



Please reply to:

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Date: 28 October 2021

Notice of meeting

Planning Committee

Date: Wednesday, 10 November 2021

Time: 7.00 pm

Place: Council Chamber

To the members of the Planning Committee

Councillors:

T. Lagden (Chairman)	N.J. Gething	R.J. Noble
R.A. Smith-Ainsley	(Vice- M. Gibson	R.W. Sider BEM
Chairman)	H. Harvey	B.B. Spoor
C. Bateson	N. Islam	J. Vinson
A. Brar	J. McIlroy	
J.T.F. Doran		

Substitute Members: Councillors S.M. Doran, S.A. Dunn, L. E. Nichols, O. Rybinski,
J.R. Sexton and V. Siva

Councillors are reminded that the Gifts and Hospitality Declaration book will be available outside the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

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Agenda

Page nos.

1. Apologies and Substitutions

To receive any apologies for non-attendance and notification of substitutions.

2. Minutes

5 - 10

To confirm the minutes of the meeting held on 13 October 2021 as a correct record.

3. Disclosures of Interest

To receive any disclosures of interest from councillors under the Councillors' Code of Conduct, or contact with applicants/objectors under the Planning Code.

Planning Applications and other Development Control matters
To consider and determine the planning applications and other development control matters detailed in the reports listed below.

4. Planning application 19_01567/FUL - Florida Court, Station Approach, Staines-upon-Thames, TW18 4LZ

11 - 42

Ward

Staines

Proposal

The creation of an additional floor above the existing building to create 7 x 1 bedroom units and 2 x 2 bedroom units and the creation of 2 additional car parking spaces.

Recommendation

Approve the application subject to conditions as set out at Paragraph 8 of the Report.

5. Planning application 20/00780/FUL - Hitchcock and King Retail Warehouse, Stanwell Road, Ashford, TW15 3DX

43 - 72

Ward

Ashford Town

Proposal

Sub-division of existing retail warehouse, and change of use to create two Class E 'commercial' units, with reconfiguration of the site car park, elevational changes, installation of plant equipment and other ancillary works.

Recommendation

Approve the application subject to conditions as set out at Paragraph 8 of the Report.

6. **Planning application 20/00802/FUL - Car Park to Rear of Tesco, Ashford Hospital, London Road, Ashford, TW15 3AA** **73 - 130**

Ward

Ashford North & Stanwell South

Proposal

Redevelopment of surplus hospital car park for 127 residential units comprising 123 flats and 4 terraced houses, in buildings ranging from 2 to 5 storeys in height, with associated access, parking, services, facilities and amenity space.

Recommendation

This application is recommended for approval subject to the prior completion of a Legal Agreement.

7. **Planning Application 21/00614/OUT - 36 & 38 Minsterley Avenue, Shepperton, TW17 8QT** **131 - 164**

Ward

Halliford & Sunbury West

Proposal

Outline Planning permission with appearance and landscaping reserved for the erection of 5 detached dwellings, comprising 4 x 4 bedroom dwellings and 1 x 5 bedroom dwelling, with associated parking and amenity space following the demolition of 36 Minsterley Avenue.

Recommendation

To approve the application subject to conditions as set out at

Paragraph 8 of the Report.

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|------------|--|------------------|
| 8. | Planning Appeals Report | 165 - 168 |
| | To note details of the Planning appeals submitted and decisions received between 28 September 2021 and 20 October 2021.. | |
| 9. | Major Applications Report | 169 - 172 |
| | To note the details of future major planning applications. | |
| 10. | Exclusion of Public and Press | |
| | To move the exclusion of the Press/Public for the following items, in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006. | |
| 11. | Planning App 21/00010/FUL - Renshaw Industrial Estate, Mill Mead, Staines-upon-Thames, TW18 4UQ | 173 - 184 |

**Minutes of the Planning Committee
13 October 2021**

Present:

Councillor T. Lagden (Chairman)
Councillor R.A. Smith-Ainsley (Vice-Chairman)

Councillors:

C. Bateson	H. Harvey	R.W. Sider BEM
J.T.F. Doran	N. Islam	B.B. Spoor
M. Gibson	R.J. Noble	J. Vinson

Apologies: Apologies were received from Councillor A. Brar, Councillor N.J. Gething and Councillor S.C. Mooney

In Attendance: Councillors M. Beecher and K.M. Grant

Councillors who are not members of the Committee, but attended the meeting and spoke on an application in or affecting their ward, are set out below in relation to the relevant application.

434/21 Minutes

The minutes of the meeting held on 15 September 2021 were approved as a correct record.

435/21 Disclosures of Interest

a) Disclosures of interest under the Members' Code of Conduct

There were none.

b) Declarations of interest under the Council's Planning Code

Councillors J. Doran, M. Gibson, H. Harvey, T. Lagden, R. Noble, R.W. Sider BEM, R.A. Smith Ainsley, B. Spoor, J. Vinson reported that they had received correspondence in relation to application 19/01211/FUL but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillors M. Gibson, H. Harvey, R. Noble, R.W. Sider BEM all declared they had visited the site, but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillor H Harvey declared that she was a ward councillor who lived near the application site but would be keeping an open mind.

Councillors J. Doran, R.A. Smith-Ainsley, R. Noble, and H. Harvey all declared they were members of the Development Sub-Committee and attended a meeting of that sub-committee on 9 August 2021 during which Benwell Phase 2 was discussed. They declared at that meeting they were members of the Planning Committee and would not be making any comment on the application due to come before the Planning Committee and would approach the consideration of the application on the planning issues put forward.

Cllr K. Grant declared she was in attendance as ward councillor, had received communications from residents regarding the application, and was speaking at the meeting on their behalf.

436/21 Planning application 19/01211/FUL - Benwell House, Green Street, Sunbury on Thames, TW16 6QS

Description:

Erection of 5 storey residential block to provide 39 residential units, with a mix of 12 x 1-bed, 24 x 2-bed, and 3 x 3-bed units together with associated parking, landscape and access.

Additional Information:

The Council's Strategic Planning Officer has provided an updated Draft Statement of Five Year Housing Land Supply: Deliverable Housing Sites as at 1 April 2021, that updates the figure to 4.5 years. Paragraph 7.10 of the report should therefore be revised to state:

'The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.5 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites. There is, therefore, a presumption in favour of sustainable development.'

Members will have received a letter and Briefing Note dated 8th October. The letter states that: *'There has been a number of objections to these proposals for 39 homes, a great many of which are multiple objections from the same households.'*

Member should also be aware that a representation have been received stating that the 191 representations state in the report is incorrect and the actual number is higher (230).

The 191 letters of objection are individual representations received, multiple letters from the same individual are not counted through the Council's system, although the content is considered in the overall view of the application.

Three additional representations have been received on the following grounds:

- Proximity to existing properties
- Loss of TPO trees
- Already too busy/crowded with increase in traffic and noise
- Increased traffic
- Financial considerations for tax payers

Para 7.89 of the committee report refers to the planting of 38 trees to mitigate the loss of TPO trees, however Plan L-401 Rev P05 Tree Plan identifies 48 new trees will be planted within the site.

Public Speaking:

In accordance with the Council's procedure for speaking at meetings, Andrew Peters, John Hirsh, and Jonathan Lewis spoke against the proposed development raising the following key points:

- The distance between the proposed development and existing neighbouring properties was less than the minimum required
- The proposed development failed the national guidance on maintaining reasonable light for existing neighbouring properties
- Neighbouring properties would experience a loss of privacy due to the height, window placement, and deciduous boundary trees
- The proposed development contradicted planning policies and guidance
- The proposed development would be dominant over surrounding residences and be out-of-character with existing properties
- The density of the proposed development exceeded the recommended dwellings per hectare
- Mature trees protected by Tree Preservation Orders (TPO) would be removed
- The proposed development would not deliver the minimum required affordable housing for new developments
- Parking for residents of the development would be against the boundaries of the existing neighbouring properties
- The proposed development would be a change of amenity to the site and result in more noise and pollution

In accordance with the Council's procedure for speaking at meetings, Karen Sinclair and Ian Anderson spoke for the proposed development raising the following key points:

- The affordable and social housing in the proposed development provided would help alleviate the number of families on the Council's housing register

- The majority of individuals on the Council's housing register were seeking a 1- or 2-bedroom property which the proposed development would provide
- The proposed development was close to public transport links and the Town Centre
- The proposed development was on a brownfield site
- The proposed development would reduce the need to develop within Green Belt land to meet housing targets set by central government.
- The windows and rooms within the proposed development would be oriented to minimise overlooking
- Car parking would be provided at a 1:1 ratio with electric vehicle charging points
- The trees proposed for removal would need to be removed in any event as they were dead or dying
- The trees proposed for removal would be replaced with new mature trees

In accordance with the Council's procedure for speaking at meetings, Councillor K. Grant spoke as Ward Councillor against the proposed development raising the following key points:

- The planning report does not raise any concerns raised in the resident's objection letters
- There had been no letters written in support of the proposed development
- The proposed development transgressed multiple planning guidelines
- The proposed development would not meet a high standard of design
- Approval of the proposed development would lead to other high-rise, high-density buildings within the borough
- Adding another 5-storey building to the site would lead to loss of amenity, privacy, and sunlight to the surrounding established properties
- The proposed development would destroy vulnerable trees protected by TPOs

Debate:

During the debate the following key issues were raised:

- The adverse aspects of the proposal would not outweigh the benefits of the proposal
- The large number of 2-bedroom units in the proposed development were needed
- The Council needs to comply with the government's requirement to boost the housing supply
- The proposed development complements the existing office building
- There would be a significant amount of parking for the proposed site
- The proposed development would affect the wellbeing of the surrounding residents
- The applicant did not properly engage or consult with the local community
- The Council's tree officer objected to the loss of the trees on site

- The proposed development would be on an existing brownfield site
- All units in the proposed development meet or exceed minimum floor space
- The trees play an important role, especially as the proposed development would be near an area of high pollution
- If the mature trees were replaced with saplings, the saplings may not mature due to suspected honey fungus
- Waste for the site would need to be collected by a commercial contractor
- The established surrounding properties would suffer from loss of light and overlooking from the proposed development
- The proposed replacement trees would take years to replace the existing trees to the same level of coverage

A recorded vote was requested by Councillor J Vinson. The voting was as follows:

For (5)	H. Harvey, T. Lagden, R.W. Sider BEM, R.A. Smith-Ainsley, B. Spoor
Against (6)	C. Bateson, J. Doran, M. Gibson, N. Islam, R. Noble, J. Vinson
Abstain (0)	

The motion to approve the application fell.

It was proposed by Councillor Noble and seconded by Councillor Gibson that the application be refused as it was in contravention of EN1(b), EN1(d), EN7 and EN8(c), and EN1(a).

The voting for the motion for reasons for refusal was as follows:

For (7)	C. Bateson, J. Doran, M. Gibson, N. Islam, T. Lagden, R. Noble, J. Vinson
Against (4)	H. Harvey, R.W. Sider BEM, R. Smith-Ainsley, B. Spoor
Abstain (0)	

Decision:

The application was **REFUSED** for the following reasons:

The proposed development, by reason of its height, bulk and close proximity to the boundary with the residential properties in Meadows End and Dunnell Close, would result in an unacceptable, overbearing effect and lead to overlooking and loss of privacy to these residential properties, detrimental to their amenity and contrary to Policy EN1(b) of the Core Strategy and Policies DPD, February 2009, and the National Planning Policy Framework 2021.

The proposed development will lead to an unacceptable loss of trees protected by a Tree Preservation Order, which make an important contribution to the urban environment and the landscape quality of the site and surrounding area, contrary to Policies EN1(d), EN7 and EN8(c) and the Core

Strategy and Policies DPD, February 2009, and the National Planning Policy Framework 2021.

The proposed development by reason of its height, bulk and scale, would result in an unacceptable development which would fail to respect and make a positive contribution to the street scene and character of the area, contrary to Policy EN1(a) of the Core Strategy and Policies DPD, February 2009, and the National Planning Policy Framework 2021.

437/21 Planning Appeals Report

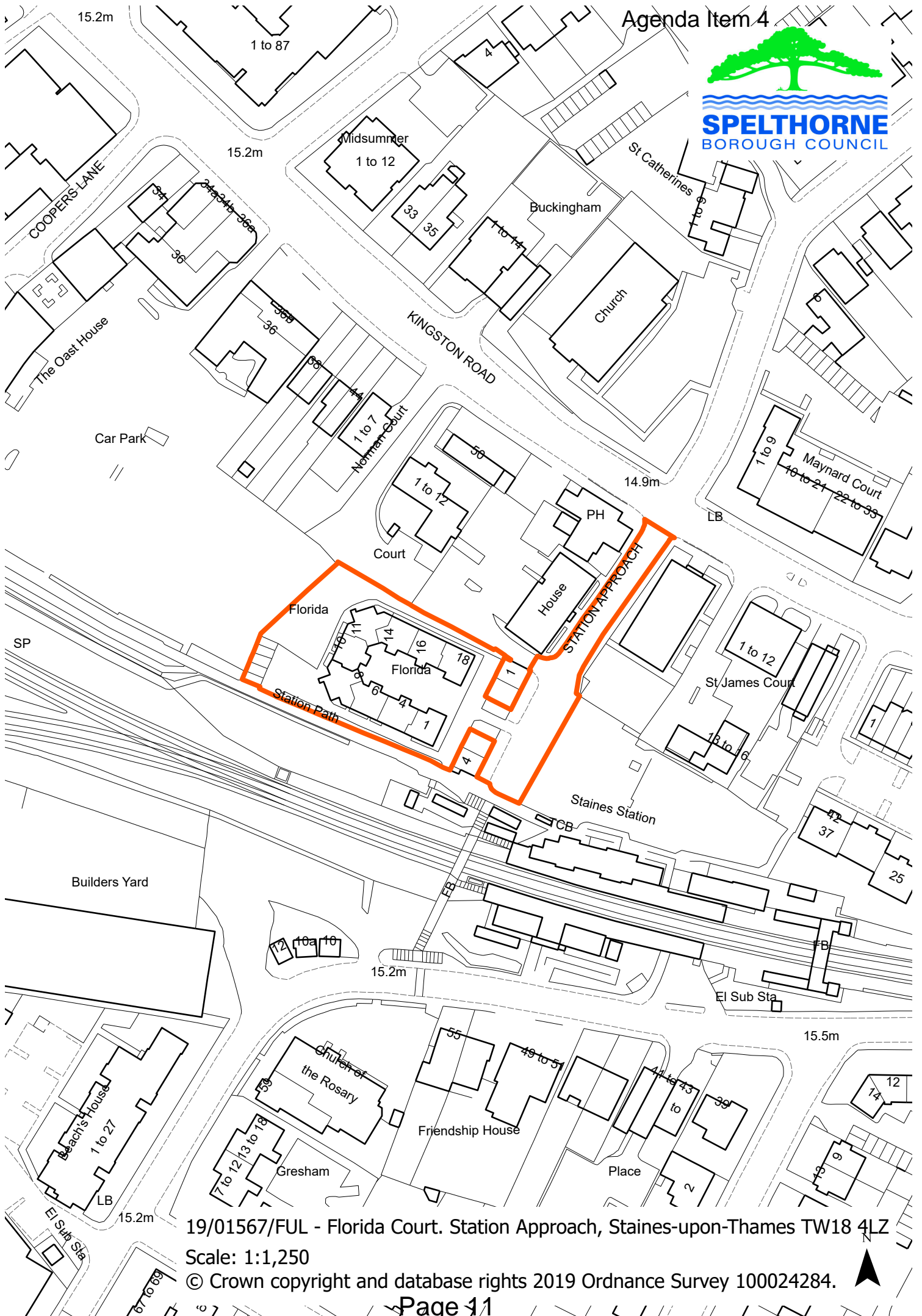
The Chairman informed the Committee that if any Member had any detailed queries regarding the report on Appeals lodged and decisions received since the last meeting, they should contact the Planning Development Manager.

Resolved that the report of the Planning Development Manager be received and noted.

438/21 Major Applications Report

The Planning Development Manager submitted a report outlining major applications that may be brought before the Planning Committee for determination.

Resolved that the report of the Planning Development Manager be received and noted.



19/01567/FUL - Florida Court. Station Approach, Staines-upon-Thames TW18 4LZ

Scale: 1:1,250

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Planning Committee

10 November 2021



Application No.	19/01567/FUL
Site Address	Florida Court, Station Approach, Staines-upon-Thames, TE18 4LZ
Applicant	Dayco Properties Ltd
Proposal	The creation of an additional floor above the existing building to create 7 x 1 bedroom units and 2 x 2 bedroom units and the creation of 2 additional car parking spaces.
Case Officer	Matthew Churchill
Ward	Staines
Called-in	N/A

Application Dates	Valid: 27.11.2019	Expiry: 22.01.2020	Target: Over 8 weeks
Executive Summary	<p>This planning application seeks the construction of an additional storey above the existing residential building at Florida Court. The additional storey would contain 7 x 1-bedroom units and 2 x 2-bedroom units. The application also proposes the creation of 2 additional car parking spaces at the rear of the site.</p> <p>Florida Court is a Locally Listed, art deco style building that appears to have been constructed in the 1930s. The building is arranged in a 'horseshoe' shape around a central courtyard. The existing units are accessible from entrances within the central courtyard, and further entrances via doorways and external staircases on the outer elevation of the 'horseshoe'.</p> <p>The application site is situated to the north-west of Staines Railway Station and is accessed via a gap between no.2 and no.3 Station Approach, which is located opposite the railway station car park. A row of garages is situated to the rear of the development as well as an area of amenity space. Florida Court is visible from the Kingston Road Car Park, which is located to the west. The railway line and Station Path also both run alongside the southern site boundary.</p> <p>When this application was initially submitted, officers had concerns over impact of the additional storey upon light entering a number of the ground floor windows serving existing habitable rooms to flats on the ground floor of Florida Court.</p> <p>In response to the LPA's concerns, the applicant has altered the design</p>		

	<p>and has reduced the proposed height at the ridge from some 10.9 metres to approximately 10 metres. The applicant has also revised the layout of the additional floor, and has submitted a further daylight sunlight report, which provides greater clarification of the daylight and sunlight impacts of the scheme on the existing ground floor windows.</p> <p>Following the alterations to the design and submission of additional daylight sunlight information, officers consider that on balance the additional storey would have a satisfactory impact upon light serving habitable rooms located on the ground floor.</p> <p>Florida Court currently contains 18 units, which incorporate between 1 and 3 bedrooms. The proposal would increase the overall number of units at the site to 27 and would increase the height of the building from some 7.75 metres to approximately 10 metres. The application proposes 2 additional car parking spaces at the rear of the site, which whilst falling short of the Parking Standards SPD, given the proximity of the site to Staines Railway Station, is on balance considered to be satisfactory. The development would also have a density of approximately 119 dwellings per hectare, which is considered to be acceptable in this location.</p>
Recommended Decision	Approve the application subject to conditions as set out at Paragraph 8 of the Report.

MAIN REPORT

1. Development Plan

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

- SP1 - Location of Development
- LO1 - Flooding
- SP2 - Housing Provision
- HO1 - Providing for New Housing Development
- HO4 - Housing Size and Type
- HO5 - Housing Density
- CO2 - Provision of Infrastructure for New Development
- CO3 - Provision of Open Space for New Development
- SP6 - Maintaining and Improving the Environment
- EN1 - Design of New Development
- EN7 – Tree Protection
- EN11 - Development and Noise
- EN15 - Development on Land Affected by Contamination
- CC1 - Renewable Energy, Energy Conservation and Sustainable Construction
- CC2 - Sustainable Travel
- CC3 - Parking Provision

- 1.2 Also relevant is the Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development, (April 2011), Flooding (July 2012), and the National Planning Policy Framework (NPPF) (July 2021).

2. Relevant Planning History

- 2.1 The Council holds records for one previous planning application at the site as outlined below:

PLAN N/OUT/74/374	Erection of 18 lock-up garages to the rear of flats.	Application Refused 20.08.1974
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3. Description of Current Proposal

- 3.1 The application site is occupied by a two-storey art deco style building, which appears to have been constructed in the 1930s. The building is Locally Listed and is accessed through a gap between no.2 and no.3 Station Approach. The site entrance is situated opposite the Staines Railway Station car park. The Station Path and the railway line run to the south of the site.
- 3.2 Florida Court currently contains 18 residential units, which each incorporate between 1 and 3 bedrooms. The building is laid out in a 'horseshoe' shape and is arranged around a central courtyard. The existing residential units contain entrances in the centre of the courtyard, as well as further entrances on the outer elevation of the horseshoe, accessed through either external staircases serving the first floor units, or doorways serving the ground floor units. There are currently 9 units situated on the ground floor and 9 units situated on the first floor.
- 3.3 The central courtyard contains a grassed area, and further amenity space is located at the rear of the building. A wall at the western boundary separates the site from the Kingston Road Car Park. The site also contains a row of five garages at the rear.
- 3.4 In the wider street scene, there is a row of commercial properties situated to either side of the site entrance on Station Approach. An office development known as 'Staines One' is located to the north of the site, and residential properties in Claydon Court are also situated to the north, which are contained in a 3-storey building. Gresham Road is also a short distance from the site, which is accessible via the pedestrian bridge over the railway.
- 3.5 The application proposes an additional storey over the existing building that would contain 7x1 bedroom units and 2x2 bedroom units. The units would each be accessed through an internal stairway and the internal layout of the first floor would be revised to accommodate the new staircase. The external stairways serving the first-floor units would remain in place following the completion of the works. In total there would be 27 units at the site, and the development would have a density of 119 dwelling per hectare. The application also proposes two additional off-street parking spaces at the rear of the site.
- 3.6 The roof over the additional storey would be pitched and would measure a height at the ridge of approximately 10 metres. A brick string course would be incorporated between the first and second floors and the existing chimney stacks would be maintained and extended. The applicant's Design and Access Statement also indicates that the existing roof tiles would be reused on the new roof, although in any case the proposed materials would be secured by condition.

4. Consultations

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

Consultee	Comment
County Highway Authority	No objections subject to conditions.
Environmental Health	There are no recommendations
Environment Agency	No objections.
Council's Heritage Advisor	No objections.
Network Rail	The developer should contain Network Rail's Asset Protection team prior to commencing any works.
Sustainability Officer	The Renewable Energy Requirement would be met.
Tree Officer	No objections subject to conditions.
Head of Neighbourhood Services	No objections subject to bins being collected kerbside.

5. Public Consultation

5.1 The Council has consulted the occupiers of 43 neighbouring properties. The application has also been re-advertised on two occasions following the receipt of revised plans and additional information. A total of 12 letters of representation have been received from 5 senders, which object to the proposal on the following grounds:

- The plans may impact the plumbing of the existing flats (Officer note: this is not a planning matter).
- Concerns over electrical lighting circuits and existing TV antennas. (Officer note: this is not a planning matter).
- Access to the loft space would be lost for existing units.
- The plans show external doors would serve the new flats (Officer Note: the plans state that the third floor doors would be non-opening).
- The Daylight and Sunlight Assessment has incorrectly labelled a number of the bedrooms (Officer Note: The applicant has submitted a revised DLSL Assessment with these rooms correctly labelled).
- Concerns as to whether notice has been served upon the correct parties (Officer Note: the LPA sought clarification from the applicant and further information was submitted in this regard).

- Concerns over the impact upon light of neighbouring properties.
- The two additional parking spaces would be inadequate and would increase competition for spaces and there are typically up to 18 vehicles parked.
- Concerns over the structural ability of the building to support another level (Officer note: this is not a planning matter).
- The flats would not be accessible for disabled users.
- Concerns over the Heritage Statement (Officer Note: The Council's Heritage Advisor has raised no objections to the proposals).
- Concerns over what would happen to existing residents during the construction process (Officer Note: two informatives are recommended in relation to the construction process).
- The proposal would not meet Building Regulations part M(4). (Officer note: this is not a planning matter).
- The works could impact existing leases (Officer Note: This is not a planning matter).

6. Planning Issues

- Principle of Development.
- Need for Housing.
- Daylight and Sunlight.
- Impact upon Existing Residential Dwellings.
- Housing Size & Type.
- Design, Height & Appearance.
- Locally Listed Building.
- Density.
- Amenity Space for Residents.
- Landscape.
- Open Space.
- Contaminated Land.
- Parking Provision & Highways.
- Waste and Recycling.
- Flooding.
- Renewable Energy.
- Local Finance Considerations.
- Trees.
- Equality Act.
- Human Rights Act.

7. Planning Considerations

Principle of Development

- 7.1 Policy HO1 of the CS&P DPD states that the Council will ensure that provision is made for housing by encouraging housing development on all sites suitable for that purpose taking into account other policy objectives. The policy further encourages that effective use is made of urban land for housing by applying policy HO5 on density and opposing proposals that would impede development of sites suitable for housing.
- 7.2 This is also reflected in the NPPF at paragraph 119, which emphasises the need for the effective use of land in meeting the need for homes, whilst safeguarding the environment, and provides further relevant context at paragraph 122 in respect of achieving appropriate densities.
- 7.3 The application proposes the construction of additional residential units on a site situated in close proximity to Staines Railway Station. The site is also a short walking distance from Staines Bus Station and Staines Town Centre where there are various facilities that are supportive to residential development.
- 7.4 The development would make a contribution of 9 additional units to the Council's 5-year housing supply, where a supply of only 4.5 years can be currently demonstrated, in what is considered to be a sustainable transport location in the urban area.
- 7.5 The principle of the redevelopment of a site in the urban area, close to public transport nodes and facilities supportive of residential development is considered to be acceptable, subject to assessment against local and national planning policies and guidance, as well as any other material planning considerations, which are considered below.

Housing Supply

- 7.6 When considering planning applications for housing, local planning authorities should have regard to the government's requirement that they significantly boost the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF) 2021.
- 7.7 The Council has embarked on a review of its Local Plan and acknowledges that the housing target in its Core Strategy and Policies DPD February 2009 of 166 dwellings per annum is more than five years old and therefore the five year housing land supply should be measured against the area's local housing need calculated using the Government's standard method. The standard method for calculating housing need is based on the 2014 household growth projections and local affordability. This equates to a need of 611 dwellings per annum in Spelthorne. This figure forms the basis for calculating the five-year supply of deliverable sites.

- 7.8 The NPPF requires a local authority to demonstrate a full five year supply of deliverable sites at all times. For this reason, the base date for this assessment is the start of the current year 1 April 2021, but the full five year time period runs from the end of the current year, that is, 1 April 2022 to 31 March 2027. The 20% buffer will therefore be applied to this full period. National guidance sets out that the buffer should comprise sites moved forward from later in the plan period. A 20% buffer applied to 611 results in a figure of 733 dwellings per annum, or 3666 over five years.
- 7.9 In using the objectively assessed need figure of 733 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review, the Borough's housing supply will be assessed in light of the Borough's constraints, which will be used to consider options for meeting need. The Council has now published its Strategic Land Availability Assessment (SLAA) which identifies potential sites for future housing development over the plan period.
- 7.10 The sites identified in the SLAA as being deliverable within the first five years and subsequent updates from landowners have been used as the basis for a revised five year housing land supply figure. Spelthorne has identified sites to deliver approximately 3263 dwellings in the five year period.
- 7.11 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.5 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites. There is, therefore, a presumption in favour of sustainable development.
- 7.12 Government guidance (NPPF para 74) requires the application of a 20% buffer "where there has been significant under delivery of housing over the previous three years". In addition, guidance on the Housing Delivery Test indicates that where housing delivery falls below 85%, a buffer of 20% should be applied to the local authority's five year land supply and a presumption in favour of sustainable development if the figure is below 75%. The Housing Delivery Test result for Spelthorne Borough Council was published by the Secretary of State in January 2021, with a score of 50%. This means that less housing has been delivered when compared to need over the previous three years. As a consequence, there is a presumption in favour of sustainable development because the test score of 50% is less than the 75% specified in the regulations. The figure of 50% compares with 60% last year and 63% in 2019. The Council's Housing Delivery Test Action Plan will be updated to reflect this. The current action plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough
- 7.13 As a result, current decisions on planning applications for housing development need to be based on the 'tilted balance' approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless 'any adverse impacts of doing so would significantly

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

Daylight & Sunlight and Residential Amenity

- 7.14 Policy EN1 of the CS&P DPD states that proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk proximity or outlook.
- 7.15 At paragraph 3.6, the Council's Supplementary Planning Document (SPD) on the *Design of Residential Extensions and New Residential Development* (April 2011), states that most developments will have some impact on neighbours. The aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed.
- 7.16 The NPPF at paragraph 130, states that planning decisions should ensure that developments create places that are safe, with a high standard or amenity for existing and future users.
- 7.17 At paragraph 125 the NPPF further states that Local Planning Authorities should refuse applications which they consider fail to make an efficient use of land. In this context, when considering applications for new housing the NPPF states that authorities “*should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)*”.
- 7.18 The Council's SPD on design contains a 25° guide, which is primarily aimed towards more traditional suburban style developments rather than higher density schemes such as the current proposal. The purpose of the 25° guide is to ensure that a significant view of the sky is not lost in the area to the front and rear of a property.
- 7.19 The existing floor plans show that on the ground floor of Florida Court, there are currently 14 main windows that serve habitable rooms, which look out onto the central courtyard. It is considered that the additional storey would breach the Council's 25° guidance to an extent, when measured from 12 of the windows. However, when measured from 10 of the 12 windows, it is considered that the 25° guide would only be breached at the very edge of the roof proposed over the additional storey, and the breach is not considered to be significant. At the two most southerly ground floor windows, which are contained in a ‘set out’ element, the breach of the 25° guide would be to a greater extent.
- 7.20 The applicant's original submission documents included a daylight sunlight report. This used BRE guidance to determine the impact of the additional storey on the light serving the existing habitable rooms on the ground and first floors and enabled officers to examine the impact in greater detail. Officers instructed an external advisor to review the applicant's report.

- 7.21 The external advisor identified that the two ground floor windows at the southern end of the building, where the breach of the 25° highlighted in paragraph 7.19 would be greatest, would both comply with BRE guidance, and were not windows of concern. The advisor identified four ground floor windows serving living rooms, where the impact of the additional storey was of 'most concern' and also identified six further windows serving bedrooms, which did not meet BRE guidance but where shortfalls could be mitigated.
- 7.22 The LPA shared the findings of the external advisor's report with the applicant. In response the applicant reduced the height of the ridge from approximately 10.9 metres to some 10 metres. The applicant also submitted an additional daylight and sunlight report, which uses BRE and Average Daylight Factor guidance to analyse the revised impact on light.
- 7.23 The additional daylight sunlight report highlights how short of being 'well-lit' each of the living rooms identified by the LPA's external advisor as being of 'most concern' would be.
- 7.24 Officers sought clarification from the applicant on how such figures were calculated, and the applicant's consultant confirmed that a 'well-lit/adequately lit' room, is a room where at least 80% of the room is lit. The figures illustrated in the table below detail how much additional floor space in each room would need to be lit, in order for that particular room to be adequately/well lit.

Flat Number	Amount of floorspace falling short of the rooms being 'well-lit'
3	2.22m ²
6	3.47m ²
14	1.74m ²
17	2.22m ²

- 7.25 As highlighted above, the living rooms in the above units fall 3.47m², 2.22m² and 1.74m² short of being 'adequately/well-lit'. This means that they are 3.47m², 2.22m² and 1.47m² short of being 80% lit.
- 7.26 As a response, a planning balancing exercise is required to consider whether these shortfalls would outweigh the benefits of the contribution of 9 additional units to the Council's 5-year housing supply, in this sustainable transport location.
- 7.27 The NPPF also advises that where a 5-year supply cannot be demonstrated, a tilted balance approach should be adopted whereby proposals should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole. The LPA can only currently demonstrate a supply of 4.5 years.
- 7.28 On planning balance, officers consider that the contribution of 9 additional units to the Council's 5-year housing supply in this location would be considered to outweigh shortfalls from being adequately/well-lit, in four of the existing units.

