



*Please reply to:*

Contact: Karen Wyeth  
Service: Committee Services  
Direct line: 01784 446341  
E-mail: [k.wyeth@spelthorne.gov.uk](mailto:k.wyeth@spelthorne.gov.uk)  
Date: 20 January 2022

## **Notice of meeting**

### **Planning Committee**

**Date:** Wednesday, 2 February 2022

**Time:** 7.00 pm

**Place:** Council Chamber, Knowle Green, Staines-upon-Thames, TW18 1XB

#### **To the members of the Planning Committee**

Councillors:

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

*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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## **Planning Committee meeting**

### **Start times of agenda items**

It is impossible to predict the start and finish time of any particular item on the agenda. It may happen on occasion that the Chairman will use his discretion to re-arrange the running order of the agenda, depending on the level of public interest on an item or the amount of public speaking that may need to take place. This may mean that someone arranging to arrive later in order to only hear an item towards the middle or the end of the agenda, may miss that item altogether because it has been "brought forward" by the Chairman, or because the preceding items have been dealt with more speedily than anticipated. Therefore, if you are anxious to make certain that you hear any particular item being debated by the Planning Committee, it is recommended that you arrange to attend from the start of the meeting.

### **Background Papers**

For the purposes of the Local Government (Access to Information) Act 1985, the following documents are to be regarded as standard background papers in relation to all items:

- Letters of representation from third parties
- Consultation replies from outside bodies
- Letters or statements from or on behalf of the applicant

## AGENDA

Page nos.

**1. Apologies**

To receive any apologies for non-attendance.

**2. Minutes**

**5 - 10**

To confirm the minutes of the meeting held on 5 January 2022 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 - 21/00912/FUL - Works, Langley Road, Staines-upon-Thames TW18 2EJ**

**11 - 46**

**Ward  
Staines**

**Proposal**

Demolition of existing works building and erection of 22 dwellings (14 dwelling houses and 8 apartments) including access, parking, landscaping and replacement substation.

**Recommendation**

The application is recommended for approval.

**5. Planning application - 21/01472/FUL - Land to the Rear of Dwellings in Park Road, Stanwell, currently occupied by disused garages**

**47 - 66**

**Ward  
Stanwell North**

**Proposal**

Demolition of existing lock-up garages and installation of electric vehicle charging bays serviced by ultra-rapid charge points, together with associated infrastructure and works.

**Recommendation**

This application is recommended for refusal due to the impact on the amenity of neighbouring residential properties and highway impacts.

<b>6.</b>	<b>Major Planning Applications</b>	<b>67 - 70</b>
	To note the details of future major planning applications.	
<b>7.</b>	<b>Planning Appeals Report</b>	<b>71 - 78</b>
	To note details of the Planning appeals submitted and decisions received between 15 December 2021 – 19 January 2022.	
<b>8.</b>	<b>Glossary of Terms and Abbreviations</b>	

**Minutes of the Planning Committee  
5 January 2022**

**Present:**

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

**Councillors:**

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

**Apologies:** Councillors N. Islam

**In Attendance:** Councillors M. Beecher

**1/22 Minutes**

The minutes of the meeting held on 10 and 17 November 2021 were approved as a correct record.

**2/22 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 C Bateson, A Brar, J Doran, N Gething, M Gibson, T Lagden, R Noble, R W Sider BEM, R A Smith Ainsley and J Vinson reported that they had received correspondence in relation to applications 21/01182/FUL and 21/01547/FUL but had maintained an impartial role, had not expressed any views and had kept an open mind.

Councillors C Bateson, R Noble, R W Sider BEM, R A Smith-Ainsley and J Vinson reported that they had attended a site visit to the application site.

**3/22      Planning application 21/01182/FUL - Shepperton Studios,  
Studios Road, Shepperton, TW17 0QD**

**Description:** Construction of a workshop (plot 1.4), utility building and security barriers, turnstile and guard shelter, with associated enabling works, access and parking at Shepperton North West.

**Additional Information:**

The applicant submitted a letter in support of the application which states that the footprint of the building is 1,722.7m<sup>2</sup> within the backlot site of over 24,250m<sup>2</sup>, which represents 7% of the total area and that the impact on openness would be imperceptible visually and marginal practically.

It concludes that the proposed workshop building on an approved backlot would be minor in scale of area and insignificant to negligible in terms of Green Belt openness. The economic benefits of the Shepperton scheme are acknowledged in the Committee Report and very special circumstances are confirmed to exist to justify a grant of planning permission.

The LLFA has raised no objection to the application and has recommended conditions and informatives.

The conditions are already contained in the report.

The informative should be added as follows: "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".

Paragraph 7.25 is to read "...lost to the proposed scheme and therefore would be left with 6 acres (2.41 hectares)."

**Public Speaking:**

In accordance with the Council's procedure for speaking at meetings, Matthew Wright, Senior Development Manager spoke for the proposed development raising the following key points:

- This application was a refinement to the outline permission that had already been granted.
- The expansion would make Shepperton Studios the 2<sup>nd</sup> largest in the world and provide economic benefits to the Borough of Spelthorne, the County of Surrey and the UK as a whole.
- The new facilities would be ready for use in 2023 with half of the additional space already leased to Netflix.
- The location of the proposed workshop and car parking is on land permitted as a backlot.
- The new workshop floorspace is only 7% of the total approved backlot area.
- The application has no Green Belt implications as it will be a developed site under the existing permission.

- A commitment has been given by Shepperton Studios to plant over 30,000 new trees providing tree cover and new habitats.
- 15% on site renewable energy will be provided with the use of photovoltaic panels and 100% of all the energy required for the Studio will be from off-site renewable sources.
- 20% of parking spaces will have EV charging points,
- Sustainable travel measures such as cycle parking, shower facilities and free shuttle bus travel to and from local train stations are to be put in place.

**Debate:**

During the debate the following key issues were raised:

- The proposed design fits in with other buildings on the site
- The proposed floorspace would not take the site as a whole over the maximum amount previously approved
- The Local Planning Authority is satisfied that this would not increase traffic flow
- The Secretary of State agreed that the economic benefits for this site should be considered at special circumstances
- Concerns were raised over the encroachment onto Green Belt land but any harm was outweighed by the positives
- This application has no impact on the biodiversity of the site
- More EV charging spaces to be provided on this site
- Planting of the 30,000 trees is vital
- The proposed building is lower than the existing surrounding buildings

For – 10

Against – 1

Abstain - 1

**Decision:**

The application was **APPROVED** subject to an additional informative to read as follows:

With reference to condition 7 concerning EV charging points, the applicant is requested to give consideration to providing 100% EV charging points with this development.

**4/22      Planning application 21/01547/FUL - Shepperton Studios,  
Studios Road, Shepperton, TW17 0QD**

**Description:**

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.

**Additional Information:**

The applicant submitted a letter and plan in support of the application which clarifies that the area of extension is 4,450m<sup>2</sup> (0.45 ha), which represents 8% of the full application site and is about the size of half a football pitch. The applicant considers that this is not material and would be imperceptible in assessment of Green Belt openness, landscape or visual impact.

They also state that the impact of the additional land in landscape and biodiversity terms is negligible and is in any event mitigated by new landscape proposals and by the offer of a biodiversity net gain of 5% off site.

The letter concludes that the proposed backlot is a stand-alone planning application but an integral part of the Shepperton expansion project. Very special circumstances exist to clearly outweigh any Green Belt harms and all other aspects of the development are assessed as acceptable.

Laleham Residents Association has submitted an objection on the grounds of the connection between this application and 21/01548/RMA for a Multi Storey Car Park on land to the south of the River Ash, which they believe will direct additional traffic onto Shepperton Road and Laleham Road.

Paragraph 7.30 should refer to Queen Mary's Reservoir.

For clarity it is recommended that Condition 6 be revised to:

No part of the development, including hardstanding and fences, shall be carried out within the landscape buffer zone between the backlot and Studios Estate shown on Plan 3755-FBA-XX-XX-DR-X-0109003 Rev P2, without the prior written consent of the Local Planning Authority.

Conditions 10 and 14 are duplicates and it is recommended that these are deleted and the conditions renumbered accordingly.

**Public Speaking:**

In accordance with the Council's procedure for speaking at meetings, Matthew Wright, Senior Development Manager spoke for the proposed development raising the following key points:

- This application is to relocate a backlot that had previously been permitted
- The application site already has planning permission for car parking
- Production companies require two backlots of a minimum of six acres
- The re-siting of the backlot has provided the opportunity to realign the internal access road away from Studios Estate
- The biodiversity net gain would be increased to a minimum of 20% beyond that required
- The Ward Councillors, Residents Associations and the residents of Studios Estate had been consulted on the proposed backlot with the majority agreeing that this was an improvement on the consented scheme
- Hours of operation to be controlled through conditions
- Removal of lighting that would have been part of the car park



- An extension to the landscape bund with established tree planting
- The entrance to the existing North Car Park would be moved west, removing cars from Studio Road at an earlier point and closer to the existing studio entrance
- Enhancements to the River Ash Corridor would take place
- The whole of the Shepperton site is in the Green Belt but the technical policy test of very special circumstances is met
- Local residents would be provided with a preferable use of neighbouring land compared with the approved car park

**Debate:**

During the debate the following key issues were raised:

- To run the studios two backlots are needed
- No objections have been received from neighbouring houses
- Shepperton Studios have reacted to concerns from the public
- The outline planning permission was for parking at the northern end of the site and not the southern end as now proposed
- Concerns were raised over the encroachment onto Green Belt land but any harm was outweighed by the positives
- Not happy that this proposal encroaches further into the green belt
- Work is undertaken regularly on the River Ash
- Approval will not continue if a Section 106 is not obtained or biodiversity measures are not met
- Concerns were raised over the affect the lighting would have on wildlife
- The Council's Biodiversity Officer would monitor the River Ash and surrounding land to ensure that it is kept litter free

For – 9

Against – 1

Abstain - 2

**Decision:**

The application was **APPROVED**.

**5/22      Housing Delivery Test Action Plan 2021**

The Committee considered a report from the Planning Development Manager, Esme Spinks and the Principal Planning Officer, Hannah Bridges that sought approval of the Housing Delivery Test Action Plan 2021 and agreement to publish it on the Council's website.

During the debate the Committee requested that training be provided for all Planning Committee members to ensure that there was a comprehensive understanding of Planning Law and the implications of not meeting the housing targets. The Planning Development Manager agreed to arrange this training at the earliest convenient date.

The Committee requested that the Housing Delivery Test Action Plan 2021 Report be issued to all Spelthorne councillors.

The Committee **resolved** to note the Housing Delivery Test Action Plan 2021 and agree that it be published on the Council's website.

## **6/22 Consultations on Emerging Planning Proposals**

The Committee considered a report on the Consultation on Emerging Planning Proposals that was agreed by the Leader, Councillor L Nichols and the Deputy Leader, Councillor J Sexton.

During the debate the following points were raised:

- Additional work would be put on Ward Councillors
- Some Councillors would not have the knowledge or expertise to advise Developers on planning issues
- Councillors may over promise
- Planning Officers should be present at these meetings
- Ward Councillors would not always be able to meet the expectations of the public
- Positive to involve Councillors at an earlier stage in the planning process
- The public will feel that their views are being taken into consideration
- Do any other Local Authorities use this process?
- Is the Planning Committee the correct committee to agree this or should it go to the Corporate Policy & Resources Committee?

The Committee **resolved** that the Planning Development Manager relook at the proposals.

## **7/22 Major Planning Applications**

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.

## **8/22 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.



21/00912/FUL - Works, Langley Road, Staines-upon-Thames. TW18 2EJ

Scale: 1:1,250

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**Proposed site layout plan**



Street Scene of Langley Road proposed and existing





Proposed elevations plots 7-10



Proposed elevations plots 16



# Planning Committee

02 February 2022



<b>Application No.</b>	21/00912/FUL		
<b>Site Address</b>	Works, Langley Road, Staines-upon-Thames, TW18 2EJ		
<b>Applicant</b>	Shanly Homes Ltd		
<b>Proposal</b>	Demolition of existing works building and erection of 22 dwellings (14 dwelling houses and 8 apartments) including access, parking, landscaping and replacement substation		
<b>Officers</b>	Kelly Walker		
<b>Ward</b>	Staines		
<b>Call in details</b>	N/A		
<b>Application Dates</b>	Valid: 28.05.2021	Expiry: 27.08.2021	Target: Extension of time agreed
<b>Executive Summary</b>	<p>This application relates to the existing (now vacant) works building located on the north western side of Langley Road within Staines-upon-Thames. The surrounding area comprises two storey dwellings, to the north, south and east, with some mixed commercial uses along Langley Road, closer to Laleham Road.</p> <p>This planning application proposes the redevelopment of the site to provide 22 dwellings in the form of 14 houses and 8 flats, together with car and cycle parking, hard and soft landscaping and other associated works, following the demolition of the existing works building.</p> <p>The proposal results in the removal of an existing large commercial building and use, from a residential area, which is a benefit of the scheme. The proposed dwellings and flats are considered to be acceptable in regard to design and the scheme is in keeping with the character of the area. The proposal will have an acceptable impact on the amenity of existing neighbouring residential properties and provide a good standard of amenity for future occupants. The proposal will be acceptable on parking, highway grounds and flooding. Drainage and renewable provision are acceptable.</p> <p>The proposal will be an efficient use of brownfield land and result in the removal of commercial use/building in a residential area, providing much needed housing, contributing to housing delivery in the Borough. In addition, the 'tilted balance' is applicable in this particular case. It is considered that there is no significant or demonstrable harm that would</p>		

	outweigh the benefits of the scheme.
<b>Recommended Decision</b>	The application is recommended for approval.

