EN8 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 18 Prior to the occupation of any part of the development 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 external lighting on the site shall at all times accord with the approved details.

**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.

- 19 The waste management strategy submitted with the application shall be in operation prior to occupation of any of the buildings hereby approved and shall be carried out in accordance with the approved details, unless expressly agreed in writing by the Local Planning Authority.

**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 The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:  
Bedrooms - 35dB LAeq T \*, 30 dB LAeq T † , 45dB LAFmax T \*  
Living rooms- 35dB LAeq T †  
Dining room - 40 dB LAeq T † \*  
- Night-time - 8 hours between 23:00-07:00 †  
- Daytime - 16 hours between 07:00-23:00 31.

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

- 21 The 86 car parking spaces within the multi storey car park as identified on plans L(LE)001 and L(LE)003 shall be retained in perpetuity for such use by the residential occupiers of the proposed development, unless otherwise agreed by the Local Planning Authority in writing.

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

- 22 Notwithstanding the submitted plans the proposed development shall not be occupied until the vehicle access to Fairfield Avenue has been constructed with visibility splays in accordance with Drawing Number 183887B/A/03, and provided with tactile paving in accordance with a scheme to be submitted to



and approved in writing the Local Planning Authority, all to be permanently retained.

**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 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

## **INFORMATIVES TO APPLICANT**

- 1      The Town and Country Planning (Development Management Procedure) (England) Order 2015  
Working in a positive/proactive manner  
In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:-
  - a)      Provided pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
  - b)      Provided feedback through the validation process including information on the website, to correct identified problems to ensure
  - c)      Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.
  
- 2      Access by the Fire Brigade  
Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings. There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).
  
- 3      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.
  
- 4      In order to protect groundwater quality from further deterioration: - No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution. - Piling or any other foundation designs using penetrative methods should not cause preferential pathways for

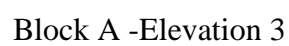
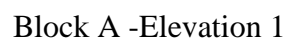
contaminants to migrate to groundwater and cause pollution. - Decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the NPPF.

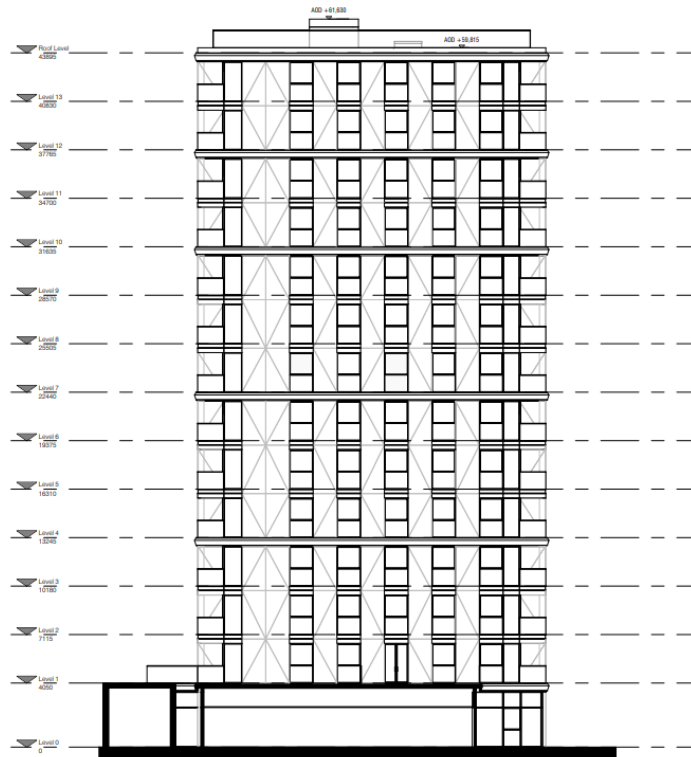
- 5 If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website. If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards. If there are any further queries please contact the Sustainable Drainage and Consenting team via [SUDS@surreycc.gov.uk](mailto:SUDS@surreycc.gov.uk). Please use our reference number in any future correspondence.
- 6 The applicant is advised to contact the Council's Environment Health department concerning the requirements for extraction facilities that may be required in connection with the flexible commercial spaces and the café prior to the commencement of development to ensure that adequate provision and/or future capacity is incorporated.
- 7 Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>) [NEW]
- 8 The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).
- 9 When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highways Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces

at the developer's expense.

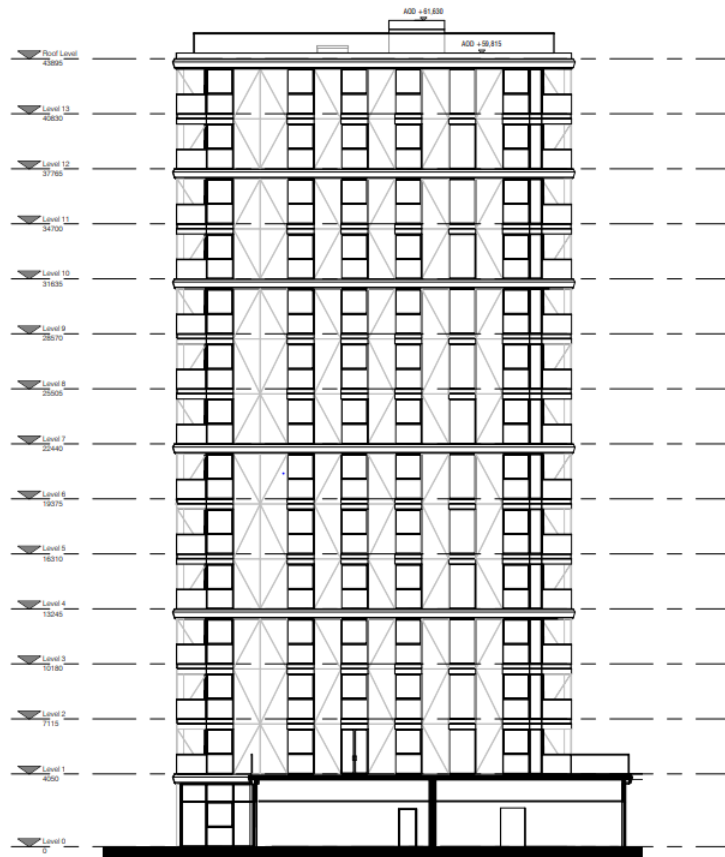
- 10 The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- 11 The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

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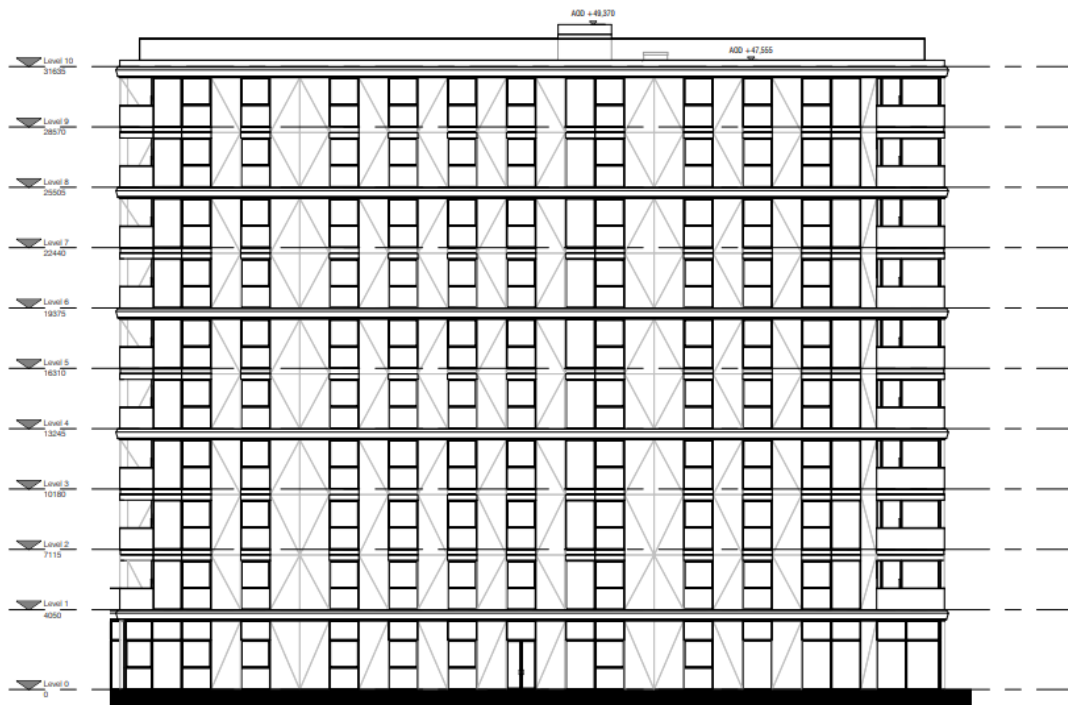




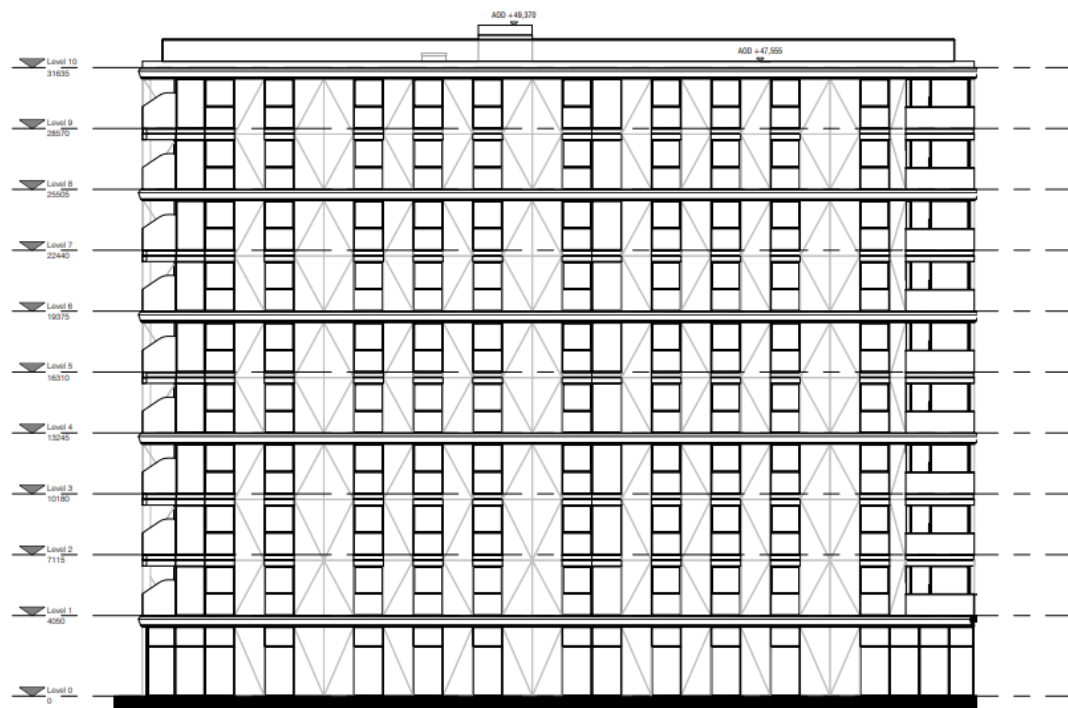
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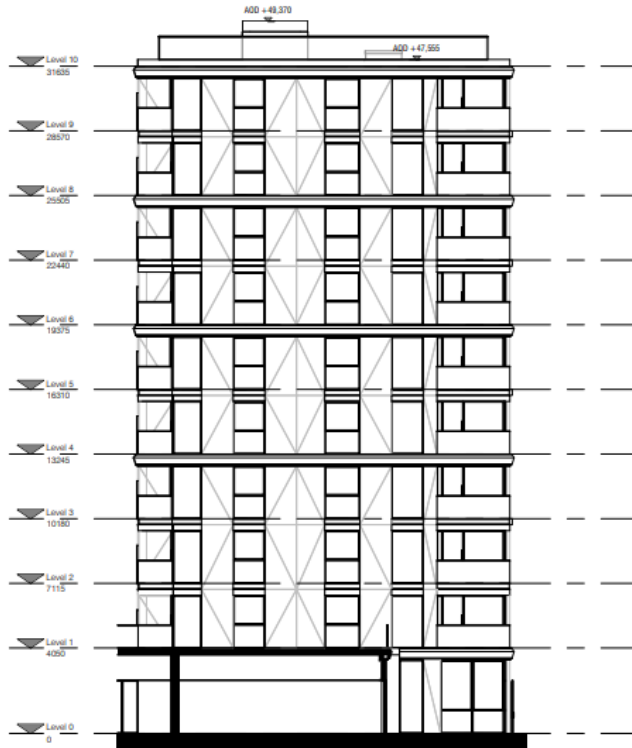
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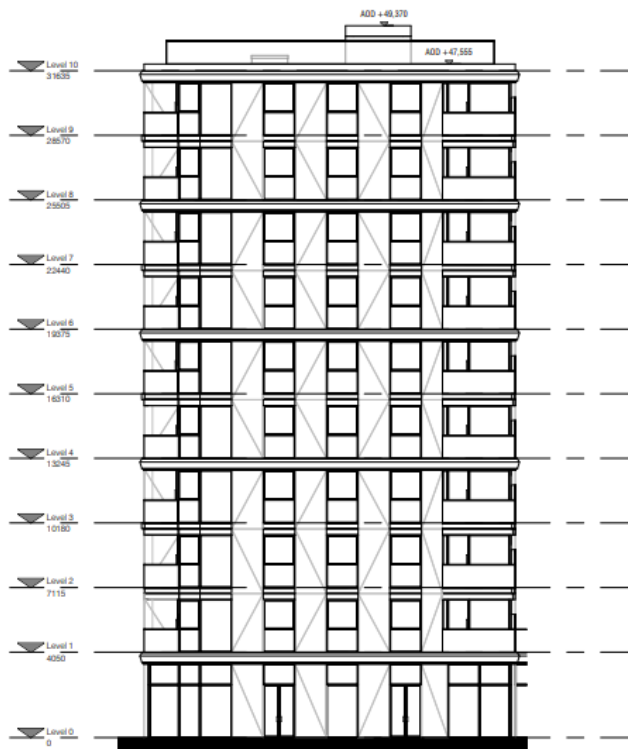
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Block B -Elevation 3

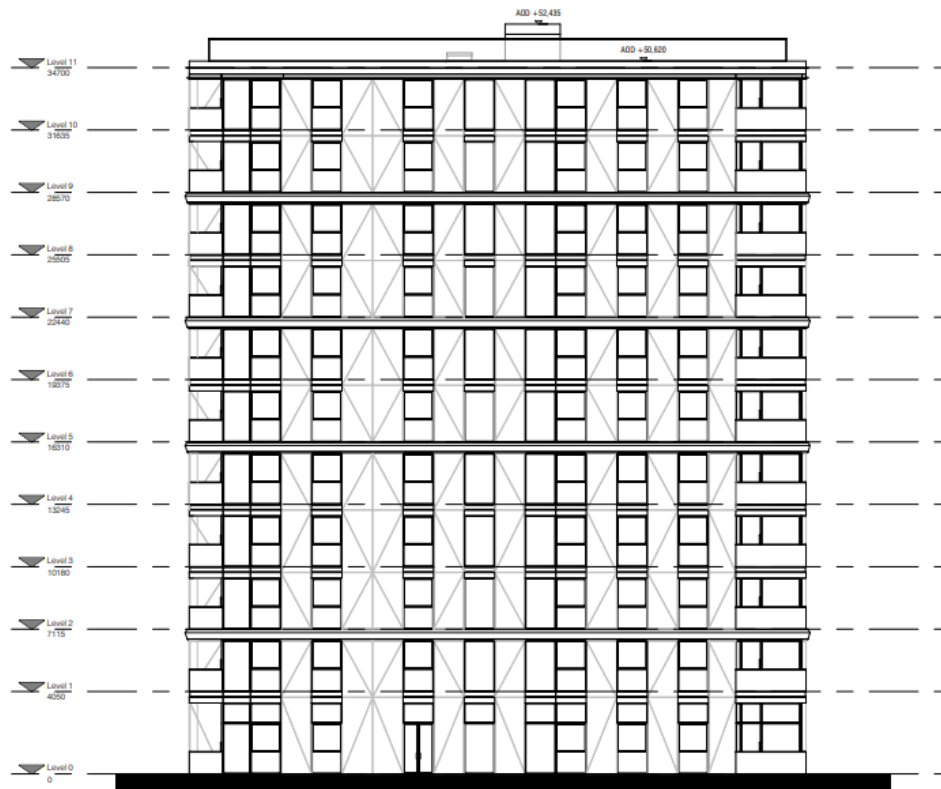


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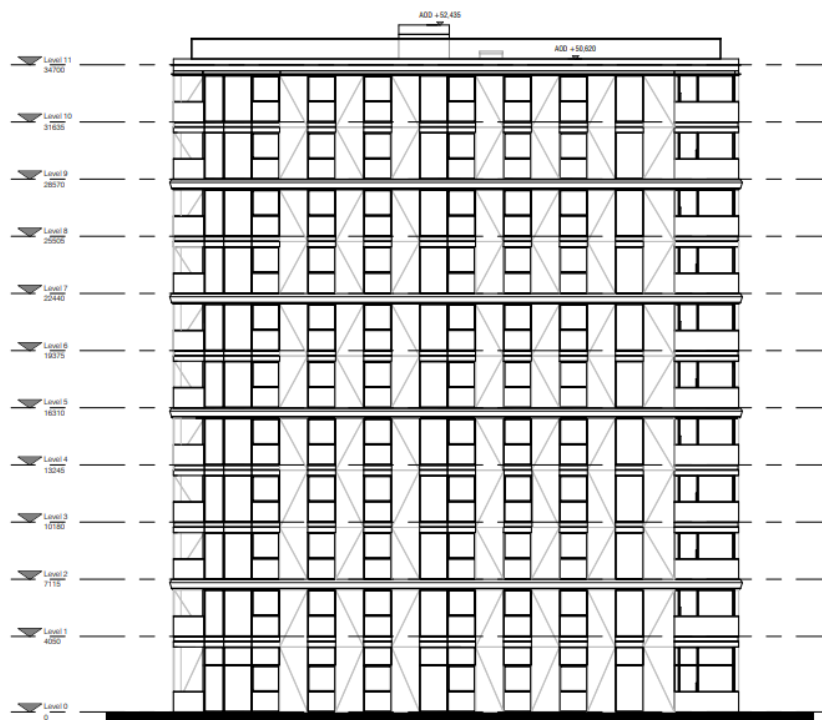


