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17/00630/FUL
7-11 Manygate Lane, Shepperton, TW17 9EQ

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Planning Committee

28 June 2017



Application Nos.	17/00630FUL		
Site Address	7, 9 And 11 Manygate Lane Shepperton TW17 9EQ		
Proposal	Planning application for the demolition of existing houses and erection of a new building with three floors of accommodation to provide 22 no. 1 bed and 2 bed sheltered apartments for the elderly including communal facilities. Creation of new access, associated parking area and landscaping.		
Applicant	Churchill Retirement Living		
Ward	Shepperton Town		
Call in details	N/A		
Case Officer	Kelly Walker		
Application Dates	Valid: 13/04/20176	Expiry: 13/07/2017	Target: Within 13 weeks
Executive Summary	<p>This planning application seeks the demolition of the existing buildings on site and the redevelopment of the site for 22 sheltered apartments with parking and amenity space to the side/rear.</p> <p>The scheme is considered to be an acceptable form of development which will provide residential units in a sustainable location. It is considered to provide an attractive form of development which is in character with the surrounding area and is acceptable on design grounds. This scheme is considered to overcome the inspector's previous reasons for dismissing an appeal at the site and as such conforms to design policy. It is also considered to have an acceptable relationship with neighbouring properties and accords with policies on highway issues, parking provision, affordable housing, flooding, renewable energy, ecology, trees and air quality.</p>		
Recommended Decisions	This planning application is recommended for approval		

MAIN REPORT

1. Development Plan

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

- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO3 (Affordable Housing)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- CO2 (Provision of Infrastructure for New Development)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

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

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

2. Relevant Planning History

15/01412/FUL	Demolition of existing houses and erection of a new building with three floors of accommodation to provide 16 no. 1 bed and 9 no. 2 bed sheltered apartments for the
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elderly including communal facilities. Creation of new access, associated parking area and landscaping.

Refused on 01.03.2016 due to the overdevelopment of the site, insufficient regard and detriment to the character of the area and excessive housing density

Appeal ref 3147733 dismissed 12.12.2016.

SP/FUL/90/770 Erection of part single part two storey front extension measuring 4.3m (14' 2") by 3.7m (12' 2") at ground floor level and 3m (9' 9") by 2m (6' 6") as shown by submitted drawing 277/2.

Grant Conditional - 11.12.1990

SPE/FUL/86/455 Erection of a first-floor side and rear extension measuring overall 4.95 m (16 ft 3 ins) by 11.04 m (36 ft 3 ins) to provide two bedrooms and a bathroom.

Grant Conditional - 27.08.1986

PLAN E/FUL/81/658 Erection of (a) a single-storey flank extension measuring 13 ft 9 ins (4.2 m) by 23 ft 11 ins (7.3 m) to provide garage and W.C. and (b) a single-storey L-shaped rear extension measuring 15 ft 5 ins (4.7 m) deep by between 12 ft 8 ins (3.85 m) and 23 ft 7 ins (7.18 m) wide to provide study and additional living room accommodation.

Grant Conditional - 21.10.1981

SUN/FUL/4670 Erection of three detached houses.

Grant Unconditional - 04.03.1955

3. Description of Current Proposal

3.1 This planning application seeks permission for the demolition of existing 3 detached family homes and erection of a new building with three floors of accommodation to provide 22 units comprising 13 no. 1 bed and 9 no. 2 bed sheltered apartments for the elderly. It will include a communal lounge on the ground floor. The proposal also includes the creation of a new access, along with associated parking for 13 spaces and landscaping. All of the units will be privately owned

3.2 The site comprises an area of 0.24 ha The site is located on the western side of Manygate Lane, close to the southern end where it adjoins Russell Road. It is a large rectangular shaped plot which is currently occupied by 3 no. large detached dwellings, which have been extended, on substantial plots.

- 3.3 To the north of the site are 3 storey flats which extend past the rear of the existing houses on the site and have parking provision in the form of garages to the rear, also adjacent to the site. Further to the north is another block of flats set further back from the street frontage with landscaping to the front. To the south are the residential dwellings at River Court, including the semi-detached dwellings of no. 2 and 3 fronting the site and no. 1 set back within the site. To the west and rear of the site is Halliford School including various school buildings and playing fields.
- 3.4 The site is located within urban area, but adjoins the Lower Halliford Conservation Area. The rear of the site is within the 1 in 100 flood zone and there is also a Tree Preservation Order to the rear of the site covering the row of trees lining the boundary and located within Halliford School.

Background

- 3.5 As set out in the planning history, planning permission was previously sought for a similar scheme providing 25 units (ref 15/01412/FUL). It was refused planning permission and then dismissed at appeal. The refusal was carried out under delegated powers on 1 March 2016 for the following reason:-

'The proposal is considered to represent an overdevelopment of the site with the proposed development having insufficient regard to the character of the area in terms of its scale, depth and loss of garden land, to the detriment of the visual amenity of the surrounding area. Moreover, the proposal is considered to have an excessive housing density in this location. The proposal is therefore contrary to Policies EN1 and HO5 of the Spelthorne Development Plan Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development (April 2001).'

- 3.6 The applicants appealed this decision to the Secretary of State (Appeal ref 3147733) and this was dismissed on 12 Dec 2016. In his report the Inspector considered the main issues were the effect of the proposal on the character and appearance of the area and also the effect of the proposal on the living conditions of neighbouring residential occupiers, together with the highway impact. He referred to a number of design issues affecting the visual appearance of the building but considered the impact on the amenity of neighbours and highways to be acceptable. He concluded *'...Whilst the highway effects are acceptable and there would be no significant harmful impact in terms of privacy, daylight and sunlight or an overbearing affect, due to the bulk and proximity, there are public and private views that would be adversely effected by the design and siting of the development as set out in the first main issue. The proposal would not accord with EN1 of the Development Plan and would not be of the standard of design sought in the Framework. For the reasons given above it is concluded that the appeal should be dismissed.'*
- 3.7 The applicants have now amended the original scheme in order to try to overcome the Inspectors concerns. This report will identify the concerns the Inspector raised about the previous scheme and how the applicants have tried

to address the issues in this current planning application, in order to comply with Policy EN1.

- 3.8 As Members are aware any previous decisions, in particular those made at appeal, are a material planning consideration and must be given substantial weight in any future decisions at the same site.
- 3.9 Site layout and elevation plans are provided as an Appendix. Copies of the layout and elevations of the appeal scheme together with the Inspectors report are also attached at an appendix.

Proposal

- 3.10 The proposal is for the demolition of the existing buildings on site and the erection of a building over three floors to provide 22 sheltered apartments for the elderly (13 no. 1 bed and 9 no. 2 bed). The new building will front the highway with 2 distinct sections, reflecting the neighbouring properties and linked by a middle section. This would provide accommodation over 3 floors, with some of the accommodation in the roof space served by dormers in the southern part of the building, similar to the style and materials of the existing dwellings to the south at River Court. The northern part of the proposed building would provide a 3 storey element with a pitched roof, similar in the scale (when viewed directly from the front) to the flatted development to the north. The proposal provides a middle section, linking these 2 elements together. The northern side elevation of the front part of the proposal will be set further away from the side boundary than the existing houses on site, to provide a new access road. As such, when viewed from the front of the site, the gaps between the built form and the flats to the north is increased.
- 3.11 Parking is to be provided at ground level to the side/rear of the proposed flats, accessed via the new access, providing 13 parking spaces. The proposal also includes areas of landscaping and refuse.
- 3.12 This scheme is different to the previously refused scheme in that it provides a reduced depth and scale at the rear, amendments to the design on the front façade interlinking section and the removal of the side parapet, along with a reduction in the no. of units from the previous 25 to 22.

4 Consultations

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

Consultee	Comment
County Highway Authority	No objection recommends conditions
Environment Agency	No objection recommends condition
Head of Street Scene (refuse)	No objection
County Archaeological Officer	No objection recommends condition

Crime Prevention Officer	No objection makes a number of detailed security related comments. Requests a condition to require the development to achieve the Secure by Design award.
Conservation Officer	No objection
Valuation Advisor	No objection - Agrees that it is not viable to provide any affordable housing on the site
Sustainability Officer	No objection, satisfied 10% renewables can be achieved, recommend condition.
Local Lead Flood Authority (Surrey County Council)	No objection, recommends conditions
Surrey Wildlife Trust-	No comments received with this application, however previously they raised no objection subject to the imposition of condition to ensure measures outlined in the Ecological appraisal are carried out.
Tree Officer	No objection,
Thames Water	No objection with regard to sewage infrastructure, recommends informative
Environmental Health (Contaminated land)	No objection recommends conditions
Environmental Health (Air Quality)	No objection recommends conditions

5. **Public Consultation**

51 properties were notified of the planning application. A site notice was displayed and a notice was provided in the local press. Letters of objection have been received from 16 properties. Reasons for objecting include:-

Previous letter still applies

Only minor changes to previous scheme which was refused and dismissed at appeal

Reduction from 25 to 22 units does not reduce density

New flat roof at rear is ugly

Conservatory at neighbouring property not shown on plans- misleading

Other care homes nearby including one further along Manygate Lane (Bradbury Centre)

No consultation to neighbours from applicant before submission

Over development/cramped/overcrowding of area/magnitude

Increased height and footprint of current site

Existing 3 houses perfectly good and should not be demolished

Parking provision inadequate

Highway safety – access for emergency vehicles, disabled people, school children
 Traffic problems/congestion - school, rat run
 Narrow road, poor standard of footpaths
 Shops not only 10 mins walk and station even longer especially for elderly
 Proximity of Conservation Area and impact on it
 2 bedroom – will have guest to stay so require more parking
 Elderly are independent and will want to have a car
 Out of character
 Appearance from road will change, enclosing gardens – No. 2/3 River Court having development all the way round them.
 Overlooking loss of privacy – lack of separation distance
 Loss of outlook/view
 Not brownfield site as site containing residential gardens and contrary to Churchill's Chairman's policy statement.
 Flooding/drainage issues
 Pollution
 Construction works will cause disruption.
 Financial gain only

6. Planning Issues

- Principle of the development
- Housing density
- Design and appearance.
- Residential amenity
- Highway issues
- Parking provision
- Affordable housing
- Flooding
- Renewable energy
- Dwelling mix
- Trees
- Air quality

7. Planning Considerations

Background

- 7.1 As noted above a previous scheme at the site was refused and dismissed on appeal. However, the reason upheld by the Planning Inspector was the impact on the design and character of the area, relating to Policy EN1 of the Spelthorne Borough Council Core Strategies and Policies DPD. The Inspector's decision in December 2016, is a material planning consideration and as such substantial weight must be given to this decision in the current proposal for the site.
- 7.2 It is important to note the differences and similarities with the current scheme compared to the previous scheme at the site. In terms of the built form, this has been reduced in depth and scale at the rear to ensure that it does not extend as close to the boundary with Halliford school playing field and the protected trees. There is also a change to the design of the linking section on the front elevation evident in the street scene, to include a more sympathetic

roof design and materials, along with a change to the design of the parapet wall on the northern flank part of the proposed building to improve its design. The parking layout is the same, still providing 13 off street parking spaces as previously proposed.

- 7.3 In terms of the number of units, this has reduced from 25 to 22 units, however all are still 1 and 2 bed units.

