



17/00640/FUL - 524-538 London Road Ashford TW15 3AE.

Scale 1:1,250

© Crown copyright and database rights 2018 Ordnance Survey 100024284.

# Planning Committee

13 December 2017



<b>Application No.</b>	17/00640/FUL
<b>Site Address</b>	524-538 London Road, Ashford, TW15 3AE
<b>Applicant</b>	Mr Bal Hans, Staxlink Ltd
<b>Proposal</b>	Demolition of existing buildings and erection of a part 2-storey/part 3-storey/ part 4-storey/ part 5-storey building to provide 58 flats (33 no. 1-bed and 25 no. 2-bed), together with associated access, parking and amenity space.
<b>Ward</b>	Ashford North and Stanwell South
<b>Called-in</b>	N/A
<b>Officers</b>	Paul Tomson and Siri Thafvelin

<b>Application Dates</b>	Valid: 20/09/2017	Expiry: 20/12/2017	Target: Under 13 weeks
<b>Executive Summary</b>	<p>This application seeks the demolition of the existing buildings and the creation of a new residential development comprising 58 flats together with associated parking, access and landscaping.</p> <p>The site is located within the urban area and is not within a designated Employment Area. Consequently, the principle of demolishing the existing buildings and redeveloping the site for residential purposes is considered acceptable. Whilst the proposed building will be up to 5-storeys in height and substantially greater in scale compared to surrounding properties, it will be very similar in height and scale to the approved hotel building originally granted planning permission in 2014, and subsequently approved again in August 2017. Consequently, the impact on the character of the area and the effect on neighbouring properties will be similar to the approved scheme. The proposed amenity space complies with the Council's minimum garden size standards. The proposed housing density is considered acceptable in this location. The proposed parking provision (72 spaces) is considered acceptable in this particular area that is well served by public transport. The County Highway Authority and Highways England have raised no objection on highway safety grounds.</p>		
<b>Recommended Decision</b>	This planning application is recommended for approval, subject to the prior completion of a Section 106 agreement.		

## MAIN REPORT

### 1. Development Plan

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

- LO1 (Flooding)
- HO1 (Providing New Housing Development)
- HO3 (Affordable Housing)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- 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)

### 2. Relevant Planning History

14/00194/FUL	Demolition of existing buildings and erection of a 132 room hotel with parking spaces, access and landscaping.	Approved 10/12/2014
17/00639/FUL	Demolition of existing buildings and erection of a 132 room hotel with parking spaces, access and landscaping.	Approved 25/08/2017

2.1 With regard to 14/00194/FUL, this application was reported to the Planning Committee for a decision on the 30 July 2014 with a recommendation for refusal. However, the Committee decided to overturn the officer's recommendation and approved the planning application subject to the completion of a Section 106 agreement. The legal agreement was subsequently completed and planning permission granted on the 10 December 2014.

2.2 With regard to 17/00639/FUL, this scheme was identical to the previous hotel scheme approved on the 10/12/2014 (effectively it was a renewal of the previous planning permission) and was approved in August of this year.

### 3. Description of Current Proposal

3.1 The application site is 0.39 hectares and is located on the southern side of the A30 London Road (which is a Trunk Road) some 100 metres due west of the A30 junction with Town Lane and Stanwell Road (generally known as the

Bulldog Junction). The site is almost rectangular in shape and has an 83m wide frontage to the A30 and a depth of 45-49 metres.

