

# Planning Committee

16 October 2019



<b>Application No.</b>	19/01069/FUL
<b>Site Address</b>	Shepperton House, 2 - 4 Green Lane, Shepperton, TW17 8DN
<b>Applicant</b>	Shepperton Properties Ltd
<b>Proposal</b>	Proposed redevelopment of existing building to include three storey rear extension and additional storey at roof level across existing building to provide 13 additional residential dwellings together with alterations to ground floor retail units to include flexible Use Class A1, A2, A3 and A4 and 45 sq. m of additional floor space and external alterations to the entire building facade.
<b>Ward</b>	Shepperton Town
<b>Call in details</b>	N/A
<b>Officers</b>	Kelly Walker/Vanya Popova

<b>Application Dates</b>	Valid: 31/07/2019	Expiry: 30/10/2019	Target: under 13 weeks
<b>Executive Summary</b>	<p>This planning application seeks permission for the building to provide 13 additional residential dwellings together with alterations to ground floor retail units to include flexible Use class A1, A2, A3 and A4 and 45 sq. m of additional floor space and external alterations to the entire building façade in order to refurbish and modernise the currently undistinguished 1960s building. The ground floor shops will remain unchanged apart from improvements to their external appearance and internal alterations. In order to accommodate the additional flats, the proposal also includes the erection of a three storey rear extension and additional storey at roof level across the entire building. The proposal is considered to pay due regard to the design and scale of the host building and will be in keeping with the character of the area, making a positive contribution to the street scene. It will be a sustainable form of development, meeting a need for housing on a brownfield site. Although no additional parking is provided and there is a shortfall in amenity space provision, given the town centre location and based on appeal decisions at adjacent sites, it is considered to be acceptable. As such there are no adverse impacts that would significantly and demonstrably outweigh the benefits when taking the 'tilted balance' into account. The application is considered to be acceptable and is recommended for approval</p>		
<b>Recommended Decision</b>	The application is recommended for approval, subject to conditions		

## MAIN REPORT

### 1. Development Plan

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

- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN11 (Development and Noise)
  
- 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 2011
- SPG on Parking Standards Updated 2011
- SPD on Housing Size and Type 2012.

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

### 2. Relevant Planning History

14/00853/FUL	Change of use of 4 no. retail/office units to one large retail unit with single storey rear extension and other associated alterations including to the parking layout.	Granted 16.02.2015
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17/01714/FUL	Change of use of 4 no. retail/office units to one large unit with single storey rear extension including increased depth of first floor balcony /access area above and erection of bin store at rear (amendments to PA ref 14/00853/FUL)	Granted 08.01.2018
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Former 6 Green Lane which forms part of the application site

15/00427/FUL	Demolition of property and erection of a part three storey/part two storey block of 6 flats, comprising of 4 no. 1 bed and 2 no.2 bed units with associated hard and soft landscaping.	Refused 08.10.2015 Appeal Allowed
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Also relevant application at adjacent site (1-12 Thurlestone Parade, High Street)

12/01188/FUL	Renovation and reconfiguration of existing residential accommodation and part first floor / part second floor and roof extensions to provide 5 no. new 1 and 2 bed flats and creation of refuse and cycle stores to rear	Refused 14.11.2012 Appeal Allowed
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### **3. Description of Current Proposal**

#### Location of the site

- 3.1 The site is located on the corner of Green Lane and Shepperton High Street and is a large irregular shaped plot occupied by a 3 storey brick built building, with retail units (most of which are vacant) at ground floor level and offices and residential above. There is a car park to the rear accessed via Thurlestone Close, to the south and which is a short cul-de-sac also servicing 3 no chalet bungalows. The site is located within an Employment Area and within Shepperton Shopping Area as defined in the Local Plan. High Street is a wide street and has servicing/parking lanes either side of and parallel to the main carriageway. To the east are a number of detached dwellings along Green Lane, including no. 8 adjacent. To the south of the site is nos. 1-12 Thurlestone Parade which has been extended from 3 storey building to 4 storey building with the incorporation of flats above ground floor level following a permission granted on appeal in 2012.
- 3.2 The application site includes an extension to the building to the north east (formerly on the site of 6 Green Lane) which has recently been completed. This comprises 6 flats and garden area to the rear. The existing building has commercial uses at ground floor and residential flats and a small office above.

