

Planning Committee

19 August 2020



Application No.	20/00052/FUL
Site Address	Inglewood, Green Street, Sunbury On Thames TW16 6QB
Applicant	Mr Tony Allen
Proposal	Conversion of House of multiple occupation (HMO) to 8 residential flats involving extension and alteration to front and rear with associated parking, refuse storage and amenity space.
Ward	Halliford and Sunbury West
Call in details	N/A
Officer	Kelly Walker

Application Dates	Valid: 16.01.2020	Expiry: 12.03.2020	Target: Extension of time agreed
Executive Summary	<p>This planning application is for the conversion of the existing HMO to eight new flats in total including extensions.</p> <p>It is proposed to extend the existing building used as a HMO for 15 people which comprises single storey side and rear extensions, and first floor rear extensions to include changes to the roof design of the existing 2 storey rear element and increasing its ridge height. It is also proposed to convert the building to 8 individual flats. Permission has previously been given to extend in the same manner (with additional alterations to the frontage, which are not being proposed this time) and convert the building to 6 residential flats under ref 17/01400/FUL This is still valid and does not expire until 10 November 2020.</p> <p>The scheme is considered to be an acceptable form of development which will be in keeping with the character of the area and have an acceptable impact on the amenity of neighbouring properties. It will be an efficient use of previously developed land providing a good standard of residential accommodation. It is also considered that there is no demonstrable harm caused that would outweigh the benefits of the scheme.</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

17/01400/FUL	Conversion of House of Multiple Occupation (HMO) into 6 residential flats (1 x 1 bed, 3 x 2 bed and 2 x 3 bed) involving extensions and alterations to the front and rear with associated parking, refuse storage and amenity space	Grant 10.11.2017
17/00457/FUL	Conversion of House of Multiple Occupation (HMO) into 3 terraced houses involving extensions and	Grant 30.08.2017

alterations to the front and rear.

13/00289/FUL	Change of Use of premises from an elderly care home to house in multiple occupation (HMO) for 15 no. persons with retention of 6 no. existing car parking spaces (retrospective)	Refused 24.04.2013 Appeal Allowed 29.10.2013
11/00287/FUL	Change of use from residential carehome for the elderly to a house of multiple occupancy (HMO)	Refused 23.09.2011
06/01143/FUL	Erection of a two storey building in the rear garden to provide 10 no. additional bedrooms to existing residential care home. Erection of a single storey rear extension and corridor linking main building with the proposed two storey building. Provision of two further parking spaces.	Refused 15.03.2007
04/00409/FUL	Erection of a 2 storey building in the rear garden to provide 10 no. additional bedrooms, bathrooms, staff room and training/officer room to existing residential care home. Erection of single storey rear extension and corridor linking main building with the proposed 2 storey building.	Refused 25.06.2004
91/00328/FUL	Two storey extension to residential care home	Grant 10.06.1991

3. Site Description

- 3.1 The site is located on the western side of Green Street and is a large rectangular plot occupied by a large property over 3 stories with a large rear garden, swimming pool and small outbuilding. The use of the building is as a house of multiple occupation (HMO). The site is surrounded by residential properties. To the north of the site is a detached dwelling at Elmside, to the south is another dwelling on the corner with Nursery Road at St Andrews, and to the west at the rear of the site are 4 and 6 Nursery Road.

Background

- 3.2 In August 2017 planning permission was granted under ref 17/00457/FUL for the conversion of the existing HMO into 3 terraced houses involving extensions and alterations to the front and rear. Following that, in October 2017 permission was granted for the conversion of the HMO into 6 flats, ref 17/01400/FUL within the same built form as that previously approved. This current proposal has now been submitted for the a very similar scheme, which involves very little changes to the front of the existing property, but includes the same footprint and rear extension approved under those two previous planning permissions and in addition the retention of the two integral garages (providing 6 off street parking spaces).and the use of that built form as 8 flats with 5 no. 1 bed units and 3 no. 2 bed units.

