

# Planning Committee

11 December 2019



<b>Application No.</b>	19/01237/FUL
<b>Site Address</b>	Staines Ex-Servicemen's Club, 6 Laleham Road, Staines-upon-Thames TW18 2DX
<b>Applicant</b>	Mr D Conway, Ravensgate (Staines) Limited
<b>Proposal</b>	Proposed demolition of existing clubhouse building and outbuildings to allow for construction of a new ex-servicemen's clubhouse and apartment complex comprising 14 no. apartments with integral car and bicycle parking, refuse storage, landscaping and amenity space together with altered vehicular access point from Laleham Road.
<b>Ward</b>	Riverside and Laleham
<b>Call in details</b>	N/A
<b>Officer</b>	Kelly Walker

<b>Application Dates</b>	Valid: 11/09/2019	Expiry: 11/12/2019	Target: under 13 weeks
<b>Executive Summary</b>	<p>This planning application seeks planning permission for 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 has been amended since the previously refused scheme to seek to address the concerns raised. It has been amended in a number of ways to improve the design, including a full height glazed bay on each building, providing a set-back of the top floor and increasing the gap between the buildings at this level. As a result the proposal now appears more balanced with a visual reduction in scale and bulk compared to the previously refused scheme. It also includes amended materials and design features to reflect those of neighbouring sites.</p> <p>The proposal is now considered to pay more regard to characteristics of neighbouring properties and would now reflect features of the locality and make a positive contribution to the street scene. Therefore, it is now considered to be acceptable on design grounds. It would be an efficient use of land providing a good standard of housing in terms of space, and outlook. Some further planting has been provided around the building, despite there being little space around the building.</p> <p>The scheme is acceptable in regards to flooding, highway issues,</p>		

	<p>parking 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. Following the amendments of the scheme, it is considered that the proposal will now make a positive impact on the character of the area and pay due regard to its surroundings.</p> <p>As such it is no longer considered that there is harm caused with the development of this site. The improved design of the proposal is now considered to be acceptable and will no longer have an adverse impact. There will also be benefits of providing new housing which has a significant weight.. Therefore the proposal is considered to conform to Policies EN1 and LO1 of the Core Strategy and Policies DPD and the NPPF. Therefore, the application is recommended for approval.</p>
<b>Recommended Decision</b>	This planning 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)
- 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
- SPD on Flooding

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

## 2. Relevant Planning History

19/00901/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.	Refused 21.09.2019
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	Erection of a single-storey extension to	Granted

### **3. Site Description**

- 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
- 3.7 The overall building will continue to be mainly 4 storeys in height. It will measure some 30m in total length, (with a 6m gap between the buildings), which increases to 11.5m gap at second floor level) 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.

#### Comparison with Previous Refused Scheme

- 3.8 This planning application is a revision to the previous refused scheme, reference 19/00901/FUL. It was refused for the following reason:-

*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. Additionally, the proposal has failed to demonstrate, to the satisfaction of the Local Planning Authority, that the renewable energy provision can be provided in a manner which is satisfactory in design terms. The proposal is, therefore, contrary to Policies EN1, HO5 and CC1 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.*

- 3.9 The current application has been further amended since submission, to try to address the above reason for refusal. The application has the same description as the previous refused scheme and is for the same number of units. The proposal is for the demolition of existing clubhouse building and outbuildings to allow for construction of a new ex-servicemen's clubhouse 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
- 3.10 As noted above the application does not include a reduction in the number of units but does include a reduction in floor space and changes to the design. The current proposal differs from the previously refused scheme by introducing the following changes:

Improvements to the design of the street frontage from a pedestrian view point by:-

- Increased landscaped area to the street scene which includes a change of the additional planter's size located by the club
- -Window cills to the street elevation, club lobby & WC's have been lowered to improve relationship to street/public realm

To reduce scale and mass by:-

- An overall reduction in floor area of 35.18m<sup>2</sup>
- Removed dining 'pods' / angled bays
- Created a set-back on the top floor from the street,
- Positioned the top floor more centrally to each building with a greater set back from each other increasing the gap, resulting in the top floor appearing less prominent
- removed the bridge link as well as the corner balcony – all to 'open up' the gap between the buildings
- Amended shape of the cantilevered roof over the top floor to make more 'slimline and 'delicate'
- Added pocket windows to allow for the master bedrooms to benefit from the river view and also to break the mass of the side elevation (plus add some interest)
- Balustrade has been simplified to be a 'frameless' glass
- The colour of the cladding has been lightened (inspired by the railway bridge nearby) and brick darkened slightly (to match the properties on the other side of the road as near as possible)