- 7.29 The daylight sunlight report further identifies shortfalls in the following bedrooms:

Flat Number	Amount of floorspace falling short of rooms being 'well-lit'
3	0.93m ²
6	1.05m ²
14	1.05m ²
17	0.84m ²
19	0.67m ²

- 7.30 The report also details that the bedroom serving flat 1, would also fall slightly short of the requirements, although a figure is not given. Whilst officers acknowledge the above shortfalls and the occupiers of these bedrooms would experience some changes to the amount of light that is received, it is considered that such shortfalls would not be to an extent that would outweigh the benefits of the contribution of 9 additional units in this location.
- 7.31 In terms of surrounding residential properties, Claydon Court located to the north of the site is some 20 metres from the application building. At such a distance it is not considered that the proposal would have an adverse impact upon the light and privacy of the occupiers of this building. The applicant's initial daylight and sunlight report also confirms that the proposal would be in adherence with BRE guidelines when measured from Claydon Court.
- 7.32 The proposal is further considered to have an acceptable impact upon the light privacy and amenity of all further surrounding dwellings.

Locally Listed Building

- 7.33 Florida Court is a Locally Listed Building. Policy EN5 of the Council's CS&P DPD states that the Council will seek to preserve architectural and historical heritage by amongst other things, encouraging the retention of buildings of local architectural or historic interest and seeking to ensure that their character and setting is preserved in development proposals. It should be noted however, that whilst a Local Listing does afford additional planning protection than would otherwise be the case, a Locally Listed Building is not statutorily protected in the same way as a Grade I*, Grade I or Grade II Listed Building would be.
- 7.34 The NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that directly or indirectly affect a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.35 The Council's Local Listing Document describes Florida Court as a self-conscious formal and symmetrical design of houses/flats around an open-ended courtyard, with green glazed tile roofs and painted stucco walls. The

listing further states that the building incorporates a restrained Art Deco Influence and that the design and plan form is replicated in a number of other areas in the south-east including at an almost identical building in Reading. However, the listing further explains that the architectural style was short lived and rarely replicated since the 1930s.

- 7.36 As Florida Court is Locally Listed the LPA consulted its Heritage Advisor who commented that the revised shallower pitch solution associated with the amended plans which reduces the ridge height, would be acceptable so long as the shallower pitch would be able to accommodate the replacement tile the LPA would wish to see here. On this basis the advisor stated that there would be no objections. The applicant has confirmed that it is the intention to utilise the existing roof tiles. In light of the Heritage advisor's comments, it is recommended that details of the conditions are secured by condition. It is therefore considered that the proposal would have an acceptable impact upon this Locally Listed Building and its setting in accordance with policy EN5.

Design, Character and Appearance

- 7.37 Policy EN1 of the CS&P DPD states that the Council will require a high standard in the design and layout of new development. The policy further states that developments should create buildings and places that are attractive with their own distinct identity, and that respect and make a positive contribution to the street scene and character of the area in which they are situated, paying due regard to the scale, heights, proportions, building lines, layouts, materials and other characteristics of adjoining buildings and land.
- 7.38 The NPPF states that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The framework further advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The framework also states that development that is not well-designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 7.39 The NPPF further sets out a number of design requirements, stating that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to the local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 7.40 The application site is located in Station Approach. To an extent, it is screened from the street scene by the commercial properties located at the front of the site. There are a mixture of building designs and uses in the immediate vicinity of the site, ranging from commercial and office uses, to residential buildings in the wider area, which generally range from 2-3 storeys in height.

- 7.41 The additional storey would increase in the height of Florida Court from approximately 7.75 metres to some 10 metres. This is considered to be acceptable in the context of surrounding buildings which generally range between 2-3 storeys in height. The additional floor would be similar in design and scale to the floors below, with the fenestration on the outer elevations reflecting the doors and windows beneath. A brick string-course would be incorporated between the first and second floors and existing stairways on the outer elevation of the 'horseshoe' would remain in place.
- 7.42 The design, scale and height of the additional storey is considered to be in keeping with the character of the surrounding area, which contains further 3 storey buildings, and the proposal is considered to be in accordance with the objectives of policy EN1 and the NPPF in design terms.

Density

- 7.43 Policy HO5 of the CS&P DPD states that in existing residential areas predominately characterised by family housing rather than flats, new development should generally be in the range of 35 to 55 dwellings per hectare. In areas characterised by a significant proportion of flats and those containing significant employment areas, this rises to between 40 to 75 dwellings per hectare.
- 7.44 Policy HO5 further states that higher density development may be acceptable where it is demonstrated that the scheme complies with policy EN1 on design, particularly in terms of its compatibility with the character of the area, and where it is in a location that is accessible by non-car based modes of travel.
- 7.45 There is currently a density of 79 dwellings per hectare at Florida Court. As a result of the 9 additional units this would increase to a density of approximately 119 dwellings per hectare. Whilst this would exceed the density guidelines set out in policy HO5, the NPPF encourages an optimisation of densities and the proposal is considered to be located in a sustainable transport location close to good transport links and within a relatively short walking distance of the town centre.
- 7.46 Policy HO5 allows for higher densities where a proposal meets the design requirements of policy EN1, and where the development is situated in an accessible location. For the reasons highlighted above, the proposal is considered to meet the design objectives of policy EN1 and is considered to be accessible by non-car based modes of transport. The proposed density is therefore considered to be acceptable in this location.

Housing Type and Size

- 7.47 Policy HO4 of the CS&P DPD and the Council's Supplementary Planning Document (SPD) on Housing Size and Type (July 2012), seeks for 80% of units in developments of 4 or more units, to contain 1 or 2 bedrooms. This is to ensure that the overall dwelling stock meets the demand that existing within borough, including a greater demand for smaller dwellings. The application proposes 7 x 1-bedroom units and 2 x 2-bedroom units and would therefore be in accordance with the objectives of policy HO4.

- 7.48 The Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development (April 2011) sets out minimum floor space standards for new dwellings.
- 7.49 The Government has also published national minimum dwelling size standards in their "Technical Housing Standards – nationally described standard" document (2015). These largely reflect the London Housing Design Guide on which the Spelthorne Standards were also based and are arranged in a similar manner to those in the SPD. A summary of the relevant standards set out in the Technical Housing Standards is illustrated in the table below:

Dwelling Size (Single Storey)	Minimum Floor Space Requirement
1 bed x 1 person	39m ²
1 bed x 2 person	50m ²
2 bed x 3 person	61m ²
2 bed x 4 person	70m ²

- 7.50 All of proposed units would meet the minimum internal floor space requirements outlined above. The proposed housing mix, dwelling type and internal floor space for future occupiers, is therefore considered to be acceptable.

Amenity Space for Residents

- 7.51 The Council's SPD on the Design of Residential Extensions and New Residential Dwellings (April 2011) stipulates minimum amenity (garden) space requirements. This states that within the first 5 units of a development there should be a minimum of 35m² of amenity space per unit. There should also be a minimum of 10m² per unit for the next 5 units, and 5m² per unit for each unit thereafter.
- 7.52 There are 18 existing residential units at Florida Court, and the current application proposes another 9 units, resulting in a total of 27 residential units at the site.
- 7.53 When calculated against the SPD's minimum requirements on the basis of 27 units, there would normally be a requirement to provide a minimum communal amenity area of at least 235m². The applicant's block plan indicates that there would be an amenity area of 345m² available at the rear of the site, with a further amenity area of 183m² available within the central courtyard. There would also be balcony space provided to the occupiers of units 20, 22, 26 & 27. As such the proposed amenity space would significantly exceed the Council's minimum requirements for a development of this size and the application is considered to provide an acceptable level of amenity space to future occupants. The proposal is therefore considered to be in accordance with the objectives of policy EN1 and in this regard.

Highways & Parking

- 7.54 Policy CC2 of the CS&P DPD states that the Local Planning Authority will seek to secure more sustainable travel by only permitting traffic generating

development where it is or can be made compatible with the transport infrastructure in the area taking into account the capacity of the local transport network, the cumulative impact, access and egress to the public highway and highway safety.

- 7.55 Policy CC3 also states that appropriate provision should be made for off street parking in accordance with the Council's Parking Standards.
- 7.56 The NPPF states that development should only be refused or prevented on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts on the road network would be severe.
- 7.57 The application site currently contains a row of 5 garages at the rear, which are accessed from the south of the site. The applicant's Transport Assessment states that 2 of the garages are utilised by the occupiers of Florida Court, 2 are rented out to outside parties and 1 of the garages falls under the ownership of the applicant.
- 7.58 There is also an informal area of hardstanding to the front of the garages, and whilst there are no formal car parking spaces marked, 3 cars were observed during the site visit parking informally on the grass area in this part of the site.
- 7.59 The Council's Parking Standards SPD would normally require that the 18 existing units would be served by 27.5 (rounded up to 28) off-street parking spaces. The development is currently served by 5 garages and an informal parking area, a ratio of approximately 0.28 spaces per dwelling when considering the 5 garages.
- 7.60 The Parking Standards SPD would also normally require the 9 additional units to be served by 11.75 (rounded up to 12 spaces) based upon the following standards:

Unit Type	General Needs Housing	Affordable Housing
1 bed unit	1.25	1
2 bed unit	1.5	1.25
3 bed unit (under 80m ²)	2	1.75

- 7.61 The application proposes only 2 additional formal parking spaces following the construction of the additional 9 units, resulting in a parking ratio of approximately 0.22 spaces per new unit and a ratio of approximately 0.26 spaces per unit across the development as a whole.
- 7.62 The Parking Standards SPD allows for a reduction in its minimum parking standards in the borough's 4 town centres, where any reduction must be assessed against the distance from public transport nodes, the frequency and quality of train and bus services, the availability of quality pedestrian and cycle routes, and the range of facilities supportive of residential development within reasonable walking distance.

- 7.63 The application site is located outside of Staines Town Centre. However, it is situated in very close proximity to Staines Railway Station, which is served by trains to London Waterloo, Weybridge and Windsor and other destinations. The site is also situated a short walk from Staines bus station, which provides further public transport links.
- 7.64 Florida Court is also located approximately 550 metres from the pedestrianised section of Staines High Street and approximately 460 metres from the Elmsleigh Centre, where numerous facilities are contained that are supportive to residential development. It is therefore considered that a reduction against the Council's minimum requirements is justified in this location, which is considered to be highly sustainable in transport terms.
- 7.65 The Council's Parking Standards SPD would normally require 12 parking spaces to be provided for the 9 additional units, where only 2 additional formal parking spaces are proposed at a ratio of approximately 0.22 spaces per new unit. Whilst this would fall short of the Council's minimum requirements, given the sites highly sustainable location and proximity to Staines Railway Station and Staines Town Centre, it is considered that this reduction would be acceptable in this instance. It is also noted that prior approval was recently granted at nearby Claydon Court for 8 additional units, which did not propose any additional car parking spaces (21/00172/PDNF).
- 7.66 The LPA has also consulted the County Highway Authority, who commented that given the proximity of the site to Staines Railway Station, local bus services and local amenities, it is considered unlikely that future residents would be reliant upon owning a private car. The CHA therefore raised no objections to the application, subject to 3 conditions.
- 7.43 The County Highway Authority has requested that a condition is imposed on the decision notice if the proposal is approved, requiring that at least one of the available parking spaces is provided with a fast charge electrical charging point.

Waste & Recycling

- 7.67 Policy EN1 of the CS&P DPD, states that proposals for new development will need to demonstrate that they will incorporate provision for the storage of waste and recyclable materials.
- 7.68 The applicant has stated in an email that the occupant unit would each have their own bins that they would be responsible for. The Council's Head of Neighbourhood Services was consulted and commented that there would be no issues with this, providing that bins were collected kerbside on the days of collection.

Flooding

- 7.69 The application site is not located within a flood event area, and there is considered to be a dry means of escape away from the site outside of the 1% annual exceedance probability. The proposal is therefore considered to be in accordance with policy LO1 in flooding terms.

Renewable Energy

- 7.70 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 square metres, 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.
- 7.71 The applicant originally stated what that it was unlikely to be viable to introduce renewable energy sources, although the development would have produced 25% less carbon dioxide than buildings built before 2006 building regulations standards.
- 7.72 Following concerns raised by the Council's Sustainability Officer, the applicant subsequently proposed solar panels on the roof. The Council's Heritage Consultant has confirmed that this would not have an adverse impact upon the character of setting of this Locally Listed Building, and the Council's Sustainability Officer is satisfied that on this basis the 10 percent renewable energy requirement would be met. The proposal is therefore considered to be in accordance with the requirements of Policy CC1.

Other Matters

- 7.73 The Council's Tree Officer undertook a site visit and recommended that a condition is attached to the decision notice requiring the applicant to submit an Arboricultural Method Statement before the works commence.

Equalities Act 2010

- 7.74 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) Advance equality of opportunity between person who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.75 The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need to see whether the duty has been performed.
- 7.76 The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means having such regard as is appropriate in all the circumstances.

- 7.77 The existing occupiers may be affected by the construction works for a temporary period. It is considered that this proposal may affect individuals with protected characteristics specifically the impact of the development on disabled people. Whilst there would be no lifts up to the third storey units, the development still offers a limited access to the additional units for some disabled people. The scheme does also propose an additional parking space for disabled users. The NPPF defines people with disabilities as individuals who have physical or mental impairment, which has substantial and long-term adverse effects on their ability to carry out normal day-to-day activities. This can include but is not limited to people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. Whilst the absence of a lift may prevent wheelchair users from accessing the new storeys, it would nevertheless be possible for some individuals with disabilities to access the development.

Human Rights Act 1998

- 7.78 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.79 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.80 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.81 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Finance Considerations

- 7.82 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.

7.83 In consideration of S155 of the Housing and Planning Act 2016, the proposal would result in the following financial contributions:

- The Community Infrastructure Levy for Zone 2 (£140 indexed per square metre of additional residential floor space) will be payable on this site.

These are considered to be a material considerations in the determination of this planning application. The proposal will also generate a New Homes Bonus Business Rates and Council Tax payments which are not material considerations in the determination of this proposal

Planning Balance

7.84 This application proposes the construction of 9 additional units in the urban area. The units will be in close proximity to Staines Railway Station and a short distance from Staines Bus Station and Staines Town Centre which provides various facilities which are supportive of residential development.

7.85 As a result of the unique layout of the building and its arrangement in a 'horseshoe shape' the proposal would result in a loss of light outside of BRE and ADF guidelines to four of the living rooms on the ground floor. As a result, the occupiers of four of the flats would experience shortfalls of 3.47m², 2.22m² (x 2) and 1.74m² from being well-lit in their living rooms. There would also be minor shortfalls in a number of the bedrooms on the ground floor.

7.86 The NPPF states that when considering applications for housing "*authorities should take a flexible approach in applying policies and guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)*".

7.87 The application proposes 2 additional parking spaces which represents a shortfall when applying the Council's parking standards. However, it is acknowledged that the existing development also falls short of the Council's Parking Standards SPD. Nevertheless,, the site is located in a sustainable transport location, adjacent to Staines Railway Station, and a short distance from Staines Bus Station and Stains High Street which provides various facilities supportive of residential development.

7.88 The Council can only currently demonstrate a housing supply of 4.5 years. Where a 5 year supply cannot be demonstrated, the 'tilted balance' applies. The NPPF states that the development should be approved without delay unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework as a whole.

7.89 Whilst there would be shortfalls against BRE guidelines, and there would also be a shortfall in parking provision, officers consider that the contribution of 9 additional units to the Council's 5 year housing supply would on balance outweigh this harm and is considered to be an acceptable compromise.

Conclusion

- 7.81 It is considered that the proposal makes effective use of urban land in a sustainable transport location. It would have an acceptable impact on the highway network and the level of parking is considered to be appropriate for this location with amenities and public transport opportunities within reasonable walking distance of the site. Whilst there would be a daylight impact on some of the existing rooms, the proposal meets the Borough's recognised need for housing and provides units with a good standard of amenity. Therefore, the application is recommended for approval.

8. Recommendation

To GRANT planning permission subject to following conditions:

- 1 The development hereby permitted shall be begun before the expiration of two 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: 19027 PL/02 Rev C 19027 PL/04 19027 PL/03 Rev C (Received 02.06.2021) 19027 PL/06 Rev A (Received 15.10.2021)

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

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

Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2019 and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 4 The development hereby approved shall not be occupied unless and until at least one of the available parking spaces is provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework

2019, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 5 The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles have been provided in accordance with the approved plans. Thereafter the said approved facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2019, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

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

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

- 7 A waste management strategy shall be submitted and approved in writing by the Local Planning Authority and shall be in operation prior to occupation of any of the buildings hereby approved and shall be carried out in accordance with the approved details, unless expressly agreed in writing by the Local Planning Authority.

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

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

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

2009.

- 9 An Arboricultural Method Statement in accordance with BS5837: 2012 shall be submitted to the Local Planning Authority for approval before the commencement of the hereby permitted works to demonstrate that the extension will not harm trees within the site. The approved extension shall be carried in accordance with the details agreed in the Arboricultural Method Statement.

Reason: To prevent damage to the trees in the interest of the visual amenities of the area, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009

INFORMATIVES TO APPLICANT

- 1 The Town and Country Planning (Development Management Procedure) (England) Order 2015
Working in a positive/proactive manner
In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:-
 - a) Provided pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
 - b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure
 - c) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.
- 2 Access by the Fire Brigade
Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings. There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).
- 3 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.
- 4 You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:

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

- 5 You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking.
- a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
 - b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;

- c) Deliveries should only be received within the hours detailed in (a) above;
- d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsters and wheel washes;
- e) There should be no burning on site;
- f) Only minimal security lighting should be used outside the hours stated above; and
- g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway. Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit. In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme (www.ccscheme.org.uk/index.php/siteregistration).

- 6 Due to the proximity of the proposed roof extension to Network Rail land, Network Rail strongly recommends the developer contacts AssetProtectionWessex@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

Wessex Asset Protection and Optimisation (ASPRO) accept the Planning Application 19/01567/FUL, provided that the developer will:

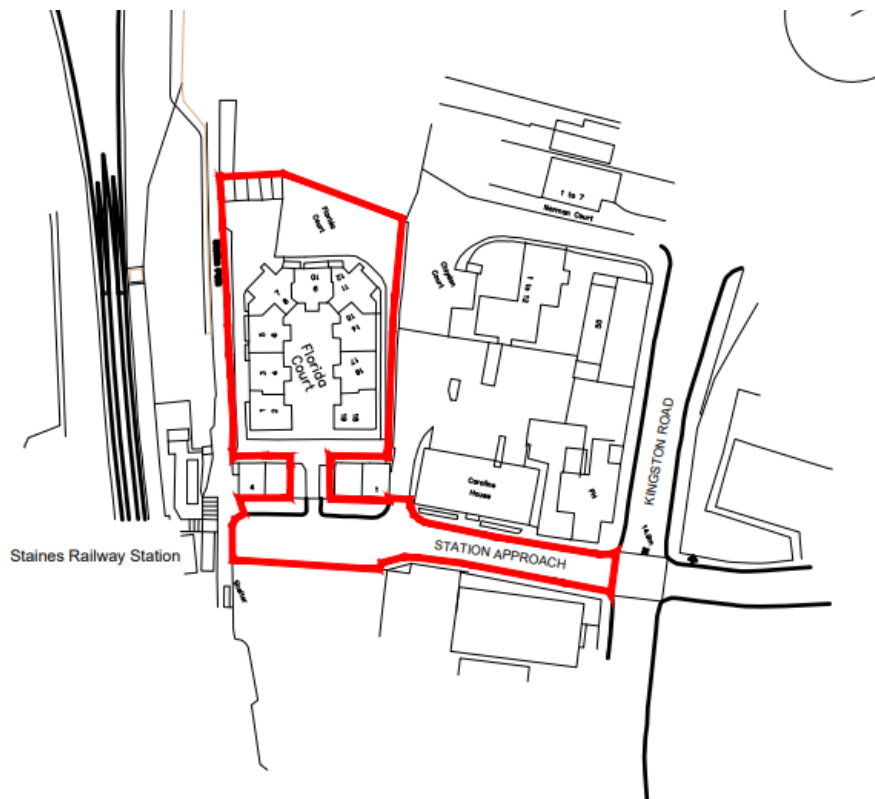
1. Confirm the boundary limits and fence line
2. Adopt ASPRO guidance and requirements and a list of NR deliverables that will be provided to the developer in kick-off meeting;
3. Submit for ASPRO acceptance design-if needed, risk assessment & method statement (RAMS) for any work within Network (NR) zone of influence such as, but not limited to
 - Drawings & RAMS for building construction and Design & RAMS for any temporary works related to construction such as scaffolding, edge protection. Etc
 - Lifting plan for all liftings associated with construction works, using plant, etc
 - Drawings & RAMS for roof works, drainage, adjacent to NR boundary
 - Traffic management plan during construction for construction vehicles
4. Proposer to confirm if any covenants are applied to the land and if so comply with them

5. Proposer to apply for buried services report prior to any works on site.
6. Proposer to ensure works will not affect the traffic flow and access to the station during construction.
- 7 The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary.

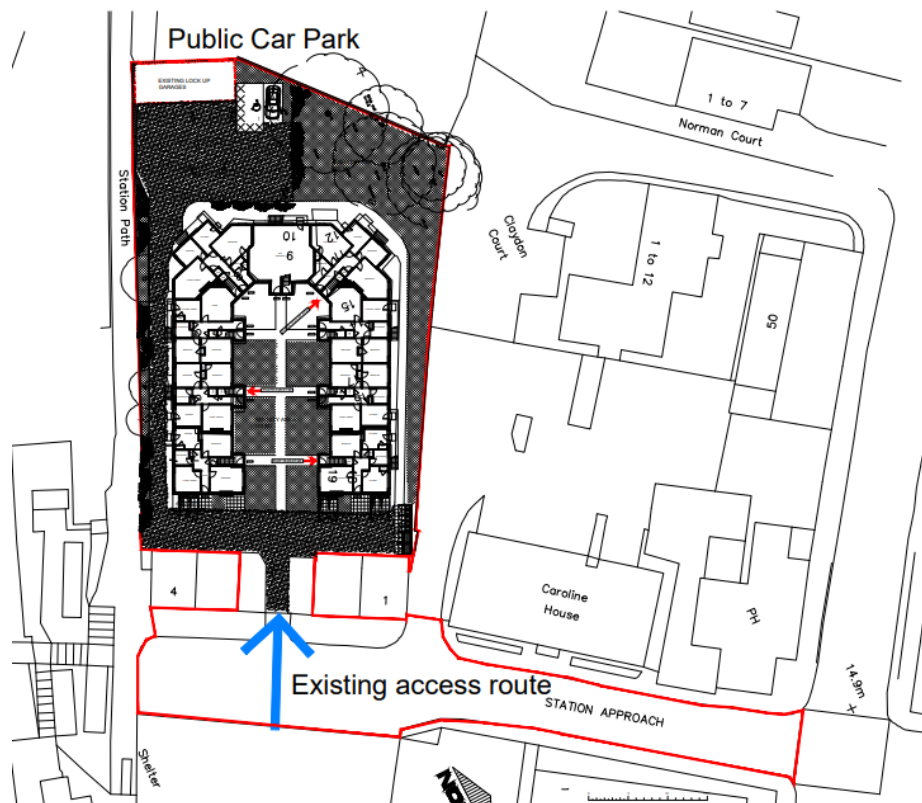
Appendices:

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Site Location Plan



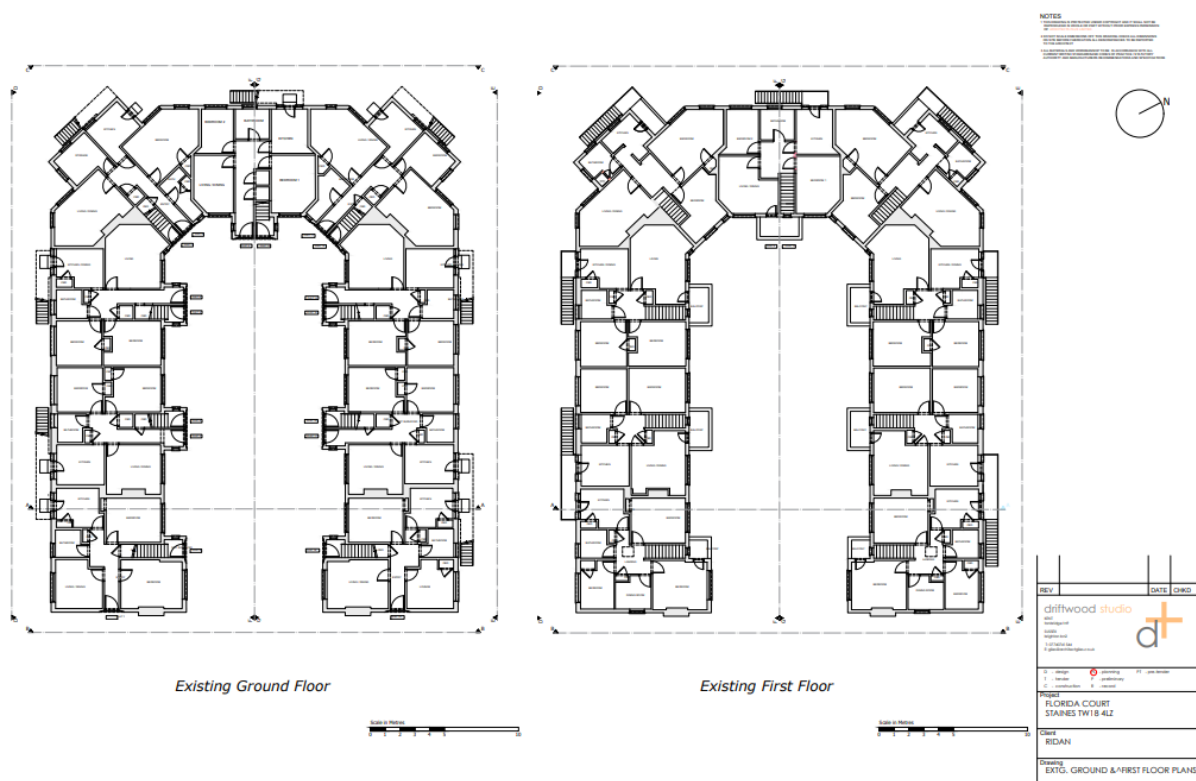
Proposed Block Plan



Existing Elevations:



Existing Floor Plans

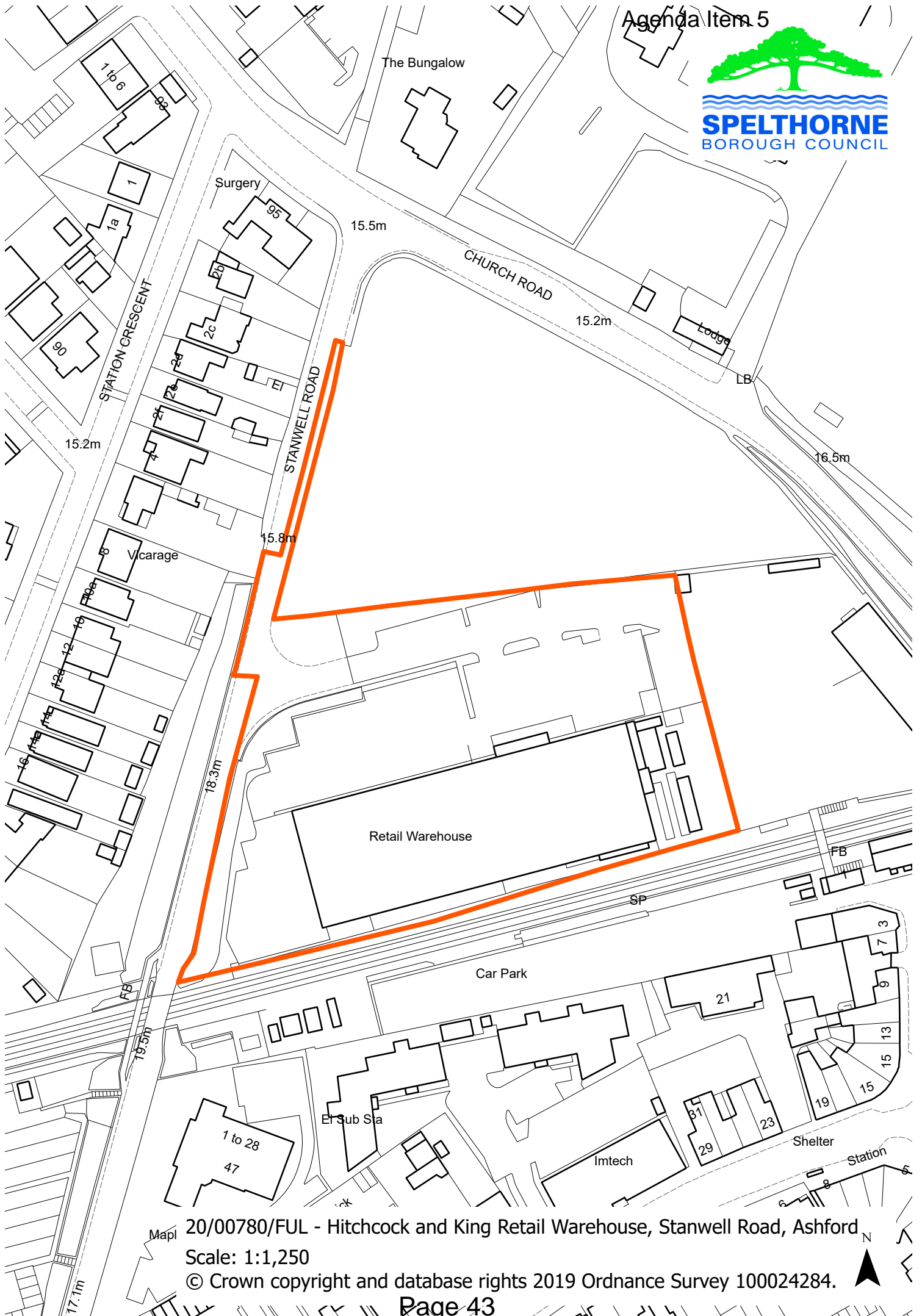


Proposed Elevation Plans



Proposed Floor Plans





20/00780/FUL - Hitchcock and King Retail Warehouse, Stanwell Road, Ashford

Scale: 1:1,250

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Planning Committee

10th November 2021



Application No.	20/00780/FUL
Site Address	Hitchcock And King Retail Warehouse, Stanwell Road, Ashford TW15 3DX
Applicant	Lidl Great Britain
Proposal	Sub-division of existing retail warehouse, and change of use to create two Class E 'commercial' units, with reconfiguration of the site car park, elevational changes, installation of plant equipment, and other ancillary works
Case Officer	Matthew Clapham
Ward	Ashford Town
Called-in	N/A

Application Dates	Valid: 13.07.2020	Expiry: 12.10.2020	Target: Extension of time agreed 12/11/2021
Executive Summary	<p>The application site is just over 1 hectare in size and is rectangular in shape. It comprises a vacant retail warehouse building and its surrounding car park. The site was most recently occupied by Hitchcock & King, a builders' merchant, that also provided a garden centre on site. The site is bordered to the west by Stanwell Road and by an area of protected public open space to the north, under the long-term leasehold ownership of Spelthorne Borough Council. The southern border of the site is demarcated by Ashford railway station and its railway line.</p> <p>This planning application proposes the change of use of the existing site to a part A1 retail unit (now Class E) operated by Lidl and an A1/D2 (now E,) Unit for an operator as yet unknown together with reconfigured car parking, alterations to the external appearance of the building, installation of plant equipment and additional works on the existing Hitchcock and King trade warehouse site.</p> <p>The principle of an A1 retail use (now E) on the site would be consistent with national and local planning policies.</p> <p>The parking level proposed is satisfactory for this type of development in this location and it is considered that notwithstanding the concerns raised by the County Highway Authority, any highway concerns may be overcome subject to additional improvements required by conditions.</p>		

	The proposed use would not have any adverse impacts upon the character and appearance of the area, nor the residential amenity of adjoining properties.
Recommended Decision	Approve the application subject to conditions as set out at Paragraph 8 of the Report.

