

# Planning Committee

6 January 2021



<b>Application Nos.</b>	20/00802/FUL		
<b>Site Address</b>	Car Park to Rear of Tesco, Ashford Hospital, London Road, Ashford, TW15 3AA		
<b>Proposal</b>	Redevelopment of surplus hospital car park for 127 residential units comprising 122 flats and 5 terraced houses, in buildings ranging from 2 to 5 storeys in height, with associated access, parking, services, facilities and amenity space.		
<b>Applicant</b>	Spelthorne Borough Council		
<b>Ward</b>	Ashford North & Stanwell South		
<b>Call in details</b>	N/A		
<b>Case Officers</b>	Matthew Churchill & Fiona Tebbutt		
<b>Application Dates</b>	Valid: 15.07.2020	Expiry: 14.10.2020	Target: Extension of time until 08.01.2021
<b>Executive Summary</b>	<p>This planning application is seeking the redevelopment of a car park at the eastern end of Town Lane, which previously formed part of the Ashford Hospital site. The car park has been sold by the hospital and is no longer in use, with hoarding having been erected along Town Lane. In addition to the car park, the site is also occupied by three buildings which previously served as a nursery, which has relocated within the Ashford Hospital, as well as two ancillary hospital buildings.</p> <p>The application proposes the demolition of the existing buildings and the redevelopment of the car park, to provide 127 residential units in buildings ranging between 2 to 5 storeys in height. The development also includes associated access, parking, facilities, landscaping and amenity space. There would be 127 parking spaces at a ratio of 1 parking space per dwelling. Following a review by the Local Planning Authority's (LPA's) independent viability assessor the applicant has made a commitment to providing 22 affordable housing units (17%) in an affordable rented tenure.</p> <p>The site is adjoined by established residential dwellings at the north, south and eastern boundaries. The Tesco Superstore is adjacent to the western site boundary, with the loading and servicing area of the superstore directly adjoining the site. The main Ashford Hospital site is located to the south west on the southern side of Town Lane.</p> <p>Vehicular access to the site is provided from Town Lane. Pedestrian access is also available to Greenaway Terrace and Victory Close,</p>		

	<p>residential properties to the east. A barrier installed as part of a previous planning permission to redevelop the hospital in 1992 prevents private vehicles from accessing Victory Close from the application site. The applicant has confirmed that this barrier would remain in place following redevelopment and would be under the control of the NHS.</p> <p>The car park previously provided 113 car parking spaces for hospital staff and 8 car parking spaces for the former nursery use. The applicant's submission documents state that the operation of the hospital has recently changed, and the car park is no longer required. The applicant's documents further state that the existing parking demand for Ashford Hospital can be met in the main hospital car park, which contains a reconfigured layout. In any event, the car park has been sold by the hospital and is no longer in use.</p> <p>The application is considered to be acceptable on the grounds of housing size and type, character and density, the impact upon existing residential dwellings, affordable housing, parking provision and highways.</p>
<p><b>Recommended Decision</b></p>	<p>This application is recommended for approval subject to the prior completion of a Legal Agreement.</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
- LO1 - Flooding
- SP2 - Housing Provision
- HO1 - Providing for New Housing Development
- HO3 - Affordable Housing
- HO4 - Housing Size and Type
- HO5 - Housing Density
- EM1 - Employment Development
- CO2 - Provision of Infrastructure for New Development
- CO3 - Provision of Open Space for New Development
- SP6 - Maintaining and Improving the Environment
- EN1 - Design of New Development
- EN3 - Air Quality
- EN4 - Provision of Open Space and Sport and Recreation Facilities
- EN7 – Tree Protection

- EN8 – Protecting and Improving the Landscape and Biodiversity
- EN11 - Development and Noise
- EN15 - Development on Land Affected by Contamination
- CC1 - Renewable Energy, Energy Conservation and Sustainable Construction
- 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

2.1 The planning history below relates to the application site and also to nearby land that once formed part of the hospital site:

19/01044/FUL	Redevelopment of surplus hospital car park for 115 residential units, comprising 110 flats and 5 terraced houses, in buildings ranging from 2 to 5 storeys in height (C3 Use), with associated access, parking, services, facilities and amenity space.	Withdrawn 04.03.2020
12/01037/RMA (Officer note: this application relates to nearby land that once formed part of the Ashford Hospital site)	Reserved matters submission pursuant to Outline Planning Permission 08/01024/OUT: Demolition of existing buildings and erection of a part 3, 4, 5 and 6 storey development comprising 152 residential units. Provision of basement car park and ground level parking spaces.	Grant Conditional 03.10.2012
09/00076/FUL (Officer note: this was the main hospital car park)	Reconfiguration of existing car park.	Grant Conditional 20.03.2009
08/01024/OUT (Officer note: this application relates to nearby land that once formed part of the Ashford Hospital site)	Demolition of existing buildings and erection of a part 3, 4, 5 and 6 storey development comprising 152 residential units. Provision of basement car park and ground level parking spaces (OUTLINE).	Grant Conditional 26.08.2009