#### Proposal

- 3.3 This planning application seeks permission for the building to provide 13 additional residential dwellings together with alterations to ground floor retail units to include flexible Use class A1, A2, A3 and A4 and 45 sq. m of additional floor space and external alterations to the entire building façade in order to refurbish and modernise the currently uninspiring 1960s building. The

ground floor shops will remain unchanged apart from improvements to their external appearance and internal alterations. In order to accommodate the additional flats, the proposal also includes the erection of a three storey rear extension and additional storey at roof level across the entire building.

- 3.4 The proposed 13 units comprise 3 no. 1 bed flats and 10 no. 2 bed flats with associated cycle and bin storage at the rear. The existing vehicular access and parking provision are retained with some minor adjustments. The upper floors are separated by an access walkway.
- 3.5 The proposed renovation and extension will consist of a brick finish with a new grey render façade at the roof level and covered metal overhanging roof which will be of similar materials to those used in Thurlestone Parade. Exact samples can be conditioned if the application is approved. The proposed plans show that the proposed 3 storey rear extension would have a depth measuring some 12 m and extending across that elevation by 18m. Together with the addition 4<sup>th</sup> floor, the building would have a maximum height of 12.5m (similar in height to the adjacent Thurlestone Parade).
- 3.6 In terms of separation distances from adjacent neighbouring properties, the proposed building would be some 40m from the eastern rear boundary with the side of no. 8 Green Lane.
- 3.7 The proposed indicative site layout is provided as an Appendix.

## 4 Consultations

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

Consultee	Comment
County Highway Authority	No objections, subjects to conditions.
Environment Agency	Makes no comments.
Group Head-Neighbourhood Services	No objections
Sustainability Officer	No objections. The renewable requirements will be met.
Local Lead Flood Authority (Surrey County Council)	No objections, subjects to conditions
Tree Officer	No objections.
Environmental Health (Noise)	No objections, subjects to conditions.
Thames Water	No comments
Environmental Health (Contaminated land)	No objections.
Environmental Health (Air Quality)	No objections.

## **5. Public Consultation**

5.1 A total of 25 properties were notified of the planning application. Furthermore, a statutory site notice was displayed and the application was advertised in the local press. Two letters of representation have been received, including one on behalf of Shepperton Residents Association, raising the following concerns:-

- Over-development
- Encroachment of private/personal space
- Overlooking
- The building will be higher than other buildings
- No extreme demand for expensive flats (*Officer's note: this is not a material planning consideration*)
- Pressure on parking provision
- Impact on the character of the area/overbearing

## **6. Planning Issues**

- Principle of the development
- Need for housing
- Housing density
- Design and appearance.
- Residential amenity
- Highway issues
- Parking provision
- Dwelling mix
- Flooding
- Landscaping
- 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 20<sup>th</sup> 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 figure. 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 has 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.
- 7.7 Taking into account the above and adopted policy HO1, which encourages new housing development in urban sites for additional housing to meet our Borough’s needs, the Action Plan set out ways in which Spelthorne will meet this need. Para 6.11 states that, *‘...The policy defines a range of measures*

*including the promotion of specific sites through Allocations DPDs, producing planning briefs, encouraging housing generally on suitable sites, including mixed use scheme, using poorly located employment land, using land effectively and resisting the loss of housing.’.*

Principle of the development

- 7.8 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.”*

- 7.9 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.
- 7.10 In the appeal decision for 12/01188/FUL, the Inspector commented that whilst Shepperton is regarded locally as being a village, there is however variation of building heights in proximately to the site and as such the High Street has the nature more of a suburban centre. The adopted plan, however refers in para 8.20 to Shepperton being “a significant centre serving its local community”.
- 7.11 The principle of the development is, therefore acceptable.

