

Planning Committee

21 August 2019



Application No.	19/00901/FUL
Site Address	Staines Ex Servicemen's Club, 6 Laleham Road, Staines-upon-Thames TW18 2DX
Applicant	Mr D Conway, Ravensgate (Staines) Limited
Proposal	Proposed demolition of existing Clubhouse building and outbuildings to allow for construction of a new ex-servicemen's club house and apartment complex comprising 14 no. apartments with integral car and bicycle parking, refuse storage, landscaping and amenity together with altered vehicular access point from Laleham Road.
Ward	Riverside and Laleham
Call in details	Cllr Harman has called this application in on the grounds that local residents consider it adds to the street scene with a greatly improved frontage and rear which is an improvement to the current building
Officer	Kelly Walker

Application Dates	Valid: 27/06/2019	Expiry: 26/09/2019	Target: under 13 weeks
Executive Summary	<p>This planning application seeks the demolition of the existing buildings on site comprising the existing clubhouse and the redevelopment of the site for a new clubhouse and 14 apartments, landscaping and amenity space provision and alterations to the vehicular access on Laleham Road.</p> <p>The proposal is considered to be an overdevelopment of the site, providing a design which has little regard to that of neighbouring properties. It would not make a positive contribution to the street scene and as such, is considered to be unacceptable on design grounds. Although it would be an efficient use of land providing an acceptable standard of housing in terms of space, there is little space provided around the building.</p> <p>A previous almost identical application, ref 18/01159/FUL, was withdrawn by the applicant the day before it was due to be considered by the Planning Committee in January 2019, with a recommendation for refusal on design grounds as noted above but also because it had an unacceptable impact on flooding, with an inadequate food risk assessment being provided. However this scheme has addressed the flooding reason for refusal and the current proposal conforms to the flooding policy. It also meets policies on highway issues, parking</p>		

	<p>provision, housing, and renewable energy.</p> <p>The NPPF requires permission for housing to be granted unless the impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. However, the proposal is not considered to make a positive impact on the character of the area or pay due regard to its surroundings. As such the harm caused is considered to be significant enough to outweigh the benefits of providing new housing in this instance as the proposal is unacceptable due to the poor quality design which will have a negative, adverse impact and fail to make a positive contribution to the surrounding area. Therefore the proposal is considered to be contrary to Policies EN1 and LO1 of the Core Strategy and Policies DPD and the NPPF. As such the application is recommended for refusal.</p>
Recommended Decision	This planning application is recommended for refusal due to the design and impact on the character of the area.

MAIN REPORT

1. Development Plan

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

- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- CO1 (Community Facilities)
- CO2 (Provision of Infrastructure for New Development)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN9 (River Thames and its Tributaries)
- EN11 (Development and Noise)
- EN13 (Light Pollution)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)

- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

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

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

1.3 The advice contained within the National Planning Policy Framework (NPPF) 2019 is also relevant.

2. Relevant Planning History

18/01159/FUL	Proposed demolition of existing Clubhouse building and outbuildings to allow for construction of a new ex-servicemen's club house and apartment complex comprising 14 no. apartments with integral car and bicycle parking, refuse storage, landscaping and amenity together with altered vehicular access point from Laleham Road.	Withdrawn 08.01.2019
16/01088/FUL	Erection of part single storey/part two and a half storey building (over 3 floors) containing new Staines Riverside ex-servicemen's clubhouse and 14 no flats with integral car, bicycle parking and refuse storage, following demolition of existing building and altered vehicular access.	Withdrawn 27.12.2016
PLAN W/FUL /83/249	Erection of a single-storey extension to Staines Ex-Servicemen's Club measuring 6 ft. (1.82 m) by 13 ft. 9 ins. (4.20 m) providing dressing room accommodation.	Granted 29.06.1983

3. Description of Current Proposal

3.1 The site comprises an area of 0.13ha and is located to the western side of Laleham Road, with the River Thames to the west, across the tow path. The northern part of the site is occupied by the existing building consisting of a part single storey, part 2 storey clubhouse, with a separate flat. The building directly adjoins the road to the east. It has a terrace overlooking the River

Thames on the western elevation. The southern part of the site consists of the car park area for approximately 21 cars, which is accessed from Laleham Road with a barrier across.