08/00615/FUL (Officer note: this was the main hospital car park)	Reconfiguration of existing hospital car park.	Grant Conditional 02.09.2008
02/00586/FUL	Relocation of existing creche nursery building from south east part of site to the rear of Tesco Superstore and alterations to car parking, to provide new parking throughout site.	Grant Conditional 28.08.2002
92/00674/OUT	Redevelopment of site for new and improved hospital use to include new ward blocks, improved clinical departments; food superstore ;petrol filling station, associated car parking, servicing and access (OUTLINE).	Grant Conditional 16.06.1993
92/00540/OUT	Redevelopment of site for new & improved hospital use to include new Ward Blocks, improved Clinical Departments, Food Superstore, Petrol Filling Station, Associated Parking, Servicing and Access.	Grant Conditional 16.06.1993

### 3. Description of Current Proposal

#### The Application Site

- 3.1 This planning application seeks the redevelopment of a car park that previously formed part of the Ashford Hospital site and is no longer in use. The site is also occupied by five buildings, three of which formerly contained a children's nursery that has been relocated within the main hospital site. The remaining buildings were formerly in uses ancillary to Ashford Hospital. Hoardings have recently been erected along Town Lane and the parking spaces are no longer accessible to vehicles.
- 3.2 There are established residential dwellings at the north, south and eastern site boundaries. A Tesco Superstore is situated directly to the west of the site, and its delivery and service yard adjoins the application site. The main Ashford Hospital site is also situated to the south-west on the southern side of Town Lane.
- 3.3 Vehicular access to the site is from Town Lane. A barrier prevents private vehicles from entering the site from Greenaway Terrace and Victory Close from the application site. This was installed as part of a planning permission to redevelop the hospital in 1992. The applicant has confirmed that the barrier would remain following redevelopment and would continue to be under the control

of the NHS. Whilst there is no private vehicular access to Victory Close and Greenaway Terrace pedestrian access is provided.

- 3.4 The car park formerly provided 113 parking spaces for hospital staff and 8 further car parking spaces for the nursery use. The applicant's submission states that operations at the hospital have recently changed and the car park is no longer required as parking provision can be accommodated in the reconfigured main hospital car park.
- 3.5 The site was previously subject to a further planning application to redevelop the car park, which was validated in August 2019 under the reference 19/01044/FUL. The previous proposal would have involved the construction of 115 residential units in buildings ranging from 2 to 5 storeys in height. This application was withdrawn in March 2020.

### Surrounding Area

- 3.6 There are established residential dwellings in Viola Avenue and Vernon Close situated to the north of the site. These properties are typically 'traditional' two storey semi-detached or terraced dwellings. Queen Mary Court, a three-storey flatted development, constructed in the early 2000s is also situated immediately to the north of the site and is accessed through Yeoman Drive.
- 3.7 A row of two storey terraced dwellings are situated immediately to the east of the site in Greenaway Terrace. These typically contain car parking at the front and gardens at the rear. Victory Close and Yeoman Drive are also located immediately to the east and contain a number of two and three storey dwellings which are typically semi-detached or terraced in layout. A number of three storey flatted developments also occupy Victory Close and Yeoman Drive, including Wheat House, Marquis Court and Barley Court.
- 3.8 Immediately to the south of the site are Albain Crescent and Willowbrook Road, which are occupied by more 'traditional semi-detached or terraced two storey family scale dwellings with garden spaces at the rear.
- 3.9 A Tesco Superstore is located immediately to the west of the site, on the northern side of Town Lane. This was constructed in the 1990s and the car park to the store is located further to the west, which incorporates a petrol station. The service yard for the superstore is located to the rear and adjoins the application site on its western side.
- 3.10 The main Ashford Hospital development is located to the south-west of the application site, on the southern side of Town Lane. This contains buildings of up to four storeys in height, as well as associated car parking space at the north and east.
- 3.11 To the west of the hospital site, at the junction of Town Lane and London Road is West Plaza, which is a high-density residential development that previously formed part of Ashford Hospital. It contains 152 residential units in buildings ranging up to 6 storeys in height. The reserved matters for this development were approved in October 2012, under reference 12/01037/RMA.

