

Planning Committee

29 April 2020



Application No.	20/00101/FUL
Site Address	Poundland, 95 - 99 High Street, Staines-upon-Thames, TW18 4PQ
Applicant	Mr T Smith
Proposal	Provision of nine new flats and ground floor extension to existing retail unit to rear of site. Erection of 4 no. additional storeys towards rear of site, to provide 7 no. flats. Conversion of first floor and roof of existing 2 storey building to front of site to provide 2 no. flats. Creation of raised communal landscaped areas at first floor. Erection of first floor access lobby to residential accommodation.
Ward	Staines
Call in details	N/A
Officer	Kelly Walker/Susanna Angell

Application Dates	Valid: 04/02/2020	Expiry: 31/03/2020	Target: Extension of time agreed
Executive Summary	<p>This planning application is for nine new flats in total and extension to the ground floor retail use at the rear. It is proposed to erect 4 no. additional storeys towards the rear of site to provide 7 no. flats. Conversion of first floor and roof of existing 2 storey building to front of site to provide 2 no. flats. Creation of raised communal landscaped areas at first floor. Erection of first floor access lobby to residential accommodation.</p> <p>The scheme is considered to be an acceptable form of development which will continue to provide retail use at ground floor and residential above in a sustainable town centre location. Although taller than many of the buildings adjoining it, the proposal is considered not to be of detriment to 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 residential accommodation. It is also considered to conform to policies on parking provision, flooding, renewable energy and contaminated land.</p>		
Recommended Decision	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)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

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

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

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

2. Relevant Planning History

10/00133/FUL	Erection of new shop front.	Granted 13.04.2010
04/00046/ADV	Display of illuminated advertisements	Granted 09.03.2004
99/00071/FUL	Erection of new shopfront.	Granted 08.04.1999

PLAN N/FUL/75/412	Alterations to existing front elevation including a new shopfront.	Granted 09.06.1975
PLAN N/FUL/75/852	Installation of new shop front, and erection of a brick built enclosure for a generator and erection of a small covered area to an unloading bay at the rear of these premises.	Granted 15.12.1975

3. Site Description

- 3.1 The application site is a rectangular shaped plot with a small frontage onto the High Street in Staines-upon-Thames and extending back deep into the site. It is occupied by a 2 storey traditional style building with a pitched roof at the front of the site and a single storey element behind. There is also a small court yard at the rear. The site is currently in a retail use with the property being occupied by Poundland. The site is located within Staines Town centre, within the shopping, commercial and employment zones, within the 1 in 1000 flood zone and also within a site of high archaeological potential.
- 3.2 The immediate area is characterised by relatively low level buildings, including the large mass of the Elmsleigh shopping centre building, taking up a vast area of the land to the south and west of the application site, and indeed the other properties forming the street frontage to the pedestrianised High Street. These are mainly 2/3 storeys on the street frontage, with a variety of designs and features. This includes the 3 storey unique locally listed building to the south west at no. 91-93 High Street, located across the cobbled pedestrian access way. Further to the west is the entrance to the Elmsleigh centre which is a more modern built form with glazing and of a 2 storey scale. Directly opposite on the other side of the High Street are other buildings in a similar use and scale to the majority of others along the High Street. To the eastern end of the High Street on the opposite side of the High Street is a recent hotel development at the Premier Inn which has a taller presence on this prominent corner. Beyond this, to the north east, on the other side of the iron railway bridge, is the current development site of Charter Square, which has a variety of heights stepping up to a maximum of 12/13 stories, with commercial uses at ground level and residential units above. South Street is located to the east and curves around the other side of the shopping centre.

Description of Proposal

- 3.3 The proposal involves the creation of 9 new flats in total, (8 no. 2 bed and 1 no. 1 bed.) The application seeks a ground floor extension to the existing retail unit to the rear of the site and the erection of 4 no. additional storeys towards the rear of the site, to provide 7 no. flats. In addition, it involves the conversion of the first floor and roof of the existing 2 storey building to the front of the site to provide 2 no. flats over 2 floors. The proposal also includes the creation of raised communal landscaped areas at first floor level and the erection of a first floor access lobby to the proposed residential accommodation