Description of Proposal

- 3.3 The proposal involves the creation of 8 new flats in total, (5 no.1 bed and 3 no. 2 bed). As noted above, the proposed built form will be similar to the previous schemes granted planning permission in 2017 and which are still extant. The proposal is for extensions to the rear of the building, including single storey side and rear extensions, and first floor rear extensions to include changes to the roof design of the existing 2 storey rear element and increasing its ridge height. This is the same as the previously approved, extant permission, however unlike the previous scheme, the current application does not include any changes to the front of the property, apart from the insertion of a window and flat roofed side element, opposed to the current pitched roof.
- 3.4 The proposal will provide individual gardens at the rear, for the 4 ground floor flats, and 3 of the 4 first floor flats will have a small private outside amenity space in the form of an enclosed balcony. Two of the ground floor flats will have integral garages and there will be parking for an additional 4 cars on the hardstanding to the front of the site. The proposal also includes refuse and cycle storage and landscaping.
- 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
Group Head of Neighbourhood Services (refuse)	No objection
Tree Officer	No objection.
Environmental Health Officer (contaminated land)	No objection.
Surrey Wildlife Trust	No objection subject to conditions.
SCAN Officer	Concerns about the limited access to the proposed flats for disabled people and wheelchair users.

5. Public Consultation

- 5.1 A total of 31 properties were notified of the planning application and six letters of objection have been received, raising the following issues:-

- previous applications
- parking and highway safety
- overdevelopment – too many flats/people
- out of character
- noise and disturbance
- overlooking due to balconies
- side facing windows should be obscurely glazed
- poor expensive public transport
- garden, swimming pool and fencing are in a poor state of repair
- building is already over-extended when used as a care home
- lack of infrastructure such as schools, doctors etc.
- site notice has never been displayed at the site for any applications (officer note: this is voluntary only and is not a requirement)

6. Planning Issues

- Principle of the development
- Housing density
- Design and appearance.
- Residential amenity
- Highway issues
- Parking provision
- 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) 2019.
- 7.2 The Council has embarked on a review of its Local Plan and acknowledges that the housing target in its Core Strategy and Policies DPD February 2009 of 166 dwellings per annum is more than five years old and therefore the five year housing land supply should be measured against the area's local housing need calculated using the Government's standard method. The standard method for calculating housing need is based on the 2014 household growth projections and local affordability. This equates to a need of 606 dwellings per annum in Spelthorne. This figure forms the basis for calculating the five-year supply of deliverable sites.
- 7.3 Government guidance (NPPF para 73) requires the application of a 20% buffer "where there has been significant under delivery of housing over the previous three years". In addition, guidance on the Housing Delivery Test indicates that where housing delivery falls below 85%, a buffer of 20% should be applied to the local authority's five year land supply. The Housing Delivery Test result for Spelthorne Borough Council was published by the Secretary of State in February 2020, with a score of 60%. This meant that the Council had

undelivered housing when compared to need over the previous three years. As a consequence, a buffer must be applied and the Council's Housing Delivery Test Action Plan which was produced in 2019, when the test result was 63%, is being updated. The action plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough.

- 7.4 The NPPF requires a local authority to demonstrate a full five year supply of deliverable sites at all times. For this reason the base date for this assessment is the start of the current year 1 April 2020, but the full five year time period runs from the end of the current year, that is, 1 April 2021 to 31 March 2026. The 20% buffer will therefore be applied to this full period. National guidance sets out that the buffer should comprise sites moved forward from later in the plan period. A 20% buffer applied to 606 results in a figure of 727 dwellings per annum, or 3636 over five years.
- 7.5 In using the objectively assessed need figure of 727 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 Strategic Land Availability Assessment (SLAA) which identifies potential sites for future housing development over the plan period.
- 7.6 The sites identified in the SLAA as being deliverable within the first five years have been used as the basis for a revised five year housing land supply figure. Spelthorne has identified sites to deliver approximately 3518 dwellings in the five year period.
- 7.7 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.8 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites.
- 7.8 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, which is our current figures.