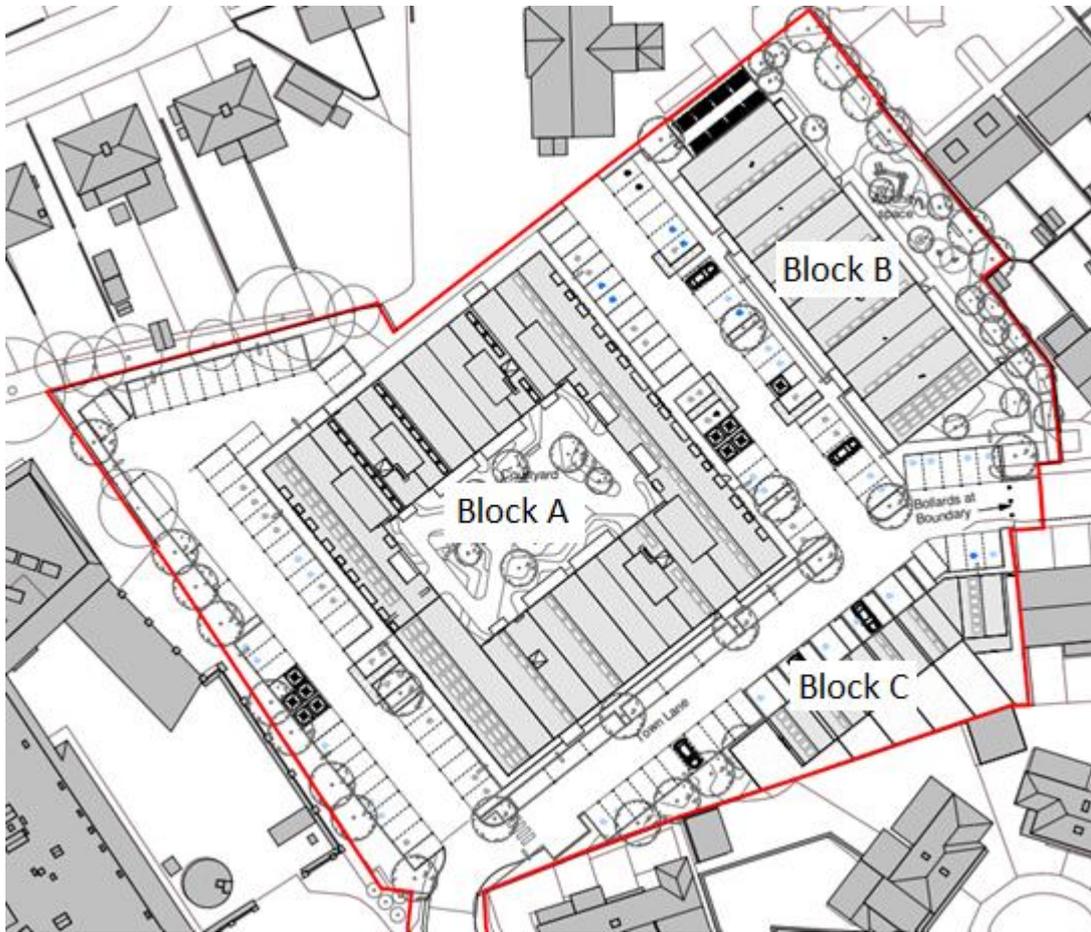
## The Proposal

- 3.12 This planning application is proposing the construction of 127 residential units in three blocks, which would range between 2 and 5 storeys in height. The development would be served by 127 parking spaces at a ratio of 1 car parking space per dwelling. The development also proposes associated access, facilities, services, amenity space and landscaping.
- 3.13 The applicant submitted a viability assessment which stated a commitment to providing 12 affordable units, even though the assessment considered that this would be unviable. Following a review by the Local Planning Authority's (LPA's) independent viability assessor, the applicant has made a commitment to providing 22 affordable (17%) housing units in an affordable rented tenure.
- 3.14 The development would comprise 122 apartments and 5 two storey terraced houses that would be situated at the south of the site. The proposed unit mix is outlined in the table below:

1 bed apartment	2 bed apartment	3 bed apartment	2 bed house
36 (28%)	78 (61%)	8 (6%)	5 (4%)

## Site Layout

- 3.15 The development would be arranged across 3 blocks. Block A would be the largest block in the development and would be 5 storeys in height. It would contain 96 apartments and would be situated to the west of the site. Block B would be situated at the east of the site. It would be 3 storeys in height and would contain 24 apartments. Block C would be situated to the south of the site and would be occupied by 5 terraced dwellings and 2 apartments.
- 3.16 The illustration below outlines the layout of the site and the location of Blocks A, B & C.



### Block A

- 3.17 Block A would be largest block in the development. It would contain 96 units and all of the block would be 5 storeys in height. This block would incorporate a series of gable roofs that would run on a north to south axis and would range between 17.3 metres and 19 metres in height. The tallest element of Block A would be situated in the south-western corner.
- 3.18 Block A would be arranged around a central landscaped courtyard, which would contain private amenity space that would only be accessible to the residents of the development. The units situated in this block would either incorporate 'inset' or external balconies, which would look out onto either the external streetscape or the internal courtyard. The external walls would contain light grey multi-brick and the roofs would contain black fibre cement states. Details of the materials for the entire development would be submitted for approval in the event that this application was approved.
- 3.19 The residential units in Block A would be accessed through the central courtyard, which would be accessible via ground floor openings in the eastern and western elevations. Entry to the residential units would then be through one of four central spine stairways/lifts.
- 3.20 Block A would contain 34 x 1-bedroom units, 54 x 2-bedroom units and 8 x 3-bedroom units.