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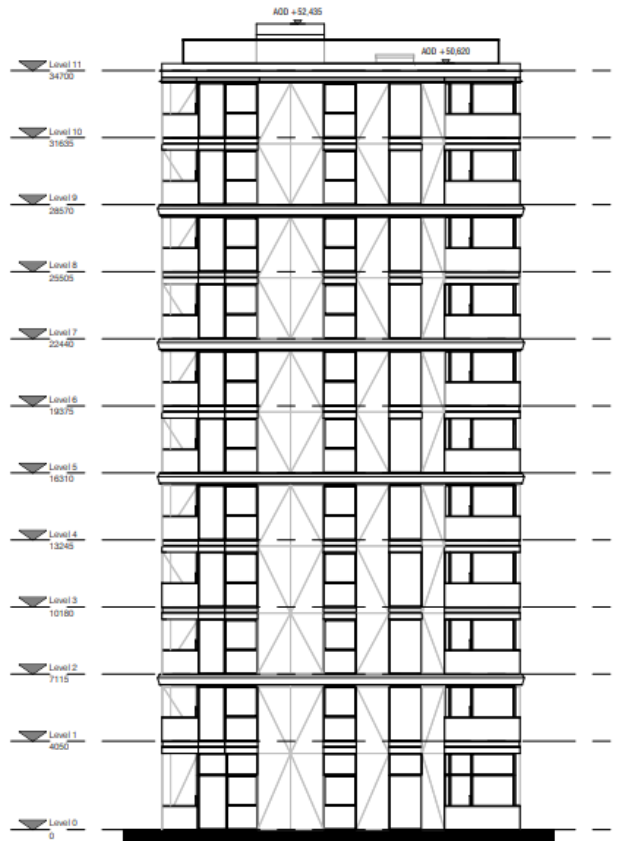




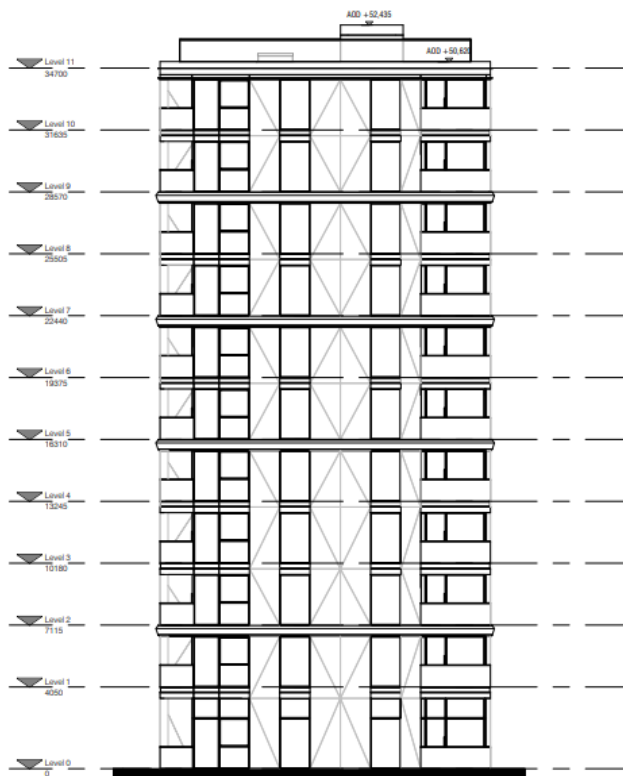
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Block C -Elevation 3



Block C -Elevation 2



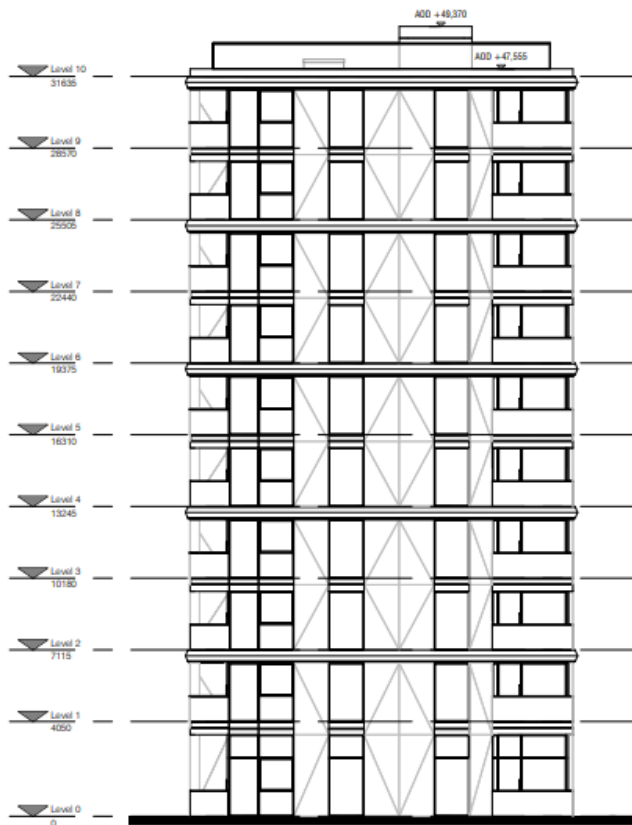
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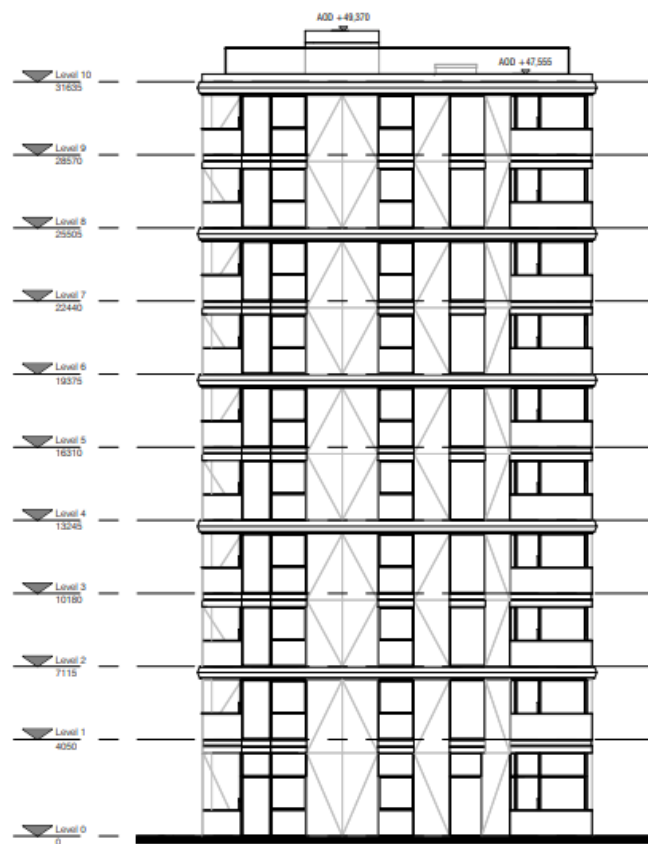
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Block D -Elevation 3



Block D -Elevation 2



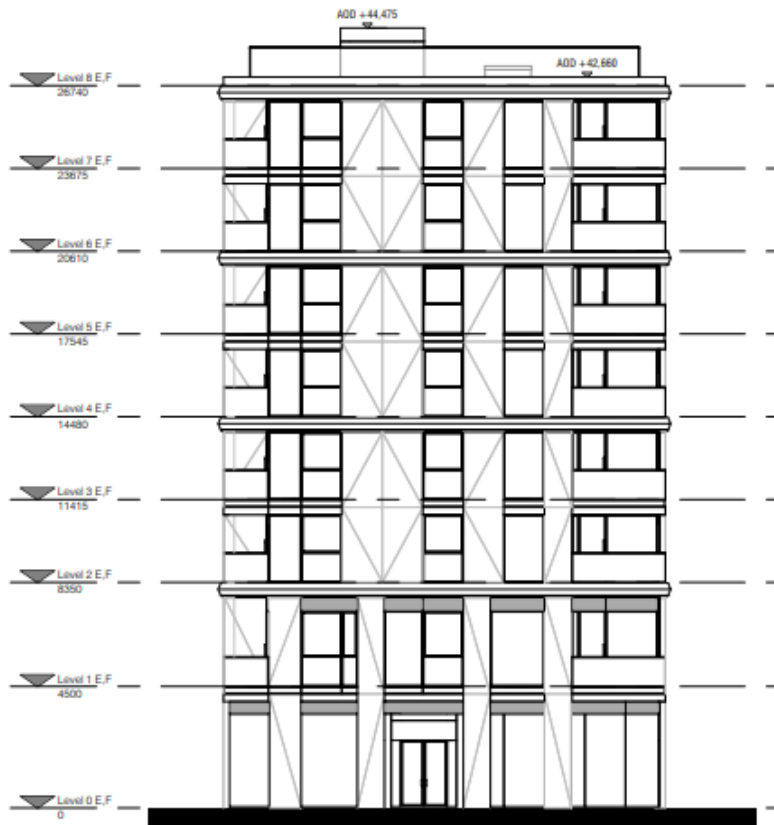
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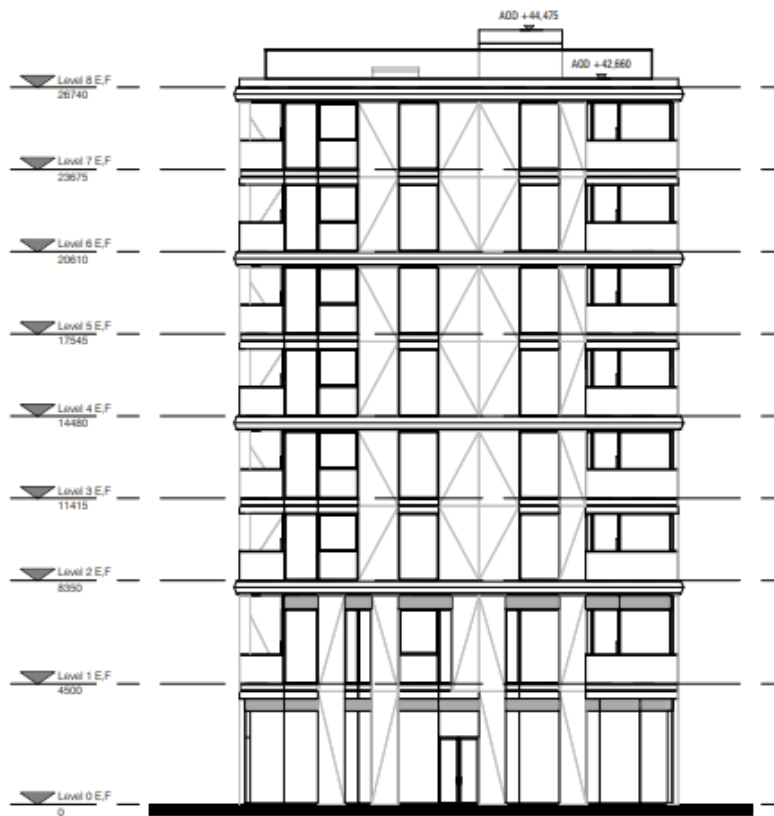
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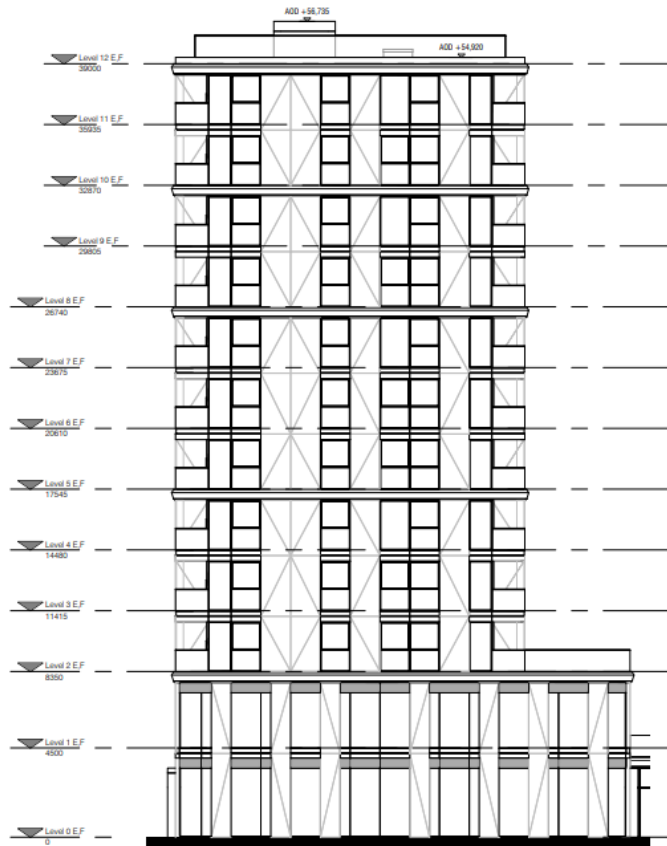
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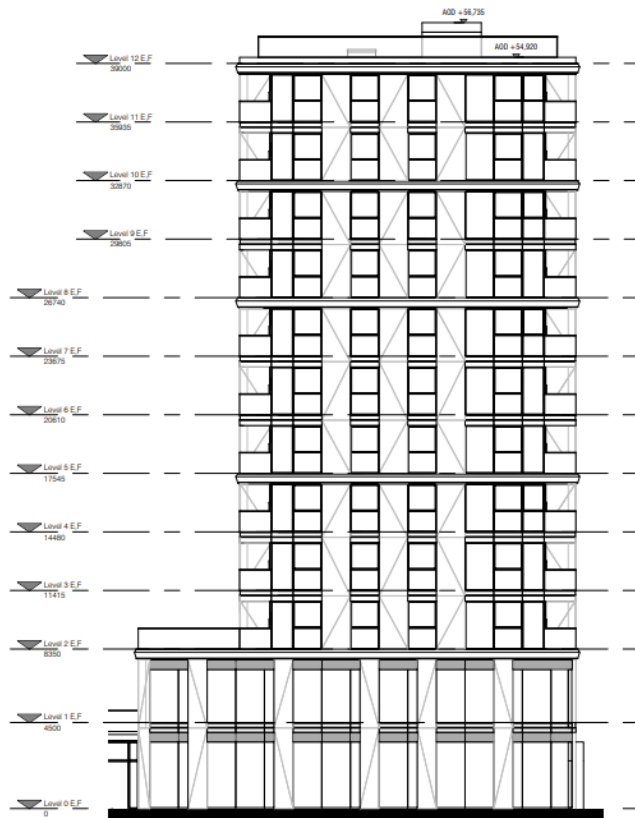
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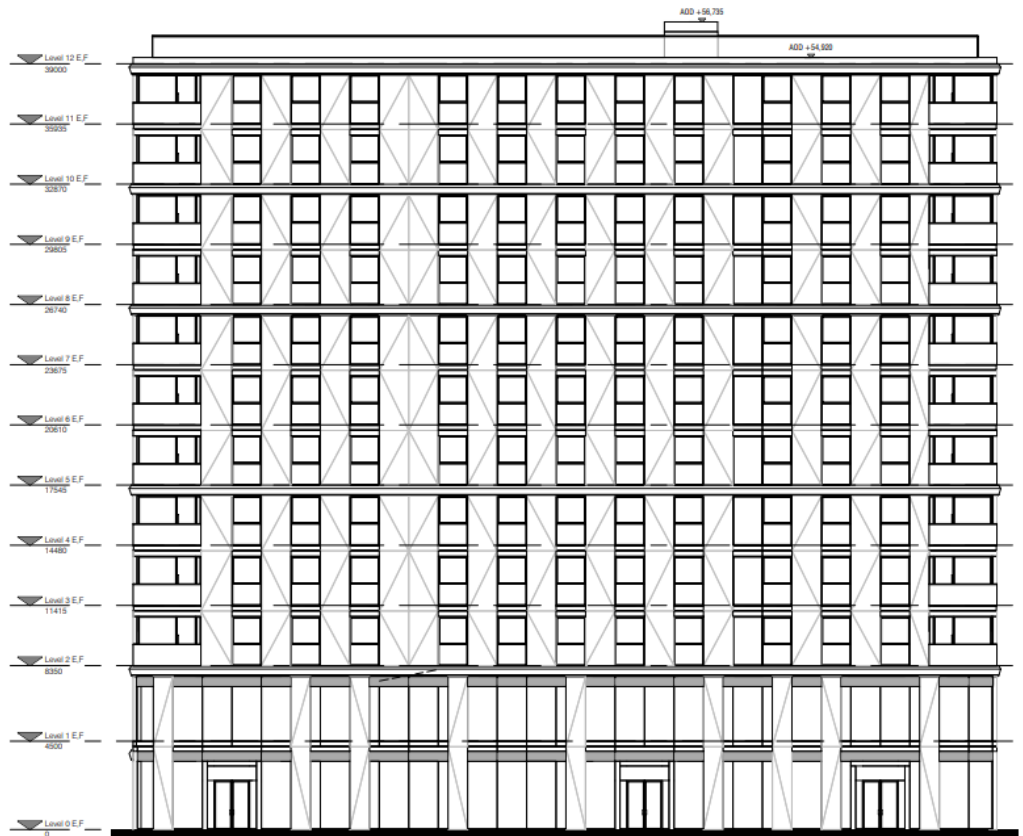
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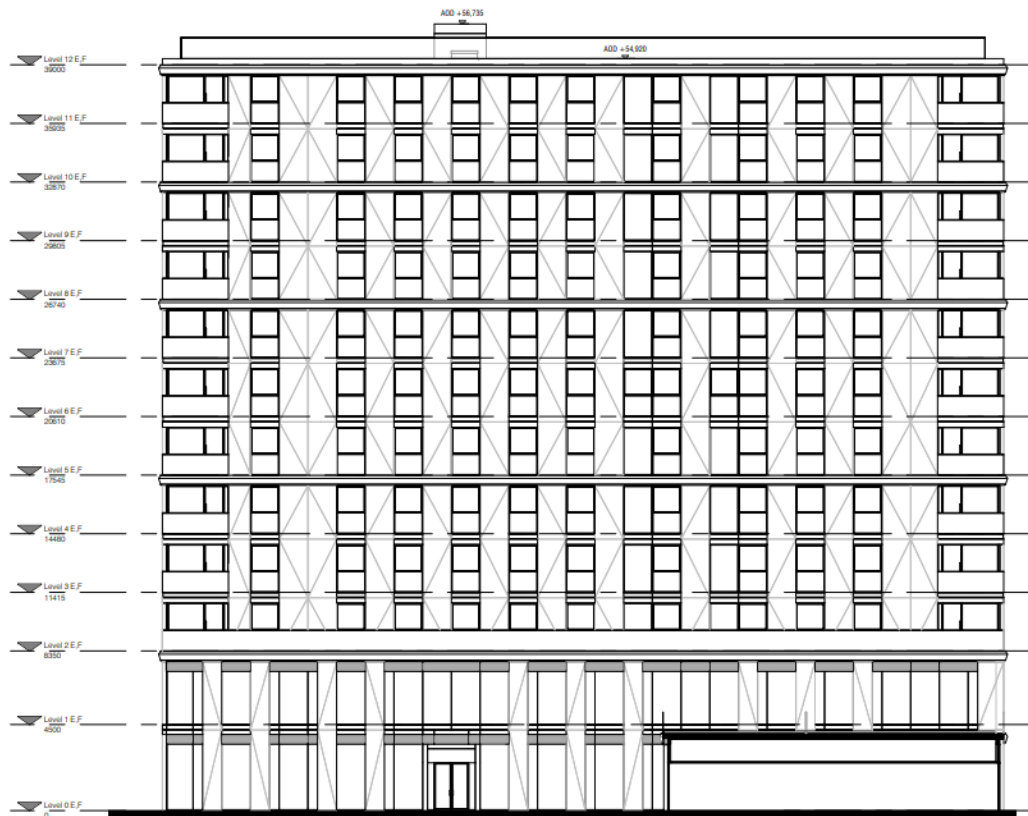
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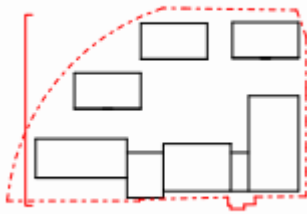
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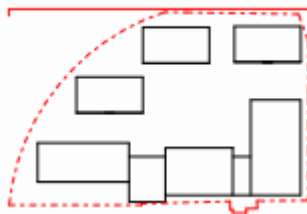
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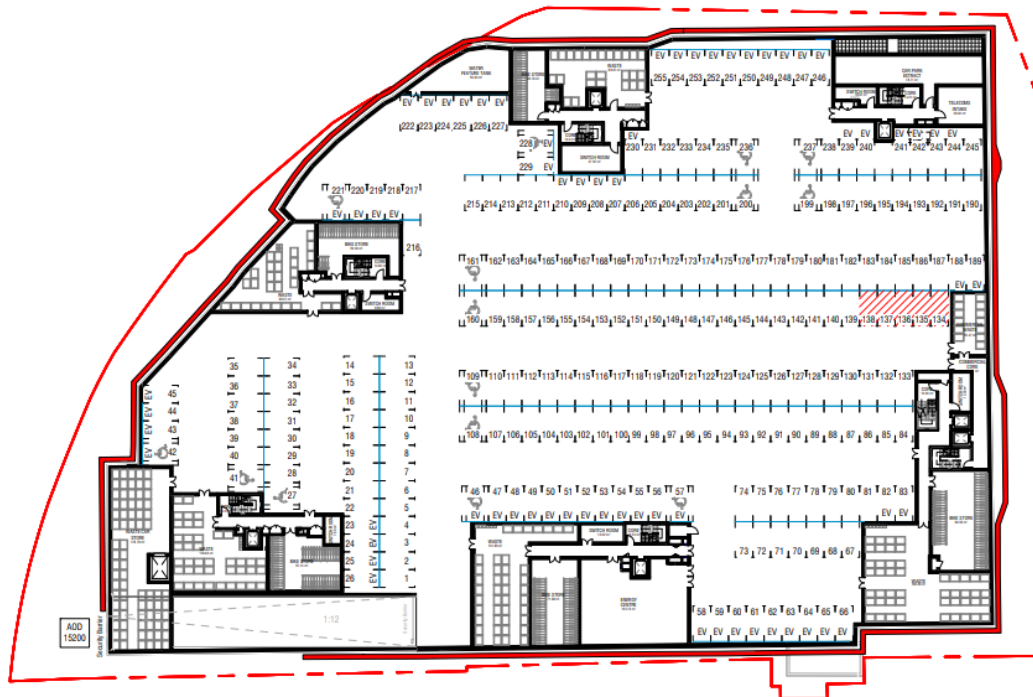