- 3.2 The site is located within the urban area. It is located within the 1 in 100 year flood plain, however the south western corner is within the functional floodplain, which has a 1 in 20 year chance of flooding. The front of the site on the road is within the 1 in 1000 year flood zone.
- 3.3 The site is located outside of the commercial area of Staines town centre, (which is located to the north). The area is characterised mainly by residential uses and is distinctly different to the commercial uses to the north of the iron bridge. There are a few commercial uses nearby including a dry cleaners and hairdresser adjacent, on the corner of Gresham Road and Laleham Road directly opposite the application site and a hand car wash to the south. There is also the public open space along the river at Victoria Gardens located to the north of the site before the railway bridge.
- 3.4 The common height of buildings fronting Laleham Road is 2 storey. Properties opposite are relatively small cottage style semi-detached and terraced properties of traditional design and materials. Directly to the north are the residential flats at Regatta House, no's 1-5. This is a 3 storey building abutting with a block of garages to the north. To the south is a single residential dwelling at no. 26 Laleham Road, which has accommodation over 2 floors only, with dormers at first floor level facing the application site and is traditional in design and materials. This property is set back from Laleham Road and has its main garden located to the north, towards the application site. Beyond this are more residential houses facing the river and a hand car wash at a former petrol station, accessed from Laleham Road. St Peter's Church, which is a Grade II listed building is further to the south. Other dwellings in the vicinity are varied in design. Some are 3 storey, including those on the opposite side of the road, adjacent to the Iron Bridge at no. 1-7 Laleham Road which are locally listed buildings. These, as well as cottages at 1-4 Prospect Place and no's. 86-90 and 145 Gresham Road are also locally listed and have traditional design features. The area is characterised by properties that are domestic in character and scale. There is a 3 storey block of flats at Lauderdale House on the opposite side of Gresham Road. This has a shallow pitched roof and is set back from the street frontages. As such the area has a sense of space with gaps between the built form and the relatively low height and pitched roofs provide space between the built form and views of the sky.
- 3.5 The Ex Servicemen's club was established in the 1930s to cater for the needs of ex-servicemen and servicewomen from Her Majesty the Queen's armed services in Staines. The club provides indoor recreation of various types, live music and a place to meet with a bar and snacks being offered.
- 3.6 The proposal is for the demolition of the existing building and erection of a new ex-servicemen's club house and a block of 14 flats over 4 stories, including an undercroft car park for 24 cars (17 for the residential units and 7 for the club use), which will be excavated into the ground. The proposal also provides refuse storage facilities for the club and the proposed flats. The

proposal will comprise 2 buildings joined together by balconies, terraces and walkways. The overall building will be mainly 4 storeys in height. It will measure some 30m in total length, (with a 6m gap between the buildings), some 20.5m in depth and up to 11m in height. The new building will have a floor area of approximately. 1500 sq. m compared to the existing building on site which has a floor area of approximately. 600 sq. m. The materials have been amended since the withdrawal of the previous application; the use of brick on the street facing façade has been greatly increased, reducing the amount of white render. The applicant notes that they intend to use cream rusticated brickwork, sheet steel cladding, white render and grey aluminium windows and doors.

- 3.7 There will be a new layby created centrally within the site to provide space for deliveries, refuse collection and will lead to the new entrance to the undercroft parking area. There will be small areas of landscaping along the sides of the proposed built form and the provision of balconies and terraces for amenity purposes.
- 3.8 The proposed site layout and elevation plans are provided as an Appendix.

4 Consultations

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

Consultee	Comment
County Highway Authority	No objection subject to conditions
Environment Agency	No objection subject to conditions
Group Head of Neighbourhood Services (refuse)	No objection
Sustainability Officer	No objection
Local Lead Flood Authority (Surrey County Council)	No objection. Recommends conditions.
Crime Prevention Officer	No objection. Makes a number of detailed security related comments. Requests a condition to require the development to achieve the Secure by Design award.
Natural England	Have replied to say 'no comment'
Surrey Wildlife Trust	No objection.
Tree Officer	No objection.
Thames Water	No objection with regard to sewage infrastructure. Recommends an informative.
Environmental Health (Contaminated land)	No objection. Recommends conditions.

Environmental Health (Air Quality)	No objection. Recommends conditions.
Environmental Health (construction/dust)	No objection. Recommends conditions.
SCAN Officer	Raises concerns about disabled parking for the club, lift being suitable for wheelchair users and access into the club should be via a ramp, rather than a step.
Staines Town Society	<p>Raises an objection on design - the proposal is still much too large for the site, the be too big, high and bulky, blocky building, the flat roofs and materials will be out of character with the traditional residential neighbourhood. The building takes up the whole site. with a footprint more than twice that of the existing. There is very little landscaping, loss of 2 trees. High density and overdevelopment of the site.</p> <p>Club will cause a noise nuisance to flats especially in summer.</p> <p>The provision of pavement and pedestrian crossing are welcomed cycle storage will not encourage take up of cycling,</p>

5. Public Consultation

5.1 A total of 32 neighbouring properties were notified of the planning application. In addition, statutory site notices were displayed and the application was advertised in the local press. Letters have been received from 6 properties, 4 objecting and 1 in support.

5.2 Reasons for objecting include:-

- Density too high
- Over development – too large for the plot
- Out of character
- Cars exiting and entering underground car park will cause issues with highway and shine lights into house opposite
- Height will create loss of light to properties on opposite side of the road
- Road already very busy and narrow - highway safety issues/traffic congestion
- problems with gas and sewerage which will get worse with more flats.
- Impact on infrastructure
- Noise disturbance to neighbours due to club
- Noise disturbance and dust during works will take its toll on the health and well-being of neighbours in close proximity.
- Should invest in present club building
- Access for disabled people

Reasons for supporting include:-

- Providing a valuable community facility
- Existing building is deteriorating
- Nicely designed
- Huge improvement to the existing building and enhancement to street and river scape.