## MAIN REPORT

### 1. Development Plan

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

- 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)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

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

- SPG on Parking Standards Updated 2011
- SPD on Housing Size and Type 2012.
- SPD on Flooding 2012
- SPD on the Design of Residential Extensions and New Residential Development 2011



- 1.3 The advice contained within the National Planning Policy Framework (NPPF) 2021 is also relevant.

## 2. Relevant Planning History

Ref. No.	Proposal	Decision and Date
96/00094/FUL	Demolition of existing building and erection of 5 - four bedroomed houses, 13 three bedroomed houses with parking, landscaping and associated works.	Withdrawn 17.04.1996
STAINES/FUL/P17113	Erection of a single-storey extension to the reception office on the front elevation.	Grant 07.05.1974

## 3. Description of Current Proposal

- 3.1 The application site is located on the north western side of Langley Road. It relates to the existing works building which was a former tinware manufacturing works consisting of a large commercial building covering much of the application site. The existing building is large in footprint and extends close to the northern and eastern boundaries with a narrow strip of land along the western and southern boundaries. The site fronts Langley Road, it has a large street frontage and adjoins a number of residential properties, including dwellings to the east along Langley Road and the rear gardens of the dwellings to the north along Edgell Road. To the west are more commercial units with buildings of a similar height but not as large as the existing workshop building, and a yard area directly adjoins the application site and is laid to hardstanding with various outbuildings. On the opposite side of the road are other dwellings, which are located close to the road frontage. The area is characterised by two storey dwellings to the north, south and east, with some mixed commercial uses along Langley Road, closer to Laleham Road. The site is 0.38 hectares in size. The applicant has advised that the works were vacated in 2007 when the previous occupier ceased trading. Further to the north is Staines town centre and to the west, further across Laleham Road is the River Thames.
- 3.2 The site is located within the urban area in an area liable to flood (part Flood Zone 1 and 2).
- 3.3 The scheme has been amended from the original submission at the Officers request in order to reduce the scale of the proposed flats, including the removal of one unit and reducing the size/number of bedrooms of some dwellings, in order to comply with policies on smaller units and design, as well as increasing the setback distance from Langley Road.
- 3.4 The proposal involves the demolition of the existing works building and the redevelopment of the site to create 14 no dwellinghouses (6 no. 4 bed, 5 no. 3 bed and 3 no. 2 bed) and 8 no. flats (5 no. 2 bed and 3 no. 1 bed) together with car and cycle parking, hard and soft landscaping and other associated

works. The proposal will include 2 access roads into the site from Langley Road. The proposed development utilises one of the existing access points into the workshop building, widening and formalising it for the proposed flats, and provides a new access for the houses. The proposal includes 2 blocks of terraced dwellings, 1 block of linked detached dwellings and one building for flats.

- 3.5 One block of dwellings consists of 4 terraced dwellings and will front Langley Road. There will also be 10 dwellings situated behind these, fronting the new access road, a block of 4 terraced dwelling to the west and 6 no linked houses with garages, to the east. In addition, there will be a block containing 8 flats over 3 stories of accommodation, also fronting Langley Road on the corner with the existing commercial units on the western part of the site. Car parking will be provided with some integral garages, and also surface parking to the front of the some of the houses, along the new access road, and also to the rear of the proposed flats. As refuse storage area will be provided within the flatted building and a refuse collection storage area is shown towards the top of the new access road in order to aid collection from refuse vehicles on Langley Road.



- 3.6 The buildings fronting Langley Road will be set back a similar distance to the existing dwellings to the north east, in order to continue the existing building line on this side of Langley Road. This includes the side of plot 1 and the front of the new dwellings (plots 11-14) and the front part of the building which contains flats. This building line is in a similar location as the front of the existing workshop building. The proposed houses fronting Langley Road (plots 11-14) consist of 2 storey terraced houses with pitched roofs of a traditional design and materials, one of these dwellings will have a rear facing roof dormer which serves an additional bedroom in the roof. The proposed houses along the new access road will front the road and will be 2 storey in built form. However, they will also have accommodation within the roof form, served by front facing dormers, except for the end of terrace property at plot 7, which will have gable features in the roof. Each of the proposed dwellings will have a private garden to the rear. The proposed flatted development will over 3 storeys, with the top floor of accommodation located within the roof,

served by dormers in the front and rear elevations. It will also be of a traditional design with pitched roofs, with a front gable feature and traditional materials. The flats above ground level will have balconies to provide some private amenity space and, in addition, there will be a communal garden to the rear for the occupants.

- 3.7 The proposal will provide 39 car parking spaces in total and 16 cycle parking spaces for the flats. 15 spaces, including 3 tandem spaces are provided in a car park to the rear of the proposed flats, and a small substation will be sited in the north-western corner. There is also one visitor space provided to the front of the flats. In addition, parking spaces are provided along the new access road, to the side and in front of the proposed dwellings, which includes 5 integral garages and 18 additional spaces. There is also some landscaping to the front of the dwellings to help to soften the appearance of hardstanding areas. The frontage to Langley Road will have landscaping alongside plot 1 and to the front of the new dwellings and flats to help to soften the new built form.
- 3.8 Copies of the proposed site layout and elevations are provided as an Appendix.

## 4 Consultations

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

Consultee	Comment
County Highway Authority	No objection, recommend conditions
Environment Agency	No objection, recommend conditions
Group Head-Neighbourhood Services	No objection
Valuation Advisor	No comments as the Vacant Building Credit (VBC) is used
Sustainability Officer	No objection, recommends a condition
Local Lead Flood Authority (Surrey County Council)	No objection, recommends conditions
Scottish and Southern Electricity	No objection
Crime Prevention Officer	No objection, recommends a condition
Natural England	No comments received
Surrey Wildlife Trust	No objection, recommends conditions/informative
SCC Archaeological Officer	No objection, recommends a condition
Tree Officer	No objection

Cadent	No objection
Environmental Health (Contaminated land)	No objection, recommends conditions
Environmental Health (Air Quality)	No objection, recommends conditions

## 5. Public Consultation

5.1 Following receipt of the planning application, 45 properties were notified of the planning application. Furthermore, a statutory site notice was displayed, and the application was advertised in the local press. A total of 14 letters of representation were received objecting to the application, however some did note that they do not object to the principle of the redevelopment of the workshop site.

5.2 Reasons for objecting include: -

- Lack of parking
- Already a busy road which is narrow, road safety and access
- Too many units
- Noise and disturbance during demolition and construction
- Impact on trees
- Bats
- Parking survey done during the pandemic (Officer note: this was to do with the timing of the submission)
- Dwellings too close to road (Officer note: the position of the dwellings have since been amended and set further back)
- Loss of privacy/intrusive
- Too many houses adjoining one existing garden
- Damage to existing buildings
- Renewables - should have solar panels
- EV charging points needed
- Pollution
- Trees currently block view of workshop building
- Proposed dwellings too close to existing dwellings.
- Lack of infrastructure
- Asbestos in building to be removed (Officer note: this is not a planning matter).

5.3 There was also a letter from SCAN which noted that the proposal should have a lift for disabled access and that the scheme should be built to a higher level of Building Regulations control and that a condition to this accord should be imposed on any planning permission granted.

## 6. Planning Issues

- Housing supply
- Housing density
- Design and appearance

- Residential amenity
- Parking/Highway issues
- Affordable housing
- Flooding
- Renewable energy
- Ecology
- Dwelling mix
- Air quality

## **7. Planning Considerations**

### Housing Land Supply

- 7.1 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.
- 7.2 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<sup>1</sup>. 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.
- 7.3 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.
- 7.4 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.
- 7.5 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

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<sup>1</sup> Planning Practice Guidance Reference ID: 68-005-20190722

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

- 7.6 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.
- 7.7 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 2022, with a score of 69%. 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 69% is less than the 75% specified in the regulations. The figure of 69% compares with 50%, 60% and 63% in the previous three years. 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.
- 7.8 As a result of the above position in Spelthorne relating to the 5 year housing land supply and the Housing Delivery Test result, current decisions on planning applications for most housing developments need to be based on the ‘tilted balance’ approach set out in paragraph 11 of the NPPF (2021). 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’. However, the NPPF at para 11d) i) makes clear that the presumption in favour of development does not apply where, *‘...: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed...’*
- 7.9 In footnote 6 to this section of the NPPF, areas which are excluded from the presumption in favour of development include “land designated as Green Belt” and also “areas at risk of flooding”. The application site falls within both of these designations.
- 7.10 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 (2021). 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’

## Principle of the Development for Housing

- 7.11 Policy HO1 of the Local Plan is concerned with new housing development in the Borough. HO1 (c) encourages housing development on all sustainable sites, taking into account policy objectives and HO1 (g) states that this should be done by:

*“Ensuring effective use is made of urban land for housing by applying Policy HO5 on density of development and opposing proposals that would impede development of suitable sites for housing.”*

- 7.12 This is also reflected in the NPPF 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 124 in respect of achieving appropriate densities.
- 7.13 The site is located within walking distance of Staines town centre, in the urban area on a previously developed site, within walking distance of Staines train and bus stations. As such the site is within an accessible location close to facilities and public transport links. Therefore, the principle of creating 22 new residential units is considered acceptable. In addition, the proposal would result in the removal of a large commercial building, which could be re-used for uses which are incompatible with residential uses, and its removal is to be welcomed. Furthermore, the proposal is considered to comply with the aims of National Planning Policy Framework (NPPF) and makes efficient use of urban land. The principle of the development is, therefore, acceptable, provided other policies requirements are met as discussed further below.

## Housing Density

- 7.14 As referred to above, when considering the principle of housing, the NPPF and Policy HO1 requires new housing development to be sustainable and to be located in the urban area. This scheme meets both of these requirements. Notwithstanding this, Policy HO5 in the Core Strategy Policies DPD 2009 (CS & P DPD) sets out density ranges for particular contexts but prefaces this at paragraph 6:25 by stating:

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

- 7.15 Policy HO5 specifies densities and notes that within higher density residential areas, including those characterised by a significant proportion of flats and those containing significant Employment Areas, new development should generally be in the range of 40 to 75 dwellings per hectare. It is important to emphasise that the density ranges are intended to represent broad guidelines and development will also be considered against the requirements of Policy EN1 on design.

- 7.16 The principle of a high density development on urban land is the focus of the NPPF and Policy HO1 in order to make efficient use of land of previously developed and brownfield land, in sustainable locations.
- 7.17 The proposal is for 22 units. The site area is some 0.38 hectares and will therefore result in a density of 57 dwellings per hectare, which meets the recommended density range of 40-75 dwellings per hectare in Policy HO5. In addition, the proposal will need to comply with Policy EN1 on design, particularly in terms of its compatibility with the character of the area.
- 7.18 Therefore, the density is considered to be acceptable provided it complies with Policy EN1 on design which is explained in the following paragraphs.

#### Dwelling mix

- 7.19 Policy HO4 of the CS & P DPD (Housing Size and Type) states that the Council will ensure that the size and type of housing reflects the needs of the community by requiring developments that propose four or more dwellings to include at least 80% of their total as one or two bedroom units. The SPD allows for the majority to be smaller dwellings when located in an area characterised by family dwellings such as this location. The proposal provides 11 of the 22 units as smaller, 1 or 2 bed units, which is 50% and although not a majority is half and given the character of the area is considered to be acceptable. Consequently, the proposed dwelling mix complies with the requirements of Policy HO4 and is acceptable

#### Design and appearance

- 7.20 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.
- 7.21 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
- 7.22 In paragraph 134 the NPPF 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, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:*



*(a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or*

*(b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings’.*

7.23 The National Design Guide, Planning practice guidance for beautiful, enduring and successful places, produced by the MHCLG in 2021, addresses how we recognise well design places by outlining ten characteristics; context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and life span.