Key Plan

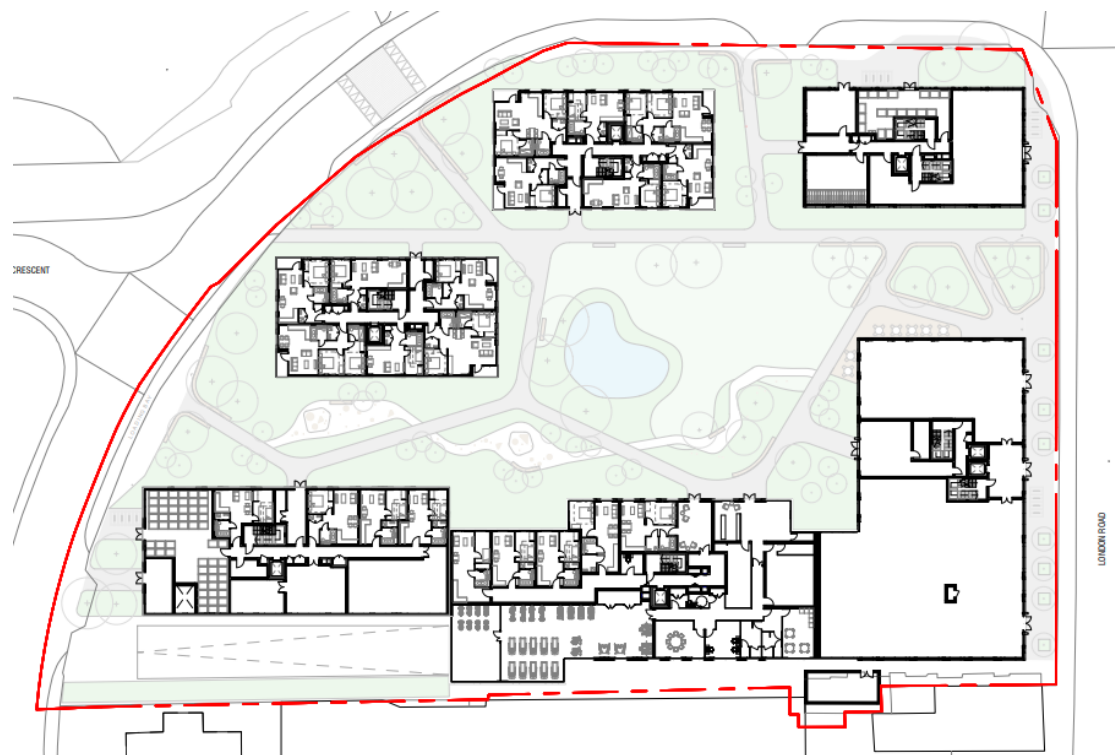


Key Plan

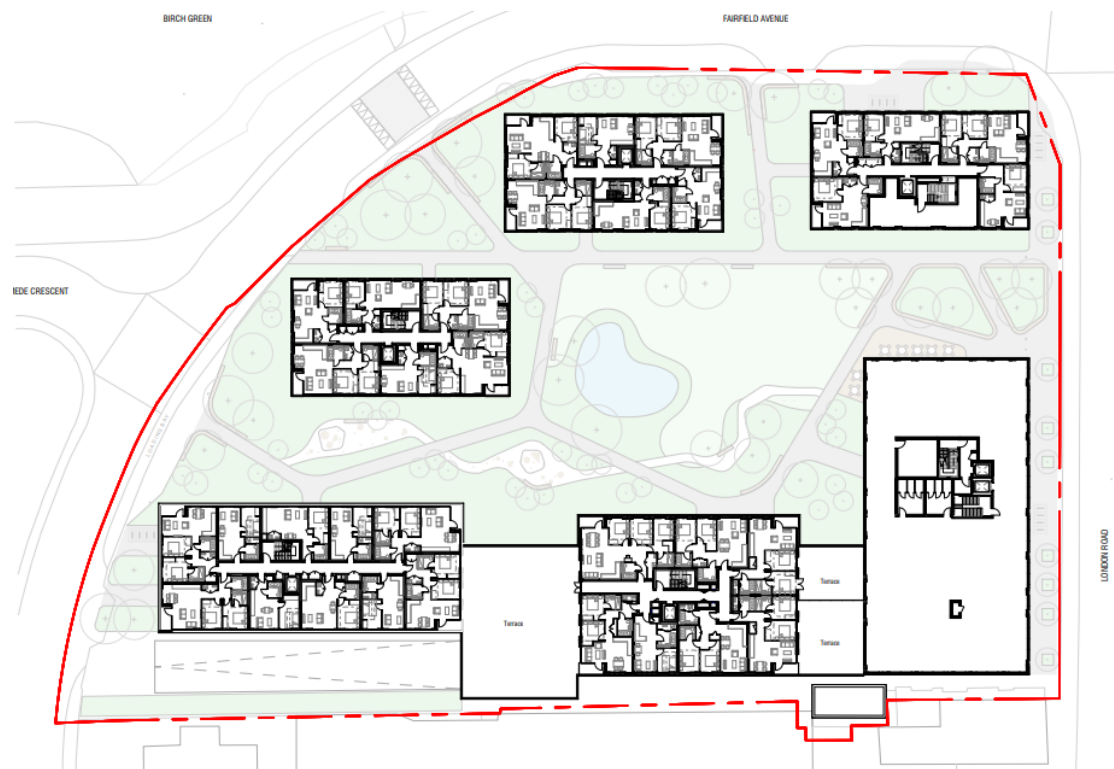




Level B1



Level 00



Level 01



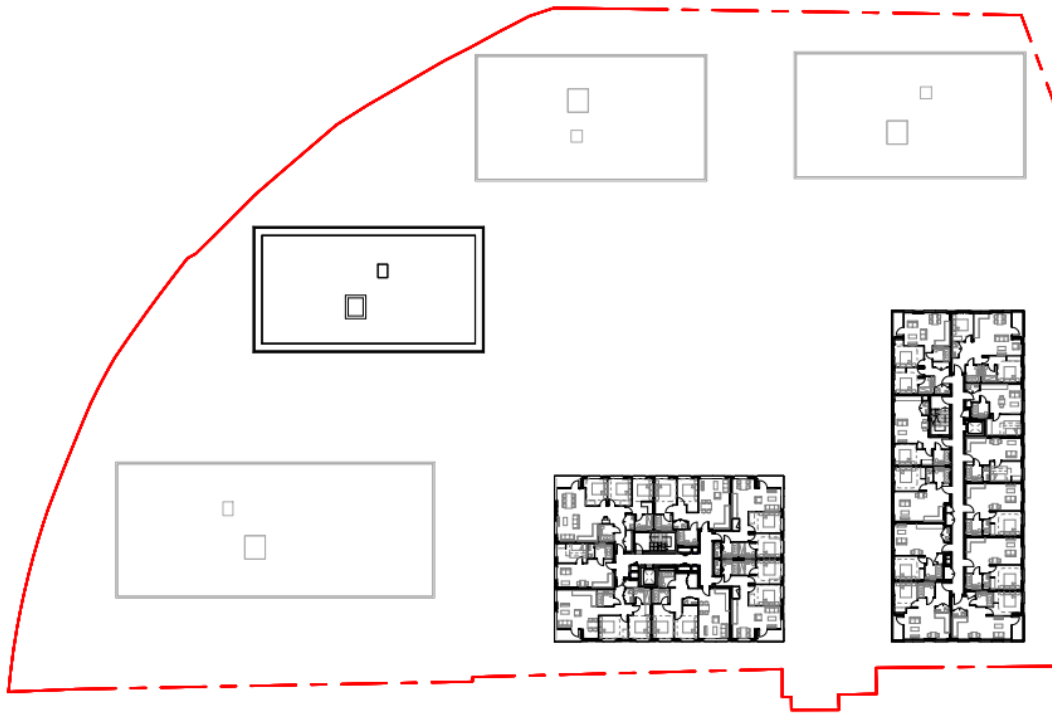
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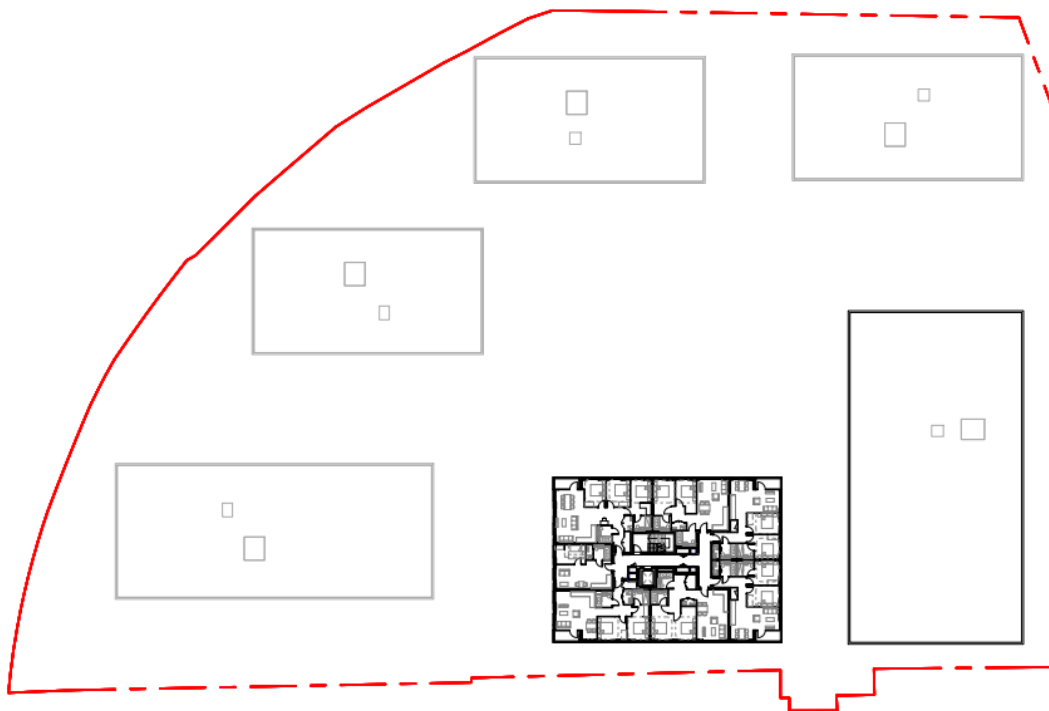
Level 08



Level 10



Level 11



Level 13





Illustrative Landscape Aerial Plan



Illustrative Landscape Ground Floor Plan



St James School, Church Road, Ashford.