Principle of the development

- 7.9 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.”

7.10 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.

7.11 The site is located within the urban area and is a brownfield site within an accessible location, close to Sunbury Cross with its local facilities and public transport links. It is also not located within the Green Belt or high flood risk area. The area is characterised by residential uses and is surrounded by residential properties. The current use of the building is residential, however it is currently a HMO. Family housing and flats are considered to be in keeping with the character of the area. Planning permission has also previously been given for its use as 6 flats. Therefore the principle of residential is considered to be acceptable provided other policy requirements are met, as discussed further below.

Housing density

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

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

7.13 Policy HO5 (a) states that within existing residential area that are characterised by predominately family housing rather than flats, new development should generally be in the range of 35 to 55 dwellings per hectare.

7.14 The policy also states that, 'Higher density developments may be acceptable where it is demonstrated that the development complies with Policy EN1 on design particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non-car based modes of travel.' It is important to note that any mathematical density figure is in part a product of the mix of units proposed. Accordingly it is possible to accommodate many more small units within a given floor space and an acceptable numerical density can be higher.

7.15 The scheme involves the creation of 8 flats. The site area is some 1000 sq. m, equating to 80 dwellings per hectare (dph). The development will not include family households and as noted above, it is possible for smaller units to be accommodated on the same size site.

- 7.16 The principle of a high density development is consistent with the goals of the NPPF which notes in paragraph 117 that, '*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions*' it goes on to say in paragraph 118 that decision makers should, '*...give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs*'
- 7.17 Although the proposed density is above the range of 35-55 dph, the development may be acceptable providing it complies with policy EN1, especially on design. This is considered below.

Design and appearance

- 7.18 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".
- 7.19 Policy EN1a of the CS & P DPD states that "*the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.*"
- 7.20 As noted above the proposed built form is similar to the previous schemes granted planning permission in 2017 but the approved changes to the front elevation are not now proposed. Consequently, it will involve only the insertion of a window on the street scene elevation and the provision of a flat roof to the side element, opposed to its current pitched roof. Therefore the scheme is considered to be acceptable on design grounds when viewed from the front in the street scene. The proposal encompasses extensions to the building, including single storey side and rear extensions, and first floor rear extensions to include changes to the roof design of the existing 2 storey rear element and increasing its ridge height.
- 7.21 This proposal is different to the previous schemes in that it includes the retention of the two integral garages. The proposal involves the conversion of the building into 8 flats (rather than the previously agreed 6 flats). Parking will continue to be to the front and includes the 2 integral garages and an additional 4 spaces, as well as refuse storage, cycle parking and landscaping, In addition there is amenity space in the form of private gardens to the rear for the ground floor units, and enclosed balconies to the rear for 3 of the 4 first floor flats.

- 7.22 As referred to above, the built form will remain the same as existing, when viewed from the street scene, apart from the insertion of a window. Materials and the design will respect the existing built form, including angle of the roof, eaves height and ridge height. Materials will be subject to condition to ensure they match the host building and that they are in keeping with the character of the area. The extensions to the rear are considered to respect the scale and design of the host building and will not be visible from the street scene. The building itself will be similar in overall form, to the existing (and previously approved) but will contain 8 flats rather than the existing large property, used as a HMO, or indeed the 3 family dwellings, or 6 flats previously approved. As such it is considered to be acceptable in design and will be keeping with the character of the area conforming to policy EN1.
- 7.23 It is concluded that the scale and design of the proposed development respects the character of the host building and will be in keeping with the character of the area and street scene of Green Street. The proposal is considered to be acceptable in this particular location, conforming to Policy EN1 and the NPPF.

Impact on neighbouring residential properties

- 7.24 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.”