- 3.2 The site is currently occupied by three detached residential bungalows (one of which is currently derelict) and two commercial buildings, one of which is used for retail purposes. Both commercial buildings abut the rear boundary of the site and the tallest has a height of some 6.2 metres.
- 3.3 A car sales and workshop is situated to the east of the site and a block of flats, 1-14 Exforde Court, is situated west of the site. To the east along London Road are three two storey units in commercial use. To the west along London Road is Exforde Court which has a ridge height of 11m. Kenilworth Road is situated to the rear (south) of the site. This road runs parallel to London Road to the front (north) and comprises residential development that is mainly two storey in scale. Most of the dwellings to the rear of the site are semi-detached houses but there are also a few detached properties and some purpose built flats. The properties that are situated to the rear of the site have garden depths ranging from 18 to 23 metres.
- 3.4 There is a reservoir opposite the site is on the north side of London Road that is designated as a Site of Special Scientific Interest (SSSI) and a Special Protection Area (SPA)/Ramsar site for wildfowl.
- 3.5 The proposal seeks to demolish the existing buildings on the site and provide a block of 58 flats with associated parking. Parking for 72 cars, including 2 disabled parking spaces, are to be provided along the front and rear boundaries and in an undercroft parking area. There is also a secure cycle store in the south-west corner of the site with space for 64 bicycles.
- 3.6 The building would have a width of up to 79.4 metres to the road frontage and depth of up to 17.8 metres. It would be three storey at its western side rising across the site to the eastern side where it would be five storey, with a maximum height to a flat roof of 14.4 metres. Amenity space would be provided in the form of gardens for the ground floor units and balconies for the flats above. Access and egress would be directly onto London Road and would remove the current multiple access points. The existing strip of land that provides access to Kenilworth Road is owned by the applicant. However, it does not form part of the application site (it is outlined in blue on the site location plan) and it will be closed off from the proposed development.
- 3.7 The three storey element to the western part of the site would have a height of 9.6m to the flat roof and would be situated a minimum of 17.4 metres from the rear boundary of the site. The building would then increase to four storeys towards the centre of the site where it would be located 17.4-18.2 metres from the rear boundary and have a height of 13.6m to the flat roof. Part of the building would then increase to five storeys in the eastern corner of the site where it would be set in 19m from the rear boundary and have a height of 14.4m to the flat roof.
- 3.8 Following discussions with the applicant revised drawings have been submitted to increase the amount of bin storage and number of parking spaces. As part of this revision a two storey element has also been removed from the north-eastern corner of the site and the amount of garden space has been increased and the building access altered slightly to improve the residential amenity of units 4-7. The original proposal comprised the creation of 63 flats (35 no. 1 bedroom units and 28 no. two bedroom units) and 63 parking spaces. The

current proposal would provide 58 flats (33 no. 1 bedroom units and 25 no. 2 bedroom units) and 72 parking spaces. The amount of amenity space has also been increased from 499m<sup>2</sup> to 516m<sup>2</sup>. 7 no. units are to be affordable (intermediate housing/shared ownership).

- 3.9 The current scheme follows a recently approved application for the demolition of the existing buildings and erection of a 132 room hotel with parking spaces, access and landscaping (17/00639/FUL). The approved development is similar in scale and design and comprises a part two/three/four/five storey building which would have a road frontage measuring 78.7m in width and have a maximum height of 14.7m to the roof. The approved building would be in a similar location to the existing proposal but the hotel building would also have a two storey element in the north-western corner of the site which would be set in just 3.75m from the rear boundary before increasing in height to five storeys towards the north corner of the site.
- 3.10 Copies of the proposed site layout and elevations are provided as an appendix.

#### 4. Consultations

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

<b>Consultee</b>	<b>Comment</b>
<b>Surrey Police</b>	Has made various security related comments, which have been forwarded to the applicant. Recommends that a condition is imposed requiring the development achieves the Secured by Design award.
<b>Head of Neighbourhood Services</b>	No objection.
<b>Highways England</b>	No objection subject to conditions.
<b>Natural England</b>	No comments.
<b>Environment Agency</b>	No objection.
<b>Environmental Health (noise)</b>	No objection but requests a condition.
<b>Environmental Health (contamination)</b>	No objection but requests conditions.
<b>Environmental Health (air quality)</b>	No objection but requests conditions.
<b>Renewable Energy</b>	No objection.
<b>Thames Water</b>	No objection but requests conditions.
<b>County Highway Authority</b>	No objection but recommends conditions and informatives to be attached.
<b>Local Lead Flood Authority (Surrey County Council)</b>	No objections but recommends a condition to be attached to the decision notice.