## Block B

- 3.21 Block B would be situated to the east of the site and would be 3 storeys in height. It would contain a series of gables that would measure a maximum height of 12.26 metres and would run on an east to west axis.
- 3.22 The residential units in Block B would be accessed through entrances in the eastern and western flank elevations. The upper floor units would then be accessible through internal stairways and lifts. With the exception of 2 units on the ground floor, all of the units in Block B would be served by an 'inset' or external balcony or terrace. A communal amenity area is proposed to the east of Block B, which would have controlled access limited to residents.
- 3.23 Block B would incorporate light red multi-brick in the facades with light grey joint and feature brick projections, as well as black fibre cement roof slates.
- 3.24 The unit mix of Block B would consist of 2 x 1-bedroom units and 22 x 2 bedroom units.

## Block C

- 3.25 Block C would contain 5 x 2-bedroom terraced dwellings, which would each contain private garden areas at the rear and a single car parking space front. The block would also contain 2 x 2-bedroom apartments.
- 3.26 Block C would incorporate a series of gables that would run on a north to south axis. The gables would measure a maximum height of approximately 9.75 metres. The proposed materials would consist of dark red multi-brick in the facades and back fibre cement slates in the roof.

## **4. Consultations**

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

Consultee	Comment
Affordable Housing Advisor	The applicant should make a commitment to providing 22 affordable rented units.
Heathrow Safeguarding	Requests two informatives.
CADENT GAS	Request an informative is attached to any planning permission.
County Highway Authority	Requests conditions.
County Archaeological Officer	Requests conditions.
Council's Arboricultural Officer	The site has no trees of any particular merit and there are no objections to the proposal.
Highways England	No objection to the impact upon the Strategic Road network.
Environment Agency	No objection.
Environmental Health (Contaminated Land and Dust)	Requests conditions.
Environmental Health (Air Quality)	Requests conditions.
Environmental Health (Noise)	Requests conditions.
Environmental Services (Renewable Energy)	No objection.
Head of Neighbourhood Services	No objection.
Natural England	No objection.
Crime Prevention Officer	No objection subject to conditions.
Thames Water	No objection.
Lead Local Flood Authority (SUDS)	No objection subject to conditions.
SSE Power Distribution	No comments received.
Surrey Wildlife Trust	No objections subject to conditions.

## 5. Public Consultation

5.1 The proposed development was statutorily publicised by a planning site notice adjacent to the site, and in the local newspaper. Neighbour notification letters were posted to housing in close proximity to the site. A total of 5 letters of representation have been received, objecting to the proposal on the following grounds:

- The existing traffic barrier must be retained as proposed, to prevent a dangerous cut through being created (Officer Note: The applicant has proposed that the barrier would be retained).
- Increased traffic would cause additional pollution.
- If access to the site is restricted for pedestrians, it will impact on walking routes of hospital employees and Tesco users (Officer Note: a pavement is proposed through the site).

- Concern regarding how impact of noise on the proposed properties from night time deliveries at Tesco will be addressed.
- Insufficient information has been provided to residents in relation to the proposal.
- Public consultation for the proposal was not well advertised (Officer Note: notifications letters were sent to the occupiers of all adjoining dwellings and a planning site notice was displayed adjacent to the site, and in the local newspaper).
- There are lots of flats already built near Tesco, and the area is close to capacity for housing.
- The area would be better used for a junior school
- There is insufficient infrastructure to support more residents and associated traffic
- The Design and Access statement references a repealed Disability and Discrimination Act (1995/2005), and the correct reference (Equality Act 2010) should be reviewed (Officer Note: the applicant has confirmed that the development would comply with the Equality Act 2010)
- Reference is made to Lifetime Homes, but this is not fully considered in the planning application, which includes some flats having baths, and inappropriate door configurations (Officer Note: accessible housing issues are dealt with in some detail at the Building Regulations stage)
- Impact on privacy of existing residents
- Inadequate capacity for additional traffic at hospital junction
- Additional noise as a result of increased housing density
- Insufficient parking provision for number of houses proposed
- Overlooking and loss of privacy caused by houses being built too close to each other
- Loss of light to homes and gardens
- Building work will cause increased noise, dirt and disruption
- Proposed dwelling numbers have been increased from 115 to 127

## 6. Planning Issues

- Principle of Development
- Need for Housing
- Housing Type, Size
- Affordable housing
- Design, Height and Appearance
- Density
- Amenity Space for Residents
- Landscape
- Open Space
- Contaminated Land
- Impact on Existing Residential Dwellings
- Parking
- Transportation Issues
- Waste and Recycling