- 7.25 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.
- 7.26 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.
- 7.27 As noted above, the built form, in regards to the proposed rear extensions, is the same as previously approved and includes some further changes in order to provide 4 flats on each floor opposed to 3. The proposed single storey rear extension will have a flat roof with a height of 3.2m to the eaves, as such this will have an acceptable impact on the amenity of the property to the north of the site at Elmside. The existing side facing window, serving a bedroom, located on the boundary, will be obscurely glazed, by condition, to ensure it does not result in any overlooking or loss of privacy. As a result, a window will be inserted into the front elevation to serve this room. In addition an obscure glazing condition will be imposed in order to ensure that any windows

replaced will also be obscurely glazed in order to ensure an acceptable relationship with neighbours.

- 7.28 A single storey rear/side extension is also proposed to the southern side, closest to the boundary with St Andrews. Currently on the common side boundary is single storey built form, including an access through and an outbuilding. Compared with the existing built form on this common boundary, the proposal will extend a further 1m to the rear, with a flat roof and height of 3.3m to the eaves. As such it is considered that the proposal will have an acceptable impact on the amenity of the occupiers of St Andrews to the south.
- 7.29 There is also a proposed first floor rear extension which is set in from both of the side boundaries and will not cross the 45 degree line when taken from the adjacent dwellings, as set out in the Supplementary Planning Document on design. As a consequence, it will have an acceptable impact on the amenity of neighbouring properties.
- 7.30 The proposed balconies are designed in the same way as those previously approved with the previous planning application, however there is only one located on the 2 storey element closest to the rear boundary, compared to 2 previously. The balconies are enclosed, with walls to the side and a ceiling/roof over, as they are provided within the built form. They will have only window sized openings, looking out towards the rear with no actual glazing. This design, combined with the distance to the rear boundary of at least 15m at the shortest point, (which is in excess of the Councils minimum separation distance for back to boundary development of 10.5m), results in an acceptable relationship with the properties to the rear at no. 4 and 6 Nursery Road. As such the proposal is considered not to lead to unacceptable overlooking or loss of privacy issues. The proposal will also be acceptable in terms of not causing an overbearing or loss of light issue and will have an acceptable relationship with neighbouring properties, conforming to policy EN1.
- 7.31 It is noted that the proposal only provides living accommodation over the ground and first floor with the space in the second floor being used for storage. A condition will be imposed to ensure no further openings are inserted into the new roof without requiring permission.
- 7.32 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

- 7.33 Policy HO4 of the CS & P DPD requires 80% of the units to be one or two bed. The proposed scheme is for 8 units, which will all be 1 and 2 bedroom units providing 100% small units and therefore complies with this policy.

Amenity Space

- 7.34 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 165 sq m in total for the scheme of 8 flats. Although the proposal provides well in excess of this amount of outside space, with approx. 360 sq m of garden space to the rear, this provides 4 private gardens for the ground floor units only. There is less outside space available for the proposed first floor flats, with 3 of the 4 flats having their own enclosed balcony which provides a useful private amenity space for these units. It is acknowledged that the ground floor flats have an excess amount of amenity space, whilst there is a shortfall for the first floor flats. However, it should also be noted that Manor Park is located a short walk from the application site and in addition the previous scheme for 3 flats had a very similar situation. As such, given the particular circumstances, it is considered that the amenity space provision is acceptable.

Proposed dwelling sizes

- 7.35 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. For example, the minimum standard for a 1-bedroom flat for 2 people is 50 sqm.
- 7.36 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.
- 7.37 The proposed dwelling sizes comply with the minimum standards stipulated in the national technical housing standards and the SPD and most exceed them. The proposed units, except one are dual aspect with windows in 2 elevations and have a generally good level of outlook. Therefore, it is considered that their standard of overall amenity will be acceptable.

Highway and parking provision

- 7.38 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.”

- 7.39 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.

