

# Planning Committee

16 September 2020



<b>Application Nos.</b>	20/00565/FUL		
<b>Site Address</b>	Ruxbury Court, Cumberland Road, Ashford, TW15 3DL		
<b>Proposal</b>	Alterations and extensions to Blocks B and C of Ruxbury Court, including alterations and extensions to the roof, to enable the creation of 3 x 1 bedroom units and 1 x 2 bedroom unit with associated parking and amenity space.		
<b>Applicant</b>	Monopoly Property Co		
<b>Ward</b>	Ashford North & Stanwell South		
<b>Call in details</b>	The application has been called in by Councillor Buttar as a result of concerns over the impact upon the character of the area, particularly as a consequence of the proposed height.		
<b>Case Officer</b>	Matthew Churchill		
<b>Application Dates</b>	Valid: 05.06.2020	Expiry: 31.07.2020	Target: Extension of time agreed
<b>Executive Summary</b>	<p>This application is seeking the extension and alteration of two existing residential blocks in Ruxbury Court in Cumberland Road, to create a new floor above each block, resulting in 4 additional residential units at the site (comprising 3 x 1 bedroom units &amp; 1 x 2 bedroom unit).</p> <p>Ruxbury Court is an existing two storey flatted development, which was constructed in the 1970s and is located on the northern side of Cumberland Road. The site currently contains 12 flats, which are situated in 3 blocks. There is an existing parking area at the rear of the site, which also contains a number of garages. There is also a green amenity area to the rear of the existing units.</p> <p>The application proposes to increase the height of Block B from 7 metres to approximately 9.2 metres. The roof over the extended building would have a gabled design and would mirror the roof over the existing building. A new spiral staircase would be constructed to the western elevation of Block B, which would be enclosed within a side extension, and would provide access to the new upper floor. The additional floor in Block B would contain a 1 bedroom and a 2 bedroom unit.</p> <p>The scheme further proposes an increase in the height of Block C from 7 metres, to approximately 9 metres. This block would also incorporate a gable roof design to mirror the existing roof, and would contain 2 x 1 bedroom units.</p>		

	<p>The proposal, which would be approximately 2.2 metres taller than the existing development, is considered to respect the character and identity of Ruxbury Court, by mirroring the design of the existing gable roof and by reflecting the proportions of ground and first floors. Whilst residential properties in Cumberland Road are generally set over 1 or 2 storeys, the additional storey is considered to successfully integrate with the character and identity of the existing flatted development and would consequently make a positive contribution to the street scene of the character of the area in which it would be situated.</p> <p>The additional units would be in adherence to the minimum floor space requirements set out in the nationally described Technical Housing Standards (March 2015). Moreover, the development would also be in adherence to policy HO4, which requires at least 80% of units in developments of 4 or more dwellings to contain 1 or 2 bedrooms. The scheme is also considered to be in adherence to the Council's amenity space requirements and parking guidelines. The proposal would add 4 additional units to the Council's 5 year housing supply and is considered to be in accordance with local and national planning policies and guidance.</p>
<p><b>Recommended Decision</b></p>	<p>This application is recommended for approval.</p>

## MAIN REPORT

### 1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies Development Plan Document (CS&P DPD) 2009 are considered relevant to this proposal:

- SP1 - Location of Development
- SP2 – Housing Provision
- SP6 – Maintaining and Improving the Environment
- HO1 – Providing New Housing Development
- HO4 - Housing Size and Type
- HO5 – Density of Housing Development
- EN1 - Design of New Development
- EN8 – Protecting and Improving the Landscape and Biodiversity
- CC2 - Sustainable Travel
- CC3 - Parking Provision

- 1.2 Also relevant is the Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development, 2011, and the National Planning Policy Framework (NPPF), 2019.