Housing density

- 7.12 As noted above in regards to the principle of housing, the NPPF and Policy HO1 requires new housing development to be sustainable and in the urban area and 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 context but prefaces this at paragraph 6:25 by stating:

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

- 7.13 Policy HO5 specify densities for sites such as this, with its ranges referring to town centres generally being 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.
- 7.14 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.

- 7.15 The proposal is for 13 flats. The existing building already has 19 flats within it and the proposal for 13 will increase this to 32 flats. There is also another 6 flats in the extension to the north east of the site which has recently been completed. As such the proposal will result in a total of 38 flats at the site. The site area is some 3,059 sq. m. and will therefore result in a density of 126 dwellings per hectare. Although above the recommended amount in policy HO5, this policy does permit higher densities where a development complies with policy EN1 on design particularly in terms of the character of the area and is in accessible location.
- 7.16 The density is considered to be acceptable provided it complies with Policy HO1 and Policy EN1 on design which is explained in the following paragraphs.

Design and appearance

- 7.17 Policy EN1a of the CS & P DPD states that *"the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land."*
- 7.18 The applicant notes that the property is now looking dated and tired in particular in light of the adjacent sites on both sides having been recently redeveloped and updated. They note that this has led to an increase vacancy of units. In the supporting Planning Statement the applicant notes that the development seeks to *'...bring the building's design in line with the other nearby developments, especially 1-12 Thurlestone Parade, which sits directly adjacent to the south of the application site. It is considered that the design would enhance the wider Shepperton Town Centre, particularly given the key location of this site and at the same time improve the ground floor retail units and provide much needed residential accommodation in a highly sustainable location.'*
- 7.19 The site is located on a highly prominent corner with the commercial units of Shepperton High Street located to the south, many of which have residential uses above. The proposal is to retain the commercial uses at ground floor however some of the units will be reconfigured, including those fronting the High Street to provide 5 smaller units rather than the existing 3. The proposal also includes having these particular units as a flexible use within use classes A1, A2, A3 or A4, which is considered to be acceptable.
- 7.20 As previously noted, the adjacent building to the south at no, 1-12 Thurlestone Close has had a 3 storey rear extension on its northern flank elevation and an additional floor added on top of the entire 3 storey building. It is located adjacent to the application site across the public road at Thurlestone Close, with the rear extension running adjacent to the road. The proposal has been designed to reflect these existing extensions at the adjacent building.



- 7.21 Currently the property has office and residential uses above the ground floor commercial units, on the first and second floors. The proposal is to erect a 3 storey rear extension with 4 new flats and in addition a further floor on top of the entire building to provide another level of residential accommodation containing 9 flats. The proposed extension will be set back from the main southern side elevation by 1m. This will extend some 12m from the rear of the existing main 3 storey building (although the ground floor currently extends out further, as well as an existing stairwell). It will have a width of approximately 18m and will have a height of 10m to the second floor. The third floor will be set back from the main elevation and will have a height of approx. 12.4m. This is comparable with the height at the adjacent building at Thurlestone Parade. This rear extension will provide a small increase in floor area to the commercial units on the ground floor, and an undercroft car parking and cycle storage area at ground floor level, with 2 new residential flats above on each of the first, second and third floors. .
- 7.22 The proposed new floor on top of the existing building, will be set back from the street elevation by some 1.4m on the High Street elevation. The rounded corner element will have a set-back by a greater amount, by some 2.2m. In addition it will have a set-back by at least 1.4m on the front elevation with Green Lane where the building is staggered. There is a small element of the proposed new floor that abuts the existing front elevation on Green Lane and this provides the stairwell. The proposed new floor will also be set back from the rear elevation by 1.4m. The additional floor will be set back to appear subservient and is set back a similar amount to that at the adjacent property on Thurlestone Parade, and as such complements it.
- 7.23 During the appeal at the adjacent site at Thurlestone Parade, the Inspector noted that the High Street is quite wide, and has servicing/parking lanes on both sides of the main carriageway. He considered that, *'...the additional floor would not appear unduly bulky or overbearing in the street scene which is also softened locally by tall and mature street trees'*. He noted that the set-back especially on the top floor and the space to the rear of the site would mean that the additional floors, *'... could be assimilated into the local street scene without undue detriment to its character.'* He stated that, *'...I consider that the proposal would add interest and variation to the rather bland built form of the street scene. I conclude that the proposal would be in keeping with the character and appearance of the street scene and the area.'*
- 7.24 In addition, externally the entire building will receive a significant update to the façade using materials & design to reflect the recent extension to 6 Green Lane and the adjacent site at Thurlestone Parade, including new brickwork and render. There will be new shop frontages on the ground floor and changes to the fenestration. This will ensure that the proposed extensions will pay due regard and 'blend in' with the entire building and adjoining ones.
- 7.25 The proposed new floor is not considered to appear unduly dominant, in particular given the set back from the street frontage elevation. The rear extension will also be in keeping with the locality, especially as it is very similar to the extensions carried out at the adjacent site. The proposal will improve the appearance of the building and will pay due regard to the design of the host building and neighbouring sites. It is considered to make a positive