7.24 In para 51 when referring to identity it states that, ‘...*Well-designed places, buildings and spaces: have a character that suits the context, its history, how we live today and how we are likely to live in the future*’  
Other relevant paragraphs from the National Design Guide in relation to built form and home and buildings sections are noted below.

*53 Well-designed new development is influenced by:*

- *an appreciation and understanding of vernacular, local or regional character,*
- including existing built form, landscape and local architectural precedents;*
- *the characteristics of the existing built*

*66 Built form is determined by good urban design principles that combine layout, form and scale in a way that responds positively to the context. The appropriate density will result from the context, accessibility, the proposed building types, form and character of the development.*

*131 Well-designed shared amenity spaces feel safe and secure for their users. They are social spaces providing opportunities for comfort, relaxation and stimulation - including play - for residents, regardless of the type or tenure of homes. They are well overlooked and all of the residents who share them can access them easily.*

*132 Private amenity spaces including both gardens and balconies enhance visual and outdoor amenity. They can also provide a degree of privacy and separation for living areas from adjoining public space. Front gardens may incorporate planting to add to natural features within the public space.*

7.25 As noted previously Officers sought amended plans to increase the set back from Langley Road in order to respect that of the existing street frontage. Therefore, the proposed buildings fronting Langley Road will be set back a similar distance to the existing dwellings to the north east and also the current building in order to continue the current building line on this side of Langley Road. This includes the side of plot 1 and the front of the new dwellings, plots 11-14 and the front of the flats. There will also be landscaping provided between the dwellings and the road which will help to soften the appearance. These properties consist of 2 storey terraced houses with pitched roofs of a

traditional design and materials. One of these end of terrace dwellings, has a rear facing roof dormer which serves an additional bedroom in the roof.

- 7.26 The houses along the new access road will front the road and will be 2 storey in built form, however they will also have accommodation within the roof. served by front facing dormers and rear facing roof lights. The exception is with the block of terrace dwellings at Plots 7-10 on the western side of the road, where the end of terrace property at plot 7, will not have a dormer, but will have gable features in the roof, to the front, rear and side to provide accommodation within the roof. Plots 1-6 on the eastern side of the new road, will also have front facing dormers in the main built form, with a lower 2 storey linked element, which also includes a garage/carport at ground level with a parking space in front.
- 7.27 The proposed dormers are considered to be of a good design and do not dominate the roof form. The end property at plot 1 will have its side elevation facing Langley Road and has additional design features, including a bay window and ground floor roof over, to add some interest in the street scene. Materials match with traditional brick and tiles and a contrasting brick colour for one of the blocks (plots 7-10) to provide some variety within the context of the development. The proposed dwellings are considered to be in keeping with the existing dwellings along Langley Road in regard to layout, scale building lines and design. Although the proposed dwellings along the new access road have dormers in the front elevation, this is considered to be acceptable as they front a new road and have their own context separate from those existing dwellings on Langley Road and are well designed. The proposed buildings have similar eaves levels to the existing buildings on Langley Road and have taller roofs, so the ridge height is slightly taller. However, given the size of the plot, the buildings will be viewed partly within their own context. In addition, they replace a building of a much larger footprint and will provide gaps in the street frontage and the built form will be set back from the boundaries of the site, creating much more space around the buildings.
- 7.28 Also fronting the existing highway is the proposed flatted development which will be located within over 3 storeys, with the top floor of accommodation located within the roof, served by dormers in the front and rear elevations. It will also be of a traditional design with pitched roofs, with a front gable feature, protruding balcony and built of traditional materials, the same brick as most of the proposed dwellings, with some areas of white render. The proposed building also has some balconies of varying designs including one at the front and rear which protrudes from the building with posts down to ground level. Each of the flats on the first or second floor will have balconies to provide some private amenity space and in addition there will be a communal garden to the rear for the occupants of the flats. This building will be located across an access road and in addition will be located adjacent to existing commercial buildings and yard to the southwest of the application site. As such the scale and design of this part of the proposal is considered to be acceptable.
- 7.29 A parking area will be located behind the flats and will not be particularly evident from the street frontage. In addition, the parking provision along the new street frontage for the proposed dwellings will be located to the front and

side of the proposed dwellings and will provide some landscaping to help to soften the hardstanding. The proposal will provide an attractive street frontage including onto Langley Road and will be an improvement when compared to the existing workshop building, which although lower in overall height is much larger in overall scale and footprint. The proposal provides gaps in the street frontage and landscaping, greater set back from the boundaries to provide space between the built form and improve the sites appearance. As such it is considered that the design and layout of the proposal will be in keeping with the character of the area and will make a positive contribution to the street scene, conforming to Policy EN1.

- 7.30 Paragraph 120 of the NPPF relates to optimising the site, noting that policies and decision should: - .

*‘(d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)’*

- . The scheme is considered to optimise the use of the site by providing a residential use in a sustainable location on an unused, previously developed site and will integrate well with its surroundings.

- 7.31 The proposal is considered to be acceptable on design grounds and accords with Policy EN1.

#### Residential Amenity

- 7.32 The Council's SPD on Residential Extension and New Residential Development 2011 provides general guidance on minimum garden sizes (Table 2 and paragraph 3.30). In the case of flats, it requires 35 sq. m for the first 5 units and 10 sq. m for the next 5 each. This would equate to some 205 sq. m required for the 8 flats and in addition, a minimum of 60 sq. m for each terraced dwelling. The proposal provides a communal amenity area for the occupants of the flats to the rear of the building, which has some 170 sq. m of amenity area. In addition, the ground floor flats have a small terrace area and the first and second floor flats each have a balcony providing an additional small, but private outside space of approx. 40 sq. m, results in a total of 210 sq. m of amenity space which meets the minimum requirement. In addition, to this, the proposal also includes an area of front garden of over 50 sq. m, which could be used by occupants although this area does not count towards amenity space as set out in the SPD. Each of the houses has its own private back garden which meet the minimum size requirement of 60 sq. m. Therefore, the provision of amenity space is considered acceptable and of a benefit to future occupants.
- 7.33 In regard to dwelling sizes, the SPD on the Design of Residential Extensions and New Residential Development 2011 sets out minimum floorspace standards for new dwellings. These standards relate to single storey dwellings including flats, as well as houses.

- 7.34 The Government has since published national minimum dwelling size standards in their “*Technical Housing Standards – nationally described space standard*” document dated March 2015. These largely reflect the London Housing Design Guide on which the Spelthorne standards are also based. The standards are arranged in a similar manner to those in the SPD and includes minimum sizes for studio flats. This national document must be given substantial weight in consideration of the current application in that it adds this additional category of small dwellings not included in the Council’s Standards.
- 7.35 All of the proposed dwelling sizes comply with or exceed the minimum standards stipulated in the national technical housing standards and the SPD. The requirement for 1 bed flats is 50 sq. m and for 2 bed flats is 70 sq. m. The proposed 1 bed flats are some 51 sq. m and the 2 bed flats are at least 70 sq. m, which exceeds the minimum requirement for flats. As noted previously, each of the first and second floor flats also have a private balcony area.
- 7.36 The minimum requirement for houses over 2 storeys are 70 sq. m for 2 bed dwellings There is a minimum dwellings size over 3 storeys for 3 beds which is 80 sq., m, and 4 bed is 103 sq. m. The proposed 2 bed dwellings are 74 sq. m which exceeds the minimum requirement. The 3 bed dwellings are at least 98 sqm, and the proposed 4 bed dwellings are at least 121 sq. m in floor area, which also exceeds the requirements for minimum size of dwellings. Therefore, it is considered the size of the proposed units is acceptable.
- 7.37 In regard to light and outlook, the flats are dual aspect, with windows facing in two directions (although side facing ones are obscure). There is space around the building which will allows for high levels of natural light to reach each apartment. In addition, all dwellings have windows in at least the front and rear and are aligned with one another, so levels of light will be high.
- 7.38 Therefore, it is considered that the standard of amenity for future occupants, overall to be acceptable, in accordance with Policy EN1 and the SPD.

#### Impact on amenity of neighbouring residential properties

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

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

- 740 The scale of the development and proximity to the boundaries with existing properties needs to be given consideration to ensure that there is an acceptable relationship and that existing residential properties will not be significantly adversely affected by the proposal. The Council’s Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) sets out detailed guidance in order to ensure this is the case.
- 7418 The SPD in para 3.6 acknowledges that ‘most *developments will have some impact on neighbours, the aim should be to ensure that the amenity of*

*adjoining occupiers is not significantly harmed.* It sets out minimum separation distances for development to ensure that proposals do not create unacceptable levels of loss of light, be overbearing or cause loss of privacy or outlook. These are set as a minimum for 2 storey development of 10.5m for back to boundary distance, and 21m for back to back development. Three storey development has a back to boundary distance of 15m and back to back distance of 30m. There is also a minimum distance for back to flank elevations of 13.5m (2 storey) and 21m (3 storey). It is important to note that although most of the proposed dwellings have accommodation at second floor level, resulting in accommodation over 3 floors, this is located within the roof space and as such the proposal is not full 3 storey development (i.e. is not 3 storeys of accommodation, with a roof on top).

- 7.42 To the north, the application site adjoins the rear gardens of dwellings located on Edgell Road. These properties have long rear gardens of approx. 25m in length. Many have outbuildings located at the end of the garden where it adjoins the application site. The proposed dwellings in the new road will be perpendicular to these existing dwellings. Therefore, the side of plots 6 and 7, which will have accommodation over 3 stories will adjoin the northern boundary, abutting the garden of the properties on Edgell Road. However, these proposed dwellings will be set in by over 3.5m from this common boundary. This gap, together with the distance to the rear building line of the dwellings on Edgell Road, will be in excess of 28m, which will substantially exceed the minimum requirement for back to boundary and back to flank development and will ensure an acceptable relationship and impact in regard to overshadowing and loss of light, with the properties located to the north along Edgell Road. The side facing windows at first floor level will be obscurely glazed, by condition, to ensure overlooking is not an issue.
- 7.43 To the east of the application site are existing dwellings located along Langley Road. Nos. 41 and 42 are a pair of 2 storey semi-detached houses. The side of the dwelling and rear garden of no. 41 adjoins the eastern boundary of the application site. This property is set in from the boundary by over 1m. The proposal includes 6 no. dwellings located perpendicular to no. 41 Langley Road and its rear garden. These properties (plots 1 – 6) will front the new access road, and their rear gardens will adjoin the side of the existing rear garden at No. 41 Langley Road. The proposed dwellings will be located approx. 11.6 m from the boundary at the closest point (plot 1) and increasing to 12.2m at plot 6 to the north. This will be a minimum separate distance of 12.9m from the side of no. 41 and the rear of the proposed dwelling at plot 1 at the closest point. Although the proposed buildings have accommodation at second floor level, which is within the roof, the properties although have large roofs are more akin to 2 storey development. (This is evident from the height of the proposed dwellings being in keeping, with that of the existing 2 storey dwellings, with the eaves height being similar)
- 7.44 Although this separation distance meets the 10.5m back to boundary separation distance for back to boundary development, it falls short of the 13.5m back to flank distance by 0.6m. The proposed roofs will slope away from the rear boundary and no rear dormers are provided at roof level, only roof lights facing up towards the sky (which would not give rise to overlooking or loss of privacy issues). In addition, the side of no. 41 has no windows which

have an outlook, and the side of the existing workshop building on the application site, is in close proximity to this dwelling., with a gap of approx. only 3m. The existing workshop building extends back into the site, along the side of the entire rear garden of no. 41. As such the proposal will increase this gap between the built form, by at least a further 9m, which will allow additional light to enter the garden, as well as the rear and side windows of the dwelling, thereby improving the amenity for the occupants of this property. It is also considered to improve the outlook for properties adjoining the site. The proposed dwellings would not give rise to overlooking or loss of privacy, given the windows in the rear elevation are at ground and first floor only and the proposal meets the minimum back to boundary separate distance for 2 storey development. As such the proposal is considered to have an acceptable relationship and impact on the amenity of adjacent dwellings along Langley Road, including no. 41 and 43

- 7.45 In addition, the proposed built form will not cross a vertical or horizontal 45 degree line taken from the adjacent dwellings at no. 41 Langley Road, as set out in the SPD on design. The proposal will not cross the 25 degree line when drawn from a point at 2m above ground level from the properties to the north at Edgell Road or indeed to the south on the opposite side of Langley Road. The proposed development is located over 14m away from the existing dwellings on the opposite side of Langley Road. This will ensure an appropriate level of daylight and a significant view of the sky is maintained, as set out in the SPD. As such the proposed development is considered to have an acceptable relationship with, and impact on the amenity of existing neighbouring residential properties, and will not cause a significant loss of light, be overbearing, cause loss of outlook or loss of privacy.
- 7.46 The proposed flats will be located adjacent to the existing works and yard area, consisting of hardstanding and various outbuildings to the west of the application site. As such the proposal will not have an adverse impact on the amenity of this site. The flatted building will have a rear garden and a car park behind, with a distance of over 25 m to the rear boundary of the properties located on Edgell Road. As such it will substantially exceed the separation distance requirements set out in the SPD and will have an acceptable impact on them. Given this separation distance It is not considered that the proposed balconies on the first and second floors of the rear elevation will give rise to a loss of privacy or overlooking issues to the dwellings behind. In addition, the side has a commercial use to the south west and an access road to the north east. The front balconies will face onto the public domain of the street and is considered to have an acceptable impact on the properties opposite which are located approx. 14m away. The proposed car park area and substation will be located behind the flats and will adjoin the rear gardens of the properties on Edgell Road. Many of the gardens abutting the application site, have out buildings located at the bottom and in addition the properties themselves are located a long way from this boundary (some 25m). The car park spaces and sub station are set back from the boundary to allow a small area for landscaping which will help to act as a buffer. This will ensure an acceptable relationship and impact on the amenity of the properties located to the north of the application site.