Principle of the development

- 7.4 In terms of the principle of development it is relevant to have regard to paragraph 47 of the National Planning Policy Framework (NPPF) which states:

“ When considering planning applications for housing local planning authorities should have regard to the government’s requirement that they boost significantly the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent with policies set out in the National Planning Policy Framework (NPPF) para 47.

The government also requires housing applications to be considered in the context of the presumption of sustainable development. Relevant policies for the supply of housing cannot be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable site (para 49 of NPPF).

The Council has embarked on a review of its Local Plan and accepts that the housing target in its Core Strategy and Policies DPD-Feb 2009 of 166 dwellings per annum is significantly short of its latest objectively assessed need of 552-757 dwellings per annum (Para 10.42 – Strategic Housing Market Assessment – Runnymede and Spelthorne – Nov 2015). On the basis of its objectively assessed housing need the Council is unable to demonstrate a five-year supply of deliverable sites.

Para 14 of the NPPF stresses the presumption in favour of sustainable development and that proposals which accord with a development plan should be approved without delay. When the development plan is absent, silent or relevant policies are out of date, permission should be granted unless *‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole or specific policies in this Framework indicate development should be restricted.’* This application must be considered having regard to the above requirements of Para 14 of the NPPF. “

- 7.5 Having regard to the proposed development and taking into account the above and adopted policy HO1 which encourages new development, it is considered that particular weight would need to be attributed to the urban location of the site which contains existing dwellings where the principle of new housing development would be regarded as acceptable.

- 7.6 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.”

- 7.7 The site lies within the urban area and is currently occupied by residential properties, with further residential uses to the north, south and east. The principle of demolishing the existing dwellings and creating a new residential development for the elderly is considered acceptable in principle and has not been a reason for refusal at the site before or raised as an issue by the Inspector, Therefore residential development is acceptable provided other policy requirements are met as discussed further below.

Housing density

- 7.8 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.”

- 7.9 Policy HO5 (a) states that within existing residential areas that are characteristic by predominately family housing rather than flats, new development should generally be in the range of 35 to 55 dwelling per hectare. It goes on to say that within higher density residential areas, including those characterised by a significant proportion of flats and those containing significant Employment Areas, new development should generally be in the range of 40 to 75 dwellings per hectare. The site lies within an area with family dwellings along Manygate Lane and flats also to the north along Manygate Lane and to the south along Russell Road, as such a density level between the two ranges should be most appropriate for this site
- 7.10 The policy also states that, *‘Higher density developments may be acceptable where it is demonstrated that the development complies with Policy EN1 on design particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non car based modes of travel.’* It is important to note that any mathematical density figure is in part a product of the mix of units proposed. In this case they are all 1 and 2 bed units and accordingly it is possible to accommodate many more small units within a given floor space and an acceptable numerical density can be much high.
- 7.11 The principle of a high density development is consistent with the Government’s core planning principles are set out in paragraph 17 of the National Planning Policy Framework 2012 (NPPF). There are 12 core

planning principles, which the NPPF states should underpin both plan making and decision-making. One of these principles (8th bullet point) is:

“Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”

- 7.12 The scheme involves the erection of 22 flats on a site of some 0.24ha, equating to 91 dwelling per hectare (dph). (Previously it was for 25 dwellings which equated to 104 dph). The proposed development will be marketed for the elderly and a condition could be imposed to this effect. The nature of the scheme is also different in that a communal lounge is provided within the building.
- 7.13 Previously the Council considered that the high density and depth/scale of development was not compatible with the surrounding area and contrary to Policy EN1. The Inspector did not consider that the density itself was a concern, stating that *‘density as such is not at fault,’* and noted that it is to do with how density relates to the design. In Para 21 he stated that *‘...Nevertheless there are as detailed above, elements of the proposal that would cause visual harm and whilst density as such is not at fault, the design and disposition of the accommodation and particularly the amount of rearward projection would not reach the standard sought in paragraph 56 of the Framework of the Supplementary Planning Document, With regard to policy EN1, the proposal would not respect or make a positive contribution to the street scene and the character of the area and would fail to pay due regard to the surrounding.’*
- 7.14 The Inspector also noted the link between density and the built form in para 10, stating that, *‘... the proposed density of development does not appear too great as such. However the test as accepted in Policy HO5 and the later supplementary Planning Document, is the effect of any given density with regard to policy EN1 and particularly in this appeal the visual effect.’*
- 7.15. The density of the current scheme is less than the previous scheme to which the Inspector raised no objection. Therefore density itself is not considered to be unacceptable, however, design is considered further below.

Design and appearance

- 7.16 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.”*
- 7.17 The Inspector considered that the main issue and the reason for him dismissing the appeal was the design and appearance of the area concluding

in his report that, *'...Whilst the highway effects are acceptable and there would be no significant harmful impact in terms of privacy, daylight and sunlight or an overbearing affect, due to the bulk and proximity, there are public and private views that would be adversely effected by the design and siting of the development as set out in the first main issue. The proposal would not accord with EN1 of the Development Plan and would not be of the standard of deign sought in the Framework. For the reasons given above it is concluded that the appeal should be dismissed'*

7.18 In his report the Inspector specifically referred to 3 main issues on design as follows:-

1. The projection to the rear, along with its scale and proximity to the rear boundary and the protected trees, including the visual impact
2. The design of the interlinking section on the street scene elevation paying little regard to the rest of the built form.
3. The design of the parapet of the northern part of the scheme being out of character.

7.19 In the following section each of these elements will be assessed to see what the Inspector noted and how the current scheme has been amended to try to overcome it.

1. The rearward projection

7.20 The Inspector did not consider that there would be any harm to the Conservation Area stating in para 19 that when viewed from the Conservation Area, *'...the more distant rearward projection would not intrude to any harmful extent.'*

7.21 However in para 10 he noted that the rear projection and the proximity to the protected trees at the rear was of concern, *'...the rear garden land does not at present play a significant part in street scene, but the presence of the protected trees on the rear boundary does. Their upper canopies would remain dominant features, and in the balance between making best use of the land in an accessible location and retaining what was family garden space to three large houses, the proposed density of development does not appear too great as such. However the test as accepted in Policy HO5 and the later supplementary Planning Document, is the effect of any given density with regard to policy EN1 and particularly in this appeal the visual effect.'*

7.22 The Inspector went on to note the importance of the gap between the trees and proposed rearward projection and the views of this from outside of the site from both public view points and from private land including the neighbouring residential properties at River Court, In para 17 he states, *'It is this rearward projection that appears to be the main issue for the council and the gap formed at the northern end of the site to accommodate the vehicle entry would allow a view though to this area, It is the case that the flats to the north project back into their site, both blocks having a T shape and the further block being set to the rear of the site. But in that case there is clear space around the buildings as seen from public viewpoints of the street and the footpath along the northern boundary of the school fields. In the case of the appeal proposal the rearward projection would interfere with the appreciation of the protected trees and would appear as an over-deep intrusion into their*

setting and the open space between them and the frontage development. It is because of the trees that the wide open spaces of the school field do not overcome this failing.'

- 7.23 The Inspector noted further that this would appear intrusive from the north, *'Whilst the view from that footpath is more distant, it appears the case that the central roadway to the flats to the north is public highway as far as the entry to the garages, and from that view point the rearward projection would appear intrusive at the full three storeys.'*
- 7.24 He concluded that this would cause visual harm, and would not make a positive impact on street scene or pay due regard to the surroundings. Para 21 states, *'Nevertheless there are, as detailed above, elements of the proposal that would cause visual harm and whilst density as such is not at fault, the design and disposition of the accommodation and particularly the amount of rearward projection would not reach the standard sought in paragraph 56 of the Framework of the Supplementary Planning Document, With regard to policy EN1, the proposal would not respect or make a positive contribution to the street scene and the character of the area and would fail to pay due regard to the surrounding.'*
- 7.25 The current scheme has been reduced in depth above ground floor level, by some 3.5m to 4.5m increasing the gap to the rear of the built form and the protected trees at the rear. There will now be a distance to the rear boundary of some 12.5m and 13.8m (due to the staggered rear building line). It also includes a reduction in scale of the built form at the rear, so that it is no longer full 3 storey in height and design. The second floor accommodation has been created within the roof space, reducing the eaves height the installation of dormers on the northern flank elevation of the rear protection, resulting in a more balanced appearance to the rear elevation. Although there will be a flat roofed section on top, this will not be particularly evident when viewed from off the site, and in partilcar views from either side. The southern flank elevation of the rearward projection is similar in design as previous, however has a slightly lower ridge height and a reduction in depth so that there is less built form and also fenestration facing towards River Court.
- 7.26 Given this greater space created between the rearward projection and the canopy of the trees, in combination with the improved design and reduced scale of the built form, it is considered to improve the visual appearance of the proposal in particular when viewed from the public domain to the north and also from the dwellings at River Court.
- 7.27 It is considered that the current proposal would no longer be 'over-deep' and would create greater open space around the trees. As such it would no longer appear visually intrusive and would pay due regard to the character of the surroundings and make a positive contribution to the street scene. The amended scheme is considered to have overcome the Inspector's concerns and conforms to policy EN1 on design. As such the design scale and therefore the visual appearance is considered to be acceptable.

2. Design of the interlinking section

- 7.28 Although the Council did not refuse the scheme on the design of the interlinking section on the façade fronting the street, the Council's Conservation Officer had raised concerns about its design. The Inspector agreed that this section introduced a *'uncharacteristic building form'* and noted

in paras 12 and 13 that, *'Two elements of the proposed front elevation respond appropriately to the street context , that adjoining River Court being redolent of the proportions and detailing of that recent development within the conservation area, and the forward protecting part to the other end would echo the form of the flats with three storeys and eaves....However the two parts would be linked by a recessed area utilising a third form of wall and roof finish and which the effect would be of reduced mass and some articulation, the sheer face and abrupt termination at a parapet wall would clash unattractively with the roof slopes either side.... This feature introduces an uncharacteristic building form into the street scene.'* In para 14 he noted that, *'...at present this is a jarring element'*

- 7.29 This interlinking section has been amended to provide a more sympathetic link between the two end sections on the front elevation. The Councils Conservation Officer has been consulted on the current scheme and considers the design to be an acceptable solution noting that, *'...The elevational changes are small but significant. The ridge of the link is lower relative to the rendered left hand block and displays less of a pitched roof. The facing material of the link is now higher and the two windows are evenly spaced and form a more resolved link section.'* Therefore it is considered that this would now be more in keeping with the built form and would no longer be an uncharacteristic form. As such this overcome the Inspector concern and conforms to policy EN1 on design.

3. Design of the parapet of the northern

- 7.30 The Inspector also considered that the design of the northern flank elevation of the front section of the proposed building, with a high parapet wall would be bulky, out of scale and out of character with the neighbouring flats. In para 15 he noted, *'...to the north end the attractive eaves detailing would change to that of a parapet with hidden gutters resulting in a raised wall height and the risk of a further unattractive junction with the pitched roofs at either end of that section. The introduction of a parapet does not echo a feature in the vicinity the large modern flats to the south east relying on deep overhanging eaves and would appear bulky and over high, and hence out of scale as a result.'*
- 7.31 The current scheme includes an amendment to the design of this part of the building with the removal of the parapet and replacing with a pitched roof. This is considered to overcome the Inspectors concerns and ensures that the design does now echo a feature in the vicinity, paying due regard to the design of the neighbouring flats.
- 7.32 Therefore it is considered that the current scheme has been amended since the appeal scheme to take account of the concerns raised by the Inspector in his report. As such the current proposal does pay due regard to the surroundings and would overcome the issues set out in the appeal decision as being the reasons the Inspector dismissed the appeal. Consequently, the proposal would make a positive contribution to the street scene conforming to policy EN1.