<b>Valuation Advisor</b>	Considers the proposal to provide 7 no. intermediate housing (shared ownership) units to be acceptable.
--------------------------	---

## **5. Public Consultation**

5.1 64 letters of notification were sent out to neighbouring properties. In addition, a statutory notice has been displayed outside the site and a notice was placed in the local newspaper. Six letters of objection have been received, including one from SCAN. Reasons for objecting include:

- Loss of privacy/overlooking
- Overbearing impact
- Loss of light
- Out of proportion
- Overdevelopment
- Out of character
- Low level of affordable housing
- Impact on traffic, parking and access
- Noise, dust and rodents
- Noise during construction work
- Loss of trees
- Impact on drainage
- Lack of parking

## **6. Planning Issues**

- Principle
- Need for housing
- Housing density
- Design and appearance
- Amenity space
- Impact on neighbouring properties
- Parking
- Highway matters
- Affordable housing
- Dwelling mix

## **7. Planning Considerations**

### Principle

7.1 The site is located within the urban area and is occupied by a mix of commercial buildings and three detached bungalows. The site is not located within a designated Employment Area. The principle of demolishing the existing commercial and residential buildings and replacing it with a new residential development is considered acceptable.

### Need for Housing

7.2 In terms of the need for housing, it is relevant to have regard to paragraph 47 of the National Planning Policy Framework (NPPF) which states: "When considering planning applications for housing local planning authorities should have regard to the government's requirement that they boost significantly the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent

with policies set out in the National Planning Policy Framework (NPPF) para 47.

- 7.3 The government also requires housing applications to be considered in the context of the presumption of sustainable development. Relevant policies for the supply of housing cannot be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable site (para 49 of NPPF).
- 7.4 The Council has embarked on a review of its Local Plan and accepts that the housing target in its Core Strategy and Policies DPD-Feb 2009 of 166 dwellings per annum is significantly short of its latest objectively assessed need of 552-757 dwellings per annum (Para 10.42 – Strategic Housing Market Assessment – Runnymede and Spelthorne – Nov 2015). On the basis of its objectively assessed housing need the Council is unable to demonstrate a five-year supply of deliverable sites.
- 7.5 Para 14 of the NPPF stresses the presumption in favour of sustainable development and that proposals which accord with a development plan should be approved without delay. When the development plan is absent, silent or relevant policies are out of date, permission should be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole or specific policies in this Framework indicate development should be restricted.'* This application must be considered having regard to the above requirements of Para 14 of the NPPF."
- 7.6 Having regard to the proposed development and taking into account the above and adopted policy HO1 which encourages new development, it is considered that particular weight should be given to the merits of this development.

#### Housing Density

- 7.7 Policy HO5 of the CS & P DPD states that within higher density residential areas, including those characterised by a significant proportion of flats and those containing significant Employment Areas, new development should generally be in the range of 40 to 75 dwellings per hectare (dph). Higher density development may be acceptable where it is demonstrated that the development complies with Policy EN1 on design, particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non car-based modes of travel.
- 7.8 The application site area is 0.39 hectares. The proposed density is therefore 149 dwellings per hectare (dph), which is above the recommended 40 to 75 dph range stipulated in Policy HO5. It is important to note that any mathematical density figure, is in part, a product of the mix of units proposed. In this case all of the units are either 1 bed or 2 bed and accordingly it is possible to accommodate many more small units within a given floorspace and an acceptable numerical density can be much higher. Moreover, the site is in a location that is well served by public transport. In particular, there are 6 different bus routes that operate within the vicinity of the site either on London Road or Stanwell Road/Town Lane. Indeed there is an existing bus stop located directly outside the application site on London Road and there is a large Tesco store nearby. Accordingly the proposed housing density is considered acceptable, subject to it complying with Policy EN1 on design.