Scale: 1:1,250

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# Planning Committee

26 June 2019



<b>Application No.</b>	19/00428/FUL		
<b>Site Address</b>	St James School, Church Road Ashford		
<b>Proposal</b>	Erection of new sports hall facility to include 4 no. badminton courts, fitness suite, 2 no. changing rooms, storage, first aid room and reception area. Demolition of existing multi use games area (MUGA) and provision of an outdoor 5 aside pitch and car park.		
<b>Applicant</b>	St James Senior Boys' School		
<b>Ward</b>	Ashford North and Stanwell South		
<b>Call in details</b>	N/A		
<b>Case Officer</b>	Kelly Walker		
<b>Application Dates</b>	Valid: 27/03/2019	Expiry: 26/06/2019	Target: over 13 weeks Extension of time agreed
<b>Executive Summary</b>	<p>The proposal is for the erection of a new sports hall facility in place of the existing Multi Use Games Area (MUGA) and the provision of an outdoor 5 a-side pitch and car park. The site is located within the Green Belt, within 10m of the Pipeline consultation zone and the main school building and chapel are Grade II listed. There are some protected trees on the site included those on the western boundary. Whilst the proposed sports hall and car park constitute 'inappropriate development' in the Green Belt, it is considered that the educational need for a sports hall for the existing school would clearly outweigh the harm to the Green Belt and that 'very special circumstances' exist to justify the development. The proposed outdoor 5 a-side pitch is considered acceptable in the Green Belt. The development is also considered to preserve the setting of the adjacent listed building and be acceptable in terms of impact on the protected trees. The proposal is also acceptable in terms of the design and impact on the character of the area. It will have a satisfactory impact on the amenity of neighbouring properties and on highway safety and is recommended for approval subject to conditions.</p>		
<b>Recommended Decision</b>	<p>In accordance with the Town and Country Planning (Consultation) (England) Direction 2009, this application should be referred to the Secretary of State with a recommendation to approve subject to conditions.</p>		

## 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  
CO1 - Providing Community Facilities  
LO1 – Flooding  
SP6 - Maintaining and Improving the Environment  
EN1 - Design of New Development  
EN3 - Air Quality  
EN4 - Provision of Open Space & Sport and Recreation Facilities  
EN5 – Buildings of Architectural and Historical Importance  
EN7 - Tree Protection  
EN13 - Light Pollution  
EN11- Development and Noise  
EN15 - Development on Land Affected by Contamination  
SP7 - Climate Change and Transport  
CC1 - Renewable Energy  
CC2 - Sustainable Travel  
CC3 - Parking Provision

- 1.2 It is also considered that the following Saved Local Plan Policies are relevant to this proposal

BE26 -Archaeology  
GB1 - Green Belts

- 1.3 National Planning Policy Framework NPPF (2019)

### 2, Relevant Planning History

18/00440/FUL	Retention of temporary classroom for a further period of 5 years.	Granted 24.05.2018
13/00419/FUL	Erection of a temporary class room for five years starting from the 2013/2014 Autumn Term.	Granted 14.05.2013
13/00281/FUL & 00282/LBC	Application for planning permission and listed building consent for the installation of a lead covered dormer roof section to existing slate covered pitch roof and internal alterations including installation of two mezzanine floors and forming new door openings	Granted 05.04.2013
10/00461/LBC	Planning Permission and Listed Building Consent for the erection of phase 2 of a	Granted 26.07.2010

senior school quadrangle including 2 storey laboratories, classrooms and an assembly hall. Erection of a new junior school quadrangle including classrooms following demolition of existing classrooms. Demolition of St. David's House and adjoining sheds and erection of new Boarding House. Erection of new changing room facilities and new pavilion .

10/00467/FUL	Formation of new all weather sports pitch with wire mesh enclosure to 3 meters high and erection of 10 meter flood lights (variation to planning permission 09/00814/FUL)	Granted 26.07.2010
10/00460/FUL	Planning Permission and Listed Building Consent for the erection of phase 2 of a senior school quadrangle including 2 storey laboratories, classrooms and an assembly hall. Erection of a new junior school quadrangle including classrooms following demolition of existing classrooms. Demolition of St. David's House and adjoining sheds and erection of new Boarding House. Erection of new changing room	Granted 20.09.2011
09/00845/FUL	Demolition of existing modern outbuildings and buildings within the rear courtyard and for the erection of phase 1 of a two storey quadrangle building and rear extension to dining room. Alterations to windows and roof lights to kitchen, servery, art room, room 135 and double height gym.	Granted 09.03.2010
09/00844/LBC	Listed Building Consent for demolition of existing modern outbuildings & buildings within rear courtyard & erection of phase 1 of a two storey senior quadrangle building & a rear extension to form new dining room. Alterations to windows & rooflights to kitchen servery, art room, room 135 & double height gym. Internal alterations including raising 2nd mezzanine floors, replacement of 2 no. staircases, installation of 2 no. passenger lifts & installation of a new first floor in existing gym. Alterations to 2nd floor roof structure & main entrance gates.	Granted 02.02.2010

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

- 3.1 The application site is located at St James School on Stanwell Road which is a senior boys' school. The area of land which forms the application site totals approx. 8,920 square metres and includes St James School's existing car

park and multi-use games area (MUGA). To the west of the site is Thomas Knyvett and Brooklands College campus, which contains a large sports hall and classroom building located along the boundary with the application site. There is an emergency access route runs from Stanwell Road to the north of the site between Thomas Knyvett College and St James 'Senior School' outside the application site. Residential properties are located further to the south approximately 160 metres in Stanwell Road and over 200 metres to the west in Gordon Road.

- 3.2 The entire site is included within the Green Belt which was classed as strongly performing in the Green belt assessment undertaken as part of the Local Plan Review. An Esso pipeline runs adjacent to the eastern boundary (approximately 10 metres away) from the proposed sports hall. There are two listed buildings on the site, the main mansion and the chapel, which are Grade II listed. The listing notes, '*... 1857. Architect Henry Clutton. Gothic, partly Ruskin inspired. Main block two and a half storeys ragstone with Bath stone dressings and quoins. Plinth, first floor cill band, cornice over first floor, steep gabled coping to dormers. Slate roof. Two front chimneys with shaped stone stacks. Central cross gabled clock and belfry. Ten bays to centre with gabled 2-light dormers; triple cusped lancets below, 3 central bays with variant Gothic glazing and a parapeted square oriel bay on first floor. Flanking lower gabled breaks with stepped windows to gable ends and 4 dormers to returns; the west return has a pointed relieving arch on first floor to 3 windows with shaped upper corners. Main block has central moulded arch doorway with nook shafts and tympanum with Prince of Wales' Feathers. Doorway flanked by smaller windows with crocketed pinnacle shafts.*' The western boundary contains extensive hedging and large mature trees. The trees are protected by a Tree Preservation Order (TPO). A TPO also exists to the east and south of the proposal.
- 3.3 Since the school gymnasium was demolished in 2010 for health and safety reasons, the school has been without bespoke on site internal sports facilities, which the applicants note, '*... is having a considerable negative impact on the sporting requirements of the curriculum.*' With the number of pupils at the school increasing, the school is in desperate need for a sports hall and it would mean that the school would no longer need to provide coaches to other venues. It will also allow for better provision for sports in the school in particular to help with the curriculum and GCSE PE, which is on offer at the school and results are suffering as a result.
- 3.4 The proposal is for the erection of a new sports hall, an outdoor 5 a side football pitch and parking area in place of the existing MUGA. The sports hall building will measure 45 m by 34 m with a total floor area of 1360 sq. m... It will be 11.5 m tall although part of the building containing the ancillary floorspace will be lower at 3.2m..The main sports hall will measure 7.6m in internal height with one main entry point and a small reception area. The building will provide 4 badminton courts or 1 full sized basketball court and a fitness suite. It will have 2 changing rooms with showers and w/c, office space, social area and first aid room. It will be a steel framed building, clad in a mixture of grey and green, with a grey brick finish to match the grey ragstone of the main school building. It will be some 14m from the western side boundary at its closest point, (which has a line of preserved trees along

it) and 32m from the closest part of the listed building to the east. The fencing and flood lighting columns of the existing MUGA will be re-provided around the proposed 5 aside pitch. In addition there will be a car park associated with this use which will provide 29 car parking spaces, 2 of which will be disabled spaces.

3.5 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. Recommends conditions
Council's Historic Advisor	No objection
Sport England	No objection. Recommends conditions
Surrey County Council - Local Lead Flood Authority (SuDS)	No objection. Recommends conditions
Environment Agency	No comments
Thames Water	No objection
The Council's Tree and Landscape Officer	No objection. Recommends a condition requiring an Arboricultural Method Statement to be submitted in regard to tree protection and treatment of the hornbeam hedge.
Sustainability Officer	No objection. Recommends conditions
Environmental Health - Noise	No objection. Recommends conditions
Environmental Health - Lighting	No objection. Recommends conditions
Pollution Control Officer	No objection. Recommends conditions

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

5.1 Neighbouring properties were notified of the planning application. In addition a statutory site notice was displayed and a notice published in the local newspaper. No letters have been received.

#### **6. Planning Issues**

- Green Belt
- Community Facility

- Loss of existing playing pitch
- Design, Appearance and Visual Impact
- Sustainable Development and Renewable Energy
- Highway Issues and Parking
- Residential Amenity
- Noise
- Light Pollution
- Contamination
- Flooding

## 7. Planning Considerations

### Green Belt

#### a) Background

- 7.1 The site lies within the Green Belt and Saved Local Plan Policy GB1 is relevant as it seeks to ensure only 'appropriate' development is allowed in the Green Belt. The National Planning Policy Framework 2019 (NPPF) states at para 134 that the Green Belt serves five purposes:

Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 7.2 The NPPF makes it clear at para. 143 that states that the construction of new buildings should be regarded as 'inappropriate' development, which by definition would be considered as harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF para. 144 continues by stating that:-

*'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and other harm resulting from the proposal, is clearly outweighed by other considerations'.*

The following paragraphs assess the proposal on the above basis having regard to the harm to the Green Belt.

#### b) Inappropriate Development

- 7.3 The NPPF makes provision (at para. 145b)) and details some exceptions where new buildings would not be considered as inappropriate within the Green Belt. One of these exceptions would include buildings for the provision of appropriate facilities for outdoor sport and recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within

7.4 The provision of a 5 a-side pitch would comply with this requirement, but not the fencing and lighting surrounding it although it is acknowledged that these are currently on site at the existing MUGA. It is accepted that the 'indoor' sports hall and associated car park does not specifically relate to an outdoor sport or recreational use under para 145b) and is therefore inappropriate development. There is further provision under para 145g) of the NPPF for the limited infilling of previously developed sites, as long as there would be no greater impact on the openness of the Green Belt. However the replacement of the existing MUGA with a sports hall and car park clearly has a greater impact on the openness of the Green Belt and therefore the proposal does not meet this test.

7.5 It is recognised that the construction work associated with the new building and associated car park would be located on existing hard standing areas of the existing MUGA pitches at St James School site. However, it is accepted that the proposed sports hall, parking and associated infrastructure would not be considered as "appropriate" when having regard to the NPPF.

c) Harm

7.6 In assessing Green Belt proposals, it has already been explained that substantial weight must be given to the harm to the Green Belt, which includes the impact on its openness. Given the size of the new sports hall building the scheme would lead to some additional visual harm, in particular due to its overall scale and height of 11.5m. It will be located on the existing MUGA which although has fencing and floodlights, has limited impact on the openness of the Green Belt, given the existing fencing is open in nature. Because the building will be of a substantial size where there are currently no buildings, it will have an impact on the openness of the Green Belt site. The proposed car park would be located on an existing MUGA which is an existing hard surface and will have less impact on openness compared with the sports hall but will still have some harm. As such, the proposal will have an impact on the openness of the Green Belt and conflicts with the purposes of including land within it which will weigh against the proposal.

7.7 The proposed sports hall will be located between existing buildings at the application site and those at the adjoining site on the Thomas Knyvett /Brooklands College site which are also substantial in size. It will also not be clearly visible from the public domain given it is located within the site, a long way back from Stanwell Road, the public highway to the south. Taking into account the characteristics of the site and the location of the new building which would be well screened from public views due to other existing buildings on this site and the Brooklands college and Thomas Knyvett school site adjacent to the west, together with existing trees and planting, the harm to the visual amenity of the locality is considered to be limited. The new 5 a side pitch will be located on the existing MUGA with the existing flood lights being re-positioned and the fencing would be the same as around the existing pitches, as such it would not equate to unacceptable visual harm.

d) Applicant's considerations

7.8 St James School has a real need for indoor sports facilities for educational purposes. The applicants have set out 'their case for this proposal which are

summarised below and draw on the requirements specific to St James School. These are as follows:-

1.) The sports programme and education on offer by the school is already being negatively impacted by the lack of indoor sports facilities and this negative impact will only become more acute moving forwards. It is essential for the viability of the school that facilities are improved, allowing the school to grow, improve teaching and improve the variety and consistency of sports on offer at the school.

This is also encouraged in local policy terms. Policy CO1 supports improvements to existing facilities to enable them to adapt to changing needs and the NPPF paragraph 94 under the section “Promoting healthy and safe communities” states that *LPAs should a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.*’ . There is a strong need to support the raising of education attainment levels generally.

2.) As noted before, the school’s previous sports hall was demolished in 2010 for health and safety reasons and since this time the school has been without suitable facilities. Three alternatives to reinstating an indoor sports provision on site have been identified –

- do nothing,
- find an alternative site, or
- share facilities with the adjacent college.

7.9 Option one results in coaches being used on a regular basis to transport students to other venues which results in increased pollution. Stopping this would help to improve air quality; Spelthorne Core Strategy sets out that the biggest single contributor to poor air quality in Spelthorne is road traffic. Therefore a reduction in the amount of additional journeys that the school currently makes would be supported by Policies EN1 and EN3. Option two is not feasible given that non-green belt sites in walking distance to the school, which could accommodate a sports hall would be very expensive or are not available and as such this option to use a substitute site is not a suitable alternative. Option three to share the facilities at the adjacent site would result in 3 educational institutions using the same facilities, for which there would not be the capacity or flexibility given St James School requires the new sports hall for a full sporting programme.

3.) The proposal would result in improved opportunities, to improve the health and well-being of pupils, by providing a consistent access to improved sports education. It would also provide for a wider range of sports and other extra curriculum activities, giving pupils opportunities that would otherwise not be available to them. The time wasted by pupils and staff in travelling to facilities off site would no longer occur. The applicants note that furthermore the facility will improve the teaching of PE GCSE to help improve the attainment level and allow the opportunity for an A level or BTEC in PE to be introduced. In addition, the facilities could be used to meet a local need for the community out of school hours, which would provide a local sports provision supported by Policy SP6.



- 7.10 It is considered that the points outlined above are significant factors to which substantial weight should be given as 'very special circumstances' when having regard for development located on Green Belt land.
- 7.11 To conclude, the proposed sports hall and associated car park constitutes inappropriate development in the Green Belt and this, in itself weighs against the merits of the scheme. The proposal will also lead to a loss of openness in the Green Belt which weighs against its merits. However, it is considered that the considerations put forward in favour of the development by the applicant are very significant, particularly the educational need for a sports hall in this existing school site which is entirely within the Green Belt and the other associated health and reduction of travel/pollution benefits. The considerations in favour of the development are considered to clearly weigh heavily in favour of the proposal in accordance with the NPPF. However, as stated above, para 144 states that the very special circumstances will not exist "*unless the potential harm to the Green Belt by reason of inappropriateness, and other harm resulting from the proposal, is clearly outweighed by other considerations*" The report will now consider the "any other harm below"..

#### Loss of existing playing pitch

- 7.12 The proposed development involves the loss of existing playing pitches (MUGA) on the land upon which the new sports hall is proposed. As the proposal involves the loss of a playing pitch which was used within the last 5 years, it has been necessary to consult Sport England as a Statutory Consultee. Sport England has raised no objection. Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

*'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:*

- all or any part of a playing field, or*
- land which has been used as a playing field and remains undeveloped, or*
- land allocated for use as a playing field*

*unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'*

- 7.13 A new 'four-court' sports hall and artificial grass pitch (AGP) are proposed which would result in the loss of the existing MUGA. Sport England has assessed this against the policy and note that, '*...This application relates to the provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the above policy, which states:*

*'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'*

- 7.14 Sport England notes that, '*The submitted documentation sets out the schools educational need for a sports hall while Sport England's Facilities Planning Model has highlighted a deficit of sport hall space within the Spelthorne.*

*Although the proposal would result in the reduction in the outdoor facilities at the school (loss of the existing AGP/MUGA), there does not appear to be any community use of this facility. This appears to be confirmed by the school and Sport National Governing Bodies. The proposed sports hall would be able to incorporate some of play lost on the AGP/MUGA, particularly tennis, therefore the impact of the loss of this facility would be mitigated to some extent. The proposed sports hall and AGP would be available for community use therefore provided it is designed and constructed in line Sport England's guidance Sport England considers that there are benefits to outweigh the loss. This view, however, is on the basis that long-term community use is secured in a Community Use Agreement (CUA)."*

7.15 Therefore Sport England conclude they do not wish to raise an objection to this application as it is considered to meet Exception 5 of the above policy. The absence of an objection is subject to the imposition of a condition to require a community use agreement:

7.16 Paragraph 97 of the NPPF is set out below:

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*

*The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use*

Therefore with no objection from Sport England it is considered that the loss of the existing playing pitch is mitigated by the proposed new sports hall and is acceptable in this particular case. The proposal also complies with paragraph 97 of the NPPF.

#### Community Use

7.15 Strategic Policy SP5 contained in the CS & P DPD seeks to ensure that provision is made for services and facilities to meet the needs of the community and the proposed development would comply with this main policy objective.

7.17 Local Plan policy CO1 of the CS & P DPD is concerned with providing community facilities in order to meet local needs. Under this policy, a community facility would be sport and leisure facilities and is supportive of new and existing community facilities. This policy makes direct reference to:-

- a) supporting the provision of new facilities for which a need has been identified in locations accessible to the community served;*
- b) supporting improvements to existing facilities to enable them to adapt to changing needs.*

- 7.18 Having regard to the above policy, it is evident that the new sports hall and 5 aside pitch facility would be entirely consistent with its objectives. The applicant has made reference to the opportunity for prospective community use of the proposed sports hall building and 5 aside pitch. The applicant notes that in addition to the benefits to the school, it is proposed that when not in use by the school, the new indoor sport facility and 5 aside pitch could be made available for public use. Although specific details of other community uses have not been provided, they have requested hours of operation and a condition restricting hours of use of the facilities, pitches and therefore flood lights would include the following hours:-

The sports hall building and facilities:-

8.00 and 22.30 hours on Monday to Friday, and between  
8.30 and 20.00 hours on Saturdays, and between  
9.30 and 20.00 hours on Sundays.

The new 5 a side pitch-

8.00 and 21.30 hours on Monday to Friday, and between  
8.30 and 20.00 hours on Saturdays, and between  
9.30 and 20.00 hours on Sundays.