Impact on neighbouring residential properties

7.33 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.”

7.34 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 the case.

7.35 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.

7.36 The Inspector noted in his appeal statement in para 29, *‘...to conclude on this issue, the proposed development would not significantly harm the living conditions of neighbouring residents in line with Policy EN1’* He further addressed the relationship with the existing properties noting in para 23 that, *‘...it appears that the development at River Court has been designed to take account of the privacy that existed in the rear gardens of the three detached dwellings at the site and so there are limited windows facing the side. ‘Both 2 and 3 would have sideways views from upper windows over the site and clearly the view will change. There is no right to a view as such in planning considerations but these properties would experience at a closer distance some of the visual failings identified in the first main issue.’* (Design and impact’ on character of the area).

7.37 In terms of outlook from the River Court properties the Inspector noted this will change but in para 24 states that, *‘...on balance would not cause real harm to the occupiers living conditions in planning terms.’* He noted the location of the proposed 2 storey development would be slightly further away from no. 2 so would be acceptable. He also noted that the rearward projection would be visible from no. 4 but due to its similar alignment to that of the River Court garages, the open aspect to much of the outlook from the garden and house would remain. He did comment however that, *‘... the failings identified in the first main issue would be apparent.’* As such the poor design would be visible from these dwellings.

7.38 The Inspector concluded in para 26 that even with the 3 storey accommodation *‘...the separation distances are such that harmful overlooking would not exist at the level sought to be avoided in Policy EN1.’*

7.39 The design has been amended, with a reduction in depth and scale and also so that the design pays more regard to the character of the area, As such the relationship with the existing properties has in fact been improved compared to the appeal scheme. The view from River Court has been amended so that there is a reduction in the depth of the development above first floor level, by some 4.5m, a reduction in height by approx. 0.5m and also less windows

facing this direction. The inspector did not consider the relationship of the appeal scheme to have a significant impact on the amenity of the existing properties at River Court or the flats to the north, only that the failings with the design and scale of the appeal scheme would be evident from them. The design has been amended to improve the visual impact. Consequently, it continues to have an acceptable impact on the amenity of the occupiers of River Court.

- 7.40 The proposal is considered to have an acceptable relationship with and therefore impact on the amenity of existing neighbouring residential properties, conforming to the SPD and Policy EN1.

Amenity Space

- 7.41 The Council's SPD on Residential Extension and New Residential Development 2011 provides general guidance on minimum garden sizes (In the case of flats it requires 35 sqm per unit for the first 5 units, 10 sqm for the next 5 units, and 5 sq. m per unit thereafter. The amount of amenity space required is 285 sq. m and the proposal provide in excess of this. This is considered to be acceptable and was not previously a reason to the object to the scheme.

Proposed dwelling sizes

- 7.42 The SPD on the Design of Residential Extensions and New Residential Development 2011 sets out minimum floorspace standards for new dwellings. These standards relate to single storey dwellings including flats, as well as to 2 and 3 storey houses. For example, the minimum standard for a 1-bedroom flat for 2 people is 50 sq. m.
- 7.43 The Government has since published national minimum dwelling size standards in their "*Technical Housing Standards – nationally described space standard*" document dated March 2015. These largely reflect the London Housing Design Guide on which the Spelthorne standards are also based. The standards are arranged in a similar manner to those in the SPD. This national document must be given substantial weight in consideration of the current application in that it adds this additional category of small dwellings not included in the Council's Standards.
- 7.44 All of the proposed dwelling sizes comply with the minimum standards stipulated in the national technical housing standards and the SPD. Therefore I consider their standard of amenity overall to be acceptable.

Highway Issues and parking

- 7.45 Strategic Policy SP7 of the CS & P DPD states that:

"The Council will reduce the impact of development in contributing to climate change by ensuring development is located in a way that reduced the need to travel and encourages alternatives to car use. It will also support initiatives, including travel plans, to encourage non car-based travel."

7.46 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.

7.47 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.

7.48 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum (maximum parking standards continue to be applicable in relation to commercial development). The supporting text to the Parking Standards stipulates a number of important exceptional situations where a reduction in parking will only be allowed. One of these situations includes town centre locations where the reduction in parking will be assessed against, amongst other considerations, the range and quality of facilities within reasonable walking distance and where there is good access to public transport.

7.49 The proposed parking provision is 13 spaces, whilst the minimum parking standard for a sheltered housing scheme requires 0.4 car parking spaces per dwelling; this would require a minimum of 9 onsite parking spaces. The proposed provision is therefore in excess of the minimum requirement, which would also provide parking for the warden, who would not reside on the site. As such the parking provision is acceptable and conforms to the parking SPD and also Policy CC3. The County Highway Engineer has raised no objection to the proposal on highway safety grounds and indeed no objection was raised to the appeal proposal which was for 25 units with the same number of parking spaces.

7.50 The applicants have submitted a Transport Statement to address such issues. In it they refer to existing development sites for shelter housing schemes, including in Sutton and Epsom, where they have provided 0.41 and 0.52 parking spaces per unit, with an average of 0.32 spaces per unit normally implemented. This current scheme will provide 13 spaces, which is the same as for the previous scheme for a higher number of units. As such, the current proposal for 22 units, with the provision of 13 car parking spaces equates to a level of some 0.59 spaces per unit, which is considered to be acceptable.

7.51 Therefore the CHA have 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. Inspector raised no objection on highway issues. The

inspector did not considered that there would be any harm, noting in para 27 that *'the nature of the development would not lead to significant additional traffic over that likely to be generated by three large family houses, and parking provision is acceptable to the relevant authorities. Any infringement of parking controls would be enforceable against.'*

- 7.52 In para 29 the Inspector summarises, *'...to conclude on this issue, the highway impacts are acceptable.'* As such there continues to be no objection on highway grounds.

Affordable housing

- 7.53 Policy HO3 of the CS & P DPD requires up to 50% of housing to be affordable where the development comprises 15 or more dwellings. The Council seeks to maximise the contribution to affordable housing provision from each site having regard to the individual circumstances and viability, including the availability of any housing grant or other subsidy, of development on the site. Negotiation is conducted on an 'open book' basis.
- 7.54 The applicants have submitted an Affordable Housing Statement and Viability Appraisal and the Council's Consultant Advisor has agreed that it is not viable to provide an affordable housing contribution, either on site or by way of commuted payment. As such all of the proposed flats will be privately owned with no affordable housing provided. It should be noted that the appeal scheme for 25 units was not refused on affordable housing grounds and this is still considered to be the case for the revised proposal for 22 units.

Flooding

- 7.55 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 (Zone1) 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). .
- 7.56 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. The applicant has submitted a Flood Risk Assessment & Surface Water Drainage Strategy, as is required by Policy LO1 of the CS & P DPD.
- 7.57 In terms of flood risk the development given the site is located outside of the high flood risk area and as displayed in the FRA there is no risk to the future occupants of the site from flooding.
- 7.58 With regards to surface water drainage, the applicants have submitted a Drainage Strategy Report and a Surface Water Drawing Statement, and are proposing to implement infiltration drainage devices to ensure improved drainage than currently on site.

- 7.59 The Environment Agency have raised no objection subject to a condition as the scheme meets the Council's sequential test. Furthermore, the Lead Local Flood Authority at Surrey County Council has raised no objection to the proposed sustainable drainage scheme, subject to conditions. Accordingly, the application complies with the requirements of Policy LO1 of the CS & P DPD.

Renewable Energy

- 7.60 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.
- 7.61 The applicant has submitted a Revised Energy Statement, which considers various renewable energy options for the site. The report concludes that the proposed development can provide Air source heat pumps (ASHP) or ground source heat pumps (GSHP) and confirms that a total energy reduction of at least 10% can be achieved. The Council's Sustainability Officer has been consulted and raises no objection. Accordingly, the renewable energy proposals are acceptable, subject to the imposition of a condition.

Dwelling mix

- 7.62 Policy HO4 of the CS & P DPD (Housing Size and Type) states that the Council will ensure that the size and type of housing reflects the needs of the community by requiring developments that propose four or more dwellings to include at least 80% of their total as one or two bedroom units.
- 7.63 The proposal complies with the requirements of Policy HO4 as 100% of the proposed units are 1 and 2-bed.

Impact on Trees/Landscaping.

- 7.64 The Council's Tree Officer, has raised no objection to the appeal scheme or the current amended scheme. However he recommends a condition be imposed to require the submission of a 'no dig' method statement and provision of a permeable surface to ensure an acceptable impact on the protected trees.
- 7.65 As noted previously the greater gap between the rear building line and the protected trees at the rear of the site will ensure that the trees have greater space around them. This will improve their visual appearance compared to the previous scheme. The proposed landscaping will help to enhance the proposed development and is considered to be acceptable.

Contaminated Land and air quality

- 7.66 The Council's Pollution Control Officer has raised no objection but requested standard conditions to be imposed requiring a further investigation to be carried out, along with a demolition and construction management plan. Subject to these conditions, the proposal is considered acceptable.

Refuse Storage and Collection

- 7.67 The layout of the site has been designed to so that the collection point is accessible, removing the need to enter the site with a vehicle. The Council's Head of Street Scene has been consulted and raises no objection to the arrangement now proposed. Furthermore, the County Highway Authority has raised no objection on this particular issue. Accordingly, the proposed refuse storage and collection facilities are considered acceptable.

Local Finance Considerations

- 7.68 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.
- 7.69 In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development and will generate a CIL Payments based on a rate of £140 per sq. metre of net additional gross floorspace. This is a material considerations in the determination of this planning application. The proposal will also generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal

Other Matters

- 7.70 With regard to the Crime Prevention Officer's comments, it is not considered it is appropriate to impose a condition, as requested, relating to "Secured by Design". Many of the requirements are very detailed (e.g. standards of windows, doors and locks), elements which are not normally covered and enforced under the planning regulations.

Conclusion

- 7.71 The proposal is considered to overcome the Inspector's concerns regarding the previous appeal scheme. The scheme will make effective use of urban land in a sustainable location, and meet a need for housing. The proposal will be in keeping with the character of the area will have an acceptable impact on the visual amenities of the area. The application is recommended for approval.

8. 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 and drawings:
Number 20058SP P01 site location plan, P22 first floor plan, P23 first floor plan, P24 second floor plan, P25 roof plan, P26, P27 and P28 elevational drawings, Tree protection plan, 163 LS 001_A landscape strategy received on 13.04.2017 and amended P21 site plan received on 30.03.2017

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

3. Before any work on the development hereby permitted is first commenced details of the materials and detailing to be used for the external surfaces of the building and other external surfaces of the development be submitted to and approved by the Local Planning Authority.

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

4. No development shall take place until:-

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

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

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

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

Reason:-

- (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.

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

- 5. No construction on the buildings shall commence until a report has been submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for 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 and maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

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

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

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

7. Demolition works and construction of the development hereby approved must only be carried out on site between 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturday and none at all on Sunday, Public Holidays or Bank Holidays.

Reason: - In the interest of amenity

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

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

9. Before any construction commences, details including a technical specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting on the site shall at all times accord with the approved details.