In addition:-

- Angled balconies have been introduced to the river side as well as circular supporting columns to further improve the river aspect
- Brise soleil (sun canopies) have been added to the river elevation

The applicants also note that the changes are more in keeping with the design of neighbouring sites by:-

- The rhythm of the bays has been designed to relate to the properties on the opposite side of Laleham Road.
- Updated fenestration pattern which relates to the cottages opposite and helps to break up the mass of the building
- Brick detailing in the form of projecting bricks and brick bands to the parapet walls, including a saw-tooth brick pattern inspired by the existing.

- 3.11 Further details of the air source heat pumps included for the 10% renewable requirement have been provided, which was also included in the reason for refusal.
- 3.12 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
Lead Local Flood Authority (Surrey County Council)	No objection. Recommends conditions.
Crime Prevention Officer	No objection. Makes a number of detailed security related comments to enable the Secure by Design award to be achieved. (Officer note: these can be dealt with as an informative)
Natural England	Has replied to say 'no comment'
Surrey Wildlife Trust	No objection.
Tree Officer	No objection.
Thames Water	No objection with regard to sewage infrastructure.
Environmental Health (Contaminated land)	No objection. Recommends conditions.
Environmental Health (Air Quality)	No objection. Recommends conditions.
Environmental Health (Noise)	No objection. Recommends conditions.
Runnymede Borough Council	No objection
SCAN Officer (Spelthorne Committee for Access Now)	Raises concerns that not all flats are accessible via a lift and disabled parking provision. 9 of the units in the southern block are accessed via a lift. 2 disabled parking spaces have been provided in the car park.

Staines Town Society	<p>Raises an objection on design:-</p> <ul style="list-style-type: none"> <li>• Plan difficult to see the difference but it now looks larger and squarer</li> <li>• No amount of tweaking the details will alter the fact that this is an overdevelopment of the site- too big and blocky, not in scale or in character with the neighbourhood oversized footprint leaving no amenity space. Balconies limited in size.</li> <li>• Too many flats cramped layout with minimal storage area, bedrooms adjacent to lift shaft is not a good idea.</li> <li>• Club will cause a noise nuisance to flats especially in summer.</li> <li>• Cycle storage is cramped,</li> </ul>
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## 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. Residents were also re-notified about amendments to the scheme during the course of this application. Letters have been received from 3 properties. In addition a petition with over 500 signatures was received in support of the application.

5.2 Reasons for objecting include:-

- Loss of privacy to 26 Laleham Road
- Too tall
- Design does not match any existing house in the area
- Not enough parking for club patrons who will use the surrounding roads
- Laleham Road is already very busy
- Water and sewer are very old and cannot cope
- Alley way between site and Regatta House could encourage anti-social behaviour
- Too large for the site
- Density too high
- Over development
- Out of character
- Noise disturbance to neighbours due to club

The applicant had previously carried out a public consultation in December 2018 during the assessment of the last application ref 19/00901/FUL.

## 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 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 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."*

- 7.13 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. Although it is noted that there are a number of flats nearby.
- 7.14 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, with the improvements made to the overall design of the scheme, it is now considered that this proposal does comply with policy EN1 as it is now more compatible with the character of the area which is discussed below. It is also relevant to note that the reduction in floor area compared to the previous scheme, of some 35 sq. m is the size of a studio flat. As such, although the proposal does not result in a reduction in the no. of flats overall, the floor area that has been removed, does provide enough space for 1 unit. Consequently, now the design has been improved, the proposal is considered to conform to Policy EN1 (and therefore HO5), which is explained in the following paragraphs.

#### Design and appearance

- 7.15 The 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.'*

- 7.16 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.”*

- 7.17 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.

- 7.18 In para 131 of the NPPF it 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).

- 7.19 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*”.