The applicant had previously carried out a public consultation in December 2018 during the assessment of the last application.

6. Planning Issues

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

7. Planning Considerations

Need for housing

- 7.1 When considering planning applications for housing, local planning authorities should have regard to the government's requirement that they boost significantly the supply of housing, and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF).
- 7.2 The Council has embarked on a review of its Local Plan and accepts that the housing target in its Core Strategy and Policies DPD-Feb 2009 of 166 dwellings per annum is significantly short of its latest objectively assessed need of 552-757 dwellings per annum (Para 10.42 – Strategic Housing Market Assessment (SHMA) – Runnymede and Spelthorne – Nov 2015). On 20th February 2019, the government updated its guidance in respect of Housing and Economic needs assessment which included proposals for a standard method for calculating local authorities' housing need. A figure of 590 dwellings per annum for Spelthorne was proposed by the application of this new approach. This figure of 590 based on the 2014 household formation projections has also been suggested by the Government in its latest consultation (Oct – Dec 2018). Following recent analysis, the figure has been revised to 603. Despite recent uncertainties, the standard methodology provides the most recent calculation of local housing need in the Borough and is consistent with the range of need identified by the Council in their SHMA. It is therefore appropriate for the Council to use the 603 dwellings per annum

figure as their local housing need figure that comprises the basis for calculating the five-year supply of deliverable sites.

- 7.3 The sites identified in the Strategic Land Availability Assessment (SLAA) as being deliverable within the first five years have been used as the basis for a revised 5-year housing land supply figure. Whilst this has shown that notionally we have identified sufficient sites to demonstrate that we have a five year supply of housing sites we have recently been advised that we need to apply an additional 20% buffer rather than the previously used 5%. This is because Government guidance (NPPF para 74) requires the application of a 20% buffer “where there has been significant under delivery of housing over the previous three years”. It therefore has no choice now but to apply the additional buffer for the five year period from 1 April 2019 to 31 March 2024. A 20% buffer applied to 603 results in a figure of 724 dwellings per annum which is our current figures. The effect of this increased requirement is that the identified sites only represent a 4.4 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites.
- 7.4 In using the new objectively assessed need figure of 724 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 SLAA which identifies potential sites for future housing development over the plan period.
- 7.5 As a result, current decisions on planning applications for housing development need to be based on the ‘tilted balance’ approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless *‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole’*.
- 7.6 It should also be noted that The Housing Delivery Test Result for Spelthorne Borough Council was published by the Secretary of State in February 2019, with a score of 63 percent. This means that the Council had undelivered housing delivery verses need in previous years and as a result the Council have produced a Housing Delivery Test Action Plan to positively respond to the challenge of increasing its housing delivery. The Action Plan analyses and sets out actions to improve housing delivery within the Borough.

Principle of the development

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

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

- 7.8 This is also reflected in the NPPF paragraph 117 which emphasises the need for the effective use of land in meeting the need for homes, whilst safeguarding the environment and provides further relevant context at paragraph 122 in respect of achieving appropriate densities.
- 7.9 The site is located within the urban area and is a brownfield site within an accessible location close to local facilities and public transport links. However, although it is not located within the Green Belt it is located within a high flood risk area and these risks need to be overcome to ensure no more people are put at risk from flooding. The area is characterised by mainly residential properties and a residential use would be an acceptable use of the site in principle, provided other policy requirements are met including flooding, as discussed further below.

Providing community facilities

- 7.10 Policy CO1 of the Core Strategy and Policies DPD 2009 (CS & P DPD) seeks to ensure community facilities are provided to meet local needs by a) supporting the provision of new facilities for which a need is identified in locations accessible to the community served and b) supporting improvements to existing facilities to enable them to adapt to changing needs. For the purposes of the policy community facilities include clubs, societies, leisure activities and community centres
- 7.11 The proposal provides a replacement ex-serviceman's club following the demolition of the existing building. Similar but new and improved facilities will be provided to continue the current community function and as such the proposal will conform to policy CO1.

Housing density

- 7.12 Policy HO5 in the Core Strategy Policies DPD 2009 (CS & P DPD) sets out density ranges for particular context but prefaces this at paragraph 6:25 by stating:

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

- 7.14 Policy HO5(b) states that within existing residential areas that are characterised by predominately family houses rather than flats new development should generally be in the range of 35 to 55 dwellings per hectare.
- 7.15 The proposal is for 14 units and is on a site of some 0.13 ha, equating to 107 dwellings per hectare (dph). The proposed density is above the recommended 35-55 dph range stipulated in Policy HO5. The policy states that, *‘Higher density developments may be acceptable where it is demonstrated that the development complies with Policy EN1 on design particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non car based modes of travel.’* However, it is considered that in this instance the proposal does not comply with policy EN1 as it is not compatible with the character of the area which is discussed below. As such, the high density of the scheme is an indication of the overdevelopment of the

site, leading to poor design. The proposal is considered to conflict with Policy EN1 and therefore HO5, which is explained in the following paragraphs.