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

10. No development shall take place 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 approved.

Reason:-

11. The development hereby permitted shall not commence until the detailed design of the surface water drainage scheme have been submitted to and approved in writing by the planning authority. Those details shall include:

a)A design that satisfies the SuDS Hierarchy and follows the principles set out in the approved drainage strategy '30481/4049 Drainage Strategy Report'

- b) Detailed drawings showing drainage layout, long or cross sections of each drainage element, pipe sizes and invert and cover levels.
- c) Appropriate calculations to the elements above showing how the national SuDS standards have been met (if different from approved strategy).
- d) Details of outline construction phasing and how surface water and any associated pollution risk will be dealt with during the construction of the development, and how any on site drainage systems will be protected and maintained
- e) Details of who will maintain the drainage elements and their associated maintenance regimes.
- f) Details of where any exceedance flows (i.e. rainfall greater than design or flows following blockages) would run to, avoiding risks to people and property.

Reason: To ensure the design meets the technical stands for SuDS, does not increase flood risk on or off site and is suitable maintained throughout its lifetime.

12. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

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

- 13 No building operations shall commence until a Dust Management Plan detailing dust suppression and other mitigation measures during construction shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented in accordance with the approved details.

Reason: - To safeguard the amenity of neighbouring properties.

- 14 No demolition, site clearance or building operations shall commence until a demolition method statement has been submitted to and approved in writing by the Local Planning Authority. The demolition works shall be carried out strictly in accordance with the approved method statement.

Reason: - To safeguard the amenity of neighbouring properties.

- 15 That the parking spaces shown on the submitted plan be constructed and the spaces shall be completed prior to the completion of the dwellings to which they relate, and thereafter the approved facilities together with the means of access thereto shall be maintained as approved, and be reserved for the benefit of the development hereby permitted.

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

- 16 The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Manygate Lane has been constructed in accordance with the approved plan numbered 20058SP P21 and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6 metres high above the ground.

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

17. The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the access to Manygate Lane, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

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

- 18 No development shall commence until a Construction Transport Management Plan, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) provision of boundary hoarding behind any visibility zones
 - (f) HGV deliveries and hours of operation
 - (h) measures to prevent the deposit of materials on the highway
 - (k) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

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

- 19 The proposed demolition and development works shall be carried out strictly in accordance with the Mitigation and Enhancement actions set out in ECOSA Phase 2 Bat Assessment October 2015 and ECOSA Preliminary Ecological Appraisal September 2015.

Reason:- To ensure an acceptable impact on the ecology and biodiversity fo the site.

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

Reason:- To ensure an acceptable impact on the ecology and biodiversity fo the site.

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

Reason:- To ensure an acceptable impact on the heritage assest.

- 22 At no time shall the development hereby approved be occupied by persons under the age of 60 years, unless in the case of a couple where one person is over the age of 60 years, the second person shall not be under the age of 55 years.

Reason:-To ensure levels of parking accord with the use.

- 23 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.

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

- 24 Prior to the commencement of development, a method statement detailing the construction of the parking spaces numbered 8 – 13 and the turning area in front of them, as shown on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall show that the parking spaces and turning area will be constructed using no-dig techniques and be finished with a permeable surface in line with recommendations contained in BS5837;2012. The parking spaces and turning area shall be constructed in accordance with the agreed details and the permeable surface shall be maintained as agreed.

Reason:- To ensure the development has an acceptable impact on the protected trees

Informatives to be attached to the planning permission

1. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.
2. The applicant's attention is drawn to the ACPO/Home Office Secured by Design (SBD) award scheme, details of which can be viewed at www.securedbydesign.com.
3. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water

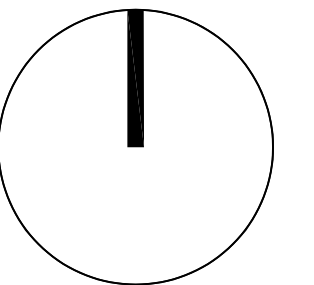
discharge from the site shall not be detrimental to the existing sewerage system.

- 4 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.
- 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. Further information on CIL and the stages which need to be followed is available on the Council's website. www.spelthorne.go.uk/CIL

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.



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lient

Churchill
Retirement Living 

Project Title

PROPOSED RETIREMENT LIVING DEVELOPMENT
7, 9 & 11 Manygate Lane
Shepperton
W17 9EQ

Drawing Title

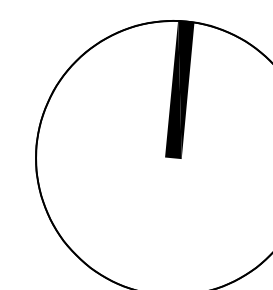
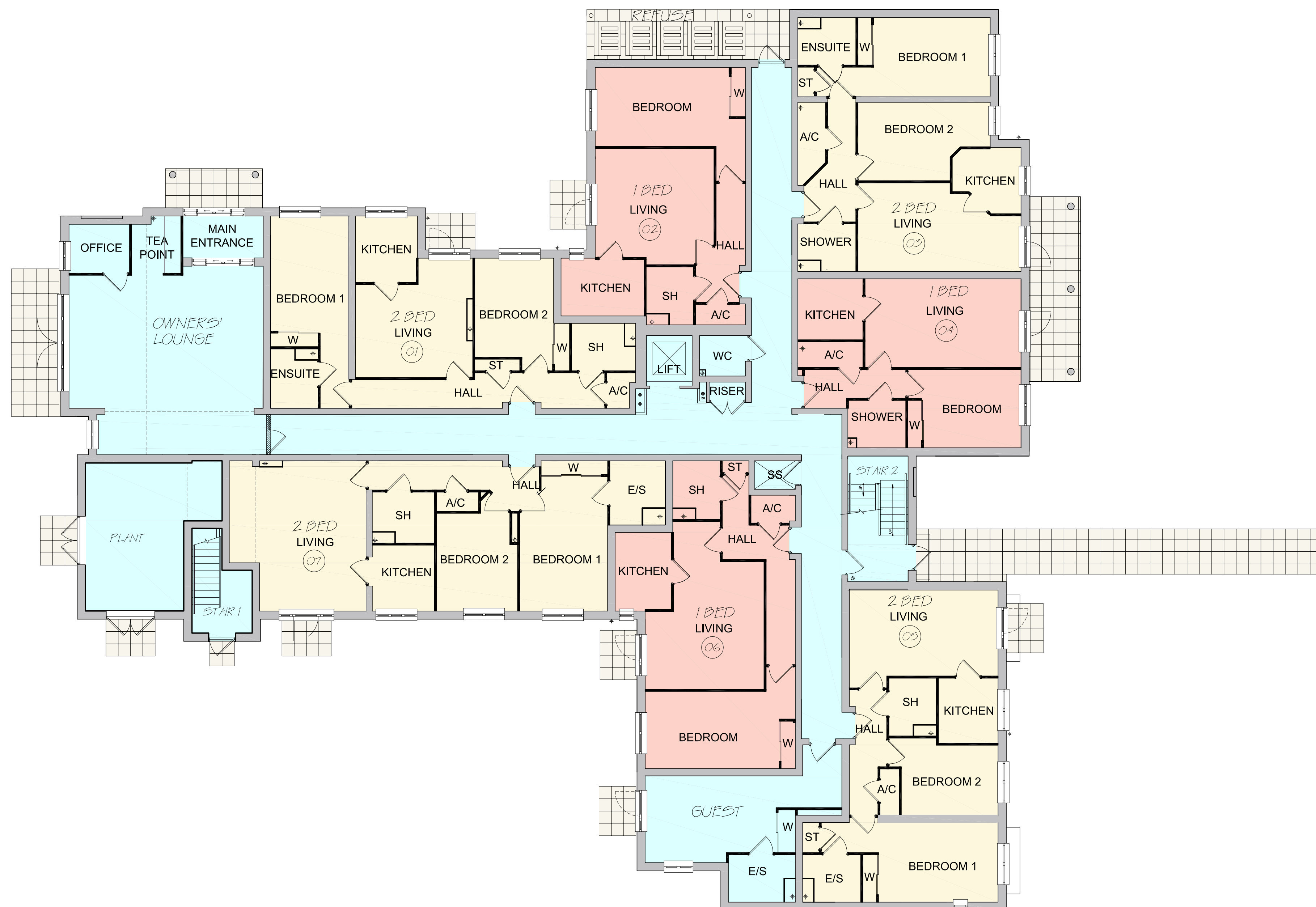
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Drawing No.		Rev.	

0058SP P21

LOT DATE:- 23 May 2017

Proposed Retirement Living Development at 7,9&11 Manygate Lane, Shepperton, TW17 9EQ



NORTH

FLAT MIX:	
1 BED APARTMENTS =	13
2 BED APARTMENTS =	9
TOTAL =	22
LEGEND:	
	1 BED APARTMENTS
	2 BED APARTMENTS
	COMMUNAL AREAS

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Client
Churchill
Retirement Living

Project Title
PROPOSED RETIREMENT LIVING DEVELOPMENT
7, 9 & 11 Manygate Lane
Shepperton
TW17 9EQ

Drawing Title
GROUND FLOOR PLAN
PLANNING

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Drawing No.	Rev.		

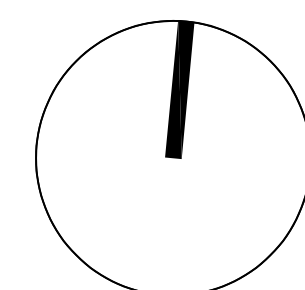
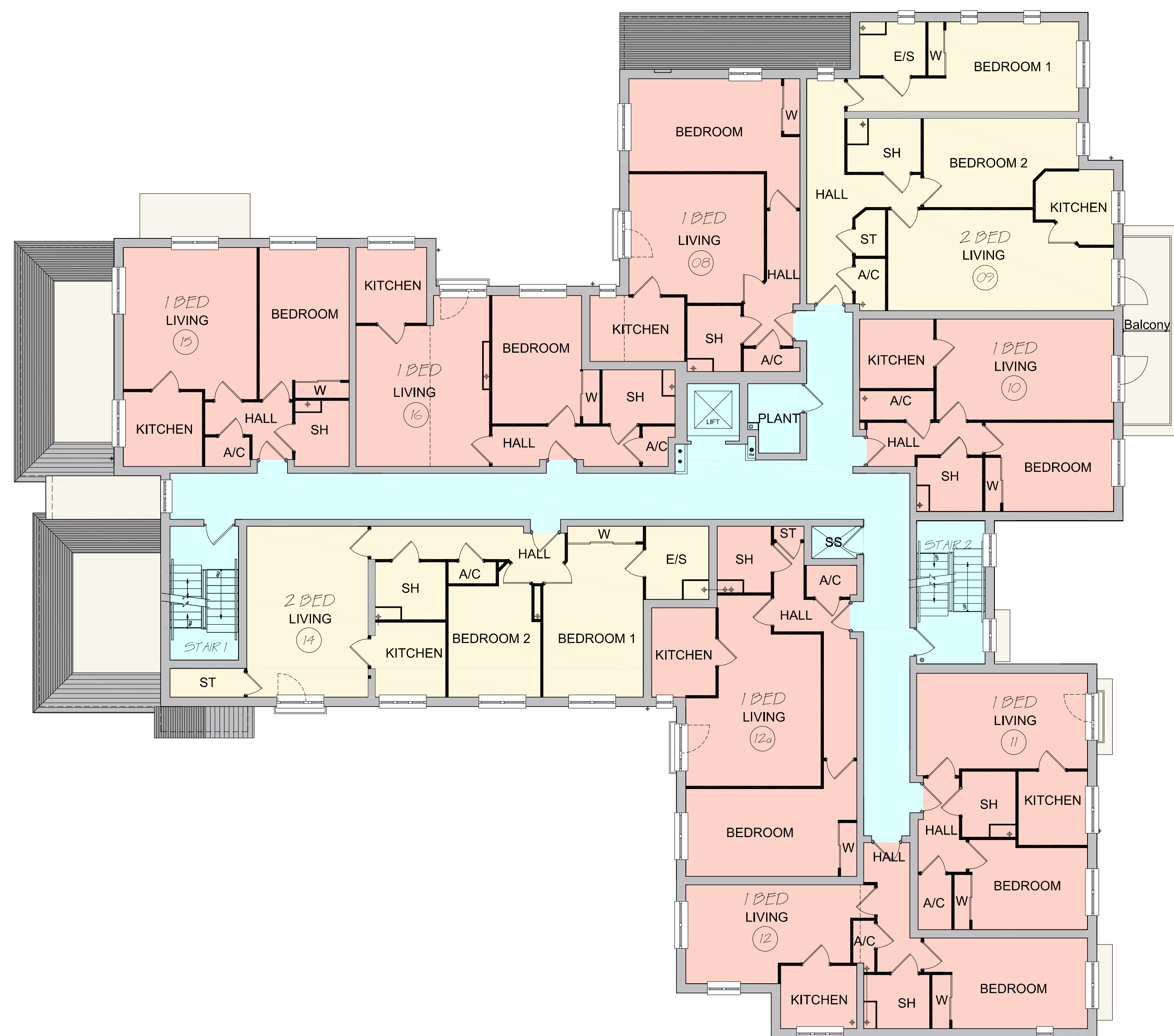
20058SP P22