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)
- SP4 (Town Centres and Retail development)
- TC3 (Development in Ashford Centre)
- TC5 (Proposals for retail development)
- EN1 (Design of New Development)
- EN11 (Development and Noise)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)
- National Planning Policy Framework (2021)

2. Relevant Planning History

2.1 The site has the following planning history:

14/00804/FUL	Extension to existing commercial building	Granted 25.06.2014
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3. Description of Current Proposal

- 3.1 The application site is just over 1 ha. in size and is rectangular in shape. It comprises a vacant retail warehouse building and its surrounding car park. The site was most recently occupied by Hitchcock & King, a builders' merchant, that also provided a garden centre on site. Hitchcock & King continue to trade from a smaller warehouse building, which is located on the adjoining land, to the east of the application site and outside of the planning unit subject to this application.
- 3.2 The site is bordered to the west by Stanwell Road and by an area of protected public open space to the north, under the long term (999 year) ownership of Spelthorne Borough Council. The southern border of the site is demarcated by Ashford railway station and its railway line.
- 3.3 Vehicular access to the site is taken from Stanwell Road, via a ramped entrance, due to a change in levels across the site. The car park is currently laid out to provide 143 spaces, although much of the car park was previously

used as external storage space for goods as part of the previous builders' merchant use. The car park also provides vehicular access to the neighbouring site to the east where Hitchcock & King have re-located.

- 3.4 There are existing trees along the northern edge of the site, but as an existing developed commercial site, there is little soft landscaping on the site at present, which is predominantly concrete and hardstanding.
- 3.5 The site lies in close proximity to Ashford town centre, which lies directly to the south of the railway line and Ashford Railway Station. The town centre provides a range of small-scale shops and services, including a Sainsbury's Local store, a Tesco Express, and a range of independent shops, cafes and takeaways. The nearest large supermarket is the out-of-centre Tesco Extra store, which lies around 1km to the north of the site.
- 3.7 The area surrounding the site is in mixed-use, with the railway line and Ashford town centre to its south and with residential buildings to the located to the north and west, together with new residential developments to the south beyond the railway line.
- 3.8 It is proposed to reconfigure the existing retail warehouse building on the site to form two separate units. The largest of the two retail units will operate as a Lidl foodstore and will measure 2,152 sq.m (GIA). It will provide a sales area of 1,237 sq.m, which will include an instore bakery. The smaller retail / leisure unit will measure 800 sq.m (GIA) and its occupier is unknown at this stage. The existing retail warehouse provides some floorspace at first floor level, but this will be removed as part of the proposals to create single- storey units. The exterior would be refurbished including new enlarged glazing to reflect the retail use, new cladding and painted walls.

4. Consultations

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

Consultee	Comment
Esso Pipelines	No objections.
County Highway Authority	Raised Objections (These are considered in section 7 below).
Environmental Health - Contamination	Requested conditions
Environmental Health - Noise	Requested conditions
Thames Water	No objections
Environmental Health - Light	Requested conditions
Network Rail	No objections
Highways England (now National Highways)	No objections
Tree Officer	No objections

5. Public Consultation

- 5.1 A total of 71 properties were originally notified of the application. Statutory site notices were displayed and the application was advertised in the local press.
- 5.2 To date, 11 letters have been received from third parties. Of these 2 were objections, 4 were totally in support and 4 raised no objection in principle but requested certain matters be addressed.¹ further letter requested confirmation of who the retailer was to be.
- 5.3 The letters of support expressed a wish for a new supermarket in this location, while the objections and items to be addressed related to the following issues:
- Traffic generation
 - Highway safety
 - Loss of light, privacy and noise
 - Disabled Access
 - Esso Pipeline
 - Covid
 - Request for additional planting

6. Planning Issues

- Principle of development
- Highways issues and parking
- Design and character and appearance
- Impact on adjoining properties

7. Planning Considerations

Principle

- 7.1 The National Planning Policy Framework (2021) (NPPF) supports the building of a strong, competitive economy and ensuring the vitality of town centres. Paragraph 86e) states that Local Authorities should:

'where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre'.

Paragraph 87 also states that:

Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Furthermore, paragraph 88 of the NPPF states that:

'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.'

Planning Practice Guidance (PPG) note 'Town centres and retail' (September 2020) reaffirms that:

It may not be possible to accommodate all forecast needs for main town centre uses in a town centre: there may be physical or other constraints which make it inappropriate to do so. In those circumstances, planning authorities should plan positively to identify the most appropriate alternative strategy for meeting the identified need for these main town centre uses, having regard to the sequential and impact tests. This should ensure that any proposed main town centre uses which are not in an existing town centre are in the best locations to support the vitality and vibrancy of town centres, and that no likely significant adverse impacts on existing town centres arise

Policy TC3 seeks to protect the vitality and viability of the Ashford town centre. Policy TC5 states that the Council will:

'expect new retail development serving the Spelthorne area to be located in ..the centres of Ashford, if it is of a scale and character appropriate to those areas.

- 7.2 This proposal is located on a site in an existing commercial use, including part retail use, and is for the conversion of the unit, not new build. It is located on the very periphery of the town centre, with the boundary being on the other side of the Ashford Railway Station, Station Approach. There are a number of smaller existing retail uses within the shopping area, including both independent stores and national companies, including Tesco, Sainsburys and Co-Op. There is also a larger Tesco store at the Junction of the A30 adjoining Ashford Hospital.
- 7.3 The applicant has submitted a detailed Sequential Statement and Retail Impact Assessment to support the application. It concludes that no sites within Ashford District Centre were identified as being suitable, available and viable for Lidl (and / or an additional retailer or leisure operator), even allowing for flexibility with regards to the scale and format of the stores. The former Brooklands College site has a unit available which is 619sqm which is below the floor area required by the applicants for this store. Therefore *'The proposed development, which will be situated in a good edge-of-centre location, on an accessible site, is therefore considered to satisfy the requirements of the sequential test, as set out in the NPPF'*
- 7.4 It is considered that due to the proximity of the proposed retail unit and the existing town centre, it is considered it would not be detrimental to the vitality and viability of the shopping area and could in fact encourage additional visits to the town centre. The existing retail units are small and this larger 'budget' store provides an additional type of retail outlet and choice to residents located within Ashford and its environs.
- 7.5 The town centre, following new developments such as that at the former Brooklands College site has resulted in an increase in residents within the

town centre and is likely to have led to increasing demand for retail facilities. There are no large retail sites in the town centre that could facilitate such a size of a food store proposed by Lidl in this application.

- 7.6 As such, in line with the guidance contained in the NPPF and the PPG, it is considered that there is justification to allow a retail use on this already partial retail and overall commercial use on the edge of the town centre and the proposal could make a positive contribution to the vitality of the Ashford town centre.

Highway Safety, Parking and Accessibility

- 7.7 The application was accompanied by a Travel Plan, a Transport Assessment and subsequently an upgraded Road Safety Audit.

The County Highway Authority (CHA) have raised the following objections:

1) It has not been demonstrated that the proposed car parking provision, with respect to its quantum and layout, would safely accommodate the likely demand and enable vehicles to safely enter the site without delay. As a result, vehicles could park or queue on Stanwell Road, a busy distributor road with limited forward visibility, prejudicial to highway safety and contrary to the National Planning Policy Framework 2019 and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

2) The proposed development would lead to a significant change in vehicle movements to and from the site over the existing access where this access cannot safely accommodate these movements due to its geometry and achievable visibility splays. This would compromise the safety of all highway users, contrary to the National Planning Policy Framework 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

3) Due to the site location and proposed site layout, the development would not be adequately served by convenient, attractive or safe opportunities for travel by modes other than the private car, contrary to the sustainable objectives of the National Planning Policy Framework 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

4) It has not been demonstrated that the existing junction of Stanwell Road (C241), Stanwell Road (B378) and Church Road (B378) can accommodate the likely additional vehicle movements with respect to highway safety or capacity, or that a suitable mitigation scheme can be safely provided. This may lead to conditions prejudicial to highway safety and the free flow of traffic, contrary to National Planning Policy Framework 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 7.8 The applicant has submitted amended rebuttal reports to address these concerns and as a result, the Council has instructed an independent transport

advisor to look at the transport and highway implications and to provide officers with an objective view on the concerns raised by the CHA.

Therefore, the four main highway considerations are:

- Parking provision,
- Access
- Sustainability
- Junction at Church Road / Stanwell Road

These will be considered in turn.

Parking Provision

- 7.9 In terms of the parking provision, Policy CC3 of the CS&P DPD seeks to ensure appropriate provision is made for off-street parking in development proposals.
- 7.10 The Council's Parking Standards SPD (2011) indicates that 154 parking spaces would normally be required to serve the new use. It is re-iterated that this proposal is not a new build, rather a refurbishment of the existing building and site. The parking proposed is 141 spaces, including 8 reserved for Blue Badge holders and 9 spaces for parents with small children. It is also noted that the County Highway Authority Vehicular and Cycle Parking Guidance (Jan. 2018) states that food retail over 100m² should have 1 space per 14m² with a potential reduction of 50% at edge of town centre, potentially reducing the requirement to 76.
- 7.11 Parking for 12 bicycles would be provided in connection with this use, with the parking standards requiring 11 spaces. The Travel Plan also shows that staff would be advised of sustainable modes of transport.
- 7.12 The Transport Assessment submitted by the applicant with the application considered the parking provision for the proposed Lidl foodstore and non-food unit and produced a parking accumulation assessment has been undertaken for both the Friday and Saturday periods. This indicated that a typical Weekday could have a peak demand of 86 spaces (61% occupancy), whilst on a Saturday a peak demand of 107 spaces is predicted (76% occupancy). It concluded that the proposed level of parking is considered suitable to meet the needs of the development proposal, with a peak occupancy of 76% during a Saturday demonstrating that the level of parking provision proposed meets the demands of the development and also provides an element of capacity within the car park for peak trading periods (such as Easter or Christmas periods).
- 7.13 The County Highway Authority raised concerns regarding the visibility and accessibility to some of the spaces to be provided, commenting that *'The proposed parking layout will make it difficult for drivers to determine whether spaces are available at the lower part of the site, as they will not be able to see upon entry due to the level differences. As a result, there may be competition for the parking spaces on the upper tier of the car park. This could result in queuing back to the highway, where there is only space to queue*

approximately 4 cars between the first parking space and the edge of carriageway.

- 7.14 The Highway consultant appointed by Spelthorne has suggested that based on TRICS data from other existing LIDL stores, *'it is anticipated that the demand for car parking associated with the proposed LIDL and the adjacent smaller store would be met on site. It is also anticipated that the demand for parking associated with the LIDL and adjacent smaller store would be met by the spaces in front of the stores for the majority of the time'*.
- 7.15 In addition, it was noted by the Transport Advisor that *'...there is a risk that visitors to the adjacent plot (Hitchcock & King) use the car park when visiting the site. However, it is anticipated that any overspill associated with the adjacent site would be relatively low and take place along the access road, closer to the eastern end, and as such not materially impact on the availability of parking under normal conditions. Furthermore, it is likely that demand associated with the adjacent site would primarily take place during the week'*.

In view of the number of spaces being provided, being close to the required amount as set out in the parking standards and with the number exceeding that set out in the County Highway Authority Vehicular and Cycle Parking Guidance (Jan. 2018), the number of spaces is considered acceptable in this location. Therefore, the concerns of the CHA regarding Quantum are considered to have been overcome. With regard to the location, neither of transport consultants have raised concerns regarding the use of the spaces at the bottom of the site. It is considered that most users will attempt to park as close as possible to the front of the site, particularly if they are doing a large shop and are unlikely to be put off by travelling to those spaces. No details have been stated to suggest that the width of the roadways and the design and size of the spaces are below standard to impact upon manoeuvrability. Therefore it is considered that the parking layout is also acceptable.

- 7.16 It is recognised that a significant number of trips to a large retail outlet will involve vehicles. However, it is noted that the site is located in what is considered to be a sustainable location, with public transport in close proximity and a number of new and existing residential uses within walking distance of the site location. Therefore, it is considered that the parking and bicycle provision is acceptable.

Access

- 7.17 The County Highway Authority raised concerns regarding the forward visibility when approaching the site from the south over the railway bridge and the visibility from the access / egress to the site.

The Transport Assessment has considered TRICS data analysis for car movements and has provided a swept path analysis for HGV vehicles entering and leaving the site. The TRICS data includes a summary of likely movements for all three users of the site, including the relocated Hitchcock and King site and the two proposed uses. The TRICS data has been made on the assumption that the adjoining A1/D2 user will not be a food retailer as this will provide competition to the key user of the site.

- 7.18 Amongst other concerns, the CHA considered that the distance from the brow of the bridge to the likely queuing of traffic entering the site was insufficient to prevent accidents. Due to the access arrangements where it was observed that most freight vehicle deliveries accessed the site through the middle of the access rather than keeping to the right / left markings and that where the use is intensified so that cars were occupying the lane to leave the site, deliveries may be kept on the road awaiting enough clearance to enter the site causing a back-up of vehicles in the road which may result in rear end shunt collisions. Visibility is also compromised by an existing fence at the access point.
- 7.19 The applicant has stated that this fence could be removed, although the CHA has raised concerns that this may allow vehicles to roll down an embankment where an accident could occur.
- 7.20 Furthermore, the CHA considered that a large vehicle exiting the site and turning right would need to turn across the 'in' lane of the access, which could result in vehicle conflict. The matter is further complicated by the fact that there will be at least two and potentially three separate users of the site, with their own delivery and customer requirements. The existing Hitchcock and King business will continue on part of the site and using this access. The Hitchcock and King business site falls outside of the red edged application site and therefore out of the control of the applicant.
- 7.21 The Highway Consultants appointed by Spelthorne have considered these matters and made the following comments:

We have measured the distance from the brow of the bridge to the southern side of the existing access at 70m, and 90m to the middle of the access where the start of a queue would form; as such, provided queues did not extend beyond 25m to 30m from the centre of the access, i.e. 4 to 5 stationary cars, then there should be adequate forward visibility.

The proposals do not include any changes to the site access and as such presumably would not require any technical approval assuming consent was granted. The Site is currently in use and was formerly occupied by Focus DIY, and as such has been in retail use. The proposals would result in an intensification of use of the access, which could result in speeds along the road reducing due to a higher number of right turning movements, with drivers becoming more familiar with the site.

- 7.22 In addition, while noting that the proposed use would result in an intensification of the use of the site, the highway advisor for Spelthorne has commented

Drawing 1906025-02 in Appendix D of the Response to SCC Comments indicates visibility splays of 2.4m by 49.2m to the south / left and 2.4m by 51.4m to the north / right. Manual for streets suggests a visibility splay of 2.4m by 45m for 50kph (31mph) and 2.4m by 59m for 60kph (37.2mph), with the Design Manual for Roads and Bridges suggesting visibility splays of 70m and 90m respectively. Although we do not have any information on the existing

visibility splay to the south, the proposals represent an improvement to the south with no change to the north.

Accident data suggests that there have only been 2 Personnel (sic) Injury Accidents along Stanwell Road in the vicinity of the Site suggesting that there is not an existing problem.

We are of the opinion that visibility from the Site access is adequate based on the information provided, with improvements to the south with the removal of the fence, and no changes to the north; it should be possible to include restraints at say 2m off-set from the edge of the carriageway to the south to prevent vehicles from leaving the carriageway. It is recommended that the footway is provided on the western side of the carriageway to the north of the access and that it is dedicated as highway which will require an agreement with the land owner. The proposals do not include any changes to the Site access and as such do not require any technical approval.

While it is noted that the County have raised concerns regarding accessibility from delivery lorries, the comments include it is feasible that drivers will attempt to create informal left and right turns out of the site, pushing some vehicles even further north within the access with no factual evidence to demonstrate these points will occur.

In view of the existing situation and relationship with deliveries and customers to the site already in existence and while noting the increase in cars using the site from the proposed use, it is considered that the vehicle conflicts are unlikely to occur.

- 7.23 Therefore, subject to suitable conditions regarding the removal of the fence and a satisfactory replacement safety barrier, the proposed access arrangements are considered acceptable.

Sustainability

- 7.24 The CHA has raised concerns regarding cycle accessibility and also pavement widths relating to pedestrian accessibility. The Transport Assessment has concluded that due to the topography and low speed limit, the area is suitable for cycling. Similarly, sufficient footpaths and crossing points are provided to allow easy access for pedestrians.
- 7.25 The Spelthorne appointed Transport consultants have advised that the new pavement to the eastern side of the northern route to the site be provided, which the applicant has agreed to subject to legal matters based on ownership and permissions. The land in question is under a 999 year lease to Spelthorne Borough Council and Asset Management has not raised any objections to the principle of such an agreement. This may be secured by a 'Grampian' condition. Such a condition is one that precludes the implementation of development permitted by a planning permission until some step has been taken is valid. This can include a s278 agreement to be agreed to provide monies to carry out Highway Improvements.

- 7.26 With regard to accessibility from the south, the transport consultant has stated that *'it is unlikely that there is justification to increase the capacity (of the pavement) south of the Site'*.
- 7.27 In addition, the advisor concludes that *'the Site is located circa 350m via the park and steps or 600m via the road from the mainline railway station and 130m to the closest bus stops, with residential properties within close proximity. As such, the Site is within acceptable walking or cycling distance of nearby residential and public transport opportunities'*.
- 7.28 As a food store, it is considered that the majority of users will arrive by car, however for those who wish to cycle or walk, it is considered that satisfactory non-vehicular modes of transport are available. The applicant has agreed to provide a crossing across Stanwell Road, outside of the store access to allow a crossing point for those users of the footpath who do not wish to use the existing crossing to the north close to the Church Street junction. This was originally going to be a signalised crossing, then a pedestrian crossing and finally a central refuge area was to be provided to allow pedestrians to cross half way until a suitable gap in the traffic to safely cross was available. The details of this have not been finally agreed with the CHA and a suitable condition is recommended to secure this.
- 7.29 Therefore, it is considered that the site is accessible and is located within a sustainable location and meets the requirements of policy CC2.

Junction at Church Road / Stanwell Road

- 7.30 With regard to the junction with Stanwell Road and Church Street, the CHA has raised an objection based on the potential impacts upon the site access in the event that the signalisation of the junction at Church Road to the north be implemented. It is understood that the current arrangement, with two separate pedestrian crossings and a right turn lane will be replaced with an all-inclusive traffic light junction with pedestrian crossings. This may lead to cars waiting at red lights to queue back towards the site access and potentially block the access. This signalisation junction is supported by the Spelthorne Joint Committee (SJC). However, it is understood that this is not a fully funded and approved proposal and therefore does not carry significant weight in assessing this proposal at this stage.
- 7.31 The CHA have also stated that there are issues regarding the safety of this junction were Lidl to operate, siting the movement of a bus stop and access from a private access (Brooklands College). However, these are not currently under consideration as the junction proposals are not at the stage of delivery.
- 7.32 The Transport Assessment states that cyclists form the highest percentage of incidents after cars across this study area and that the collision record is not considered abnormal over a five-year period. Whilst a number of incidents involved vulnerable road users, it is not considered that the incidents occurred as a result of an unsafe highway network, but due to driver error.
- 7.33 Furthermore it states:

'There is no suggestion that the proposed development would result in an increase in either the number or severity of accidents on the local highway network. Those accidents that occurred, particularly at the Stanwell Road and B378 Church Road/Stanwell Road junction, are typical of those accidents that tend to occur on this type of road network. It does however highlight a cluster of incidents at the Stanwell Road junction with Church Road. The proposals will incorporate the re-design of the Stanwell Road/B378 junction as requested by SCC, which will improve pedestrian and cycle links. This will assist in reducing the number of incidents that involve vulnerable road users. Additionally, the proposals include highway improvements along Stanwell Road to create pedestrian/cycle links between the site and the Stanwell Road/B378 junction, as well as across Stanwell Road adjacent to the site'. The applicant has agreed to help fund these proposals.

- 7.34 The Transport consultant has stated that while the signalisation of the junction is not considered necessary, the results of the Road Safety Audit have not demonstrated that the improvements will mitigate any impacts from the proposed Lidl development. However, the signalised junction is not currently in operation and therefore a future project is not a material consideration. It is considered that the proposal should be assessed on the current situation where no significant safety issues have been associated with this proposal.
- 7.35 Two EV charging points are proposed, with a further 20 passive points planned for when demand requires these to be operational. The transport consultant has suggested that the two points are remote, being located on the northern edge of the car park rather than closer to the store itself. The applicant is aware of these concerns however has suggested that the electricity supply is the reason why the points are located there. In view of the current desire for electric cars it is considered that the 20 passive charging points are put into use immediately which may be secured by condition.

Design, Character and Appearance

- 7.36 Policy EN1(a) of the CS&P DPD states that the Council will require a high standard of 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.
- 7.37 The proposal seeks to convert the existing building into the Lidl retail store. The applicant intends to make the following alterations to the external appearance of the building: The alterations include:
- *Additional glazing to frontage*
 - *Existing rendered walls painted white*
 - *Plinth walls finished in corporate grey*
 - *Advertisements (approved under a separate permission) will be added*
- External alterations will be made to the front of the building, which currently has an industrial appearance, to make it more modern with large areas of*

glazing alongside detailed materials and features. The base of the existing external wall cladding on the north, west and east elevations will be raised to maximise glazed areas to the customer entrances and Lidl sales area, to create an active shop frontage along Stanwell Road. The existing facing brickwork is rendered and will be painted white, with a low-level plinth painted grey’.

- 7.38 The existing building is functional and has the appearance of a warehouse in an industrial estate. The revised appearance of the building is considered to result in a significant improvement upon the character and appearance of the building and the area. It is considered to provide a more modern and striking building for those accessing Ashford town centre from the north and the main arterial routes from the A30 and Heathrow Airport. It is therefore considered acceptable and complies with Policy EN1.

Impact upon the amenity of adjoining properties

- 7.39 Policy EN1 (b) requires that new development ‘*achieves a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight, sunlight, or overbearing effect due to bulk, proximity or outlook.*’
- 7.40 The site is located on the periphery of the town centre and is an existing operational commercial site with retail and warehouse uses. It is in close proximity to the railway station, other roads, and the A30 Trunk Road and Heathrow Airport are relatively close by. To the south, flats are 26.5m away beyond the railway line and station and to the west, the rear garden boundaries are 15.5m from the site boundary and access.
- 7.41 The Council’s Environmental Health team has been consulted and has raised no objections, requesting conditions relating to noise and lighting.
- 7.42 Additional plant units will be installed for both air conditioning and refrigeration purposes. With the existing background noise and the distances to the nearest adjoining residential it is not considered that there would be any significant adverse impacts upon the amenity of adjoining properties in terms of noise, which will be further mitigated by the noise conditions. Comments have been made regarding potential noise from the intensification of the use of the footpaths. However as those paths closest to the nearest residential properties already exist, it is not considered that any significant increased noise and disturbance from the proposed use would arise.
- 7.43 In terms of lighting, the site is already in use and is surrounded largely by existing roads and a railway station all subject to existing street lighting and railway lighting within the public domain. The site is located at the low point of the site with properties in Station Crescent to the west and below an embankment. With the imposition of suitable conditions, it is not considered that any harmful impacts from light pollution would arise.
- 7.44 As the building is existing no overbearing, loss of light or outlook is considered to arise. Notwithstanding the additional glazing proposed, no loss of privacy is

considered to arise due to the relationship of the building to adjoining residential properties.

- 7.45 The proposal is therefore considered acceptable in amenity terms and would comply with policy EN1 (b)

Renewable Energy

- 7.46 Policy CC1 of the CS&P DPD requires renewable energy with certain new builds but not with the conversion of existing buildings as in this case. It does, however, state that the Council will encourage the installation of renewable energy equipment to supply existing buildings.
- 7.47 The applicant's submission included a Sustainability Statement where Lidl stores are described as meeting required standards. Various measures to be employed at this store are outlined in the statement, such as heating controls, recycling measures and delivery collection and arrival management.
- 7.48 The provision of some renewable measures is limited due to the fact that the building is being refurbished. This in itself does raise some environmental benefits by not having to dispose of building materials etc. Therefore, it is considered that the proposal will accord with the Council's renewable energy and climate change policy requirements. A condition has been attached requiring a 10% renewable energy provision on site.

Other matters

- 7.49 The proposal is utilising an existing commercial site, which already provides economic benefits and employment opportunities. The applicant states that up to 50 full and part time jobs will be provided at the site with the economic benefits of this.
- 7.50 In terms of waste and recycling, as a commercial premises, waste collection will be a matter for the applicant. As with most retail uses, often plastics, cardboard etc are removed as part of the delivery and collection process and no significant concerns are considered to arise from this process.
- 7.51 Planting and landscaping improvements are limited due to the existing developed nature of the site, although the applicant has submitted a landscaping plan suggesting some additional planting along the northern boundary, the western boundary to Stanwell Road and part of the southern boundary adjoining the railway line. The Council's tree officer has not raised any concerns to the removal of two trees at the access to aid highway visibility. A nesting bird and roost survey has also been submitted although on the already developed site itself, no significant ecological or biodiversity concerns are considered to arise.
- 7.52 Suitable Ground Contamination conditions have been recommended and the comments from Thames Water, who have not objected, have been forwarded to the applicant.

It is not considered that any COVID related issues would impact upon the determination of this proposal.

The Esso pipeline operators were consulted and raised no objections.

Equalities Act 2010

- 7.53 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.54 The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need, to see whether the duty has been performed.
- 7.55 The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means to have such regard as is appropriate in all the circumstances.
- 7.56 The planning statement indicated that aim of the proposal was to ensure that appropriate standards for accessibility would be met at the outset, to meet reasonable expectations for mainstream inclusive design, and to ensure that the aims of the Disability Discrimination Act 1995 (as amended 2005) would be met.
- 7.57 It further states that the design approach takes into account a wide range of environmental needs and is not limited to specific types of disability. In adopting this broad approach, the scheme aims to promote the provision of an environment that is safe, convenient and enjoyable for use by everyone living or visiting the scheme.
- 7.58 The development would incorporate 8 disabled parking spaces. Furthermore, as a retail supermarket it would provide flat level access with automatic doors and disabled trollies etc. and 9 parent / child spaces.
- 7.59 It is considered that the proposal has been designed to accord with the Equality Act 2010.

Human Rights Act 1998

- 7.60 This planning application has been considered against the provisions of the Human Rights Act 1998.

- 7.61 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.62 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.63 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Financial Considerations

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

8. Recommendation

To GRANT planning permission 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: (all 4415) -102 P15; 102 P05; 103 P03; 104 P05;

105 P09; 106 P09; 300 P07; 306 P02; 400 P01; 402 P08; 500 P01 and 501 P01 received 13.07.2020

Reason: For the avoidance of doubt and to ensure the development is completed as approved.

3. The development shall not be first occupied until a pavement has been constructed along the eastern side of Stanwell Road between the site access and the junction to the north at Church Street. Details of the proposed pavement shall be submitted to and approved in writing by the Local Planning authority within three months of the date of this approval and the pavement thereafter maintained in conjunction with an agreement with the County Highways Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure highway and pedestrian safety for all users of the site and the surrounding area.

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

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

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

NOTE

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

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

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

Reason: To protect the amenities of future occupiers 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.

6. Within two months of the date of this approval, details of the materials to be used for the external surfaces of the buildings and other external surfaces of the development are submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved materials and detailing.

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

7. The rated noise level from the plant hereby approved shall be at least 10 dB(A) below the background noise level at the nearest noise sensitive property as assessed using the guidance contained within BS 4142 (2014).

Reason: To safeguard the amenity of nearby residential properties.

8. Within two months of the date of this approval, details of an acoustic enclosure around the plant location, to ensure the rated noise levels from the plant are at least 10dB below background noise level at the nearest noise sensitive property as assessed using the guidance contained within BS 4142 (2014). Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise

9. The self-illuminated lighting fixtures on any facade of the development that face towards residential accommodation shall not exceed a surface brightness of 350 candelas/m² from 21.00hrs – 07.00hrs.

Reason: In the interests of amenity and protection of nearby residents from potential light nuisance.

10. Prior to the occupation of the development hereby approved the facilities for the secure parking of bicycles within the development site shall be provided in accordance with the approved plans. Thereafter the said approved facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.

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

11. No primary cooking (i.e. the cooking of raw or fresh food) shall take place within the development site without first obtaining the written approval from the Local Planning Authority

Reason: The plans do not include the provision of any extractor equipment and this would need to take place in order to ensure the development would be in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

12. Prior to the occupation of the development 14 of available parking spaces shall be fitted with a fast charge socket (7kw Mode 3 with Type 2 connector), and a further 14 of available spaces are provided with power supply (through feeder pillar or equivalent) to provide additional fast charge sockets.

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

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

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

14. Prior to occupation of the building, 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 built to the approved designs.

15. Prior to the occupation of the development, the Travel Plan shall be updated for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's "Travel Plans Good Practice Guide". Thereafter the approved Travel Plan shall be implemented upon first occupation of the site and for each and every subsequent occupation of the

development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Reason: In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 “Promoting sustainable transport” of the National Planning Policy Framework 2021, and policies CC2 and CC3 of Spelthorne Borough Council’s Core Strategy and Policies Development Plan Document February 2009.

16. Details of a scheme of both soft and hard landscaping works, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved. The approved details and scheme of tree and shrub planting shall be carried out prior to first occupation of the building. The planting so provided shall be maintained as approved for a minimum 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: In the interest of amenity and Policies SP6, EN1 and EN8 of Spelthorne Borough Council’s Core Strategy and Policies Development Plan Document February 2009 and the National Planning Policy Framework 2021.

17. Prior to the occupation of the building hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out and thereafter maintained in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape features in accordance with Policies SP6, EN1 and EN8 of Spelthorne Borough Council’s Core Strategy and Policies Development Plan Document February 2009 and the National Planning Policy Framework 2021.

18. The development hereby permitted shall not be occupied until the highway access arrangements to Stanwell Road has been provided to the satisfaction of the Local Planning Authority, in accordance with drawing no. 4415-0102 P15 and consultation with the County Highway Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the safety of pedestrians accessing local facilities in the vicinity of the site.

19. The parking spaces shown on the approved site plan (landscape plan) shall be constructed and completed prior to the occupation of the building hereby approved, and thereafter maintained as approved and reserved for the benefit of the development.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highways 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.

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

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

Within two months of the date of this approval, a report shall be submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of each building and thereafter retained.

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

INFORMATIVES TO APPLICANT

1. Any external lighting system installed at the development shall comply with the Institute of Lighting Professionals (ILE) Guidance for the Reduction of Obtrusive Light (January 2012)
2. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

3. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk
4. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater
5. Condition [13] details the minimum requirements for electric vehicle charging sockets for this development.
6. 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.
7. With reference to condition 12, the applicant is requested to consider providing all the proposed parking spaces within the site with a power supply (through feeder pillar or equivalent) to provide additional fast charge provision.
8. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking.
 - a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
 - b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
 - c) Deliveries should only be received within the hours detailed in (a) above;
 - d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
 - e) There should be no burning on site;
 - f) Only minimal security lighting should be used outside the hours stated above; and
 - g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit. In order to meet these

requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme (www.ccscheme.org.uk/index.php/site-registration).

It should be noted that under the Environmental Protection Act 1990 Councils can serve an abatement notice on people responsible for statutory nuisances. This may require whoever's responsible to stop the activity or limit it to certain times to avoid causing a nuisance and can include specific actions to reduce the problem.

9. Historically land across Spelthorne has been subjected to extensive mineral extraction, with subsequent infilling of the resultant voids. Excavations during some development works have encountered fill materials where records have not previously identified a history of extraction / infilling.