## 2. Relevant Planning History

The relevant planning history of Ruxbury Court is outlined in the table below:

Application No.	Proposal	Decision
STAINES/DET/P14541	Two-storey block of 4 two-bedroom flats with garages and parking spaces.	Grant Conditional 05.06.1972
STAINES/DET/P13181	Erection of a two-storey block comprising 6 two-bedroom flats and 2 one-bedroom flats and 8 garages with 5 parking spaces.	Grant Conditional 03.05.1971

## 3. Description of Current Proposal

- 3.1 The application site is currently occupied by a flatted development, which is situated on the northern side of Cumberland Road in Ashford. The existing development is set across three, two storey blocks which contain 12 residential units. There is a parking area at the rear of the site, which contains parking spaces and a number of garages. There is also a green amenity space at the rear of the existing units. The application site adjoins the rear boundary of properties in Ashford Crescent to the east, and also adjoins Ashcombe Court to the rear.
- 3.2 The street scene of Cumberland Road is residential in character and contains a mixture of dwelling types ranging from detached and semi-detached bungalows, to two storey detached, semi-detached and terraced dwellings, as well as flatted development including at Coniston Court and the application site. However, whilst surrounding dwellings are generally set over one or two storeys, it should also be noted that some properties in the wider local area have extended into the roof space through permitted development legislation, and consequently contain three habitable storeys.
- 3.3 The application is proposing an extension to the heights of Block B and Block C, to provide 4 additional residential units through the creation of a habitable third storey. It is proposed that the height of Block B would be increased from 7 metres to approximately 9.2 metres. The extension to Block B would mirror the existing gable roof design and would contain two additional windows in the front and rear gables, making it evident to external observers from the highway that the building is set over three storeys.
- 3.4 The application does not propose any additional windows in the side elevations, which instead would contain a number of roof lights. A new spiral stairway is proposed to Block B, which would be enclosed by an extension to the western flank at first and second floor levels. It is proposed that Block B would incorporate an additional 1 bedroom unit and an additional 2 bedroom unit on the new third storey.

- 3.5 The application would increase the height of Block C from some 7 metres, to approximately 9 metres. The extension over this block would also incorporate a gable roof to mirror the design of the existing roof, and would also result in the creation of two new third storey windows in the front and rear elevations. As with Block B, there would be no windows in the flank elevations, which would instead contain a number of roof lights. It is proposed that Block C would contain 2 additional 1 bedroom units in the new third storey.
- 3.6 The application proposes that 6 additional parking spaces would be created at the rear of the site, including 1 new space for disabled users, although 1 of the spaces appears to be located in the existing gravel parking area. The new parking space would result in a loss of approximately 55m<sup>2</sup> of the existing green amenity space, although the rear of the site would still contain in excess (330m<sup>2</sup>) of the Council's minimum amenity space requirements (255m<sup>2</sup>) for a development of this size (16 units).

#### 4. Consultations

Consultee	Comment
County Highway Authority	Requests Conditions
Environmental Health	No Objections
The Council's Head of Neighbourhood Services	No Objections
The Council's Sustainability Officer	No Objections
Surrey Wildlife Trust	No Objections

#### 5. Public Consultation

- 5.1 The Council has consulted the occupiers of the neighbouring properties. A total of letters 30 of representation have been received, which object to the proposal on the following grounds:
- There would be an inadequate number of parking spaces.
  - An additional floor would set a precedent in a road that predominately contains bungalows.
  - The scheme would be an eyesore and would break up the current skyline.
  - The scheme would increase congestion.
  - There will be a loss of privacy.
  - The development would devalue other properties (Officer Note: this is not a planning matter)
  - The height would be out of character.
  - The development will cause noise and disturbance.

- Concerns over multiple occupancy (Officer Note: the proposal is for flats and not multiple occupancy).
- It is unclear what changes there would be to the existing amenity space (Officer Note: the Council received an existing site layout plan to compare with the amenity space in the proposed site layout plan).
- The proposal would result in the roof being removed over the existing properties.
- The new units would dilute existing ownership holdings of the site (Officer Note: this is not a planning matter).
- Concerns over the structural implications for the building (Officer Note: this is not a planning matter – the proposals would be subject to separate building control regulations).
- Concerns over the location and size of the bin storage area.
- There would be a loss of green space.
- The scheme would be an overdevelopment of the site.
- Concerns over a loss of light and overshadowing.
- Views of the sky would be obscured.