PLOT DATE: 13 April 2017

GROUND FLOOR PLAN



Proposed Retirement Living Development at 7,9&11 Manygate Lane,
Shepperton, TW17 9EQ



NORTH

FLAT MIX:	
1 BED APARTMENTS =	13
2 BED APARTMENTS =	9
TOTAL	= 22
Legend:	
	1 BED APARTMENTS
	2 BED APARTMENTS
	COMMUNAL AREAS

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Client

Churchill

Retirement Living

Project Title

PROPOSED RETIREMENT LIVING DEVELOPMENT
7, 9 & 11 Manygate Lane
Shepperton
TW17 9EQ

Drawing Title

FIRST FLOOR PLAN
PLANNING

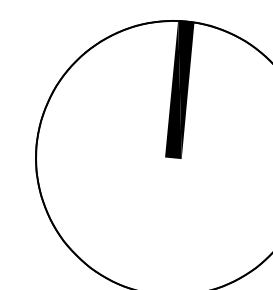
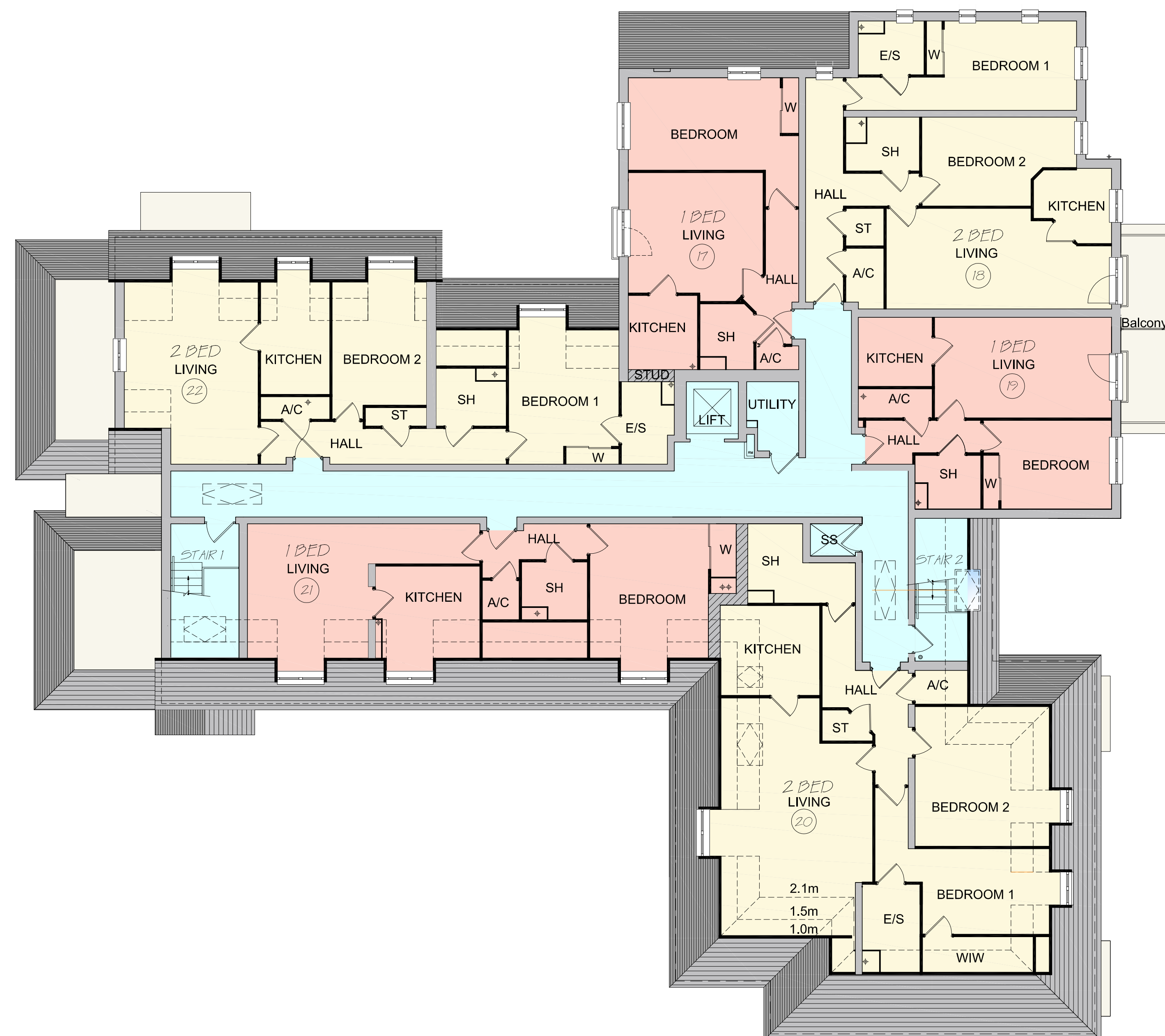
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Drawing No.	Rev.		
20058SP P23			

PLOT DATE: 13 April 2017

FIRST FLOOR PLAN



Proposed Retirement Living Development at 7,9&11 Manygate Lane,
Shepperton, TW17 9EQ



NORTH

FLAT MIX:	
1 BED APARTMENTS =	13
2 BED APARTMENTS =	9
TOTAL	= 22
Legend:	
	1 BED APARTMENTS
	2 BED APARTMENTS
	COMMUNAL AREAS

SECOND FLOOR PLAN



Proposed Retirement Living Development at 7,9&11 Manygate Lane,
Shepperton, TW17 9EQ

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TOWN PLANNING AND ARCHITECTURAL DESIGN

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Client

Churchill
Retirement Living

Project Title

PROPOSED RETIREMENT LIVING DEVELOPMENT
7, 9 & 11 Manygate Lane
Shepperton
TW17 9EQ

Drawing Title

SECOND FLOOR PLAN
PLANNING

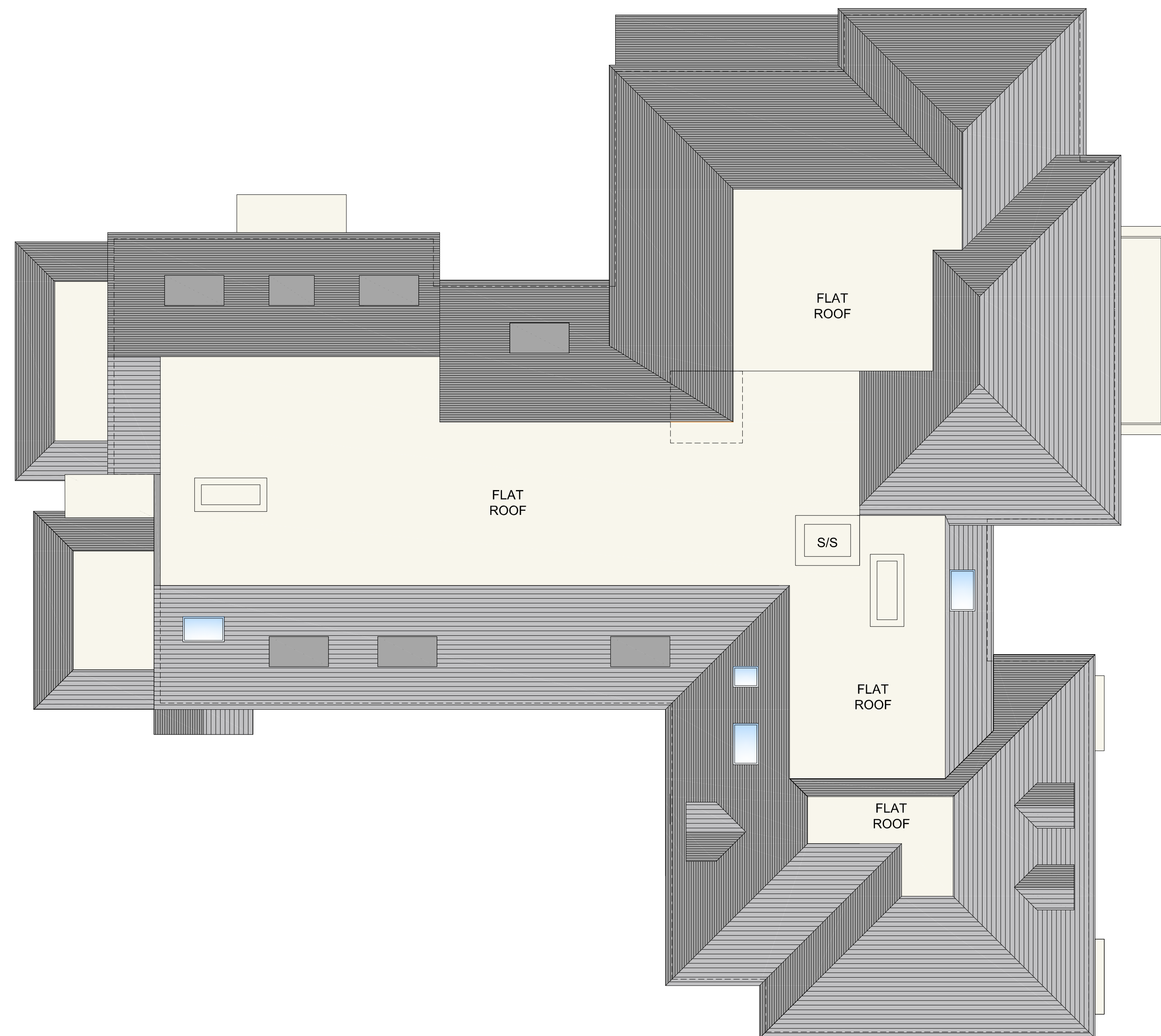
Scale: 1:100@ A1 Date: MARCH 2017

Drawn: HT/KT Checked: BS

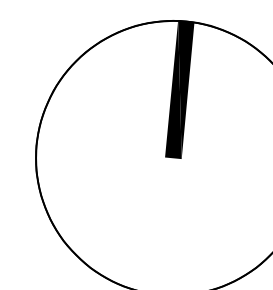
Drawing No. Rev.