To confirm ground conditions at the application site minimum requirements of the survey are as follows:

- The excavation of 2 -3 trial holes to a depth of 1.00mbgl. This can be done by hand or with a small digger.
- At least one location beneath the footprint of the proposed new internal areas and another two holes within the proposed external areas and other associated landscaped areas.
- An inspection to be made of the ground conditions and confirm the absence or otherwise of any made ground / fill materials at this property, their thickness and extent.
- Photographs shall be taken of each exploratory position including all associated soil arisings (soils excavated and placed to the side of the hole as works progress).
- Where different soil horizons are encountered (i.e. topsoil to 0.40mbgl overlying a layer of sandy gravel to 0.60mbgl with stiff clay to the base of the excavation (c.1.00mbgl)) appropriate written logs will be required to detail the depths, thickness and description of the materials encountered.
- A scale plan (such as the site layout plan) indicating the location of the exploratory positions in relation to the proposed property and a photograph taken across the site detailing the soils and arisings.
- The information, logs and photographs can be submitted to us in a simple letter report.
- If made ground materials are encountered during the excavations soil sampling and assessment of contamination risks will be required to be undertaken by a suitably qualified person.
- It is important that no wells are drilled within the existing building as this would risk potentially creating a new pathway for ground gas if present, and would risk damaging the integrity of any protective membranes present within the existing building.

Made ground refers to non natural / notable fill materials – fragments of brick, concrete, metal, plastic, timber, glass, ashy materials. Evidence of contamination is identified by either visual (staining of soil or sheens on groundwater (if encountered)) or olfactory means (organic, tarry, hydrocarbon /

petrochemical odours). In the event that materials of this nature are discovered during the survey, you are advised to contact us for further guidance.

10. This development is situated within 250 metres of a current or historic landfill site or gravel pit. A gas impermeable membrane should be incorporated within the structure along with a ventilated sub floor area. Any services entering/leaving the structure should be located above the gas impermeable membrane or alternatively, adequate seals will need to be provided if the membrane is to be breached. The details of the gas impermeable membrane and with particular attention to the joins with any existing structure and seals around any services, plus details of the sub-floor ventilation should be submitted to the Local Planning Authority for approval prior to the works being carried out.

be submitted to the Local Planning Authority to demonstrate that the gas impermeable membrane has been installed in accordance with the approved plans. Condition [X] shall not be discharged until such documentation has been received and approved. The applicant is advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences.

Should the application require the installation of a new boiler it is recommended that the equipment meets the standards set out in the Institute of Air Quality Management Guidance on Land-Use Planning & Development Control: Planning For Air Quality.

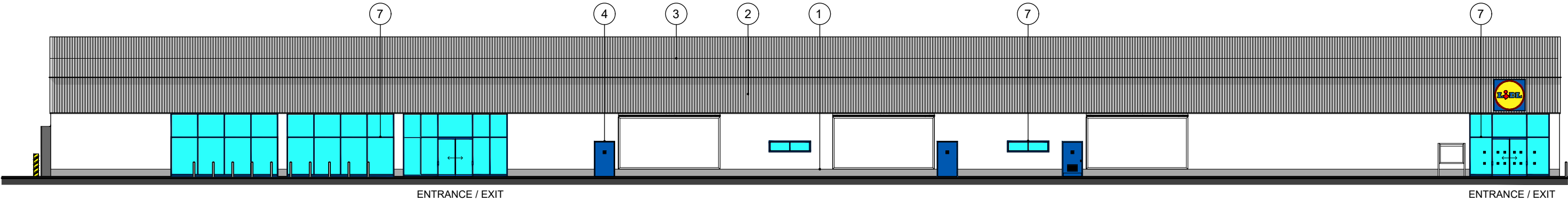
<https://iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

11. The updated Travel Plan should include the provision of showers for staff, details of how it will cover users of the vacant A1/D2 unit and all site users including customers and is monitored and developed as necessary.

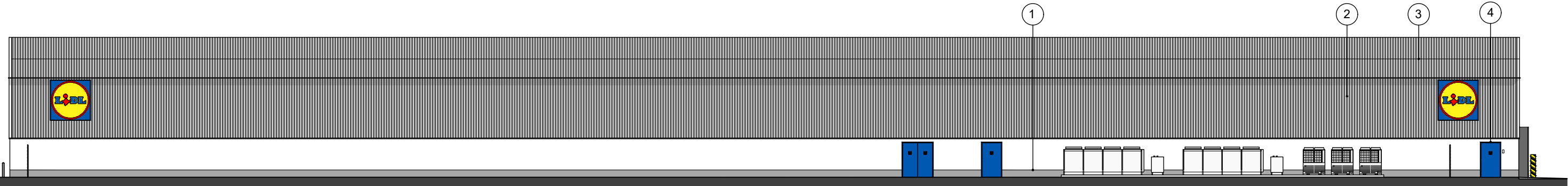
Appendices:

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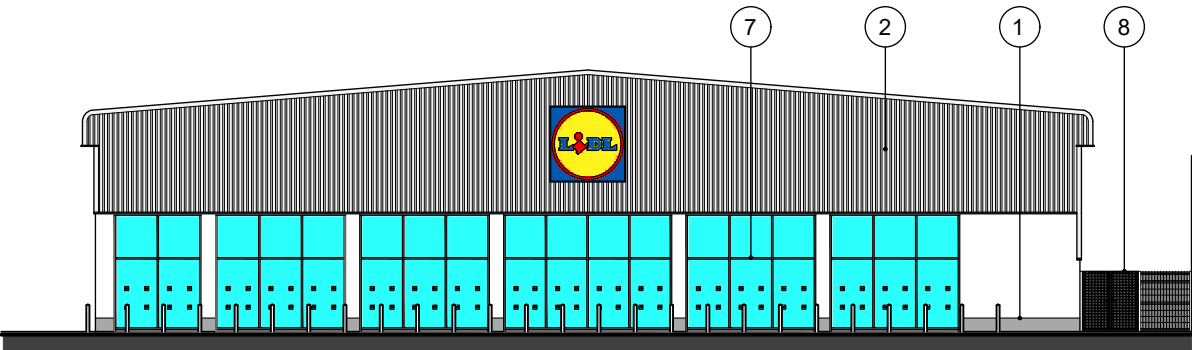
Rev	Date	Reference	Drawn / Chk'd
P08	2020/05/15	PDU ADDED.	AA AA



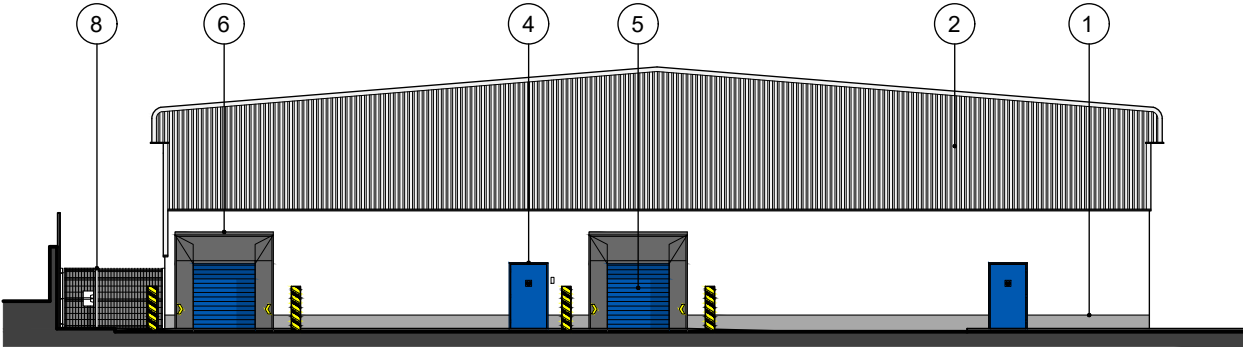
NORTH ELEVATION



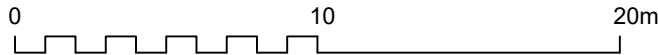
SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION



Materials - key to codes	
1	External Wall Render External fair face float finished mineral render in 2 layers to 20mm thickness with 0.2.5mm graining finish to BS 1191: Part 2. All final render to be painted to comply with BS 6150. a) Main wall colour: White, RAL 9010. b) 450mm high waterproof / splash-proof plinth base: grey RAL 7038.
2	External wall cladding Existing high level profiled metal wall cladding to be cleaned and prepared for new spray painted finish. Colour: Metallic Silver, RAL 9006.
3	Roof coverings Existing profiled metal roof cladding to be overhauled and repaired. All roof lights to be replaced with insulated cladding to match existing.
4	External doors Steel doors and frames, powder coated internally and externally. Colour: Gentian Blue, RAL 5010 to 80% gloss finish.
5	Sectional doors Delivery area insulated sectional doors: 2600mm (W) x 2600mm (H). External colour: Gentian Blue, RAL 5010.
6	Dock shelter Model DSL, 3250mm x 3250mm x 500mm projection and 900mm head curtain, with galvanised steel collapsible linkarm frame. Front curtains polyester monofilament 3mm PVC coated to both sides. Colour: Black, with safety marker stripes.
7	Shopfront glazing, entrance lobby and windows Structural aluminium glazing sections by Schueco. All glazing panels to be double-glazed, with laminated safety glass, 8.8 / 16 / min 8.8mm glass unit. Voids argon filled. Inner pane with low-E soft coat. Entrance pod, automatic doors, shopfront glazing and window profiles powder coated Gentian Blue, RAL 5010 on both faces to 30% gloss finish.
8	Boundary fence New paladin gate and fence. Colour: RAL 7037.

Client
Lidl Great Britain Ltd

Project
Lidl
Stanwell Road, Ashford

Title
Elevations as Proposed
Option B

Drawing Ref.
4415-0402

Revision
P08

Scale - unless otherwise stated
1:250

Status
S0

Issued For
Preliminary

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SCHEDULE OF ACCOMMODATION - KEY

PARKING	
Standard	122
Disabled	8
Parent & child	9
EVCP AAB 22kW AC & 50kW DC Rapid Charging Spaces	2
TOTAL	
141 spaces	
Cycle parking	
Secure cycle parking	6 cycles

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NO DIMENSIONS TO BE SCALED FROM THIS DRAWING

Rev	Date	Reference	Drawn / Chk'd	
P15	2020/07/01	LANDSCAPING REVISED.	AA	AA

SCHEDULE OF ACCOMMODATION - KEY

Site area	1.076ha (2.658 acres)
Right of Way to neighbouring site	
Lidl GIA	2,152 sq m
Sub-let GIA	800 sq m
Total GIA	2,952 sq m
Sales area	1,237 sq m
WAREHOUSE	
Warehouse	384 sq m
Bakery Warehouse	63 sq m
Additional Chillers	44 sq m
Store	66 sq m
Total Warehouse	557 sq m
ANCILLARY AREA	
Bakery Prep	67 sq m
Cash Office	12 sq m
Manager's Office	13 sq m
Welfare area, wcs, etc	116 sq m
Utility	18 sq m
Circulation	35 sq m
Internal partitions	97 sq m
Total Ancillary	358 sq m

Client

Lidl Great Britain Ltd

Project

Lidl
Stanwell Road, Ashford

Title

Site Plan as Proposed

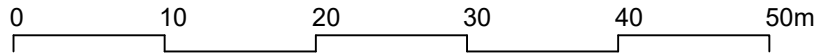
Drawing Ref.

4415-0102

Revision

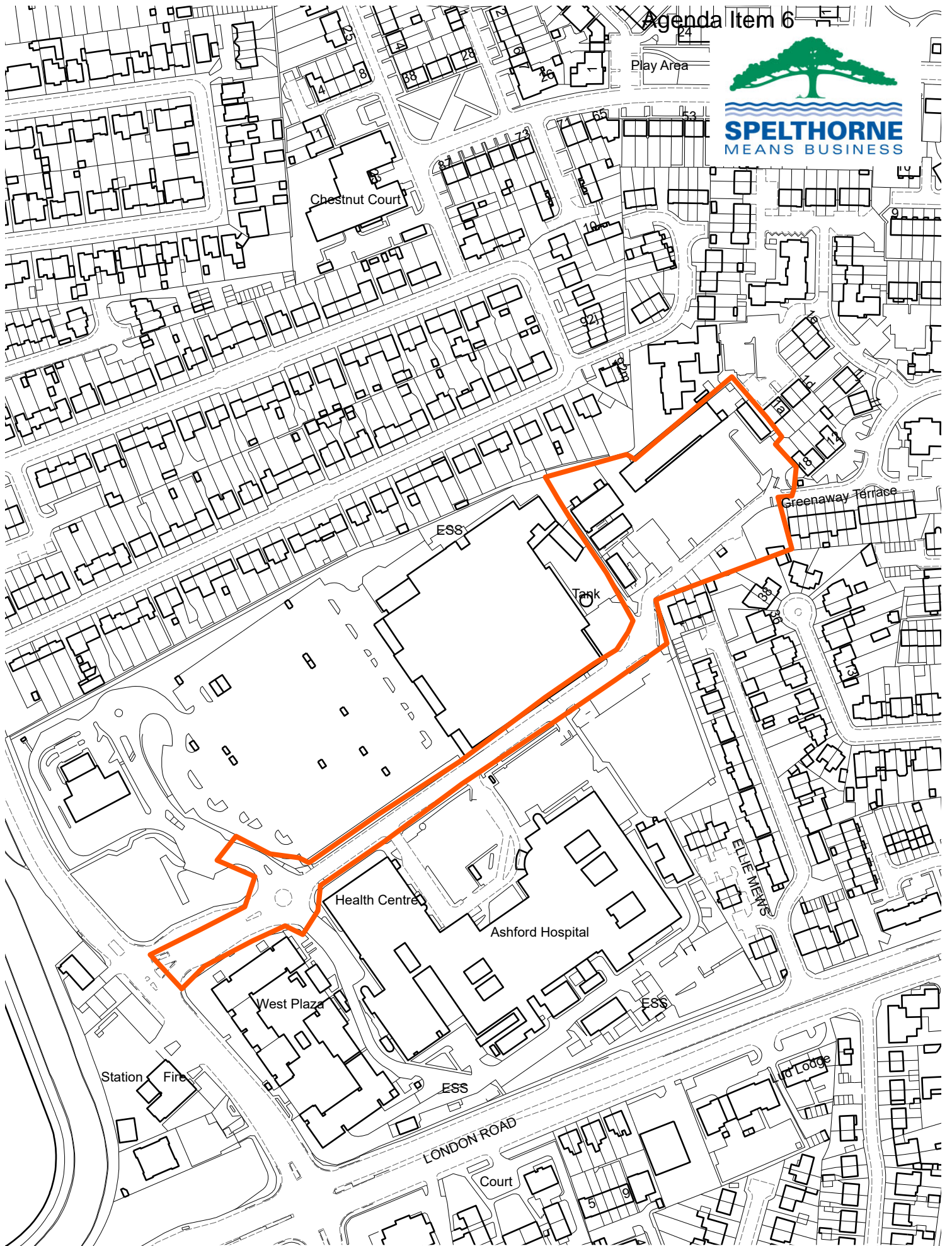
P15

Scale - unless otherwise stated	Status	Issued For
1:500 @ A3	S0	Preliminary





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19/01044/FUL Car Park to rear of Tesco, Ashford Hospital, London Road, Ashford.

Scale: 1:2,500

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Planning Committee

10 November 2021



Application Nos.	20/00802/FUL		
Site Address	Car Park to Rear of Tesco, Ashford Hospital, London Road, Ashford, TW15 3AA		
Proposal	Redevelopment of surplus hospital car park for 127 residential units comprising 123 flats and 4 terraced houses, in buildings ranging from 2 to 5 storeys in height, with associated access, parking, services, facilities and amenity space.		
Applicant	Spelthorne Borough Council		
Ward	Ashford North & Stanwell South		
Call in details	N/A		
Case Officers	Matthew Churchill & Fiona Tebbutt		
Application Dates	Valid: 15.07.2020	Expiry: 14.10.2020	Target: Extension of time until 30.11.2021
Executive Summary	<p>This planning application was deferred by the Planning Committee on 06 January 2021 in order to seek changes to the proposals. Amended plans have been submitted.</p> <p>The application is seeking the redevelopment of a car park at the eastern end of Town Lane, which previously formed part of the Ashford Hospital site. The car park has been sold by the hospital and is no longer in use, with hoarding having been erected along Town Lane. In addition to the car park, the site is also occupied by three buildings which previously served as a nursery, which has relocated within the Ashford Hospital, as well as two ancillary hospital buildings.</p> <p>The application proposes the demolition of the existing buildings and the redevelopment of the car park, to provide 127 residential units in buildings ranging between 2 to 5 storeys in height. The development also includes associated access, parking, facilities, landscaping and amenity space. There would be 127 parking spaces at a ratio of 1 parking space per dwelling. Following a review by the Local Planning Authority's (LPA's) independent viability assessor the applicant has made a commitment to providing 22 affordable housing units (17%) in an affordable rented tenure.</p> <p>The site is adjoined by established residential dwellings at the north, south and eastern boundaries. The Tesco Superstore is adjacent to the western site boundary, with the loading and servicing area of the superstore directly adjoining the site. The main Ashford Hospital site is</p>		

	<p>located to the south west on the southern side of Town Lane.</p> <p>Vehicular access to the site is provided from Town Lane. Pedestrian access is also available to Greenaway Terrace and Victory Close, residential properties to the east. A barrier installed as part of a previous planning permission to redevelop the hospital in 1992 prevents private vehicles from accessing Victory Close from the application site. The applicant has confirmed that this barrier would remain in place following redevelopment and would be under the control of the NHS.</p> <p>The car park previously provided 113 car parking spaces for hospital staff and 8 car parking spaces for the former nursery use. The applicant's submission documents state that the operation of the hospital has recently changed, and the car park is no longer required. The applicant's documents further state that the existing parking demand for Ashford Hospital can be met in the main hospital car park, which contains a reconfigured layout. In any event, the car park has been sold by the hospital and is no longer in use.</p> <p>The amended plans have been fully assessed and it remains officers view that the application is considered to be acceptable on the grounds of housing size and type, character and density, the impact upon existing residential dwellings, affordable housing, parking provision and highways.</p>
Recommended Decision	<p>This application is recommended for approval subject to the prior completion of a Legal Agreement.</p>

Background

This application was considered at the Planning Committee on 06 January 2021 where it was deferred to enable the applicant to consider the following concerns:

- Shortfall in open amenity space and play areas
- Lack of sunlight to existing dwellings
- Loss of light to existing development
- Close proximity with and overlooking of surrounding developments
- Parking spaces shortfall
- Inadequate waste storage and collection provision
- Shortfall related to separation distances to adjoining dwellings

The applicant has submitted a revised proposal that has altered the housing provision. Whilst it continues to provide 127 residential units, it now comprises 123 flats and 4 terraced houses, in order to provide additional amenity space for the terrace homes. Residents have been notified of the amended plans.

The covering letter dated 07 September 2021 addresses the reasons for deferral as follows:

Shortfall in open amenity space and play areas: This has been clarified in DAS the [Design and Access Statement] and landscaping [statement]. We remain significantly in excess of amenity standards for the flats (a point which was set out in your committee report but not picked up by the committee). The reduction of houses in block C to 4 and replacement of house 5 with 2 flats achieves the private amenity space for the terraced houses in line with your guidance. We have also emphasised the children's play space on site and contribution to offsite provision in the revised landscaping plans and DAS;

Lack of sunlight to existing dwellings: gia's [gia Surveyors] work has been redone for the revised scheme, notably to pick up those changes to block A and shows some modest improvement to daylight/ sunlight. It remains the case the development is acceptable in daylight / sunlight terms;

Close proximity with and overlooking of surrounding developments: the focus of changes has been block A, which has been reviewed for scale and massing. It is not possible to change block B and C without unacceptably compromising the scheme. The positioning of non-habitable rooms, notably those for block B, provide acceptable privacy / overlooking. The presumption in favour of sustainable development set out in NPPF20 [2021] makes it very clear, when applying 'tilted balance' as is the case in Spelthorne, that proposals should only be refused where any adverse impacts significantly and demonstrably outweigh the benefits.

Parking spaces shortfall: the revised transport assessment maintains a 1:1 ratio, which is confirmed acceptable by council officers and Surrey County Council, having regard to the type and proposed occupation of the development, notably the link with the hospital, the services and facilities in the immediacy, and the availability of public transport options at this location;

Inadequate waste storage and collection provision: this remains acceptable and as agreed with [the] council's waste team; and

Shortfall related to separation distances to adjoining dwellings for fire: This is covered further in the DAS [Design and Access Statement] and there is no adverse comment from the fire service to the original proposals.

In addition to addressing the committee's reasons for deferral the cover letter also states:

The development also achieves significantly greater energy efficiency / sustainability. The development now has greater provision of renewable energy through both the provision of PV and Air Source Heat Pump (ASHP). Additional PV alone now achieves 18% sustainability from renewables against the council's 10% policy aspiration. The ASHP's and PV's, in combination, also achieve 44% energy savings: double the previous proposals. Part L calculations had initially achieved a 10.5% improvement on part L, and now achieve 23.4% improvement. The proposals will provide 20% EVCP's [Electric Vehicle Charging Point] at a point of occupation, with all other spaces futureproofed to come online according to demand.

Summary of Main Alterations

Unit Mix – The application originally related to the construction of 122 flatted units and 5 terraced houses. The revised application proposes 123 flatted units and 4 terraced dwellings.

The revised unit mix proposes:

1 bed apartment	2 bed apartment	3 bed apartment	2 bedroom house
42 (33%)	79 (62%)	2 (2%)	4 (3%)

This is in accordance with policy HO4 of the CS&P DPD, which requires at least 80% of dwellings in developments of 4 or more units, to have 1 or 2 bedrooms.

Block A – The design and layout of Block A has been revised following the deferral. Block A previously incorporated a series of gable roofs which ran on a north to south axis. The revised design incorporates a flat roof of varying heights, with a maximum height of approximately 18.5m, reduced from 19m in the previous proposal. Block A is largely set over 5 storeys, although the revised design is now partially set over 4 storeys. This Block previously incorporated 96 apartments comprising 34 x 1-bedroom units, 55 x 2-bedroom units and 8 x 3-bedroom units. The revised design incorporates 97 apartments comprising 40 x 1-bedroom units, 55 x 2-bedroom units and 2 x 3-bedroom units. The roof over Block A would also include solar photovoltaic panels and Air Source Heat Pumps, which it is understood would result in 44% of the developments energy needs being met by renewable sources.

Block B – The design and layout of Block B would remain largely unchanged. This block would continue to incorporate 24 units, comprising 2 x 1-bedroom units and 22 x 2-bedroom units. Block B would also continue to incorporate a series of gables running on and east the west axis that would measure a maximum height of approximately 12.26m

Block C – The design and layout of Block C has been revised. The number of dwelling houses has been reduced from 5 to 4. The 4 dwelling houses would each contain 2 x bedrooms. Block C would also incorporate 2 x 2-bedroom apartments. The impact of this alteration is to increase the garden sizes of 5 dwellings to between 58-60m², which is considered to be satisfactory in the context of the Council's 60m² garden space requirement for a dwelling of this size. The ridge would measure approximately 9 metres, in comparison to approximately 9 metres in the original proposal.

MAIN REPORT

1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies Development Plan Document (CS&P 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
- EM1 - Employment Development
- CO2 - Provision of Infrastructure for New Development
- CO3 - Provision of Open Space for New Development
- SP6 - Maintaining and Improving the Environment
- EN1 - Design of New Development
- EN3 - Air Quality
- EN4 - Provision of Open Space and Sport and Recreation Facilities
- EN7 – Tree Protection
- EN8 – Protecting and Improving the Landscape and Biodiversity
- EN11 - Development and Noise
- EN15 - Development on Land Affected by Contamination
- CC1 - Renewable Energy, Energy Conservation and Sustainable Construction
- CC2 - Sustainable Travel
- CC3 - Parking Provision

1.2 Also relevant is the Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development, 2011, and the National Planning Policy Framework (NPPF), 2021.

2. Relevant Planning History

2.1 The planning history below relates to the application site and also to nearby land that once formed part of the hospital site:

19/01044/FUL	Redevelopment of surplus hospital car park for 115 residential units, comprising 110 flats and 5 terraced houses, in buildings ranging	Withdrawn 04.03.2020
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	from 2 to 5 storeys in height (C3 Use), with associated access, parking, services, facilities and amenity space.	
12/01037/RMA (Officer note: this application relates to nearby land that once formed part of the Ashford Hospital site)	Reserved matters submission pursuant to Outline Planning Permission 08/01024/OUT: Demolition of existing buildings and erection of a part 3, 4, 5 and 6 storey development comprising 152 residential units. Provision of basement car park and ground level parking spaces.	Grant Conditional 03.10.2012
09/00076/FUL (Officer note: this was the main hospital car park)	Reconfiguration of existing car park.	Grant Conditional 20.03.2009
08/01024/OUT (Officer note: this application relates to nearby land that once formed part of the Ashford Hospital site)	Demolition of existing buildings and erection of a part 3, 4, 5 and 6 storey development comprising 152 residential units. Provision of basement car park and ground level parking spaces (OUTLINE).	Grant Conditional 26.08.2009
08/00615/FUL (Officer note: this was the main hospital car park)	Reconfiguration of existing hospital car park.	Grant Conditional 02.09.2008
02/00586/FUL	Relocation of existing creche nursery building from south east part of site to the rear of Tesco Superstore and alterations to car parking, to provide new parking throughout site.	Grant Conditional 28.08.2002
92/00674/OUT	Redevelopment of site for new and improved hospital use to include new ward blocks, improved clinical departments; food superstore ;petrol filling station, associated car parking, servicing and access (OUTLINE).	Grant Conditional 16.06.1993
92/00540/OUT	Redevelopment of site for new & improved hospital use to include new Ward Blocks, improved Clinical Departments,	Grant Conditional 16.06.1993

	Food Superstore, Petrol Filling Station, Associated Parking, Servicing and Access.	
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3. Description of Current Proposal

The Application Site

- 3.1 This planning application seeks the redevelopment of a car park that previously formed part of the Ashford Hospital site and is no longer in use. The site is also occupied by five buildings, three of which formerly contained a children's nursery that has been relocated within the main hospital site. The remaining buildings were formerly in uses ancillary to Ashford Hospital. Hoardings have recently been erected along Town Lane and the parking spaces are no longer accessible to vehicles.
- 3.2 There are established residential dwellings at the north, south and eastern site boundaries. A Tesco Superstore is situated directly to the west of the site, and its delivery and service yard adjoins the application site. The main Ashford Hospital site is also situated to the south-west on the southern side of Town Lane.
- 3.3 Vehicular access to the site is from Town Lane. A barrier prevents private vehicles from entering the site from Greenaway Terrace and Victory Close from the application site. This was installed as part of a planning permission to redevelop the hospital in 1992. The applicant has confirmed that the barrier would remain following redevelopment and would continue to be under the control of the NHS. Whilst there is no private vehicular access to Victory Close and Greenaway Terrace pedestrian access is provided.
- 3.4 The car park formerly provided 113 parking spaces for hospital staff and 8 further car parking spaces for the nursery use. The applicant's submission states that operations at the hospital have recently changed and the car park is no longer required as parking provision can be accommodated in the reconfigured main hospital car park.
- 3.5 The site was previously subject to a further planning application to redevelop the car park, which was validated in August 2019 under the reference 19/01044/FUL. The previous proposal would have involved the construction of 115 residential units in buildings ranging from 2 to 5 storeys in height. This application was withdrawn in March 2020.

Surrounding Area

- 3.6 There are established residential dwellings in Viola Avenue and Vernon Close situated to the north of the site. These properties are typically 'traditional' two storey semi-detached or terraced dwellings. Queen Mary Court, a three-storey flatted development, constructed in the early 2000s is also situated immediately to the north of the site and is accessed through Yeoman Drive.
- 3.7 A row of two storey terraced dwellings are situated immediately to the east of the site in Greenaway Terrace. These typically contain car parking at the front and

gardens at the rear. Victory Close and Yeoman Drive are also located immediately to the east and contain a number of two and three storey dwellings which are typically semi-detached or terraced in layout. A number of three storey flatted developments also occupy Victory Close and Yeoman Drive, including Wheat House, Marquis Court and Barley Court.

- 3.8 Immediately to the south of the site are Albain Crescent and Willowbrook Road, which are occupied by more traditional semi-detached or terraced two storey family scale dwellings with garden spaces at the rear.
- 3.9 A Tesco Superstore is located immediately to the west of the site, on the northern side of Town Lane. This was constructed in the 1990s and the car park to the store is located further to the west, which incorporates a petrol station. The service yard for the superstore is located to the rear and adjoins the application site on its western side.
- 3.10 The main Ashford Hospital development is located to the south-west of the application site, on the southern side of Town Lane. This contains buildings of up to four storeys in height, as well as associated car parking space at the north and east.
- 3.11 To the west of the hospital site, at the junction of Town Lane and London Road is West Plaza, which is a high-density residential development that previously formed part of Ashford Hospital. It contains 152 residential units in buildings ranging up to 6 storeys in height. The reserved matters for this development were approved in October 2012, under reference 12/01037/RMA.

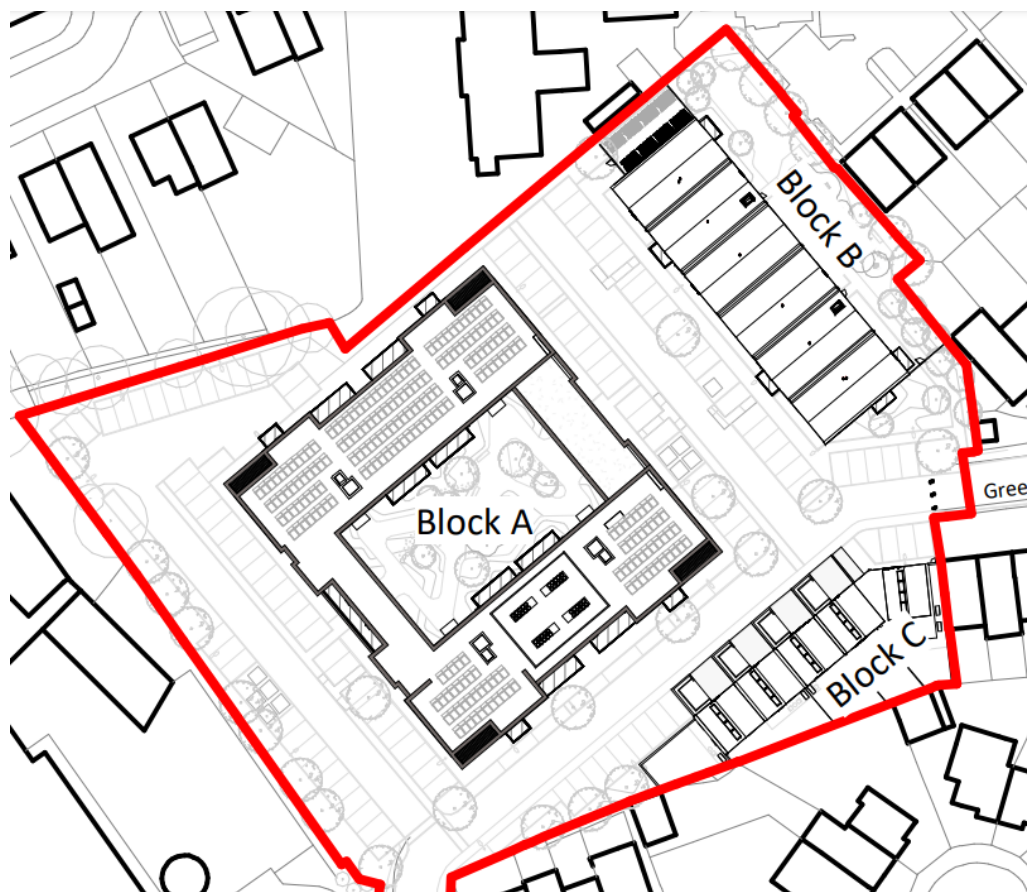
The Proposal

- 3.12 This planning application is proposing the construction of 127 residential units in three blocks, which would range between 2 and 5 storeys in height. The development would be served by 127 parking spaces at a ratio of 1 car parking space per dwelling. The development also proposes associated access, facilities, services, amenity space and landscaping.
- 3.13 The applicant submitted a viability assessment which stated a commitment to providing 12 affordable units, even though the assessment considered that this would be unviable. Following a review by the Local Planning Authority's (LPA's) independent viability assessor, the applicant has made a commitment to providing 22 affordable (17%) housing units in an affordable rented tenure.
- 3.14 The development would comprise 123 apartments and 4 two storey terraced houses that would be situated at the south of the site. The proposed unit mix is outlined in the table below:

1 bed apartment	2 bed apartment	3 bed apartment	2 bed house
42 (33%)	79 (62%)	2 (2%)	4 (3%)

Site Layout

- 3.15 The development would be arranged across 3 blocks. Block A would be the largest block in the development and would be 5 storeys in height with a 4 storey section. It would contain 97 apartments and would be situated to the west of the site. Block B would be situated at the east of the site. It would be 3 storeys in height and would contain 24 apartments. Block C would be situated to the south of the site and would be occupied by 4 terraced dwellings and 2 apartments.
- 3.16 The illustration below outlines the layout of the site and the location of Blocks A, B & C.