- 3.4 The existing building consists of a 2 storey building with a pitched roof fronting the High Street, with a large single storey element behind with a small yard area at the back of the site. The property is currently in a retail use and is occupied by Poundland with the shop at the front and ancillary space behind. The proposal consists of the conversion of the first and second floor (within the roof space) of the main 2 storey building fronting the High Street to a residential use. It will result in 2 no. 2 bedroomed units over 2 floors with the installation of 2 rear facing dormers.
- 3.5 The proposal also includes a ground floor rear extension to create an infill to the courtyard area at the back of the site, which the Elmsleigh Centre building currently wraps around. The ground floor and the new proposed extension to it will continue to have an A1 commercial use and an active frontage to the High Street. Above this ground floor, but set back from the High Street frontage by some 30.8m, will be a 4 storey extension (on top of the existing ground floor and proposed rear extension) which will provide 7 no. residential flats. There will be a new pedestrian entrance on the ground floor to access the proposed flats which are all above ground level. This access will be from the existing pedestrian walkway located on the western side of the property, accessed via the High Street only. The proposal will also include a lobby area on the first floor to provide access to all the proposed flats and the raised garden areas, which will be located in front of and behind the proposed 4 storey block.
- 3.6 The proposed new extension on top of the existing and partly on top of the proposed rear extension, will be an additional 4 stories. It will be set back some 30.8m from the High Street frontage and will be adjacent to the western boundary with the pedestrian access way. The facing external materials will be blended brick of various colours including grey and brown, with regular window openings to give rhythm to the front and rear elevation. The top floor will be set back a further 0.5m from the front and side elevations and will contain different features/materials in order to appear less prominent. It will have aluminium cladding as a contrast and to appear more lightweight. The proposal will result in a 5 storey built form, which is set back some distance from the main street frontage.
- 3.7 Internal bin storage and cycle parking areas for the residential units will be provided within the building at ground level, accessed from the side pedestrian access. In addition the commercial rubbish will continue to be stored at the end of the cobbled access way. Given the location of the site, with its only access along the pedestrianised High Street, no parking provision will be provided.
- 3.8 The proposed site layout and elevation plans are provided as an Appendix.

4 Consultations

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

Consultee	Comment
County Highway Authority	No objection subject to conditions

Group Head of Neighbourhood Services (refuse)	No objection subject to a condition for a waste management plan to be imposed.
Conservation Officer	No objection on the impact of the setting of the adjacent locally listed building
Sustainability Officer	No objection
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)
Tree Officer	No objection.
Thames Water	No objection
SCC Archaeological Officer	No objection subject to a condition
Environmental Health Officer (contaminated land)	No objection subject to conditions.
SCAN Officer (Spelthorne Committee for Access Now)	Raises concerns that access to this car free scheme is via a cobbled lane which makes the flats inaccessible to disabled people and wheelchair users, despite there being lifts.

5. Public Consultation

- 5.1 A total of 8 neighbouring properties were notified of the planning application. 1 letter has been received from Staines Town Society noting that they object to the proposed block being too tall and that the 4 storeys in height is out of character and that it should be 3 storeys.

6. Planning Issues

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

7. Planning Considerations

Need for housing

- 7.1 When considering planning applications for housing, local planning authorities should have regard to the government's requirement that they boost significantly the supply of housing, and meet the full objectively assessed

need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF).

- 7.2 The Council has embarked on a review of its Local Plan and accepts that the housing target in its Core Strategy and Policies DPD-Feb 2009 of 166 dwellings per annum is significantly short of its latest objectively assessed need of 552-757 dwellings per annum (Para 10.42 – Strategic Housing Market Assessment (SHMA) – Runnymede and Spelthorne – Nov 2015). On 20th February 2019, the government updated its guidance in respect of Housing and Economic needs assessment which included proposals for a standard method for calculating local authorities' housing need. A figure of 590 dwellings per annum for Spelthorne was proposed by the application of this new approach. This figure of 590 based on the 2014 household formation projections has also been suggested by the Government in its latest consultation (Oct – Dec 2018). Following recent analysis, the figure has been revised to 603. Despite recent uncertainties, the standard methodology provides the most recent calculation of local housing need in the Borough and is consistent with the range of need identified by the Council in their SHMA. It is therefore appropriate for the Council to use the 603 dwellings per annum figure as their local housing need figure that comprises the basis for calculating the five-year supply of deliverable sites.
- 7.3 The sites identified in the Strategic Land Availability Assessment (SLAA) as being deliverable within the first five years have been used as the basis for a revised 5-year housing land supply figure. Whilst this has shown that notionally we have identified sufficient sites to demonstrate that we have a five year supply of housing sites we have recently been advised that we need to apply an additional 20% buffer rather than the previously used 5%. This is because Government guidance (NPPF para 74) requires the application of a 20% buffer “where there has been significant under delivery of housing over the previous three years”. It therefore has no choice now but to apply the additional buffer for the five year period from 1 April 2019 to 31 March 2024. A 20% buffer applied to 603 results in a figure of 724 dwellings per annum which is our current figures. The effect of this increased requirement is that the identified sites only represent a 4.4 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites.
- 7.4 In using the new objectively assessed need figure of 724 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review, the Borough's housing supply will be assessed in light of the Borough's constraints, which will be used to consider options for meeting need. The Council has now published its SLAA which identifies potential sites for future housing development over the plan period.
- 7.5 As a result, current decisions on planning applications for housing development need to be based on the ‘tilted balance’ approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless *‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole’*.