- Air Quality
- Archaeology
- Flooding
- Renewable Energy
- Biodiversity
- Sites of Special Scientific Interest
- Equality Act
- Human Rights Act
- Local Finance Considerations

## **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 redevelopment of a former hospital car park in the urban area, which is no longer in use, and the demolition of three former nursery buildings and two former ancillary hospital buildings. The development would create 127 residential units that would make a significant contribution to the Council's 5-year housing supply.
- 7.4 The majority of the units (93%) would contain either 1 or 2 bedrooms, as encouraged by policy HO4. High density development has also previously been accepted on the Ashford Hospital site at the West Plaza Development, and it is considered that higher density development would be acceptable in this location. The Council's Strategic Land Availability Assessment (SLAA) (July 2019) also identifies that the site could accommodate 108 dwellings, in a time frame of 1-5 years.
- 7.5 The principle of the redevelopment of a site in the urban area is considered to be acceptable subject to assessment against local and national planning policies and guidance and any other relevant material planning considerations.

### Need for Housing

- 7.6 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.

- 7.7 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 means 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, first prepared in 2019 has been updated. This plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough.
- 7.8 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.
- 7.9 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.
- 7.10 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.
- 7.11 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.
- 7.12 It should be noted that in August, the Government launched a consultation entitled “*Changes to the current planning system*” which consulted on, amongst other things, the current method in assessing housing need. The current draft figure has reduced the housing figure for Spelthorne from 606 dwellings per annum to 489. However, no firm conclusions have been reached by the Government on the consultation, it has not yet published its formal response. The consultation, in this respect, is primarily directed towards plan making rather than decision taking on planning applications. The consultation indicates that revised PPG guidance will follow the conclusion of the consultation. Whilst the consultation proposes certain transitional provisions for plan making; it does not make any transitional changes for decision taking. Consequently, decision taking continues to be governed by the NPPF 2019 and the PPG, the latter being recently updated in July 2019.

There have been no amendments to that guidance to indicate that what may become the new plan starting point figures can now be used for development management purposes in the determination of planning applications.

- 7.13 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’.

#### Housing Type and Size

- 7.14 Policy HO4 of the CS&P DPD and the Council’s Supplementary Planning Document (SPD) on Housing Size and Type, seeks to secure 80% of dwellings in developments of 4 or more units to be 1 or 2 bed in size. This is to ensure that the overall dwelling stock meets the demand that exists within the Borough, including a greater demand for smaller dwellings.
- 7.15 The application proposes 36 x 1-bedroom apartments (31%), 78 x 2-bedroom apartments (61%), 8 x 3-bedroom apartments (6%) and 5 x 2-bedroom dwelling houses (4%). As approximately 93% of the units would contain either 1 or 2 bedrooms, the development would meet the requirements of Policy HO4 outlined above. The proposed unit mix is therefore considered to be appropriate.
- 7.16 The Council’s Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development (2011) sets out minimum floor space standards for new dwellings.
- 7.17 The Government has also published national minimum dwelling size standards in their “Technical Housing Standards – nationally described space standard” document (2015). These largely reflect the London Housing Design Guide on which the Spelthorne standards were also based and are arranged in a similar manner to those in the SPD. A summary of the relevant minimum floor space requirements set out in the Technical Housing Standards is illustrated in the table below:

Dwelling Size (Single Storey)	Minimum Floor Space Requirement
1 bed x 1 person	39m <sup>2</sup>
1 bed x 2 person	50m <sup>2</sup>
2 bed x 3 person	61m <sup>2</sup>
2 bed x 4 person	70m <sup>2</sup>
3 bed x 4 person	74m <sup>2</sup>
Dwelling Size (Two Storey)	Minimum Flood Space Requirement
2 bed x 3 person	70m <sup>2</sup>

- 7.18 All of the apartments proposed in Blocks A & B would meet the minimum internal floor space requirements outlined above. The 5 terraced dwellings proposed in Block C, would also meet the minimum requirements for a 2 bed x 3 person dwelling set over 2 storeys.

- 7.19 The ground floor apartment in Block C would constitute a 2 bed x 3 person apartment. It would contain an internal floor space measuring 60m<sup>2</sup>, which would fall 1m<sup>2</sup> short of the 61m<sup>2</sup> minimum floor space requirements for a unit of this size. The upper floor apartment in Block C, would be in adherence to the minimum floor space requirements.
- 7.20 As 126 of the 127 units would be in adherence to the minimum internal floor space requirements as set out in the Technical Housing Standards, and given the extent of the shortfall in floor space of the apartment in Block C by just 1 sq. m, the internal floor space provision across the development is considered to be acceptable. Additionally, a shortfall of 1m<sup>2</sup> is not viewed to outweigh the benefits of the overall scheme and the contribution of 127 residential units to the Council's 5 year housing supply.