Design and appearance

- 7.16 Compared with previous versions of the NPPF, the revised version, 2019, has added emphasis on securing high quality design. NPPF paras. 124 – 132 emphasise the requirement of achieving well-designed places. It notes that, *‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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.’*
- 7.17 Para 127 of the NPPF notes that planning policies and decisions should ensure that developments:-
- “a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
- 7.18 The NPPF notes in para 130 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 7.19 In para 131 of the NPPF states that, *‘In determining applications, great weight should be given to 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’* (officer emphasis).

- 7.20 Policy EN1a of the CS & P DPD states that *“the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.”* (Officer emphasis). In addition, the Council’s “Design of Residential Extensions and New Residential Development” SPD, 2011 provides guidance on design and states that the design of new development and the materials used should reflect the character of the area. It advises further that *“good detailed design and use of materials is critical to an acceptable scheme.....[and] poor design with little or no attention to detail will be unacceptable”*.
- 7.21 The existing building on site is located abutting the road and has a tired and dated appearance. However, it takes up only part of the application site, with the southern part currently being open and used as the car park. This is surrounded by a high level wall on its boundary with Laleham Road. The current view into the site is via the parking barrier. Directly to the north is Regatta House which also abuts the road and the northern boundary of the application site and consists of a large 2 storey building with a pitched roof but this site is more open to the north which contains a block of garages. The property to the south at 26 Laleham Road is more spacious, with its garden area located between the dwelling and application site. It is domestic in scale over 2 floors, is traditional in design and materials, with bricks and rendered walls, with pitched tiled roofs. The cottages across the road are also 2 storey and are semi-detached and terraced with traditional design features and materials with pitched roofs. The proposed development is 4 storeys, including a lower ground floor sunk beneath the existing ground level with an undercroft parking area. The ground floor of the building is raised by approximately 1.2m above ground level at the street frontage and approximately 2.3m above ground level on the river frontage due to the change in ground levels. It will provide a replacement club at ground floor level and 4 flats. Flats will also be provided on the first, second and third floors. The undercroft area will have the parking area and cellar/store for the club house.
- 7.22 Properties closest to the site are located along Laleham Road, which contain a variety of detached, and semi-detached dwellings, with a block of terraced cottages directly opposite the site. Many of these properties display traditional design features and materials, such as pitched sloping roofs with tiles and bricks. There is a block of flats to the south east on the corner of Laleham Road and Gresham Road, called Lauderdale House. This is a 3 storey block of flats which is set back some distance from both roads and has a simple design, with traditional materials. Although not the same as neighbouring sites, it does pay regard to them in particular in terms of the scale and space around the building. The area also contains a number of interesting properties with intricate design features including some along Gresham Road which include some locally listed buildings.

- 7.23 The proposal is for a building of 4 storeys in height including a lower ground floor parking area. The proposed built form is split into 2 separate buildings with a link across. The building design has flat roofs with staggered levels and protruding bays, balconies and walkways and steps away from the boundaries as it increases in height, in particular with the northern boundary with Regatta House. The flat roofs will be 'green' with vegetation. Materials and finishes are set out in blocks, including square windows in various sizes and positions, resulting in an overall appearance of a bulky built form with a contemporary design. There is a gap between the 2 blocks which will help to provide space and a view of the river from Laleham Road, but only when viewed directly in front of the gap, otherwise the built form will fill much of the width of this wide plot fronting Laleham Road and also the river frontage. It will also extend across much of the depth of the plot, (river to road) which will be particularly visible when travelling from the south to the north along Laleham Road towards Staines town centre, appearing at this point as one large mass, dominating the site, The gap between the built form will not be evident from an angle as it will appear as one building. .
- 7.24 It is considered that the proposal pays little regard to the characteristics and features of neighbouring sites. Its contemporary bulky and boxy design pays little regard to the neighbouring properties' features including building lines, height, scale and materials. There will be little room left around the proposed built form, and as such it will appear cramped. The lack of space will also provide minimal opportunities for landscaping to help to soften the built form. The proposed ground floor street elevation will comprise the bin store, beer cellar and the undercroft car parking and access, with a small element accommodating the club and flat entrance areas. As such at street level the building will have the top of the lower ground floor level, with the upper ground floor starting above the ground level. Consequently, it will appear unduly large and out of scale at street level, in particular for pedestrians walking past. In addition, this particular elevation will have a 'back of house' appearance and will have a negative and hostile impact on the street scene. It will fail to make a positive contribution to the area, contrary to Policy EN1 and the SPD. The bin store, beer cellar and undercroft parking and access will in part be directly adjoining the new pedestrian footpath and only some 3m from the road at its closest point. There is virtually no space for landscaping to help soften the development.
- 7.25 A new access with layby for deliveries will be created from Laleham Road, central to the site, leading to the entrance of the undercroft parking area. All of the parking has been provided within the undercroft area, with limited views of it from the public domain. However the under croft element will be evident within the design of the building on the main street elevation. It will appear incongruous at street level making the building appear unduly tall, with the floor levels not lining up with neighbouring properties, which will add to the uncharacteristic features of the proposed building which would appear at odds with the existing properties and does not fit in with the overall form and layout of its surroundings as required by the NPPF, Policy EN1 and the SPD. The bulk, and scale of the proposed built form, the lack of space around the building, along with the high density, results in the proposal appearing cramped and the scheme is considered to be an overdevelopment of the site.