## Design and Appearance

- 7.9 The proposed building is contemporary in terms of design, with vertical relief projections and different colours and materials which help to 'break up' the appearance of the building. Parts of the building are also slightly set back from the main elevation to reduce the apparent scale of the building.
- 7.10 Policy EN1 of the Core Strategy and Policies Development Plan Document 2009 requires a high standard in the design and layout of new development. It states that new development should '*create buildings... that respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land*'. The area to the rear is largely characterised by two storey semi-detached dwellings. To the west the area is also predominately two storey and residential in character, however it is noted that whilst Exforde Court adjoining the site has been designed to be two storey in appearance it has accommodation, including balconies, at second floor level within the roof. The area to the east is characterised by primarily commercial buildings fronting the A30 between the site and the Bulldog junction. The flatted development of West Plaza on the north-east side of the Bulldog junction is also visible from the site. The site is currently occupied by three detached bungalows and two commercial buildings that are either single or two storey.
- 7.11 The building would be three storey in appearance on its western side with undercroft parking provided at ground level and two floors of residential accommodation above. The building would then gradually increase in height across the width of the plot up to five storeys in the eastern end and a maximum building height of 14.4 metres. The flats to the west of the site (Exeforde Court) are up to 11 metres in height and the commercial buildings to the east have a height of 8.2-8.4 metres. The tallest building on the application site (due to be demolished) has a height of 8 metres. The overall width of the new building is 79.4 metres and the building would be up to 17.8 metres in depth.
- 7.12 The development is of a similar in design to the recently approved hotel building when viewed from London Road in terms of its height and width. However, the current proposal is marginally lower and has been reduced in depth which improves the relationship with neighbouring properties to the rear of the site. The use of balconies reflect the residential nature of the building and landscaping around the periphery of the site and between the ground floor units and the access road and parking areas soften the impact of the building. Overall, the design and appearance of the scheme is considered acceptable.

## Amenity of Future Residents

- 7.13 It is considered that the proposal would provide an acceptable level of residential amenity for the future occupiers of the development. The Department for Communities and Local Government's 'Technical housing standards' (March 2015) sets out minimum floor areas for new dwellings which each unit would comply with or exceed. The proposal originally included a two storey element in the south-eastern corner of the site which resulted in poor outlook for four ground and first floor units which would have their sole outlook onto the adjacent car sales and workshop to the east of the site. Revised plans have since been submitted without this two storey element and with improved outlook and/or additional landscaping for units 6, 7, 15 and 16 as shown on drawings 101 Revision A and 102 Revision A. Following these revisions it is

considered that the future occupiers will enjoy an acceptable level of amenity in terms of sufficient living area, outlook, light and privacy.

- 7.14 It is proposed to separate the ground floor units from the adjacent vehicle access and parking areas to the front and rear of the building with planting and private amenity space. It is considered that the green spaces to the front (serving units 1-3 and 8) would create a sufficient degree of separation between the flats and the roadway, however, due to their proximity to the roadway it is not considered that they are likely to be used as private amenity space and these areas are therefore not included in the amenity space provision for the development. The scheme would require a minimum of 465m<sup>2</sup> of amenity space to fulfil the minimum amenity standards set out in the SPD. The proposal would exceed this by providing 516m<sup>2</sup> in the form of private gardens and balconies and is considered acceptable.

#### Impact on Neighbouring Properties

- 7.15 Policy EN1 of the CS & P DPD states that proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.
- 7.16 The Council's Supplementary Planning document (SPD) on the Design of Residential Extensions and New Residential Development 2011 provides minimum separation distances for 2 and 3-storey development in relation to neighbouring properties. With regard to 3-storey development, the SPD stipulates a minimum 'back to back' separation distance of 30 metres, and a minimum 'back to boundary' distance of 15 metres. It is recognised that only a small proportion of the proposed building will be 3-storey (the part nearest to Exforde Court), with the vast majority being either 4-storey or 5-storey. However, it is considered that the SPD provides useful guidance in assessing the impact of the proposal in relation to the neighbouring properties in Kenilworth Road.
- 7.17 With regard to the proposed 3-storey rear elevation, there will be a 'back to back' separation distance of 40.8 metres in relation to 23 Kenilworth Road and 38.6 metres to 25/25a Kenilworth Road. The proposed 'back to boundary' distance will be at least 17.6 metres. These distances are in excess of the minimum SPD standard and are therefore acceptable.
- 7.18 The proposed 4-storey rear elevation will face towards the neighbouring properties of 15, 17, 19 and 21 Kenilworth Road. The distances between the proposed 4-storey rear elevation and the neighbouring houses vary between 34.5 metres (from the back of No. 15's substantial single storey rear extension) and 40.6 metres. Whilst the SPD does not have minimum separation distances for 4-storey development, the proposed gaps will be substantially (and proportionately) greater than the 3-storey 30 metres 'back to back' standard. The proposed 'back to boundary' gaps vary between 17.4 metres and 18.2 metres, which is some 2.4m – 3.2m above the minimum 3-storey SPD standard. The proposed 4-storey element is the same height and scale as the previous hotel scheme, which was approved earlier this year (17/00639/FUL) and consequently it is not considered there are sufficient grounds to justify refusal of planning permission on visual impact or outlook grounds.