contribution to the street scene. As such the proposed development is considered to be acceptable in design terms and conforms to Policy EN1.

Impact on neighbouring residential properties

7.26 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.”*

7.27 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 policies requirements in order to ensure this is the case.

7.28 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 three storey development as 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 21m for 3 storey development... There are no minimum separation distances for more than 3 storeys.

7.29 The proposed is 4 stories in height and is located some 40m away from the eastern rear boundary with the side of the adjacent residential dwelling at no. 8 Green Lane. This exceeds the minimum separation distance for 3 storey development. Therefore it is considered to have an acceptable relationship with this dwelling and its garden area in order to ensure it will not lead to a significant loss of light, loss of outlook, be overbearing or cause a significant loss of privacy/overlooking

7.30 The residential dwellings located to the south east along Thurlestone Close have their frontages facing towards the application site. The southern flank boundary of the application site, abutting Thurlestone Close, is at an angle so that no 3 Thurlestone Close is in fact located behind part of the existing building and the proposed rear extension. The front boundary of this dwelling will be some 21m away and the front of the dwelling itself will be over 40m away from the rear of the proposed extension. There is no minimum back to front separation distance in the Design SPD, however the proposal does exceed the back to boundary and back to back 3 storey separation distances, and the front of the dwelling is within the public domain. In addition the proposal will not cross the 25 degree line when drawn from a point at 2m above ground level from the front elevation of no. 3 Thurlestone Close, which will ensure an appropriate level of daylight and a significant view of the sky is maintained, as set out in the SPD. Therefore the proposal is considered to

have an acceptable relationship with the existing dwellings along Thurlestone Close in terms of not causing a significant loss of light, loss of outlook, be overbearing or cause a significant loss of privacy/overlooking.

- 7.31 The existing building at Shepperton House has a number of flats already located within it and the proposal will also involve some changes to the layout of these. The proposed rear extension will be in close proximity to the rear of the part of the existing building located along Green Lane, with a set-back of approx. 5m to the rear of the existing flats. These will have obscure glazed windows serving the open plan kitchen, facing the walkways and proposed extension. The main outlook for these existing flats will be towards Green Lane. Therefore the proposed extension is considered to have an acceptable relationship with the existing flats and will not lead to a significant loss of light, outlook or be overbearing. In addition the balconies within the proposed extension to the new flats will have screening to the sides to ensure there is an acceptable relationship with other units at the application site and loss of privacy is not an issue to other flats within the development.
- 7.32 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.