- 7.6 It should also be noted that The Housing Delivery Test Result for Spelthorne Borough Council was published by the Secretary of State in February 2020, with a score of 60% compared with 63% last year. 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 and the plan will be updated in response to the 2020 test results

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 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 in respect of achieving appropriate densities.
- 7.9 The site is located within the urban area and is a brownfield site within an accessible town centre location, close to many local facilities and public transport links, including the bus station and railway station. It is also not located within the Green Belt or high flood risk area. The area is characterised by commercial use on the ground floor with other commercial uses and residential units above. As such the retention of the retail use at ground floor with an active frontage on the High Street, along with residential units above would be an acceptable use of the site in principle and reflects that of neighbouring properties in this town centre location.

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 (d) states that within Staines Town Centre development should generally be at or above 75 dwellings per hectare but does note that that this is subject to design. .
- 7.12 The proposal involves the creation of 9 units within the site of some 0.20 ha. and the proposed density is 45 dwellings per hectare (dph). Although this is a relatively low density for a town centre location, given the design constraints,

with the set back from the street frontage and restriction on height, along with the fact that there will also be a large commercial unit on the ground floor, it is considered that the density is acceptable in this instance and accords with 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.’* In addition the National Design Guide, October 2019 requires development to create “well-designed places” as “places affect us all – they are where we live, work and spend our leisure time”.
- 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 The existing building on the application site is typical of others in the immediate vicinity of the site. The adjoining sites containing relatively low level buildings, including the large single storey Elmsleigh centre to the south and west of the application site, and indeed the other properties forming the street frontage to the pedestrianised High Street. These are mainly 2/3 storeys on the street frontage, with a variety of designs and features including the unique locally listed to the south west at no. 91-93 High Street, located across the cobbled pedestrian access way. Directly opposite on the other side of the High Street are other buildings in a similar use and scale to the majority of others along the High Street. To the eastern end of the High street on the opposite side of the High Street is a recent hotel development at the Premier Inn which has a taller presence on this prominent corner of 4/5 stories. Beyond this to the north east is the current development site of Charter Square, which has a variety of heights stepping up to a maximum of 12/13 stories, with commercial uses at ground level and residential units above.
- 7.16 The existing building consists of a traditional style 2 storey building with a low level pitched roof fronting the High Street, with a large single storey element to the rear. There is a courtyard garden beyond and the building is in a retail use and currently occupied by Poundland. The proposal consists of the conversion of the first and second floor (within the roof space) of the main 2 storey building fronting the High Street to residential use. It will result in 2 no. 2 bed roomed units over 2 floors with the provision of 2 no. well designed and proportioned rear facing dormers. This will result in the building at the front remaining very much how it currently is, except for the installation of some roof lights, and will be in keeping with the character fo the area.
- 7.17 The proposal also includes a ground floor rear extension to fill in the courtyard area at the back of the site, which the Elmsleigh Centre building currently wraps around. The ground floor, along with the new proposed extension to it

will continue to have a commercial use and an active frontage to the High Street. Above this ground floor, but set back from the High Street frontage by over 30m, will be a 4 storey extension (on top of the existing ground floor) which will provide 7 no. residential flats. There will be a new pedestrian entrance on the ground floor to access the flats which will all be above ground level. This access will be from the existing pedestrian walkway access on the western side of the property. The proposal will also provide a lobby area on the first floor (which includes a light weight dormer style addition) to provide access to all of the proposed flats and the raised garden areas to be located in front of and behind the proposed 4 storey block.