## 6. Planning Issues

- Principle of development
- The character and appearance of the development
- Density
- Future occupiers & layout
- Amenity
- Parking provision
- Biodiversity

## 7. Planning Considerations

### Principle of Development

- 7.1 Policy HO1 encourages the development of appropriate land for housing purposes and seeks to ensure the effective use of urban land through the application of policy HO5 on density.
- 7.2 This is also reflected in the NPPF paragraph 117, which emphasises the need for effective use of land in meeting the need for homes, whilst safeguarding the environment, and provides further relevant context at paragraph 122 in respect of achieving appropriate densities.
- 7.3 The application is proposing the construction of 4 residential units to an existing flatted development in an urban area, which would make a contribution to the Council's 5 year housing supply. All of the units would

contain 1 or 2 bedrooms, and the development would meet the requirements of policy HO4. The proposal is therefore considered to be acceptable in principle subject to assessment against the relevant planning policies and guidance.

### Need for Housing

- 7.4 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.
- 7.5 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, is being updated to reflect this. The current action plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough.
- 7.6 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.
- 7.7 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.
- 7.8 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.

- 7.9 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.
- 7.10 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'.

#### Design, Height and Appearance

- 7.11 Policy EN1 of the CS&P DPD, states that the Council will require a high standard in the design and layout of new development. The policy further states that development proposals should demonstrate that they will create buildings and places that are attractive with their own distinct identity, and should make a positive contribution to the street scene and character of the area in which they are situated, paying due regard to the scale, height, layout, materials and other characteristics of adjoining buildings and land.
- 7.12 The NPPF states that planning decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping, and are sympathetic to the local character and history and surrounding built environment, whilst not preventing or discouraging appropriate innovation or change.
- 7.13 The street scene of Cumberland Road is residential in character and surrounding properties are typically more traditional in scale, being set over 1 or 2 storeys. However, the dwelling mix is varied and comprises detached and semi-detached bungalows, 2 storey detached, semi-detached and terraced dwellings, as well as flatted developments including Coniston Court and Ruxbury Court.
- 7.14 The application is proposing the construction of an additional storey over Block B and Block C of Ruxbury Court, which would create a three storey flatted development. There are no alterations proposed to Block A, which would remain set over two storeys. The additional storeys would increase the height of Block B from 7 metres to 9.2 metres, and the height of Block C from 7 metres to 9 metres.
- 7.15 The Council must carefully consider whether the incorporation of a third storey over Ruxbury Court would cause undue harm to the character and appearance of the surrounding area. It should also be noted that the Council has received a number of letters of representation, which raise concerns that the proposed height would be out of character.
- 7.16 Whilst the proposal would increase the height of the existing buildings by a maximum of 2.2 metres, the proposed design of the additional storey's is considered be compatible with the character, identity and appearance of the

existing buildings. The new roofs would be gable in design and would mirror the design of the existing gable roofs. The front and rear gables would each contain two new third storey windows, which are considered to be satisfactory in the context of the existing fenestration. The proportions of the additional storey's are considered to be compatible with the scale of the existing ground and first floors. The application form also indicates that the additional storey's would be constructed in the same materials as the existing building. It is noted that there would be no windows contained in either of the flank elevations, which would instead contain a number of roof lights. It is considered that this would be acceptable from a design perspective.

