

## Planning Committee

06 March 2019



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

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

## MAIN REPORT

### 1. **Development Plan**

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

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

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

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

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

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

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

### **4. Background**

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

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

## **5. Consultations**

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

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

## **6. Public Consultation**

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

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

## **7. Planning Issues**

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

## **8. Planning Considerations**

### **Principle of Development**

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

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

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

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

- 8.2 When considering planning applications for housing local planning authorities should have regard to the government's requirement that they boost significantly the supply of housing, and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF).
- 8.3 Para 11 of the NPPF stresses the presumption in favour of sustainable development and that proposals which accord with a development plan should be approved without delay noting that: "... *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*
- 8.4 The Council has embarked on a review of its Local Plan and accepts that the housing target in its Core Strategy and Policies DPD-Feb 2009 of 166 dwellings per annum is significantly short of its latest objectively assessed need of 552-757 dwellings per annum (Para 10.42 – Strategic Housing Market Assessment – Runnymede and Spelthorne – Nov 2015). In September 2017, the government produced a consultation paper on planning for the right homes in the right places which included proposals for a standard method for calculating local authorities' housing need. A figure of 590 dwellings per annum for Spelthorne was proposed by the application of this new approach. The draft methodology has yet to be formally adopted by the Government and is being reviewed in the light of the new 2016 household projection forecasts which appeared to indicate lower growth rates. The Government is now consulting on changes to the standard methodology in the light of these new forecasts and, for the time being, the Council will continue to rely on the provisional figure of 590 based on the 2014 household formation projections as suggested by the Government in its latest consultation (Oct – Dec 2018). Despite recent uncertainties the draft methodology provides the most recent calculation of objectively assessed housing need in the Borough and is therefore the most appropriate for the Council to use in the assessment of the Council's five-year supply of deliverable sites.
- 8.5 In using the new objectively assessed need figure of 590 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review the Borough's housing supply will be assessed in light of

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

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



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

### Design and Appearance

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

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

#### Density

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

## Future Occupiers

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

## Residential Amenity

- 8.22 Policy EN1 of the CS & P DPD states that new development should achieve a satisfactory relationship with adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.
- 8.23 There are a number of residential properties in the immediate vicinity of the site, including above the nearby petrol station and in the three storey block of flats situated to the east of the site. It should also be noted that the Council has received a letter of representation, which objects to the proposal on the grounds of overlooking, loss of privacy and an overbearing impact.
- 8.24 At its closest point, the building would be situated approximately 7 metres from the nearest residential property. Windows were observed in the rear elevation of this building during the site visit. However, in the 2017 appeal decision, the Inspector commented "*the field view from some of the habitable rooms of those and other adjoining flats may be affected to some degree*", although it was not considered "*that the degree of infringement to outlook would bring about oppressive living conditions within the affected rooms*". There are not considered to be material alterations between the present application and the appeal scheme that would justify a different conclusion in terms of outlook.

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

### Flooding

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

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

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

#### Parking Provision & Transport

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

## Transport & Highways

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

## Finance Considerations

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

- 8.39 In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development rate of £140 per sq metre of new floor space (the CIL charge would be approx. £8,436.45 on the basis of the submitted plans). This is a material consideration in the determination of this planning application. The proposal will also generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

#### Other Matters

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

**9. Recommendation**

**9.1 GRANT subject to the following conditions:-**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans; LI530/LP Rev C, LI530/32, LI530/37, LI530/35, LI530/31 LI530/36 (Received 04 September 2018) LI530/30 Rev A (Received 27.11.2018) Drawing 200 Rev A (Received 11.01.2019)

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

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

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

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

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

5. No development shall start until a Method of Construction Statement, to include details of:
  - (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materialshas been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.



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

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

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

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

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

8. No development shall take place until:-
  - (i) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.
  - (ii) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.
  - (iii) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

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

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

NOTE

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

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

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

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

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

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

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

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

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

12. Following construction of any groundwork and foundations, no construction of development above damp course level shall take place until a report is submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of each building and thereafter retained.

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

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

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

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

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

**NOTE**

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

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

- 15 Prior to the occupation of the development hereby permitted the central side panels on the central flank elevations of the central balconies on the first and second floors in the rear elevation shall be obscure glazed and be non-opening to a minimum height of 1.7 metres above internal floor level in accordance with details/samples of the type of glazing pattern to be submitted to and approved in writing by the Local Planning Authority. These windows shall thereafter be permanently retained as installed.

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

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

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

### **Informatives**

1. The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary.
2. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
  - (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
  - (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
  - (c) Deliveries should only be received within the hours detailed in (a) above;
  - (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
  - (e) There should be no burning on site;
  - (f) Only minimal security lighting should be used outside the hours stated above; and

(g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

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

3. The applicant is advised that the essential requirements for an acceptable communication plan forming part of a Method of Construction Statement are viewed as:
  - (a) how those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme;
  - (b) how neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them;
  - (c) the arrangements that will be in place to ensure a reasonable telephone response during working hours;
  - (d) the name and contact details of the site manager who will be able to deal with complaints; and
  - (e) how those who are interested in or affected will be routinely advised regarding the progress of the work. Registration and operation of the site to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements.
- 4 Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Ash, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found at: [www.gov.uk/guidance/flood-risk-activities-environmental-permits](http://www.gov.uk/guidance/flood-risk-activities-environmental-permits)
- 5 Please note that this application is subject to the payment of Community Infrastructure Levy (CIL). Full details of the charge, how it has been calculated and what happens next are set out in the CIL Liability Notice which will be sent separately.

If you have not already done so an Assumption of Liability notice should be sent to the Council as soon as possible and before the commencement of development
- 6 The applicant's attention is drawn to the Equalities Act 2010, which requires the property to be accessible to disabled people.
- 7 Article 2 (3) Development Management Procedure (Amendment) Order 2012 Working in a positive/proactive manner  
In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:-

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

(b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.