It should also be noted that these are the same hours of use as permitted for the site next door at Thomas Knyvett and Brooklands College site. In addition Sport England (as noted above) has raised no objection to the loss of the existing pitches, provided the school enter into a community use agreement so encourage the use of the facilities by other members of the community. As such, the proposal is considered to accord with Policy CO1.

Design, Appearance and Visual Impact

- 7.19 The new sports building is inevitably a large structure that would be prominent visually in the context of the St James school site. However, its visibility from outside the site and other adjoining public buildings in Stanwell Road is very limited as noted above.
- 7.20 The proposed building has a foot print of some 1360 sq. m. The sports hall will be rectangular in shape with the longest side measuring 45m in length and located alongside the side boundary with Thomas Knyvett and Brooklands site to the west. It has a width of 34m on the ground floor. The taller part of the building covers the sport hall only with the ground floor level also having other facilities including the reception area, changing rooms, etc. The building measures 11.5 m in total height which includes the void above the sports hall
- 7.21 The building will be a steel frame structure, with the main part of the sports hall being clad. The applicants note that this will consist of, *'... a playful and randomised pattern of grey, green and green/yellow panels which graduate up the volume from darker to lighter tones, responding to the trees which form a backdrop to the proposal.'* The scale and massing of the building are consistent with the type of buildings already located at the adjacent school site to the west. The use of a grey brick finish segregating the 3 section of panels was chosen to be in keeping with the colour of the grey ragstone of the main school building and the brick buildings surrounding it. The lower level will

have a timber box, clad with black vertical timber cladding to match the existing workshop block and infilled with the same grey, green yellow/green panels. Areas of glazing will allow natural light to penetrate the building and the main entrance will also be made of timber. Subject to the imposition of a condition to secure further details of materials, it is considered that the proposed development would comply with Policy EN1 of the CS & P DPD on design.

- 7.22 The application also includes the re-provision of some of the existing 10m tall floodlighting columns, which will be relocated from the existing MUGA pitches to provide light to the new 5 aside pitch. Currently, given there is a very large area of outdoor pitches which are all flood lit, the proposal will result in a reduction in the number of floodlighting columns within the site as a whole. It is considered that this provision would generally be regarded as acceptable.
- 7.23 The new 5 aside pitch, surfacing, fencing and floodlights surrounding it, will be located on the site of an existing much larger MUGA pitch which already has these things, including the 3m high open style palisade boundary fencing. As such it will have reduced visual impact compared to the current situation. In addition, it will have limited visual impact given its context within the school grounds. Therefore, it is considered to be acceptable and conditions are recommended to control the use of the 5 aside pitch and the floodlights and is considered necessary in the interests of protecting the amenity of nearby residents.

#### Impact on the setting of the listed buildings

- 7.24 Section 66 of the Listed Buildings Act 1990 requires authorities, when determining applications which affect a Listed building and its setting, to have 'Special regard to the desirability of preserving the building or its setting or any special features of architectural or historic content which it proposes'. This is also reflected in Policy EN5 of the C S & P DPD which states that the Council will seek to preserve its architectural and historic Interest by f) requiring development proposals for any sites affecting the setting of a listed building to have special regard to the need to preserve its setting. Para 192 of the NPPF states:

*'In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.'*

- 7.25 The applicants have submitted a Heritage Statement which assesses the listed buildings and their relationship with the proposed and it concludes that, *'...The listed buildings on site are of architectural importance through the direct link to the renowned architect Henry Clutton and as an example of a purpose-built Victorian school. The grouping of buildings together strengthens the site's significance. The materials and architectural detail of the building are a good example of the later Gothic revival period and its manifestation in educational buildings. The rear of the site is of much lower importance due to*

*the modern development that has taken place in the latter half of the 20th century. The planning strategy has clearly favoured the entrance sequence and the setting of the listed buildings to the south east side of the site.'*

- 7.26 The Council's Conservation and Listed Buildings Officer has been consulted and raises no objection on the setting of the listed school building noting that, '*... There are two listed buildings on the site, the main mansion and the chapel, the frontage building nearest the access drive is not listed but is of design merit. The rear of the school is very poor aesthetically, being made up of a disparate group of buildings of varying quality, there is also the all-weather pitches. The proposal for a sports hall where shown would not in principle, harm the setting of the main building or the chapel. It would be a large structure with a flat roof,*

*The suggested coloured cladding is startling, but not out of keeping considering neighbouring buildings and several protected trees in the locality. Big 'sheds' are not easy to slip into an existing complex of buildings but this treatment indicates a use other than warehousing or out of town shopping facilities, so I consider it acceptable.... In terms of this proposal's effect on the setting of the listed school and chapel, I have no concerns'*

- 7.27 Although the proposed sports hall is large it is located on the existing sports pitches and is adjacent to some existing lower more temporary style buildings of no distinct character of design and is located some distance from the listed buildings themselves. As noted above, the Council's Historic Advisor has raised no objection and it is considered that the proposal will preserve the setting of the listed buildings in accordance with section 66 of the Listed Buildings Act 1990. The proposal accords with Policy EN5 of the CS & P DPD and the NPPF.

#### Renewable Energy

- 7.28 The applicants have submitted an Energy Strategy Report which outlines the use of Solar PV Panels to comply with the intentions of policies CC1.
- 7.29 The Sustainability Officer has been consulted and raises no objection. A condition would be imposed on any consent issued to ensure that the sustainability measures would be fully capable of meeting the 10% of energy demands from the on-site energy sources in accordance with Policy CC1.

#### Highway Issues and Parking

- 7.30 Vehicular access to St James School will remain as existing from Stanwell Road. The train station is a short walk away just off the High Street where a bus service also operates.
- 7.31 Whilst the planning application makes provision for an additional 29 car parking spaces, there is also an existing car park within the application site, closer to the entrance to the site. The proposal will serve the existing school facility during the day and term time and other community uses during the evening and when not used by the school. As such, the proposal is not considered to cause a marked change in the intensify of the use of the site. This is supported by the submitted Transport Statement which notes that a trip generation assessment has been undertaken to determine the likely level

of vehicle trips associated with the proposal. It suggests that there would be no material change in the number of vehicle movements when compared with the existing use and therefore the proposal is unlikely to lead to a detrimental impact on the local road network. Although it is acknowledged that the use would also involve vehicular movements at the evening and weekends when the school is not using the proposed facilities. The assessment concludes that, '*...the proposals are not considered to have any adverse effects on the highways or transportation network. As such, the development is considered acceptable on transport grounds.*'

- 7.32 The County Highway Authority (CHA) has raised no objection to the scheme and has recommended a condition to ensure construction vehicles do not access the school site during start and finish times for the pupil's safety. As such the proposal is considered to be acceptable and accords with Policy CC2.

Impact on the amenity of neighbouring properties

- 7.33 The location of the site, in particular given its distance from residential properties results in the proposal not having an impact on the amenity of neighbouring properties in relation to overlooking, loss of light or in terms of overbearing impact grounds
- 7.34 The 5 a-side pitch will be located in place of the existing MUGA, and consequently will take up a much smaller area than at present. This pitch will be no closer to residential properties than the current pitches. In addition, the existing flood lights will be relocated to be used for the proposed 5 aside pitch, there will be a reduction in the number of lighting columns at the site which will in effect reduce the impact that they have. The Council's Environmental Health officer has raised no objection. On noise and light grounds. Nevertheless, a condition is recommended that would limit the hours of use and operation of the floodlights and use of the 5 aside pitch and sports hall which would limit the levels of activity and disturbance associated from the community use of the sports hall and pitch which would be designed to protect residential amenity.

Noise and light

- 7.35 As far as noise is concerned, the new sports hall design and use of materials would ensure that it would be insulated and as a result it is not anticipated that noise would emanate from the structure to give rise to any noise concerns. The details of the construction will be a matter dealt with under Building Control regulations. An hours of use condition would ensure noise and disturbance is not created during unsociable hours by community use of the sports hall and pitch. However as noted above the site is not located particularly close to external neighbouring residential properties.
- 7.36 The applicant has provided an acoustic assessment of the mechanical noise of a ground source heat pump which is shown to be satisfactory on noise grounds. The assessment has considered available guidance and has used the appropriate guidance when assessing the likely impact on the nearest noise sensitive properties including residential properties, the one directly to the south of the application site on the grounds of the school and also the adjacent educational building at Brooklands site.

- 7.37 Furthermore, noise from the proposed mechanical plant would be considerably below the existing ambient noise levels. The assessment therefore concludes that provision of the mechanical plant, as proposed, will not create a significant impact or cause an adverse effect in acoustic terms. The existing floodlight will be relocated but the new pitch will be within the footprint of the existing MUGA pitches as such it will have not greater impact. The Council's Environmental Health officer has raised no objection to the proposal in terms of noise and lighting impacts but has recommended conditions As such, subject to an hours of use condition, the proposal will be acceptable on noise and light grounds and accords with Policy EN11 on noise and EN13 on light.

#### Flooding

- 7.38 The applicants have submitted a Flood Risk and Drainage Assessment which has confirmed that the site is located within Flood Zone 1 and that the use of land is considered acceptable for this flood zone. The FRA has investigated the possibility of groundwater flooding and this would be low risk. The Environment Agency was consulted as part of the application but they have responded to say they do not wish to make comments on this application. Therefore the application is considered to be acceptable on flooding grounds and would comply with adopted policy LO1 contained in the CS & P DPD.
- 7.39 The report notes that they intend to use a soakaway and permeable paving for the sustainable drainage design. Surrey County Council (SCC) as the Lead Local Flood Authority has been consulted and following the submission of an updated Flood Risk and Drainage Assessment, no objection is raised subject to the imposition of conditions. As such the proposal is considered to be acceptable from a flooding and drainage point of view.

#### Contamination

- 7.40 The Council's Pollution Officer has raised no objection to the application based upon the material supporting the application. However, the site is located within land adjacent to a historic landfill site, known as Clockhouse Lane landfill. Consequently it is considered necessary to impose a standard planning condition and associated informatives to ascertain the levels of contamination on the site, in accordance with paras. 178 and 179 of the NPPF and Council Policy EN15.

#### Trees and Wildlife

- 7.41 The current application has been accompanied by an Arboricultural Assessment which has examined the location, species quality and implications of the proposal on the trees located nearby. None are required to be removed and are unlikely to be affected by the proposal. However tree protection fencing will be required during the consultation phase and the report suggests the existing sports fencing could be used for this. The Council's Tree Officer has been consulted and raises no objection to the proposal but does recommend the imposition of a condition requiring an Arboricultural Method Statement with particular regard to tree protection and the proposed treatment of the hornbeam hedge. As such the proposal is considered to be acceptable on these grounds.

### Finance Considerations

- 7.42 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. However in this instance, there are no financial considerations which are material in the determination of this planning application.

### Conclusion

- 7.43 As noted above, this proposal represents inappropriate development in the Green Belt and substantial weight is given against the scheme due to the harm this causes to the Green Belt. The protection of the Green Belt is a national policy objective and the Government attaches substantial weight to it, with permanence as a key element. The scheme can only be approved in very special circumstances. These will not exist "*unless the potential harm to the Green Belt by reason of inappropriateness, and other harm resulting from the proposal, is clearly outweighed by other considerations*". Full consideration has been given to the harm to the Green Belt and any other harm. It is felt that the applicants' considerations in favour of the proposal weigh heavily in favour of the application and it is therefore concluded that very special circumstances exist to warrant allowing inappropriate development that causes harm to the Green Belt. The application is therefore recommended for approval.
- 7.44 However it should be noted that DCLG Circular 02/2009 "The Town and Country Planning (Consultation) (England) Direction 2009" requires that where an authority is minded to approve certain types of Departure applications, they should be first referred to the Secretary of State for Housing, Communities and Local Government. This Direction applies to any application for planning permission where the proposal is considered to include inappropriate development on land allocated as Green Belt and which consists of:-
- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more or;
  - (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.
- 7.45 This application is considered to be a Departure because it involves the erection of an inappropriate building on Green Belt land and the Direction would apply because the sports hall would exceed 1,000 square metres. The regulations state that 'where a local planning authority does not propose to refuse an application for planning permission to which the Direction applies, the authority shall consult the Secretary of State in order for him to decide whether it should be called for his own determination. Therefore, if the Planning Committee is minded to approve the application, it will need to be referred to the Secretary of State before a final decision can be made.'



## **8. Recommendation**

8.1 In accordance with the Town and Country Planning (Consultation) (England) Direction 2009, refer to the Secretary of State with a recommendation to approve subject to the following:

8.2 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  
23574A/01B, 02B, 04D, 06A, 07E, 08E, 9B and 10C received on 27 May 2019 and amended plan no. 03E and 15G received on 14 May 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 building are submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

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:-
  - (i) 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.
  - (ii) 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 occupants and the environment from the effects of potentially harmful substances.

#### NOTE

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

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

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

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

6. Following construction of any groundworks and foundations, no construction on the buildings shall commence until a report has been submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for the proposed building to meet 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. During school term time, no HGVs associated with the construction of the development shall access or depart the site within thirty minutes of school day start and end times nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Church Road during these times.

Reason: The condition above 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

8. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to sports hall, artificial grass pitch and ancillary facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

9. 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) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
  - b) Evidence that the proposed final 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 discharge rate of **1.0 l/s** should infiltration drainage be proven unsuitable.
  - c) 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.).
  - d) A plan identifying any remedial works to be completed to the existing on site surface water network to ensure it is correctly functioning.
  - 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.
  - f) Details of drainage management responsibilities and maintenance regimes for the drainage system.
  - g) 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.

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.

10. 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 Drainage System is designed to the National Non-Statutory Technical Standards for SuDS.

- 11 The rated noise level from any plant, together with any associated ducting shall be at least 10 dB (A) below the background noise level at the nearest noise sensitive property as using the guidance contained in BS414292015)..

Reason: - In the interest of the amenity of neighbouring residential properties.

- 12 That the use of the 5 aside pitch hereby approved, as well as the use of the flood lighting serving this pitch shall not be used for the purposes hereby permitted before 08.00 and 21.30 hours on Monday to Friday, between 08.30 and 20.00 hours on Saturdays, between 09.30 and 20.00 hours on Sundays. and at no time during a bank holiday.

Reason: To safeguard the amenity of neighbouring properties.

- 13 That the use of the sports hall hereby approved, shall not be used for the purposes hereby permitted before 8.00 and 22.30 hours on Monday to Friday, and between 8.30 and 20.00 hours on Saturdays, between 9.30 and 20.00 hours on Sundays and at no time during a bank holiday.

Reason: To safeguard the amenity of neighbouring properties.

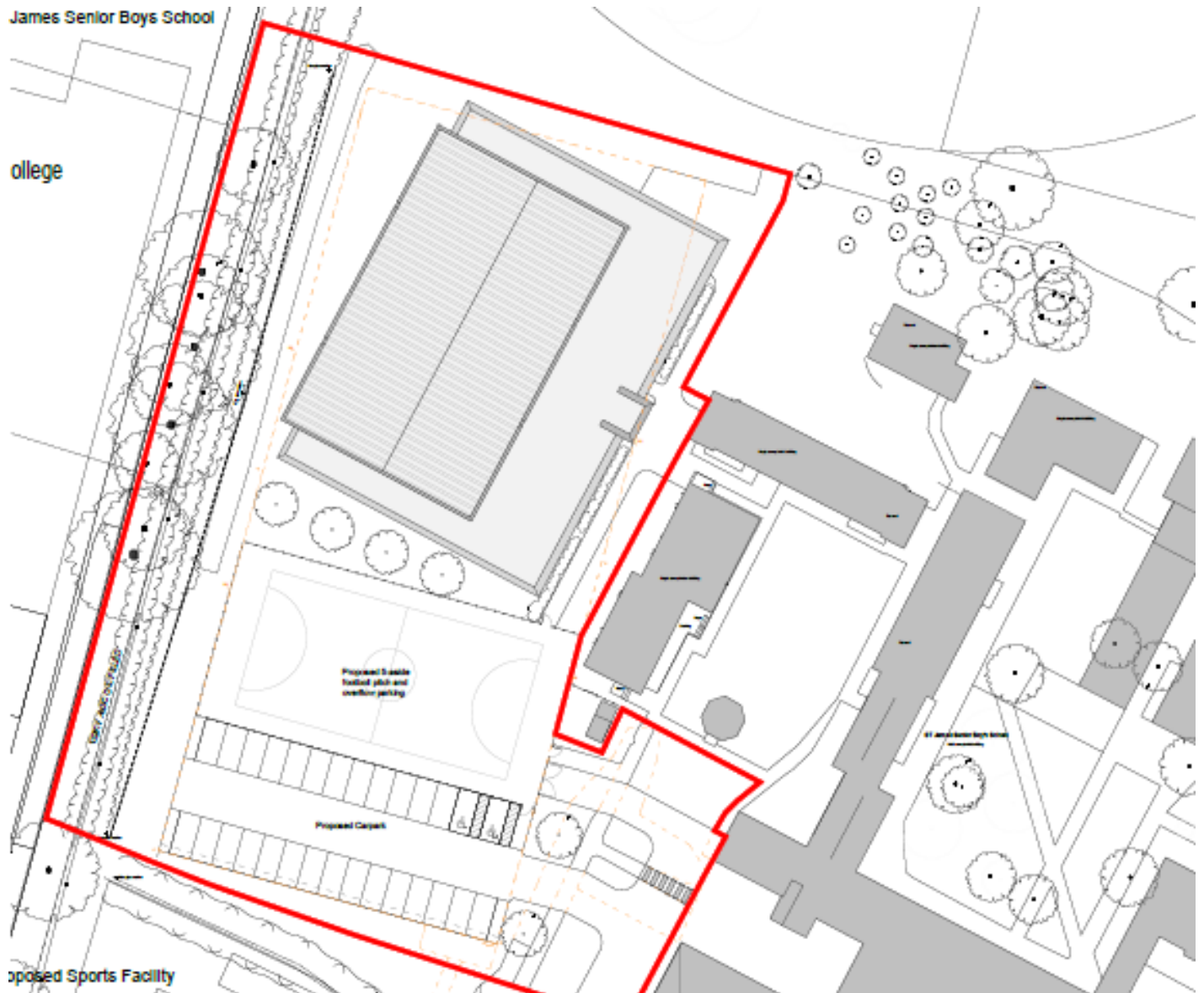
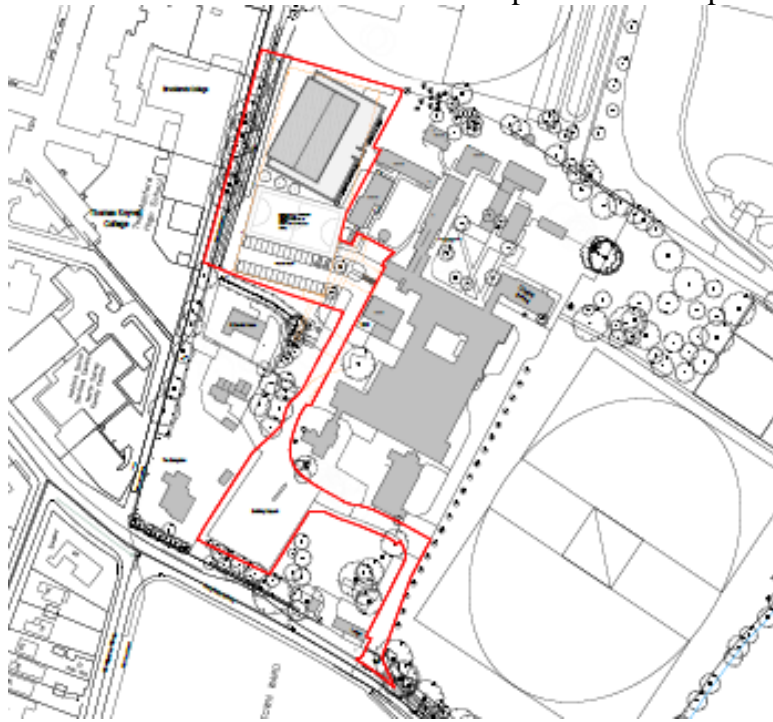
- 14 An Arboricultural Method Statement shall be submitted to an approved by the Local Planning Authority with particular regard to tree protection and the proposed treatment of the hornbeam hedge. and shall be carried out strictly in accordance with the approved details

