

# Planning Committee 29 April 2020



<b>Application No.</b>	19/01516/FUL
<b>Site Address</b>	381 - 385 Staines Road West, Ashford, TW15 1RH
<b>Applicant</b>	Mr S McPeake
<b>Proposal</b>	Erection of block comprising 8 no. one bed and two bed flats to the front of the site and 4 no. dwellings (comprising 1 no. 2 bed chalet bungalow, 2 no. three bed semi-detached houses and 1 no. four bed detached house) to the rear of the site, all with associated parking, amenity space and landscaping. Formation of a new vehicular access to the site, following demolition of existing dwellings and commercial buildings.
<b>Ward</b>	Ashford Common
<b>Call in details</b>	N/A
<b>Officer</b>	Kelly Walker

<b>Application Dates</b>	Valid: 08/11/2019	Expiry: 07/02/2020	Target: Extension of time agreed
<b>Executive Summary</b>	<p>Planning permission was previously approved for the same scheme Ref 16/01900/FUL which recently expired during the course of this current application (on 12/02/2020). This is a very significant material planning consideration and weighs very strongly in favour of the current application, given there have been no policy changes during this time which would affect the determination of the proposal.</p> <p>This planning application seeks the demolition of the existing buildings on site comprising of 2 dwellings and removal of an existing car sales and repairs and the erection of 12 residential units, including a block of 8 flats to the front of the site and 4 dwellings to the rear, with associated landscaping and parking.</p> <p>The scheme is considered to be an acceptable form of development which will provide a use more compatible with the residential nature of the area than the car sales and repairs. The proposal is considered to be in keeping with the character of the surrounding area and is acceptable on design grounds. It will be an efficient use of previously developed land providing a good standard of housing. It is also considered to conform with policies on highway issues, parking provision, flooding, renewable energy and air quality.</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)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- 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/SPG):

- SPD on Design of Residential Extensions and New Residential Development 2011
- SPG on Parking Standards
- SPD on Flooding 201

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

### **2. Relevant Planning History**

16/01900/FUL	Erection of block comprising 8 no one bed and two bed flats to the front of the site and 4 no.	Approved 13.02.2017
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	<p>dwelling (comprising 1 no. 2 bed chalet bungalow, 2 no. three bed semi-detached houses and 1 no. four bed detached house) to the rear of the site, all with associated parking, amenity space and landscaping. Formation of a new vehicular access to the site, following demolition of existing dwellings and commercial buildings.</p>	
15/01174/FUL	<p>Erection of 5 no. two bed terraced houses to the front of the site and 4 no. dwellings (comprising 1 no. 2 bed bungalow, 2 no. three bed semi-detached houses and 1 no. four bed detached house) to the rear of the site, all with associated parking, amenity and landscaping. Formation of a new vehicular access to the site, following demolition of existing dwellings and commercial buildings.</p>	<p>Refused 23.10.2015</p> <p>Appeal dismissed 17.08.2016</p>
14/01529/FUL	<p>Erection of apartment block consisting of 8 units (all 2 beds), 1 no. 2 bed bungalow and 3 no. houses (2 no. 3 beds and 1 no. 4 bed) with associated parking and amenity space and formation of new vehicular access to the site, following demolition of existing dwellings and commercial buildings.</p>	<p>Refused 05.12.2014</p>
13/00336/OUT	<p>Outline application for the erection of 14 two bedroom houses, new access, parking and associated external works following demolition of existing commercial buildings and dwellings.</p>	<p>Refused 18.09.2013</p>
97/00660/FUL	<p>Retention of workshop building.</p>	<p>Grant 27.05.1998</p>
SPE/FUL/89/68	<p>Erection of a single-storey workshop and storage building measuring 9.5m (31 ft. 2 in) by 7.8m (25 ft. 7 in).</p>	<p>Grant 07.02.1990</p>
SUN/FUL/10490	<p>Erection of two blocks of flats, each consisting of nine flats and twenty one garages.</p>	<p>Refused 11.04.1973</p>
SUN/FUL/4789D	<p>The use of land for the sale and display of motor Vehicles.</p>	<p>Refused 13.11.1957</p>
SUN/FUL/4789A	<p>Erection of garage, wash house and bathroom.</p>	<p>Refused 10.05.1988</p>

### 3. Site Description

- 3.1 The application site is a regular shaped plot on the northern side of Staines Road West. It is currently occupied by car sales / garage and associated outbuildings and two residential dwellings. A Tree Preservation Order (TPO) applies to tree at the front of the adjoining site to the east. Notwithstanding the existing use on the site, the area is predominantly residential with properties fronting Hughes Road and Cecil Road adjoining the site. The properties on Hughes Road to the west of the site, are low in nature, consisting of bungalows and chalet style bungalows and have very short rear gardens The site is located within the urban area.