- 7.19 The proposed 5-storey element will be situated to the rear of 7, 9 and 11 Kenilworth Road. The proposed separation distances between the buildings will vary between 36 metres (back of No. 9's single storey rear extension) and 39 metres. The proposed 'back to boundary' distance in this part of the site will be between 17.6 metres and 19 metres. Whilst the proposed 5-storey element will be substantial in scale and will clearly have a greater impact compared to the existing buildings, the visual impact will be very similar to the 5-storey element associated with the approved hotel scheme. Consequently, it is considered that a refusal of planning permission could not be justified on visual impact or outlook grounds. It is relevant to note that the impact of the proposal on these neighbouring properties will be slightly improved compared to the hotel scheme due to the removal of the 2-storey rear wing to be replaced with parking and space for landscaping.
- 7.20 In terms of overlooking, the applicant has agreed to the imposition of a condition requiring the balustrades around the balconies on the southern elevation to be obscure glazed and increased in height. This will ensure that the people sitting out on the balconies will not be able to overlook the neighbouring rear gardens. With this condition imposed, I do not consider the level of overlooking will be significantly greater compared to the approved hotel scheme, and not sufficient to justify a refusal of planning permission.
- 7.21 With regard to Exforde Court, the proposed impact will be very similar to that of the approved hotel scheme and is therefore considered acceptable. The existing windows in the neighbouring eastern side elevation are secondary openings with the main outlook of these rooms facing to the front.
- 7.22 The impact of the proposal on the other neighbouring properties, including the commercial car sales site to the east, is considered acceptable.

#### Parking Provision

- 7.23 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.
- 7.24 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum.
- 7.25 The supporting text to the Parking Standards and associated 'Position Statement' stipulates a number of exceptional situations where a reduction in parking will be allowed. One of these situations includes town centre locations where the reduction in parking will be assessed against, amongst other transport considerations, the range and quality of facilities within reasonable walking distance.
- 7.26 The proposed parking provision is 72 spaces, whilst the minimum parking standard for a scheme of this size is 79 spaces. The proposed provision is therefore some 7 spaces below the minimum standard. Whilst the application site is not strictly located within a town centre, it is nevertheless situated in an area of the Borough that is relatively well served by public transport. There are 6 different bus routes located within close proximity of the site and the site is therefore very well served by buses. There is indeed a bus stop serving several

of these routes directly outside the site on London Road. Furthermore, the site is located within walking distance of the Tesco superstore, hospital and other facilities in the area. It is also within walking distance of Ashford town centre and its railway station (1km away). In this context, it is considered that the site is in an accessible location and I consider that there are sufficient grounds to justify the level of parking in this particular case.

#### Affordable Housing

- 7.27 Policy HO3 of the CS & P DPD requires the Council, having regard to the circumstances of each site, to negotiate for a proportion of up to 50% of housing to be affordable where the development comprises 15 or more dwellings or the site is 0.5 ha or larger irrespective of the number of dwellings. The Council will seek to maximise the contribution to affordable housing provision from each site having regard to the individual circumstances and viability, including the availability of any housing grant or other subsidy, of development on the site. Provision within any one scheme may include social rented and intermediate units, subject to the proportion of intermediate not exceeding 35% of the total affordable housing component.
- 7.28 The applicant is proposing 7 no. affordable units, all of which are to be occupied as intermediate housing (i.e. shared ownership). This represents 12% of the total number of units on the site. None of the units are to be occupied as social rent. The applicant has submitted an affordable housing viability report which sets out why they are only able to provide 7 affordable units with none of them as social rent. The Council's valuation advisor was consulted on the report and agrees that it is not viable to provide more than the 7 no. intermediate units currently being offered. Accordingly, it is recommended that the applicant enters into a Section 106 agreement (see paragraph 8.1) to secure the 7 no intermediate units.
- 7.29 It is relevant to note that the Council's valuation advisor's assessment, and her recommendation to agree the provision of 7 no. intermediate units, was based on the original scheme as submitted comprising a total of 63 units. Since that time, the applicant has reduced the development by removing the 2-storey rear wing and reducing the number of units from 63 to 58. The applicant was subsequently asked if they were still willing to provide the 7 no. affordable units on the site. The applicant has since confirmed that they are in agreement to provide the 7 no. affordable units in the scheme.