Block A

- 3.17 Block A would be largest block in the development. It would contain 97 units and the majority of the block would be set over 5 storeys, although part of the eastern section would be set over 4 storeys. This block would incorporate flat roofs of varying heights that would range between 13.5 metres and 18.5 metres in height. The roof over Block A would incorporate a number of Air Source Heat Pumps and Photovoltaic Solar Panels.
- 3.18 Block A would be arranged around a central landscaped courtyard, which would contain private amenity space that would only be accessible to the residents of the development. The units situated in this block would incorporate balconies, which would look out onto either the external streetscape or the internal courtyard. The external walls would contain buff grey multi-brick, medium red multi-brick and dark-red multi-brick in the facades. Details of the materials for the entire

development would be submitted for approval in the event that this application was approved.

- 3.19 The residential units in Block A would be accessed through the central courtyard, which would be accessible via ground floor openings in the eastern and western elevations. Entry to the residential units would then be through one of four central spine stairways/lifts.
- 3.20 Block A would contain 40 x 1-bedroom units, 55 x 2-bedroom units and 2 x 3-bedroom units.

Block B

- 3.21 Block B would be situated to the east of the site and would be 3 storeys in height. It would contain a series of gables that would measure a maximum height of 12.26 metres and would run on an east to west axis.
- 3.22 The residential units in Block B would be accessed through entrances in the eastern and western elevations. The upper floor units would then be accessible through internal stairways and lifts. Some of the of the units in Block B would be served by an 'inset' or external balcony, or terrace, although those on the eastern elevation would generally only have Juliette balconies to mitigate overlooking to the adjoining properties. A communal amenity area is proposed to the east of Block B, which would have controlled access limited to residents.
- 3.23 Block B would incorporate bricks in the facades with light grey joint and feature brick projections, as well as black fibre cement roof slates.
- 3.24 The unit mix of Block B would consist of 2 x 1-bedroom units and 22 x 2 bedroom units.

Block C

- 3.25 Block C would contain 4 x 2-bedroom terraced dwellings, which would each contain private garden areas at the rear and a single car parking space front. The block would also contain 2 x 2-bedroom apartments.
- 3.26 Block C would incorporate a series of gables that would run on a north to south axis. The gables would measure a maximum height of approximately 9 metres. The proposed materials would consist bricks in the facades and back fibre cement slates on the roof.

4. Consultations

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

Consultee	Comment
Affordable Housing Advisor	The applicant should make a commitment to providing 22 affordable rented units.
Heathrow Safeguarding	Requests two informatives.
CADENT GAS	Request an informative is attached to any planning permission.
County Highway Authority	Requests conditions.
County Archaeological Officer	Requests conditions.
Council's Arboricultural Officer	The site has no trees of any particular merit and there are no objections to the proposal.
Highways England	No objection to the impact upon the Strategic Road network.
Environment Agency	No objection.
Environmental Health (Contaminated Land and Dust)	Requests conditions.
Environmental Health (Air Quality)	Requests conditions.
Environmental Health (Noise)	Requests conditions.
Environmental Services (Renewable Energy)	No objection.
Head of Neighbourhood Services	No objection.
Natural England	No objection.
Crime Prevention Officer	No objection subject to conditions.
Thames Water	No objection.
Lead Local Flood Authority (SUDS)	No objection subject to conditions.
SSE Power Distribution	No comments received.
Surrey Wildlife Trust	No objections subject to conditions.

5. Public Consultation

5.1 The proposed development was statutorily publicised by a planning site notice adjacent to the site, and in the local newspaper. Neighbour notification letters were posted to housing in close proximity to the site. A total of 5 letters of representation have been received, objecting to the proposal on the following grounds:

- The existing traffic barrier must be retained as proposed, to prevent a dangerous cut through being created (Officer Note: The applicant has proposed that the barrier would be retained).
- Increased traffic would cause additional pollution.
- If access to the site is restricted for pedestrians, it will impact on walking routes of hospital employees and Tesco users (Officer Note: a pavement is proposed through the site).

- Concern regarding how impact of noise on the proposed properties from night time deliveries at Tesco will be addressed.
- Insufficient information has been provided to residents in relation to the proposal.
- Public consultation for the proposal was not well advertised (Officer Note: notifications letters were sent to the occupiers of all adjoining dwellings and a planning site notice was displayed adjacent to the site, and in the local newspaper).
- There are lots of flats already built near Tesco, and the area is close to capacity for housing.
- The area would be better used for a junior school
- There is insufficient infrastructure to support more residents and associated traffic
- The Design and Access statement references a repealed Disability and Discrimination Act (1995/2005), and the correct reference (Equality Act 2010) should be reviewed (Officer Note: the applicant has confirmed that the development would comply with the Equality Act 2010)
- Reference is made to Lifetime Homes, but this is not fully considered in the planning application, which includes some flats having baths, and inappropriate door configurations (Officer Note: accessible housing issues are dealt with in some detail at the Building Regulations stage)
- Impact on privacy of existing residents
- Inadequate capacity for additional traffic at hospital junction
- Additional noise as a result of increased housing density
- Insufficient parking provision for number of houses proposed
- Overlooking and loss of privacy caused by houses being built too close to each other
- Loss of light to homes and gardens
- Building work will cause increased noise, dirt and disruption
- Proposed dwelling numbers have been increased from 115 to 127

5.2 The Local Planning Authority also re-advertised the revised plans on 28 September 2021 and two additional letters of representation have been received, which object to the proposal on the following grounds:

- The development is too large for the location in an already overcrowded area.
- There are existing problems with traffic in the area.
- The level of parking would be insufficient.
- Light will be restricted to neighbouring properties and there would be an adverse impact upon privacy as a result of the proximity of the development and overlooking windows.
- There is not enough green space.
- The increase in population will put pressure on local services.
- The car park was always full when open and was not 'surplus land'.
- Parking has become more of a problem now the car park is no longer in use.
- There is currently a poor level of security at the site.
- The designs should be 're-looked' at to improve the impacts upon other affected dwellings in the area.
- The site should be used as a park or primary school.

6. Planning Issues

- Principle of Development
- Need for Housing
- Housing Type, Size
- Affordable housing
- Design, Height and Appearance
- Density
- Amenity Space for Residents
- Landscape
- Open Space
- Contaminated Land
- Impact on Existing Residential Dwellings
- Parking
- Transportation Issues
- Waste and Recycling
- Air Quality
- Archaeology
- Flooding
- Renewable Energy
- Biodiversity
- Sites of Special Scientific Interest
- Equality Act
- Human Rights Act
- Local Finance Considerations

7. Planning Considerations

Principle of Development

- 7.1 Policy HO1 encourages the development of appropriate land for housing purposes and seeks to ensure the effective use of urban land through the application of Policy HO5 on density.
- 7.2 This is also reflected in the NPPF paragraph 119 which emphasises the need for effective use of land in meeting the need for homes, whilst safeguarding the environment, and provides further relevant context at paragraph 124 in respect of achieving appropriate densities.
- 7.3 The application is proposing the redevelopment of a former hospital car park in the urban area, which is no longer in use, and the demolition of three former nursery buildings and two former ancillary hospital buildings. The development

would create 127 residential units that would make a significant contribution to the Council's 5-year housing supply.

- 7.4 The majority of the units (98%) would contain either 1 or 2 bedrooms, as encouraged by policy HO4. High density development has also previously been accepted on the Ashford Hospital site at the West Plaza Development, and it is considered that higher density development would be acceptable in this location. The Council's Strategic Land Availability Assessment (SLAA) (July 2019) also identifies that the site could accommodate 108 dwellings, in a time frame of 1-5 years.
- 7.5 The principle of the redevelopment of a site in the urban area is considered to be acceptable subject to assessment against local and national planning policies and guidance and any other relevant material planning considerations.

Need for Housing

- 7.6 When considering planning applications for housing, local planning authorities should have regard to the government's requirement that they significantly boost the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF) 2021.
- 7.7 The Council has embarked on a review of its Local Plan and acknowledges that the housing target in its Core Strategy and Policies DPD February 2009 of 166 dwellings per annum is more than five years old and therefore the five year housing land supply should be measured against the area's local housing need calculated using the Government's standard method. The standard method for calculating housing need is based on the 2014 household growth projections and local affordability. This equates to a need of 611 dwellings per annum in Spelthorne. This figure forms the basis for calculating the five-year supply of deliverable sites.
- 7.8 The NPPF requires a local authority to demonstrate a full five year supply of deliverable sites at all times. For this reason, the base date for this assessment is the start of the current year 1 April 2021, but the full five year time period runs from the end of the current year, that is, 1 April 2022 to 31 March 2027. The 20% buffer will therefore be applied to this full period. National guidance sets out that the buffer should comprise sites moved forward from later in the plan period. A 20% buffer applied to 611 results in a figure of 733 dwellings per annum, or 3666 over five years.
- 7.9 In using the objectively assessed need figure of 733 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review, the Borough's housing supply will be assessed in light of the Borough's constraints, which will be used to consider options for meeting need. The Council has now published its Strategic Land Availability Assessment (SLAA) which identifies potential sites for future housing development over the plan period.
- 7.10 The sites identified in the SLAA as being deliverable within the first five years and subsequent updates from landowners have been used as the basis for a revised

five year housing land supply figure. Spelthorne has identified sites to deliver approximately 3263 dwellings in the five year period.

- 7.11 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.5 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites. There is, therefore, a presumption in favour of sustainable development.
- 7.12 7.12 Government guidance (NPPF para 74) requires the application of a 20% buffer “where there has been significant under delivery of housing over the previous three years”. In addition, guidance on the Housing Delivery Test indicates that where housing delivery falls below 85%, a buffer of 20% should be applied to the local authority’s five year land supply and a presumption in favour of sustainable development if the figure is below 75%. The Housing Delivery Test result for Spelthorne Borough Council was published by the Secretary of State in January 2021, with a score of 50%. This means that less housing has been delivered when compared to need over the previous three years. As a consequence, there is a presumption in favour of sustainable development because the test score of 50% is less than the 75% specified in the regulations. The figure of 50% compares with 60% last year and 63% in 2019. The Council’s Housing Delivery Test Action Plan will be updated to reflect this. The current action plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough.
- 7.13 As a result, current decisions on planning applications for housing development need to be based on the ‘tilted balance’ approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless ‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole’.

Housing Type and Size

- 7.14 Policy HO4 of the CS&P DPD and the Council’s Supplementary Planning Document (SPD) on Housing Size and Type, seeks to secure 80% of dwellings in developments of 4 or more units to be 1 or 2 bed in size. This is to ensure that the overall dwelling stock meets the demand that exists within the Borough, including a greater demand for smaller dwellings.
- 7.15 The application proposes 42 x 1-bedroom apartments (33%), 79 x 2-bedroom apartments (62%), 2 x 3-bedroom apartments (2%) and 4 x 2-bedroom dwelling houses (3%). As approximately 98% of the units would contain either 1 or 2 bedrooms, the development would meet the requirements of Policy HO4 outlined above. The proposed unit mix is therefore considered to be appropriate.
- 7.16 The Council’s Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development (2011) sets out minimum floor space standards for new dwellings.
- 7.17 The Government has also published national minimum dwelling size standards in their “Technical Housing Standards – nationally described space standard” document (2015). These largely reflect the London Housing Design Guide on

which the Spelthorne standards were also based and are arranged in a similar manner to those in the SPD. A summary of the relevant minimum floor space requirements set out in the Technical Housing Standards is illustrated in the table below:

Dwelling Size (Single Storey)	Minimum Floor Space Requirement
1 bed x 1 person	39m ²
1 bed x 2 person	50m ²
2 bed x 3 person	61m ²
2 bed x 4 person	70m ²
3 bed x 4 person	74m ²
Dwelling Size (Two Storey)	Minimum Floor Space Requirement
2 bed x 3 person	70m ²

- 7.18 All of the apartments proposed in Blocks A & B would meet the minimum internal floor space requirements outlined above. The 4 terraced dwellings proposed in Block C, would also meet the minimum requirements for a 2 bed x 3 person dwelling set over 2 storeys.
- 7.19 The ground floor apartment in Block C would constitute a 2 bed x 3 person apartment. It would contain an internal floor space measuring 60m², which would fall 1m² short of the 61m² minimum floor space requirements for a unit of this size. The upper floor apartment in Block C, would be in adherence to the minimum floor space requirements.
- 7.20 As 126 of the 127 units would be in adherence to the minimum internal floor space requirements as set out in the Technical Housing Standards, and given the extent of the shortfall in floor space of the apartment in Block C by just 1 sq. m, the internal floor space provision across the development is considered to be acceptable. Additionally, a shortfall of 1m² is not viewed to outweigh the benefits of the overall scheme and the contribution of 127 residential units to the Council's 5 year housing supply.

Affordable Housing

- 7.21 The NPPF seeks to deliver a sufficient supply of homes that meet the needs of the population. Paragraph 63 of the NPPF states that:
- 'Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site...'*
- 7.22 Policy HO3 of the CS&P DPD states:
- 'The Council's target for affordable housing is that 40% of all net additional dwellings completed over the plan period, 2006-2026, should be affordable.'*
- 7.23 Policy HO3 further states that this will be achieved by having regard to the circumstances of each site and negotiating a proportion of up to 50% of housing on sites to be affordable, where the development comprises 15 or more dwellings. The LPA seeks to maximise the contribution to affordable housing provision from

each site, having regard to the individual circumstances and viability, with negotiations conducted on an 'open book' basis.

- 7.24 The NPPF (paragraph 58) states that viability assessments should reflect the approach recommended by national planning guidance, including standardised inputs. The planning policy guidance (PPG) states that the assessment of costs in viability assessments should be based on evidence that is reflective of local market conditions. The PPG further states 15-20% return of the gross development value may be considered as a suitable return to the developer in order to establish the viability of the development. The Local Planning Authority has also been advised by independent financial advisors that every application must be assessed in the same way regardless of the developer, and this is reflected in RICS guidance.
- 7.25 The applicant has submitted a viability assessment, which has been prepared by advisors, BNP Paribas. The assessment concludes that based upon current values and costs, it would not be viable to provide any affordable housing across the development. However, the statement further indicates that the applicant will be offering 12 affordable units to assist with affordable housing in the Borough, despite this level being unviable.
- 7.26 Planning Officers instructed an independent viability advisor to conduct a review of the applicant's viability statement. The advisor studied the inputs of the BNP Paribas appraisal and conducted her own research into Gross Development Values, Benchmark Values and build costs and other inputs adopted for the proposed development.
- 7.27 Following the assessment, the independent consultant recommended that the applicant should be requested to provide 22 affordable housing units in an affordable rented tenure (17%), as the calculations indicated that the development would be viable with this level of affordable housing provision. As a consequence, the applicant subsequently agreed to provide the 22 units affordable units in an affordable rented tenure. This comprises the following units sizes that would be located in Block B and Block C:
- 17 x 2 bedroom, 3 person units
 - 4 x 2 bedroom, 4 person units
 - 1 x 1 bedroom 2 person unit.
- 7.28 The NPPF in Annex 2, defines affordable housing as; housing for sale or rent, for those whose needs are not met by the market, including housing that provides a subsidised route to home ownership and/or is essential for local workers. It must also comply with one or more of the following definitions of affordable housing listed in Annex 2 as a) affordable housing for rent, b) starter homes, c) discounted market sales housing, d) other affordable routes to home ownership. The applicant is providing 22 affordable housing units under the NPPF definition.
- 7.29 The applicant's planning statement suggests that the development is seeking to provide rented housing, which will be offered to key workers which includes individuals working for the police, health workers and education workers, as well as to individuals on the housing register. It is also understood that the applicant has agreed a Memorandum of Understanding with the NHS for 109 units to be

offered to healthcare workers. However, whilst this may be the applicant's intention, the planning application is proposing 22 affordable units (17%). As such, should planning permission be granted, the applicant would only be obligated from a planning perspective to provide 22 affordable housing units, subject to an appropriate agreement. It would then be a decision for the applicant, should they wish to offer what they consider to be affordable housing units above this level, although there would be no planning obligation for them to do so. Furthermore, occupants listed in the Memorandum of Understanding may not necessarily be from the Council's register and this would not meet our most acute requirements for general needs housing.

- 7.30 As the applicant has agreed to provide 22 units in an affordable rented tenure as recommended by the LPA's independent viability assessor, it is considered that the proposal would be in accordance with the requirements of policy HO3 and the NPPF.

Design, Height and Appearance

- 7.31 Policy EN1 of the CS&P DPD, which is supported by the Supplementary Planning Document on the 'Design of Residential Extensions and New Residential Development', requires a high standard of design. Sub point (a) requires new development to demonstrate that it 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"

- 7.32 Section 12 of the NPPF refers to design - Achieving well-designed places and in particular that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It states in paragraph 124 that, '*Planning policies and decisions should ensure that developments:-*

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

- 7.33 In paragraph 130 the NPPF states that, '*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.*
- 7.34 The site is surrounded by existing residential development to the north, south and east, much of which is two storey in scale, with a variety of brick, materials and detailing. To the north of the site, properties in Viola Avenue and Vernon Close are older, traditionally designed and set over two storeys, as are properties in Willowbrook Road and Albain Crescent, located to the south. Greenaway Terrace, located directly to the east contains a row of two storey terraced dwellings with driveways at the front and gardens at the rear. There is a greater mixture of dwellings in Victory Close and Yeoman Drive, with two storey semi-detached and terraced dwellings present, as well as higher density three storey flatted development at Barley Court, Marquis House, Queen Mary House. There is also high-density development on the western side of the hospital site in West Plaza and also to the north on what was formerly known as the Stanwell New Start scheme.
- 7.35 The proposed unit mix ranging from two storey terraced dwellings to five storey apartments is considered to be acceptable in this location given the unit mix in the surrounding area, particularly the high-density flatted developments at West Plaza.
- 7.36 The placement of windows and balconies, the distances between existing and proposed housing (detailed elsewhere in this report), the use of a variety of materials the use of features such as gables, areas of open space and landscaping, all help to integrate the proposed development with the existing, and to relate to the surrounding development style and character, while taking account of the constraints of redeveloping a site in an urban environment.
- 7.37 It is therefore considered that the proposal would have an acceptable impact upon the character of the area and would meet the requirements of Policies EN1 and SP6 of the CS&P DPD and the NPPF.

Density

- 7.38 Policy HO5 of the CS&P DPD states that within existing residential areas characterised predominantly by family housing rather than flats, new development

should generally be in the range of 35 to 55 dwellings per hectare. In areas characterised by a significant proportion of flats, and those containing significant employment areas, this rises to a range between 40 to 75 dwellings per hectare. Policy HO5 further states higher density development may be acceptable where it is demonstrated that the scheme complies with Policy EN1 on design.

- 7.39 The NPPF encourages the optimisation of densities and states that Local Planning Authorities should refuse planning applications which they consider fail to make an efficient use of land.
- 7.40 The number of units in the revised plans remains unchanged and the development would have a density of approximately 140 dwellings per hectare. The surrounding residential properties located to the north, east and south of the site, are laid out as either 'traditional family scale dwellings' or as flatted developments including Wheat House, Marquis Court and Barley Court. A density in the range of 40 to 75 dwellings per hectare would normally be considered acceptable in this location, when assessed against policy HO5. However, Policy HO5 allows for higher density developments where a scheme 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 transport. For the reasons highlighted above, the proposal is considered to be in accordance with policy EN1 in design terms and a higher density is considered to be acceptable subject to its location being accessible. This will be considered further below.
- 7.41 The proposed density of 140 dwellings per hectare, is considered to represent an acceptable optimisation of the site, in accordance with the objectives of the NPPF. It should also be noted that West Plaza, which is located 250 metres to the west of the site and previously formed part of Ashford Hospital, has a density of 165 dwellings per hectare.
- 7.42 The proposed density is considered to be in accordance with the objectives of the NPPF, and as the development is in accordance with policy EN1, the proposal is also considered to accord with the objectives of policy HO5, subject to the proviso referred to above.

Amenity Space for Residents

- 7.43 The Council's SPD, Design of Residential Extension and New Residential Development (2011) provides general guidance on minimum garden sizes (Paragraph 4.20). In the case of flats, this guidance states that 35m² of amenity space should be provided per unit for the first 5 units, 10m² should be provided to the next 5 units, and 5m² should be provided to each unit thereafter. It also states that two bedroom semi-detached or terraced dwellings should be provided with a minimum garden area of 60m².
- 7.44 On the basis of the above minimum guidance, there would be a requirement for the 123 apartments to be served by a minimum of 790m² of private amenity space. The plans indicate that all but two of the apartments would be served by either inset or external balconies, or private amenity areas on the ground floors. The Local Planning Authority has calculated that 1087m² of amenity space would be provided across the balconies and private amenity areas serving the ground

floor units. This would exceed the LPA's minimum guidelines and is therefore considered to be acceptable.

- 7.45 Further communal amenity space would be provided to residents of Block A in the Central Courtyard, which measures 595m². This would have controlled access and would only be accessible for residents of this block. A further amenity space with controlled access would also be provided to Block B, situated to the east of this block. This would measure approximately 520m² in area. Both of these areas would contain incidental play features for young children.
- 7.46 When considered cumulatively with the balconies and private garden areas, the apartments would be provided with amenity space that significantly exceeds the Council's minimum requirements.
- 7.47 The applicant has revised the layout of Block C and has removed one of the five previously proposed terraced dwellings. The four remaining dwellings would be served by garden areas measuring approximately 57m² (x 2 of the gardens), 58m² and 60m². Whilst three of the garden areas would not meet the minimum required garden areas set out in the SPD on design, it is considered that on balance the benefits of the development as a whole outweighs the reduction at these units.

Landscape

- 7.47 The applicant has submitted a landscape statement, which details planting at the site boundaries and car parks, as well as in the courtyard of Block A. This is considered to enhance the development and the amenity provided.
- 7.48 The applicant has submitted an Arboricultural Implications Assessment, which states that it would be necessary to fell an Ash Tree and 2 x Horse Chestnuts within the site to enable the development to take place. The Council's Tree Officer has undertaken a site visit and has commented that the trees are not of particular merit, and the proposed new planting will compensate for their loss.

Open Space

- 7.49 Policy CO3 of the CS&P DPD states that in new housing development of 30 or more family dwellings the Local Planning Authority will require a minimum of 0.1 hectares of open space to provide for a children's play area. The policy states that such provision should be increased proportionally according to the size of the scheme. For the purposes of this policy a family unit is defined as having two or more bedrooms.
- 7.50 There would be 85 units across the development that would contain two or more bedrooms. On this basis there would be a requirement for 0.28 hectares of open space to provide children's play spaces.
- 7.51 Play features for younger children would be contained in the courtyard of Block A and the amenity space to the east of Block B. Both of these spaces would have controlled access and would not be open to members of the general public. The total area of the courtyard within Block A and the amenity space to the east of

Block B would amount to approximately 0.1122 hectares. The incidental play areas would form part of this space.

- 7.52 As there would be a shortfall when assessed against the requirements of policy CO3, the LPA has sought a financial contribution from the applicant towards off-site improvements to existing open spaces in the borough. A contribution of £35,000 has been agreed. The applicant's submission documents have also identified 6 play spaces within a 15 minute walk of the site, including a park in Victory Close, which is approximately 100 metres from the site, and this is considered to partially mitigate this shortfall.
- 7.53 Given the proximity of other open public spaces to the site, together with the applicant's financial contribution towards the improvement of off-site existing open spaces, whilst the shortfall in open space when assessed against policy CO3 is acknowledged, on balance the proposal is considered to be acceptable in this regard.

Impact on Existing Residential Dwellings

- 7.54 Policy EN1 (b) requires that new development '*achieves a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight, sunlight, or overbearing effect due to bulk, proximity or outlook.*'

Daylight & Sunlight

- 7.55 The applicant has submitted a daylight sunlight report. The report uses BRE guidance to analyse the impacts of the development upon light entering windows serving neighbouring dwellings. This is assessed through 3 measures; (i) the Vertical Sky Component (VSC), (ii) the No Sky Line (NSL) and (iii) Annual Probable Sunlight Hours (APSH).
- 7.56 The Vertical Sky Component (VSC) is a measure of the amount of sky that is visible from the centre point of an existing window. Where a development would not obstruct a 25° vertical section from a point at the centre of the window, there is no need for further assessment as this is deemed to be acceptable.
- 7.57 Where a Vertical Sky Component exceeds 27%, it is considered that the room would be provided with a good level of light. If, following the construction of a proposed development, the VSC is less than 27% and would be 0.8 times (or 20%) less than its former value, BRE guidance states that the loss of light would be noticeable.
- 7.58 The No Sky Line (NSL) assessment calculates where the sky can and cannot be seen within a room at the working plane, which in the case of houses is measured from a height of 0.85 metres. If following construction of the development, the sky line moves so that the area of the room that receives direct skylight is reduced to 0.8 times (or 20%) its former value, this will be noticeable to the occupants of the room, which will feel more poorly lit.
- 7.59 The Annual Probable Sunlight Hours (APSH) relates to the long-term average of the total number of hours during a year in which direct sunlight reaches the unobstructed ground. BRE guidance indicates that if the centre of a window can

receive 25% of annual probable sunlight hours, including 5% of annual probable sunlight between 21 September and 21 March, a reduction to 0.8 times (or 20%) its current value, or a reduction of the whole year of 4% of the annual probable sunlight hours may adversely impact the room it serves.

- 7.60 The applicant's daylight sunlight report has assessed VSC and NSL values at adjoining dwellings in Queen Mary Court, Albain Crescent, Willowbrook Road, Viola Avenue, Yeoman Drive, Greenaway Terrace and Victory Close.
- 7.61 The report identifies that following construction of the development there would be shortfalls against the BRE, VSC guidelines at 12, 13, 14 and 15 Albain Crescent, 18 Victory Close and 83 Viola Avenue. The report further identifies that there would be shortfalls against NSL guidelines at 14 and 15 Albain Crescent, 40 Willowbrook Road, Queen Mary Court and 92N Viola Avenue. All assessed properties were found to be in accordance with BRE APSH guidance.
- 7.62 An independent advisor to review the daylight sunlight reports findings. The advisor considered that the shortfalls in VSC and NSL levels at 12 and 13 Albain Crescent, 18 Victory Close, 83 Viola Avenue, Queen Mary Court and 92N Viola Avenue, were within an acceptable margin, and the impact upon the light serving these dwellings is therefore considered to be acceptable.
- 7.63 The advisor stated that there were 'slight concerns' over the impact of the development upon light reaching windows at 14 Albain Crescent and 40 Willowbrook Road. The daylight sunlight report relating to the initial plans noted that 5 windows at 14 Albain Crescent would see VSC reductions of between 23-25% (BRE guidance states there should not be a loss of more than 20%). The daylight sunlight report relating to the revised plans states that the transgressions would be between 22-23%. Additionally, on the basis of the initial plans the report stated that 2 windows serving this dwelling would have a 21-24% reduction in NLS levels (BRE guidance also states there should be a loss of no more than 20%). The revised daylight sunlight report based on the revised plans states that there would be a 22% NSL transgression from one of the windows.
- 7.64 At 40 Willowbrook Road, all windows would pass VSC guidance. However, on the basis of the initial plans 1 window (out of 6), would see a reduction in NSL levels of 37%. The reduction falls to 36% as a result of the proposed alterations.
- 7.65 The advisor has also expressed greater concerns over the impact upon light entering 15 Albain Crescent, where 5 windows would fall outside VSC guidelines with reductions of between 24-29% and 3 rooms would have between a 31-53% reduction in NSL levels on the basis of the initial plans. There would be a reduction of between 23%-27% in VSC levels on the basis of the revised plans, and a reduction of between 29%-51% in NSL levels, representing a slight improvement in comparison to the original proposals. There would be a noticeable impact upon the light entering this property following construction of the development. This was drawn to the applicant's attention who commented that following the construction of the development 90% of the neighbouring windows would be compliant with VSC guidelines, 95% of the windows would be compliant with NSL guidelines and 100% of the windows would be compliant with APSH guidelines.

- 7.66 The LPA must undertake a planning balancing exercise in terms of the impact of the development upon the light entering existing surrounding properties, where there would be shortfalls against planning policies and guidance. The LPA is unable to demonstrate a 5-year housing supply. The NPPF requires Local Planning Authority's to adopt a 'tilted-balance' approach, where a 5 year housing supply cannot be demonstrated, in which development should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development when assessed against policies in the NPPF as a whole. In this instance, the application proposes a development in the urban area on a surplus car park, which would make a significant contribution to the LPA's 5-year housing supply. There would be noticeable impacts upon light entering 14 & 15 Albain Crescent and 40 Willowbrook Road, which currently benefit from an open site at their rear boundaries. However, the impacts upon the light entering these properties needs to be considered against the NPPF as a whole, in particular the provision of much needed 127 housing units and when balancing the application as a whole it is not considered that objection should be raised on the basis of loss of light.

Overshadowing

- 7.67 The initial daylight sunlight report also analyses whether the development would overshadow neighbouring properties. BRE guidance states that at least half of all amenity areas should receive at least 2 hours of sunlight on 21st of March. The BRE guidance states that if an existing garden or amenity area does not meet this guidance, and as result of development the area that can received 2 hours of sunlight on March 21 is less than 0.8 times (or 20%) its former value, then the loss of sunlight is likely to be noticeable.
- 7.68 The Daylight Sunlight report states that only one property would see a reduction of more than 0.8 times its current value (18 Victory Close). However, more than half the amenity space at this property (55.9%) would receive two hours of daylight on 21 March, and as such the development would be compliant with BRE guidelines on overshadowing.

Privacy & Overbearing Impact

- 7.69 The LPA's SPD on the Design of Residential Extensions and New Residential Development (April 2011), states that the positions of windows should avoid views into the windows of an adjoining property or onto patios or sitting out and garden areas immediately to the rear of these properties. The SPD further states that an appropriate degree of separation must exist between properties to avoid overlooking, preserve privacy and to avoid an overbearing impact.
- 7.70 The SPD contains a 'back to back' and 'back to side' guide, which states that there should be a minimum distance of 21 metres between the rear elevations of neighbouring dwellings, which increases to a guideline distance of 30 metres, where the dwellings are set over three storeys. The guidance further states that there should be a minimum 'back to side' distance of 13.5 metres between two storey dwellings, and a minimum 'back to side' distance of 21 metres for three storey dwellings. It should be noted that this guidance is primarily aimed towards 'traditional suburban dwellings' rather than high density development.