- 7.47 The proposed development is considered to have an acceptable relationship with each other. The proposed houses fronting Langley Road will have a back to boundary distance of approx. 12m where they adjoin the side of the dwelling at plot 10. This will ensure no significant overlooking, loss of light or overbearing impacts on these proposed dwellings. The side facing windows in plot 10 will be obscurely glazed to ensure it does not cause overlooking to the dwelling fronting Langley Road.
- 7.48 The proposal is considered to have an acceptable relationship and therefore an acceptable impact on the amenity of existing neighbouring residential properties, conforming to the Design SPD and Policy EN1.

#### Parking and Highway Issues

- 7.49 Strategic Policy SP7 of the CS & P DPD states that the Council will reduce the impact of development in contributing to climate change by ensuring development is located in a way that reduced the need to travel and encourages alternatives to car use. It will also support initiatives, including travel plans, to encourage non-car-based travel. Policy CC2 of the CS & P DPD states that the Council will seek to secure more sustainable travel patterns by only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account: (i) number and nature of additional traffic movements, including servicing needs; (ii) capacity of the local transport network; (iii) cumulative impact including other proposed development; (iv) access and egress to the public highway.
- 7.50 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.
- 7.51 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's then recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum standards (maximum parking standards continue to be applicable in relation to commercial development).
- 7.52 The proposal is for 14 no dwellings (6 no. 4 bed, 5 no. 3 bed and 3 no. 2 bed) and 8 no. flats (5 no. 2 bed and 3 no. 1 bed). The Council's Parking Standards SPD states that one bedroom units should be provided with a minimum of 1.25 car parking spaces per dwelling, two bedroom units, 1.5, three bed 2.25 spaces (over 80 sq. m of internal space) and four bed 2.5 parking spaces per dwelling. On this basis the development would be required to provide 42 spaces for the residential units.
- 7.53 The proposed parking provision is 39 spaces, falling below the minimum requirement for 42 by three spaces. Each dwellinghouse has 2 car parking spaces allocated to it. Each flat has 1 space, with an additional 3 spaces allocated to visitors. A total of 16 spaces will have electric charging points - 20% of the flats (2) and one for each dwelling (14). However, the shortfall of

three parking spaces overall is not considered to be a reason to refuse the scheme, in particular given the location of the site. The site is located within walking distance of local facilities including Staines town centre and the bus and train stations and is therefore in a relatively sustainable location. Consequently, it is considered that the level of parking is acceptable

- 7.54 The County Highway Authority (CHA) has raised no objection to the proposed level of car parking on the site. The CHA notes concerns raised by residents in relation to the parking provision and the possible impact of overspill car parking onto neighbouring roads on the local Highway network. The CHA notes that *‘...such overspill is not considered likely to represent a significant highway safety or capacity impact in the context of the NPPF’*. The CHA comments that the levels of parking proposed is acceptable to the CHA, *‘...as the site is located in a sustainable and accessible location, less than 650m of Staines Railway Station and less than 200m of bus stops on Laleham Road, and within 950m of the wide range of services and facilities in Staines Town Centre. Furthermore, this provision is in accordance with Surrey County Council Vehicular Parking Guidance (2020)’* The officer also notes that the recommend conditions relating to supporting sustainable transport measures, *‘... are likely to lead to a reduction in reliance on private motor vehicles and as such it would be expected that without these measures the potential for overspill could be higher.’* The CHA concludes that the proposals are therefore considered acceptable on grounds of highway safety and the CHA raises no objections, subject to conditions and informatives.
- 7.55 Taking into account the site’s sustainable location, and the comments from the County Highway, it is considered that the parking provision is acceptable and meets the requirements of the Council’s parking standards and accords with Policies CC2 and CC3.

#### Affordable housing

- 7.56 Policy HO3 of the CS & P DPD requires up to 50% of housing to be affordable where the development comprises 15 or more dwellings. The Council seeks to maximise the contribution to affordable housing provision from each site having regard to the individual circumstances and viability, including the availability of any housing grant or other subsidy, of development on the site. Negotiation is conducted on an ‘open book’ basis.
- 7.57 In regard to affordable housing, the applicants have submitted details of the Vacant Building Credit (VBC) which is a government policy intended to encourage housing development of previously developed land. Para 64 of the NPPF states that to “to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount “. The Government Planning Policy Guidance (PPG) on planning obligations notes that national policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into lawful use or is demolished to be replaced for a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing



contributions may be required for any increase in floor space. It also states that the existing floor space of a vacant building should be credited against that of the new development. For example, where a building with a gross floor space of 8,000 sq. is demolished as part of a proposed development with a gross floor space of 10,000 sq. m, any affordable housing contribution should be a fifth of what would normally be sought.

- 7.58 The guidance comments that the VBC applies where the building has not been abandoned and that *'The policy is intended to incentivise brownfield development including the reuse or redevelopment of empty or redundant buildings. In considering how the vacant building credit should apply in a particular development, local planning authorities should have regard to the intention of national policy. In doing so it may be appropriate for authorities to consider: - whether the building has been made vacant for the sole purpose of redevelopment -whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development'*
- 7.59 The guidance also states that the VBC applies to on-site affordable housing as well as financial contribution to offsite provision. 'Abandonment' follows the interpretation in general planning law and depends on factors such as the condition of the building, length of non-use, whether there has been any intervening use and evidence of the owners' intentions.
- 7.60 Although the subject building is in a relatively poor state of repair and has been unused for some time, it is not considered that it has been abandoned. The building is redundant and has been unoccupied for a number of years. This would not warrant the use to be considered abandoned, and that whilst the building is currently not in use, subject to refurbishment it could be re-occupied and used. As such it is not considered that the building has been abandoned or made vacant for the sole purpose of the redevelopment proposed.
- 7.61 As noted above, where there is no increase in floorspace no affordable housing contribution should be sought. The former tin factory commercial building has a gross floorspace of approx. 3,000 sq. m. The proposed new development of 22 units has a gross floorspace of approx. 2,000 sqm. As such this means that more floor area is to be removed than is being built, which results in a zero value. This means that there will be no requirement for affordable housing when using the VBC.
- 7.62 This approach has been reviewed by the Council's Valuation Advisor and is considered to be acceptable.

### Flooding

- 7.63 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by not permitting residential development or other 'more vulnerable' uses [e.g. residential] within Zone 3a where flood risks cannot be overcome. The policy also states that the Council will support the redevelopment of existing developed sites in the urban area in Zones 3a and 3b for 'less vulnerable'

uses [e.g. commercial] where a minimum increase of flood storage capacity of 20% can be secured, and it reduces impedance to the flow of flood water where there would be flowing flood water.

- 7.64 The site is located within the urban area in an area liable to flood (part Flood Zone 1 and 2). This is not in the higher risk flood zones and is therefore acceptable location for new dwellings. The applicant has submitted a Flood Risk Assessment (FRA). The EA was consulted and raise no objection on flooding grounds but has recommended a condition in relation to ground water contamination. In addition, SCC as the Local Lead Flood Authority has been consulted in relation to drainage and raise no objection recommending conditions for Suds to ensure adequate drainage of the site. Therefore, the proposal is considered to be acceptable on flooding grounds and accords with Policy LO1 and the NPPF on flooding.

#### Renewable Energy

- 7.65 Policy CC1 of the CS & P DPD states that the Council will require residential development of one or more dwellings and other development involving new building or extensions exceeding 100 sqm to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources unless it can be shown that it would seriously threaten the viability of the development.
- 7.66 The applicant is proposing to install Air Source Heat Pumps (ASHP) in order to meet the renewable energy requirement stipulated in Policy CC1. The applicant's renewable energy statement demonstrates that this type of facility will generate at least 10% of the total energy demand on the site, which meets the requirement and therefore complies with the policy. Therefore, it is not reasonable for the applicant to also provide solar panels, as noted in a letter of representation. The Council's Sustainability Officer was consulted and considers the proposals to be acceptable. Accordingly, a condition will be attached to any consent issued and the proposed renewable energy facilities are considered to comply with Policy CC1 and are acceptable.

#### Ecology

- 7.67 Policy EN8 of the CS and P DPD states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by ensuring that new development, wherever possible, contributes to an improvement in the landscape and biodiversity and also avoids harm to features of significance in the landscape or of nature conservation interest. It is also important to note the guidance regarding protected species in Circular 06/2005. This states that *"it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*
- 7.68 The applicant submitted a Phase One ecological report which stated the building was a possible bat habitat. Following further survey work the applicant submitted an ecological appraisal, which included a bat survey (bats are protected species) of the existing workshop building and existing trees on

the site. The survey confirmed that there are bats roosting on the site and that mitigation needs to take place before the demolition of the building can go ahead. The report recommends a number of ecological enhancement measures to including the provision of bird and bat boxes in the new development. The Surrey Wildlife Trust was consulted and has raised no objection subject to the imposition of a condition requiring the wildlife enhancement measures being implemented. SWT also noted that the applicant should be advised that they will be required to obtain a mitigation licence from Natural England following the receipt of planning permission and prior to any works which may affect bats commencing and also undertake all the actions which will be detailed in the Method Statement which must support a mitigation licence which is expected to be based on the mitigation, compensation and enhancement actions presented within the relevant paragraphs/sections of relevant named ecology report. This will help ensure that the proposed development is in compliance with the statutory provisions of the above referenced legislation. It is relevant to note that the proposal will involve a level of new landscaping which will help to increase wildlife. Accordingly, the impact on biodiversity is considered to be acceptable and accords with Policy EN8.

#### Archaeology

- 7.69 Although the site is not located within a designated Area of High Archaeological Potential, the site area is relatively large and is for the removal of a large commercial building. The applicant has submitted with their application an 'Archaeological Desk Based Assessment' (DBA)
- 7.70 The County Archaeological Officer has been consulted and notes that the report's conclusions: namely that the site retains an archaeological potential, and exploratory archaeological investigation is merited, and can be secured by condition. As such he raises no objection subject to condition. Accordingly, the impact on archaeology is considered acceptable

#### Air quality

- 7.71 The applicant has submitted an Air Quality Assessment (AQA), as is required by Policy EN3 of the CS & P DPD. The Council's Environmental Health Officer (EHO) has been consulted and has raised no objection subject to the imposition of conditions. Therefore, the proposal is considered to accord with Policy EN3 on air quality.

#### Contaminated land

- 7.72 The applicant has submitted a contaminated land assessment. The Environmental Health Officer (EHO) has been consulted and notes that a desk study, walkover, and a site investigation was carried out. The site was previously occupied by the Staines Tinware Manufacturing Co Ltd. It has had an industrial use since the 1934 historic map. Made ground was identified across the site. Elevated levels of contamination and asbestos were found to be associated with made ground and remediation is recommended prior to redevelopment of the site for new dwellings, and in accordance with para. 183 of the NPPF and Council Policy EN15. The EHO has recommended

conditions as the proposal is for a development particularly sensitive to contamination and accords with Policy EN15.

#### Equalities Act 2010

7.73 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 to:

- (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.

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.

7.74 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.

7.75 Although there is no lift provided in the flats, they have been designed so that all of the flats are accessible and adaptable for disabled people (i.e. M4(2) of the Building Regulations) There is no requirement to insist on a lift being provided. The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long-term adverse effect 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

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

7.77 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.

7.78 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.