#### Local Finance Considerations

- 7.30 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.
- 7.31 In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development and will generate in the region of £160,000 in CIL Payments. This is a material consideration in the determination of this planning application. The proposal will also generate a New Homes Bonus and

Council Tax payments which are not material considerations in the determination of this proposal.

### Other Matters

- 7.32 The proposal has been amended since it was first submitted to increase the size of the bin stores. The total bin volume is 31,700 litre which meets the Council's standards and is now considered acceptable.
- 7.33 The applicant has provided a swept path analysis in the Transport Assessment to demonstrate that a large vehicle such as a refuse collection vehicle can enter the site, empty the bins and leave the site in a forward gear. Highways England and the County Highway Authority have raised no objection to this scheme provided this access and egress arrangement is carried out in accordance with the submitted details and have requested a condition to ensure that this is carried out.
- 7.34 All of the proposed units will be either one or two bedroom in size and the development therefore complies with the Council's smaller dwellings policy (HO4 of the CS & P DPD).
- 7.35 The Council's Pollution Control Officer has raised no objection on air quality grounds.
- 7.36 The Council's Sustainability Officer has raised no objection to the renewable energy facilities (photovoltaic solar panels).
- 7.37 The Council's Environmental Health Officer has raised no objection on noise grounds.
- 7.38 With regard to the comments from SCAN (Spelthorne Committee for Access Now) the proposed ground floor has been designed to be at a similar level to the existing ground level. Ramps have been incorporated into the scheme. Lifts are provided for access to the upper floors. 2 no. disabled parking spaces will be provided. The units are reasonable in size and it is considered that they could be adapted if necessary to disabled occupiers. The applicant will need to carry out the development in accordance with part M of the Building Control regulations requirement (access to and use of building).
- 7.39 With regard to the Crime Prevention Officer's comments, I do not consider it is appropriate to impose a condition, as requested, relating to "Secured by Design". Many of the requirements are very detailed (e.g. types of laminated glazing and window locks), elements which are not normally covered and enforced under the planning regulations. A condition is to be imposed requiring an external lighting scheme to be implemented, partly for security purposes. However, a copy of the officer's response has been forwarded to the applicant and it is proposed to add a relevant informative to the decision notice (see below).

## **8. Recommendation**

- 8.1 (A) Subject to the applicant first entering into an appropriate legal agreement in respect of the following:
1. To provide at least 7 affordable intermediate housing units on site built in accordance with current Homes and Communities Agency Scheme

Development Standards, the details of which shall be agreed with the Council's Planning Development Manager.

- Prior to implementation the Registered Social Landlord (RSL) shall enter into a Nominations Agreement in respect of the affordable housing (in order that the affordable housing meets local needs).
- Build and complete the affordable units and hand over to the Registered Social Landlord prior to the occupation of the building.

**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.

- 8.2 (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 and drawings:

050; 51; 52; 100 received 18 April 2017

53 received 08 November 2017

101 Rev. A; 102 Rev. A; 103 Rev. A; 104 Rev. A; 105 Rev. A; 106 Rev. A; 107 Rev. A; 108 Rev. A; 109 Rev. A received 20 November 2017.

PL113 & PL113 Rev. A received 24 November 2017.

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

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

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

4. No development shall take place until:-

- a) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.
- b) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.
- c) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

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

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

NOTE

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

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

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

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

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

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

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

7. Prior to the construction of the building hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the building is occupied and thereafter maintained as approved.