- 7.26 The proposed development will provide an improvement in part to the current location of the building on site, in that the building will be brought back from the highway to provide space for a layby. However it will also include another building linked to this one to the south taking up much of the site which is currently open to the south. This building will be located very close to the highway. As such this improvement has only limited benefits. The proposal is not considered to take into account the character of the area as required by in the Supplementary Planning Document on design and Policy EN1, and is contrary to the NPPF. In addition, although the scheme promotes sustainability, it is not considered to raise the standard of design more generally in the area and it does not fit in with the overall form and layout of its surroundings. As such the proposal is considered to be unacceptable in design terms, and does not make a positive impact on the street scene of Laleham Road, contrary to Policy EN1. The applicants have been advised of the concerns but have not provided any amended plans to address these.

River Thames and its Tributaries

- 7.27 Policy EN9 aims to ensure that the setting of the river and its tributaries is protected and where possible enhanced. It includes protecting landscape features and enhancing views of the river and special regard to land along it being developed. In particular in relation to development proposals it states that the Council will-

c) pay special attention to the design of development located in riverside settings to ensure that it respects and makes a positive contribution to the setting of the rivers.

- 7.28 The proposal is considered to pay little regard to the street frontage along Laleham Road in terms of fitting in with the existing built form and the local character. However the riverside character is quite different with longer views and, in particular when viewed in combination with the opposite bank. As such, it is not considered that the proposed development would be of detriment to the river setting and accords with Policy EN9.

Impact on neighbouring residential properties

- 7.29 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.”

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

- 7.32 The site directly adjoins the property at Regatta House to the north, with the current building located very close to it. Regatta House is located up to the boundary on to the road and also its southern boundary with the application site. The existing building at the application site is approximately 4m from the boundary/side wall of Regatta House (the roof overhangs further). The proposed building will be 2m away at the closest point and up to a height of 4.2m, and the main proposed building located some 3.2m away and up to 7.5m in height. As the proposed building continues to get higher, it increases in distance from the boundary. The side of the building at Regatta House, which contains 5 flats, has a number of windows facing towards the application site. The applicant notes these are all obscure glazed, apart from the 2 first floor windows closest to the river. The obscure glazed windows do not provide an outlook but the applicants have shown that the proposal will not cross a 45 degree line, (as set out in the Design SPD) when taken from a point 2m above ground level. As such levels of light to these windows will be acceptable. The applicants have also provided details of a 25 degree line (referred to in the Design SPD) from the clearly glazed first floor windows, to show that the built form will not breach this or cause a significant impact in terms of over-shadowing or loss of light to rooms. It is considered that this is a reasonable assessment to make. As such, although the built form will be closer to the existing property at Regatta House than the existing building, it is not considered to have a greater significant impact on the occupants of this property and the relationship will be no worse. Consequently, the proposal is considered to have an acceptable relationship with the existing property at Regatta House, in terms of light and overshadowing. Screening could also be used on the balconies closest to the clear glazed windows to ensure overlooking was not an issue. As such, it is not considered that the proposal will cause a significant overlooking, loss of privacy or overbearing/overshadowing or loss of light impact and will have an acceptable impact on the amenity of the occupants of Regatta House.
- 7.33 To the south is no. 26 Laleham Road, which is set back from the common boundary by 10.7m at its closest point. Given it is an L shaped dwelling, it is also stepped back at a distance of 13.5m. The proposed building will be set back some 2.7m from the side boundary and will be approx. 13.4m away at its closest point. The applicant has shown on the submitted drawings that the proposed built form will not cross a 25 degree line when drawn from a point at 2m above ground level from the windows in the side elevation of 26 Laleham Road facing towards the proposal. As a consequence, this accords with the requirement set out in the Design SPD and will ensure that a significant view of the sky is retained this also means that a reasonable amount of day light is maintained into habitable rooms and will avoid excessive overshadowing. The applicant has also provided an 'equinox study' to further support the acceptable relationship and impact in terms of over shadowing. Given the property is located both on the river and Laleham Road, with frontages onto both, its main outlook will be in these directions. As such, although the proposal will result in some overshadowing of the garden due to the scale of

the proposed building, it is not considered that this would be significant in order to justify refusal of the scheme. The windows in the side elevation of the proposed building facing towards the existing dwelling, will be obscurely glazed by condition and a privacy screen is shown to be provided along the terraced areas which could be conditioned. As such it is not considered that the proposal would lead to a significant overlooking or loss of privacy issue. Therefore, on balance the proposal is considered to have an acceptable relationship with and impact on the amenity of the occupants of no. 26 Laleham Road.