7.79 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

- 7.80 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development and will generate a CIL Payment of approx. £107,000. This is a material consideration in the determination of this planning application. The proposal will also generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

#### Conclusion

- 7.81 The proposal results in the removal of an existing large commercial building and use, from a residential area, which is a benefit of the scheme. The proposed dwellings and flats are considered to be acceptable in regard to design and the scheme is in keeping with the character of the area. The proposal will have an acceptable impact on the amenity of existing neighbouring residential properties and provide a good standard of amenity for future occupants. The proposal will be acceptable on parking, highway grounds and flooding. Drainage and renewables are acceptable.
- 7.82 The proposal will be an efficient use of brownfield land and result in the removal of commercial use/building in a residential area, providing much needed housing, contributing to housing delivery in the Borough. In addition, the 'Tilted Balance' is applicable in this particular case. It is considered that there is no significant or demonstrable harm that would outweigh the benefits of the scheme. Therefore, the application is recommended for approval.

### **8. Recommendation**

- 8.1 APPROVE 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 and drawings:  
1386 PLN 100, 112 and 113 received on 28/05/2021 and amended plans numbered 1389 PLN 06, 107, 108, 109, 111, 114 and 115 received on 16/11/2021, 1389 PLN R01, 101, 102 and T1-T052\_02C received on 10/01/2022 and 1389 PLN 110 received on 11/01/2022

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

3. No development above damp proof course level shall take place until details of the materials 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.

4. Prior to the occupation of the development hereby permitted the first and second floor windows on the north western flank elevation of plot 7, the first floor windows on the south eastern flank elevation of plot 10 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.

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.

5. No development shall take place until:-
  - (i) 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.
  - (ii) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation

timetable and monitoring proposals, and a remediation verification methodology.

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

Reason:-

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

#### NOTE

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

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

6. 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.

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

Reason:- To ensure that the development is built in accordance with the submitted renewable energy details and is sustainable and complies with Policy SP7 and CC1 of the Spelthorne Development Plan Core Strategy and Policies DPD.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no extensions or outbuildings shall be erected to the residential development hereby permitted without the prior planning permission of the Local Planning Authority.

Reason:- To ensure minimum size gardens are retained, and to ensure a satisfactory impact on the amenity of neighbouring residential properties for compliance with SPD on minimum garden sizes and Policy EN1 of the Spelthorne Development Plan Core Strategy and Policies DPD

9. 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. The approved scheme of tree and shrub planting shall be carried out prior to first occupation of the buildings and/or site. The planting so provided shall be maintained as approved for a 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.

10. Prior to the first occupation of the development hereby approved 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. 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.

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

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

12. 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 NonStatutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+20% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2 l/s.
- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross Network Asset Management Highways Laboratory and Information Centre Merrow Lane Guildford Surrey GU4 7BQ 2 sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- c) 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 from increased flood risk.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) 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.

Reason: To ensure the design meets the technical stands for SuDS and the final drainage design does not increase flood risk on or off site.

13. 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 surface water 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), and confirm any defects have been rectified.

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

- 14 The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the proposed flats 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: - The above condition is required in recognition of Section 9 (Promoting Sustainable Transport) of the NPPF.

15. The development hereby approved shall not be occupied unless and until at least 2 of the available parking spaces for the flats and at least one per dwellinghouse are provided (16 in total) 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: - The above condition is required in recognition of Section 9 (Promoting Sustainable Transport) of the NPPF.

16. No development shall take place, other than demolition to ground level, until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority

Reason: - In the interest of the archaeological potential of the site.

17. The development hereby approved shall not be first occupied unless and until the existing access from the site to Langley Road has been permanently closed and any kerbs, verge, footway, fully reinstated.

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 2021 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

18. No part of the development shall be first occupied unless and until the proposed modified vehicular accesses to Langley Road have been constructed and provided with visibility zones in accordance with Drawing Number T1-T052\_02C and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

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 2021 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

19. 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 2021 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

20. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:

(a) A 2.0-metre pedestrian footway along the northern side of Langley Road, along the site's full southern frontage with Langley Road  
(b) Provision of 1 x informal pedestrian crossing point, to include tactile paving and dropped kerbs, across Langley Road, linking the site with the existing footway on the southern side of Langley Road and 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 2021, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

21. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework. This condition is supported by Policy EN15 of the Core Strategy and Policies DPD, dated February 2009

22. The enhancement measures to safeguard wildlife at the site including bats, shall be carried out strictly in accordance with the recommended mitigation measures in the submitted Thomson Environmental Consultants Ecological Appraisal August 2021.

Reason:- In the interest of safeguarding bats and other wildlife on the site

## Informatives

1. 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' (available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-4-Cranes-2016.pdf>).
2. 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).
3. The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), 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. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
5. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see Alterations to existing roads under S278 Highways Act 1980 - Surrey County Council ([surreycc.gov.uk](http://surreycc.gov.uk)) and <http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-managementpermit-scheme>.
6. 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;

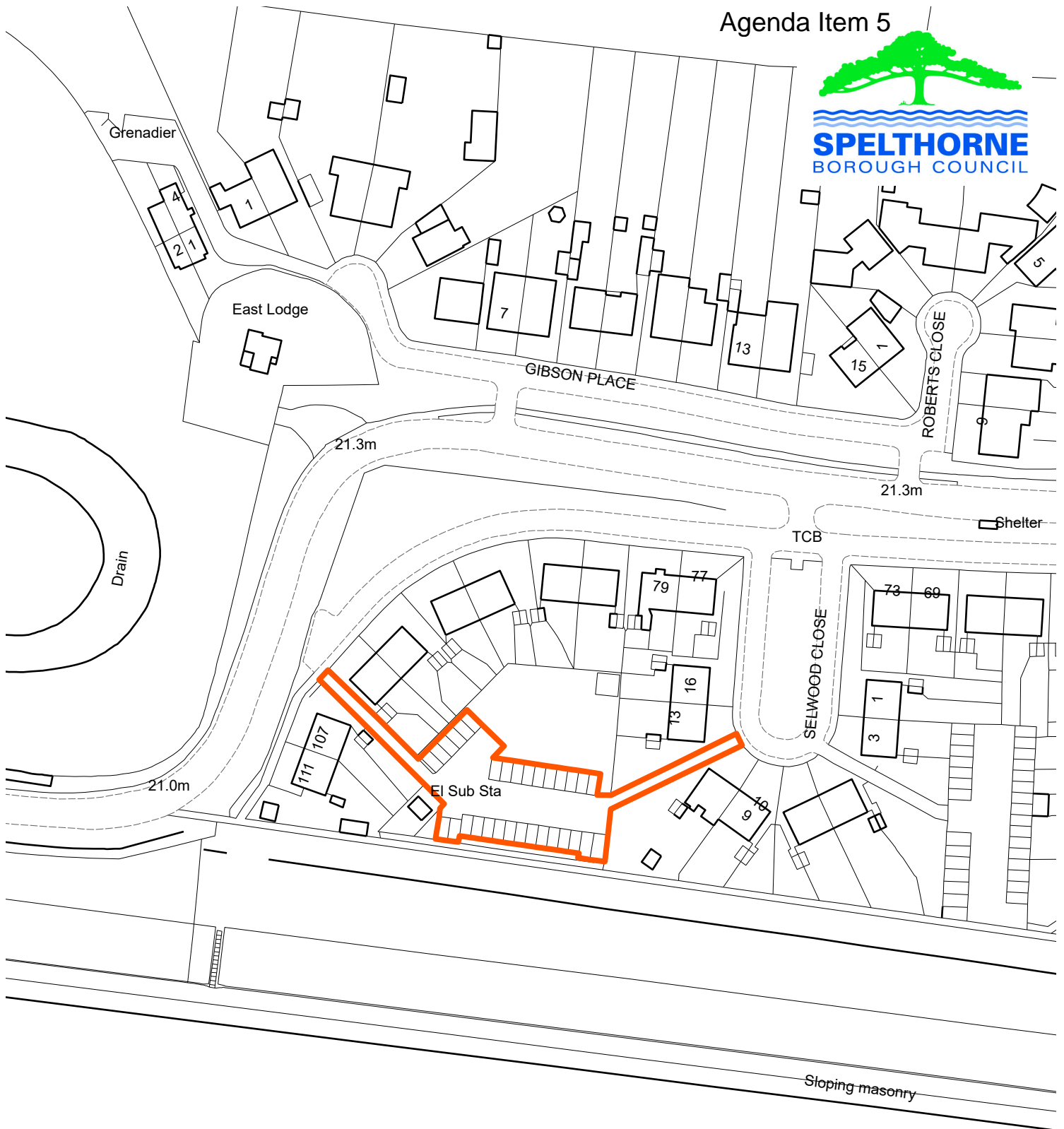
- b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
- c) Deliveries should only be received within the hours detailed in (a) above;
- d) Adequate steps should 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 bowlers and wheel washes;
- e) There should be no burning on site;
- f) Only minimal security lighting should be used outside the hours stated above; and
- g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

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

7. 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.
8. The applicant should be mindful to follow best practice when selecting gas-fired boilers. A minimum standard of less than 40mgNOx/kWh should be met. All gas fired CHP plant should meet a minimum emissions standard of 250mgNOx/kWh for spark ignition engine.
9. The applicant should be mindful to follow best practice dust control measures

during demolition, earthworks, and construction to prevent excessive dust emissions.

10. The applicant should be advised that they will be required to:
- Obtain a mitigation licence from Natural England following the receipt of planning permission and prior to any works which may affect bats commencing.
  - Undertake all the actions which will be detailed in the Method Statement which must support a mitigation licence which is expected to be based on the mitigation, compensation and enhancement actions presented within the [relevant paragraphs / sections of relevant named ecology report].



21/01472/FUL - Land to rear of dwellings in Park Road, Stanwell.

Scale: 1:1,250

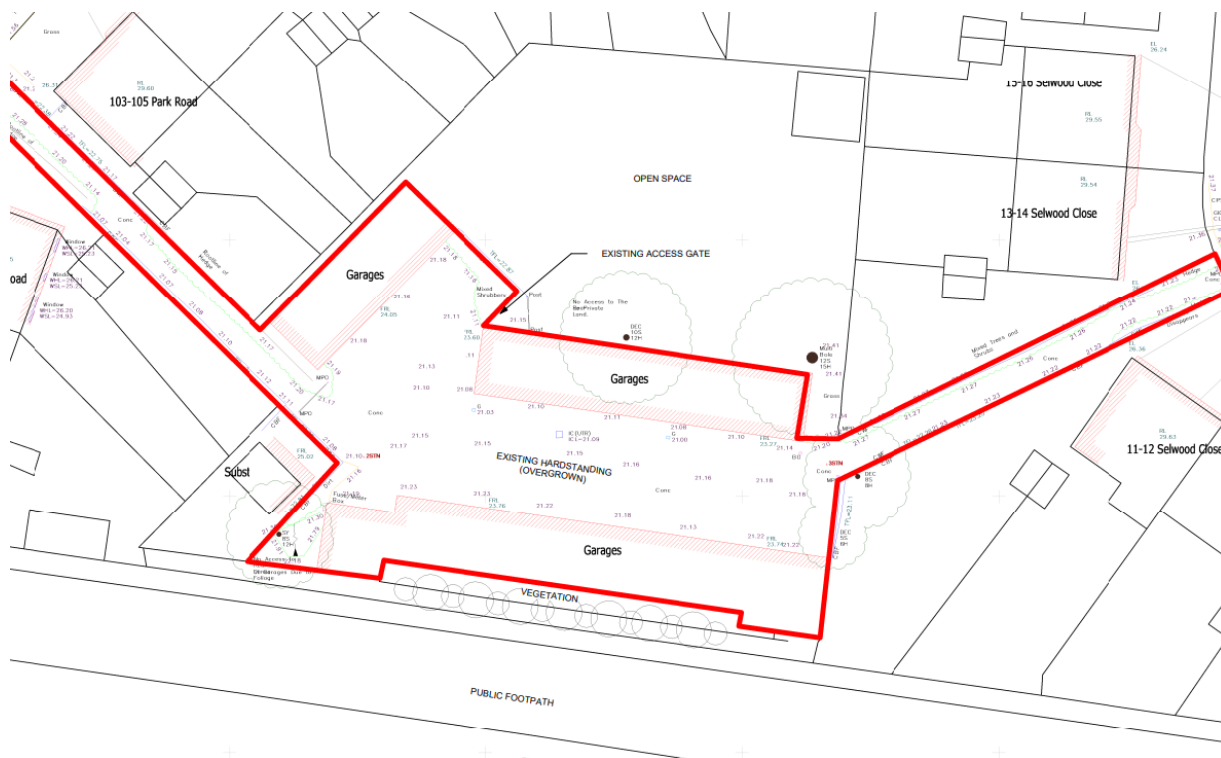
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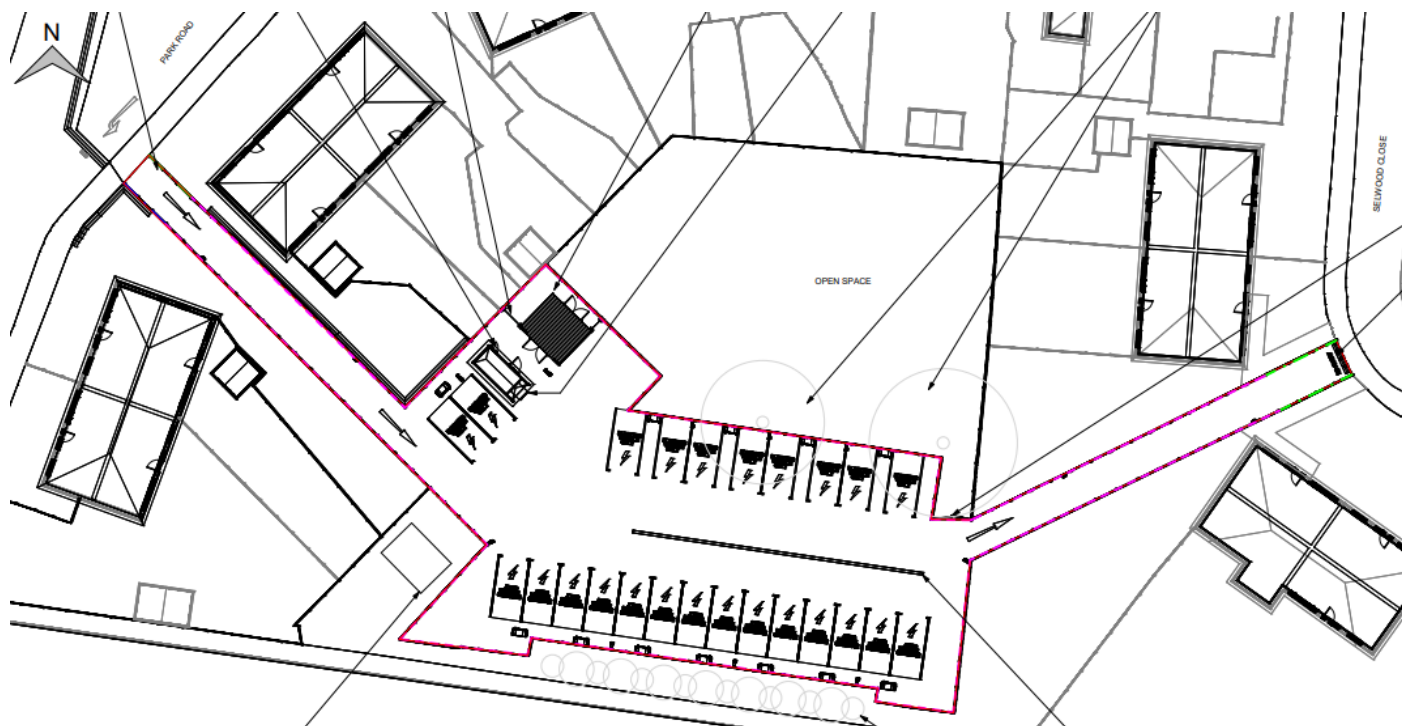
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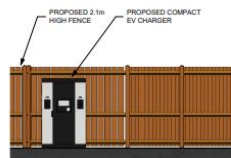
Existing layout plan