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

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

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

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

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

10. That within 3 months of the commencement of any part of the development permitted, or such longer period as may be approved by the Local Planning Authority, facilities shall be provided within the curtilage of the site for the storage of refuse and waste materials in accordance with the approved plans, and thereafter the approved facilities shall be maintained as approved.

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

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

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

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

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

13. Notwithstanding the approved plans, prior to the construction of the building hereby permitted details of the balustrades for the balconies on the southern elevation to include measures to prevent overlooking towards to the neighbouring properties in Kenilworth Road shall be submitted to and approved in writing by the Local Planning Authority. The agreed balustrades shall be implemented prior to the occupation of the building and thereafter maintained as approved.

Reason:- To safeguard the amenity of neighbouring properties.

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

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

15. No development shall take place unless and until Highways England as Highway Authority for the A30 at Ashford, are content that the access/egress to the development will be safe for all users of the Strategic Road Network (A30) and can be delivered in accordance with drawing no. 101 Rev. A which has been subject to a Road Safety Audit 2 in accordance with HD 19/15. Before undertaking the Road Safety Audit process, the audit brief and details of the audit team should be submitted to and approved by Highways England in accordance with standard HD 19/15.

Reason:- To ensure that the A30 at Ashford continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act and that any agreed highway works are delivered in accordance with the Design Manual for Road and Bridges.

16. Prior to occupation of the development, the highway works shall be delivered in accordance with drawing no. 101 Rev. A (or any approved further iterations of this drawing). This drawing will include details of the works approved by Highways England, as highway authority, in consultation with the Local Planning Authority. The approved works shall be implemented and completed in full prior to the first occupation of the development hereby permitted.

Reason:- To ensure that the A30 at Ashford continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act and that any agreed highway works are delivered in accordance with the Design Manual for Road and Bridges.

17. The development hereby approved shall not be first occupied unless and until the existing access from the site to Kenilworth Road has 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 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

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

- a) parking for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials
- d) programme of works (including measures for traffic management)
- e) provision of boundary hoarding behind any visibility zones
- f) vehicle routing
- g) measures to prevent the deposit of materials on the highway has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

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

19. Notwithstanding the submitted travel plan prior to the occupation of the development a Travel Statement 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, Surrey County Council's 'Travel Plans Good Practice Guide'. And then the approved Travel Statement shall be implemented upon first occupation of the site and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Statement to the satisfaction of the Local Planning Authority.

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

20. 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. Those details shall include:

- a) A maintenance plan showing the maintenance regimes for each SuDS element and who will be responsible for maintaining these.
- b) An exceedance flow plan that shows where water will drain to during exceedance or system failure.
- c) A construction phase plan explaining how the drainage system will not be compromised during construction. (to include details of how pollutants and sediments from construction will be managed to prevent being washed into the watercourse).

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

21. 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 to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

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

22. No new development shall be occupied until six parking spaces has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for three dual headed 7kW fast charge posts for electric vehicles. The scheme shall include a schedule of dates by which the layout of six additional spaces to accommodate three further dual headed 7kW (fast charge) posts as charging bays in the future and a mechanism for residents to request provision ahead of those dates. The charging points shall be retained exclusively for its designated purpose.

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

## INFORMATIVES

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

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

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

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

3. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
  - a) A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;
  - b) Site perimeter automated noise and dust monitoring;
  - c) Engineering measures to eliminate or mitigate identified environmental impacts e.g. hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
  - d) Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents liaison meetings, etc.)
  - e) A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme;
  - f) To follow current best construction practice BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites',
  - g) BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from ground borne vibration,
  - h) BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings - vibration sources other than blasting,
  - i) Relevant EURO emission standards to comply with Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999,
  - j) Relevant CIRIA practice notes, and
  - k) BRE practice notes.
  - l) Site traffic – Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
  - m) Site waste Management – Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations.
  - n) Noise mitigation measures employed must be sufficient to ensure that the noise level criteria as outlined in BS8233:2014 and WHO guidelines is achieved.
4. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.

5. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
6. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."
7. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
8. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
9. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs).
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 travel statement shall include information on how to reach education, retail, employment and leisure land uses within 2km walking distance from the site and 5 km cycling distance from the site and to the education, retail, employment and leisure land uses further away by bus services within 400 metres of the site.
12. 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)).

13. The applicant is advised that the essential requirements for an acceptable communication plan forming part of a Method of Construction Statement are viewed as:

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

14. The applicant is advised that all gas fired boilers should meet a minimum standard of less than 40mgNO<sub>x</sub>/kWh. All gas-fired CHP plant should meet a minimum emissions standard of 50mgNO<sub>x</sub>/Nm<sup>3</sup> for gas turbines - note other limited apply for spark or compression ignition engines. Where biomass is proposed within an urban area it is to meet minimum emissions standards of: Solid biomass boiler 275 mgNO<sub>x</sub>/Nm<sup>3</sup> and 25 mgPM/Nm<sup>3</sup>.

**The Town and Country Planning (Development Management Procedure) (England) Order 2015**

**Working in a positive/proactive manner**

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

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



**Level 1 Floor Plan**  
Scale 1:200

Outline of the proposed hotel  
Footprint of the first floor

ACCOMMODATION SCHEDULE

Level	Type of Unit	Quantity	Area m <sup>2</sup>
Level 1	2 bed	2	80
Level 1	2 bed	5	50
Level 1	1 bed	5	50
<b>8 Units</b>			

BCB Design Ltd London  
T: 0203 9729919 M: 07501 475248  
Email: mrodgers@bcbd.com

Proposed Development:  
204-208 Linton Road, Aylesbury  
Buckinghamshire  
MK44 0JG  
Proposed Level: 1st Floor  
1:200 (A1)  
01/13/17  
079 100  
A



**Level 2 Floor Plan**  
Scale 1:200

Outline of the proposed hotel



ACCOMMODATION SCHEDULE

Level	Type of Unit	Quantity	Area m <sup>2</sup>
Level 2	2 bed	2	80
Core A	2 bed	1	71
	1 bed	0	50
<b>Core B</b>	<b>2 bed</b>	<b>2</b>	<b>80</b>
	<b>1 bed</b>	<b>1</b>	<b>50</b>
		<b>16 Units</b>	

BCB Design Ltd London  
T: 0208 872918 M: 07291 147246  
Email: randa@bcbd.co.uk



Level 3 Floor Plan  
Scale 1:200

Outline of the proposed hotel

ACCOMMODATION SCHEDULE

Level	Type of Unit	Quantity	Area m <sup>2</sup>
Level 3	2 bed	2	60
Core A	2 bed	1	71
Core A	1 bed	0	70
Core B	2 bed	2	58
Core B	1 bed	2	51
			16 Units

BCB Design Ltd London  
T: 0208 8726919 M: 07201 147248  
Email: bcbdesign@btinternet.com

Project: [Name]  
Client: [Name]  
Date: [Date]  
Scale: 1:100

1:200 A1  
1:100 A2  
1:50 A3  
1:25 A4  
1:10 A5  
1:5 A6  
1:2 A7  
1:1 A8

A



Level 4 Floor Plan  
Scale 1:200

Outline of the proposed hotel

ACCOMMODATION SCHEDULE

Level	Type of Unit	Quantity	Area m <sup>2</sup>
Level 4	2 bed	2	80
Level 4	2 bed	2	71
Level 4	1 bed	6	50
Level 4	1 bed	2	75
Level 4	1 bed	3	50
Level 4	1 bed	3	50
			14 Units



**Level 5 Floor Plan**  
Scale 1:200

Outline of the proposed hotel

ACCOMMODATION SCHEDULE

Level	Type of Unit	Quantity	Area m <sup>2</sup>
Level 5	2 bed	2	80
Level 5	2 bed	1	74
Core A	1 bed	1	50

4 Units

BCB Design Ltd, London  
T: 0208 8728819 R: 0203 147246  
Email: [enquiries@bcbd.co.uk](mailto:enquiries@bcbd.co.uk)





South Elevation  
Scale 1:200



South Elevation  
Scale 1:100

Eminent Coping - aluminum profile RAL7037  
 Rubensson cladding - light grey  
 Windows - PFC metal RAL7037  
 8.1/8" multi brickwork at upper floor  
 Brown multi brickwork at ground floor  
 Clazed balconies, with PFC metal sliding doors  
 Fire Escape From Core A