- 7.34 The properties located on the opposite side of Laleham Road are semi-detached and terraced cottages and these are also located relatively close to Laleham Road. Although the view from the front of the dwellings will change, in particular given the width and height of the proposed building across the site compared to the existing which only covers part of the site, loss of a view is not a planning consideration. The existing building will be partly replaced by one set further back from Laleham Road but the proposed building will be taller and wider. There will be some loss of light and outlook from these dwellings, however there is approximately 15m between the closest part of the buildings, but some 19m between the front of the existing cottage and the first floor and second floor. This results in the proposal not crossing the 25 degree line when taken from a point at 2m above ground level from the front ground floor window at the cottages (as set out in the Design SPD). This will ensure that the proposed building is not so close that a significant view of the sky is lost and as such will provide an appropriate level of daylight to the existing dwellings. This is a requirement of the SPD which is based on the BRE guidelines in order to provide a useful guide to maintain adequate light levels and avoid excessive overshadowing. As such the proposed dwellings will have an acceptable relationship with the existing cottages opposite the site on Laleham Road
- 7.35 The proposal is considered to have an acceptable relationship with and therefore impact on the amenity of existing neighbouring residential properties, conforming to the SPD and Policy EN1.

Amenity Space

- 7.36 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 sqm per unit for the first 5 units, 10 sqm for the next 5 units and 5 sqm per unit thereafter. On this basis, 245 sq. m would be required for the 14 flats. The proposal provides access to balconies or roof terrace for each of the flats, with a total of 262 sq. m. In addition the applicant notes that there is also a common riverside amenity space of some 110 sq. m in area. Some space is located beneath the terrace above and as such will have limited amenity value. The proposal provides a total of 372 sq. m, which is in excess of the required amount, Although some of the space is limited in size and provides limited useable space, it will front the river which will provide an attractive outlook and great benefit to the occupants of the units and club users. In addition the location of the site along the tow path which has public open spaces nearby, it is considered that in this instance the amenity space provision is acceptable.

Proposed dwelling sizes

- 7.37 The SPD on the Design of Residential Extensions and New Residential Development 2011 sets out minimum floorspace standards for new dwellings. These standards relate to single storey dwellings including flats, as well as to 2 and 3 storey houses. For example, the minimum standard for a 1-bedroom flat for 2 people is 50 sqm.
- 7.38 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.
- 7.39 All of the proposed dwelling sizes comply with the minimum standards stipulated in the national technical housing standards and the SPD and some exceed them. Therefore, it is considered that their standard of amenity overall to be acceptable.

Highway and parking provision

- 7.40 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.

- 7.41 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.
- 7.42 On 20 September 2011 the Council’s Cabinet agreed a ‘Position Statement’ on how Policy CC3 should now be interpreted in the light of the Government’s recent parking policy changes. The effect of this is that the Council will give little weight to the word ‘maximum’ in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum (maximum parking standards continue to be applicable in relation to commercial development).
- 7.38 The proposed parking provision for the site is 24 spaces, three more than the existing site has. The applicant notes that 7 of these will be for the club, 2 of which will be disabled spaces. The Council’s Parking Standards as set out in the Supplementary Planning Guidance requires 1.25 spaces per 1 bed unit, 1.5 spaces per 2 bed unit and 2.25 per larger 3 bed units. As such the current proposal for 14 units (4 no. 1 bed, 9 no. 2 bed and 1 no. 3 bed) would require 20.75 rounded up to 21 car parking spaces. In addition the ex-serviceman club, when classed as a public house and licensed club, would require a

maximum of 1 space per 2 sq. m of net bar floor area available to customers. The internal space club floor space is some 163 sq. m and as such this would require 81.5 spaces as a maximum. The proposal provides only 24 for the entire site, for both the club and residential uses. This consists of 7 for the club and the remaining 18 for the flats. It should be noted that the required parking provision for the club use is a maximum and providing less than this is not contrary to the policy requirements. The parking spaces for the flats would be 17, which falls below the 21 required and does not meet the current parking standards requirements which is a minimum for residential. However the site is in a location just outside the town centre and as such is sustainable, with local facilities and transport options including railway line and bus station in walking distance. It should also be noted that the existing club has a similar bar area available to customers to that proposed and would fall short of this requirement.