#### Amenity Space

- 7.33 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 per unit for the first 5 units, 10 sq m for the next 5 units and 5 sq m per unit thereafter. On this basis, 240 sq. m would be required for the 13 flats, however in a town centre location such as this, it is not unusual for no or less amenity space provision to be provided. The proposal does provide access to balconies for 9 of the proposed 13 units with a total of approx. 90 sq. m. which falls short of the required amount. However, Manor Park and the River Thames are located at the other end of the High Street and also Shepperton Recreation Ground within a 10 minute walk of the application site. In addition it should also be noted that at both adjacent sites, at 6 Green Lane and 1-12 Thurlestone Parade, the Inspector during the assessment of both appeals considered the lack of amenity space in this location was not a reason to refuse planning permission. In particular during the appeal at Thurlestone Parade the Inspector states that, '*... I note that there is public open space nearby that residents can use given the nature of the accommodation and its location, I consider that the level of provision would be suitable for the likely needs of incoming residents.*'
- 7.34 The applicant notes that in both appeals, the Inspectors took a pragmatic approach and they consider that the apartments would primarily be occupied by young professionals who may commute into central London for work. It was therefore concluded given the nature and location of the development together with public open space in the vicinity that there was not a conflict with policy EN1. In addition the SPD identifies that "*opportunities for on-site open space provision will be limited, particularly where ground floor non-residential uses and access/delivery areas occupy most of the site*", which is exactly the case in this proposal.

- 7.35 In conclusion, it is considered that in this town centre location, close to publicly accessible open space for this type of development, the amenity space provision is acceptable and in keeping with the character of the area.

Proposed dwelling sizes

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

Highway and parking provision

- 7.39 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.”*

- 7.40 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.*

The submission of a Transport Assessment as part of the application should aim to provide a robust assessment of transport and highways implications of the proposed development, focussing on three key transport tests set out in paragraph 108 of the NPPF including:-

- a) *Appropriate opportunities to promote sustainable transport modes can be – or have been taken up, given the type of development and its location*

- b) Safe and sustainable access to the site can be achieved for all users; and*
- c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree*

- 7.41 The proposal does not include any additional car parking spaces over those already provided to serve the existing residential and retail uses on the site and in fact results in the loss of one of the existing spaces. A Transport Assessment has been carried out on behalf of the developer and the results were provided as a parking review. The surveys were carried out on 2 days during November 2018 and it show that 19 unrestricted parking spaces were available on street on both evenings within 200m walk of the site, which the County Highway Authority (CHA) agree with. .
- 7.42 The Consultant also considered additional parking spaces that are available in areas where parking restrictions are in place for certain periods of the day (08:30-18:30 or 07:00-19:00). The consultant has argued that these spaces should be considered as they are available in the evenings when residential parking demand peaks. However, the CHA does not think this element of the approach is suitable. These parking restrictions are in place on all days except Sundays. Residents parking on time-limited single yellow lines would a) have nowhere to park on Saturdays when not at work and b) be encouraged to drive on all days of the week in order to move their car for the restricted hours. It is therefore considered by the CHA that there are approximately 19 available spaces for on street car parking in the vicinity of the site.
- 7.43 The Transport Assessment notes car ownership in Spelthorne is on average 1.48 vehicles per residential dwelling and that it is likely the proposed units would have lower car ownership levels than this. The CHA has agreed with this approach in particular due to the size of the dwellings, the location, and the lack of available on-site parking. The CHA goes on to note that Census data (2011) shows that in Spelthorne 29.8% of flats, maisonettes or apartments have no cars or vans associated with the household. 17.28% have more than one car or van. For Shepperton this figure is 25% have no car or van and 54% have only one car or van. The CHA therefore considers it is fair to assume that in this location, where public transport infrastructure is within comfortable walking distance, a ratio of 1 car per flat is a robust estimate. They note that based on the parking survey data, 13 additional vehicles could be accommodated within the unrestricted on-street parking spaces. This could lead to a reasonable high parking stress (86%) which may cause some inconvenience to existing and future occupiers. The potential resulting stress, the availability of alternatives to the private car including the nearby train station and bus services and the presence of parking restriction in the area will ensure capacity is not adversely effected in the network peak periods. Therefore, the CHA raises no objections to the proposal on parking issues or highway safety issues. Subject to the recommended conditions, the highway and access arrangements are considered to be acceptable.
- 7.44 It is relevant to note that planning permission was refused at the adjacent site 1-12 Thurlestone Parade (ref. 12/01188/FUL) by the Planning Committee in