- 7.20 The Government has also recently introduced a new National Design Guidance in October 2019 which seeks to address the question of how we recognise well-designed places, by outlining and illustrating the Government’s priorities for well-designed places in the form of ten characteristics.
- 7.21 The existing building on site is located abutting the road and has a tired and dated appearance. 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 over 4 storeys which includes the lower ground floor which will be sunk beneath the existing ground level with an undercroft parking area. The ground floor of the building will be 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. Therefore although over 4 storeys the building will not have the height and scale of a full 4 storey building as the lower level is partly beneath the ground, particularly on the street frontage. The undercroft area will have the parking area and cellar/store for the club house. It will provide a replacement club at ground floor level along with 4 flats and additional flats will also be provided on the first and second floors above.
- 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 Amendments to the scheme have evolved through discussions with planning officers to try to address the reason for refusal and improve the design of the built form. The number of units, overall footprint and overall height of the built

form have not changed. However amendments to the scheme have helped to improve its overall design, reduce the scale and bulky appearance, improve the ground floor pedestrian street scene elevation and pay better regard to the character of the area. The applicants comment that, *'...in summary, key elements of the surrounding domestic vernacular have been translated into contemporary forms for this new design; in particular, the inspiration taken from the rhythm of the semi-detached properties on the other side of Laleham Road, brick colour detailing and proportion of fenestration facing the street. Also bays of the adjacent houses are apparent in the angled projections to the sides which are a modern interpretation of this traditional feature'*.

- 7.24 The proposal continues to be for a building over 4 storeys including a lower ground floor parking area located below ground level. The proposed built form is split into 2 separate buildings with no attachment to one another, to help improve the gap and separate nature of the buildings. The building design has flat roofs with staggered levels and balconies, as before. The applicants note that, *'...a modern design approach has been chosen following the comments received on the 'pitched roofs' scheme submitted in 2016 which was criticised.'* In addition they also comment that, *'...A flat roofed solution is proposed which not only provides an opportunity to introduce green roofs that would contribute to enhancement of biodiversity but also help with runoff water attenuation.'* There is no objection to a flat roofed scheme in principle.
- 7.25 The built form steps away from the boundaries as it increases in height, in particular with the northern boundary with Regatta House. A full height central glazed projecting bay section has been introduced on each building with the rest of the second floor now being set back from the front street elevation and amended to be located more centrally on the built form below. This helps to improve the proportions of the building and improve its design, which results in it appearing more visually pleasing. It also results in the top floor being less prominence and appear subservient, resulting in a reduction in bulk and scale of the built form. This increases the gap between the buildings at this level to 11.5m with no attachments to one another. Some balconies have been reduced in size to help further with the relationship with neighbouring properties and this has led to an increase in the flat roofed areas which will be 'green' with vegetation.
- 7.26 The space between the 2 blocks has been increased and is emphasised with the removal of the links and moving the built form further away. This helps to provide more space around the built form, which is an important feature of the street and improves the view in the river direction from Laleham Road. The rest of the built form will still fill much of the width of this wide plot fronting Laleham Road and also the river frontage. It will also continue to 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, However the changes in the design have helped the building to appear less bulky and less dominating on the plot, in particular with the further setbacks and additional windows as features to give interest to this prominent flank elevation..
- 7.27 Materials and finishes are no longer set out in blocks, and the windows have been redesigned so that they are no longer all square in various sizes and

positions. This has been amended to try to overcome the bulky and boxy appearance of the previous scheme, but still providing a modern building which will be visually attractive as it has been well designed. The new National Design Guide 2019 in para 53 states that, '*...Well-designed places are visually attractive and aim to delight their occupants and passers-by. They cater for a diverse range of residents and other users. All design approaches and architectural styles are visually attractive when designed well.*'