- 7.39 The County Highway Authority (CHA) has noted that 24 parking spaces are proposed within the site, 17 of which are allocated to the residential element of the development, with the remaining 7 allocated to users of the social club. Whilst it should be possible to manoeuvre into them (depending on how adjacent vehicles are parked), it is noted that the parking spaces immediately next to the walls of the parking area will be difficult to manoeuvre into. Ideally parking bays adjacent to a wall should be 3m wide, rather than the standard 2.4m. In line with Spelthorne Borough Council's Parking Standards, the mix of residential accommodation (1x3 bed; 9x2 bed; 4x1 bed) should be provided with 20.5 parking spaces, rounded up to 21. However, the Parking Standards document states that a lower parking provision can be provided where the site is sustainable located with good opportunities for sustainable travel. The CHA note that, *'...The site is located within reasonable walking distance from good bus and train services, as well as a range of local amenities in Staines Town Centre. In the event that parking demand occasionally exceeds supply on site, it is unlikely that indiscriminate parking would occur given the existing parking restrictions on the roads in the vicinity of the site. As such the level of on-site parking provided as part of this development is considered to be acceptable.'* As a result, the Highway Authority does not consider it is appropriate to object to the proposal based on parking concerns.
- 7.40 The proposal includes the provision of a lay-by on Laleham Road to be used for loading and unloading, as well as disabled parking and taxi drop off / pick up. It has been agreed with the CHA that this will not be adopted as part of the public highway. The CHA has requested that as part of the Section 278 agreement required for the proposed access and pedestrian crossing facilities, details should be submitted to explain how a distinction will be made between highway and private land.
- 7.41 Therefore the proposed parking provision for the residential units and club is acceptable. The CHA has raised no objection to the proposed scheme on highway safety grounds or parking provision. As such it is considered that the scheme is acceptable in terms of policies CC2 and CC3 on highway and parking issues.

Flooding

- 7.42 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by not requiring all development proposal within Zones 3a and 3b and development outside the area (Zone 1) on sites of 0.5ha or of 10 dwellings or 1000sqm of non-residential development or more, to be supported by an appropriate Flood Risk Assessment (FRA).
- 7.43 The site is located within Flood Zone 3a, 3b and 2 which has a high probability of flooding ranging from a more than a 1 in 20 year chance of flooding to 1 in 100. More vulnerable uses such as residential need to be assessed in order to ensure there is an acceptable impact at a time of flood and in order to ensure that future occupants can escape by a dry route. The applicant has submitted a Flood Risk Assessment & Surface Water Drainage Strategy, as is required by Policy LO1 of the CS & P DPD.
- 7.44 The Lead Local Flood Authority at Surrey County Council has been consulted in regards to the SUDS and have made no objection subject to conditions.
- 7.45 The Environment Agency (EA) was consulted and as with the previous scheme, raised a number of objections on flooding and ecology grounds. The EA previously objected to the absence of an acceptable Flood Risk Assessment (FRA) and noted that the applicant has not provided enough detail or clarity to overcome their objection on the basis that the proposal will cause greater flood risk to people and properties in the Borough during a flood event. However further details has been submitted with this scheme and the EA has now raised no objection to the scheme. As such the proposal is acceptable on flooding grounds and it accords with policy LO1.
- 7.46 The EA do not comment of safe access and egress as this is for the Local Planning Authority (LPA) to address. LPAs are provided with planning flood maps from the EA which zones the Borough into flood areas. Applicants can then contact the EA directly to provide further, more detailed information relating to the area around the application site, which includes further modelling to assist in their flood risk assessment.
- 7.47 Policy LO1 of the Spelthorne Development Plan Core Strategy and Policies DPD Submission Document" (CS & DPD) states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by amongst other things, not permitting residential development, change of use or other 'more vulnerable' uses within Flood Zone 3a, or 'highly vulnerable' uses within Zone 2 where flood risks cannot be overcome. The Council's Flooding SPD also identifies within *Table 4* that a residential dwelling constitutes a 'more vulnerable' use.
- 7.48 The National Planning Policy Framework (NPPF), February 2019 (paragraph 155) states that "*inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk*". The NPPF further states (paragraph 163) development should only be allowed in areas at risk of flooding where amongst things, "*safe access and escape routes are included where appropriate, as part of an agreed emergency plan*".

- 7.49 The Council's flood map shows clearly that the route of escape from the site along Gresham Road would go into the 1 in 100 flood zone, which is not dry. The applicant has provided more detailed data they received from the EA and this shows that the route along Gresham Road would in fact be in the 1 in 100 year plus climate change zone. As such this does show that the route would be dry during a 1 in 100 year flood event as required by the Council's Flooding SPD. The applicants have also provided an evacuation plan which would be implemented during a greater flood event. As such, the proposal is considered to be acceptable on the grounds of providing safe access and egress for future occupants in accordance with Policy LO1.

Renewable Energy

- 7.50 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.
- 7.51 The applicant has submitted a renewable energy statement and concludes that the use of air source heat pumps are likely to provide a total energy reduction of at least 10%. The Council's Sustainability Officer has been consulted and raises no objection. Accordingly, the renewable energy proposals are acceptable but would be subject to condition.