- 7.40 The proposed development involves the conversion of the existing House of Multiple Occupation for up to 15 residents to 8 individual flats. The proposed flats are made up of five 1-bed flats and three 2-bed flats. In accordance with the Councils Parking Standards, 1.25 parking spaces for 1 bed units and 1.5 parking spaces for 2 bed dwellings should be provided. The total recommended parking provision is therefore 10.75 spaces. Four parking spaces (and 2 garage space) are proposed as part of the development. This is a shortfall of 4.75 spaces against the proposed standard.
- 7.41 The County Highway Authority (CHA) was consulted on the planning application and has raised no objection to the proposed parking provision subject to conditions. The CHA has noted that the parking standards are taken as an indicative level of parking that should be provided to accommodate parking demand of particular development. Notwithstanding the parking standards, the National Planning Policy Framework states that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impact on the road network would be severe. For any objection to be lodged, the authority must demonstrate the harm that the development would result in.
- 7.42 Despite the shortfall in parking when considered against Spelthorne's parking standards, the County Highway Authority does not consider the development is likely to result in material harm in respect of highway safety or capacity. The CHA notes that, *'...Green Street has existing parking restrictions in the vicinity of the site, which restrict parking between 8am and 5pm. In addition, bollards have recently been installed along the frontage of the site which discourage parking on the footway outside the development. It is therefore considered unlikely that drivers would park fully on the carriageway within peak times, which would compromise capacity and potentially safety of the highway, or park on the footway at any time, which would compromise safety and convenience of pedestrians. In any case, the development is unlikely to generate significantly greater parking demand than the existing use - a 15 bed HMO - or the extant planning permission under application 17/00459/FUL to convert the property into 6 flats. The approved scheme was made up of two 3-bed flats and three 2-bed flats and one 1 bed, where Spelthorne's parking standards would recommend 10 spaces for this mix'* In addition it should be noted that the proposed scheme has an additional parking space, in the form of a garage, compared to the previous approve scheme.
- 7.43 The CHA also comments that policy has not materially changed since the previous application was approved. In reference to a letter of objection which mentioned visibility to and from the junction to Green Street, SCC notes it has considered the visibility from the junction as part of both applications, and considers it to be adequate. The footway is over 3 metres wide in this location, and therefore suitable visibility splays to and from the carriageway can be achieved within the extent of highway. There is no substantial obstruction to visibility within the visibility splays recommended by Manual for Streets for a road of this speed.

- 7.44 The previous application was for 6 flats (two 3-bed flats and four 2-bed flats) and it provided off road parking spaces for 5 cars including 4 spaces to the front of the building and one integral garage space. It required a minimum of 10 car parking spaces as set out in the Council's car parking standards. This is a shortfall of 6. The existing site has 2 garages, which although do not appear to be used for parking, do provide 6 spaces for off street parking on site in total at present for the use of the building as a HMO for up to 15 people. The previous scheme for 3 houses had only 4 off street parking spaces with a policy requirement of 8, a shortfall of 4 spaces
- 7.45 In addition, it should be noted that previously an application for the change of use of the previous care home to a HMO for up to 21 people, (Ref 2011/0281) would have required 11 off street car parking spaces with the Council's standards, whereas the scheme provided only 6 which included the 2 garages a shortfall of 5. This was refused, however during the appeal the planning Inspector raised no objection on parking grounds. The current scheme has a short fall of 5 spaces and as such is comparable, and policy has not changed, despite the timeframe which has passed since the appeal.
- 7.46 The Inspector at that appeal (ref 2011/0281) noted that in para 13, *'...the proposed change of use (to 21 person HMO) would have a total of six off street parking spaces. However, whilst the road immediately outside to the building has parking restrictions, on street parking would be available in nearby side roads including Nursery Road, the Ridings and Springfield Grove. The appeal site is also well located for public transport with bus stops about 100m away that connect to Staines Ashford Feltham and the mainline railway station only 0.5km away. Local shops and services are also only a short distance away. He concluded that, '...In light of these factors I am not persuaded that the change of use would have a significant detrimental impact on either the amenity of local residents in respects of parking, or the appearance of the area. It follows that the change of use would not conflict with policies EN1 or CC3 of the CS.'*
- 7.47 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, it is considered that an objection could not be sustained on parking grounds.

Contaminated Land

- 7.48 The proposal introduces further residential development onto the site, however is already in a residential use. The Council's Pollution Control Officer has raised no objection but requested a standard informative. Therefore the proposal is considered acceptable on contaminated land grounds.