Block A

- 7.71 Block A would be set over 5 storeys and would contain balconies and windows serving habitable rooms in each elevation. There would be a 'back to back' distance of approximately 18.2 metres between Block A and the closest dwelling to the south of the site (13 Albain Crescent). There would also be a distance of 13.5 metres between the rear elevation of Block A, and the rear boundary of this property. Whilst this would fall short of the LPA's 30 metre guidance, 18.2 metres is a significant distance, and it is considered that the southern elevation of Block A would have an acceptable impact upon the privacy of dwellings located to the south of the site.
- 7.72 There would be a distance of approximately 31.9 metres between the northern elevation of Block A and the southern elevation of the nearest residential dwelling situated to the north of the site (83 Viola Avenue). This dwelling contains a relatively long rear garden. As a result Block A would be situated some 7.3 metres from the rear boundary of this property. However, given the 31.9 metre distance to the rear elevation of this dwelling, Block A is considered to have an acceptable impact upon the privacy of all dwellings to the north of the site.
- 7.73 It is acknowledged that Block A would be situated 3 metres from the boundary with the communal amenity area of Queen Mary Court situated to the north of the site. This amenity area is already overlooked by the units in Queen Mary Court and it is not considered that an objection could reasonably be sustained on this basis.
- 7.74 Given the distances outlined above, whilst there would be shortfalls when assessed against the LPA's 'back-to-back' and 'back-to-side' guidance, Block A is not considered to have an overbearing impact upon any surrounding dwellings and is considered to have a satisfactory impact upon privacy.

Block B

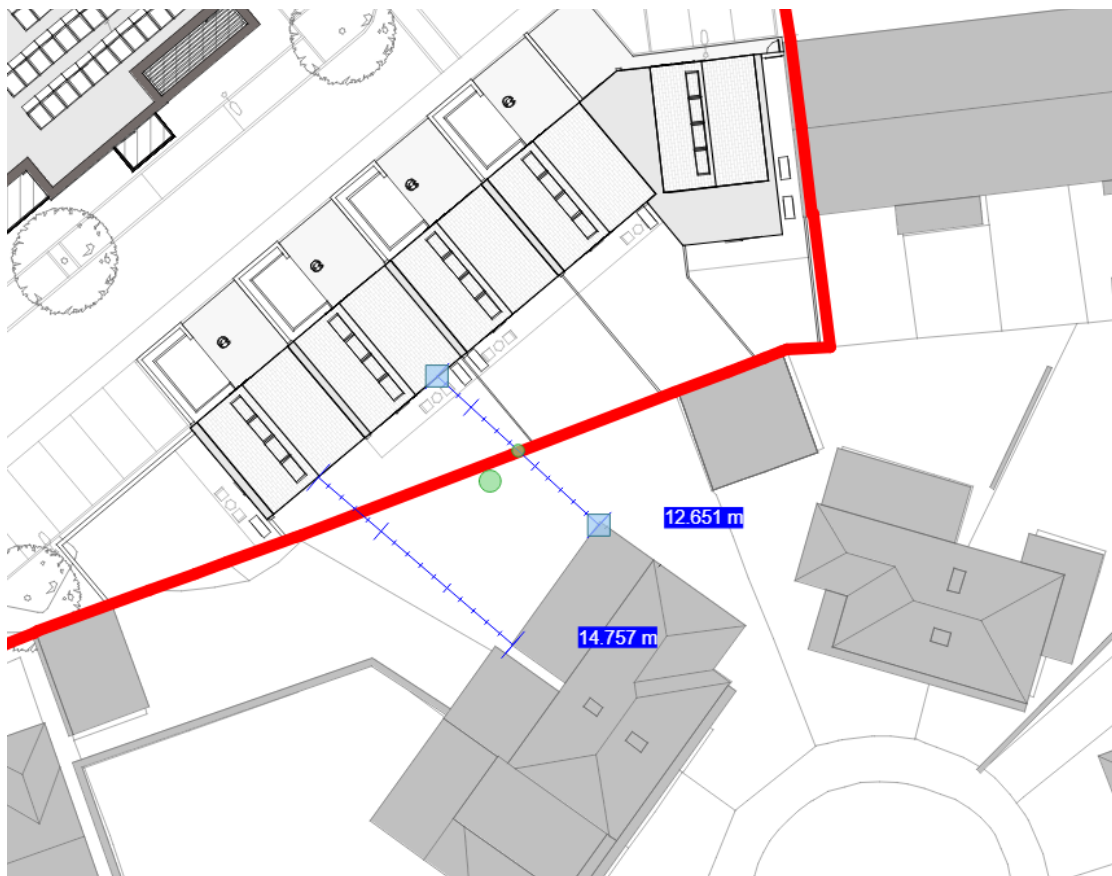
- 7.75 Block B would be set over 3 storeys and would incorporate first and second floor windows in the eastern flank elevation that would serve habitable rooms. The windows would be situated approximately 7 metres from the western flank boundary of 18 Victory Close and 11 metres from the flank boundary of 1A Yeoman Drive. As such, there would be a significant shortfall in the Council's back-to-side guidance and there would be a degree of overlooking into the rear gardens of both properties. However, any overlooking would occur at a distance of 7 and 11 metres.
- 7.76 Whilst there would be a shortfall in separation distances when assessed against the Council's 21 metre back to side distance, as outlined in the daylight section of this report, the Local Planning Authority cannot demonstrate a 5 year housing supply and must apply a 'tilted balance' approach, whereby the NPPF states planning permission should be approved unless any adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the NPPF as a whole.
- 7.77 There would be a degree of overlooking 18 Victory Close at a distance of 7 metres, and of the garden at 1A Yeoman Drive at a distance of 11 metres. The

Local Planning Authority must carefully consider whether this separation distance would cause harm to an extent that this would outweigh the provision of 127 residential units in an urban location. On balance, this is considered to be an acceptable compromise.

- 7.78 At its closest point Queen Mary Court would be situated approximately 10 metres from the north-western corner of Block B, falling short of the Council's guideline separation distances. However, no windows are proposed in the northern elevation and at such a distance it is considered that the proposal would not have an overbearing impact upon Queen Mary Court.
- 7.79 There would also be a distance of 21 metres between the western elevation of Block A and the eastern elevation of Block B. At such a distance, Block A and Block C are considered to have an acceptable relationship.

Block C

- 7.80 Block C would now contain a row of 4 x 2 bed, two storey terraced dwellings and 2 x 2 bed apartments that would be located at the east of the block.
- 7.81 All of the first-floor rear windows to the terraced dwellings in Block C, would serve either bathrooms or landings, which do not constitute habitable rooms. A condition is therefore recommended to be attached to the decision notice, which requires these windows to contain obscure glazing to prevent opportunities for overlooking.
- 7.82 At the closest point, the rear elevation of Block C would be situated approximately 1.6 metres from the rear boundary of the nearest residential dwelling (40 Willowbrook Road). However, this property has an irregular rear boundary, and its rear elevation is not orientated perpendicularly to the rear elevation of Block C.
- 7.83 At the closest 'back-to-back' point, the rear elevation of Block C would be situated approximately 12.651 metres from the rear elevation of 40 Willowbrook Road. This separation distance would fall significantly short of the Local Planning Authority's 21 metre 'back-to-back' guidance. However, on balance this is considered not to result in an overbearing impact.



- 7.84 The first floor apartment at the east of Block C would contain two first floor windows in the rear elevation that would serve a combined kitchen and living room. The windows would be located some 7.5 metres from the rear boundary of no.27 Willowbrook Road. On balance it is considered that this would not result in unacceptable opportunities for overlooking, particularly as an outbuilding is situated at the rear of no.27 Willowbrook Road, alongside the boundary, which would mitigate any adverse impacts.

Parking

- 7.85 Under the requirements of the Councils Parking Standards SPD (2011), a total of 178 parking off-street car parking spaces would normally be required to serve a development of this size, based on the following standards:

Unit Type	General Needs Housing	Affordable Housing
1 bed unit	1.25	1
2 bed unit	1.5	1.25
3 bed unit (under 80 m ²)	2.25	1.75

- 7.86 Policy CC3 of the CS&P DPD requires adequate provision of off-street parking.
- 7.87 The development would contain 127 off street car parking spaces at a ratio of 1 parking space per dwelling. This would fall 54 car parking spaces short of minimum parking space requirements set out in the Council's Parking Standards SPD.

- 7.88 The Council's Parking Standards state that a reduction in the minimum requirements will normally be allowed in the Borough's 4 town centres, where public transport accessibility is generally high. Any reduction will be assessed against the distance of the site from public transport nodes, the frequency and quality of bus and train services, the availability of quality cycle and pedestrian routes, and the range and quality of facilities supportive of residential development within reasonable walking distance of the site.
- 7.89 The application site is not situated in one of the Borough's 4 town centres. However, the applicant's transport assessment indicates that the site is located between 375 and 475 metres (4-5 minutes walk approx.) from bus stops in Town Lane, with additional bus stops situated in Stanwell Road, which are between 600 and 640 metres from the site (7-8 minutes walk approx.). The site is also located approximately 1.35 km from Ashford Railway Station, which is considered to be within a reasonable walking distance (20 minutes approx.) Given the accessibility of the site by non-car modes of travel, the proposed density is considered to be acceptable.
- 7.90 There are a number of nearby facilities that are supportive to residential development that would also be situated within reasonable walking distance of the scheme, including the Tesco Superstore and Ashford Hospital, which adjoins the site, a community centre and a number of education facilities that are within a reasonable distance.
- 7.91 Whilst the application site is not located in one of the borough's 4 town centres, it is considered that the development would be situated within reasonable walking distance of facilities that would be supportive of residential units. The site is also considered to be within reasonable walking distance of a number public transport nodes. As such, whilst there would be shortfall of 51 parking spaces when assessed against the Parking Standards SPD, the ratio of 1 parking space per unit is considered to be acceptable in this location.
- 7.92 In addition, census data for flats and apartments within the immediate vicinity of the site suggests that 22.3% of the units in the surrounding area are likely to have zero cars associated with them, whilst 21% of the surrounding units are likely to have more than one vehicle. The census data further suggests that is likely that the remaining 56.7% of units would have one vehicle. The County Highway Authority (CHA) has commented that on the basis of this data, one car parking space per unit is likely to be sufficient to accommodate the parking demand of the proposal, providing the spaces remain unallocated. It should be noted however, that the census data is now 10 years old and it is not possible to determine how many vehicles are associated with households with more than one vehicle and is the most up to date information we have
- 7.93 The transport assessment also confirms that the parking spaces would be unallocated, and 6 of the parking spaces (5%) would be for disabled users. It further confirms that there would be 127 cycle spaces, at a ratio of 1 space per dwelling, which would be in accordance with the minimum requirements set out in the Parking Standards SPD.
- 7.94 It is noted that the development would result in the loss of 113 parking spaces that previously served Ashford Hospital, as well as 8 parking spaces that served the

former nursery. The car park has been sold by Ashford Hospital and is no longer in use, with hoarding having been erected along Town Lane and, it is considered that an objection could not be sustained against the proposal on the basis of displacement of staff parking for the hospital.

- 7.95 The transport statement also indicates that a maximum of 69 staff vehicles were observed using the car park. The statement further indicates that the NHS is reconfiguring the main hospital car park to accommodate 79 additional spaces. As this falls outside of the application site, the LPA would have no planning control over reconfiguration of the main car park. In any event, it is considered that an objection could not be sustained on the car parking arrangements of the existing hospital, as the application site no longer falls within the ownership of the hospital and is in effect now a separate site.

Electric Vehicle Charing Points (EV points)

- 7.96 The County Highway Authority, through its document entitled '*Surrey Vehicular and Cycle Parking*' (January 2018), recommend that in new developments, 1 fast EV charging socket should be provided per house, and that 20% of all spaces available to flats are fitted with a fast charge socket, with a further 20% being provided with a power supply to provide additional fast charging points.
- 7.97 The County Highway Authority and the Council's Environmental Health Department (Air Quality) have both recommended that at least 20% of the parking spaces are provided with electric vehicle charging points.
- 7.98 The applicant has agreed to provide all 30 of the EV charging points upon occupation (4 for the houses and 26 for the flats). This is considered to be in accordance with the objectives of the County guidance.
- 7.99 The applicant has also agreed to 'future proof' a further 26 spaces, in accordance with the Surrey guidance to provide a power supply to a further 20% of the spaces. These can be dealt with by planning conditions.

Transportation Issues

- 7.100 Policy CC2 of the CS&P DPD states that the Local Planning Authority will seek to secure more sustainable travel by amongst other things, only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account the capacity of the local transport network, the cumulative impact, and access egress to the public highway and highway safety.
- 7.101 The NPPF also states that development should only be refused or prevented on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts on the road network would be severe.
- 7.102 The transport assessment includes a trip generation analysis, which predicts that the development would create 34 vehicle journeys during the AM peak (8am-9am), and 24 vehicle journeys during the PM peak (5pm-6pm). The transport assessment also conducted an assessment at local junctions, which suggests that

in 2021, if completed, the development would cause traffic to increase by 0.7% at the junction with London Road, in the am peak and by 0.4% in the pm peak. The transport assessment also predicts that the existing roundabout would continue to operate at capacity following completion of the development.

- 7.103 The Council has consulted the County Highway Authority (CHA). The CHA commented that the development is likely to lead to an increase in queuing on Town Lane between the Tesco superstore and Ashford Hospital, and may lead to a slight increase in delays on Town Lane and at the junction with the A30, although this impact would be low. Whilst there is likely to be an increase in delays along Town Lane, the CHA has not objected to the application on this basis.
- 7.104 As part of the consultation process for the previous planning application to redevelop the application site (19/01044/FUL), Highways England requested further details on how the development would impact a mini-bus service operating between Ashford Hospital and St Peter's Hospital, as this was agreed as part of a planning permission in Runnymede Borough at St Peter's Hospital (RU.17/1815). As the application site has been sold by Ashford Hospital and is no longer in use with hoarding erected along Town Lane, it is considered that an objection could not reasonably be sustained on the grounds of the impact upon parking arrangements at the main Ashford Hospital site. In addition, the Council consulted Highways England on the current application, and no objections were made.
- 7.105 The CHA also commented that that car park reconfiguration at the main hospital site has not provided adequate additional capacity. However, the CHA further commented that there would be little scope for objection through the planning process on this matter as the ownership of the car park has already been transferred and the car park could be barriered off without the requirement planning permission as it now has been, providing there is no condition associated with the car park use.
- 7.106 The County Highway Authority has also raised concerns over the footway along Town Lane, situated to the west of the development would not be suitable for residential access. The CHA has therefore requested that a condition is attached to the decision notice requiring the submission of a scheme detailing pedestrian improvements along Town Lane. As the private section of Town Lane has been included in the red line in the site location plan, it is considered that such a condition could be attached to the decision notice, and such a condition would meet the 6 tests set out in the NPPF.
- 7.107 Given the comments of Highways England and the County Highway Authority, it is considered that the proposal would be in accordance with the requirements of Policy CC2 and the NPPF in highways terms and subject to conditions, is acceptable on transportation grounds.

Waste & Recycling

- 7.108 Policy EN1 of the CS&P DPD, states that proposals for new development will need to demonstrate that they will incorporate provision for the storage of waste and recyclable materials.
- 7.109 The Spelthorne document entitled 'Guidance on the storage and collection of Household Waste' states that for flats communal wheeled bins should be provided for refuse and recycling and should have a total capacity based on 1 x 240 litres for refuse per unit and 1 x 240 litres for recycling per unit. On this basis a development for 127 units would normally be required to have a minimum bin storage capacity of 30,480 litres for refuse and 30,480 litres for recycling.
- 7.110 The applicant has submitted a waste management plan (1345/PL/0105), which confirms that the development would incorporate:
- 4 x 5000 litre general waste bins (20,000 litres in total),
 - 4 x 5000 litre recycling bins (20,000 litres in total)
 - 2 x 3000 litre food waste bins (6,000 litres in total)
- 7.111 This would fall short of the guidance outlined within the Spelthorne storage and collection of household waste document. To overcome this shortfall, the plans state the refuse requirements for the scheme are based on an alternative weekly collection by the Council, with every second week a collection being arranged and paid for by the management company of Victory Place.
- 7.103 The Council's Head of Neighbourhood Services was consulted and confirmed capacity would be acceptable on the basis that the Council would collect bins fortnightly and the applicant's management company would collect the bins on alternative weeks. However, concerns were initially expressed as the bins would be doubled up and there would not be sufficient space either side of the bins leading to concerns as to how the bins would be emptied.
- 7.104 The applicant submitted an additional plan (1345/PL/1000 Rev B), which demonstrates that there would be a 0.5 metre gap either side of the bins. On this basis the Council's Head of Neighbourhood Services confirmed that the proposed development would be acceptable.

Air Quality

- 7.112 Policy EN3 of the CS&P DPD seeks to improve air quality within the Borough and minimise harm from poor air quality.
- 7.113 The pollution control officer has requested the submission of a construction management plan, to include a dust management plan, to show how this would be managed during the demolition process. This can be dealt with by means of a condition.
- 7.114 The pollution control officer has recommended that at least 20% of proposed parking spaces contain electric charging points, in the interests of air quality. A condition concerning electric car charging points has already been addressed above. A further condition has also been recommended in relation to the

submission of an asbestos survey in relation to the existing buildings. The officer also commented on gas boilers, which will be attached as an informative.

Contaminated Land

- 7.115 The Council's Environmental Health Department has requested that a condition is attached to the decision notice requiring the developer to submit a contaminated land desk study to identify any sources of land/water contamination, and where any sources are identified, a site investigation is required, as well as a written statement outlining remediation measures.
- 7.116 Two further conditions have been requested, which would require the applicant to submit a remediation report and an asbestos survey relating to the existing buildings. It is considered that such conditions would meet the six tests set out in the NPPF.

Archaeology

- 7.117 The applicant has submitted a written scheme of investigation for an archaeological investigation, as well an archaeological evaluation.
- 7.118 The LPA has consulted the County Archaeology Officer who noted that the archaeological evaluation was curtailed by a number of factors including previous gravel extraction, access restrictions, the presence of existing services and a series of subterranean tunnels. However, the Archaeological Officer considered that the results of the evaluation were sufficient to determine that the site does not contain any features of archaeological significance, with the exception of the tunnels.
- 7.119 The Officer recommended that a condition be attached to the decision notice to secure the implementation of historic building recording and archaeological monitoring, to be conducted in accordance with a written scheme of investigation.

Flooding

- 7.120 The site is not located in a flood zone. The Local Planning Authority consulted the Environment Agency, who raised no objections.

Renewable Energy

- 7.121 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 square metres, 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.

- 7.122 The applicant has submitted a revised energy statement with the new proposals, which confirms that 44% of the developments energy would be provided through renewable sources.
- 7.123 The Council's Sustainability Officer was consulted and stated that they are satisfied that the renewable energy requirement would be met. It is recommended that this is secured by condition.

Biodiversity

- 7.124 Policy EN8 of the CS&P DPD states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by safeguarding Sites of international and national importance, ensuring that new development wherever possible contributes to an improvement in biodiversity avoiding harm to features of nature conservation interest. The policy further states that permission will be refused where development will have significant harmful impacts on features of nature conservation interest.
- 7.125 The applicant has undertaken an Ecological Appraisal, which has included a Desk Study and the conclusions of a Phase 1 Habitat Survey. The report concludes that the development would not significantly impact nearby Sites of Special Scientific Interest, or Sites of Nature Conservation Importance. It further stated that the site presently contains urban habitats with low ecological value.
- 7.126 The applicant has also submitted a Bat Survey Report, which recorded no bats roosting at the site. However, bats were observed commuting and foraging across the site and as a result the report recommends mitigation and enhancement measures. It is recommended that a condition is attached to the decision notice requiring the applicant to submit details enhancement measures prior to occupation of the development.
- 7.127 The Local Planning Authority Consulted Natural England, who considered that the application would not have an adverse effect on the integrity of Staines Moor Site of Special Scientific Interest (SSSI), which forms part of South West London Waterbodies Special Protection Area (SPA). Natural England therefore has no objections.
- 7.128 The Local Planning Authority also consulted the Surrey Wildlife Trust (SWT), which commented that the LPA should consult Natural England for advice on whether the application would comply with European Legislation. The SWT further advised the LPA to consider where residents are likely to go for recreation in the locality as there is a risk green spaces could have their biodiversity affected by the residents of 127 new dwellings. In response, it should be noted that some amenity space is being provided on site and a financial contribution is also being provided to improve nearby existing open spaces in the borough. It is not considered that an objection could be sustained on the basis of future occupants impacts upon nearby green spaces.
- 7.129 The SWT also requested a condition requiring the submission of a landscape and ecological management plan. In response to conserving and enhancing biodiversity and geodiversity, the LPA recommends a condition requiring the

applicant to submit further details of landscaping and a condition requiring biodiversity enhancement measures across the site.

7.130 The proposal is therefore considered to be acceptable in biodiversity terms.

Other Matters

7.131 The LPA has notified Heathrow Safeguarding (HS), which has recommended that two informatives are attached to the decision notice relating to cranes and landscaping.

The Planning Balance

7.132 This development is proposing the redevelopment of a surplus car park that was formerly part of Ashford Hospital. The scheme proposes the construction of 127 residential dwellings in an urban area, which would significantly contribute to the Council's 5-year housing supply. The Local Planning Authority must make a planning judgement and determine whether this benefit would or would not outweigh any planning harm associated with the development.

7.133 There are some shortfalls when the proposal is assessed against the LPA's planning guidelines, most notably the separation distances to adjoining dwellings and shortfalls against BRE guidelines. There are also shortfalls against the Council's minimum Parking Standards.

7.134 In terms of separation distances, the development would incorporate first and second floor windows serving habitable rooms, within 7 metres of the side boundary of 18 Victory Close and within 11 metres of the side boundary of 1A Yeoman Drive. The development would also incorporate windows and balconies serving habitable rooms in all storeys of Block A, which would be situated approximately 18.2 metres from the rear elevation of the closet dwelling to the south of the site (13 Albain Crescent). Additionally, there would be shortfalls in BRE guidance at 14 and 15 Albain Crescent and 40 Willowbrook Road.

7.135 The decision maker must make a planning judgement as to whether these shortfalls would outweigh the benefits of the provision of 127 residential units in the urban area including the provision of 22 (17%) affordable housing units to help meet the housing needs of the borough. The LPA is also unable to demonstrate a 5-year housing supply and can only demonstrate a supply of 4.5 years. The NPPF states that where a LPA is unable to demonstrate a 5 year housing supply, a 'titled balance' approach should be adopted, whereby planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the NPPF as a whole. On planning balance, when the application is viewed as a whole, it is considered that the benefits of the provision of 127 units in this urban location would outweigh the harm outlined above.

Equalities Act 2010

- 7.136 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.137 The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need, to see whether the duty has been performed.
- 7.138 The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means to have such regard as is appropriate in all the circumstances.
- 7.139 The LPA has received a letter of representation raising concerns that the applicant's design and access statement makes reference to the Disability Discrimination Act 1995 (as amended 2005), which is now out of date. The applicant has submitted a letter dated 21 September 2020, to clarify that the development has been designed to accord with the Equality Act 2010, which supersedes the Disability Discrimination Act.
- 7.140 The development would incorporate lifts serving each floor of Block A & Block B, and the development would contain 6 disabled parking spaces (5%) across the development. The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long term adverse effects on their ability to carry out normal day-to-day activities. This can include but is not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. It is considered that it would be possible for individuals with disabilities to access the development.

Human Rights Act 1998

- 7.141 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.142 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.143 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

- 7.144 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Finance Considerations

- 7.145 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.
- 7.146 As the application site is located in CIL Zone 1 and as the scheme is providing in excess of 15 units and is subject to assessment against policy HO3, the application would not be liable to any CIL charges. This is because the approved CIL charging schedule has a rate of £0 in Zone 1 where 15 or more units are proposed to which affordable housing applies.
- 7.147 In consideration of S155 of the Housing and Planning Act 2016, the proposal would result in the following financial contributions:

- £35,000 be sought to improvements to existing off-site open spaces.

These are considered to be material considerations in the determination of this planning application. The proposal will also generate a New Homes Bonus Business Rates and Council Tax payments which are not material considerations in the determination of this proposal

Planning obligation

Affordable housing, a commuted sum and a financial contribution are obligations negotiated and agreed to make acceptable this development which would otherwise be unacceptable in planning terms. These would be secured by entering into a legal agreement with Knowle Green Estates Limited under section 111 of the Local Government Act 1972 requiring it to enter into an appropriate legal agreement once it has taken an interest in the Land. This statutory power allows local authorities to enter into agreements which facilitate the discharge of its functions. This means that the planning permission will not be implemented until the legal agreement has been completed. The above proposed agreement ensures that the obligations are enforceable against the Land by Spelthorne Borough Council as Local Planning Authority and satisfies the requirement of the NPPF.

8. Conclusions

It is considered that the proposal makes effective use of urban land in a sustainable location. It would have an acceptable impact on the highway network and the level of parking is considered to be appropriate for this location with amenities and public transport opportunities within reasonable walking distance of the site. It meets the Borough's recognised need for housing and provides units with a good standard of amenity. Therefore, the application is recommended for approval.

9. Recommendation

(A) To GRANT planning permission subject to the completion of an appropriate agreement between Knowle Green Estates Limited being a developer/party with sufficient *interest* in the land and Spelthorne Borough Council being the local planning authority to secure the following Heads of Terms, delegated to the Planning Development Manager:

1. To provide a minimum of 22 on site affordable rented units (17 x 2 bedroom x 3 person, 4 x 2 bedroom x 4 person, and 1 x 1 bedroom x 2 person):
 - Prior to the occupation of 50% of the residential units (not being the affordable units) to build and complete the affordable rented units and transfer these to a Registered Provider, unless otherwise agreed by the Local Planning Authority.
 - Prior to the occupation of the affordable rented housing units the transferee (or owner) shall enter into a Nominations Agreement in respect of the affordable rented housing (in order that the affordable housing meets local needs).
2. A Commuted Sum of £2,844 index-linked from completion of the agreement with payment due on first occupation;
3. A financial contribution of £35,000 towards off-site open space improvements within Spelthorne.

In the event that the Legal Agreement is not completed

In the event that the Section 106 agreement is not completed to the satisfaction of the Local Planning Authority and/or the applicant does not agree an extension of time for the determination of the planning application, delegate to the Planning Development Manager in consultation with the Chairman of the Planning Committee the following:

REFUSE the planning application for the following reasons:

1. The development fails to provide a satisfactory provision of affordable housing to meet the Borough's housing needs, contrary to Policy HO3 of the Core Strategy and Policies DPD 2009, and the principles set out in the National Planning Policy Framework.

2. The development would provide an inadequate level of open space contrary to Policy CO3 of Policy CO3 of the Core Strategy and Policies DPD 2009.

(B) In the event that the Section 106 agreement is completed to the satisfaction of the Local Planning Authority; GRANT subject to the following conditions: -

- 1 The development hereby permitted shall be begun before the expiration of two 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: 1345-DNA-ZZ-ZZ-DR-A-0001 Rev P1, 1345-DNA-ZZ-GF-DR-A-0010 Rev P1, 1345-DNA-ZZ-RF-DR-A-0015 Rev P1, 1345-DNA-ZZ-ZZ-DR-A-3000 Rev P1, 1345-DNA-ZZ-ZZ-DR-A-2051 Rev P1, 1345-DNA-ZZ-ZZ-DR-A-2050 Rev P1, 1345-DNA-ZZ-ZZ-DR-A-0002 Rev P1, 1345-DNA-ZZ-01-DR-A-0011 Rev P1, 1345-DNA-ZC-ZZ-DR-A-3003 Rev P1, 1345-DNA-ZC-ZZ-DR-A-2020 Rev P1, 1345-DNA-ZB-ZZ-DR-A-2011 Rev P1, 1345-DNA-ZB-ZZ-DR-A-2011 Rev P1, 1345-DNA-ZZ-04-DR-A-0014 Rev P1, 1345-DNA-ZZ-03-DR-A-0013 Rev P1, 1345-DNA-ZZ-02-DR-A-0012 Rev P1, 1345-DNA-ZA-ZZ-DR-A-2003 Rev P1, 1345-DNA-ZA-ZZ-DR-A-2002 Rev P1, 1345-DNA-ZB-ZZ-DR-A-2010 Rev P1, 1345-DNA-ZA-ZZ-DR-A-2000 Rev P1, 1345-DNA-B1-01-DR-A-1051 Rev P1, 1345-DNA-A3-GF-DR-A-1030 Rev P1, 1345-DNA-A3-05-DR-A-1035 Rev P1, 1345-DNA-A3-04-DR-A-1034 Rev P1, 1345-DNA-A3-03-DR-A-1033 Rev P1, 1345-DNA-A3-01-DR-A-1031 Rev P1, 1345-DNA-A1-RF-DR-A-1015 Rev P1, 1345-DNA-A1-04-DR-A-1041 Rev P1, 1345-DNA-A1-03-DR-A-1013 Rev P1, 1345-DNA-A1-02-DR-A-1012 Rev P1, 1345-DNA-A1-01-DR-A-1011 Rev P1, 1345-DNA-B1-RF-DR-A-1072 Rev P1, 1345-DNA-B1-G1-DR-A-1070 Rev P1, 1345-DNA-B1-01-DR-A-1071 Rev P1, 1345-DNA-B1-RF-DR-A-1053, 1345-DNA-B1-GF-DR-A-1050 Rev P1, 1345-DNA-B1-02-DR-A-1052 Rev P1 (Received 07.09.2021)

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

- 3 Details of a scheme of both soft and hard landscaping works shall be submitted to and approved by the Local Planning Authority prior to first occupation of any part of the development hereby approved. This shall include a programme for the implementation of the landscaping works. The approved scheme of tree and shrub planting shall be carried out in accordance with the approved implementation programme. The planting so provided shall be maintained as approved for a minimum 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. In accordance with policies SP6 and

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

Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

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

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

- 6 Details of the layout of the Play Areas and the equipment to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details prior to the first occupation.

Reason: To ensure that the proposed development complies with policy C03 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009 and section 8 (promoting healthy and safe communities) of the National Planning Policy Framework.

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

- a) The results of further infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy.
- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow

restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

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

f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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

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

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

- 9 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of Historic Building Recording and archaeological monitoring, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of the archaeological potential of the site in accordance with Saved Policy BE26.

- 10 Prior to the first use or occupation of the building's hereby approved, a strategy shall be submitted and agreed with the Local Planning Authority, which details ecological mitigation measures, including but not limited to the provision of roosting opportunities for bats. The mitigation measures shall thereafter be retained to the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard and protect important species using the site in accordance with policies SP6 and EN8 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 11 There shall be no direct access for vehicles (other than emergency vehicles) between the site and Greenaway Terrace, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National

- 12 A waste management strategy shall be submitted to and approved in writing by the Local Planning Authority and shall be in operation prior to occupation of any of the buildings hereby approved and shall be carried out in accordance with the approved details, unless expressly agreed in writing by the Local Planning Authority.

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.

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

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

- 14 Prior to the occupation of the development hereby permitted the first floor windows on the southern elevation(s) of the units labelled House 109, House 110, House 111, House 112 and House 113 in Block C, as shown in plan 1345/PL/1021 and 1345/PL/1023, shall be obscure glazed and be non-opening to a minimum height of 1.7 metres above internal floor level in accordance with details/samples of the type of glazing pattern to be submitted to and approved in writing by the Local Planning Authority. These windows shall thereafter be permanently retained as installed.

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

- 15 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) measures to prevent the deposit of materials on the highway

(e) 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: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 16 The development hereby approved shall not be first occupied unless and until facilities for the secure covered parking of bicycles have been provided in accordance with plan 1345/ PL/1000 Rev B (Received 29.10.2020). Thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2019, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 17 Prior to the occupation of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's "Travel Plans Good Practice Guide". Thereafter the approved Travel Plan shall be implemented upon first occupation of the site and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Reason: In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2019, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 18 The development hereby approved shall not be first occupied unless and until pedestrian and cyclist infrastructure, including but not limited to those shown on drawings 19008-01-006 Rev B, and AH-CP-19-P1 Rev A03, have been constructed in accordance with a detailed design to be submitted to and approved in writing by the Local Planning Authority. The facilities shall include a comprehensive improvement to pedestrian facilities that provides an uninterrupted safe and convenient link between Greenaway Terrace and Town Lane (B378). Thereafter the said approved facilities shall be permanently available to residents of the development and retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2019, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 19 The development hereby approved shall not be occupied unless and until at least 30 of the available parking spaces, including one for each of the proposed terraced houses, are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme must also detail how 26 of the additional spaces will be provided with electricity for the future provision of EV charging points.