Ecology

- 7.52 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.
- 7.53 The site consists of a dated clubhouse building and a large car park area laid to hardstanding. The river frontage has a wire fence with various shrubs and 2 trees close to the boundary with the river and as such the site itself has little ecological value.
- 7.54 A bat survey was carried out and Surrey Wildlife Trust (SWT) was consulted. SWT agrees that the bat roosts in the building affected by development are not a constraining effect on this development proposal and put forward a number of ecological recommendations to improve biodiversity. Previously the EA requested further details to provide an appropriate ecological buffer to the River Thames and has recommended conditions for its provision. Consequently, the proposed development is considered acceptable on ecological grounds and there will be no adverse impact on protected species, in accordance with policy EN8. Natural England has made 'no comment' on the proposals.

Dwelling mix

- 7.55 Policy HO4 of the CS & P DPD (Housing Size and Type) states that the Council will ensure that the size and type of housing reflects the needs of the

community by requiring developments that propose four or more dwellings to include at least 80% of their total as one or two bedroom units.

- 7.56 The proposal complies with the requirements of Policy HO4 with 13 of the 14 units being one and two bedroomed, which represents 93% of the total units and therefore complies with policy HO4.

Impact on Trees/Landscaping

- 7.57 The applicant has submitted an Arboricultural Impact Assessment as 2 trees on the site will be removed as a result of the proposal. The Council's Tree Officer has raised no objection to this noting that these trees have little merit and the proposal can provide some landscaping to help to compensate for their loss.

- 7.58 Private amenity spaces will be provided in the form of balconies and terraces which will provide little in the way of landscaping however there is some space around the building which although limited in size can have the potential to provide planting and some landscaping to help soften the built form. This is limited and the site would be dominated by built form covering most of the site. However landscaping can be covered by condition.

Contaminated Land

- 7.59 The Council's Pollution Control Officer has raised no objection but has requested conditions to be imposed requiring an investigation to be carried out to identify risks and remediation measures. Subject to these conditions, the proposal is considered acceptable.

Air quality

- 7.60 The applicant has submitted an Air Quality Assessment (AQA), as is required by Policy EN3 of the CS & P DPD. The AQA assesses the impact of both construction and operational impacts of the proposed development and recommends further details which should be included in a Dust Management Plan be submitted for the demolition and construction phase. It is considered that this and the requirement for a demolition method statement could be brought to the attention of the applicant by the imposition of an informative if there was an acceptable scheme in planning terms.

Refuse Storage and Collection

- 7.61 The layout of the site has been designed to ensure that delivery and refuse collection vehicles can use the layby created by the proposed scheme. Refuse storage areas have been located to the front of the site within the building within reach of the refuse collection vehicles and accessible by residents
- 7.62 The Council's Head of Street Scene has raised no objection to the arrangement. Furthermore, the County Highway Authority has raised no objection on this particular issue. Accordingly, the proposed refuse storage and collection facilities are acceptable.

Crime and Design

- 7.63 With regard to the Crime Prevention Officer's comments, as with the previous scheme, it is not considered appropriate to impose a condition, as requested, relating to "Secured by Design". Many of the requirements are very detailed (e.g. standards of windows, doors and locks), elements which are not normally covered and enforced under the planning regulations and in the event that the proposal was acceptable on planning grounds, it is recommended that this could be brought to the attention of the applicant by adding an informative.

Other matters

- 7.64 The applicant have provided further clarification on the disabled access and this would be covered by Building Regulation Control, and is not a reason to refuse planning permission..

Financial Considerations

- 7.65 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. It will generate a CIL Payment in relation to the net additional gross floor space. This amounts to a CIL payment of approximately £189,000, which 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

- 7.66 The proposal seeks to redevelopment the Ex-Serviceman's site with the provision of a new club house and will meet the need for housing. It will make effective use of urban land in a sustainable location. However this does not outweigh the fact that the proposed design is not sympathetic to local character and does not improve the character and quality of the area. It is not considered to respect and make a positive contribution to the street scene and the character of the area in which it is located, paying little regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and does not fit in with the overall form and layout of their surroundings. The proposal to provide 14 units and a clubhouse is considered to be unacceptable.
- 7.67 The NPPF requires permission for housing to be granted unless the impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. However, the proposal is not considered to make a positive impact on the character of the area or pay due regard to its surroundings. As such the harm caused is considered to be significant enough to outweigh the benefits of providing new housing in this instance. Therefore the proposal is considered to be contrary to Policies EN1

of the Core Strategy and Policies DPD and the NPPF. As such the application is recommended for refusal.

8. Recommendation

8.1 REFUSE the planning application for the following reason:

1. The proposal would, by reason of design, scale, density and location, represent an overdevelopment of the site, and would appear visually obtrusive and out of character with the surrounding street scene. Furthermore, the proposed Laleham Road elevation, would, by reason of its poor quality design, have a negative, adverse impact and fail to make a positive contribution to the surrounding area. The proposal is, therefore, contrary to Policies EN1 and HO5 of the Core Strategy and Policies DPD 2009, the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 and the NPPF 2019...