September 2012. One of the reasons being inadequate parking provision. However, as noted above, planning permission was allowed on appeal (ref. 2194044). Whilst, the Planning Inspector noted that the existing parking space at the rear would be retained with none added in response to the increased number of units, he considered the proposal would not result in an undue increase in demand for on street parking. Most of the units proposed were small households and it was considered that there was good public transport in the proximity of the site. The Planning Inspector concluded that the level of off street parking provision would be appropriate. This was also the case in a more recent application for the extension to the existing building at the former 6 Green Lane for 6 flats, (application ref 15/00427/FUL- Appeal ref 3147648). The Inspector noted that, *'...I am not convinced that the proposed accommodation would materially increase the demand for on street parking given the relatively small size of the units and the accessibility of good public transport links nearby. In such circumstances I consider that the accommodation would be more desirable to small households without a car.'*

- 7.45 Therefore given the proposal is for small units, in this very sustainable location and taking into account the appeal decisions at the application site and immediately adjacent to it, the proposed parking provision is considered to be acceptable. As such it is considered that the scheme is acceptable in terms of policies CC2 and CC3 on highway and parking issues.

#### Flooding

- 7.46 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 requiring development proposals within Zones 2, 3a and 3b and development outside these areas (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).
- 7.47 The site is located within Flood Zone 2, which has a low probability of flooding with a less than 1 in 100 year chance of flooding, and no uses are precluded on flooding grounds. The applicant has submitted a Drainage Strategy.
- 7.48 In terms of flood risk, the site is located outside of the high flood risk area and there is no risk to the future occupants of the site from flooding. With regards to surface water drainage, the report has shown the site is at low risk of flooding and the foul and surface water can be adequately discharged from the proposed development. SCC as the Local Lead Flood Authority have been consulted and note that they are satisfied that the proposed drainage scheme meets the requirement of the NPPF and raise no objection subject to conditions.
- 7.49 The Environment Agency have not commented on the current application. Accordingly, the application complies with the requirements of Policy LO1 of the CS & P DPD.

#### 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 sum 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 an energy statement in which they have investigated viable renewable options and proposed the use of photovoltaic panels to meet our minimum 10% renewable requirement. The Council's Sustainability Officer has been consulted and raises no objection to the proposal. The submitted roof plans show the panels to be located on the roof of the building. Therefore the proposal is acceptable and accords with Policy CC1 subject to a condition.

#### Dwelling mix

- 7.52 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 Supplementary Planning Document "Housing Size and Type" 2012, goes on to note that, *'...where there is a predominance of larger dwellings a mix with less than 80% one and two bedroom dwellings may be appropriate with a greater proportion of 3 bedroom dwellings. However, the majority should still have one and two bedrooms.'*

- 7.53 The application provides 100% of the units as 1 or 2 bed and as such the proposal complies with the requirements of Policy HO4 and is acceptable.

#### Landscaping

- 7.54 The application provides a small amount of landscaping to help to soften the parking area and refuse storage areas, along with providing some at the entrance into the parking area along Thurston Close.
- 7.55 Whilst the proposal provides limited opportunities for landscaping that provided will help to enhance the proposed development at the rear when viewed from the public footpath adjacent. As such this is considered to be acceptable.

#### Contaminated Land

- 7.56 The applicant has submitted a Phase II site investigation report as part of the previous planning conditions at the site. The Council's Pollution Control Officer has raised no objection, subject to condition. As such the proposal is considered acceptable.

#### Air quality

- 7.57 The applicant has submitted an Air Quality Assessment (AQA), for the site as required by Policy EN3 of the CS & P DPD. The Council's Pollution Control section has been consulted on the application and have raised no objection subject to conditions

#### Refuse Storage and Collection

- 7.58 The layout of the site has been designed to ensure that refuse collection vehicles can enter and exit the site in a forward gear. Refuse storage areas are to be provided on the ground floor/car park area in designated compounds

to provide enough bins for 1720 litres of waste for the 11 existing and 13 proposed flats at Araby Corner. The existing 14 flats at the site, fronting Green Lane and including the extension to ait have exinstg bein stores to the front of the site which are not affected by this proposal. The County Highway Authority has raised no objection on this particular issue. The Council's Group Head Neighbourhood Services has been consulted and has raised no objection to the provision..