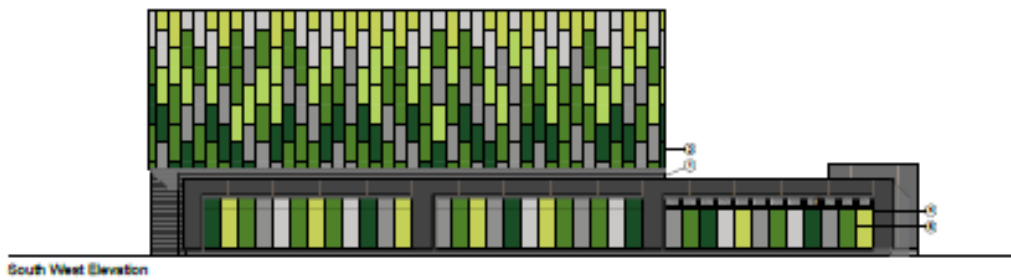
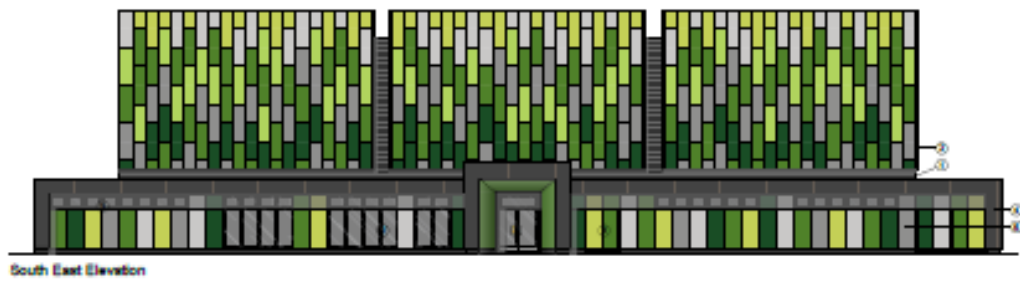
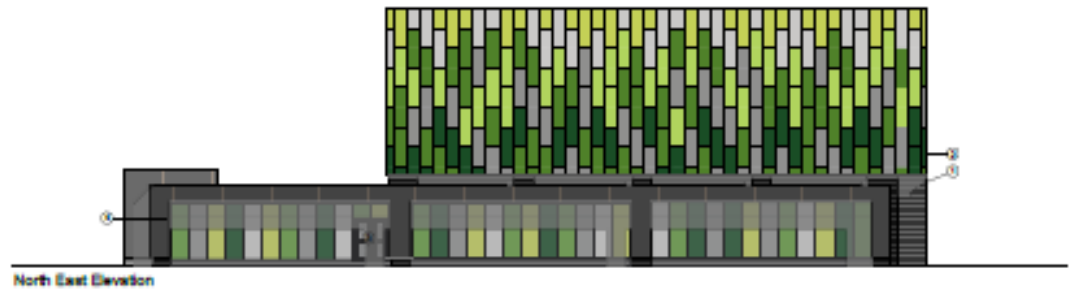
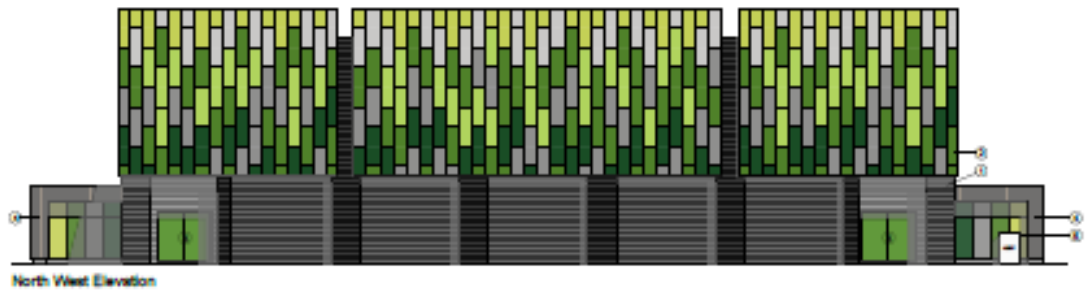
Reason:- To prevent damage to the trees in the interest of the visual amenities of the area, in accordance with policies SP6 and EN1 of the Spelthorne Core Strategy and Policies Development Plan Document 2009.

Informatives to be attached to the planning permission

1. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).
2. 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).
3. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
4. A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc., may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.











Ground Floor Plan

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Land at Orchard Close, Ashford.

Scale: 1:500

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# Planning Committee

26 June 2019



<b>Application No.</b>	19/00543/FUL
<b>Site Address</b>	Land at Orchard Close, Ashford, TW15 1JD
<b>Applicant</b>	Mr Andrew Loveridge
<b>Proposal</b>	Erection of 3 bedroom chalet bungalow with ancillary access and parking.
<b>Case Officer</b>	Matthew Clapham
<b>Ward</b>	Ashford Common
<b>Called-in</b>	Cllr R Barrett on the grounds of parking and access issues

<b>Application Dates</b>	Valid: 15/04/2019	Expiry: 10/06/2019	Target: Extension of Time Agreed.
<b>Executive Summary</b>	<p>This planning application relates to a triangular shaped area of land currently mainly used as parking located on the eastern side of Orchard Close in Ashford. The proposal seeks permission for the erection of a three bedroom chalet bungalow with ancillary access and parking, comprising two parking spaces and amenity space. The proposal represents an amendment to a bungalow which was granted planning permission on 20.03.2017 and has not yet time expired.</p> <p>The proposal is considered to be a sustainable form of development, utilising existing developed land in the urban area to provide housing. The design of the chalet bungalow is considered acceptable in an area of mixed types and styles of properties.</p> <p>The proposal would provide sufficient amenity space provision. It is considered to be acceptable in terms of parking and highway issues and would have an acceptable relationship with adjoining properties and would not have a material detrimental impact upon their residential amenity.</p>		
<b>Recommended Decision</b>	This planning application is recommended for approval subject to conditions set out at Paragraph 8 of the report.		

## MAIN REPORT

### 1. Development Plan

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

- SP2 – Housing Provision
- HO1 – Providing for New Housing Development
- EN1 – Design of New Development
- CC3 – Parking Provision

The National Planning Policy Framework (NPPF) February 2019

Spelthorne Borough Council Supplementary Planning Document for the Design of Residential Extensions and New Residential Development – April 2011

Spelthorne Borough Council Supplementary Planning Guidance for Parking Standards – September 2011

### 2. Relevant Planning History

- 2.1 The site has the following planning history:

17/00121/FUL	Erection of a detached bungalow with ancillary access and parking.	Granted 20.03.2017
SPE/FUL/84/775	Erection of 2 no. two storey blocks comprising a total of 8 one bedroomed houses with ancillary parking provision and further parking spaces for general estate use and landscaping.	Granted 26.02.1985

### 3. Description of Current Proposal

- 3.1 This planning application seeks planning permission for the erection of a three bedroom chalet bungalow with ancillary access and parking, comprising two parking spaces and amenity space. It should be noted that there is an extant planning approval for a single storey bungalow on the site, with associated amenity space and parking spaces which expires on 19 March 2020 (17/00121/FUL).
- 3.2 The application site is a triangular shaped area of land currently mainly used as parking. It is located on the eastern side of Orchard Close in Ashford where the road turns to the north to the head of the cul de sac. The site adjoins an access road to the rear of the site that leads to garages to the rear of the properties in Hogarth Avenue.
- 3.3 Orchard Close comprises mainly two storey terraced properties, with various communal parking areas.

- 3.4 The proposed dwelling will be positioned on the southern side of the site. The proposed access to the site will be on the northern side of the proposed dwelling leading directly to two car parking spaces. Amenity space is provided also to the south of the proposed dwelling, with a further area provided beyond the parking area. The house is designed in a traditional chalet bungalow style with front and rear dormer windows.
- 3.5 Copies of the site layout plan, floor plans and elevations are provided as appendices.

#### **4. Consultations**

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

<b>Consultee</b>	<b>Comment</b>
<b>County Highway Authority</b>	No objections subject to conditions.
<b>Environmental Health</b>	No objections subject to conditions.

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

- 5.1 31 Neighbouring properties were notified of the planning application and to date, 15 letters of objection have been received raising the following concerns:
- previous conditions regarding retention of parking areas for occupiers of the estate
  - noise and disturbance
  - emergency access / waste collection and deliveries - highway safety
  - inadequate parking
  - loss of sunlight / daylight
  - overlooking and loss of privacy
  - increased traffic
  - highway safety issues
  - overbearing
  - overdevelopment / layout / density
  - loss of a street light
  - adequacy of turning
  - loss of trees
  - encroachment onto highways land and grass verges
  - out of keeping with character of the area and imposing design
  - adverse impacts on existing nature and conservation on the site

#### **6. Planning Issues**

- 6.1
- Principle of the development
  - Need for Housing
  - Design and appearance.
  - Residential amenity
  - Parking provision

#### **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) 2019 which states 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 NPPF 2019.

- 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 (SHMA) – Runnymede and Spelthorne – Nov 2015). On 20<sup>th</sup> February 2019, the government updated its guidance in respect of Housing and Economic needs assessment 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 figure of 590 based on the 2014 household formation projections has also been suggested by the Government in its latest consultation (Oct – Dec 2018). Following recent analysis, the figure has been revised to 603. Despite recent uncertainties, the standard methodology provides the most recent calculation of local housing need in the Borough and is consistent with the range of need identified by the Council in their SHMA. It is therefore appropriate for the Council to use the 603 dwellings per annum figure as their local housing need figure that comprises the basis for calculating the five-year supply of deliverable sites.

- 7.5 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”. 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. A 20% buffer applied to 603 results in a figure of 724 dwellings per annum which is our current figure. The effect of this increased requirement is that the identified sites only represent a 4.4 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites.
- 7.6 In using the new objectively assessed need figure of 724 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 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 (2019) 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 presumption in favour of sustainable development which applies to Spelthorne together with adopted policy HO1 which encourages new housing development, it is considered that particular weight should be given to the merits of this development in this sustainable location. 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.

#### Principle of the development

7.9 On 20 March 2017, planning permission was granted for the erection of a detached bungalow and parking (17/00121/FUL). The permission lasts for three year, expiring on 19 March 2020. Therefore the principal of a dwelling on this site has been established and is a significant material consideration for the current application.

7.10 As noted above, Policy HO1 Core Strategy Policies DPD 2009 (CS & P DPD) 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.”*

7.11 As referred to above, the NPPF emphasises the government’s overall housing objective to significantly boost the supply of housing.

7.12 The site is within the urban area and is a brownfield site in an accessible and sustainable location, close to local facilities, the primary highway network and public transport links. The creation of a residential unit at the site has already been accepted.

#### Housing density

7.13 Policy HO5 of the 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.”*

7.14 Policy HO5 indicates that in the existing residential areas, new development should generally be in the region of 35 to 55 dwellings per hectare. The proposal is for 1 unit and would be on a site of 0.0307 ha, equating to 32.5 dwellings per hectare (dph). Whilst the proposed density is below that set out in Policy HO5, due to the triangular shape of the site and the narrowing of the plot to the south, this density is considered acceptable, with very limited scope for additional units.

#### 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 proposed chalet style bungalow would replace an area of open land that is currently made up of hardstanding used for car parking, although part of the site is landscaped / overgrown with part of it sectioned off by temporary fencing. The building would be visible from the street scene in Orchard Close and to the rear of the properties in Hogarth Avenue. However, it is of a classic chalet style design, and while being larger than the existing approved bungalow on the site, remains relatively small and it is of a low profile design and the scale is not out of keeping than other properties in the vicinity.
- 7.17 The dormer windows to the front are of a pitched roof design and sit appropriately within the roof slope. To the rear is a larger flat roofed dormer. However, this is less visible from the street scene and backs onto the access leading to garages to the rear of properties on Hogarth Avenue. There are also examples of flat roofed dormers on properties in Hogarth Avenue that are visible from the application site. As such, the proposed dwelling is not considered to be detrimental to the character and appearance of the area.
- 7.18 Landscaping would be provided to the front and northern side of the building which would help to provide an attractive setting to the well-designed building and to provide a good standard of amenity for future occupants. A tree will be removed from the grass verge to allow for access, which will require the approval of the County Highway Authority, however the proposed landscaping will compensate for the loss of this tree. The scheme is considered to provide an attractive form of development, which would have its own sense of place and provide an attractive place to live, adding to the visual amenity of the area. As such the proposed development is considered to be acceptable in design terms, and to make a positive impact on the street scene conforming to policy EN1.

#### Residential amenity

- 7.19 Policy EN1b of the CS & P DPD states that new development should achieve a satisfactory relationship with adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook. The Councils Supplementary Planning Document for the Design of Residential Extensions (Design SPD) also provides guidance on assessing impacts upon adjoining properties. The SPD recognises at para. 3.6 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. This will require careful attention to the position, scale and design of the extension (or new dwelling) to avoid loss of privacy, outlook, daylight and sunlight; each of these issues is considered below. It will also be important to identify differences in levels with adjoining sites and buildings and for this to be shown accurately on street scene elevations'*. Due to the relationship with the adjoining properties and the small scale of the building, it is not considered that there are adverse impacts upon the residential amenity of adjoining properties in terms of any loss of light privacy or proximity. The dormer windows to the rear face onto the rear of

properties in Hogarth Avenue. However a separation of 5.5m is maintained to the front of the garages and outbuildings with further separation to the very rear of the gardens, which are long with the dwellings themselves in Hogarth Avenue being in excess of 30m away. The adjoining properties are located with a relatively dense urban area and are two storey with some overlooking already occurring from neighbours to their sides. Therefore, it is not considered that any harmful overlooking would arise. The central window, serving a bathroom will be obscurely glazed via a condition. To the front, the properties are over 15m away. Due to the size and height of the building and its relationship with the adjoining properties, no adverse impacts in terms of any loss of light, privacy or overbearing would arise.

- 7.20 In terms of future occupiers of the dwelling, the Councils Supplementary Planning Document for the Design of Residential Extensions and New Residential Development outlines the requirements for amenity space. The proposed dwelling would have approximately 80sqm of amenity space to one side and the front with further amenity space around beyond the parking spaces. This is considered acceptable.
- 7.21 The main habitable rooms have an outlook onto a landscaped area and in particular, the main living accommodation looks out onto the amenity area to the southern side.
- 7.22 The individual room sizes and internal floor space meet the Technical housing standards – nationally described space standard. Therefore, the proposal is considered to provide a satisfactory level of amenity for future occupiers.