Reason: In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2019, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

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

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

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

NOTE

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

- 21 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.

- 22 No work shall take place until an asbestos survey has been submitted to and approved in writing by the Local Planning Authority. For the removal of asbestos containing materials:
- (a) A Risk Assessment and Method Statement is to be agreed in writing by the Local Planning Authority, so that the removal and disposal of asbestos containing materials is appropriately managed.
 - (b) The agreed methodology and mitigation measures shall be implemented in accordance with the approved details and a completion report (including waste disposal information) should be submitted for approval.

Reason: in the interests of residential amenity and in accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 23 No development shall take place until a Construction Management Plan (CMP) and Dust Management Plan (DMP) has been submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan is to include (but not limited to) the mitigation measures outlined within Section 6 of the Air Quality Assessment. Continuous monitoring of PM10 should be included in the DMP and must be undertaken during the demolition, earthworks and construction process.

Reason: To protect the amenity of the local area.

- 24 Window glazing shall be installed on the western elevation of Block A the elevations facing Tesco's service yard in accordance with the recommendations made by MZA Acoustics in their June 2020 Report (Issue/Revision 5).

Reason: Reason: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance.

INFORMATIVES TO APPLICANT

- 1 Access by the Fire Brigade
Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings.
There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).
- 2 You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
 - a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday with consideration of the nearby hospital and not at all on Sundays or any Public and/or Bank Holidays;
 - (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
 - (c) Deliveries should only be received within the hours detailed in (a) above;
 - (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include covering stockpiles and exposed topsoil, the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsters and wheel washes. The applicant is encouraged to adopt the best practice mitigation measures for construction dust specified within the Institute of Air Quality Management Guidance on the Assessment of Dust from Demolition and Construction;
 - (e) There should be no burning on site;
 - (f) Only minimal security lighting should be used outside the hours stated above; and
 - (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.
 - (h) The Pollution Control team should be consulted over placement of continuous PM10 monitoring and upon the methods of dust suppression and mitigation prior to the works.

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

It should be noted that under the Environmental Protection Act 1990 Councils can serve an abatement notice on people responsible for statutory nuisances. This may require whoever's responsible to stop the activity or limit it to certain times to avoid causing a nuisance and can include specific actions to reduce the problem.

- 3 The applicant is advised that the essential requirements for an acceptable communication plan forming part of a Method of Construction Statement are viewed as:
- (a) how those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme;
 - (b) how neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them;
 - (c) the arrangements that will be in place to ensure a reasonable telephone response during working hours;
 - (d) the name and contact details of the site manager who will be able to deal with complaints; and
 - (e) how those who are interested in or affected will be routinely advised regarding the progress of the work. Registration and operation of the site to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements.
- 4 The minimum depth of clean topsoil should be 150mm for adequate rooting depth for grasses areas, for landscaping the minimum is 300mm and for residential back gardens 600mm. If insufficient capping space is present then excavations may be required to meet the required depth without raising the profile of the land.
- In the residential garden areas all hot spots should be remediated with at least 600mm of clean cover with a suitable geotextile or deter to dig base beneath the clean materials and cover area.
- 5 If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards. If there are any further queries please contact the Flood Risk Asset, Planning, and Programming team via SUDS@surreycc.gov.uk. Please use our reference number in any future correspondence.

6 **Landscaping**

The development is close to the airport and the landscaping which it includes may attract birds which in turn may create an unacceptable increase in birdstrike hazard. Any such landscaping should, therefore, be carefully designed to minimise its attractiveness to hazardous species of birds. Your attention is drawn to Advice Note 3, 'Potential Bird Hazards: Amenity Landscaping and Building Design' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

7 **Cranes**

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

- 8 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.
- 9 Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

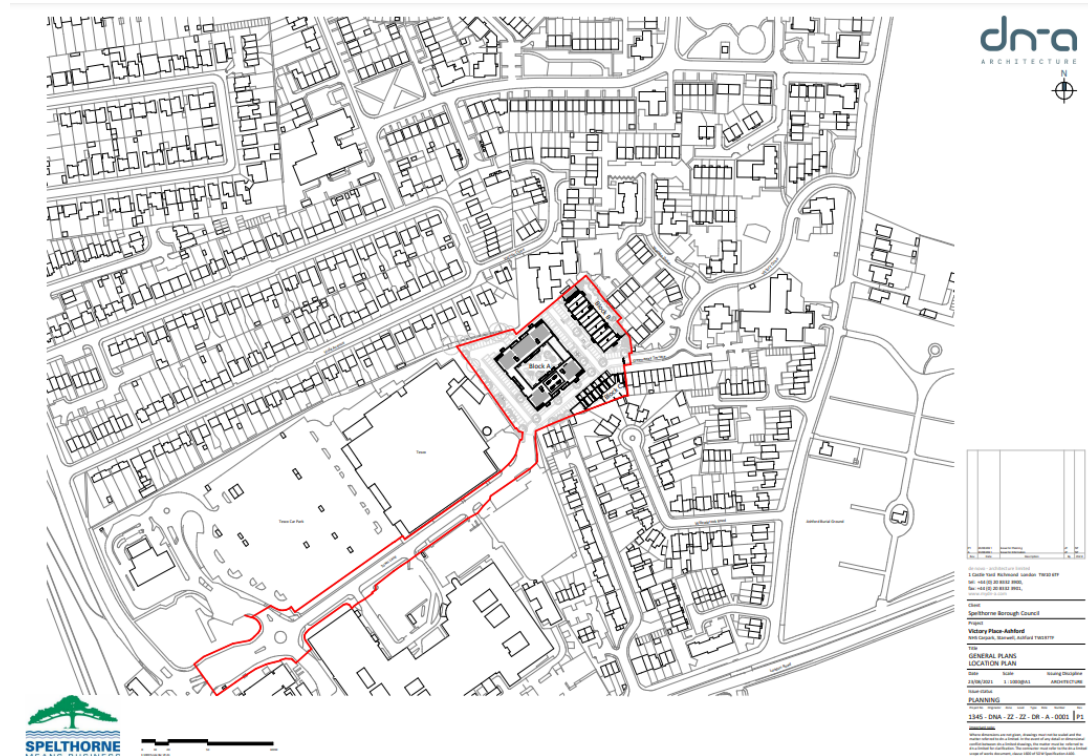
- 10 The applicant is advised that gas fired boilers should meet a minimum standard of less than 40mgNO_x/kWh. All gas fired CHP plant should meet minimum emissions standards of 250mgNO_x/NM³ for spark ignition engines. Note other limits apply for gas turbine or compression ignition engines.
- 11 Any lighting for the proposed development should be designed in line with the Bat Conservation Trust guidelines on artificial lighting and wildlife (Bat Conservation Trust 2018) to minimise adverse impacts on bats in the surrounding area.
- 12 BEFORE carrying out any work you must:
 - (i) Note the presence of an Above Ground Installation (AGI) in proximity to your site. You must ensure that you have been contacted by

Cadent and/or National Grid prior to undertaking any works within 10m of this site.

- (ii) Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- (iii) Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- (iv) Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- (v) In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

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Site Location Plan



Block A Proposed Elevations



1 North Elevation (Block A)
1 : 100

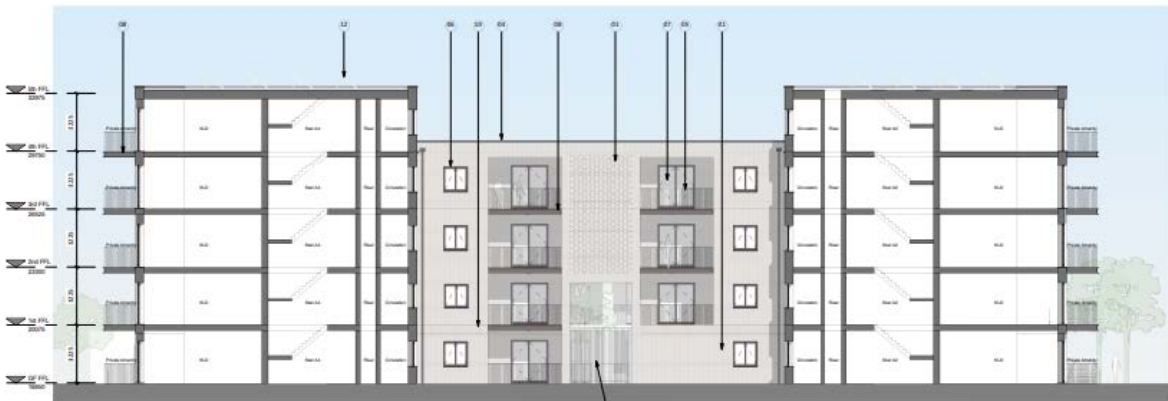


2 South Elevation (Block A)
1:100





1 Courtyard South Elevation (Block A)
1:100



3 Courtyard West Elevation (Block A)
1:100



2 Courtyard East Elevation
1:100

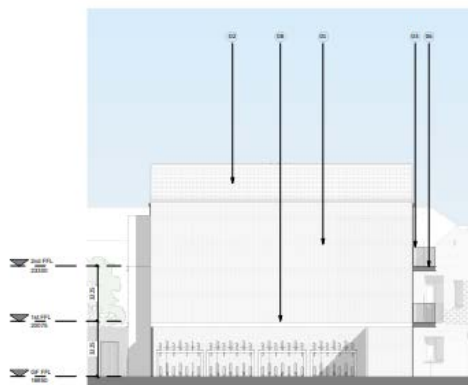
Block B Proposed Elevations



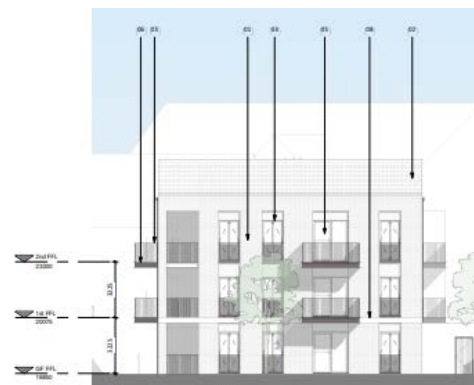
① **West Elevation (Block B)**
1:100



② **East Elevation (Block B)**
1:100



① **North Elevation (Block B)**
1:100



② **South Elevation (Block B)**
1:100

Block C Elevations



① **North Elevation (Block C)**
1 : 100



③ **South Elevation (Block C)**
1 : 100



④ **East Elevation (Block C)**
1 : 100





21/00614/OUT - 36 Minsterley Avenue, Shepperton TW17 8QT

Scale: 1:1,250

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Planning Committee

10 November 2021



Application No.	21/00614/OUT
Site Address	36 & 38 Minsterley Avenue, Shepperton, TW17 8QT
Applicant	Goodall & Painter
Proposal	Outline Planning permission with appearance and landscaping reserved for the erection of 5 detached dwellings, comprising 4 x 4 bedroom dwellings and 1 x 5 bedroom dwelling, with associated parking and amenity space following the demolition of 36 Minsterley Avenue.
Case Officer	Matthew Churchill
Ward	Halliford and Sunbury West
Called-in	The application has been called in by Councillor Fidler as a result of the impact of the proposal upon the character of the area and the impact upon the street scene and profile of the road.

Application Dates	Valid:07.05.2021	Expiry:02.07.2021	Target: Extension of Time Agreed 30.11.2021
Executive Summary	<p>This planning application seeks outline planning permission for the erection of 5 detached dwellings, which would be constructed following the demolition of no.36 Minsterley Avenue. The site would also encompass part of the garden area of no.38 Minsterley Avenue.</p> <p>The application site is located in the north-eastern corner of Minsterley Avenue. There are a number of Trees subject to Tree Preservation Orders at the northern and eastern site boundaries. The eastern site boundary also adjoins land situated within the Green Belt. However, the application site is situated wholly outside of the Green Belt, and none of the proposed dwellings would be situated within the Green Belt.</p> <p>The application is considering the access, layout and scale of the development, with appearance and landscaping reserved for subsequent approval. As such, if the applicant were to receive outline planning permission following the determination of the current application, a further reserved matters application would need to be submitted and approved before works could commence, in which the Local Planning Authority (LPA) would consider the acceptability of the appearance and landscaping of the scheme.</p> <p>The application proposes the construction of 4 detached x 4-bedroom dwellings that would be similar in design and would be set over two</p>		

	<p>storeys, with a habitable third storey situated in the roof space. A further 5 x bedroom detached dwelling would be located at the north of the site, which would also be set over three storeys, with the third storey also set in the roof space.</p> <p>The dwellings would each be served by a garden at the rear, which would all be in adherence to the Council's minimum garden space requirements. The development also proposes 10-off street parking spaces to serve the new dwellings, and 2 off-street parking spaces to serve the existing dwelling at no.38 Minsterley Avenue, which would be retained following construction of the proposed dwellings, albeit with a smaller garden area. It is acknowledged that the proposal would have a different character to the prevailing pattern of development, as the proposed car parking spaces would not be situated directly in front of the new dwellings and the four smaller houses would be smaller in width than other properties in the street scene. However, the proposed density and layout is not considered to result in a cramped or overdeveloped appearance and this is regarded to be acceptable.</p> <p>The application proposes the removal of a number of trees located to the rear of the site including 1 x Horse Chestnut and 1 x Common Lime that are subject to a Tree Preservation Order. The Council's Tree Officer has reviewed the applicant's Arboricultural Report and has raised no objections.</p> <p>The applicant has also submitted a preliminary ecological report, which confirms that the existing buildings that would be demolished do not offer bat roosting potential. The LPA consulted the Surrey Wildlife Trust, which commented that the LPA should seek a Construction Environment Management Plan, which is recommended to be attached to the decision notice, alongside a condition requiring biodiversity mitigation measures.</p> <p>The 5 dwellings would each comply with the minimum floor space requirements stipulated in the Governments nationally described Technical Housing Standards (March 2015). The development would have a density of approximately 31 dwellings per hectare and is not considered to represent an over-development of the site.</p> <p>On planning balance, the access, scale and layout of the development is considered to have an acceptable impact upon the character and appearance of the area, future occupiers, the amenity of neighbouring and adjoining dwellings, trees and biodiversity and parking provision, and officers recommend the application for approval subject to conditions.</p>
Recommended Decision	Approve the application subject to conditions as set out at Paragraph 8 of the Report.

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.
 - HO1 – Providing for New Housing Development.
 - HO4 – Housing Size and Type.
 - HO5 – Density of Housing Development.
 - EN1 – Design of New Development.
 - EN7 – Tree Protection.
 - EN8 – Protecting the Landscape and Biodiversity.
 - EN15 – Development on Land Affected by Contamination.
 - CC1 – Renewable Energy, Energy Conservation and Sustainable Construction.
 - CC2 – Sustainable Travel.
 - CC3 – Parking Provision.

- 1.2 Also relevant is the Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development, (April 2011), and the National Planning Policy Framework (NPPF) (July 2021).

2. Relevant Planning History

- 2.1 The LPA holds records of the following planning history at no.36 Minsterley Avenue:

SUN/FUL/5796B	Erection of 58 detached houses with garages.	Grant Conditional 09.11.1959
PLAN C/FUL/79/253	Erection of a single-storey rear extension measuring overall 12 ft (3.65 m) by 33 ft 7 ins (10.23 m) to provide additional kitchen and living room accommodation.	Grant Conditional 16.05.1979
PLAN E/FUL/82/707	Erection of a single-storey front extension measuring approximately 13 ft. 10 ins. (4.2 m) by 20 ft. 9 ins. (6.3 m) overall to form a double garage and lobby.	Grant Conditional 15.12.1982

SPE/FUL/87/448	Erection of first floor rear extension measuring 4.3 m (14 ft 1 in) by 4 m (13 ft 2ins) to form enlarged bedroom.	Grant Conditional 01.07.1987
98/00207/FUL	Erection of a two storey rear extension and single storey side extension.	Grant Conditional 01.06.1998

As the site encompasses the garden area of no.38 Minsterley Avenue, the planning history of this property is also considered to be relevant to the current application and is listed below:

PLAN C/FUL/75/278	Erection of a part one and part two-storey rear extension for an extra bedroom, kitchen and dining room space measuring 15 ft (4.57 m) by 24 ft (7.32 m) overall on the ground floor and 8 ft (2.44 m) by 24 ft (7.32 m) overall on the first floor	Grant Conditional 30.06.1975
PLAN E/TPO/83/23	3 Horse Chestnuts (T79, T80, T81) - Lift to 3 metres and thin by 25%.	Grant TPO Consent 06.10.1983
SPE/FUL/85/418	Erection of a rear and side extensions to garage measuring 8 ft 10 ins (2.7 m) x 11 ft 2 ins (3.4 m) and 2 ft (0.6 m) x 17 ft 9 ins (5.4 m) respectively and a front porch measuring 12 ft 2 ins (3.7 m) x 3 ft 6 ins (1.05 m).	Grant Conditional 03.07.1985
05/00630/TPO	Horse Chestnut (T76) - Reduce down to 10 metre stump.	Grant TPO Consent 28.06.2005
05/00690/FUL	Erection of a single storey side extension and rear balcony at first floor level over existing flat roofed extension	Grant Conditional 15.09.2005

3. Description of Current Proposal

- 3.1 The application site is located in the north-eastern corner of Minsterley Avenue in Shepperton. The site forms part of the Minsterley Avenue and Chestnut Walk street scene, which is occupied by dwellings that were constructed in the 1950s and 1960s, which are generally detached and situated upon generous and spacious plots.
- 3.2 The properties in Minsterley Avenue and Chestnut Walk generally contain front gardens and/or driveways, which front the street and also contain generous gardens at the rear. There are also a number of mature trees present within the street scene, many of which are subject to a Tree Preservation Order.

- 3.3 The application site relates to two relatively large plots and is currently occupied by no.36 and no.38 Minsterley Avenue. No.38 incorporates a 2 storey, 4 x bedroom detached dwelling, which would be retained as part of the current proposals, although would have a reduced garden area. No.36 is occupied by a 2 storey, 5 x bedroom dwelling which would be demolished.
- 3.4 The application seeks outline planning permission with appearance and landscaping reserved, for the erection of 5 x detached dwellings, comprising 4 x 4-bedroom dwellings, and 1 x 5-bedroom dwelling, following the demolition of no.36 Minsterley Avenue.
- 3.5 The plans show that the proposed 4-bedroom dwellings would each have a similar layout and would be set over two storeys, with an additional third storey located in the roof space. The proposed 5-bedroom dwelling would also be set over 3 storeys with the habitable third storey located in the roof space.
- 3.6 The matters under consideration during this outline planning application relate to the access, layout and scale of the development. If outline planning permission were to be granted for the current application, a further Reserved Matters application would be required before the scheme could be constructed, which would consider the appearance and landscaping of the scheme.
- 3.7 The site layout plan shows that there would be 10 off-street parking spaces serving the 5 proposed dwellings, as well as 2 off-street parking spaces for the occupiers of no.38 Minsterley Avenue. Each of the dwellings would contain a garden area at the rear, and inclusive of no.38, the development would have a density of approximately 31 dwellings per hectare.

4. Consultations

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

Consultee	Comment
County Highway Authority	No objections subject to conditions and informatives.
Environmental Health	No objections subject to conditions and informatives.
Tree Officer	No objections.
Surrey Wildlife Trust	No objections.
Head of Neighbourhood Services	No objections subject to conditions.

5. Public Consultation

- 5.1 The Council has consulted the occupiers of 13 neighbouring properties. A total of 72 letters of representation have been received, which object to the proposal on the following grounds:

- The proposal will not be in keeping with the rest of the road.

- The amount of green space to the front and rear of the dwellings will be reduced.
- A similar application was refused at a nearby site a number of years ago.
- The development will add to the current shortage of parking spaces.
- There would be unacceptable disruption during the construction process.
- Concerns over access and the impact upon highway safety.
- The scheme will generate noise, pollution and congestion.
- On street parking will cause problems for emergency vehicles.
- The application site is located in a flood area (Officer Note: The Council's records show that the site is not situated within the flood zone).
- Concerns over the impact upon trees and the environment.
- The development will make the road undesirable.
- There is an inadequate number of parking spaces proposed.
- There is not sufficient space for the development.
- The scheme amounts to overdevelopment of the site.
- Concerns over drainage.
- The proposal would have an adverse impact upon the environment.
- The value of other properties on the estate would be impacted (Officer Note: This is not a planning matter).
- The layout and density will alter the surrounding character.
- The development would bring new people and traffic, which were not envisaged when Minsterley Avenue was constructed.
- There would be a loss of bio-diversity in the area.
- The density would be unacceptable and the development is not sustainable.
- Two houses may be more acceptable.
- Concerns over dust and debris resulting from the demolition of the demolition of the existing dwelling (Officer Note: It is recommended that a demolition statement is secured by condition).
- The area is badly served by public transport.
- The development would not be similar in size and shape to the rest of the street.
- The proposal would negatively impact the well-being of the occupiers of surrounding properties.
- Concerns over the absence of a site notice. (Officer note: a site notice is not a statutory requirement)
- Vacant land should be developed rather than the application site.
- The semi-rural character of the road will be negatively impacted.
- Concern over the impact upon wildlife including bats.
- There are no other similar dwellings on the estate.
- The proposal will have an adverse impact upon outlook.
- The development would appear cramped.
- The proposal is of poor design.
- The proposed dwellings will cause overlooking.
- There is no space for storage in the proposed dwellings (Officer Note: this is not considered to be a planning requirement).

- The site is not necessary or significant for the Council's housing objectives.
- The application will set a precedent for other proposals.
- Title deeds and covenants may restrict the construction (Officer Note: This is not a planning matter).

6. Planning Issues

- Need For Housing.
- Design, Character and Appearance.
- Density.
- Housing Type.
- Future Occupiers.
- Amenity Space for Residents.
- The Impact Upon Existing Dwellings.
- Parking Provision and Highways.
- Tree Preservation Orders.
- Waste And Recycling.
- Renewable Energy.
- Contaminated Land.
- Local Finance Considerations.
- Human Rights Act.
- Equality Act.

7. Planning Considerations

Outline Planning Permission

- 7.1 This application seeks outline planning permission with appearance and landscaping reserved. The matters currently under consideration relate to access, layout and scale. Should outline planning permission be granted when the current application is determined, the appearance and landscaping would need to be approved in a reserved matters application, before the dwellings could be constructed.
- 7.2 The Development Management Procedure Order (DMPO) 2015 (As amended) contains the definitions of access, layout and scale.
- 7.3 Access is defined as *“the accessibility to and within a site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how this fit into the surrounding network”*.

- 7.4 Layout is defined as “*the way in which buildings, routes and open spaces and routes within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development*”.
- 7.5 Scale is defined as “*the height, width and length of each building proposed within the development in relation to its surroundings*”.
- 7.6 The Local Planning Authority (LPA) must consider whether the access, layout and scale of the development would be acceptable when assessed against the relevant planning policies and guidance and any other material planning considerations. This is considered below.

Housing Supply

- 7.7 When considering planning applications for housing, local planning authorities should have regard to the government’s requirement that they significantly boost the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF) 2021.
- 7.8 The Council has embarked on a review of its Local Plan and acknowledges that the housing target in its Core Strategy and Policies DPD February 2009 of 166 dwellings per annum is more than five years old and therefore the five year housing land supply should be measured against the area’s local housing need calculated using the Government’s standard method. The standard method for calculating housing need is based on the 2014 household growth projections and local affordability. This equates to a need of 611 dwellings per annum in Spelthorne. This figure forms the basis for calculating the five-year supply of deliverable sites.
- 7.9 The NPPF requires a local authority to demonstrate a full five year supply of deliverable sites at all times. For this reason, the base date for this assessment is the start of the current year 1 April 2021, but the full five year time period runs from the end of the current year, that is, 1 April 2022 to 31 March 2027. The 20% buffer will therefore be applied to this full period. National guidance sets out that the buffer should comprise sites moved forward from later in the plan period. A 20% buffer applied to 611 results in a figure of 733 dwellings per annum, or 3666 over five years.
- 7.10 In using the objectively assessed need figure of 733 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review, the Borough’s housing supply will be assessed in light of the Borough’s constraints, which will be used to consider options for meeting need. The Council has now published its Strategic Land Availability Assessment (SLAA) which identifies potential sites for future housing development over the plan period.
- 7.11 The sites identified in the SLAA as being deliverable within the first five years and subsequent updates from landowners have been used as the basis for a revised five year housing land supply figure. Spelthorne has identified sites to deliver approximately 3263 dwellings in the five year period.

- 7.12 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.5 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites. There is, therefore, a presumption in favour of sustainable development.
- 7.13 Government guidance (NPPF para 74) requires the application of a 20% buffer “where there has been significant under delivery of housing over the previous three years”. In addition, guidance on the Housing Delivery Test indicates that where housing delivery falls below 85%, a buffer of 20% should be applied to the local authority’s five year land supply and a presumption in favour of sustainable development if the figure is below 75%. The Housing Delivery Test result for Spelthorne Borough Council was published by the Secretary of State in January 2021, with a score of 50%. This means that less housing has been delivered when compared to need over the previous three years. As a consequence, there is a presumption in favour of sustainable development because the test score of 50% is less than the 75% specified in the regulations. The figure of 50% compares with 60% last year and 63% in 2019. The Council’s Housing Delivery Test Action Plan will be updated to reflect this. The current action plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough
- 7.14 As a result, current decisions on planning applications for housing development need to be based on the ‘tilted balance’ approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless ‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole’.

Design, Character and Appearance

- 7.15 Whilst the appearance of the development is a reserved matter and would be considered in a later application should permission be granted, officers consider that the scale and layout of the development, which are both matters currently under consideration, would impact the character and appearance of the surrounding area.
- 7.16 Policy EN1 of the CS&P DPD states that the Council will require a high standard in the design and layout of new development. The policy further states that developments should create buildings and places that are attractive with their own distinct identity, and that respect and make a positive contribution to the street scene and character of the area in which they are situated, paying due regard to the scale, heights, proportions, building lines, layouts, materials and other characteristics of adjoining buildings and land.
- 7.17 The NPPF states that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The framework further advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The

framework also states that development that is not well-designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- 7.18 The NPPF further sets out a number of design requirements, stating that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to the local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 7.19 The street scene of Minsterley Avenue and Chestnut Walk is generally characterised by two storey detached dwellings that are situated within spacious plots, which generally contain front gardens and driveways fronting onto the street and generous gardens at the rear. The dwellings in Minsterley Avenue and Chestnut Walk appear to have been constructed in the late 1950s and early 1960s and there are a number of mature trees throughout the estate, many of which are subject to a Tree Preservation Order.
- 7.20 The application site is located in the north-eastern corner of Minsterley Avenue and is set behind a grassed verge area and access, which serves no.36, no.38 and no.40 Minsterley Avenue. There are also a number of mature trees subject to a Tree Preservation Order to the north and rear of the site.
- 7.21 The Council's SPD on the *Design of Residential Extensions and New Residential Development* (April 2011) which amplifies policy EN1, states that building plots must be of sufficient size to provide garden space appropriate to the size of the dwellings proposed. The guidance further states that plots should normally be similar in size and shape to other plots in the street. Additionally for houses and flats alike, the SPD advises that the height, depth, width and form of the proposed buildings should be similar to those within the prevailing street frontage.
- 7.22 At paragraph 4.41 the SPD contains a checklist for the development of one or more dwellings with access via a gap in the street frontage. This states that amongst other things:
- The resultant form of development and garden sizes should respect the character of the area.
 - There should be sufficient size for both the new and retained plots to ensure an adequate garden size that would avoid the development appearing cramped.
 - The proposal should preserve appropriate privacy and amenity by sufficient separation between buildings.
 - Provide access of sufficient width to ensure adequate separation from adjoining properties and ensures the development can be adequately served by larger vehicles.
- 7.23 The application proposes 4 x 4-bedroom dwellings. The 4-bedroom dwellings would each be similar in scale and layout and would be set over two storeys,

with an additional storey of accommodation in the roof space. The 4-bedroom dwellings would measure a height of 9.250 metres and would incorporate rear garden areas ranging between 78m²-114m², exceeding the Council's 70m² minimum garden space requirements for a detached dwelling. The plans indicate that the 4-bedroom dwellings would measure a depth of 10.3 metres, and a width of 5.734 metres. The indicative plans also show that the 4 dwellings would incorporate gable features although it is noted that appearance would be a reserved matter.

- 7.24 The application also proposes a 5-bedroom dwelling that would be located at the north of the site. This would be set over 3 storeys, with the third storey located in the roof space. The 5-bedroom dwelling would measure a height of 9 metres, a width of 8.73 metres and a depth of 9.3 metres. It would contain a crown roof at the ridge and would contain a garden area measuring some 261m².
- 7.25 As highlighted above, Minsterley Avenue and Chestnut Walk are generally characterised by two storey detached dwellings. As each of the proposed dwellings would be detached, the proposed layout is considered to be in keeping with the character of the surrounding area in this regard.
- 7.26 In terms of scale, it is noted that at 5.734 metres in width the 4 x 4-bedroom dwellings would be smaller in width than most other properties in Minsterley Avenue. However, there is a variety of widths in the street scene as some dwellings have been extended. Moreover, given the overall plot sizes, which all contain gardens in excess of the Council's minimum 70m² requirements, this is not considered to result in a cramped appearance.
- 7.27 In addition, Policy HO5 states that within existing residential areas that are characterised predominantly by family housing rather than flats, new residential development should generally be in the range of 35 to 55 dwellings per hectare. The development, including the retained dwelling at no.38 Minsterley Avenue, would have a density of approximately 31 dwellings per hectare. As such, whilst the dwellings would be smaller in width than other properties in Minsterley Avenue, this is not considered to contribute towards a cramped appearance. The width of the 5-bedroom dwelling is also considered to be acceptable.
- 7.28 The application proposes that 10 parking spaces would be provided to the occupiers of the proposed dwellings, which is considered further in the parking and highways section of this report. In terms of layout, it is acknowledged that the parking spaces would not be sited directly in front of the dwellings and in this regard would not fully reflect the layout and pattern of other properties in Minsterley Avenue, which generally contain driveways and parking spaces directly in front of the dwellings. However, the parking spaces would be set away from the highway of Minsterley Avenue, as the development would be located behind the grass verge and the access and would to a degree be screened from the street scene by the dwelling at no.38 Minsterley Avenue. Therefore, whilst not fully compliant with the layout of other dwellings in Minsterley Avenue and Chestnut Walk, there is considered to be an acceptable visual impact upon the surrounding locality.

- 7.29 The street scene of Minsterley Avenue is characterised by two storey detached dwellings situated on generous plots. The application proposes the construction of 5 detached dwellings following the demolition of the existing dwelling, which would each contain garden areas exceeding the Council's minimum guidance. The density of the development at approximately 31 dwellings per hectare, would also fall below what would be expected of a family scale dwelling and as such it is not considered that the development would have a cramped appearance. It is acknowledged that the 4-bedroom dwellings would appear narrower in width in the context of other properties in Minsterley Avenue and that the proposal would not fully reflect the building pattern of the surrounding area given the proposed widths and layout of the parking spaces. However, given the proposed density and overall plot size and layout, this is not considered to result in a cramped appearance. Additionally, whilst the car parking spaces would not be situated in front of the dwellings, this is considered to be mitigated through the set back from the highway of Minsterley Avenue and the siting of the grassed verge and access.
- 7.30 On balance, the scale and layout of the development is therefore considered to have an acceptable impact upon the character and appearance of the area and the scale, layout and access of the proposal is considered to be in accordance with the objectives of policy EN1 and the NPPF in design terms.

Housing Type

- 7.31 Policy HO4 of the CS&P DPD and the Council's Supplementary Planning Document (SPD) on Housing Size and Type (July 2012), seeks for 80% of units in developments of 4 or more dwellings, to contain 1 or 2 bedrooms. This is to ensure that the overall dwelling stock meets the demand that existing within borough, including a greater demand for smaller dwellings.
- 7.32 The application proposes five dwellings, four of which would contain 4 x bedrooms and one of which would contain 5 x bedrooms. Whilst this would not be complaint with the objectives of policy HO4, given the character of the surrounding locality, which is occupied by lower density more traditional scale family housing, it is considered that the proposed housing type and numbers of bedrooms would be appropriate and acceptable in this instance.