#### Background

- 3.2 This application is for the same scheme as that approved in February 2017 (ref 16/01900/FUL) and which has expired during the course of this application (expired on 13 February 2020). That application was a slightly amended version of a previously refused scheme, in order to overcome the reason for the dismissal of the subsequent appeal. The reason for the appeal being dismissed related only to Policy HO4 in terms of housing size and type. The Inspector did not raise an objection to the design and scale, or the impact on the amenity of neighbouring properties. Following the dismissal of the appeal the new amended scheme (ref 16/01900/FUL) was considered to overcome the reason for the dismissal of the appeal and permission was granted. This therefore is a very significant material planning consideration and must be given substantial weight. There have been no policy changes that would mean the application should be assessed in a different light. Indeed the main issue that has arisen since the previous approval of planning permission is that the Council no longer has a five year housing land supply and therefore this gives greater weight in favour of approving development proposals for residential units in that a presumption in favour of development applies. These issues are discussed further below.

#### Current Proposal

- 3.3 The applicants had submitted some details in order to discharge some of the pre-commencement planning conditions on ref 16/01900/FUL. However they have run out of time to implement the approved scheme prior to the existing permission expiring and as such have chosen to resubmit the same scheme. As such, the current scheme is the same as the application before ref 16/001900/FUL and is for the erection of a block comprising 8 flats (6 no. one bed and 2 no. two bed flats) to the front of the site and 4 no. dwellings (comprising 1 no. 2 bed chalet bungalow, 2 no. three bed semi-detached houses and 1 no. four bed detached house) to the rear of the site, all with associated parking, amenity space and landscaping, The proposal also involves the formation of a new vehicular access to the site, following demolition of existing dwellings and commercial buildings.
- 3.4 The buildings will be traditional in design with pitched roofs including front dormers in the street elevation and traditional materials along with wooden cladding. There will be an access road onto the site to the west, which will continue along the side of the proposed flats to the 4 dwellings behind at the rear. Parking will be provided to the front of the flats and dwellings, as well as integral garages to the dwellings at the rear of the site. The flats will have a private communal garden area to the rear and the houses all have private rear gardens. There will be a total of 20 off street car parking spaces provided.

3.5 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	Responded with no comments to make
Group Head of Neighbourhood Services (refuse)	No objection
Sustainability Officer	No objection
Lead Local Flood Authority (Surrey County Council)	No objection. Recommends conditions.
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

## 5. Public Consultation

5.1 A total of 21 neighbouring properties were notified of the planning application. In addition, statutory site notices were displayed and the application was advertised in the local press. One letter has been received raising the following issues:-

- Lack of parking provision
- Highway safety issues due to on street parking on Hughes Road

## 6. Planning Issues

- Principle of the development
- Housing density
- Design and appearance.
- Residential amenity
- Highway issues
- Parking provision
- Flooding

- Renewable energy
- 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) 2019.
- 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 2020, with a score of 60 percent. This means that the Council had undelivered housing delivery verses need in previous years and as a result the Council's Housing Delivery Test Action Plan which was produced last year when the test result in 2019 was 63% will need to be updated. The plan positively responds 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, this development was approved just over three years ago. (ref 16/01900/FUL) and has recently expired. 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 some local facilities and public transport links. It is also not located within the Green Belt or a high flood risk area. The area is characterised by mainly residential properties although there are some commercial uses nearby. As such a residential use would be an acceptable use of the site in principle and has previously been approved at the site.

#### Housing density

- 7.10 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.”*

- 7.11 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.
- 7.12 The proposal involves the creation of 12 units within the site of some 0.26 ha. and the proposed density is 46 dwellings per hectare (dph) and therefore conforms to policy HO5 and is acceptable.

Design and appearance

- 7.13 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.’*
- 7.14 Policy EN1a of the CS & P DPD states that *“the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.”*
- 7.15 As noted above this application is for the same scheme as that approved in February 2017 (ref 16/01900/FUL) and expired on the 13 February 2020. That application was a slightly amended version of a previously refused scheme, (ref 15/01174/FUL) in order to overcome the previous reasons for the dismissal of the appeal. The reason did not relate to design and appearance.
- 7.16 The built form is identical in terms of the design, scale and layout. The Inspector who dealt with the appeal raised no objection to the scheme on design grounds. He noted that the properties on Staines Road West are set relatively well back from the road with some commercial uses, ranging from one storey to three storey and of various design styles and construction ages with no dominant design characteristic. He considered that the proposed front block would be the main visual component of the scheme in views from the road and found its design acceptable noting that, *‘...this would be of a traditional simplistic design and be located between the bungalow at No 387 and the detached two storey property at No 379. In terms of scale and mass, the proposed block would not be dissimilar to that of properties currently being constructed on the opposite side of the road at Pearce Court which are also three storey with accommodation in the roof space. It would have much less mass than the three and four storey apartment blocks at the junction of Staines Road West with Chertsey Road/Littleton Road.’*