20058SP P24

PLOT DATE: 13 April 2017



ROOF PLAN



NORTH

FLAT MIX:	
1 BED APARTMENTS =	13
2 BED APARTMENTS =	9
TOTAL	= 22
Legend:	
	1 BED APARTMENTS
	2 BED APARTMENTS
	COMMUNAL AREAS

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ROOF PLAN

PLANNING

Scale	1:100@ A1	Date	MARCH 2017
Drawn	HT/KT	Checked	BS
Drawing No.	Rev.		
20058SP P25			

PLOT DATE: 13 April 2017

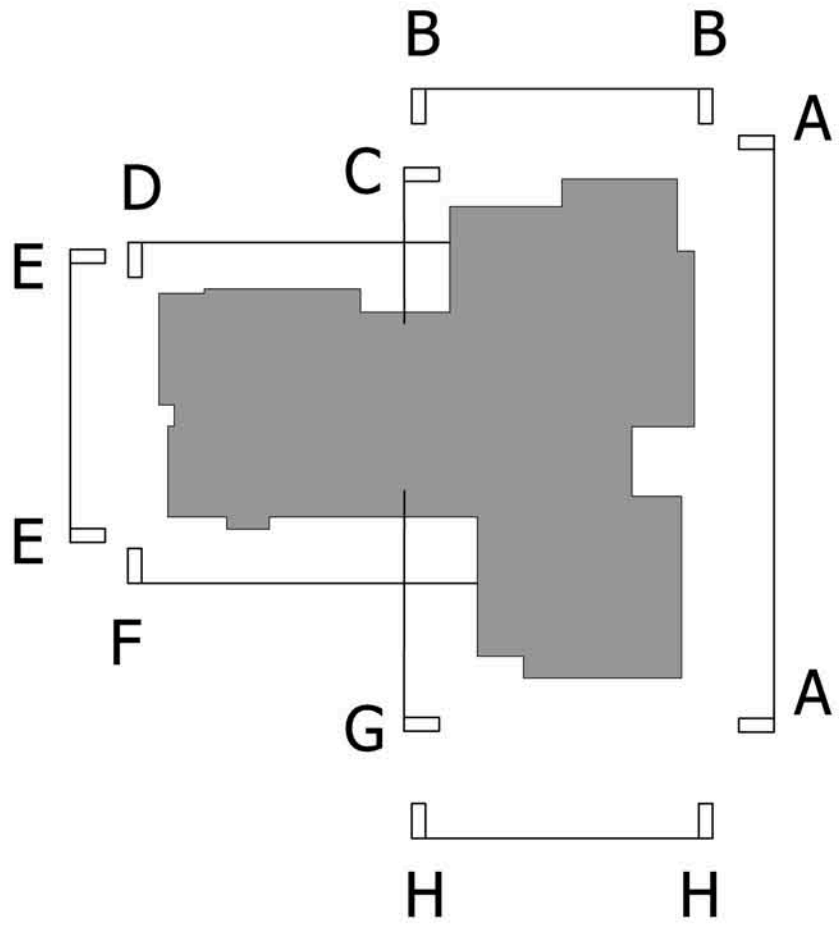
Proposed Retirement Living Development at 7,9&11 Manygate Lane,
Shepperton, TW17 9EQ



ELEVATION A-A
(SCALE 1:100)



ELEVATION A-A
(SCALE 1:100)



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Client

Churchill
Retirement Living

Project Title
Proposed Cat II Sheltered Housing
7,9 & 11 Manygate Lane
Shepperton
TW17 9EQ

Drawing Title
ELEVATION COMPARISON 1
PLANNING

Scale	1:100/200@ A1	Date	JUN 2017
Drawn	HT	Checked	BS
Drawing No.	Rev.		
20058SP P30			

PLOT DATE: 13 June 2017

Elevation Comparison

Proposed Sheltered Housing at 7,9 &11 Manygate Lane, Shepperton TW17 9EQ

Refused Elevation



ELEVATION B-B

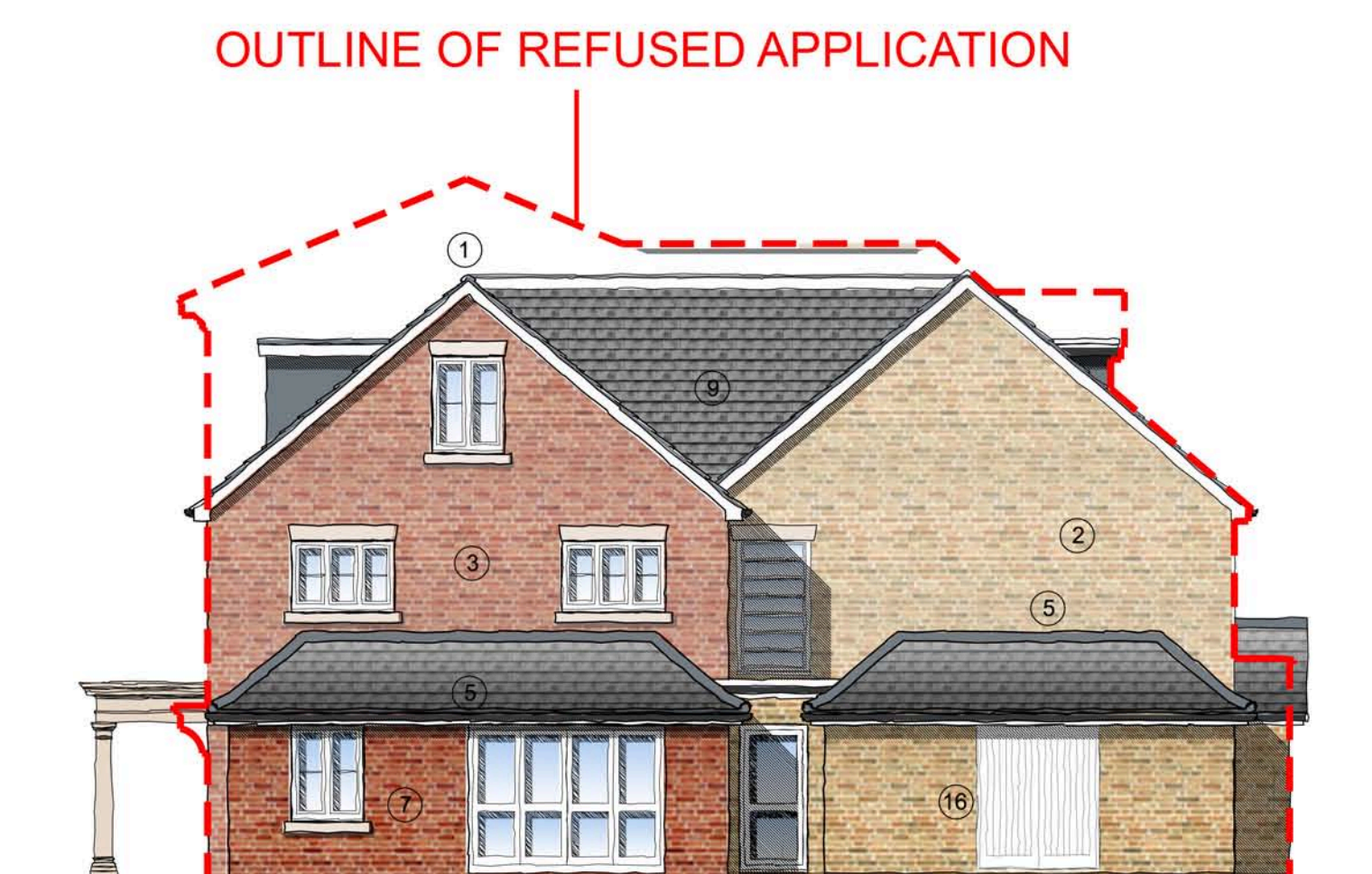


ELEVATION E-E

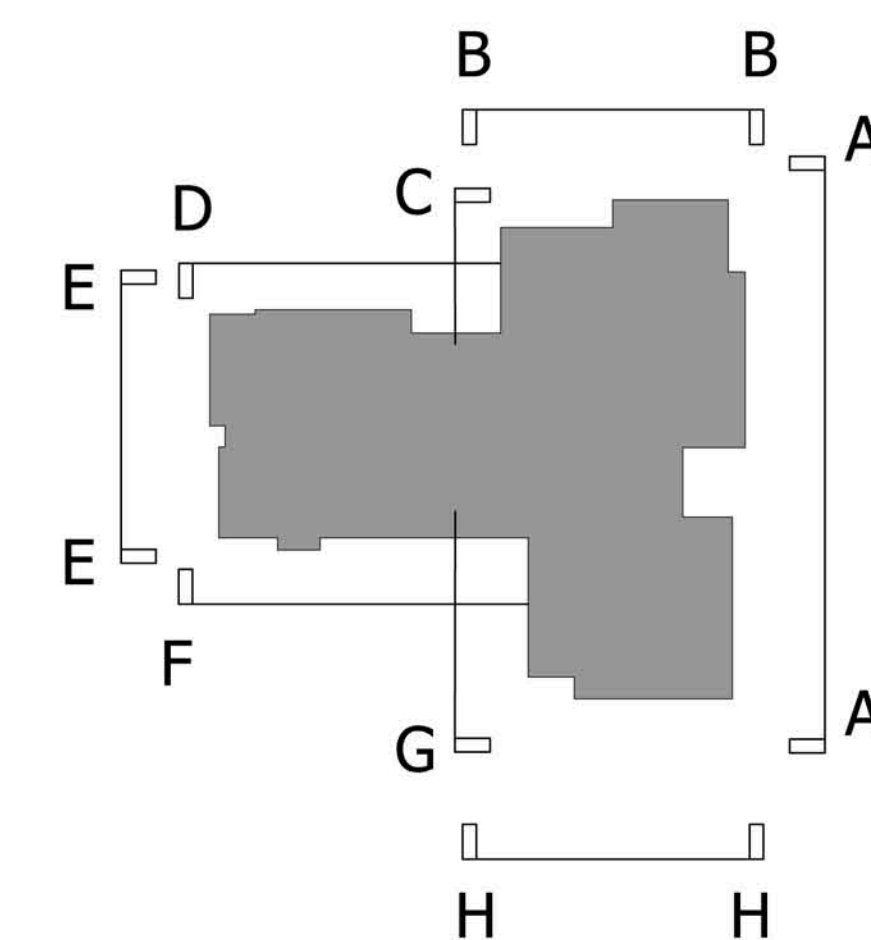
Proposed Elevation



ELEVATION B-B



ELEVATION E-E



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Client

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Retirement Living

Project Title

Proposed Cat II Sheltered Housing
7, 9 & 11 Manygate Lane
Shepperton
TW17 9EQ

Drawing Title

ELEVATION COMPARISON 1
PLANNING

Scale 1:100/200@ A1 Date JUN 2017

Drawn HT Checked BS

Drawing No. Rev.