#### Parking Provision and Highway Safety

- 7.23 A number of concerns have been raised regarding inadequate parking and highway safety concerns. Therefore, careful consideration has been given to those concerns raised by residents regarding the car parking situation in the area. It is recognised that there is an earlier planning approval for a development on the site which included 'further parking spaces for general estate use' under ref 84/775. The area of land to which this application relates was shown as being for general parking purposes comprising 10 parking spaces and a condition applied to ensure that the parking was retained as parking. However, at the time of the site visits, only half of the spaces were occupied and there were plenty of both on-street spaces and parking bay spaces available, although it is fully accepted that there will be more cars on site and in the area at evenings and weekends. It is also noted that only 8 spaces are available on the site as some have become overgrown. Furthermore, four properties in the close have dropped kerbs allowing their own off street parking, easing some on-street parking pressures.
- 7.24 However there is an extant permission for a development on this site involving the loss of the parking area and it is also noted that the County Highways Authority have not raised any concerns on highway safety. In addition, the condition was imposed in excess of 30 years ago and there has been a shift in planning policy and standards in terms of utilising previously developed urban land for providing housing. The reason for imposing one of the parking conditions in the 1984 application was on the grounds of highway safety, which would no longer apply in the absence of any objections from the Highways Engineers. The second condition was to ensure that parking was maintained for the benefit of the occupiers of the development 'hereby

permitted', which was for the erection of 2 no. two storey blocks comprising a total of 8 one bedroomed houses with ancillary parking provision and further parking spaces for general estate use and landscaping. The reason was 'to ensure that the facilities are reserved for the benefit of the development for which they were specifically required and provided'. In approving the extant scheme on the site, it was considered that any condition could be challenged at a later date and that any new application would be treated on its own merits. It was considered that the application was supported by an associated justification for a new dwelling on the site, providing additional housing, and having regard to the current up to date adopted planning policies and consultation responses. The County Highway Engineer has also made the following comments:

*The proposed application follows the proposed approval under application reference 17/00121 for the same site. This permission is extant. The revised proposal seeks to increase the size of the development, but the application is not materially different in any other respects. The impact of the proposed scheme will not be significantly different from the previously approved (scheme).*

- 7.25 A three bedroom development of this size would require 2.25 spaces as detailed in the Council's Parking Standards SPD. While the provision of 2 spaces is a small shortfall on this figure, the area is sustainable, being within walking distance of shops within Woodlands parade and buses on Feltham Hill Road and Staines Road West/School Road. In view of this and the extant approval on the site, it is not considered that the potential issues in terms of parking are sufficient to justify and sustain a refusal in this case.
- 7.26 In view of the historic use of the site, the approved dwelling which also provided two parking spaces and given that there is no objection from the County Engineer, the application is considered to be acceptable on highway grounds. It is not considered that a single dwelling on land that is already used as parking and not accessible to emergency vehicles, refuse lorry's and delivery lorries/vans, would compromise accessibility for these vehicles and in view of the lack of any objections from the County Highways and the extant permission, no significant highway safety concerns would result. Waste collection would be collected from the front of the property as with other households. A condition has been attached to require details of the location of the store and satisfactory room is available to provide the refuse bins.

#### Financial Considerations

- 7.27 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.
- 7.28 In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development. As such it would generate a CIL payment

based on £140 per square metre of approx. £24,821 in total. This money is allocated for 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.

#### Other matters

- 7.29 The County Highways Authority is responsible for Orchard Close and has not raised any objections regarding encroachment on to grass verges, highway land or the impact on street lights. Due to the location and currently undeveloped nature of the site, no significant nature or conservation concerns would arise. There are not considered to be any significant trees that would be lost as a result of the development. A landscaping condition has been attached to the recommendation.

#### **8. Recommendation**

GRANT subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- This condition is required by Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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.

3. 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.

4. 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 Policies SP7 and CC1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

5. Prior to the commencement of development a survey report detailing ground conditions of the site shall be submitted to and approved in writing by the Local Planning Authority. Where made ground or contamination is encountered a scheme to investigate, assess and remediate contamination risks shall be agreed in writing with the Local Planning Authority, and shall be carried out in accordance with the agreed details and timetable.

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

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

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).

7. No part of the development shall be first occupied unless and until the proposed vehicular access to Orchard Close has been constructed and provided with the maximum achievable visibility zones in both directions along Orchard Close, taken from 2 metres back from the edge of carriageway. Thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

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 2019 and policy CC2 (highway Safety) and CC3 (Parking) of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

8. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan; KJT/Orchard Close/Scheme 2/100a and KJT/Orchard Close/Scheme 2/101a received 15.04.2019.

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

9. Facilities within the curtilage of the site for the storage of refuse and recycling materials shall be submitted to and approved 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.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) no extensions or other form of enlargement to the residential development hereby permitted, nor erection of porches, outbuildings, hardstandings, storage tanks, gates, fences, walls or other means of enclosure, shall take place without the prior planning permission of the Local Planning Authority.

Reason:- To safeguard the visual amenity of the area and the amenity for adjoining residents.

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

12. Prior to the occupation of the development hereby permitted the first floor window on the eastern elevation of the proposed new build block 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 amenity of neighbouring residential properties in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

13. That the parking space(s) and/or garage(s) shown on the submitted plan be constructed within 3 months of the commencement of any other part of the development permitted, or such longer periods as may be approved by the Local Planning Authority, and thereafter the approved facilities together with the means of access thereto shall be maintained as approved, and be reserved for the benefit of the development hereby permitted.

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

14. The proposed hardstanding area shown on the submitted plan shall be constructed to be permeable, or be designed to run off to a permeable surface within the curtilage of the dwellinghouse, in accordance with details to be submitted to, and approved in writing by the Local Planning Authority before the commencement of the development. The hardstanding area shall be completed and maintained in accordance with the approved details.

Reason:- To minimise the risk of flooding from surface water runoff.

15. The development hereby approved shall not be first occupied unless and until existing accesses from the site to Orchard Close have been permanently closed and any kerbs, verge, footway, fully reinstated.

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

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. Thereafter the parking area shall be retained and maintained for its designated purpose.

Reason:- The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policy CC2 (highway Safety) and CC3 (Parking) of Spelthorne

17. The development hereby approved shall not be occupied unless and until each of the proposed dwelling(s) 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:- in order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2019, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

#### INFORMATIVES TO APPLICANT

- 1 Access by the Fire Brigade

Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings. There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).

2. The Town and Country Planning (Development Management Procedure) (England) Order 2015  
Working in a positive/proactive manner  
In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:-

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.

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

classification of the road. Please see: <https://www.surreycc.gov.uk/land-planning-and-development/planning/transport-development/alterations-to-existing-roads>

4. When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highways Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developer's expense.
5. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
6. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
7. Historically land across Spelthorne has been subjected to extensive mineral extraction, with subsequent infilling of the resultant voids. Excavations during some development works have encountered fill materials where records have not previously identified a history of extraction / infilling.

To confirm ground conditions at the application site minimum requirements of the survey are as follows:

- The excavation of 2 -3 trial holes to a depth of 1.00mbgl. This can be done by hand or with a small digger
- At least one location beneath the footprint of the proposed dwelling and another one to two holes within the proposed rear garden and other associated landscaped areas.
- an inspection to be made of the ground conditions and confirm the absence or otherwise of any made ground / fill materials at this property, their thickness and extent.
- Photographs shall be taken of each exploratory position including all associated soil arisings (soils excavated and placed to the side of the hole as works progress).
- Where different soil horizons are encountered (i.e. topsoil to 0.40mbgl overlying a layer of sandy gravel to 0.60mbgl with stiff clay to the base of the excavation (c.1.00mbgl)) appropriate written logs will be required to detail the depths, thickness and description of the materials encountered.
- a scale plan (such as the site layout plan) indicating the location of the exploratory positions in relation to the proposed property and a photograph taken across the site detailing the soils and arisings.
- The information, logs and photographs can be submitted to us in a simple letter report.

- If made ground materials are encountered during the excavations soil sampling and assessment of contamination risks will be required to be undertaken by a suitably qualified person.

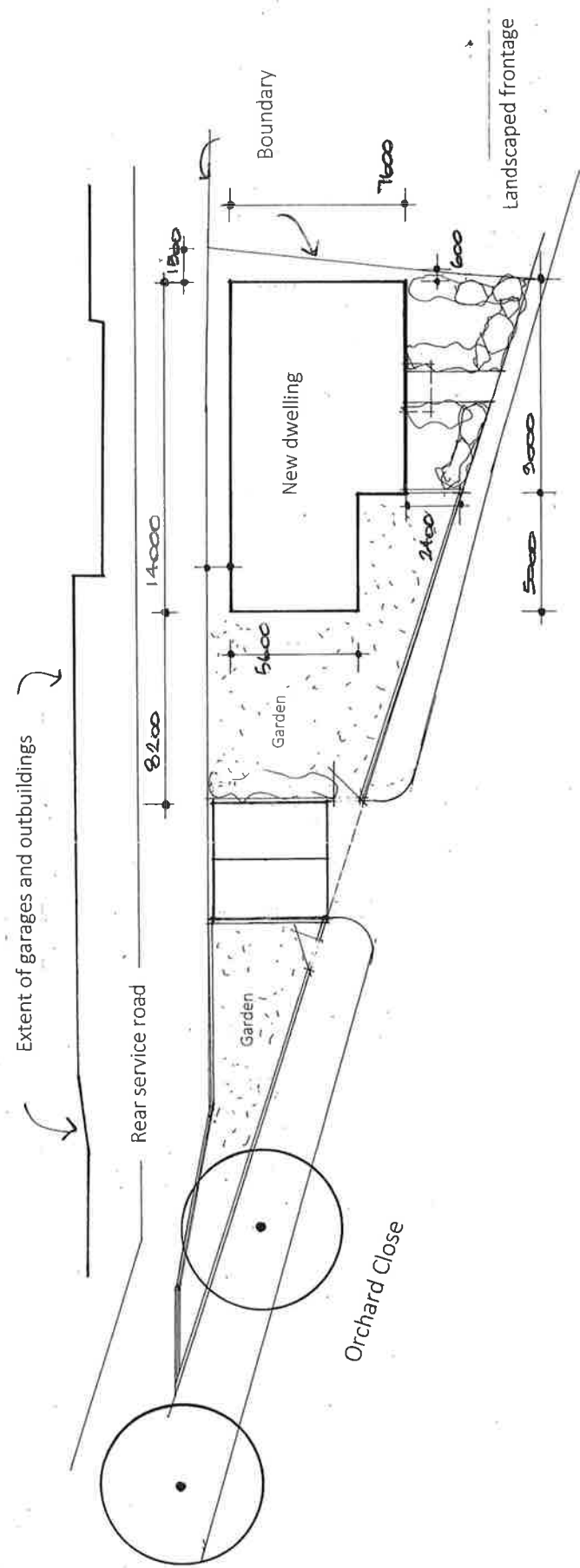
Made ground refers to non natural / notable fill materials – fragments of brick, concrete, metal, plastic, timber, glass, ashy materials. Evidence of contamination is identified by either visual (staining of soil or sheens on groundwater (if encountered)) or olfactory means (organic, tarry, hydrocarbon / petrochemical odours). In the event that materials of this nature are discovered during the survey, you are advised to contact us for further guidance.

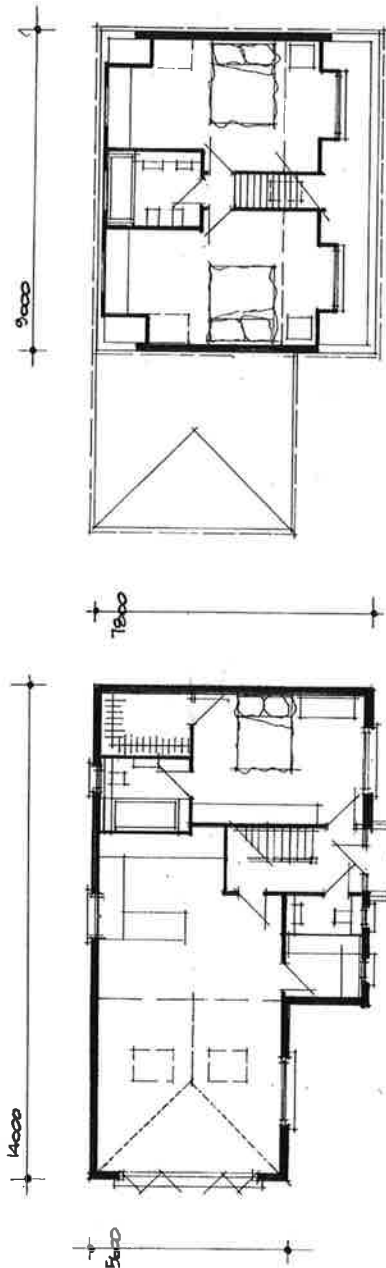
Kevin J Turner FRICS  
 Chartered Surveyor, Architecture, Town Planning  
 4 Little Oaks Close  
 Shepperton  
 Surrey  
 TW17 OGA

Land to the east of Orchard Close  
 Ashford  
 Surrey

Proposed New Dwelling  
 Proposed Site Layout  
 KJT/Orchard Close/Scheme 2/100a  
 Scale 1-200 metric

15/00543

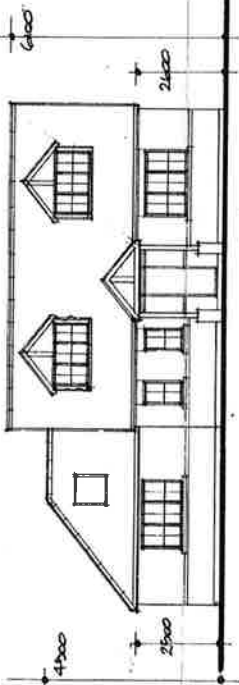
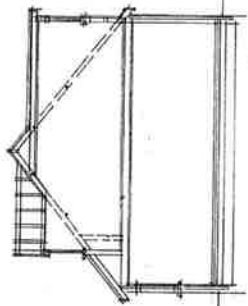




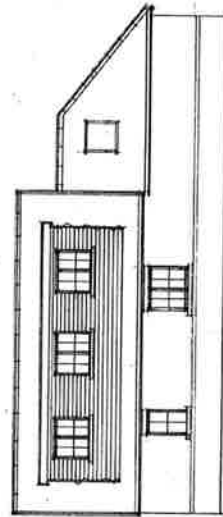
Proposed Ground Floor

Proposed First Floor

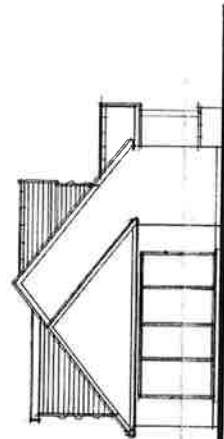
Section



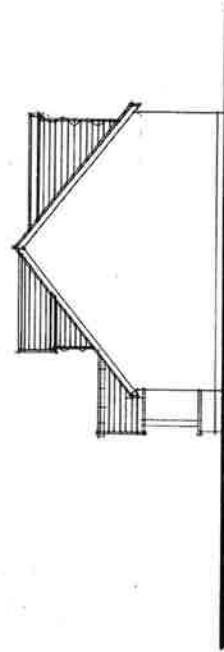
Proposed Front Elevation



Proposed Rear Elevation



Proposed Flank Elevation Left Hand Side



Proposed Flank Elevation Right Hand Side

ELEVATIONS ONLY - 1/10/2017



Kevin J Turner FRICS  
Chartered Surveyor, Architecture, Town Planning  
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Shepperton  
Surrey  
TW17 0GA

Land to the east of Orchard Close  
Ashford  
Surrey

Proposed New Dwelling  
Proposed Floor Plans and Elevations  
KIT/Orchard Close/Scheme 2/101a  
Scale 1:100 metric

10/00543



El Sub Sta

Gas Gov

Shelter

El Sub Sta

CHERTSEY ROAD

105



ESS

12.8m

ESS

82 to 84  
1 to 12

El Sub Sta

HYDE TERRACE

10

13

Building 200, BP International Centre, Chertsey Road, Sunbury.

Scale: 1:1,250

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# Planning Committee

26 June 2019



<b>Application No.</b>	19/00483/FUL
<b>Site Address</b>	Building 200, BP International Centre for Business and Technology, Chertsey Road, Sunbury On Thames, TW16 7LN
<b>Applicant</b>	Mr Philip Jacques, BP International Limited, BP ICBT, Chertsey Road, Sunbury On Thames, TW16 7LN
<b>Proposal</b>	The installation of a new atrium roof (following removal of 'barrel vault' roof)
<b>Case Officer</b>	Matthew Churchill
<b>Ward</b>	Ashford Common
<b>Called-in</b>	N/A
<b>Purpose</b>	The purpose of this report is to advise the Planning Committee of the decision to approve this planning application.

<b>Application Dates</b>	Valid: 04/04/2019	Expiry: 30/05/2019	Decision: Approved 30/05/2019:
<b>Executive Summary</b>	<p>This planning application related to the installation of a new atrium roof to Building 200, at the BP site off Chertsey Road in Sunbury On Thames. The site is owned by the Council and the purpose of this report is to advise the Planning Committee of a planning application which was approved under officer delegated powers on 30/05/2019.</p> <p>The application proposed the installation of a new atrium roof (following removal of 'barrel vault' roof). The existing 'barrel vault' roof measures a height of 26.7 metres. The proposed atrium roof would measure 24.5 metres at the ridge. The reduction in height of the proposed roof compared with the existing was considered to lessen the visual impact of the building upon the surrounding area. The applicant also submitted sample materials, which were considered to be acceptable in the context of the surrounding street scene. The design of the proposal was, therefore, considered to be in accordance with policy EN1 of the Core Strategy and Policies DPD, 2009 and was viewed to have an acceptable impact upon the character of the area. It also complied with the National Planning Policy Framework.</p> <p>The nearest residential dwelling to the site is in Hyde Terrace, which is located approximately 81 metres from the application building. Given such a distance, together with the reduction in height in comparison to the existing 'barrel vault' roof, the scheme was considered to have no</p>		

	<p>adverse impacts upon the residential amenity of this dwelling and all other properties in the surrounding area.</p> <p>The scheme was also considered to have an acceptable impact upon the highway given the nature of the works.</p> <p>The scheme was considered to be in accordance with the BP Sunbury Employment Area, which supports such proposals under policy EM1. Heathrow Safeguarding was also consulted and raised no objections.</p>
<b>Planning Committee to note</b>	<p>The Planning Committee is to note that planning permission was granted conditionally on 30/05/2019.</p>

# Planning Committee

26 June 2019



Title	Development Management Performance
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- 1.1 Local Planning Authorities (LPAs) are measured on their performance based on the % of planning applications they determine within 8 or 13 weeks (or within an extension of time agreed with the applicant). For several years the targets have been as follows:

Majors – 60% within 13 weeks

Minors – 65% within 8 weeks

Others – 80% within 8 weeks

Major development is defined as:

More than 10 residential units, dwellings on a site with an area of 0.5 hectares or more, 1,000 sq. m or more of new commercial floorspace or sites with an area of more than 1 hectare.