Refuse Storage and Collection

- 7.49 The layout of the site provides external refuse storage areas to the front of the site for the 8 flats. The Council's Group Head of Neighbourhood Services originally raised concerns about the amount of refuse storage provided and amended plan have now been submitted in order to provide sufficient space

for 4400l which exceeds the 3840l required for the 8 flats. Therefore the refuse storage details are considered to be acceptable.

Other matters

- 7.50 During the course of the application, the applicants were requested to provide a bat survey, as they had done with the previous application at the site. This led to a delay, given that bat surveys can only be carried out at certain times of the year. The bat survey was carried out in June 2020 and Surrey Wildlife Trust (SWT) were consulted. They made a number of comments on protected species including sensitive lighting and biodiversity enhancements. They go on to note that in the National Planning Policy Framework (NPPF), Paragraph 175, requires that *“opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”*. Therefore they recommend that the proposal should provide bird and bat boxes and sensitive lighting should be used. They go on to provide further details which have been sent onto the applicant. As such there is no objection in regards to bats and the proposal conforms to Policy EN8.

The Council's tree officer was consulted and raises no objection to the proposal as trees on site are of limited amenity value.

7.51 Equalities Act 2010

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 to the need to :

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need, to see whether the duty has been performed.

The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means to have such regard as is appropriate in all the circumstances.

It is noted that the Scan Officer raised concerns about the limited access to the proposed flats for disabled people and wheelchair users. It should be noted that disability has a wide meaning and the definition from the NPPF is that people have a disability if they have a physical or mental impairment,

and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. The 4 ground floor flats are at ground level and the 4 first floor flats are accessible by stairs only.

Therefore, although not all, but nevertheless some disabled people, could still access the development. Most of the built form is in existence and already used as residential accommodation and in addition the building already has permission for 6 flats with the same access issues. It is considered that although this proposal may affect individuals with protected characteristics, specifically the impact of the development on disabled people, the development still offers a limited access to additional units for disabled people. The application will also be subject to Building Regulation Control, and part M relates to disabled access. Therefore, due regard has been given to this specific issue and the proposal is considered to be acceptable in this Instance.

Human Rights Act 1998

7.52 This planning application has been considered against the provisions of the Human Rights Act 1998. Among others 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 Article 1 of the First Protocol 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.

7.53 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

7.54 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 £160 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

- 7.55 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.
- 7.56 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 sustainable location, brownfield site and planning history. 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 acceptable and 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:-

19.1183/003, 004, 005, 006, 007, 008, 011, 012, 013, 015 received on 16 Jan 2020, amended plan no. 010 Rev A, 014 Rev A and 014 Rev A received on 12 March 2020 and 090 Rev A received on 17 July 2020.

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

3. The extension hereby permitted shall be carried out in facing materials to match those of the existing building in colour and texture.

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 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 occupation of the building. 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.

5. No development shall take place until:-
 - (i) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.
 - (iii) 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.

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.

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

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.

7. That no openings of any kind be formed in the northern, southern, eastern and western elevations of the roof of the building hereby permitted without the prior planning permission of the Local Planning Authority.

Reason:-.To safeguard the privacy of the adjoining property(ies) in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

8. Prior to the occupation of the building a scheme to provide bird and bat boxes on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the building is occupied and thereafter maintained.

Reason:-.To encourage wildlife on the site.

9. Prior to the occupation of the development hereby permitted the ground and first floor window(s) on the northern and southern side elevation(s) shall be obscure glazed and be non-opening to a minimum height of 1.7 metres above internal floor level in accordance with details/samples of the type of glazing pattern to be submitted to and approved in writing by the Local Planning Authority. The(se) window(s) shall thereafter be permanently retained as installed.

Reason:-.To safeguard the privacy of the adjoining property(ies) in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

10. 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.

11. 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 2019, and to accord with policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

12. 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.

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. 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.

6. 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

7. 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.