#### Financial Considerations

- 7.59 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 (although not relevant at outline stage) and will generate a CIL Payment based on a rate of £140 per sq. metre of net additional gross floor space. 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

- 7.60 The proposal is considered to pay due regard to the design and scale of the host building and will be in keeping with the character of the area, making a positive contribution to the street scene. It will be a sustainable form of development, meeting a need for housing on a brownfield site. Although no additional parking is provided and there is shortfall in amenity space provision, given the small units, town centre location and based on appeal decisions at adjacent sites, it is considered to be acceptable.
- 7.61 As such there are no adverse impacts that would significantly and demonstrably outweigh the benefits when taking the tilted balance into account and therefore the application is considered to be acceptable. The application is recommended for approval

### **8. Recommendation**

- 8.1 GRANT subject to the following conditions:

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

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



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

1009/301/0113 02, 10 01, 11, 01, 12 01, 14 02, 15 01, 16 01, 17 01,  
1009/201/013 02, 10 01, 11 01, 12 01, 14 01, 15 01, 16 01, 17 01,  
1009/501/002 08, 003 04, 005 04, 006 04

P/004, 005, 006 and 007 02 received on 31 July 2019 and amended  
plan no. 1009/S01/002 09 received on 04.October 2019.

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

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

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

- 4 Prior to the first use or occupation of the development, 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 in accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

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

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

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

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

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

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

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

8. 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 residential properties, in the interest of security, and in the interest of wildlife.

9. Prior to the occupation of the development hereby permitted the first floor window on the eastern elevation of the proposed new build block shall be obscure glazed and be non-opening to a minimum height of 1.7 metres above internal floor level in accordance with details/samples of the type of glazing pattern to be submitted to and approved in writing by the Local Planning Authority. These windows shall thereafter be permanently retained as installed.

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

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

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

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

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

12. The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles have been provided in accordance with the approved plans. Thereafter the approved cycle parking facilities shall be retained and maintained to the satisfaction of the Local Planning Authority for their designated purpose.

Reason: This condition is required in recognition of Section 4 "Promoting Sustainable Transport" in the National Planning Policy Framework 2018, and to accord with policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

13. 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.

14. Notwithstanding the provision of the Town and country Planning General Permitted development Order 2015 (or any Order revoking and re-enacting that Order), the four new commercial premises fronting the High Street, adjacent to Thurlestone Close shall be used only for purposes within Use Class A1, A2, A3 or A4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (As amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: - To safeguard the amenity of neighbouring residential properties' and in the interest of maintaining the vitality and viability of Shepperton Town Centre.

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

Reason: To safeguard the amenity of nearby residential properties.

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

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development.
- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

e) Details of drainage management responsibilities and maintenance regimes for the drainage system.

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

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

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

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

#### Informatives to be attached to the planning permission

1. 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).
2. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs
3. The applicant's attention is drawn to the ACPO/Home Office Secured by Design (SBD) award scheme, details of which can be viewed at [www.securedbydesign.com](http://www.securedbydesign.com).
4. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the

removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

5. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwgriskmanagement@thameswater.co.uk](mailto:wwgriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
6. Please note that this application is subject to the payment of Community Infrastructure Levy (CIL). Full details of the charge, how it has been calculated and what happens next are set out in the CIL Liability Notice which will be sent separately.

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

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

7. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
  - (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
  - (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
  - (c) Deliveries should only be received within the hours detailed in (a) above;
  - (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsters and wheel washes;
  - (e) There should be no burning on site;
  - (f) Only minimal security lighting should be used outside the hours stated above; and
  - (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

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

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

8. The applicant is advised that the essential requirements for an acceptable communication plan forming part of a Method of Construction Statement are viewed as:
  - (a) How those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme;
  - (b) How neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them;
  - (c) The arrangements that will be in place to ensure a reasonable telephone response during working hours;
  - (d) The name and contact details of the site manager who will be able to deal with complaints; and
  - (e) How those who are interested in or affected will be routinely advised regarding the progress of the work. Registration and operation of the site to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements.
9. The applicant is advised that planning permission is likely to be required for the provision of ducting for any use requiring the cooking of hot food on the premises.