- 7.17 It is acknowledged that dwellings in Cumberland Road are generally more traditional in scale and are typically set over 1 or 2 storeys. As a result of the proposed development, Ruxbury Court would be taller than surrounding buildings. However, Ruxbury Court is a flatted development and the appearance of the proposed third storey over Block B and Block C, whilst being a maximum of 2.2 metres taller than the existing buildings, is considered to be compatible with the character, appearance and identity of Ruxbury Court as a result of the proposed design.
- 7.18 It also worth noting that it is possible through permitted development legislation to create a habitable third storey in the roof space of a two storey dwelling house without the requirement of planning permission. There are examples of this in the wider local area (notably at 32 and 34 Ashford Crescent). The Council also holds records for a Certificate of Lawfulness being granted at 18 Cumberland Road (18/00156/CPD) in close proximity to the site, which comprised the installation of rear facing dormer, which would have created a habitable third storey in the roof space. The approved plans also show that the existing ridge height over this property is 8.05 metres, 1.15 metres less than the proposed development.
- 7.19 Whilst it is accepted that the residential properties in Cumberland Road are generally more traditional in scale and are typically set over 1 or 2 storeys, the overall design and appearance of the additional storey over Block B and Block C, is considered to be compatible with the existing design and appearance of Ruxbury Court, mirroring the existing gable roofs, incorporating the same materials, and being in proportion with the scale of the existing ground and first floors. As such, whilst the development would be taller than surrounding properties, it is considered to be in keeping with the distinctive character and identity of Ruxbury Court, and would make a positive contribution to the street scene and character of the area. The proposal is therefore considered to meet the design objectives of policy EN1 and the NPPF.

### Density

- 7.20 Policy HO5 of the CS&P DPD states that within existing residential areas 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. In areas characterised by a significant proportion of flats, this range increases to 40 to 75 dwellings per hectare. However, policy HO5 also states that higher density development may be acceptable where it is demonstrated



that a development complies with policy EN1 on design. The NPPF also encourages an optimisation in densities.

- 7.21 The development currently has a density of approximately 65 dwellings per hectare, and the 4 additional units would increase the density to approximately 87 dwellings per hectare. Whilst this is higher than the 40 to 75 density threshold set out in policy HO5, as the extended blocks are considered to be in adherence to the design objectives of policy EN1, the proposed density is considered to be acceptable in this instance.

Future Occupiers

- 7.22 Policy EN1 of the CS&P DPD states that the Council will require a high standard in the design and layout of new development. The NPPF also states that planning decisions should ensure that developments create places with high standards of amenity for existing and future users.
- 7.23 The following minimum floor space requirements are applicable to the development, which are set out in the nationally described *Technical Housing Standards* (THS) (March 2015) and Appendix 4 of the Council’s SPD on Design:

No. of Bedrooms	No. of Bed Spaces	No. of Storeys	THS Requirements	SPD Requirements
1	1 person	1	37m <sup>2</sup> *	-
1	2 persons	1	50m <sup>2</sup>	50m <sup>2</sup>
2	3 persons	1	61m <sup>2</sup>	61m <sup>2</sup>

\*39m<sup>2</sup> where there is a bath instead of a shower.

- 7.24 It should also be noted that the THS states that a single bedroom must have an internal floor area of at least 7.5m<sup>2</sup> and a double (or twin) bedroom must have an internal floor area of at least 11.5m<sup>2</sup>.
- 7.25 All of the units are considered to be in adherence to the minimum requirements outlined above, and as such the level of floor space is considered to provide an acceptable level of amenity to future occupiers.
- 7.26 The Technical Housing Standards also state the 75% of the Gross Internal Area of a new unit must have a floor to ceiling height of at least 2.3 metres. Given the proposed roof design, the Council requested that any skimming was shown on the proposed elevation plans (note skimming is the sloped part of the ceiling sometimes found in rooms with headspace above the eaves). On the basis of the revised plans the Council has calculated that the development would be in adherence to the 75% requirement set out in the THS.
- 7.27 It is noted that none of the proposed bedrooms would be served by windows, which is not considered to be ideal in terms of the level of outlook provided to future occupants. However, this would be mitigated by the natural light that would be provided through the proposed roof lights, and on balance the addition of 4 additional units to the Council’s 5 year housing supply in this urban location, is considered to outweigh any harm that this would cause.