20058SP P30

PLOT DATE: 13 June 2017

Elevation Comparison

Proposed Sheltered Housing at 7,9 &11 Manygate Lane, Shepperton TW17 9EQ

Refused Elevation

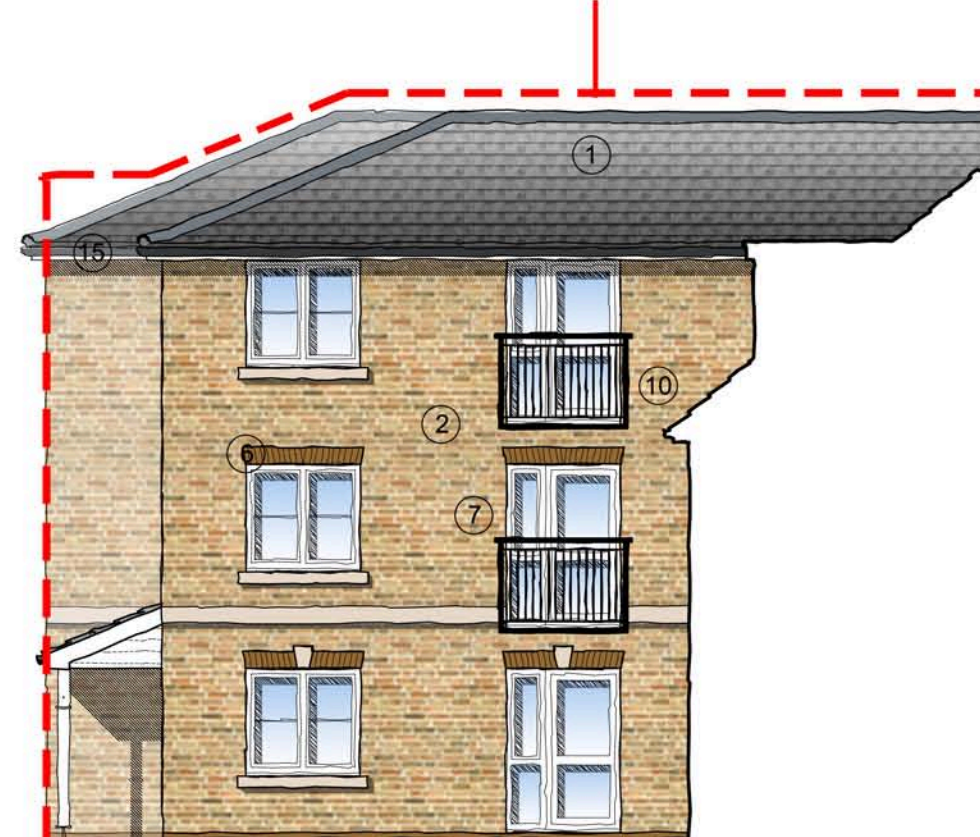


ELEVATION C-C



ELEVATION D-D

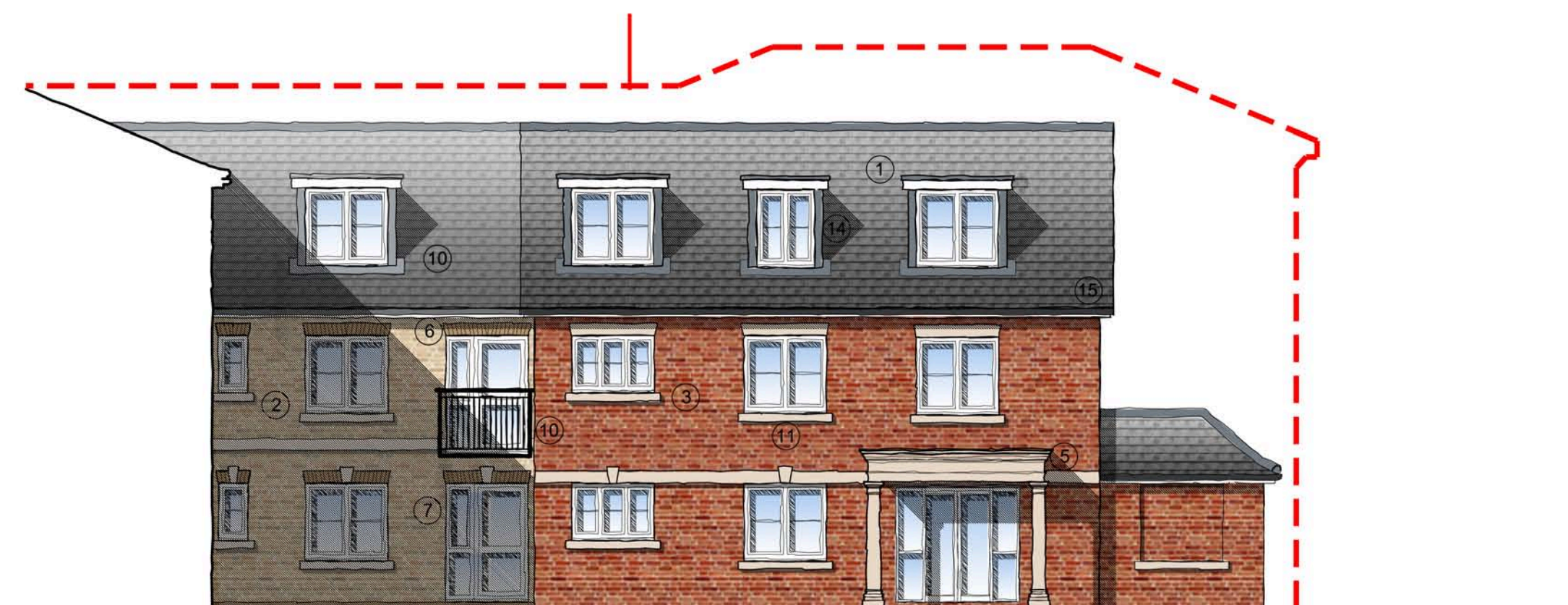
OUTLINE OF REFUSED APPLICATION



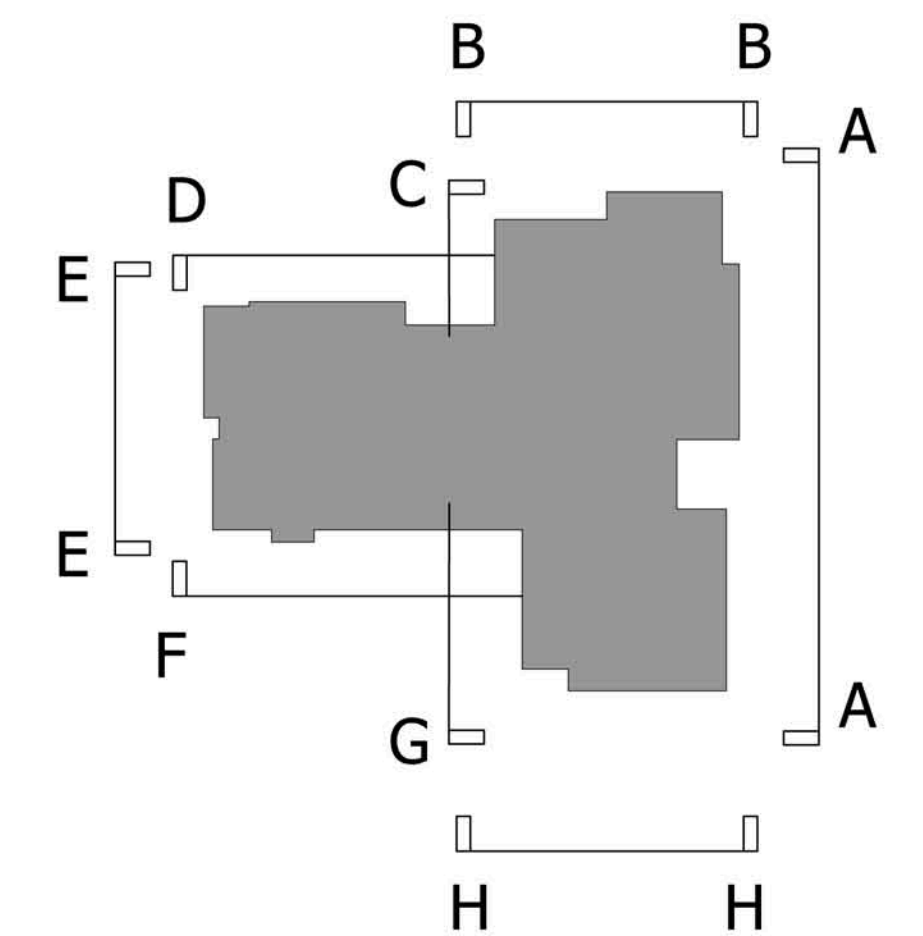
Proposed Elevation

ELEVATION C-C

OUTLINE OF REFUSED APPLICATION



ELEVATION D-D



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Client

Churchill
Retirement Living

Project Title

Proposed Cat II Sheltered Housing

7, 9 & 11 Manygate Lane

Shepperton

TW17 9EQ

Drawing Title

ELEVATION COMPARISON 3

PLANNING

Scale 1:100/200@ A1 Date JUN 2017

Drawn HT Checked BS

Drawing No. Rev.

20058SP P32

PLOT DATE: 13 June 2017

Elevation Comparison

Proposed Sheltered Housing at 7, 9 & 11 Manygate Lane, Shepperton TW17 9EQ

Refused Elevation



ELEVATION F-F



ELEVATION G-G



ELEVATION H-H

Proposed Elevation



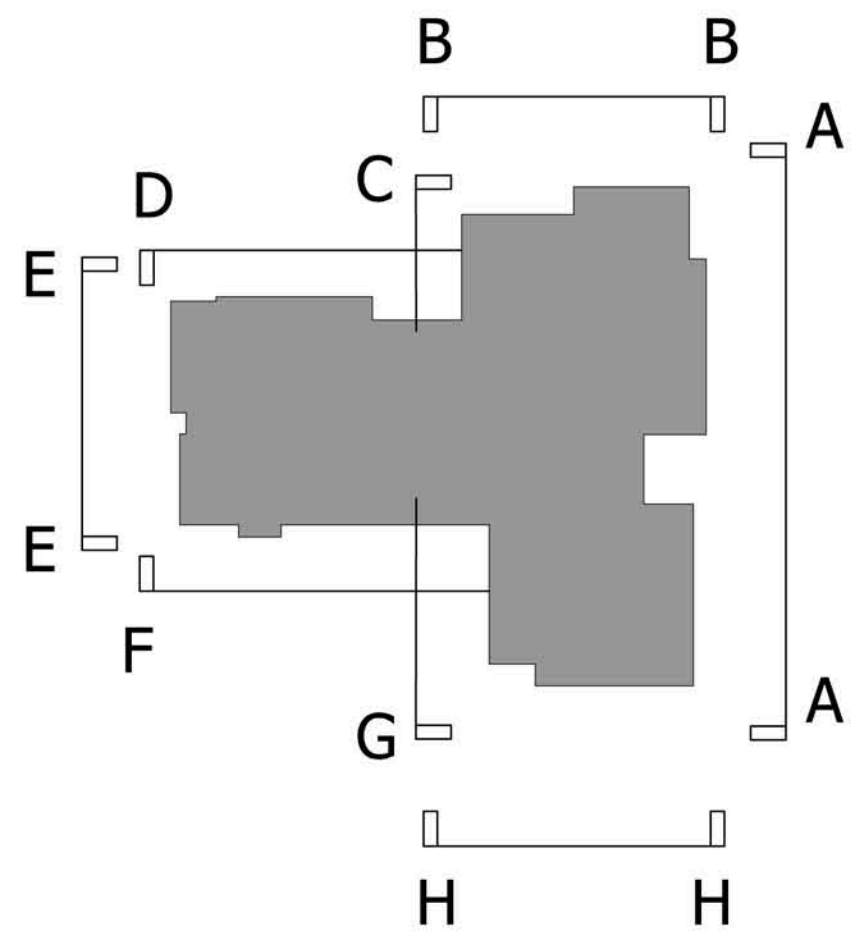
ELEVATION F-F



ELEVATION G-G



ELEVATION H-H



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Shepperton
TW17 9EQ

Drawing Title

ELEVATION COMPARISON 4
PLANNING

Scale

1:100/200@ A1

Date

JUN 2017

Drawn

HT

Checked

BS

Drawing No.