### Affordable Housing

- 7.21 The NPPF seeks to deliver a sufficient supply of homes that meet the needs of the population. Paragraph 62 of the NPPF states that:

*'Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site...'*

- 7.22 Policy HO3 of the CS&P DPD states:

*'The Council's target for affordable housing is that 40% of all net additional dwellings completed over the plan period, 2006-2026, should be affordable.'*

- 7.23 Policy HO3 further states that this will be achieved by having regard to the circumstances of each site and negotiating a proportion of up to 50% of housing on sites to be affordable, where the development comprises 15 or more dwellings. The LPA seeks to maximise the contribution to affordable housing provision from each site, having regard to the individual circumstances and viability, with negotiations conducted on an 'open book' basis.

- 7.24 The NPPF (paragraph 57) states that viability assessments should reflect the approach recommended by national planning guidance, including standardised inputs. The planning policy guidance (PPG) states that the assessment of costs in viability assessments should be based on evidence that is reflective of local market conditions. The PPG further states 15-20% return of the gross development value may be considered as a suitable return to the developer in order to establish the viability of the development. The Local Planning Authority has also been advised by independent financial advisors that every application must be assessed in the same way regardless of the developer, and this is reflected in RICS guidance.

- 7.25 The applicant has submitted a viability assessment, which has been prepared by advisors, BNP Paribas. The assessment concludes that based upon current values and costs, it would not be viable to provide any affordable housing across the development. However, the statement further indicates that the applicant will be offering 12 affordable units to assist with affordable housing in the Borough, despite this level being unviable.

- 7.26 Planning Officers instructed an independent viability advisor to conduct a review of the applicant's viability statement. The advisor studied the inputs of the BNP Paribas appraisal and conducted her own research into Gross Development Values, Benchmark Values and build costs and other inputs adopted for the proposed development.
- 7.27 Following the assessment, the independent consultant recommended that the applicant should be requested to provide 22 affordable housing units in an affordable rented tenure (17%), as the calculations indicated that the development would be viable with this level of affordable housing provision. As a consequence, the applicant subsequently agreed to provide the 22 units affordable units in an affordable rented tenure. This comprises the following units sizes that would be located in Block B and Block C:
- 17 x 2 bedroom, 3 person units
  - 4 x 2 bedroom, 4 person units
  - 1 x 1 bedroom 2 person unit.
- 7.28 The NPPF in Annex 2, defines affordable housing as; housing for sale or rent, for those whose needs are not met by the market, including housing that provides a subsidised route to home ownership and/or is essential for local workers. It must also comply with one or more of the following definitions of affordable housing listed in Annex 2 as a) affordable housing for rent, b) starter homes, c) discounted market sales housing, d) other affordable routes to home ownership. The applicant is providing 22 affordable housing units under the NPPF definition.
- 7.29 The applicant's planning statement suggests that the development is seeking to provide rented housing, which will be offered to key workers which includes individuals working for the police, health workers and education workers, as well as to individuals on the housing register. It is also understood that the applicant has agreed a Memorandum of Understanding with the NHS for 109 units to be offered to healthcare workers. However, whilst this may be the applicant's intention, the planning application is proposing 22 affordable units (17%). As such, should planning permission be granted, the applicant would only be obligated from a planning perspective to provide 22 affordable housing units, subject to an appropriate agreement. It would then be a decision for the applicant, should they wish to offer what they consider to be affordable housing units above this level, although there would be no planning obligation for them to do so. Furthermore, occupants listed in the Memorandum of Understanding may not necessarily be from the Council's register and this would not meet our most acute requirements for general needs housing.
- 7.30 As the applicant has agreed to provide 22 units in an affordable rented tenure as recommended by the LPA's independent viability assessor, it is considered that the proposal would be in accordance with the requirements of policy HO3 and the NPPF.

#### Design, Height and Appearance

- 7.31 Policy EN1 of the CS&P DPD, which is supported by the Supplementary Planning Document on the 'Design of Residential Extensions and New Residential

Development', requires a high standard of design. Sub point (a) requires new development to demonstrate that it 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”*