- 7.28 It is considered that the amended scheme now pays more regard to the characteristics and features of neighbouring sites by improvements to the overall design. Although still contemporary in its design, it appears more in proportion and therefore less bulky. The changes to the design in terms of less square and blocky features, including window design and use of materials, results in it no longer appearing 'boxy.' The applicant has tried to address the concerns with not paying enough regard to features of the neighbouring sites including materials, by increasing the amount of brick on the street frontage and reducing the amount of white render. The metal cladding is now a light pale grey to match the colour of the railway bridge to the north. In addition the brick has been amended from cream to London Stock brick to match the nearby buildings.
- 7.29 It is considered that the proposal now pays better regard by using brick and rhythmic windows/bays and proportions to reflect those design features of the buildings on the opposite side of the road, and by providing a more vertical emphasis. The National Design Guide 2019 notes that materials can help a development to fit in with its surroundings and para 29 states that, '*...The materials used for a building or landscape affect how well it functions and lasts over time. They also influence how it relates to what is around it and how it is experienced. The scale, form and appearance of a building influence what materials may be appropriate for its construction. Materials should be practical, durable, affordable and attractive. Choosing the right materials can greatly help new development to fit harmoniously with its surroundings.*' (officer emphasis)
- 7.30 Although the footprint is the same and there will still be limited space around the proposed built form, the proposed amendments, including a more balanced appearance and proportions, along with the provision of some further landscaping will help the proposal to appear less dominant on the plot and have an improved appearance. In particular the applicants have taken steps to improve the ground floor street elevation, which still comprises the bin store, beer cellar and the undercroft car parking and access, with a small element accommodating the club and flat entrance areas. This has been achieved by providing some full height windows to give a more human scale and also the provision of a planter for landscaping to help to soften the appearance. As such at street level, the building design has improved its previous negative and hostile impact on the street scene.
- 7.31 The applicant notes that, '*...The design is well considered, pays close regard to the established scale and fits well into the environment. The changes implemented to the street façade help to break the mass and scale of the proposals. Although the scheme represents modern architecture, the detailing*

*included within this submission allows the new buildings to integrate into Laleham Road street scene. The proposed scheme represents a substantial improvement when compared to the existing inefficient and run-down club building, resulting in a benefit to the neighbouring properties.* It is considered that the proposed building has been improved in design which helps to visually improve the appearance of the building, appearing more in keeping with neighbouring properties and reducing its overall bulk and scale. This has resulted in the building being able to integrate well into the existing street scene, yet still have its own distinct identity, as set out in Policy EN1. It is considered that the changes now allow the building to have a positive contribution to the area, conforming to Policy EN1 and the SPD.

- 7.32 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. Although the undercroft element will be evident within the design of the building on the main street elevation, some changes have helped to improve its appearance and to give it more of a human scale. In addition the proportions of the building have been improved with the emphasis of vertical breakup of the building rather than blocks which helps to reduce the bulky appearance of the building, despite the floor levels not lining up with neighbouring properties.

The National Design Guide 2019 also notes that, '*...well-designed places contribute to local distinctiveness. This may include:-*

- *adopting typical building forms, features, materials and details of an area;*
- *drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings;*
- *using local building, landscape or topographical features, materials or planting types;*
- *introducing built form and appearance that adds new character and difference to places;*
- *creating a positive and coherent identity that residents and local communities can identify with.*

It also states in para 56 that, '*...Materials, construction details and planting are selected with care for their context. They are attractive but also practical, durable and affordable. They contribute to visual appeal and local distinctiveness. In well-designed buildings, the materials and details suit the design concept and they are consistently followed through the construction process to completion.*'

- 7.33 More features characteristic of neighbouring sites have been introduced to help ensure it pays due regard and integrates better with its surroundings, in particular with the use of materials, proportions and bay features. The bulk, and scale of the proposed built form has been addressed by improvements to the overall design and appearance of the building. In particular by reducing the floor area, setting back much of the top floor from the front elevation and also from one another to increase the gap to make it appear less prominent and the building more in proportion and balanced. Although it still continues to



have its own identity, it now pays due regard to other nearby sites. Despite the fact that there continues to be a little space around the building, the improved design, which allows for higher densities. It respects the street scene of Laleham Road, adding positively to it.

- 7.34 The proposed development will provide an improvement in terms of 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. It will also include another building to the south taking up much of the site which is currently open to the south. This building will be set back further from the highway compared to the existing building. The current proposal is now considered to take into account the character of the area as is required by in the Supplementary Planning Document on Design and Policy EN1, and conforms to the NPPF. In addition, the scheme promotes sustainability and it is considered that the proposal will 'fit in' with the overall form and layout of its surroundings. As such the proposal is considered to be acceptable in design terms and overcomes the previous reasons for refusal, conforming to Policy EN1

#### River Thames and its Tributaries

- 7.35 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.*

- 7.36 Previously it was considered that the riverside character is quite different with longer views and, in particular when viewed in combination with the opposite bank. The scheme proposes minimal changes to this elevation and the ones that have been included are considered to improve the overall design and would be in keeping with the riverside frontage. As such, it is still not considered that the proposed development would be of detriment to the river setting and accords with Policy EN9.