20058SP P33

Rev.

PLOT DATE: 13 June 2017

Elevation Comparison

Proposed Sheltered Housing at 7,9 &11 Manygate Lane, Shepperton TW17 9EQ

Appeal Decision

Site visits made on 28 November and 6 December 2016

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12th December 2016

Appeal Ref: APP/Z3635/W/16/3147733

7 - 11 Manygate Lane, Shepperton TW17 9EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Churchill Retirement Living Ltd against the decision of Spelthorne Borough Council.
 - The application Ref 15/01412/FUL, dated 22 October 2015, was refused by the Council by notice dated 1 March 2016.
 - The development proposed is demolition of existing houses and erection of a new building with three floors of accommodation to provide 16 no. 1 bed and 9 no. 2 bed sheltered apartments for the elderly including communal facilities. Creation of new access, associated parking area and landscaping.
-

Decision

1. I dismiss the appeal.

Procedural Matters

2. The description used in the bullet point above is taken from the Council's refusal notice and appears more detailed. In any event the nature of the proposal is clear from the submitted drawings and other documents.
3. An accompanied site inspection had been arranged for 28 November and this was attended by representatives of both the Council and the appellant. A view was taken within the garden of each of the appeal properties, as well as from public places in the surrounding area. The Council referred to requests to view from local residents, but no-one was in attendance and to have sought access would have risked missing someone. A further visit was arranged for 6 December specifically to enter private properties in River Court as requested.

Main Issues

4. These are;
 - The effect of the proposals on the character and appearance of the area.
 - The effect of the proposals on the living conditions of neighbouring residential occupiers, together with the highway impact.

Reasons

Character and Appearance

5. Policy EN1 of the Core Strategy and Policies Development Plan Document 2009 on the design of new development requires a high standard in design and
-

layout, creating buildings and places that are attractive, paying due regard to scale, height, building lines and layout among other requirements. Policy HO5 of the same document on the density of housing development makes reference to Planning Policy Statement 3 '*Housing*' when defining density. That statement of Central Government housing planning policy has been superseded by the National Planning Policy Framework. In fact Policy HO5 continues that higher density than might be suggested by the policy may be acceptable where complying with Policy EN1.

6. Supplementary Planning Document '*Design of Residential Extensions and New Residential Development*' refers to the removal of minimum density requirements from PPS3 and states that Policy EN1 and other Council policies already provide clear guidance enabling poorly designed schemes on any site to be refused. No changes to the Council's existing policies were therefore considered to be required at that time. One of the most important considerations in preparing a well-designed scheme is stated to be to ensure it is in keeping with and makes a positive contribution to the character of an area
7. The National Planning Policy Framework states at paragraph 56 that the Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
8. The Council has supplied a map showing the location of protected trees along the western boundary of the site, but within the adjoining school grounds, and how the boundary of the Lower Halliford Conservation Area adjoins the southern boundary of the site and includes part of the school buildings, River Court, as well as the older and more architecturally significant properties to the river bank. The setting of this designated heritage asset is a material consideration as are views into and out of the area.
9. On the matter of open space and density, the nature of the proposed use differs from family housing and the need would likely be for secluded areas away from traffic noise. The location of the front façade is on the building line and the area of garden there serves more as landscaping to the public realm, although residents may enjoy being there for that reason. The garden to the rear is limited by the need for car parking space and room to manoeuvre and it appears reasonable to locate the garden away from that use and nearer the residential properties at River Court.
10. The rear garden land at present does not play a significant part in the street-scene, but the presence of the protected trees on the rear boundary does. Their upper canopies would remain dominant features, and in the balance between making best use of land in an accessible location, and retaining what was family garden space to three large houses, the proposed density of development does not appear too great as such. However, the test, as accepted in Policy HO5 and the later Supplementary Planning Document, is the effect of any given density with regard to Policy EN1 and particularly in this appeal, the visual effect.
11. The proposal would require the removal of three large detached houses, which in their detailing and use of materials echo that of the semi-detached house on the east side of the road, but which do not resemble to the same degree the development at River Court to the south or the flats to the north. Numbers 7

- and 9 occupy a significant part of the width of their sites and leave a limited gap to River Court, whilst number 11 has space to the north where it abuts the flats. The view of the Council's Conservation Officer is concurred with now that they are not of particular merit, but they do sit well in their surroundings.
12. Two elements of the proposed front elevations respond appropriately to the street context; that adjoining River Court being redolent of the proportions and detailing of that recent development within the conservation area, and the forward projecting part to the other end would echo the form of the flats with three storeys and eaves.
 13. However, the two parts would be linked by a recessed area utilising a third form of wall and roof finish, and whilst the effect would be of reduced mass and some articulation, the sheer face and abrupt termination at a parapet would clash unattractively with the roof slopes either side, a feature shown to effect in the computer generated image of drawing P08. This feature introduces an uncharacteristic building form into the street-scene.
 14. It is accepted that the Officers responsible for the Report did not agree with the Conservation Officer's view as to this feature, considering the whole front façade *'to be in keeping with the character of the area, paying due regard to the height, design and materials of existing properties.'* Nevertheless, in an appeal to the Secretary of State, the proposals are to be considered afresh, and this issue has been raised previously. It could well be that, as asserted by the Conservation Officer, a limited rearrangement of the staircase could soften this appearance, but at present it is a jarring element.
 15. To the north end the attractive eaves detailing would change to that of a parapet with hidden gutters, resulting in a raised wall height and the risk of a further unattractive junction with the pitched roofs at either end of that section. The introduction of a parapet does not echo a feature in the vicinity, the large modern flats to the south-east relying on deep overhanging eaves and would appear bulky and over-high, and hence out of scale as a result.
 16. A further part extending to the rear would revert to the conventional eaves arrangement over three storeys, and this would terminate approximately 9m from the rear boundary with a central flat area. The range would have a southern aspect of two storeys with rooms and dormers in the roof, similar to the arrangement at River Court which it would face. That arrangement would continue round to the front, with the blue dotted line on drawing 20058SP P02 making clear where the location of the façades differ from what is there now.
 17. It is this rearward projection that appears to be the main issue for the Council, and the gap formed at the northern end of the site to accommodate the vehicle entry would allow a view through to this area. It is the case that the flats to the north project back into their site, both blocks having a 'T' shape and the further block being set to the rear of the site. But, in that case there is clear space around the buildings as seen from public viewpoints of the street and the footpath along the northern boundary of the school fields. In the case of the appeal proposals the rearward projection would interfere with the appreciation of the protected trees, and would appear as an over-deep intrusion into their setting and the open space between them and the frontage development. It is because of the trees that the wide open spaces of the school fields do not overcome this failing.

18. Whilst the view from that footpath is more distant, it appears the case that the central roadway to the flats to the north is public highway as far as the entry to the garages, and from that viewpoint the rearward projection would appear intrusive at the full three storeys.
19. With regard to views from the conservation area, the development would likely be visible from the footway on Russell Road across the car park to the Red Lion public house in a gap in front of 4 River Court. However, that gap does not appear a particular feature of the designated area and there is already the closer modern development of River Court. The more distant rearward projection would not intrude to any harmful extent.
20. Also acceptable is the effect of the garages and manoeuvring space directly in line with the gap at the side of the building, as this could be softened by landscaping where the entry onto the road is set to the south. The grouping of garages with those already in place to the north appears a reasonable use of space.
21. Nevertheless, there are, as detailed above, elements of the proposal that would cause visual harm and whilst density as such is not at fault, the design and disposition of the accommodation and particularly the amount of rearward projection would not reach the standard sought in paragraph 56 of the Framework of the Supplementary Planning Document. With regard to Policy EN1, the proposal would not respect or make a positive contribution to the street-scene and the character of the area, and would fail to pay due regard to the surroundings.

Living Conditions

22. Representation has been received as to the effect on the living conditions of neighbouring occupiers and also with regard to highway issues and how that is seen to affect them. Whilst not matters supported by the Council, it is appropriate to address these concerns as a main issue, particularly in view of the visits made to three dwellings in River Court. In this respect Policy EN1 seeks to achieve a satisfactory relationship to adjoining properties.
23. It appears that the development at River Court has been designed to take account of the privacy that existed in the rear gardens of the three detached dwellings on the site, and so there are limited windows facing the site. Both numbers 2 and 3 would have sideways views from upper windows over the site, and clearly the view would change. There is no right to a view as such in planning considerations, but these properties would experience at a closer distance some of the visual failings identified in the first main issue.
24. With regard to outlook from and effect on the rear gardens, particularly to that of number 3, there would be two storey construction closer than at present where the slightly recessed part of section H-H would be visible. That would be noticeable in views from the more recent extension to number 3, but on balance would not cause real harm to the occupier's living conditions in planning terms. The location of the two storey side elevation adjoining the mutual boundary would be set slightly further away than is the case at present. On that basis the effect on number 2 would be acceptable also.
25. Turning to consider the effect on number 4 River Court, this is a larger detached dwelling and its garden area faces the rear of the site. The rearward

projection would be visible, but being aligned similarly to that of the River Court garages to the right of the view, there would remain open space to much of the outlook from the garden and house. As with the other two dwellings visited, the failings identified in the first main issue would be apparent.

26. There would be rooms at three levels in the proposed development, but the separation distances are such that harmful overlooking would not exist at the level sought to be avoided in Policy EN1 which concerns significant harmful effects, and the Council refer to obscure glazing in places.
27. The matter of highways has been raised by local residents and by the time of the completion of the second site inspection, pupils at the school to the north along Manygate Lane were leaving with some parked cars and additional traffic. There is parking control along the road close to the site, to provide clearance at the junction and the entry to River Court and the flats opposite, leaving a section of single width due to parked cars outside the semi-detached properties. However, the nature of the development would not lead to significant additional traffic over that likely to be generated by three large family houses, and parking provision is acceptable to the relevant authorities. Any infringement of parking control would be enforceable against.
28. The Council confirm that an amended site layout plan has been submitted showing the reposition of the location of the access further to the south to provide adequate visibility zones. The County Highway Authority has raised no objection to the proposed subject to a condition. Paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe, and not whether existing highways conditions are considered to be severe. That approach is confirmed in the web-based Planning Practice Guidance (Paragraph 002 Reference ID: 42-002-20140306).
29. To conclude on this issue, the proposed development would not significantly harm the living conditions of neighbouring residents, in line with Policy EN1, and the highway impacts are acceptable.

Conclusions

30. Whilst the highway effects are acceptable and there would be no significant harmful impact in terms of privacy, daylight and sunlight, or an overbearing effect due to bulk and proximity, there are public and private views that would be adversely effected by the design and siting of the development, as set out in the first main issue. The proposal would not accord with Policy EN1 of the Development Plan and would not be of the standard of design sought in the Framework. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR