

Planning Committee

06 March 2019



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

MAIN REPORT

1. **Development Plan**

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

- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- EM1 (Employment Development)
- TC1 (Staines Town Centre)
- TC2 (Staines Town Centre Shopping Frontage)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN4 (Provision of Open Space and Sport and Recreation Facilities)
- EN5 (Buildings of Architectural and Historic Interest)
- EN6 (Conservation Areas, Historic Landscapes, Parks and Gardens)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

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

- BE26 (Archaeology)

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

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

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

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

2. **Relevant Planning History**

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

3. **Description of Current Proposal**

3.1 This application relates to the Two Rivers public house (formerly known as The Phoenix), which is a site of approximately 0.24 hectares located on the eastern side of Church Street in Staines-upon-Thames. The site comprises the public house in the north-western corner fronting the street, the car park to the south, and the substantial beer garden to the east. The Wraysbury River runs through the site. The River Colne is located to the east. The two rivers merge at the southern end of the site. The existing building is not statutory listed, nor is it locally listed.

3.2 To the north of the site is the terrace of 45 – 55 Church Street, which comprises commercial units on the ground floor and flats above. This particular terrace is 'locally listed'. To the north of the beer garden are the residential properties of 18 – 26 Hale Street. To the south is the confluence of the Wraysbury and Colne rivers. To the east, on the other side of the River Colne is the Two Rivers Shopping Centre. To the west, on the other side of Church Street are the office buildings of Montpelier House, 30-38 Church Street, and 18-20 Church Street. The character of the area is varied with a mix of commercial and residential properties typical of a town centre location.

3.3 The site is subject to a number of planning constraints. These are summarised below: -

- Within urban area
- Staines Conservation Area
- Designated Employment Area
- Secondary Shopping Area
- Area liable to flood
- Site of High Archaeological Potential
- Area of Protected Urban Open Space

(Officer note: this relates to the area of land to the south of the existing public house within the application site)

3.4 The proposal involves the demolition of the existing public house and the erection of a new 4-storey building comprising a commercial unit on the ground floor (Use Class A3) and 11 flats on the first, second and third floors. The proposed building will measure 16.8m in width, 26m in depth and up to 14.8m in height. It will be faced with buff coloured brickwork, stone pilasters between the shop windows, and slate roof tiles. There will be a clock tower on the south-western corner of the building. 10 no. parking spaces will be

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

- 3.5 The scheme has been amended since it was first submitted. The changes have involved removing the hardstanding and access towards the southern part of the site to safeguard the health and condition of existing trees and to ensure the landscape buffer zone adjacent to the Wraysbury River is maintained. As a consequence, the parking area has been reduced from 12 to 10. In addition, some external balconies have been removed and changes made to the fenestration.
- 3.6 Copies of the proposed site layout and elevations are provided as an Appendix.

4. **Consultations**

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

Consultee	Comment
County Highway Authority	No objection subject to conditions
Environment Agency	No objection subject to conditions
Group Head of Neighbourhood Services	No objection
Sustainability Officer	No objection
Local Lead Flood Authority (Surrey County Council)	No objection subject to conditions
County Archaeologist	No objection subject to condition
Crime Prevention Officer	No objection
Victorian Society	No comments received
Surrey Wildlife Trust	No objection
Tree Officer	No objection following the receipt of amended plans showing the reduction in the size of the parking area.
Thames Water	No objection
Environmental Health (Contaminated land)	No objection subject to conditions
Environmental Health (Air Quality)	No objection subject to conditions
Conservation Officer	Considers the scheme to be a positive contribution to the conservation area.
Environmental Health (Noise)	No objection subject to conditions

5. Public Consultation

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

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

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

6. Planning Issues

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

7. Planning Considerations

Principle/loss of public house

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

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

Need for housing

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

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

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

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

- 7.3 When considering planning applications for housing local planning authorities should have regard to the government’s requirement that they boost significantly the supply of housing, and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF).

- 7.4 Para 11 of the NPPF stresses the presumption in favour of sustainable development and that proposals which accord with a development plan should be approved without delay noting that:

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

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

- 7.5 The Council has embarked on a review of its Local Plan and accepts that the housing target in its Core Strategy and Policies DPD-Feb 2009 of 166 dwellings per annum is significantly short of its latest objectively assessed need of 552-757 dwellings per annum (Para 10.42 – Strategic Housing Market Assessment – Runnymede and Spelthorne – Nov 2015). In September 2017, the government produced a consultation paper on planning for the right homes in the right places which included proposals for a standard method for calculating local authorities' housing need. A figure of 590 dwellings per annum for Spelthorne was proposed by the application of this new approach. The draft methodology has yet to be formally adopted by the Government and is being reviewed in the light of the new 2016 household projection forecasts which appeared to indicate lower growth rates. The Government is now consulting on changes to the standard methodology in the light of these new forecasts and, for the time being, the Council will continue to rely on the provisional figure of 590 based on the 2014 household formation projections as suggested by the Government in its latest consultation (Oct – Dec 2018). Despite recent uncertainties the draft methodology provides the most recent calculation of objectively assessed housing need in the Borough and is therefore the most appropriate for the Council to use in the assessment of the Council's five-year supply of deliverable sites.
- 7.6 In using the new objectively assessed need figure of 590 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review the Borough's housing supply will be assessed in light of the Borough's constraints which will be used to consider options for meeting need. The Council has now published its Strategic Land Availability Assessment (SLAA) which identifies potential sites for future housing development over the plan period.
- 7.7 The sites identified in the SLAA as being deliverable within the first five years have been used as the basis for a revised 5-year housing land supply figure. Whilst this has shown that notionally we have identified sufficient sites to demonstrate that we have a five year supply of housing sites we have recently been advised that we need to apply an additional 20% buffer rather than the previously used 5%. This is because Government guidance (NPPF para 74) requires the application of a 20% buffer "where there has been significant under delivery of housing over the previous three years. When assessed against the adopted Local Plan annual requirement figure of 166 the Council has delivered well in excess of the requirement. However, we now have to have regard to the draft Objectively Assessed Need figure of 590 dwellings per annum and, on this basis, the Council has failed to deliver a sufficient number of dwellings in recent years. It therefore has no choice now but to apply the additional buffer for the five year period from 1 April 2019 to 31 March 2024. The effect of this increased requirement is that the identified sites only represent some 4.5 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites.
- 7.8 As a result, current decisions on planning applications for housing development need to be based on the "tilted balance" approach as set out in paragraph 11 of the NPPF (2018) which requires that planning permission should be granted unless "any adverse impacts of so doing would significantly

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

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

Housing density

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

Design and appearance and effect on the Staines Conservation Area

- 7.11 Policy EN1a of the Core Strategy and Policies DPD 2009 (CS & P DPD) states that *“the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.”*
- 7.12 Policy EN6 of the CS & P DPD states that the Council will require the retention of buildings and other features that are important to the character of the Conservation Area. Policy EN5 of the CS & P DPD states that the Council will encourage the retention of buildings of local architectural or historic interest and seeking to ensure that their character and setting is preserved in development proposals.
- 7.13 There is a statutory duty of the Local Planning Authority (Listed Buildings Act 1990 Section 72) when dealing with a planning application to give *“special attention to the desirability of preserving or enhancing the character or appearance of a conservation area”*.
- 7.14 The application site occupies a prominent corner plot, located adjacent to a locally listed terrace 45 to 55 Church Street, while there are other modern 3 and 4 storey buildings located on the opposite site of Church Street. The terrace is listed in the Spelthorne Local List 2004 as *“ Mid 19 Century repetitive gables following the curve of street linked by short coping hiding*

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

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

Impact on neighbouring residential properties

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

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

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

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

Amenity Space

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

Proposed dwelling sizes

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

Parking provision

- 7.28 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.
- 7.29 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum (maximum parking standards continue to be applicable in relation to commercial development). The supporting text to the Parking Standards stipulates a number of important exceptional situations where a reduction in parking will only be allowed. One of these situations includes town centre locations where the reduction in parking will be assessed against the distance from a "public transport node", frequency of public transport, availability of pedestrian and cycle routes, and the range and quality of facilities supportive of residential development within reasonable walking distance. Another exceptional situation is in Conservation Areas, where the character or appearance of the Conservation Area would be harmed by the impact of parked cars.
- 7.30 The proposed parking provision is 10 spaces (0.9 spaces per residential unit). There will be no parking spaces for the commercial unit. The normal minimum parking standard for a residential development of this size is 16 spaces. The proposed provision is therefore 6 spaces below the residential standard. The site is located however, in a sustainable location within the commercial area of Staines town centre. It is close to the train station which has a frequent and extensive service. It is also within easy walking distance of the shops and services of the town centre (which has the largest range of facilities in the Borough) and the bus station. Consequently, I consider that there is clear justification for a reduction in the level of residential parking on this particular site.
- 7.31 With regard to the commercial unit, the Council's Parking Standards stipulate a maximum provision of 1 space per 4 sq. m of net dining floor area. Whilst the proposed ground floor does not show the final layout of the dining area, its overall floorspace is 298.49 sq. m. This would equate to a maximum provision of 75 spaces. However, it is important to note that these are maximum standards (i.e. not minimum) and bearing in mind the site's location in the town centre where substantial reductions in parking would normally be required, it is considered that the lack of commercial car parking would be acceptable in this particular case.

Flooding

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

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

Financial Considerations

- 7.35 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development and will generate a CIL Payment of approximately £39,707.03 This is a material consideration in the determination of this planning application. The proposal will also generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

Other Matters

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

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

8. Recommendation

8.1 GRANT subject to the following conditions: -

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

4D_1806_PL_011; /012; /020; /021; /022; /030; /031 received 01 November 2018.

4D_1806_PL_002_Rev. A; /003_Rev. A received 13 November 2018.

4D_1806_PL_010_Rev. C; /102_Rev. B; /103_Rev. C; /104_Rev. C; /105_Rev. C; /123_Rev. B; /133_Rev. A; /301_Rev. A received 06 February 2019.

4D_1806_PL_032 Rev. A; /030_Rev. A; /120_Rev. A; /130_Rev. A received 07 February 2019.

4D_1806_PL_100_Rev. F; /101_Rev. C; /110_Rev. D; /121_Rev. C; /122_Rev. C; /131_Rev. B; /132_Rev. C received 19 February 2019.

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

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

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

4. No development shall take place until:-

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

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

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

NOTE

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

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

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

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

6. Following construction of any groundwork and foundations, no construction of the development above damp-proof course level shall take place until a report is submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy,

passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of the building and thereafter retained.

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

7. Prior to the occupation of the development, details of a scheme of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The scheme shall include the provision of knee-rail fencing separating the car parking area from the soft landscaped area to the south. The boundary treatment shall be completed before the buildings are occupied and thereafter maintained as approved.

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

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

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

9. Details of a scheme of both soft and hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby approved. The approved scheme of tree and shrub planting and other associated works shall be carried out prior to first occupation of the buildings and/or site. The planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

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

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

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

development and to enhance the proposed development.

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

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

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

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

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

Reason:- To encourage wildlife on the site.

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

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

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

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

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

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

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

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

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

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

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

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

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

retained and maintained thereafter throughout the lifetime of the development.

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

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

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

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

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

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

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

Reason: To safeguard the amenity of neighbouring properties.

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

Reason:- To safeguard the amenity of neighbouring properties.

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

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

24. Prior to the occupation of the development hereby permitted the second and third floor obscure glazed windows on the northern elevation, as shown on drawing no. 4D_1806_PL_123_Rev. B, shall be obscure glazed and be non-opening to a minimum height of 1.7 metres above internal floor level in accordance with details/samples of the type of glazing pattern to be submitted to and approved in writing by the Local Planning Authority. These windows shall thereafter be permanently retained as installed.

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

INFORMATIVES

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

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

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

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.
3. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
4. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
5. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.
6. If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.
7. This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting

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

8. Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.
9. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
 - a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
 - b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
 - c) Deliveries should only be received within the hours detailed in (a) above;
 - d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
 - e) There should be no burning on site;
 - f) Only minimal security lighting should be used outside the hours stated above; and
 - g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

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

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

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

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

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of Section 4 of the NPPF. This included the following:-

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