- 7.17 The Inspector considered that the scheme would be visually 'read' in the context of the wider street scene, and that the width of Staines Road West meant it could acceptably accommodate along its length much larger scale properties than the bungalows to the west of the site. He stated that, *'...I do not consider that the scale, mass or design of the proposed development would cause demonstrable harm to the character and appearance of the area.'* He considered that it would not appear bulky and the current use appears at odd with the residential character. He also considered that the proposal would be more in keeping with the character of this part of Staines Road West. Therefore, residential use would be compatible with the characteristic of the residential uses in the immediate vicinity of the site.
- 7.18 He concluded that, *'...taking the above matters into account I consider that the proposed development would not cause any demonstrable harm to the character and appearance of the area. As such it would not conflict with Policy EN1 of the CSPDPD. This policy, amongst other things, seeks to ensure that new development is of a high standard of design that respects and makes a positive contribution to the street scene and character of the area.'*
- 7.19 As noted above the proposed houses located to the rear are set back a long way from the street frontage and most are located behind the proposed front block, as such they will not be particularly visible from the street scene. The Inspector did not object to the design of these dwellings. They continue to be acceptable in design terms and in keeping with the character of neighbouring properties.
- 7.20 As such the scale and design of the proposed development continues to be in keeping with neighbouring properties, and would make a positive contribution to the street scene conforming to policy EN1 and the NPPF.

Impact on neighbouring residential properties

- 7.21 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."*
- 7.22 The Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) sets out policy requirements in order to ensure this is met.
- 7.23 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).

- 7.24 The Inspector of the previous appeal scheme raised no objection in terms of the impact on neighbouring properties. He considered that the distance from existing properties, along Hughes Road, despite their small rear gardens would be acceptable in particular due to the removal of the workshop buildings. He noted a real benefit to the scheme was the loss of the existing use of the site, *'...moreover, the proposed development would result in the cessation of the vehicle storage and repairs that currently occur up to the property boundary.'*
- 7.25 The Inspector considered that outlook would in fact be improved for No 4 Hughes Road and that the proposal would have an acceptable relationship with and impact on the amenity of neighbouring residential properties adjoining the site. As such and given that the built form is identical to the previous scheme, except for some minor changes to the front block which does not have any additional impact, the proposed development will also have an acceptable relationship with and impact on the amenity of neighbouring properties and conforms to Policy EN1.
- 7.25 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.

#### Housing size and type

- 7.26 Policy HO4 of the CS & P DPD requires 80% of the units to be one or two bed. The proposed scheme is for 12 units of which 9 will be 1 and 2 bedroom units and the remaining 3 houses being 3 and 4 bed. This equates to 75% of the units being of a smaller size which is the same as the last approved scheme and continues to be acceptable.

#### Amenity Space

- 7.27 The Council's SPD on Residential Extensions 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. This would equate to some 205 sqm for the flats and also 60/70 sq. m for each of the houses. The proposal provides 332 sqm of amenity space to the rear of the flats for the use by its future occupants and each of the houses has in excess of 100 sq m rear garden area, providing useful amenity space for the proposed residential units. As such the amenity space provision is acceptable.

#### Proposed dwelling sizes

- 7.28 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.
- 7.29 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.

- 7.30 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

- 7.31 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.*

- 7.32 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.
- 7.33 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).
- 7.34 The Council's Parking Standard stipulates a minimum provision of 18 spaces in total for a scheme of this size. The proposal provides a total of 20 spaces, including 11 to the front of the flats (2 disabled spaces) and 4 garages, 1 for each of the dwellings to the rear. The County Highway Authority (CHA) was consulted on the planning application and has raised no objection to the proposed parking provision. As such it is considered that the scheme is acceptable in terms of policies CC2 and CC3 on highway and parking issues.

Flooding

- 7.35 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).
- 7.36 The site is located within Flood Zone 1, which has a low probability of flooding with a less than 1 in 1000 year chance of flooding, and no uses are precluded on flooding grounds. The applicant has submitted a Flood Risk Assessment as is required by Policy LO1 of the CS & P DPD.

- 7.37 In terms of flood risk the development given the site is located outside of the high flood risk area and as displayed in the FRA there is no risk to the future occupants of the site from flooding. The EA were consulted and made no comment on the application. Accordingly, the application complies with the requirements of Policy LO1 of the CS & P DPD.
- 7.38 The applicant has submitted a Surface Water Drainage Strategy, as is required by Policy LO1 of the CS & P DPD. 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, as such the proposal accords with Policy LO1 on flooding.