#### Impact on neighbouring residential properties

- 7.37 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."*

- 7.38 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.
- 7.39 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. 40 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.
- 7.41 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. Therefore, 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. There is a proposed access along the northern side of the proposed development which formed part of the previous scheme. This is not accessible by the public so anti-social behaviour is unlikely to occur.
- 7.42 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 a consequence, 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.

- 7.43 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 with a gap of 6m centrally which increases in width to 11.5m at second floor level, compared to the existing building 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 parts of the buildings, but some 19m between the front of the existing cottage and the first floor and the second floor is now set even further back. 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. Therefore it is considered that the proposed dwellings will have an acceptable relationship with the existing cottages opposite the site on Laleham Road.

- 7.44 The proposal is considered to continue 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

- 7.45 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 approx. 230 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 340 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

- 7.46 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.
- 7.47 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.
- 7.46 Despite the amendments all of the proposed dwelling sizes continue to 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 overall amenity continues to be acceptable.

#### Highway and parking provision

- 7.49 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.*
- 7.50 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.
- 7.51 On 20 September 2011 the Council’s Cabinet agreed a ‘Position Statement’ on how Policy CC3 should now be interpreted in the light of the Government’s 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).

- 7.52 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.
- 7.53 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 notes 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.
- 7.54 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.

- 7.55 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 continues to be acceptable in terms of policies CC2 and CC3 on highway and parking issues.

#### Flooding

- 7.56 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).
- 7.57 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.
- 7.58 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.
- 7.59 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 continues to be acceptable on flooding grounds and it accords with policy LO1.
- 7.60 The EA does 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.
- 7.61 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.

- 7.62 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*".
- 7.63 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 still considered to be acceptable on the grounds of providing safe access and egress for future occupants in accordance with Policy LO1.

#### Renewable Energy

- 7.64 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.
- 7.65 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. The applicant have provided further details about this and the location which notes that air source heat pumps will be located at high level in the semi-basement car park to ensure any visual impacts are minimised. Accordingly, the renewable energy proposals are acceptable but details would be subject to condition. This also addresses the issue raised in the previous reason for refusal.

#### Ecology

- 7.66 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.
- 7.67 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.

- 7.68 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. As such there continues to be no objection on ecology grounds.

#### Dwelling mix

- 7.69 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.
- 7.70 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

- 7.71 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.
- 7.72 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 including trees, and some landscaping to help soften the built form. A planter has also been introduced at the front of the proposed club the improvements in the design means the building will appear less dominant and will integrate better with the street screen, however the landscaping will complement the new design and will be covered by condition.

#### Contaminated Land

- 7.73 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

- 7.74 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.



### Refuse Storage and Collection

- 7.75 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. The proposal provides a bin store area for the flats at the front of the site and this provides enough space for 7080 litres of waste which exceeds the required amount of 6720 litres for the 14 flats and there is additional bin storage space for the club.
- 7.76 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. The new lay by will enable the collection to be carried out efficiently. Accordingly, the proposed refuse storage and collection facilities are acceptable.

### Crime and Design

- 7.77 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. It is recommended that this can be brought to the attention of the applicant by adding an informative.

### Other Matters

- 7.78 The applicant has 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. Mitigation measures during the construction will help with noise between the club, residential units at the site and also will help with noise created to existing residential properties. This will also be covered by Building Regulation Control.

### Financial Considerations

- 7.79 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

- 7.80 The proposal seeks to redevelopment the Ex-Serviceman's site with the provision of a new club house and flats which will meet the need for housing and has significant weight. It will make effective use of urban land in a sustainable location. The amended scheme is considered to have improved the overall design, which in turn has helped to improve its appearance and proportions, increasing the gaps between the built forms and make it appear more balanced, including features which are more sympathetic to local character and improves the character and quality of the area. The proposal is now considered to respect and make a positive contribution to the street scene and the character of the area in which it is located and does pay more regard to the characteristics of adjoining buildings, fitting in with the overall form and layout of its surroundings. On balance the amended and improved proposal to provide 14 units and a clubhouse is considered acceptable.
- 7.81 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. The proposal is considered to be a large improvement to the previously refused scheme and now pays better regard to its surroundings. As such it is no longer considered that harm would be caused that would significantly and demonstrably outweigh the benefits of providing new housing in this location. Therefore the proposal is considered to be conform to Policies EN1 of the Core Strategy and Policies DPD and the NPPF. Consequently 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:-  
  
L2545/LPA and existing site plan received on 11.09.2019 and amended plan nos. L2545/05Q, 06S, 07K, 08P, 09R, 10M, 11M, 12L, 14D, 18C, 20 and 21A received on 01.11.2019  
  
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.