- 7.28 The Council's SPD on design states that for flats, 35m<sup>2</sup> of amenity (garden) space should be provided for the first 5 units, 10m<sup>2</sup> should be provided per unit for the next five units, and 5m<sup>2</sup> should be provided for each unit thereafter. The scheme would increase the number of units at the site from 12 to 16. On the basis of the Council's amenity space requirements, 255m<sup>2</sup> of garden space would normally be required for 16 units. The application does not increase the amenity space at the site and would instead result in a reduction of approximately 55m<sup>2</sup> as a result of the new parking area. However, there would be approximately 330m<sup>2</sup> of amenity space maintained at the rear of the site. As such, whilst there is a loss of existing amenity space, given that an amenity area in excess on the Council's guidance would still remain, it is considered that the overall level of amenity space would be acceptable.

#### The Amenity of Neighbouring Occupiers

- 7.29 Policy EN1 of the CS&P DPD states that proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk proximity or outlook.
- 7.30 It is considered that the proposal would achieve a satisfactory impact with all neighbouring and adjoining dwellings. Block C is located approximately 17.6 metres from the rear elevation of the nearest dwelling in Ashford Crescent (no.23). It is acknowledged that this would fall short of the Council's 21 metre guideline 'back to side' distance for three storey development. However, with a distance of 17.6 metres to the nearest rear elevation, it is not considered that an objection could reasonably be sustained on the grounds of an overbearing impact or a loss of light to this dwelling.
- 7.31 It is noted that the Council has received a number of letters of representation which object to the proposal on the grounds of privacy. The roof lights proposed within the eastern flank (facing the rear of properties in Ashford Crescent) would all be high level and set in excess of 1.7 metres above floor level. It is therefore considered that the proposal would have an acceptable impact upon the privacy of all properties located to the east and west of the site.
- 7.32 Block C is located approximately 26 metres from the front elevation of the nearest dwelling to the south of the site (no.12 Cumberland Road) and Block B and Block C are both considered to have an acceptable impact upon the light, privacy and amenity of the dwellings located to the south.
- 7.33 There is a distance of approximately 23 metres between Block B and the northern boundary. At such a distance, the additional storey is considered to have an acceptable impact upon the occupiers of all properties located to the north of the site. Block A is also situated between Block B and properties in Cumberland Road located to the west of the site, which is considered to mitigate any adverse impacts upon the occupiers of these dwellings.

- 7.34 The proposal is further considered to have an acceptable impact upon the existing occupiers of Ruxbury Court. The additional storey to Block C would not result in any extensions projecting beyond the existing flank elevations. As such the extension to this block is considered to have an acceptable impact to the light of the units below.
- 7.35 There are 3 ground floor windows contained in the eastern flank elevation of Block B. Two of the ground floor windows serve a kitchen, which the Council's SPD on design states constitutes a habitable room. The third ground floor window serves a bathroom, which does not constitute a habitable room.
- 7.36 Block C already breaches the Council's 45° vertical guide, when measured from the kitchen window in the northern ground floor unit of Block B, owing to an existing stepped out western element, which would remain two storeys in height following the extension. It is therefore considered that the proposal would have a satisfactory impact upon the light serving this window.
- 7.37 When measured from a height of 2 metres from the centre of the kitchen window in the southern ground floor unit of Block B, the extension to Block C would breach the Council's 45° vertical guide. However, this breach would occur at a distance of 4.8 metres and on planning balance, given the extent of the breach and the distance to this window, the extension to Block C is considered to have a satisfactory impact upon the occupiers of this unit.
- 7.38 The alterations to Block B would include the installation of a spiral staircase, which would be enclosed within a first and second floor extension in the western flank elevation. This would be located in close proximity to an existing ground and first floor window, which both serve bathrooms. As these windows do not serve habitable rooms, it is considered that the extension enclosing the staircase would have an acceptable impact upon the light of the lower units in Block B.
- 7.39 The plans of Block A demonstrated that there were no ground floor windows serving habitable rooms in the eastern flank elevation of Block A. It is therefore considered that the alterations to Block B would have an acceptable impact upon the light and privacy of the occupiers of these units.
- 7.40 It is noted that the Council has received a number of letters of representation raising concerns over the construction process and how the removal of the existing roof may impact the occupiers of the flats below. Whilst this is clearly an important issue, this is considered to be a civil matter, and it is not considered that this would be a planning reason to justify a recommendation for refusal. It is also recommended that two informatives are attached to the decision notice in relation to the construction process.

#### Parking Provision & Highway Impacts

- 7.41 Policy CC2 of the CS&P DPD states that the Council will seek to secure more sustainable travel by only permitting traffic generating development where it can be made compatible with transport infrastructure in the area taking into account access and egress to the public highway and highway safety.

Additionally, policy CC3 states that the Council will require that sufficient provision is made for off-street parking in accordance with its Parking Standards.

- 7.42 The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact upon highway safety or if the residual cumulative impacts on the road network would be severe.
- 7.43 The site contains a number of garages as well as off-street parking spaces at the rear of the site. The application also proposes the creation of six additional parking spaces at the rear of the site, which would be constructed following the removal of approximately 55m<sup>2</sup> of the existing amenity/green area, although sufficient amenity space would be retained at the rear of the site in line with the Council's minimum amenity requirements.
- 7.44 The Council's Parking Standards SPD states that one bedroom units should be provided with a minimum of 1.25 car parking spaces per dwelling and that two bedroom units should be provided with a minimum of 1.5 parking spaces per dwelling. On this basis the development would be required to provide 5.25 spaces for the additional units (rounded up to 6). As the development is proposing 6 additional off street parking spaces, the proposal would be in adherence to this guidance, although it is accepted that one of the spaces is in the existing gravel area.
- 7.45 The Council also consulted the County Highway Authority, which having assessed the proposal on safety, capacity and policy grounds, requested that 3 conditions were imposed upon the decision notice. This includes a condition that a minimum of 2 of the spaces are fitted with electrical charging points, which would be in line with the requirement for a minimum of 20% of parking spaces available to flats to be fitted with such points as outline in the *Surrey Vehicular and Parking Guidance* (January 2018).
- 7.46 It is noted that the Council has received a number of letters of representation, which object to the proposal on the grounds of highway safety, congestion and perceptions that there would not be enough parking provision available. Given that the County Highway Authority has not objected on highway safety grounds and as the proposal would be in adherence to the minimum requirements outline in the Parking Standards SPD, it is considered that the proposal would be in adherence to the objectives of Policy CC2 and CC3 and would be acceptable in parking and highways grounds.

#### Biodiversity

- 7.47 As the site is situated approximately 230 metres to the south of the Staines Reservoirs, which are a SSSI and part of the London Waterbodies SPA, the LPA consulted the Surrey Wildlife Trust (SWT). The SWT initially commented that prior to determination, they site should be surveyed by a qualified ecologist to determine the status of any legally protected species on site, including bats, which could be adversely affected by the proposal.

- 7.48 The applicant submitted a preliminary bat roost assessment, which identified that there were no evidence of bats at the site. The SWT were re-consulted and made a number of recommendations including for works to cease immediately if evidence of bats is found during the construction process, and for advice to be sought from a qualified ecologist or Natural England if such a scenario arises.
- 7.49 Furthermore, as residential dwellings in Kenilworth Road and London Road are situated between the site and the Staines Reservoirs and it is not considered that the proximity to this site would be reason to recommend the application for refusal.

#### Other Matters

- 7.50 In total the Council has received 30 letters or representation, which object to the proposal. Of the matters not already covered in this report, the impact upon the value of neighbouring properties would not be a planning matter. Structural implications and the impacts to the foundations would be a building control matter. The impact upon management holdings at the site would also not be a planning matter.
- 7.51 In regards to waste and recycling, the proposed site plans show two refuse storage areas at the front of the site. The Council's Head of Neighbourhood Services was consulted and raised no objections.
- 7.52 It is noted that a number of small trees/shrubbery located within the amenity area would be removed and replaced by the proposed parking spaces. The trees/shrubbery are not subject to a Tree Preservation Order and are not located within a Conservation Area and so their removal would not constitute a breach of planning control.
- 7.53 The applicant has submitted a Renewable Energy Statement, which confirms that in excess of 10% of the energy for the development will come from renewable sources in the form of an Air Source Heat Pump. The Council's Sustainability Officer has confirmed that he is satisfied that the 10% requirement would be met.

#### Equalities Act 2010

- 7.54 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:
- (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 considered that this proposal may affect individuals with protected characteristics specifically the impact of the development on disabled people. Whilst there would be no lifts up to the third storey units, the development still offers a limited access to additional units for disabled people. The scheme does also propose a parking space for disabled users. The NPPF states that people have a disability if they have a physical or mental impairment, which 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. Whilst the absence of a lift may prevent wheelchair users accessing the new storeys, it would nevertheless be possible for some individuals with disabilities to access the development.

#### Human Rights Act 1998

- 7.55 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.56 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.
- 7.57 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.
- 7.58 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.

#### Finance Considerations

- 7.59 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is

considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.

- 7.60 In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development and will generate a CIL payment in relation to the net additional Gross Floor Space. This amounts to a CIL payment of approximately £37,642, which is a material consideration in determination of this planning application. The proposal will also generate a New Homes Bonus and Council Tax payments which are not a material planning consideration.

## **8. Conclusions**

- 8.1 The proposal seeks to introduce four additional units into an urban location, and as all of the units would contain 1 or 2 bedrooms the proposal would be in adherence to the objectives of policy HO4.
- 8.2 Whilst surrounding dwellings in Cumberland Road typically more traditional in scale and set over 1 or 2 storeys, the proposal whilst increasing the height of the existing buildings by a maximum of 2.2 metres, is considered to be compatible with the design scale and characteristics of Ruxbury Court. It would mirror the gable design of the existing roof, and would reflect the proportions of the existing ground and first floors, and would incorporate the existing materials.
- 8.3 The four additional units would be in adherence to the minimum internal floor space requirements set out within the nationally described Technical Housing Standards (March 2015). The level of outlook, whilst not ideal in the bedrooms, is considered to be mitigated by natural light provided through the roof lights. There would also be an acceptable level of amenity (garden) space provided to new and existing residents of the flats.
- 8.4 In terms of the occupiers of neighbouring properties, the development is not considered to have an overbearing impact upon any of the surrounding dwellings. The roof lights proposed within the flank elevations are not considered to have an adverse impact upon privacy due to their siting of over 1.7 metres above floor level. The windows proposed in the front and rear elevations are also considered to have an acceptable impact upon amenity. It is acknowledged that Block C would breach the Council's 45° vertical guide when measured from a kitchen window in the ground floor of Block B. However, this breach would occur at a distance of 4.8 metres, and on balance is not considered to cause undue harm to the occupiers of these units.
- 8.5 The proposed parking area is considered to be acceptable and the County Highway Authority has not raised any objections. The proposed waste and recycling arrangements area also considered to be satisfactory.

- 8.6 Policy HO1 states that the Council will ensure that provision is made for Housing in Spelthorne by encouraging housing development, including redevelopment, infill, conversion, and change of use to housing, on all sites suitable for that purpose taking into account other policy objectives. The NPPF also states that where a Local Planning Authority cannot demonstrate a 5 year housing supply planning permission should be approved without delay, unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole. In this instance the four additional dwellings are considered to be in adherence to the Council's policies and guidelines and the NPPF. Therefore, the application is recommended for approval.

## 9. Recommendation

To GRANT planning permission subject to 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: 2649-RDJWL-ZZ-ZZ-DR-A-0020 Rev C2, 2649-RDJWL-01-ZZ-DR-A-0025 Rev C4, 2649-RDJWL-ZZ-ZZ-DR-A-0030 Rev C4, 2649-RDJWL-01-ZZ-DR-A-0010 Rev C2, 2649-RDJWL-03-ZZ-DR-A-0017 Rev C1, 2649-RDJWL-01-ZZ-DR-A-0024 Rev C2, 2649-RDJWL-03-ZZ-DR-A-0018 Rev C1, 2649-RDJWL-02-ZZ-DR-A-0028 Rev C4, 2649-RDJWL-ZZ-ZZ-DR-A-0019 Rev C1, 2649-RDJWL-ZZ-ZZ-DR-A-0031 Rev C4, 2649-RDJWL-02-ZZ-DR-A-0027 Rev C (Received 31.07.2020) 2649-RDJWL-01-XX-DR-A-0011 Rev C1, 2649-RDJWL-01-ZZ-DR-A-0012 Rev C1, 2649-RDJWL-02-ZZ-DR-A-0013 Rev C1, 2649-RDJWL-02-ZZ-DR-A-0014 Rev C1, 2649-RDJWL-XX-XX-DR-A-0015, Rev C1, 2649-RDJWL-XX-XX-DR-A-0016 Rev C1 (Received 21.05.2020)

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

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

**Reason:** In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2019 and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 4 The development hereby approved shall not be occupied unless and until at least two of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector -



230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 6 The renewable energy measures detailed in the Renewable Energy Statement Ref 2649-RDJWL-XX-XX-RP-A-009 (Received 21.05.2020) shall be implemented with the extension of each 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 No development above damp course level shall take place until details of the materials to be used for the external surfaces of the building(s) 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 and detailing.

**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.

- 8 Prior to occupation of the new units a scheme of biodiversity enhancement measures including but not limited to bird nesting boxes shall be submitted and improved in writing by the Local Planning Authority. The agreed measures will be implanted prior to occupation of the units and retained thereafter.

**Reason:** In the interests of biodiversity in accordance with policy EN8 Spelthorne Borough Core Strategy and Policies Development Plan Document 2009

## INFORMATIVES TO APPLICANT

- 1 Access by the Fire Brigade  
Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings. There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).
- 2 The applicant's attention is drawn to the Equalities Act 2010, which requires the property to be accessible to disabled people.
- 3 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.gov.uk/CIL](http://www.spelthorne.gov.uk/CIL).

- 4 The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary. The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary.
- 5 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) A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures
  - b) Site perimeter automated noise and dust monitoring;
  - c) Engineering measures to eliminate or mitigate identified environmental impacts e.g. hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
  - d) Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents liaison meetings, etc.)
  - e) A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme;

- f) To follow current best construction practice BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites',
- g) BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from ground borne vibration,
- h) BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings - vibration sources other than blasting,
- i) Relevant EURO emission standards to comply with Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999,
- j) Relevant CIRIA practice notes, and
- k) BRE practice notes.
- l) Site traffic - Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
- m) Site waste Management - Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations.
- n) Noise mitigation measures employed must be sufficient to ensure that the noise level criteria as outlined in BS8233:2014 and WHO guidelines is achieved.

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](http://www.ccscheme.org.uk/index.php/site-registration)).

- 7 The applicant is advised that if a bat or evidence of bats is found on site, prior to or during works, work should cease immediately and advice sought from Natural England or a qualified specialist.
- 8 The applicant is advised that any external lighting installed on this development should comply with the recommendations of Section 5.3.3 of the above referenced Preliminary Bat Roost Assessment and the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK – Bats and The Built Environment Series".
- 9 The applicant should take action to ensure that development activities such as vegetation or site clearance are timed to avoid the bird nesting season. If this is not possible the site should be inspected for active nests by an ecologist immediately prior to clearance works. If any active nests are found they should be left undisturbed with a buffer zone around them, until it can be confirmed by an ecologist that the nest is no longer in use.