Proposed layout plan



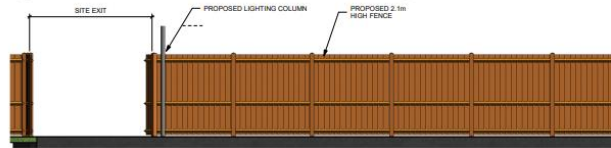
## Proposed elevations



1 Section 1 Version 2  
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2 Section 2 Version 2  
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3 Section 3 Version 2  
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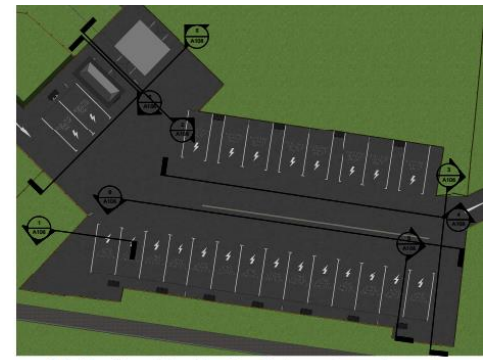
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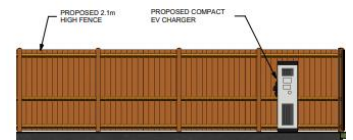


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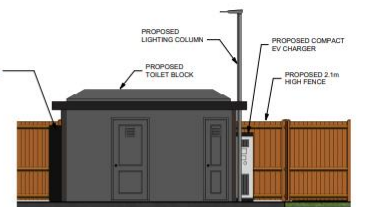


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5 Section 5 Version 2  
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7 Section 7 Version 2  
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# Planning Committee

02 February 2022



<b>Application No.</b>	21/01472/FUL		
<b>Site Address</b>	Land To Rear of Dwellings in Park Road, Stanwell, currently occupied by disused garages		
<b>Applicant</b>	Ms Sandy Scott of Icenii on behalf SSE Energy Solutions		
<b>Proposal</b>	Demolition of existing lock-up garages and installation of electric vehicle charging bays serviced by ultra-rapid charge points, together with associated infrastructure and works.		
<b>Officer</b>	Kelly Walker		
<b>Ward</b>	Stanwell North		
<b>Call in details</b>	<p>This application is being referred to the Planning Committee under the terms of Reference for Planning Committee, paragraph 2: Where the Planning Development Manager decides, after consultation with the Chairman of the Planning Committee, that an application should be submitted to the Planning Committee on planning grounds.</p> <p>In addition, it was called in by Cllr Doran due to concerns raised about the impact on the amenity of neighbouring residential properties and highway issues. This only applied if the application was being recommended for approval which it is not.</p>		
<b>Application Dates</b>	Valid: 18.09.21	Expiry: 28.10.21	Target: Extension of time agreed
<b>Executive Summary</b>	<p>The application site is located on an existing disused garage site with existing accesses from both Park Road to the west and Selwood Close to the east within Stanwell</p> <p>The application is for the demolition of the existing garages at the site and the installation of an Electric Vehicle Charging site comprising a number of charging bays. The existing vehicular access and egress from Park Road and Selwood Close would be utilised using a one-way system, with Park Road as the access into the site and Selwood Close the exit. It will provide 24 rapid electric vehicle (EV) charging bays, with EV charging dispenser units. In addition, the site would include a small substation, toilet and vending machine. A close boarded fence would provide the boundary to the site. The site would be accessible from 07.00 until 22.00 seven days a week.</p> <p>The proposal is considered to be acceptable in regard to its design and appearance. However the proposals are thought to be for a commercial use in a residential area which will have a negative impact on the amenity of neighbouring residential properties. The proposal will result in an intensification of the use of the site and the noise and disturbance</p>		

	caused by the use and activity of the vehicles which would be detrimental to the residential amenity. In addition, the County Highway Authority (CHA) has raised an objection on the intensification of the use of the site causing a highway safety issue. As such, the proposal is considered to be unacceptable.
<b>Recommended Decisions</b>	The application is recommended for refusal due to the impact on the amenity of neighbouring residential properties and highway impacts.

## 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:

- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN11 (Development and Noise)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

1.2 The advice contained within the National Planning Policy Framework (NPPF) 2021 is also relevant.

### 2. Planning History

Ref. No.	Proposal	Decision and Date
P265/12	Erecting Lock-up Garages.	Grant 25.02.1964

### 3. Description of Current Proposal

3.1 The application site comprises an existing disused garage site with existing accesses from both Park Road to the west and Selwood Close to the east. The site is adjoined by a number of residential properties (2 storey, semi-detached maisonettes) located to the west and north along Park Road and to the east along Selwood Close. However, there is an area of open land with some trees and shrubs between the application site and the rear of the properties directly to the north. The access roads run alongside the side of

dwellings along these roads, namely: 103/105 and 105/107 Park Road and 11/12 and 13/14 Selwood Close. To the south is a public footpath and Staines Reservoir beyond. The garage block contains 32 garages, within 3 blocks. One garage block is located along the southern boundary of the site, one to the north and another smaller block to the north-west, backing onto the rear gardens of properties on Park Road. The applicant notes only 2 of the garages are in use, with the remaining garages being vacant and in disrepair. It is understood that they have not been used for vehicle parking in quite some time, given their size and the fact that it has been advised that they are not owned by local residents.

- 3.2 The site is located in the urban area, within the Heathrow safeguarding heights and noise contours area. The site is also located adjacent to Staines Moor which is a Site of Special Scientific Interest (SSSI).
- 3.3 The application is for the demolition of the existing garages at the site and the installation of an Electric Vehicle Charging site. The existing vehicular access and egress from Park Road and Selwood Close would be utilised, with a one-way system, with Park Road as the access into the site and Selwood Close the exit. It will provide 24 no. rapid electric vehicle (EV) charging bays, with EV charging dispenser units. In addition, the site would include a small substation, toilet and vending machine. A close boarded fence would provide the boundary to the site. The site would be accessible from 07.00 until 22.00 seven days a week.
- 3.4 Each EV dispenser unit will serve 2 vehicles, so 12 are proposed in total. They will be self service and accessed directly by the customer with a lead plugging into the electric vehicle. The dispenser units will use the latest rapid charging technology with 100-150KW for one car or 75 KW for 2 cars using the unit simultaneously. Therefore, a typical charge time will be between 10 and 30 minutes depending on various elements, including the vehicle battery capacity and starting charge.
- 3.5 The applicant notes that users will use a phone 'App' to identify the site and to see if there are any available charging points/spaces before they choose to visit the site. The applicant has also provided details with the application about how the site would be managed, including security, lighting and CCTV, along with a noise report.
- 3.6 The proposed indicative site layout and plans are provided as an Appendix.

## 4 Consultations

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

Consultee	Comment
County Highway Authority	Raises an objection on highway safety
Heathrow Safeguarding	No objection
Crime Prevention Officer	No objection
Tree Officer	No objection

Environmental Health Officer (Contamination)	No objection recommends condition
Environmental Health Officer (Noise)	No objection recommends condition

## 5. Public Consultation

5.1 A total of 28 properties were notified of the planning application. The Local Planning Authority has received 14 letters of objection. . In addition, a petition objecting to the application, with 30 signatures, was received. Some of the letters received did acknowledge the merits of EV. The following issues were raised:

- Not the right location in a residential area.
- Traffic movements
- Management of the site/security/anti-social behaviour
- Impact on amenity of residential properties
- Noise and disturbance
- Impacts of lighting and light pollution
- Parking issues
- Little benefit to local community
- Highway safety
- Trees/ecology/bats

## 6. Planning Issues

- Principle of the development
- Design and appearance
- Highway issues
- Impact on amenity of neighbouring properties
- Trees/Ecology

## 7. Planning Considerations

### Principle of the development

7.1 The Government has introduced a number of policies and initiatives aimed at cutting exposure to air pollutants, improving local air quality and reducing greenhouse gas emissions. A key part of this is cleaner road transport and the move to zero emission vehicles.

7.2 In 2018, the Government set out the following aims in 'The Road to Zero' (HM Government, July 2018):

- At least 50% of new car sales to be ultra-low emission by 2030.
- All new cars and vans to be effectively zero emission by 2040.

- Almost every car and van to be zero emission by 2050
- 7.3 In August 2020, the Government announced plans to accelerate the phasing-out of petrol and diesel cars. This will involve: -
- Sales of new petrol and diesel cars and vans will be phased out by 2030
  - New cars and vans be fully zero emission at the tailpipe from 2035
  - Between 2030 and 2035, new cars and vans can be sold if they have the capability to drive a significant distance with zero emissions (for example, plugin hybrids or full hybrids).
- 7.4 To enable this to be achieved, there will be a need to develop an electric vehicle infrastructure network. The Government has set out that this will need to include: -
- Charging points that are easily accessed across the UK, including at motorway service areas and large fuel retailers
  - Uniform standards for charging points
  - Ensuring charging points are provided for all new homes
  - Providing on-street charging points
  - Ensuring local planning policies require developments to include facilities for the charging of electric vehicles (via the National Planning Policy Framework).
- 7.5 The Automated and Electric Vehicles Act 2018 incorporates legislation in respect to some of the above measures and the requirement for the provision of facilities in new development for the charging of electric vehicles was set out in the former National Planning Policy Framework.
- 7.6 Paragraph 107 of the National Planning Policy Framework (NPPF) (2021) has been updated and now states: -
- 'If setting local parking standards for residential and non-residential development, policies should take into account:*
- a) the accessibility of the development;*
  - b) the type, mix and use of development;*
  - c) the availability of and opportunities for public transport;*
  - d) local car ownership levels; and*
  - e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.'*
- 7.7 The Department for Transport 2021 Decarbonising Transport (A better Greener Britain) calls for local planning authorities make bold decisions to influence how people travel and take local action to make best use of space to make sure recharging infrastructure meets local need.
- 7.8 Surrey County Council (SCC) has a Climate Change Strategy (CCS) 2020 which sets out the strategy for achieving net zero carbon emissions by 2050. This is through promoting cleaner safer and greener communities where people and organisations embrace their environmental responsibilities. It also sets of a number of strategic policies and includes plans to develop a county wide EV strategy to provide a network of key location charging points, spanning the 12 local authorities. In addition, Spelthorne Borough Council



(SBC) have a Sustainability Strategy (2014) which notes that the goal is to reduce energy use, thereby reducing both energy costs and the Greenhouse Gas (GHG) emissions that energy production contributes to climate change. This is now being further developed by the SBC Climate Change working party.