Minor development is defined as:

Up to 9 residential units, up to 999 sq. m of new floorspace, changes of use

Others – mainly householder schemes

- 1.2 In the last financial year (April 2018 – March 2019) – Spelthorne met all three performance measures as follows:

**Table 1 Planning DM Performance April 2018 – March 2019**

<b><u>Majors</u></b>				<b><u>Minors</u></b>				<b><u>Others</u></b>			
<b>Total</b>	<b>On Target</b>	<b>% on Target (i.e. 60%)</b>	<b>Govt. Target</b>	<b>Total</b>	<b>On Target</b>	<b>% on Target (i.e. 65%)</b>	<b>Govt. Target</b>	<b>Total</b>	<b>On Target</b>	<b>% on Target (i.e. 80%)</b>	<b>Govt. Target</b>
30	29	<b>97%</b>	<b>60%</b>	161	143	<b>89%</b>	<b>65%</b>	523	502	<b>96%</b>	<b>80%</b>

- 1.3 The Government has recently also been assessing LPAs in terms of planning performance on the following criteria:
- The **speed** of determining applications for **major** development
  - The **quality** of decisions made by the authority on applications for **major** development;
  - The **speed** of determining applications for **non-major** development;
  - The **quality** of decisions made by the authority on applications for **non-major** development.
- 1.4 With just a few minor exceptions, non-major equates to a combination of the “minor” and “other” categories referred to above.
- 1.5 The quality measurement is the number of appeals allowed as a percentage of the total number of applications received in the category. The threshold for quality on both categories is **10%** and the **lower** the figure, the better the performance. The threshold for speed is **60%** (majors) and **70%** (non-majors) and the **higher** the figure, the better the performance.
- 1.6 The threshold (in terms of %) and assessment periods for 2017 and 2018 were reported to the Planning Committee on 7 February 2018 and all four targets were met by Spelthorne. If the LPA does not meet these thresholds, the LPA is at risk of “designation” by the Secretary of State. The following table 2 shows the Government’s 2019 threshold and assessment periods (which are different for speed and quality) and the targets which should be met. The 2019 assessment periods have not yet ended and therefore the final performance for 2019 will not be established until 30 September 2019 (Speed) and 31 December 2019 (quality).

<b>Measure and type of Application</b>	<b>2019 Threshold and assessment period</b>	<b>Spelthorne's Performance</b>
Speed of major Development	<b>60%</b> (October 2017 to September 2019)	<b>95%*</b> (October 2017 to March 2019)
Quality of major Development	<b>10%</b> (April 2017 to March 2019)	<b>3.8%**</b> April 2017 to March 2019)
Speed of non-major Development	<b>70%</b> (October 2017 to September 2019)	<b>93%*</b> (October 2017 to March 2019)
Quality of non-major Development	<b>10%</b> (April 2017 to March 2019)	<b>0.6%**</b> April 2017 to March 2019)

\* This figure may alter as there is a further 6 months to the end of the assessment period.

\*\* This figure may alter as there is a 9 month period following the assessment period to allow for appeal decisions to pass through the system

- 1.7 It can be seen that based on the data above, Spelthorne is continuing to perform well, although the quality of major decisions still requires particularly close monitoring due to the significantly lower proportion of major applications received.

# Planning Committee

## 26 June 2019



### Planning Appeals

#### List of Appeals Submitted Between 10 April and 13 June 2019

Planning Application / Enforcement Number	Inspectorate Ref.	Address	Description	Appeal Start Date
18/00435/FUL	APP/Z3635/W/19/322176 1	Old Pumping Station Wheatsheaf Lane Staines-upon-Thames	Erection of 1 No. detached 3 No. bedroom dwelling with associated parking and amenity space, following demolition of existing pump house	27/03/19
18/00282/ENF	APP/Z3635/C/19/322474 0	Land South East of the Ranges, also known as Land to the North of Chertsey Road, now addressed 1A Priory Stables, Shepperton, TW17 9NU	The carrying out on the land of building, engineering, mining or other operations. In particular the construction of a bund along the south boundary and east boundary of the land.	09/04/19
18/01454/HOU	APP/Z3635/D/19/322407 2	2 Courtfield Road Ashford TW15 1JR	Erection of a detached annexe (Following demolition of existing garage).	11/04/19
18/01730/FUL	APP/Z3635/W/19/322460 9	48 Feltham Road Ashford TW15 1DH	Erection of a part single storey, part two storey side extension and subdivision of the plot to create an additional self-contained, one	24/04/19

			bedroom dwelling with associated parking and amenity space.	
18/00977/FUL	APP/Z3635/W/19/3226460	Land At The Rear Of 137-139 Laleham Road Staines Upon Thames TW18 2EQ	Erection of a detached two storey, two bedroom dwelling with associated parking and amenity.	30/04/19
18/00295/ENF	APP/Z3635/C/18/3219560	The Thorns Long Lane Stanwell	Without planning permission, the making of a material change of use of the land comprising (1) the use of the site for airport car parking.	30/05/19

**Appeal Decisions Received Between 10 April and 13 June 2019**

<b>Site</b>	Sans Souci 35 Hamhaugh Island Shepperton TW17 9LP
<b>Planning Application No.:</b>	18/01168/PDH
<b>Proposed Development:</b>	Prior approval notification for a single storey rear extension measuring 8 metres in depth beyond the rear wall of the original dwellinghouse with a maximum height of 4 metres and a height to the eaves of 3 metres.
<b>Reason for Refusal</b>	The proposal would not constitute permitted development under the terms of Class A, Part 1, Schedule 2, of the Town and Country Planning (General Permitted Development) Order 2015 because the enlarged part of the dwellinghouse would extend beyond a wall which forms the principal elevation of the original dwelling house and not its rear elevation.
<b>Appeal Reference:</b>	APP/Z3635/D/18/3215554
<b>Appeal Decision Date:</b>	17/05/19
<b>Inspector's Decision</b>	The appeal is allowed.



<b>Inspector's Comments:</b>	<p>The Inspector noted that the main issue was to determine which elevation constitutes the principal elevation of the dwelling house. He noted that the property is located within an unusual setting on an island and notes that the absence of motor vehicular access onto the island residents use the river to access their properties, and many benefit from their own private landing.</p> <p>He also noted that the part of the dwelling house to be enlarged does not front a highway and neither does it form a side elevation. He stated that <i>"in these circumstances planning judgment is required to determine what constitutes the principal elevation of the original dwellinghouse".</i></p> <p>The Inspector commented that the appeal property has a very modest appearance. Whilst the south-eastern elevation does not exhibit extensive detailing or bay windows, it displays large windows and a veranda. There is an entrance to the side elevation of the property. The north-western elevation includes full height glazed windows looking onto a large garden, which is mainly laid to lawn. This area contains a number of outbuildings, as well as other domestic paraphernalia and has the appearance of a rear garden and is clearly used as such for amenity purposes. There is a door to the north-western elevation, which the Council regards as the principal elevation. On the balance of probability, as this door is located within an extended part of the property, it is not possible to conclude that this has always constituted the main access to the original dwellinghouse.</p> <p>He clarifies that each case needs to be assessed on its individual merits particularly in unusual situations such as this, where properties are not located within a traditional residential setting.</p> <p>He concluded that the south-eastern elevation is the principal elevation of this dwellinghouse, and consequently, the enlarged part of the dwellinghouse would not extend beyond a wall which forms the principal elevation of the original dwellinghouse and prior approval is therefore not required.</p>
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<b>Site</b>	2 Courtfield Road Ashford TW15 1JR
<b>Planning Application No.:</b>	18/01454/HOU
<b>Proposed Development:</b>	Erection of a detached annexe (Following demolition of existing garage).

<b>Reason for Refusal</b>	The proposed development, by reason of layout and degree of separateness, would represent a separate self-contained residential unit that would be out of character with the surrounding street scene and pattern of development and would represent over-development of the site. The scheme would also have an unacceptable layout and would provide an insufficient level of internal floor space and would provide an unacceptable level of amenity for future occupiers. The scheme would therefore be contrary to Policy EN1 of the Core Strategy and Policies Development Plan Document 2009, the Supplementary Planning Document on Design of Residential Extensions and New Residential Development 2011, and the nationally described Technical Housing Standards (March 2015).
<b>Appeal Reference:</b>	APP/Z3635/D/19/3224072
<b>Appeal Decision Date:</b>	28/05/19
<b>Inspector's Decision</b>	The appeal is dismissed
<b>Inspector's Comments:</b>	<p>The Inspector identified that there were two main issues surrounding the appeal proposal:</p> <p>The impact upon the character and appearance of the local area. Whether the proposal would provide satisfactory living conditions for future occupiers.</p> <p>The Inspector commented that surrounding dwellings were typically 2 storey or bungalows that incorporate dual pitched roofs, and stand in reasonably sized plots. There were very few examples of dwellings in the area with attached single storey buildings in residential use that were visible from the road. The Inspector considered that the proposal would contrast markedly with the prevailing pattern of development. As the building would have windows in the front elevation and stand side-by-side with the main dwelling, the Inspector also noted that it would be set apart from other outbuildings and garages in the gardens of nearby residential properties. The Inspector therefore commented that the proposal would be an obtrusive and uncharacteristic addition, and would be contrary to the NPPF and Policy EN1.</p> <p>The Inspector acknowledged the Council's concerns that the outbuilding could be used for accommodation that would go beyond the needs of the intended occupant, the appellant's mother. However, the Inspector noted that the appellant has repeatedly stated that the building would not be used independently, and that the description of development makes it clear that planning permission is sought for an annex. The Inspector further considered that the use of the building could be controlled by condition. It was also acknowledged that the annex would</p>

	<p>not meet the Governments Nationally Described Space Standards. However, as this deals with internal space in a dwelling house, it is less directly relevant to an annex that would be ancillary to a dwelling, as future occupiers would be able to take advantage of facilities in the main building.</p> <p>On the issue of the impact of the appeal scheme upon the character and appearance of the area, the Inspector concluded that the proposal would cause significant harm and would be contrary to policy EN1 and the Council's SPD on the <i>Design of Residential Extensions and New Residential Development</i> (April 2011). On the issue of the acceptability of living conditions for future occupants the Inspector concluded that such conditions were acceptable, although as this did not outweigh the harm to the impact upon the character of the area, the appeal was dismissed.</p>
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<b>Site</b>	Grass Verge Opposite The Parade at Junction of Vicarage Road Sunbury On Thames
<b>Planning Application No.:</b>	18/00432/T56
<b>Proposed Development:</b>	Installation of a 17.5m Shrouded High Jupiter Street Pole (Grey); 1 x 0.3 Microwave Dish; 3 x equipment cabinets (Green) and ancillary equipment.
<b>Reason for Refusal</b>	The proposed mast would, by reason of its siting and appearance, fail to make a positive contribution to the street scene, would be out of character with the surrounding area and fail to achieve a satisfactory relationship with the adjoining buildings, contrary to policy EN1a and b of the Council's Core Strategy and Policies Development Plan Document 2009.
<b>Appeal Reference:</b>	APP/Z3635/W/18/3214801
<b>Appeal Decision Date:</b>	28/05/19
<b>Inspector's Decision</b>	The appeal is allowed (Planning Committee overturn)
<b>Inspector's Comments:</b>	The Inspector considered that the main issue was the effect of the proposal upon the street scene and surrounding area, having regard to siting and appearance.

	<p>The Inspector concluded that the appellant had demonstrated suitable need for a mast in this location and that other sites had been considered and discounted. While noting that the mast would be taller than adjoining street lighting columns and trees, it would be seen in the context of a distinct collective presence of street lighting columns and against the backdrop of tall buildings and the Sunbury Cross flyover. Therefore the Inspector felt the proposal would not appear visually intrusive. The Inspector also concluded that the visual amenity of the grass verge would not be prejudiced by the mast and the equipment cabinets would not add excessive street clutter to the area.</p> <p>With regard to residential amenity, due to the distance to the nearest dwellings and the back drop of the Sunbury Cross flyover, the proposal would not unduly affect the outlook from neighbouring residents.</p> <p>The Inspector also concluded that there were no health concerns, no risks to highway safety and that the development would have no impact upon the trees located on the grass verge.</p>
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<b>Site</b>	Halliford Studios Limited Manygate Lane Shepperton TW17 9EG
<b>Planning Application No.:</b>	18/01426/RVC
<b>Proposed Development:</b>	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.
<b>Reason for Refusal</b>	The proposed fence would, by reason of its design and location, represent a poor quality development which fails to respect and make a positive contribution to the street scene and would be out of character with the surrounding area, contrary to policy EN1 (a) of the Spelthorne Borough Core Strategy and Policies DPD, 2009.
<b>Appeal Reference:</b>	APP/Z3635/W/18/3219171
<b>Appeal Decision Date:</b>	29/05/19
<b>Inspector's Decision</b>	The appeal is allowed (Planning Committee overturn)
<b>Inspector's Comments:</b>	The Inspector commented that the surrounding area is predominantly residential in character with a variety of boundary treatments visible in the street scene, including close-boarded fencing supported by concrete

	<p>posts, most notably in Gordon Road. He considered that the proposed boundary fencing comprising 1.8m high close-boarded fencing with concrete posts and gravel boards, and topped with trellis, would be an acceptable design and appearance in this area and would form an appropriate means of enclosure adjacent to the public footpath. He also considered that the proposed section of 2.1m high brick wall adjacent to 35 Gordon Road would be acceptable and would not result in material harm to the character and appearance of the area.</p> <p>The Inspector imposed a condition on the decision notice requiring the amended design with concrete posts and gravel boards to be constructed prior to the occupation of the new residential development, and for it to be maintained thereafter.</p>
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<b>Site</b>	20 Bridge Street Staines-upon-Thames TW18 4TW
<b>Planning Application No.:</b>	17/01938/FUL
<b>Proposed Development:</b>	Erection of a five storey building of 9 self-contained flats comprising 3 no. 1 bed flats, 5 no. 2 bed flats and 1 no. 3 bed flats with associated cycle parking following demolition of existing two storey b
<b>Reasons for Refusal</b>	<p>1) The proposed development would, by reason of its bulk and close proximity to the two top floor flats in the southern elevation of Provident House to the north, would result in an unacceptable overbearing impact on these two flats causing a significant harmful impact in terms of loss of daylight and sunlight, contrary to policy EN1 b) of the Spelthorne Borough Core Strategy and Policies DPD 2009 and the Councils Supplementary Planning Document on Design of Residential Extensions and New Residential Development, 2011.</p> <p>2) The top floor element of the proposed development would result in a scheme which fails to respect and make a positive contribution to the street scene and character of the surrounding area, contrary to policy EN1 a) of the Spelthorne Borough Core Strategy and Policies DPD 2009.</p>
<b>Appeal Reference:</b>	APP/Z3635/W/18/3209382
<b>Appeal Decision Date:</b>	31/05/19
<b>Inspector's Decision</b>	The appeal is dismissed A partial award of costs against the Council is allowed

	(Planning Committee overturn).
<b>Inspector's Comments:</b>	<p><u>Planning Appeal</u></p> <p>The Inspector considered that the main issues were the effect upon living conditions of the occupiers of the apartments on the top floor of the adjoining property in terms of visual impact, light and outlook and whether the development preserves or enhances the character and appearance of the Conservation Area.</p> <p>The Inspector noted that the apartments currently have unimpeded views from the windows and balconies and the proposal would exceed the height of the adjoining apartments. As a result, due to the extent of the proposed building and its close proximity to the facing windows and balconies, while not resulting in overlooking, it would result in a substantial, dominating and enclosing impact that would have a harmful impact upon the living conditions of the occupiers of the top floor apartments of the neighbouring property.</p> <p>The Inspector did, however, conclude that the proposal would preserve the character and appearance of the Conservation Area and would preserve the setting of the adjoining listed building.</p> <p><u>Award of Costs</u></p> <p>The appellants applied for an award of costs on the basis that the Council behaved unreasonably when citing 'significant harmful impact in terms of loss of daylight and sunlight' in the reason for refusal. The Planning Officer advised the Planning Committee that the proposals met with the daylighting and sunlighting technical standards.</p> <p>The appellant commissioned two technical consultant reports demonstrating that the proposal would have low impact on the light received by the neighbouring properties.</p> <p>The Inspector considered that Council did behave unreasonably in refusing the application on these grounds in the absence of any substantive evidence to refute the findings of the consultant's technical report.</p> <p>The Inspector allowed a partial award of costs for the expense incurred by the appellant in preparing and responding to matters relating to daylight and sunlight issues in the appeal submissions, but not for the preparation of the two consultants reports. This was on the basis that the first report in the initial application was required to demonstrate that the proposal was acceptable in daylight and sunlight terms and this was sufficient to have been used in the appeal and therefore the second report for the appeal was unnecessary.</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>
18/01101 /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 Churchil I	05/11/19 7 day Inquiry

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