- 7.18 The proposed new extension on top of the existing will be an additional 4 stories. As noted previously, it will be set back some 30.8m from the High Street frontage and some 21m from the back of the existing 2 storey building fronting the site. It will be some 17m in depth and 12.4 m wide at the front, reducing in width as the site narrows, to 10.8 m in width at the rear. The built form will be adjacent to the western boundary with the pedestrian access way and set in some 1.7m from the eastern boundary, with 15m distance to the rear of the site. The facing materials will be blended brick of various colours including grey and brown, to provide variety, with regular window openings to give rhythm to the front and rear elevations. The top floor will be set back a further 0.5m from the front and side elevations. It will have a different finish to that below in order to have a contrast, it will have aluminium cladding appearing more lightweight and less prominent.
- 7.19 The proposal will result in a 5 storey built form, which will be set back over 30m from the main street frontage. As such it will not be visible from the High Street to a pedestrian standing in front of the application site because the set-back is a significant distance and the buildings at the front of the site will restrict views of the built form behind at eye level. This is despite the height of that proposed being taller than the buildings around it. There will be some views of the building from the pedestrian access to the side, but due to the set back from the High Street frontage it will not appear visually obtrusive or of detriment to the street scene. In addition, there will be very limited longer range views of the built form, including from the east along South Street, further along the High Street to the west and to the south west from Thames Street and the Riverside Car Park. This is because the application site is surrounded by existing buildings (including the low level Elmsleigh centre) which restrict the distance at which the development will be visible and therefore limits views from close up. From longer distance viewpoints, the top of the building will be visible but this would be from relatively long distances and such it would not appear unduly prominent. As such it is considered the proposed built form, although taller than the buildings neighbouring it, will not appear visually obtrusive, or out of keeping with the locality and it would not result in a negative impact on the street scene of the High Street. As such the proposal within this town centre location is considered to be acceptable on design grounds.
- 7.20 The residential use above the commercial use at ground floor level would be compatible with the characteristic of the area which has a variety of commercial uses at ground level and some commercial uses and residential uses above.

- 7.21 The adjacent property to the south west, across the pedestrian access path is a locally listed building. As such the applicants submitted a Heritage Statement and the Council's Conservation and Listed Buildings Officer has been consulted. He commented that, '*...The conversion of the current frontage building to residential use will pose no problems as the only change to the street elevation would be two roof windows. If these were of the flush fitting type this would minimise the impact on the roof finish. There is a locally listed building to the right of the application site but this would not be affected in any way. This part of the street which is not in a conservation area, displays a wide variety of building types and scales, the buildings to the left being of a larger scale and bulk. The sections show that the four storey residential proposals at the far end of the site will not be visible from eye level in the High Street. Taking account of the mixed scale of the High Street facades I think confining the higher part of the proposals to the rear of the site, as proposed, is the best option.*' The Design Officer confirms that he raises no objection to the scheme noting that, '*...I would not oppose this scheme on conservation, heritage or urban design terms.*' As such the proposal would not affect the setting of the adjacent locally listed building and accords with Policy EN5.
- 7.22 It is concluded that the scale and design of the proposed development is considered not to be of detriment to the character of the area or the street scene and is considered to be acceptable in this particular location conforming to Policy EN1 and the NPPF.

Impact on neighbouring residential properties

- 7.23 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."

- 7.24 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.
- 7.25 The Design SPD 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).
- 7.26 The proposal is for 4 storeys on top of the existing and there is not a minimum separation distance for back to front relationships. The proposed 4 storey block is set back 21m from the rear of the existing 2 storey building to be converted to flats at the front of the application site, which will ensure there is an acceptable relationship between the 2 sets of proposed flats. This separation distance will ensure that there will not be a significant impact on the amenity on the future occupants of the proposed flats.