- 7.9 The applicant has included information in the submission in relation to demand for EV vehicles. It notes that:

*'The number of EVs on UK roads has been increasing year on year and EV models are becoming more available, as charging infrastructure improves and the costs of EVs decrease, market analysts are forecasting that more people will purchase EVs over petrol and diesel vehicles'.*

The applicant states that the Climate Change Council (CCC) commissioned research in 2018 to assess future demand for Britain's EV public charging network. Based on accounting for 60% of new car and van sales by 2030 overall, nearly 29,000 charging points are needed across Great Britain by 2030.

- 7.10 The applicant lists a number of benefits to Spelthorne Borough Council (SBC) of delivering the critical infrastructure for EV as follows:-

- reduced noise and air pollution, health benefits (reduction in CO2 emissions)
- convenient sites increase uptake, local charging
- proposal is for fast chargers, faster than most standard chargers
- EV cars do not pay London's Congestion Charge
- likely to be a consideration to future home buyers, increase property values
- contribute to delivery of SBC sustainability strategy and carbon management plan
- help SCC meet their CCS

The applicant notes that EV charging can be provided on an individual home by home basis but needs to be delivered off street on private land and public land to supplement the individual charging network. The applicant states this will improve driver confidence and ultimately help to improve the uptake of electric vehicles.

- 7.11 Although the adopted local plan 2009 does not have a policy specific to EV charging. Policy CC1 seeks to encourage measures to provide renewable energy, sustainable construction and the efficient use of resources. Policy CC1 in paragraph 11.13 notes that, *'this is a fast developing area of national policy and its requirements in Policy CC1 should be regarded as a minimum and may be superseded by further national guidance and if so, that guidance will take precedence..... In addition to providing renewable energy within new development the installation of renewable energy to supply existing buildings will also be encouraged. The policy also gives general support to the provision of standalone schemes to provide renewable energy, where these can be developed without adverse impact on the environment or local communities'.*



- 7.12 As such the principle of the proposal as a sustainable form of development, with positive impacts on the environment, by providing EV charging points for public use, is one the Council supports in principle. However, the application site, although close to Heathrow airport and on the edge of the residential area, is located in close proximity to existing residential dwellings and their gardens and in order to access the site, drivers must drive into the local roads serving the existing houses which they would otherwise not need to. As such issues, including the impact on the highway network and on the amenity of the existing residential properties, needs to be given consideration. The proposal is for a commercial use in a residential area. These points are discussed further below.

#### Design and appearance

- 7.13 Policy EN1a of the Core Strategy and Policies DPD (CS & P DPD) states that *“the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.”*
- 7.14 The application is for the demolition of the existing garages at the site and the installation of an Electric Vehicle Charging site. It will provide 24 no. rapid electric vehicle (EV) charging bays, with EV charging dispenser units. In addition, the site would include a small substation, toilet and vending machine. A close boarded fence would provide the boundary to the site.
- 7.15 The proposal would not be particularly visible from off the site and would have fencing around it, similar to that used in residential areas. The proposed structures, including the sub-station, toilet, vending machine and dispenser units are not particularly high or large in scale and will replace the existing garage structures bordering the site. Therefore, they are acceptable from a design and visual appearance point of view. The site does consist of a large expanse of hardstanding and any landscaping could help to improve the site visually, as well as help with buffering.
- 7.16 There is no objection on the design and appearance and the proposal accords with Policy EN1.

#### Impact on neighbouring residential properties

- 7.17 Policy EN1b of the CS & P DPD states that:
- “New development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.”*
- 7.18 Policy EN11 refers to development and noise and states that:-
- ‘The Council will seek to minimise the adverse impact of noise by:*

*a) requiring developments that generate unacceptable noise levels to include measures to reduce noise to an acceptable level,  
b) requiring appropriate noise attenuation measures where this can overcome unacceptable impacts on residential and other noise sensitive development proposed in areas with high noise levels. Development will otherwise be refused,'*

- 7.19 The nearest residential properties to the application site are those on Park Road and Selwood Close. The proposed structures, including a small substation, dispenser units, toilet and vending machine, as well as a close boarded boundary fence, are not particularly high or large in scale and will replace the existing garage structures bordering the site. Given this and the distance to the actual dwellings adjoining the site, the proposed structures are not considered to have a poor relationship and will not result in a loss of amenity in regard to loss of privacy, loss of light or overbearing impacts.
- 7.20 However the use proposed is of a commercial nature and is considered to have a significant impact on the amenity of neighbouring residential properties in close proximity to the application site along Park Road and Selwood Close. This is particular true for the properties which adjoin the accesses to the application site which will be used by vehicles entering and leaving the proposed EV charging car park.
- 7.21 The existing garages were originally built for the use for parking vehicles for domestic use for dwellings in the local area. The applicant has noted that only 2 of the garages are still used and that they have not been used to park vehicles in due to the size for some time. As such the current level of use of the site, and therefore vehicular movements associated with it, is extremely low. It is considered to be very unlikely that these garages would be used regularly for residential parking in the future. Non-vehicular storage in garages remote from residential dwellings is unlikely to generate daily movements to each garage unit. The proposal is for a commercial use and will result in the introduction of a commercial use and an intensification of use of the site. Although unlikely to occur frequently, it is considered that at full capacity, the proposed 24 charging bays would have the potential to introduce up to 72 vehicles per hour. Although it is not clear what the rate of uptake of electric vehicle charging will be in the future, the proposed development would introduce a considerable number of vehicular trips to Park Road and Selwood Close which are both narrow, residential roads. In addition, in the event of all bays being utilised it could cause congestion.
- 7.22 Vehicles accessing the site will need to leave the local highway network and drive past the dwellings on Park Road. Once on site, drivers have to leave their vehicles and plug it in to the charge point. They can then use the toilets and vending machine, or just stretch their legs, talk to other drivers or on their phones, listen to the radio etc while waiting for the vehicle to charge. (approx. 20 mins) Once charged, vehicles will need to be unplugged and they exit the site, driving past the properties on Selwood Close and re-joining the local highway network.
- 7.23 It is considered that the proposed development which would be of a commercial nature in a residential area would result in a detrimental impact

on the amenity of existing neighbouring residential properties adjoining the application site. This is in particular in regard to increase in intensity of use of the site (compared to the original domestic garage use) and the noise and disturbance caused by the activity of vehicles entering and leaving the site and indeed by people using the site in this location for the use proposed.

- 7.24 The applicants have submitted a noise report and the Council's Environmental Health Officer (EHO) has been consulted and raised no objection. The noise report includes details of noise from cars and the sub-station, which the EHO has raised no objection to, subject to conditions. However, the noise report does not consider the impacts of the use in regard to the activity of vehicles to the site and how people behave who use the site. Policy EN11 on noise at paragraph 10.48 states that '*Policy EN11 sets out the Council's general approach to minimising the adverse impact of noise by reducing noise levels from noise generating activities and locating noise sensitive development away from sources of high noise*'. The noise sensitive use, (residential) is already present in this location as it is a residential area. It is considered that the proposed commercial use of the EV charging site, would create noise and disturbance at the detriment of the amenity of the occupiers of the existing residential properties in the local area and as such is not considered to be appropriate or acceptable in this location, and is contrary to Policy EN11. It is not considered that conditions could be imposed which would meet the tests set out in the PPG to make the development acceptable. In addition, an amendment to the application by, for example, reducing the number of charging bays was not sought as this would not overcome the fundamental concern over the impact on residential amenity associated with the activity from the use.
- 7.25 In regard to light pollution, it is not considered that the proposed lighting would cause a loss of amenity that would justify refusal of permission, it is likely that the details could be agreed by the imposition of a condition, in order to ensure they have an acceptable impact on neighbours and it is needed for safety and security reasons.

#### Highway and parking provision

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

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

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

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

- 7.28 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.
- 7.29 The County Highway Authority (CHA) was consulted on the planning application and has raised an objection recommending refusal on the following reason:-

*'The proposed development would lead to an increase in vehicular movements to and from the Development site where, due to the location and geometry of the accesses to the site, this increase would lead to conditions prejudicial to the safety and free flow of the public highway, contrary to the to the National Planning Policy Framework 2021 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.'*

- 7.30 The CHA notes that the proposal would result in an EV charging site taking vehicular access and egress from Park Road and Selwood Close, over two existing vehicular accesses, serving 24 no. rapid electric vehicle (EV) charging bays and states the following>

*'The accesses currently serve 32 garages of which the Planning Statement reveals only 2 are in use, with the remaining garages being vacant and in disrepair. The garages, as detailed by the Planning Statement, have not been used for vehicle parking in quite some time. Given the dimensions of these garages, and the fact that they are not owned by local residents, it is considered to be very unlikely that these garages would be used regularly for residential parking in the future. Non-vehicular storage in garages remote from residential dwellings is unlikely to generate daily movements to each garage unit. The proposal will result in an intensification of use of the site. At full occupation and full capacity, the proposed 24 charging bays would have the potential to introduce up to 72 vehicles per hour. It is not abundantly clear what the rate of uptake of electric vehicle charging will be in the future, however it is only right for the CHA to consider the full capacity that the site could facilitate. Whilst proposed communications technology managing the charging demand would mean full capacity is unlikely to be reached frequently, it is still clear that the development would introduce a considerable number of vehicular trips to Park Road and Selwood Close which are both narrow, residential roads. In the event of all bays being utilised, the CHA does not consider it a guarantee that prospective drivers would avoid, or indeed drive through the site to find another location, particularly given that they may not have the charge capacity to do so. Therefore, the potential for cars to 'stack up' on the accessway, or on-street along Park Road, and therefore interfere with free-flow of traffic along Park Road, cannot be dismissed.'*

- 7.31 In regard to access constraints, the CHA raises concerns about the use of the existing access off Park Road. It states that *'This road experiences a considerable demand for parking, resulting in space constraints and antisocial parking, and the need for the turning head area at the end of the road to be permanently clear of parked vehicles to allow safe access to the site. The CHA do not consider it practical to have a short length of yellow lines in the turning head area. As previously mentioned, Park Road is a long and narrow*

*residential cul-de-sac street, and as a result, the turning head area is completely out of sight, and not visible or obvious unless one drives right to the end. Therefore, poor compliance with these restrictions would be expected, as is the case in other such residential and remote locations, due to the difficulties involved in ongoing enforcement. Given the existing parking pressures on Park Road, even where parking restrictions were observed, vehicles would be displaced to other areas on the road which would further compromise the free-flow of two-way traffic and/or the ability of pedestrians to pass the footway. Whilst the proposed development would promote a one-way route through the site (which in itself may be unenforceable and cause issues), residents at the end of Park Road – and any visitors and services calling at those properties - will continue to require two-way use of Park Road. Park Road has been constructed with a narrow carriageway, appropriate for its intended use as a residential cul-de-sac. Given existing parking patterns, there is insufficient width for two vehicles to pass on much of Park Road.'*

- 7.32 The CHA continue to raise concerns stating that, '*...If the proposal were permitted, the number of vehicles travelling west along Park Road would increase significantly, and there is a potential for queuing to occur on the entry to the site. Both the increase in westbound movements and any potential queuing would materially affect the ability of residents to pass the road unimpeded. The increase in vehicular movements to and from the site also raises potential for conflict at the junction of Park Road and Selwood Close. This junction, and particularly its interaction with the junction of the residential estate and Park Road (B378), was not designed to accommodate the number of vehicular movements that could be generated by this proposal. Vehicles exiting Selwood Close may risk conflict with vehicles turning off the main road given the close proximity and ambiguous priority of the road in this location. The existing accessways themselves will be resurfaced as part of the proposals. However, they will both still be of extremely limited width, and for the egress in particular, this would cause limited inter-visibility between the position that an emerging driver would be sat at, and the adjacent footway. The CHA considers this issue would be significantly heightened by the high trip generating nature of the proposed land use.'*
- 7.33 The CHA note that despite previously requesting pedestrian intervisibility splays to be sufficiently demonstrated from the egress onto Selwood Close, the Applicant has not provided these. The CHA states, '*... Surrey County Council's guidance sets out that pedestrian visibility splays measuring 2 metres by 2 metres should be provided on either side of an access that crosses a footway. These splays should be measured from a point 2 metres back from the back edge of the footway (where a driver would be positioned when the front of their vehicle is at the back edge of the footway). In order to address the issue of poor pedestrian inter-visibility, a drawing was provided at Planning Application stage showing boundary fences to be erected at a height of 0.6m either side of the egress. It was not demonstrated that the Applicant has control of the existing boundary vegetation, but even if this was removed it is conceivable that the owners of the adjacent properties could reinstate a boundary treatment. Visibility splays are not permitted to cross over third-party land, as there would be nothing to prevent that third party from erecting or allowing an obstruction to those splays. Therefore, this would not overcome the highway safety concern of pedestrians approaching the egress along the*