- 7.32 The site is surrounded by existing residential development to the north, south and east, much of which is two storey in scale, with a variety of brick, materials and detailing. To the north of the site, properties in Viola Avenue and Vernon Close are older, traditionally designed and set over two storeys, as are properties in Willowbrook Road and Albain Crescent, located to the south. Greenaway Terrace, located directly to the east contains a row of two storey terraced dwellings with driveways at the front and gardens at the rear. There is a greater mixture of dwellings in Victory Close and Yeoman Drive, with two storey semi-detached and terraced dwellings present, as well as higher density three storey flatted development at Barley Court, Marquis House, Queen Mary House. There is also high-density development on the western side of the hospital site in West Plaza and also to the north on what was formerly known as the Stanwell New Start scheme.
- 7.33 The proposed unit mix ranging from two storey terraced dwellings to five storey apartments is considered to be acceptable in this location given the unit mix in the surrounding area, particularly the high-density flatted developments at West Plaza.
- 7.34 The placement of windows and balconies, the distances between existing and proposed housing (detailed elsewhere in this report), the use of a variety of materials ranging from traditional brick to more modern reconstituted stone and glass and the use of features such as gables, areas of open space and landscaping, all help to integrate the proposed development with the existing, and to relate to the surrounding development style and character, while taking account of the constraints of redeveloping a site in an urban environment.
- 7.35 It is therefore considered that the proposal would have an acceptable impact upon the character of the area and would meet the requirements of Policies EN1 and SP6 of the CS&P DPD and the NPPF.

### Density

- 7.36 Policy HO5 of the CS&P DPD states that within existing residential areas characterised predominantly by 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, and those containing significant employment areas, this rises to a range between 40 to 75 dwellings per hectare. Policy HO5 further states higher density development may be acceptable where it is demonstrated that the scheme complies with Policy EN1 on design.
- 7.37 The NPPF encourages the optimisation of densities and states that Local Planning Authorities should refuse planning applications which they consider fail to make an efficient use of land.

- 7.38 The development would have a density of approximately 140 dwellings per hectare. The surrounding residential properties located to the north, east and south of the site, are laid out as either 'traditional family scale dwellings' or as flatted developments including Wheat House, Marquis Court and Barley Court. A density in the range of 40 to 75 dwellings per hectare would normally be considered acceptable in this location, when assessed against policy HO5. However, Policy HO5 allows for higher density developments where a scheme 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 transport. For the reasons highlighted above, the proposal is considered to be in accordance with policy EN1 in design terms and a higher density is considered to be acceptable subject to its location being accessible. This will be considered further below.
- 7.39 The proposed density of 140 dwellings per hectare, is considered to represent an acceptable optimisation of the site, in accordance with the objectives of the NPPF. It should also be noted that West Plaza, which is located 250 metres to the west of the site and previously formed part of Ashford Hospital, has a density of 165 dwellings per hectare.
- 7.40 The proposed density is considered to be in accordance with the objectives of the NPPF, and as the development is in accordance with policy EN1, the proposal is also considered to accord with the objectives of policy HO5, subject to the proviso referred to above.

#### Amenity Space for Residents

- 7.41 The Council's SPD, Design of Residential Extension and New Residential Development (2011) provides general guidance on minimum garden sizes (Paragraph 4.20). In the case of flats, this guidance states that 35m<sup>2</sup> of amenity space should be provided per unit for the first 5 units, 10m<sup>2</sup> should be provided to the next 5 units, and 5m<sup>2</sup> should be provided to each unit thereafter. It also states that two bedroom semi-detached or terraced dwellings should be provided with a minimum garden area of 60m<sup>2</sup>.
- 7.42 On the basis of the above minimum guidance, there would be a requirement for the 122 apartments to be served by a minimum of 780m<sup>2</sup> of private amenity space. The plans indicate that all but two of the apartments would be served by either inset or external balconies, or private amenity areas on the ground floors. The Local Planning Authority has calculated that 1191m<sup>2</sup> of amenity space would be provided across the balconies and private amenity areas serving the ground floor units. This would exceed the LPA's minimum guidelines and is therefore considered to be acceptable.
- 7.43 Further communal amenity space would be provided to residents of Block A in the Central Courtyard, which measures 595m<sup>2</sup>. This would have controlled access and would only be accessible for residents of this block. A further amenity space with controlled access would also be provided to Block B, situated to the east of this block. This would measure approximately 527m<sup>2</sup> in area. Both of these areas would contain incidental play features for young children.

- 7.44 When considered cumulatively with the balconies and private garden areas, the apartments would be provided with amenity space that significantly exceeds the Council's minimum requirements.
- 7.45 The garden areas provided to the dwelling houses in Block C vary from 23m<sup>2</sup> to 62m<sup>2</sup>. The Council's SPD on design states that two bedroom dwellings should contain a minimum garden area of 60m<sup>2</sup>. It is acknowledged that 4 of the 5 houses would fall short of the Council's minimum requirements. Whilst this is the case, there is a play area and green space within 150 metres of the site, in Victory Close. The applicant's submission documents also identify 6 play spaces within a 15 minute walk of the site, which are considered to partially mitigate this shortfall. On balance, given the siting of the green space in Victory Close, and as the development as a whole would provide amenity space significantly in excess of the Council's minimum amenity space requirements, the level of amenity space provided to the proposed terraced dwellings is considered to be acceptable when weighted against the benefits of the scheme.