- 7.24 The closest neighbouring property with windows in elevations facing in the direction of the application site are those at the adjacent locally listed building to the west at 91 and 93 High Street. These properties have windows in the rear elevation of the 3 storey front element of the building, at first and second floor level. The planning history shows that this has had a residential use in the past, above the commercial ground floor use. The distance between the front of the proposed block and the rear of this part of the building located at the front of the site, which is approx. 20m, there is a gap between the buildings where the pedestrian footpath is, and the proposed block will not be located directly behind this property. Therefore it is considered that the relationship will be acceptable and will not lead to a significant loss of amenity to any occupants. In addition, the applicant has carried out a daylight and sunlight assessment of the impact on neighbouring buildings, including this one. This has concluded that the proposal would result in an acceptable level of light to existing neighbouring properties and that there would be no significant impact as a result of the proposal. The building to the front of the application site to be converted, is already in existence. Roof lights are to be located in the roof slope and will not cause a loss of privacy issues. The relationship with other neighbouring properties is also considered to be acceptable including the one adjoining the site to the east.
- 7.25 The proposal is considered to have an acceptable relationship with and therefore impact on the amenity of existing and proposed 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. Since submission of the application, the mix of the size of the units has been amended. The proposed scheme is for 9 units of which 8 will be 2 bedroom units and the remaining flat on the top floor, will be 3 bed. This equates to approximately 89% of the units being of a smaller size and is acceptable and conforms to policy.

Amenity Space

- 7.27 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. This would equate to some 175 sq m for the 9 flats. The proposal provides approx. 360 sq m of amenity space within the raised garden areas which are for the use by its future occupants, providing useful amenity space for the proposed residential units. In addition each of the units will have their own balcony or generously sized private terrace area. As such the amenity space provision is acceptable, in particular in this town centre location where space is at a premium. The Council's Tree Officer has been consulted and he welcomes the effective and innovative use of space. The garden areas are considered to be a great benefit to the amenity of future occupants at the site, in a location where you would not expect to find such useable outside space.

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 comply with the minimum standards stipulated in the national technical housing standards and the SPD and some exceed them. The proposed units in the block will have dual aspect with windows in the side and front or rear. As such some windows which will be in close proximity to the neighbouring buildings on the lower level will have a good outlook in another direction. The provision of private balconies/terraces as well as communal landscaped area are also beneficial. Therefore, it is considered that their standard of overall amenity will 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 The Councils Parking Standard stipulates a minimum provision of 15.25 spaces in total for a scheme of this size, rounded up to 16 spaces. The proposal provides no parking spaces given its town centre location along the pedestrianised high street notwithstanding the fact that vehicular access is not possible, there is also a lack of available space on the site.
- 7.34 However the Council parking policy notes that a reduction of parking requirement will normally be allowed in certain situations such as within the boroughs 4 town centres where distance from public transport, frequency and quality of train and bus service, availability of pedestrian and cycle routes and range and quality of facilities is supportive of residential development. It specifically refers to residential conversions where there is limited off street parking opportunities e.g. floors of accommodation above shops. As such, this scheme is in the Staines Town Centre and relates to residential accommodation above shops, and is a location where the policy would allow a

reduction in car parking provision. The proposal will provide secure cycle parking provision and given the location the proposal is considered to be acceptable.

- 7.35 The County Highway Authority (CHA) was consulted on the planning application and has raised no objection to the proposed parking provision subject to conditions. As such it is considered that the scheme is acceptable in terms of policies CC2 and CC3 on highway and parking issues. Given the nature of the proposal and the site's location within the High Street, it is considered that an objection could not be sustained on parking grounds.

Flooding

- 7.36 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).
- 7.37 The site is located mainly within Flood Zone 2, which has a low probability of flooding. The applicant has submitted a Flood Risk Assessment and notes that all new accommodation is located above ground level.
- 7.38 In terms of flood risk, 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. Therefore the application complies with the requirements of Policy LO1 of the CS & P DPD.

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 13 no. solar photovoltaics located on the roof of the proposed built form, 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 and would be subject to a condition.

Contaminated Land

- 7.41 The proposal introduces new residential development onto the site and which has an existing commercial use at ground level. The Council's Pollution Control Officer has raised no objection but requested standard conditions. Subject to these conditions, the proposal is considered acceptable on contaminated land grounds.