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 occupation of the units the proposed first floor windows in the northern and southern flank elevations of the main building (not including the projecting element) shall be obscure glazed and non-opening to a minimum of 1.7m above internal floor level. Details of glazing to be installed shall be submitted to and approved in writing by the Local Planning Authority. These windows will 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. Prior to the occupation of the development, details of a scheme of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s)/use is/are occupied. Development shall be carried out in accordance with the approved details and maintained as approved.

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

11. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA), prepared by Water Environment Limited, report number 04, version 05, dated 06 September 2019, and the following mitigation measures it details:

- Finished levels of the upper ground floors shall be set no lower than 16.34 metres above Ordnance Datum (AOD), as stated in paragraphs 5.16 and 5.19.
  - The “river boundary wall” shall be retained at existing levels, as stated in paragraph 2.27 and shown in drawing 1 of appendix A (Reference: DTS260315- 5S7).
  - All void openings and boundary wall railings, plus gated accesses, shall have a minimum bar spacing of 100mm, as stated in paragraph 2.25 and drawing 3 of appendix A (reference: L2545/06, revision P).
  - Ground levels fronting the River Thames and within the “amenity space” proposed shall be lowered to 15.0 metres AOD and 14.8 metres AOD respectively, as stated in paragraphs 2.26 and 2.27 and shown in drawing 3 of appendix A (reference: L2545/06, revision P)
  - Void openings, gated accesses and fencing shall be constructed in accordance with the dimensions, threshold and soffit levels stated in paragraphs 5.48 to 5.52 and shown in drawing 3 of appendix A (reference: L2545/06, revision P)
- These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme’s timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason** This condition is sought in accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere. In particular to:

- To reduce the risk of flooding to the proposed development and future occupants
  - To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided
- To ensure that the proposed development will not cause an unacceptable restriction to flood flows

12. No development shall take place until a landscape and ecological management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.  
The scheme shall include the following elements:
  - detail extent and type of new planting (NB planting to be of native species of local provenance).
  - details of proposed green walls and roofs, including extent and an appropriate substrate and planting mix
  - plan showing the number and location of the enhancements listed in section 5.6 of agb Environmental’s Ecological Impact Assessment (Nov 2018)
  - details of maintenance regimes

- details of management responsibilities and provision of appropriate funding

Reason:-This condition is necessary to mitigate for the impact of the proposed development within the River Thames buffer zone and to secure opportunities for the enhancement of the nature conservation value of this site.

13. No part of the development shall be first occupied unless and until the proposed vehicular access to Laleham Road has been constructed in accordance with the approved plans and provided with visibility splays measuring at least 2.4m x 40m in either direction. Thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

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.

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

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.

15. 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.

16. The development hereby approved shall not be first occupied unless and until pedestrian facilities including:
- a pedestrian crossing facility on Laleham Road, generally in accordance with drawing L2545/05 Rev L
  - Dropped kerbs and tactile paving at the proposed site access

have been constructed in accordance with a drawing to be submitted to and agreed in writing by the Local Planning Authority.

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.

17. The development hereby approved shall not be occupied unless and until at least four of the proposed residential parking spaces are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) for the charging of electric vehicles in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

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

18. 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.

19. 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.

20. Prior to the occupation of the building, facilities within the curtilage of the site for the storage of refuse and recycling materials shall be implemented in accordance with the approved plans 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.

21. 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 feature (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.

22. 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.

23. The premises may be used for the purposes hereby permitted between 08.30a.m. and 23.00p.m. on Mondays to Fridays, 08.30am and 23.30pm on Saturdays and between 08.30am and 22.00pm. on Sundays and Bank Holidays.

Reason:- To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties in accordance with policies SP6, EN1 and EN11 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

24. 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.

25. Prior to occupation of the proposed flats, details of screening to be installed to the side of the proposed balconies/terraces shall be submitted to and approved in writing by the Local Planning Authority . This screening shall be installed prior to the occupation of the units and thereafter retained as approved.

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.

#### 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 [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@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.