#### Renewable Energy

- 7.39 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.
- 7.40 The applicant has submitted a renewable energy statement which considers various renewable energy options for the site. The report concludes that the proposed development can provide Air Source heat pumps (ASHP) and confirms that a total energy reduction of at least 10% can be achieved. The Council's Sustainability Officer has been consulted and raises no objection. Accordingly, the renewable energy proposals are acceptable

#### Contaminated Land and Air quality

- 7.41 The proposal introduces new residential development onto the site and which has an existing commercial use related to car repairs. The Council's Pollution Control Officer has raised no objection but requested standard conditions to be imposed. Subject to these conditions, the proposal is considered acceptable on contaminated land grounds.
- 7.42 The Council's Pollution Control section were consulted on the application and has raised no objection on air quality, subject to conditions.

#### Refuse Storage and Collection

- 7.43 The layout of the site has been designed to ensure that delivery and refuse collection vehicles can enter, turn around, and leave the site in a forward gear and this has been shown on the submitted plan. A refuse storage area has been located to the side of the flatted development at the front of the site, within reach of the refuse collection vehicles and accessible by residents. The proposal provides a bin store area for the proposed flats and this provides enough space for 4510 litres of waste which exceeds the required amount of 4320 litres for the 9 flats. The proposed houses will have their own refuse storage areas to the front of each of the dwellings.
- 7.44 The Council's Head of Street Scene has raised no objection to the arrangement. Furthermore, the County Highway Authority has raised no

objection on this particular issue. Accordingly, the proposed refuse storage and collection facilities are acceptable.

#### Crime and Design

- 7.45 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.

#### Disabilities and Equalities Act

- 7.46 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

The scheme proposes 4 ground floor flats and a bungalow at the rear of the site which will all be accessible to disabled people. The applicants note that the other houses could be adapted for access upstairs. In regards to accessibility the applicant notes that internal and external circulation, including minimum door, corridor and stair dimensions together with cloakroom requirements are all in compliance with Part M of the Approved Building Regulations. There are also 2 no. disabled car parking spaces provided on the site. The scheme is therefore considered to be acceptable in this regard.

#### Human Rights Act 1998

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

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the

wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

#### Financial Considerations

- 7.48 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 £95,000, 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

- 7.49 The proposal is the same as that previously granted planning permission, which is a material planning consideration and must be given substantial weight. It continues to make a positive contribution overall to its immediate locality, have an acceptable impact on the amenity of neighbouring properties and provide an efficient use of land for housing. As such the application is recommended for approval.
- 7.50 In addition, 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. As such it is considered that no harm would not 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 Policy 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 two years from the date of this permission.

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

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

L2143/LP Rev A site location plan, 01, 02, 03, 08, 12, 16, 18 and 19 received on 08.11.2019 along with amended plan ref L2143/15 Rev C and L2143/18 Rev A rec on 09.01.2020 and amended plan ref L2143/14 Rev D site layout rec 08.01.2020

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 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.

9. 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.

10. No development shall commence until a Construction Transport Management Plan, to include details of :
  - (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials



(d) provision of boundary hoarding behind any visibility zones  
(e) measures to prevent the deposit of materials on the highway  
(f) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused  
(g) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: The condition above 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 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

11. No demolition, site clearance or building operations shall commence until a demolition method statement has been submitted to and approved in writing by the Local Planning Authority. The demolition works shall be carried out strictly in accordance with the approved method statement

Reason: - to safeguard the amenity of neighbouring properties

- 12.. Prior to occupation of the units the proposed first floor windows in the western and eastern flank elevations of the proposed buildings 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.

13. That no further openings of any kind be formed in the western and eastern elevations of the proposed buildings, hereby permitted without the prior written consent of the Local Planning Authority.

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

14. 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.

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

Reason: - In the interest of the amenity of neighbouring properties.

16. No part of the development shall be first occupied unless and until the proposed vehicular access to Staines Road West has been constructed and provided with a means within the private land of preventing private water from entering the highway in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved drainage scheme shall be permanently maintained to the satisfaction of the Local Planning Authority.

should not prejudice highway safety, nor cause inconvenience to  
Reason: The condition above 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 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

17. 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: The condition above 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 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

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

Reason: The condition above 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 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

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

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

20. The development hereby approved shall not be occupied unless and until each of the four dwellings at the north of the site, and at least 2 of the available parking spaces for the flats, are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) for the charging of electric vehicles in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: The condition above is required 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.

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) 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. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of **6.6 l/s.**

b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

- c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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

- 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.

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

1. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).
2. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

3. 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). Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage
4. 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).
5. 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.
6. 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).
7. 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).

8. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:

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

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

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

10. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.  
If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.