Refuse Storage and Collection

- 7.42 The layout of the site provides internal bin storage areas for the residential units at ground level, accessed from the side pedestrian access and easily accessible by residents. The applicant notes that this will be privately collected and currently it does not meet the Council's standard provision for this number of units. In addition the commercial rubbish will continue to be stored at the end of the cobbled access way and will also continue to be privately collected.
- 7.43 The Council's Head of Street Scene has raised no objection to the arrangement provided a condition for a waste collection strategy is imposed so that a strategy is submitted with specific details set out and agreed. As such the condition will also need to require further bin storage provision if Spelthorne Borough Council, for whatever reason, are required to collect the refuse from the site at some point in the future. Furthermore, the County Highway Authority has raised no objection on this particular issue. Accordingly, the proposed refuse storage and collection facilities are acceptable.

Archaeology

- 7.44 The application site is partially within an Area of High Archaeological Potential. The Council has therefore consulted the SCC Archaeologist on the proposal, who requested an Archaeological assessment to be submitted with the application. This was subsequently submitted. The County Archaeologist considers the Assessment is acceptable and highlights the site's potential for containing archaeological assets, in particular relating to the Roman, medieval and post-medieval periods. Given the likely degree of previous ground disturbance within the site and the restricted access, he agrees with the assessment's recommendation that a watching brief be conducted during the groundworks associated with the development. He has therefore recommended that a condition be attached requiring a Written Scheme of Investigation, detailing the scope and methodology of the watching brief before any groundworks commence. This will be attached to the permission and the proposal will be acceptable in regards to archaeology.

Crime and Design

- 7.45 With regard to the Crime Prevention Officer's comments, 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 Equality 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.

- 7.47 It is noted that despite the comments from SCAN regarding the cobbled access being difficult for wheelchair users to access the site, this is already in existence and it would be unreasonable for the Council to require this to be changed, in addition the existing cobbled surface is an attractive feature. It should also be noted that there are lifts to access all of the proposed flats, which are all above ground level.
- 7.48 The applicant notes that the new flats will comply with an extensive set of internal design standards to promote high quality and flexible living and life time home design criteria, they also to note that they will meet the Part M (1) of building regulations to provide homes that are capable of being adapted for wheelchair use.

Human Rights Act 1998

- 7.49 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.
- 7.50 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

- 7.51 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 based on £120 per square metre for new residential floor space and 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

- 7.52 The proposal is considered to be an acceptable form of development providing much needed housing in a sustainable location on a brownfield site. It is considered to be acceptable on design grounds and 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.
- 7.53 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. This is the “tilted balance” which applies to Spelthorne in view of the fact there is not a five year housing land supply. This weighs heavily in favour of the scheme given its town centre location. As such it is not 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 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:-

Existing floor plans and elevations

1901_PL_001, 002, 003, 010, 011, 012

Proposed floor plans

1901_PL_101, 104, 105, 120, 121, 124

Proposed elevations

1901_PL_110, 111, 112, 113, 114, 115, 130, 131, 132

received on 28/01/2020

Amended floor plans no

Proposed second floor 1901_PL_102 Rev A

Proposed third floor 1901_PL_103 Rev A

Proposed level 02 1901_PL_122 Rev B

Proposed level 03 1901_PL_123 Rev B received on 20/03/2020

Amended

Proposed ground floor 1901_PL-100 Rev B received on 01/04/2020

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 commencement of development:
 - (i) A survey report detailing ground conditions of the site shall be submitted to and approved in writing by the Local Planning Authority. Where made ground or contamination is encountered a scheme to investigate, assess and remediate contamination risks shall be agreed in writing with the Local Planning Authority, and shall be carried out in accordance with the agreed details and timetable.
 - (ii)) In order to ensure the soils placed in the landscaped and garden areas is suitable for use, details of the source material should be submitted to the Local Planning Authority for approval. Validation testing shall also be carried out and details submitted to the Local Planning Authority for approval.

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

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

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

NOTE

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

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

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. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

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

9. 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.

10. 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.

- 11 A waste management strategy shall be submitted to and approved in writing by the Local Planning Authority and shall be in operation prior to occupation of any of the buildings hereby approved and shall be carried out in accordance with the approved details, unless expressly agreed in writing by the Local Planning Authority.

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. No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) HGV deliveries and hours of operation
 - (f) measures to prevent the deposit of materials on the highwayhas 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:- In recognition of Section 9 "Promoting Sustainable Transport" in 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.

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.
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 wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via 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.

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 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 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 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

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.

10. All gas-fired boilers should meet a minimum standard of $<40\text{mgNO}_x/\text{kWh}$