Future Occupiers

- 7.33 The Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development (April 2011) sets out minimum floor space standards for new dwellings.
- 7.34 The Government has also published national minimum dwelling size standards in their "Technical Housing Standards – nationally described standard" document (2015). These largely reflect the London Housing Design Guide on which the Spelthorne Standards were also based and are arranged in a similar manner to those in the SPD. A summary of the relevant standards set out in the Technical Housing Standards is illustrated in the table below:

Dwelling Size (Three Storey)	Minimum Floor Space Requirement
4 bed x 6 person	112m ²

5 bed x 8 person	134m ²
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- 7.35 All of proposed units would meet the minimum internal floor space requirements outlined above. The proposed dwellings would also each contain a garden area in excess of the 70m² minimum requirement set out in the Council's SPD on design. The layout and scale of the proposal is therefore considered to provide an acceptable level of amenity to its future occupants.
- 7.36 It is noted that the front bedroom in the roof space of the four smaller dwellings would not be served by a window. However, two roof lights would provide natural light to the occupiers of these rooms, which is considered to be satisfactory. The appearance of the dwelling would also be considered at the reserved matters stage, should the application receive outline planning consent and the design may be subject to change.

Impact Upon the Occupiers of Existing dwellings

- 7.37 Policy EN1 of the CS&P DPD states that proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.
- 7.38 The NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standards of amenity for existing and future users.
- 7.39 At paragraph 3.6 the Councils SPD on Design states that most developments will have some impact on neighbours. The aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed.
- 7.40 It is considered that the scale, layout and access to the proposal would result in an acceptable impact upon the light, privacy and amenity of the occupiers of no.34 Minsterley Avenue situated to the south of the application site.
- 7.41 When measured from the plans, the most southerly dwelling (labelled as dwelling 01) would be set in approximately 2 metres from the southern site boundary, which adjoins the garden of no.34 Minsterley Avenue. The southern dwelling would also be set back approximately 12 metres from the rear elevation of no.34, albeit not directly to the rear of this property. As a result of such a distance, together with the 2-metre set in distance from the boundary, it is not considered that the proposed dwelling would have an overbearing impact upon the occupiers of this property or an adverse impact upon light, particularly as no.34 is located to the south of the application site.
- 7.42 In terms of privacy, a first-floor window would be situated within the southern flank elevation of the most southerly dwelling. However, this would serve a bathroom rather than a habitable room and it is recommended that a condition is attached to the decision notice requiring this window to incorporate obscure glazing. A roof light would also be incorporated in the southern flank, although given that this would be at high level, it is not considered to provide

opportunities for overlooking into the garden on no.34. All other first floor windows would be at an oblique angle to no.34 and are not considered to have an adverse impact upon privacy.

- 7.43 It is acknowledged that the parking spaces labelled P01A, P01B and P38B would be located in close proximity to the boundary with no.34, and whilst this would create occasional noise and disturbance, this is not considered to be to an extent that would cause undue harm. It is also noted that the current driveway and garage serving no.36 is situated within close proximity to the northern flank elevation of no.34, partially mitigating any adverse impacts. The proposal is therefore considered to have an acceptable impact upon the occupiers of no.34.
- 7.44 There would be a separation distance of approximately 15 metres between the side elevation of the existing dwelling at no.38 Minsterley Avenue and the front elevation of the proposed 4-bedroom dwellings. This would be in adherence to the Council's 13.5 metre back-to-side guidance, which is also applied to the front and side elevations of proposed dwellings and is considered to be acceptable. There would also be a distance of approximately 12.6 metres between the front elevation of the proposed 5-bedroom dwelling and the side boundary of no.38. At such a distance it is not considered that the proposed dwellings would cause harm to the light, privacy or amenity of the occupiers of no.38.
- 7.45 It is noted that 8 of the proposed car parking spaces would be situated alongside the boundary with no.38. Whilst this would cause occasional noise and disturbance to the occupiers of no.38, this is not considered to generate unacceptable harm to an extent that is considered to outweigh the benefits of the contribution of 5 additional dwellings to the Council's 5 year housing supply. The proposal is therefore on balance, considered to have an acceptable impact upon the residential amenity of the occupiers of no.38.
- 7.46 The proposal is further considered to have an acceptable impact upon the light, privacy and amenity of all neighbouring and adjoining dwellings in the surrounding locality including those in The Crofts located to the north of the site and all other dwellings.

Parking and Highways

- 7.47 Policy CC2 of the CS&P DPD states that the Local Planning Authority will seek to secure more sustainable travel by only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account the capacity of the local transport network, the cumulative impact, access and egress to the public highway and highway safety.
- 7.48 Policy CC3 also states that appropriate provision should be made for off street parking in accordance with the Council's Parking Standards.
- 7.49 The NPPF states that development should only be refused or prevented on highway grounds if there would be an unacceptable impact upon highway

safety or the residual cumulative impacts on the road network would be severe.

- 7.50 The plans show that each of the proposed dwellings would be served by 2 off-street parking spaces (10 in total). The plans further show that the existing dwelling at no.38 Minsterley Avenue would be served by 2 parking spaces.
- 7.51 The Council's Parking Standards SPD states that a 4-bedroom dwelling should be served by a minimum of 2.5 off-street parking spaces. On this basis the Council would normally expect the 5 proposed dwellings and no.38 Minsterley Avenue, to be served by 15 off street parking spaces. The application proposes 12 off-street parking spaces, 2 serving the existing dwelling no.38 and 10 serving the proposed dwellings, falling 3 spaces short of the Council's guidelines.
- 7.52 It is acknowledged that the Local Planning Authority has received a number of letters of representation, which object to the proposal on parking and highway safety grounds. The County Highway Authority (CHA) has been consulted who acknowledged that concerns have been raised by residents in regards to parking overspill and the intensification of the site in transport terms. The CHA also noted that there was a shortfall against the Spelthorne Parking Standards. However, the CHA considered that where there is excess parking demand, or where visitors arrive at the site by car, this would not result in a highway safety issue, and significant additional on-street parking is unlikely to result from this proposal.
- 7.53 Whilst there would be a shortfall of 3 off-street parking spaces when assessed against the Council's Parking Standards and the concerns raised in the letters of representation are acknowledged, officers consider that the cumulative impacts upon the highway as a result of the level of parking provision, are not considered to be severe to the extent that an objection could reasonably be sustained on such grounds. The proposal is therefore considered to accord with the objectives of policy CC2 and the NPPF in this regard.

Trees

- 7.54 Policy EN7 of the CS&P DPD states that the Council will promote Tree Preservation Orders wherever appropriate to safeguard healthy trees of amenity value, giving priority to the protection of those known to be under threat. The policy further states that permission will not normally be granted to fell preserved trees, but where such trees are felled replacement planting will be required.
- 7.55 The NPPF states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. The framework further states that planning decisions should ensure that existing trees are retained wherever possible.
- 7.56 The application has been accompanied by an Arboricultural Method Statement. This states that a number of trees would be removed including two that are subject to a Tree Preservation Order; one Horse Chestnut and a Common Lime. The report identifies that all of the trees that are to be

removed are either Category C trees, which the report explains are trees of low quality and value, or Category U trees which are in such a condition that any existing value would be lost within 10 years.

- 7.57 The applicant's report has been reviewed by the Council's Tree Officer, who initially requested further information on the location of the proposed soakaways, which the Officer considered should be located outside of the Root Protection Areas of the retained trees. The applicant subsequently submitted a plan confirming that the soakaways would be located outside of the trees Root Protection Areas and the Tree Officer confirmed that there would be no objections.
- 7.58 Whilst the proposal would result in the removal of a number of trees including three subject to a Tree Preservation Order, given that the trees are of low quality and the Council's Tree Officer has raised no objections, it is considered that the removal of the trees to facilitate the development would be acceptable in this instance. Additionally, the applicant would be required to submit details of the proposed landscaping at reserved matters stage, should the current proposal granted outline planning consent.

Biodiversity

- 7.59 Policy EN8 states that the Council will seek to protect and improve the landscape and biodiversity of the borough by amongst other things, refusing permission where development would have a significant harmful impact upon the landscape or features of nature conservation value.
- 7.60 The NPPF states that planning decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and site of biodiversity and minimising and providing net gains for biodiversity.
- 7.61 It is also acknowledged that the Council has received a number of letters of representation raising concerns over the biodiversity impacts of the scheme and the impact upon protected species, notably bats.
- 7.62 The Surrey Wildlife Trust (SWT) has been consulted on these proposals during the application process. The SWT initially recommended that the applicant should submit an ecological survey so that the ecological impacts of the proposal could be determined prior to determination. The SWT's comments were drawn to the applicant's attention and an ecological information was submitted.
- 7.63 The applicant's submission included a Bat Presence/Likely Absence Survey. The report acknowledges that the scheme proposes the demolition of the existing dwelling at no.36 and other outbuildings. These buildings were considered negligible for roosting bats. The report identified that two trees within the site had potential bat roosting suitability but the applicant has confirmed that both trees would be retained. The Surrey Wildlife Trust reviewed the applicant's additional information and recommended that a Construction Environment Management Plan was sought by condition. It is also recommended that biological enhancements, including bird and bat boxes are secured by condition.

Other Matters

- 7.64 It is recommended that a condition is attached to the decision notice requiring that 10% of the developments energy demand is secured from on-site renewable energy sources. The proposal would then be in accordance with the requirements of policy CC1.
- 7.65 It is noted that the Council has received a number of letters of representation raising concerns that the proposal would have an adverse impact upon the Green Belt. Whilst land to the rear of the site is situated within the Green Belt, the application site is situated wholly outside of the Green Belt and as such, it is not considered that there is an objection on the impact of the proposal upon the Green Belt or its openness.
- 7.66 A number of letters of representation have also raised concerns over the impact of the development upon the flood event area. The Council's records and Environment Agency maps show that the site is not located within the flood zone. Moreover, the Council is satisfied that there is a dry means of escape away from the site outside of the 1% annual exceedance probability.
- 7.67 The Council's Head of Neighbourhood Services has been consulted in relation to the storage of waste and refuse. The Head of Neighbourhood Services has recommended that details of bin storage and siting on collection days is secured by condition.

Equalities Act 2010

- 7.68 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) Advance equality of opportunity between person who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.69 The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need to see whether the duty has been performed.

The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means having such regard as is appropriate in all the circumstances. The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long-term adverse effects on their ability to carry out normal day-to-day activities. This can include but is not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental

health needs. It is considered that it would be possible for individuals with disabilities to access the proposed development. However, it must also be noted that appearance and landscaping are reserved matters at this stage.

Human Rights Act 1998

- 7.70 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.71 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.72 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.73 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Finance Considerations

- 7.74 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.
- 7.75 In consideration of S155 of the Housing and Planning Act 2016, the proposal would result in the following financial contributions:
- The Community Infrastructure Levy for Zone 3 (£160 per sq m of net additional residential floorspace indexed) will be payable on this site.

These are considered to be a material considerations in the determination of this planning application. The proposal will also generate a New Homes Bonus Business Rates and Council Tax payments which are not material considerations in the determination of this proposal.

Planning Balance

- 7.76 Policy HO1 states that the Council will ensure that provision is made for housing by encouraging housing including redevelopment, infill, conversion of existing dwellings and the change of use of existing buildings to housing on all sites suitable for that purpose taking into account other policy objectives.
- 7.77 The Council cannot currently demonstrate a 5-year housing supply and can only demonstrate a supply of 4.5 years. Where a 5 year housing supply cannot be demonstrated the NPPF states that a 'tilted balance' approach must be adopted where development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so.
- 7.78 The four proposed 4 x bedroom dwellings would appear smaller in width than other dwellings in Minsterley Avenue and Chestnut Walk. However, dwelling widths vary across the estate and some properties have been extended to the side. The development including no.38 Minsterley Avenue would have a density of approximately 31 dwellings per hectare and is not considered to have a cramped or overdeveloped appearance. It is acknowledged that the proposed site layout would be different to the surrounding building pattern, as the proposed parking spaces would not be located directly to the front of the dwelling. However, given the proposed density and compliance with minimum garden space requirements, the development is not considered to have a cramped appearance and is not considered to lead to harm to the character and appearance of the area.
- 7.79 The proposed parking spaces would also not be located directly in front of the dwellings and there would be a 3-space shortfall against the requirements of the Council's Parking Standards SPD. Some of the parking spaces would be screened from the street scene by the existing dwelling at no.38 Minsterley Avenue, which would be retained. The remainder of the spaces would be set behind the grassed verge area and access road. Whilst this layout does not directly replicate other dwellings in Minsterley Avenue and Chestnut Walk, which generally contain parking spaces directly in front of the dwellings, officers do not consider that this layout would cause significant harm to the street scene. Moreover, the shortfall in 3 parking spaces is not considered to cause severe harm to the highway.
- 7.80 The application would also result in the loss of 2 trees subject to a Tree Preservation Order (1 x Horse Chestnut, 1 x Common Lime). However, these are of low quality and the Council's Tree Officer has not raised any objections and landscaping is a reserved matter that would be considered at the reserved matters stage.

On balance, officers do not consider that adverse impacts of the layout, scale and access to the development would significantly and demonstrably outweigh the benefits of the addition of 5 dwellings to the Council's 5 year housing land supply.

Conclusion

- 7.81 This application seeks outline planning permission with appearance and landscaping reserved for the erection of 5 detached dwellings, following the demolition of no.36 Minsterley Avenue. It is considered that the scale, layout and access to the development would have an acceptable impact upon the character and appearance of the area, future occupiers, the residential amenity of neighbouring and adjoining dwellings, parking provision, trees and the landscape and biodiversity.

8. Recommendation

To GRANT planning permission subject to following conditions:

1. That in the case of those matters in respect of which details have not been given in the application and which concern the:-
 - (a) appearance and landscaping; hereinafter called "the reserved matters", and which are hereby reserved for subsequent approval by the Local Planning Authority, application for such approval shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
 - (b) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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: 626 PL100 B, 626 PL002, 626 PL200 Revision C, 626 PL101 Revision C, 626 PL020 Revision A, 626 PL020 Revision A

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

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

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

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

contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of each building and thereafter retained.

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

5. Prior to the occupation of the development hereby permitted the first floor window(s) on the southern elevation(s) of dwelling 01 shall be obscure glazed and be non-opening to a minimum height of 1.7 metres above internal floor level in accordance with details/samples of the type of glazing pattern to be submitted to and approved in writing by the Local Planning Authority. The(se) window(s) shall thereafter be permanently retained as installed.

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

6. Facilities within the curtilage of the site for the storage of refuse and recycling materials shall be submitted to and approved by the Local Planning Authority. A waste management strategy shall also be submitted and approved prior to occupation detailing arrangements of bin collections days. The agreed details shall be implemented prior to the occupation of the development hereby approved and retained thereafter.

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

7. No part of the development shall be first occupied unless and until the access arrangements as shown on the drawings are provided.

Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

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

Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2019 and policy CC2 of Spelthorne Borough

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

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) measures to prevent the deposit of materials on the highway
- (f) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused 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: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

10. The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2019, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

11. No development shall take place until:-

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

method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

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

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

NOTE

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

12. 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.

13. No demolition work shall take place until a Demolition Method Statement, incorporating a Dust Management Plan (DMS) and pre-demolition asbestos survey, has been submitted to and approved in writing by the Local Planning Authority. The agreed methodology and mitigation measures shall be implemented in accordance with the approved details.

Reason: To protect the future site users and neighbours from harmful substances.

14. Prior to the occupation of the development, or such longer period as may be approved by the Local Planning Authority, a biodiversity enhancement scheme shall be submitted and approved in writing by the Local Planning

Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved scheme prior to occupation and maintained thereafter.

Reason: In the interests of biodiversity and wildlife

- 15 Prior to the commencement of the development, a Construction Environment Management Plan shall be submitted and approved in writing by the Local Planning Authority. This will include details of a precautionary approach for working with regard to birds, reptiles, mammals and amphibians.

Reason: In the interests of biodiversity and wildlife

Informatives

1. The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary.
2. 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.

3. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
4. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge. Please see <https://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs>
5. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
6. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned

wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149).

7. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:
<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
8. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
 - (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
 - (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
 - (c) Deliveries should only be received within the hours detailed in (a) above;
 - (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
 - (e) There should be no burning on site;
 - (f) Only minimal security lighting should be used outside the hours stated above; and
 - (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

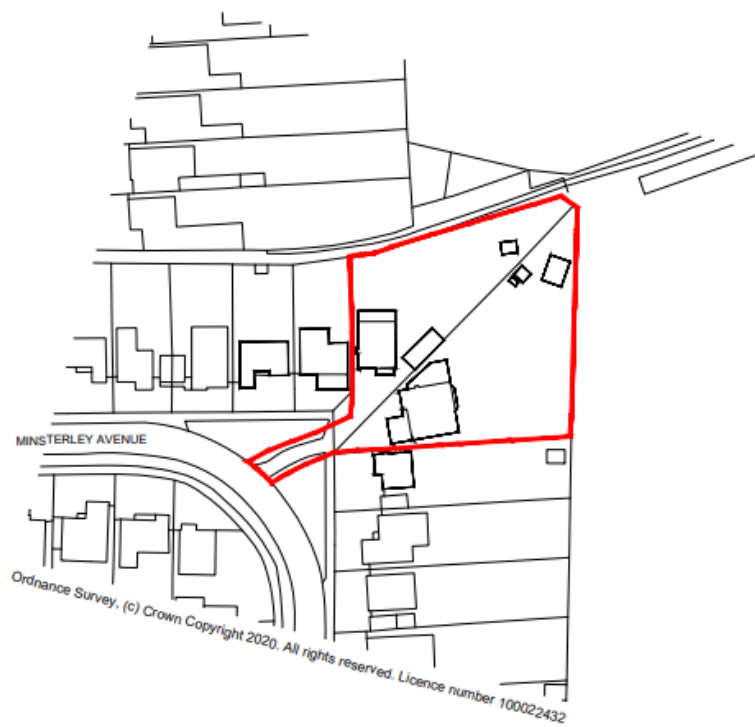
Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit. In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme (<https://www.ccscheme.org.uk/site-registration/site-registration-257/>).

9. The applicant is advised that the essential requirements for an acceptable communication plan forming part of a Method of Construction Statement are viewed as:
 - (a) how those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme;
 - (b) how neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them;
 - (c) the arrangements that will be in place to ensure a reasonable telephone response during working hours;
 - (d) the name and contact details of the site manager who will be able to deal with complaints; and
 - (e) how those who are interested in or affected will be routinely advised regarding the progress of the work.

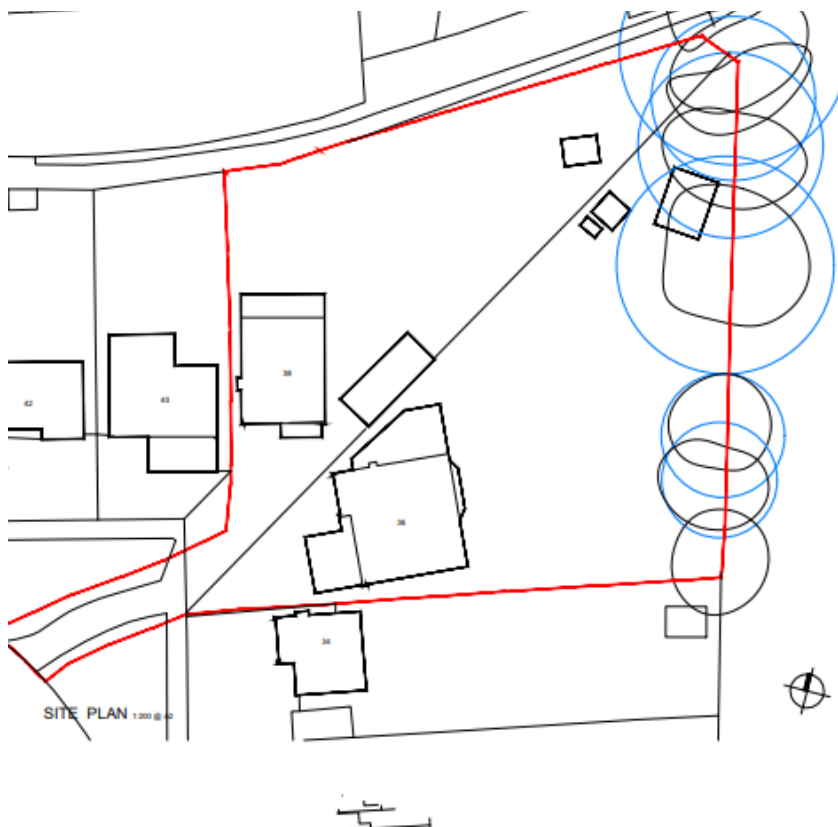
Registration and operation of the site to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements.

Appendices:

Site Location Plan



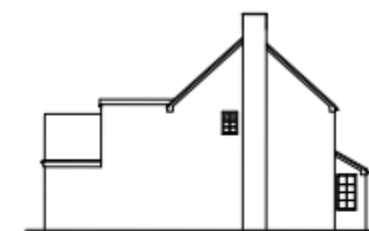
Existing Site Layout



Proposed Site Layout



Existing Elevations (no.38)



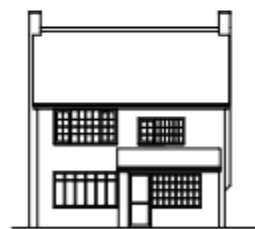
EXISTING SIDE (WEST) ELEVATION 1:100 @ A2



EXISTING REAR (NORTH) ELEVATION 1:100 @ A2

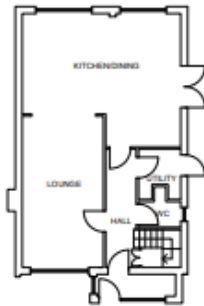


EXISTING SIDE (EAST) ELEVATION 1:100 @ A2



EXISTING FRONT (SOUTH) ELEVATION 1:100 @ A2

Existing Floor Plans (no.38)



EXISTING GROUND FLOOR PLAN 1:100 @ A2



EXISTING FIRST FLOOR PLAN 1:100 @ A2

Existing Elevations (no.36)



EXISTING FRONT (WEST) ELEVATION 1:100 @ A2



EXISTING SIDE (NORTH) ELEVATION 1:100 @ A2

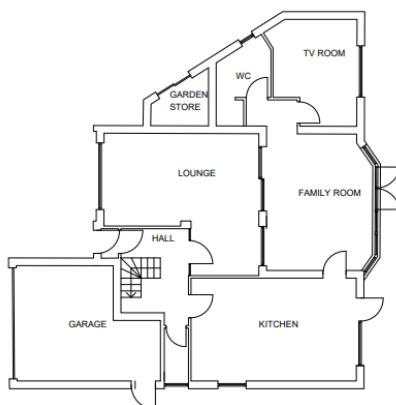


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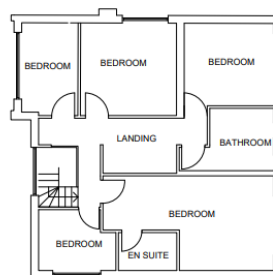


EXISTING SIDE (SOUTH) ELEVATION 1:100 @ A2

Existing Floor Plans (no.36)



EXISTING GROUND FLOOR PLAN 1:100 @ A2



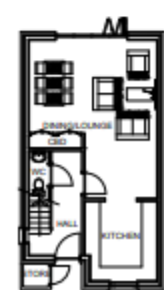
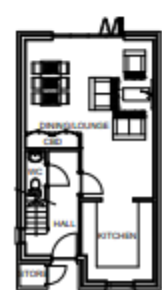
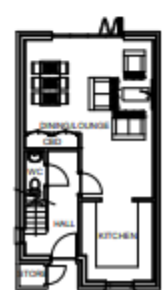
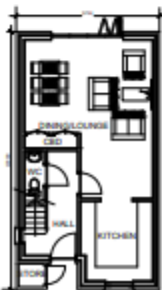
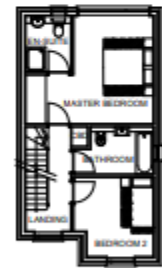
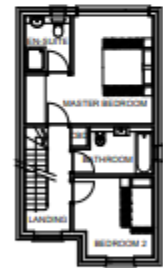
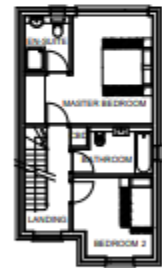
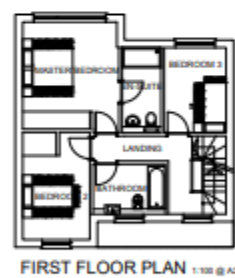
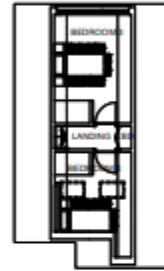
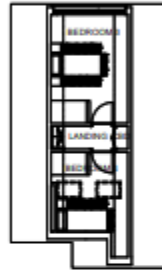
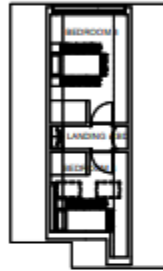
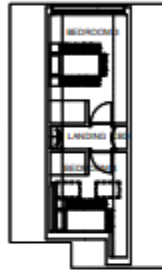
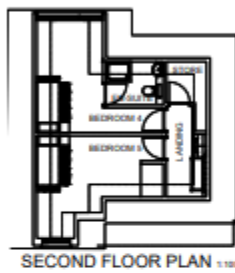
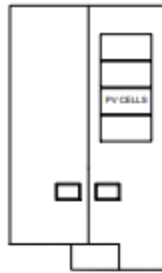
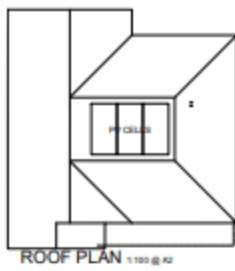
EXISTING FIRST FLOOR PLAN 1:100 @ A2

Indicative Proposed Elevation Plans

exedra architects



Indicative Proposed Floor Plans



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Planning Appeals Report – V1.0 ISSUED

List of Appeals Started between 28 September 2021 – 20 October 2021

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
20/01271/FUL 13 Thetford Road Ashford TW15 3BW	30.09.2021	Written Representation	APP/Z3635/W/21/3277275 Erection of 3 no.terraced dwellings following demolition of existing bungalow and garage as shown on amended drawings numbered PL-01 - 09 received on 06 November 2020.

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
20/01322/FUL Rowland Hill Almshouses Feltham Hill Road Ashford	30.09.2021	Written Representation	APP/Z3635/W/21/3278367 The creation of a new car park and vehicle crossover and alterations to the layout of the existing car park.

Appeal Decisions Received 28 September 2021 – 20 October 2021

Case Ref & Address	Date Received	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
21/00178/HOU 172 Stanwell Road Ashford TW15 3QS	17.08.2021	Fast Track Appeal	APP/Z3635/D/21/3275850 Roof extension comprising ridge height increase and addition of 2 no. side dormers to provide accommodation in the roof space.	Appeal Dismissed	01.10.2021	The proposal was for the raising of part of the roof together with the introduction of two large dormers to each side of the roof slope. The Inspector found that the increased height albeit of part of the roof and the overly large flat-roofed dormers would be over-dominant features when viewed from the road. He noted that the dormers in particular would have a combined width significantly greater than their height and would result in almost total coverage of both roof slopes. He considered that they would totally change the appearance of this modest single

Case Ref & Address	Date Received	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
						storey structure to the significant detriment of the character and appearance of the host property and the immediate local area.

Major Applications

This report is for information only

The list below comprises current major applications which may be brought before Planning Committee for determination. These applications have either been submitted some time ago but are still not yet ready for consideration or are recently received applications that are not ready to be considered by the Planning Committee. The background papers for all the applications are contained on the Council's website (Part 1 Planning Register).

All planning applications by Spelthorne Borough Council and Knowle Green Estates will be brought before the Planning Committee for determination, regardless of the Planning Officer's recommendation. Other planning applications may be determined under officers' delegated powers.

If you wish to discuss any of these applications, please contact the case officer(s) in the first instance.

App no	Site	Proposal	Applicant	Case Officer(s)
20/00344/FUL	Thameside House South Street Staines-upon-Thames TW18 4PR	Demolition of existing office block and erection of 140 residential units in two buildings, with flexible commercial and retail space, associated landscaping, parking and ancillary facilities.	Spelthorne Borough Council	Russ Mounty/Vanya Popova

App no	Site	Proposal	Applicant	Case Officer(s)
20/00802/FUL On Agenda	Car Park Tesco Supermarket	Redevelopment of surplus hospital car park for 127 residential units comprising 122 flats and 5 terraced houses, in buildings ranging from 2 to 5 storeys in height, with associated access, parking, services, facilities and amenity space (AMENDED PLANS)	Spelthorne Borough Council, Care of Lichfields	Matthew Churchill
20/00780/FUL On Agenda	Hitchcock and King	Sub-division of existing retail warehouse and change of use to create an A1 food store and an A1 / D2 Use Class Unit, with reconfiguration of the site car park, elevational changes, installation of plant equipment, and other ancillary works.	Lidl Great Britain	Matthew Clapham
20/01555/FUL	Land to the North of Hanworth Road (Lok N Store and Johnson and Johnson) Sunbury On Thames TW16 5LN	Demolition of existing buildings and structures and redevelopment of the site to include the erection of two new warehouse buildings for flexible use within Classes B2, B8 and/or light industrial (Class E), revised junction layout (A316 slip lane) and associated parking, servicing, landscaping and access and infrastructure works.	Diageo Pension Trust Ltd	Paul Tomson/Drishti Patel
21/00912/FUL	Works Langley Road	Demolition of existing works building and erection of 23 dwellings (14 dwelling houses	Shanly Homes Ltd	Kelly Walker

App no	Site	Proposal	Applicant	Case Officer(s)
		and 9 apartments) including access, parking, landscaping and replacement substation'		
21/00947/FUL	Cadline House, Drake Avenue	Demolition of existing building and construction of new build 2.5 storey residential building comprising of 14 flats and 15 under-croft car spaces.	Cadline Ltd	Matthew Churchill
21/00921/FUL	131 High Street	Demolition of existing structures and creation of retail unit and 9 no. flats facing the High Street together with a residential building providing 14 no. flats to the rear with associated parking and amenity space.	Burma House (Staines) Ltd	Kelly Walker
21/01411/RVC	524 To 538 London Road	Application to remove Conditions 1 (Commencement of development), 15 (Access/egress), and 17 (Closure of access onto Kenilworth Road, and variation of Conditions 4 (Contaminated Land), 10 (Storage of refuse/waste) and 18 (Construction Transport Management Plan), of planning permission 17/00640/FUL for the erection of a building to provide 58 flats.	Mr Bal Hans	Paul Tompson
21/00877/OUT	273 - 275 London Road	Outline consent with all matters reserved for the development of up to 69 no. 1 & 2 bedroom affordable apartments and community centre.	Cristal London Ltd	Kelly Walker
19/01211/FUL	Benwell House	Erection of 5 storey residential block to provide 39 residential units, with a mix of 12 x 1-bed, 24 x 2-bed and 3 x 3-bed units together with associated parking, landscape and access.	Knowle Green Estates	Russ Mounty

App no	Site	Proposal	Applicant	Case Officer(s)
21/01548/RMA	Shepperton Studios	Application for the approval of reserved matters comprising details of multi-storey car parking and concrete aprons at Shepperton Studios submitted pursuant to condition 1 of planning permission 18/01212/OUT dated 4th July 2019. Details to partially discharge conditions 3, 7, 13 and 14 pursuant to the outline consent'	Shepperton Studios Limited	Russ Mounty
21/01547/FUL	Shepperton Studios	Use of 6 acres of land for backlot in association with Shepperton studios, including the construction of utility buildings, security barriers and guard shelters, with associated enabling works, access, landscaping, surface parking and amended car park access at land north of Shepperton Studios"	Shepperton Studios Limited	Russ Mounty

Esmé Spinks
 Planning Development Manager
 28/10/2021

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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