

# Planning Committee

06 March 2019



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

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

### 1. **Development Plan**

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

- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

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

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

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

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

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

Grant  
31.10.2014

Appeal regarding the replacement tree condition was dismissed 22.12.2015

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

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

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

- 3.5 The existing land between the terrace blocks is currently gardens for the end of terrace properties and includes a detached garage. The scheme provides the existing end of terraced properties with gardens the width of the existing properties. The new units will also have their own gardens and parking will be provided to the front of the site for 6 cars, as well as 2 for the existing dwelling.
- 3.6 The proposed site layout and elevation plans are provided as an Appendix.

#### **4 Consultations**

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

<b>Consultee</b>	<b>Comment</b>
County Highway Authority	No objection subject to conditions
Tree Officer	No objection subject to conditions
Environmental Health (Contaminated land)	No objection subject to condition
Environment Agency	No comments
Consultant Drainage Engineer	No objection subject to a condition

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

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

- 5.2 Reasons for objecting include:-

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

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

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

## 6. **Planning Issues**

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

## 7. **Planning Considerations**

### Need for housing

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

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

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

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

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

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

- 7.6 The sites identified in the SLAA as being deliverable within the first five years have been used as the basis for a revised 5-year housing land supply figure. Whilst this has shown that notionally we have identified sufficient sites to demonstrate that we have a five year supply of housing sites we have recently been advised that we need to apply an additional 20% buffer rather than the previously used 5%. This is because Government guidance (NPPF para 74) requires the application of a 20% buffer “where there has been significant under delivery of housing over the previous three years. We now have to have regard to the draft Objectively Assessed Need figure of 590 dwellings per annum and, on this basis, the Council has failed to deliver a sufficient number of dwellings in recent years. It therefore has no choice now but to apply the additional buffer for the five year period from 1 April 2019 to 31 March 2024. The effect of this increased requirement is that the identified sites only represent some 4.5 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites.
- 7.7 As a result, current decisions on planning applications for housing development need to be based on the “tilted balance” approach as set out in paragraph 11 of the NPPF (2018) which requires that planning permission should be granted unless “any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole”.
- 7.8 Having regard to the proposed development and taking into account the above and adopted policy HO1 which encourages new housing development, it is considered that particular weight should be given to the merits of this development in the urban area.

#### Principle of the development

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

## Housing density

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

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

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

## Design and appearance

- 7.15 Policy EN1a of the CS & P DPD states that *“the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.”*
- 7.16 The originally submitted scheme has been amended to provide a reduction in the width of the units in order to pay better regard to the existing residential units at the site. The proposal includes the erection of an end of terrace, 3 bedroomed dwelling to the end of the existing terrace block at King George Close. This property will be built of the same materials and design as the existing, with the same depth as the existing properties. It will measure some 5.4m in width which is some 1.2m wider than the existing end of terraced dwelling which has a width of 4.2m.
- 7.17 In addition the proposal also includes 2 smaller back to back units which will adjoin the end of the existing terraced block of dwellings along Camilla Close. These too will have the same design and materials as the existing block and will be the same depth backing onto one another. These units will also be slightly wider than the existing dwellings by 0.8m, with a width of 5m compared with the existing units which are 4.2m. The extra width allows for a better layout of these small units and this will not be particularly evident when viewed in the street scene from King George Close.

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

#### Impact on neighbouring residential properties

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

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

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

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

#### Amenity Space

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

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

#### Proposed dwelling sizes

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

#### Highway and parking provision

- 7.32 Policy CC2 of the CS & P DPD states that:

*"The Council will seek to secure more sustainable travel patterns by: ... (d) only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account: (i) number and nature of additional traffic movements, including servicing needs; (ii) capacity of the local transport network; (iii) cumulative impact including other proposed development; (iv) access and egress to the public highway; and (v) highway safety.*

- 7.33 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.
- 7.34 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when

applying Policy CC3 and its residential parking standards will generally be applied as minimum (maximum parking standards continue to be applicable in relation to commercial development).

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

### Flooding

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

### Renewable Energy

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

### Impact on Trees/Landscaping

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

### Contaminated Land

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

### Refuse Storage and Collection

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

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

### Other matters

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

### Financial Considerations

- 7.46 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development, but the existing floor space is currently in use and can be deducted. As such it will generate a CIL payment based on £140 per square metre of approx. £33,000 in total. This money goes toward local infrastructure and as such is a material consideration in the determination of this planning application. The proposal will also generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

### Conclusion

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

## 8. Recommendation

### 8.1 GRANT subject to the following conditions:

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

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

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

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

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

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

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

4. No development shall take place until:-

(a) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.

(b) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.

(c) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

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

Reason:-

- (a) To protect the amenities of future residents and the environment from the effects of potentially harmful substances.

#### NOTE

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

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

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

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

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

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

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

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

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

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

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

9. The development hereby approved shall not be first occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details and maintained as approved.

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

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

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

11. Prior to the commencement of development an Arboricultural Method Statement, including details of ground protection, fencing and no dig

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

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

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

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

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

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

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

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

## Informatives to be attached to the planning permission

1. If it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.
2. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
3. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs)
4. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
5. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
6. Please note that this application is subject to the payment of Community Infrastructure Levy (CIL). Full details of the charge, how it has been

calculated and what happens next are set out in the CIL Liability Notice which will be sent separately.

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

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

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

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

8. The applicant is advised that the essential requirements for an acceptable communication plan forming part of a Method of Construction Statement are viewed as:
- (a) How those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme;
  - (b) How neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them;
  - (c) The arrangements that will be in place to ensure a reasonable telephone response during working hours;
  - (d) The name and contact details of the site manager who will be able to deal with complaints; and
  - (e) How those who are interested in or affected will be routinely advised regarding the progress of the work. Registration and operation of the site to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements.
9. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.  
If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent.  
If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

#### Decision Making: Working in a Positive and Proactive Manner

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

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