*Selwood Close footway, and not being spotted by a vehicle driver, or vice versa.*

- 7.34 In regard to geometry of access and egress the CHA also has concerns, noting that, *'... There are no proposals to modify the existing access off Park Road, which is noticeably narrow in width, meaning drivers arriving at the site would be required to negotiate their vehicle very carefully around the existing on-street disabled bay and into the accessway. It would be expected that vehicle drivers, many of whom may be new users and therefore not be familiar with the site, would struggle to manoeuvre in one attempt, and have the potential to overrun the footway adjacent to the access. In light of the high vehicular trip generation anticipated from the proposed site, there would be an unacceptably high likelihood of conflict between vehicles accessing off Park Road, and also between vehicles and pedestrians. Based on the submitted swept-path drawings for 2.m wide vehicles on both accessways, there is only approximately 50cm between the edge of vehicles and the boundary fencing. It should be noted that there are models of long-wheelbase vans which substantially exceed this dimension, meaning the margin would be even further reduced. As a result, the safe passage of pedestrians would be significantly compromised. Whilst it is acknowledged that access to and from the site will be undertaken predominantly by vehicle, there is a reasonably high chance that drivers will not want to stay in their vehicle for the duration of the charge. Due to the potential for a high intensity of vehicular trip generation to and from the site, the likelihood of a pedestrian meeting a vehicle on the approx. 30m long access road, should any user of the site decide to enter / exit the site on-foot, is considered high. The absence of refuge areas for pedestrians along the accessway would compound this issue. Emergency vehicles such as fire appliances may need to enter the site to service the proposed development – a swept-path assessment has not been demonstrated. The site access and drive should be widened to accommodate the largest type of vehicle anticipated to access the site in the event of an emergency. However, the largest vehicle the submitted tracking shown is a light goods van. This vehicle is smaller than that of a fire appliance, however it utilises the full access width right up to the boundary.'*
- 7.35 Therefore, given the space constraints on the Park Road highway, the location and geometry of the access itself, as well as the lack of pedestrian inter-visibility onto Selwood Close, the CHA considers that the high vehicular trip generation expected from the proposed development would significantly compromise highway safety for users of Park Road and Selwood Close. The CHA has raised an objection to the proposed scheme on highway safety grounds. As such it is considered that the scheme is unacceptable and conflicts with policy CC2.

#### Trees/Ecology

- 7.36 Policy EN8 of the CS and P DPD states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by ensuring that new development, wherever possible, contributes to an improvement in the landscape and biodiversity and also avoids harm to features of significance in the landscape or of nature conservation interest. It is also important to note the guidance regarding protected species in Circular 06/2005. This states that *"it is essential that the presence or otherwise of protected species and the*

*extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*

- 7.37 The applicant has submitted a tree survey which has been reviewed by the Council's Tree Officer and who has raised no objection. In relation to ecology the site is located adjacent to Staines Moor which is a SSSI and the proposal includes the removal of existing redundant garages on the site. Some letters of objection have referred to the presence of bats at the site. As such, the applicant would be required to carry out an ecological appraisal of the site, in particular to review whether there are in fact bats present at the site, and if so, provide mitigation for this. This would need to be carried out before planning permission could be granted.
- 7.38 Therefore, the proposal currently does not demonstrate that bats are or are not present at the site and as such this would be unacceptable and is contrary to the advice in the Circular and Policy EN8.

#### Contaminated Land

- 7.39 The Council's Pollution Control Officer has raised no objection but has noted that the existing garages are to be demolished. Given the age of the structures, it is likely that asbestos containing materials could be present. Controlled management of any asbestos present is required to prevent contamination of the land through fibre release during demolition. Given the proximity to neighbouring residential properties, control of dust through mitigation would be required through use of a Dust Management Plan, which could be imposed by way of condition or informative if permission were to be approved. The proposal is considered acceptable in accordance with Policy EN15 and the NPPF.

#### Equality Act 2010

- 7.40 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.
- 7.41 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.
- 7.42 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.

- 7.43 Person with protected characteristics may be affected by the scheme in terms of using the local roads and passing the site, however these impacts will be limited and the regard has been given to this issue.

Human Rights Act 1998

- 7.44 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.45 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.
- 7.46 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.
- 7.47 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 refusal 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.

Conclusion

- 7.48 The proposals are considered to be for a commercial use in a residential area which will have a negative impact on the amenity of neighbouring residential properties. The proposal will result in an intensification of the use of the site and the noise and disturbance caused by the use of the site and the coming and goings of vehicles, would be at the detriment of their residential amenity. In addition, the CHA has raised an objection on the intensification of the use of the site causing a highway safety issue. As such the proposal is considered to be unacceptable and is recommended for refusal.

**8. Recommendation**

- 8.1 REFUSE for the following reasons:

1. The proposed development would be of a commercial nature in a residential area leading to a harmful level of noise and general disturbance, which would be detrimental to the amenity of neighbouring residential properties adjoining the application site, contrary to Policy EN11 of the Core Strategy and Policies DPD 2009.
- 2 The proposed development would lead to an increase in vehicular movements to and from the development site where, due to the location and geometry of the accesses to the site, this increase would



lead to conditions prejudicial to the safety and free flow of the public highway, contrary to the to the National Planning Policy Framework 2021 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies DPD 2009.

3. The applicant has failed to submit a bat survey, and therefore failed to demonstrate to the satisfaction of the Local Planning Authority the extent to which bats may be affected by the proposed development. It is not therefore possible to ascertain the full impact of the proposal on bats which are protected species. The proposal is therefore contrary to Circular 06/2005, and Policy EN8 of the Council's Core Strategy and Policies DPD 2009.

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## 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

App no	Site	Proposal	Applicant	Case Officer(s)
20/00802/FUL	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
20/01555/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 and 9 apartments) including access, parking, landscaping and replacement substation'	Shanly Homes Ltd	Kelly Walker
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 Clapham
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	Burma House (Staines) Ltd	Kelly Walker

App no	Site	Proposal	Applicant	Case Officer(s)
		providing 14 no. flats to the rear with associated parking and amenity space.		
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 Tomson
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
21/01742/FUL	Crownage Court	Provision of a rooftop extension to provide 14 apartments	Richmond Collection	Kelly Walker
21/01835/RVC	Mentone Farm/Scania Depot	Variation of Condition 3 to be reworded with the words "maintained as approved" relating to planning permission 04/00782/FUL. Reconfigure the car parking area in order to create additional car parking spaces	Scania (Great Britain) Limited	Matthew Churchill
21/01801/FUL	Sunbury Cross Ex Services	The demolition of existing Sunbury Ex-Servicemen's Association Club and	SUN EX-21 Ltd	Paul Tomson / Vanya Popova

App no	Site	Proposal	Applicant	Case Officer(s)
	Association Club	redevelopment of site including the erection of two residential buildings of 5-storeys and 8-storeys comprising 47 flats with associated car parking, cycle storage, landscaping and other associated works.		
21/01772/FUL	37 - 45 High Street	Demolition of the former Debenhams Store and redevelopment of site to provide 226 dwellings (Use Class C3) and commercial units (Use Class E) together with car and cycle parking, hard and soft landscaping, amenity space and other associated infrastructure and works.	Future High Street Living (Staines) Ltd	Russ Mounty / Kelly Walker

Esmé Spinks  
Planning Development Manager  
19/01/2022

**Planning Appeals Report – V1.0 ISSUED**

**Appeals Started between 15 December 2021 – 19 January 2022**

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
21/01418/HOU  <b>10 Fontmell Close Ashford TW15 2NN</b>	15.12.2021	Fast Track Appeal	APP/Z3635/D/21/3287723  Erection of double storey side extension, single storey rear extension and addition of velux windows in roof to create habitable roofspace.
21/01142/HOU  <b>29 Saxonbury Avenue Sunbury- on-Thames TW16 5EY</b>	16.12.2021	Fast Track Appeal	APP/Z3635/D/21/3287894  Erection of part two storey, part single storey side and front extension, two storey rear extension following demolition of garage and car port.

Case Ref & Address	Date Started	Procedure	Appeal Ref & Nature
21/01365/HOU  <b>28B High Street Stanwell Staines- upon-Thames</b>	29.12.2021	Fast Track Appeal	APP/Z3635/D/21/3288823 Construction of a dropped kerb following demolition of front boundary wall and installation of an electric car charging point to front of house



### Appeal Decisions Made between 15 December 2021 – 19 January 2022

Case Ref & Address	Date Received	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
20/01199/FUL  <b>The Old Telephone Exchange, Masonic Hall And Adjoining Land Elmsleigh Road Staines-upon-Thames</b>	07.09.2021	Public Inquiry	APP/Z3635/W/21/3280090  Demolition of the former Masonic Hall and redevelopment of site to provide 206 dwellings together with car and cycle parking, hard and soft landscaping and other associated works.	Appeal Allowed	17.01.2022	<u>Character and appearance</u>  The Inspector commented that there are buildings of varying height, scale and mass surrounding the appeal site and close by. The Tothill multi-storey car park stands as a dominant block structure adjacent to the site and its six-storey concrete layered form is prominent in views across Thames Street from the Memorial Gardens. He noted that the surrounding buildings are also prominent in views across the Thames from the footpath which runs along the opposite riverbank. They present a commercial and town centre character which contrasts with the primarily residential character of the opposite side of the river. Whilst the proposed buildings

Case Ref & Address	Date Received	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
						<p>would appear as two towers taller than their surroundings, he considered that this would not appear as out of context in a town centre townscape consisting of a collection of large buildings of various styles and form. Although he found minor harm from the viewpoint of the Memorial Gardens, he considered that the proposal would not harm the character and appearance of the area overall.</p> <p><u>Car Parking</u></p> <p>The Inspector commented that the proposed scheme was essentially a car free development since around 77% of the apartments would not have car parking spaces (48 parking spaces for 206 units). He stated that the appeal site is very accessible and shops, services and public transport options are within easy walking distance. The</p>

Case Ref & Address	Date Received	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
						<p>proposal would fall into the categories of schemes where parking standards could be reduced in accordance with the Council's Parking Standards. It would also fall within criterion (b) of Policy CC3 of the Core Strategy where the level of car parking provision can be considered having regard to the scope of encouraging alternative means of travel to the development that would reduce the need for on-site car parking, particularly relevant in areas well-served by public transport. He noted that even if some of the new residents from the development parked in the nearby residential roads (e.g. the Richmond/Gresham Road area), it was not clear what harm that would ensue. These are spaces on the highway and, as long as traffic regulations and parking restrictions were met, the only impact would be likely to be that more local residents might</p>

Case Ref & Address	Date Received	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
						<p>find it harder to find spaces outside or close to their home. He concluded that the level of parking provision was appropriate for the proposed development and that the requirements of Policy CC3 were met.</p> <p>The Inspector considered the benefit of providing new homes in an area of under-delivery of housing and where there is not a five year supply of housing land, added significant weight in favour of the scheme. He also considered that making beneficial use of a prominent town centre site which has been unused for a number of years, and which detracted from the character and appearance of the area, added significantly to the case for the proposal.</p>

Case Ref & Address	Date Received	Procedure	Appeal Ref & Nature	Decision	Decision Date	Inspector's Comments
21/00341/HOU  <b>69 Thames Side Staines- upon-Thames TW18 2HF</b>	09.09.2021	Fast Track Appeal	APP/Z3635/D/21/3276855 Erection of a 3m extension at ground level and changes to the existing western riverside gable elevation. The construction of a study at the rear, the replacement of the existing garage roof, and the construction of a glazed covered walkway linking the study with the kitchen doorway.	Appeal Allowed	15.12.2021	The Inspector considered that the main issue was the effect of the proposal on the character and appearance of the area. He concluded that the extension would be well-proportioned and would be suitably respectful to the host dwelling and it would not represent an imposing or overly dominant alteration. In summary, the Inspector was satisfied that the proposal would introduce a well-considered extension that would be suitably sympathetic and respectful to the immediately neighbouring houses, as well as contributing to the more varied broader surroundings.

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