#### Landscape

- 7.46 The applicant has submitted a landscape statement, which details planting at the site boundaries and car parks, as well as in the courtyard of Block A. This is considered to enhance the development and the amenity provided.
- 7.47 The applicant has submitted an Arboricultural Implications Assessment, which states that it would be necessary to fell an Ash Tree and 2 x Horse Chestnuts within the site to enable the development to take place. The Council's Tree Officer has undertaken a site visit and has commented that the trees are not of particular merit, and the proposed new planting will compensate for their loss.

#### Open Space

- 7.48 Policy CO3 of the CS&P DPD states that in new housing development of 30 or more family dwellings the Local Planning Authority will require a minimum of 0.1 hectares of open space to provide for a children's play area. The policy states that such provision should be increased proportionally according to the size of the scheme. For the purposes of this policy a family unit is defined as having two or more bedrooms.
- 7.49 There would be 91 units across the development that would contain two or more bedrooms. On this basis there would be a requirement for 0.3 hectares of open space to provide children's play spaces.
- 7.50 Play features for younger children would be contained in the courtyard of Block A and the amenity space to the east of Block B. Both of these spaces would have controlled access and would not be open to members of the general public. The total area of the courtyard within Block A and the amenity space to the east of Block B would amount to approximately 0.1122 hectares. The incidental play areas would form part of this space.
- 7.51 As there would be a shortfall when assessed against the requirements of policy CO3, the LPA has sought a financial contribution from the applicant towards off-site improvements to existing open spaces in the borough. A contribution of

£35,000 has been agreed. The applicant's submission documents have also identified 6 play spaces within a 15 minute walk of the site, including a park in Victory Close, which is approximately 100 metres from the site, and this is considered to partially mitigate this shortfall.

- 7.52 Given the proximity of other open public spaces to the site, together with the applicant's financial contribution towards the improvement of off-site existing open spaces, whilst the shortfall in open space when assessed against policy CO3 is acknowledged, on balance the proposal is considered to be acceptable in this regard.

#### Impact on Existing Residential Dwellings

- 7.53 Policy EN1 (b) requires that new development '*achieves a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight, sunlight, or overbearing effect due to bulk, proximity or outlook.*'

#### Daylight & Sunlight

- 7.54 The applicant has submitted a daylight sunlight report. The report uses BRE guidance to analyse the impacts of the development upon light entering windows serving neighbouring dwellings. This is assessed through 3 measures; (i) the Vertical Sky Component (VSC), (ii) the No Sky Line (NSL) and (iii) Annual Probable Sunlight Hours (APSH).
- 7.55 The Vertical Sky Component (VSC) is a measure of the amount of sky that is visible from the centre point of an existing window. Where a development would not obstruct a 25° vertical section from a point at the centre of the window, there is no need for further assessment as this is deemed to be acceptable.
- 7.56 Where a Vertical Sky Component exceeds 27%, it is considered that the room would be provided with a good level of light. If, following the construction of a proposed development, the VSC is less than 27% and would be 0.8 times (or 20%) less than its former value, BRE guidance states that the loss of light would be noticeable.
- 7.57 The No Sky Line (NSL) assessment calculates where the sky can and cannot be seen within a room at the working plane, which in the case of houses is measured from a height of 0.85 metres. If following construction of the development, the sky line moves so that the area of the room that receives direct skylight is reduced to 0.8 times (or 20%) its former value, this will be noticeable to the occupants of the room, which will feel more poorly lit.
- 7.58 The Annual Probable Sunlight Hours (APSH) relates to the long-term average of the total number of hours during a year in which direct sunlight reaches the unobstructed ground. BRE guidance indicates that if the centre of a window can receive 25% of annual probable sunlight hours, including 5% of annual probable sunlight between 21 September and 21 March, a reduction to 0.8 times (or 20%) its current value, or a reduction of the whole year of 4% of the annual probable sunlight hours may adversely impact the room it serves.

- 7.59 The applicant's daylight sunlight report has assessed VSC and NSL values at adjoining dwellings in Queen Mary Court, Albain Crescent, Willowbrook Road, Viola Avenue, Yeoman Drive, Greenaway Terrace and Victory Close.
- 7.60 The report identifies that following construction of the development there would be shortfalls against the BRE, VSC guidelines at 12, 13, 14 and 15 Albain Crescent, 18 Victory Close and 83 Viola Avenue. The report further identifies that there would be shortfalls against NSL guidelines at 14 and 15 Albain Crescent, 40 Willowbrook Road, Queen Mary Court and 92N Viola Avenue. All assessed properties were found to be in accordance with BRE APSH guidance.
- 7.61 The LPA has appointed an independent advisor to review the daylight sunlight reports findings. The advisor considered that the shortfalls in VSC and NSL levels at 12 and 13 Albain Crescent, 18 Victory Close, 83 Viola Avenue, Queen Mary Court and 92N Viola Avenue, were within an acceptable margin, and the impact upon the light serving these dwellings is therefore considered to be acceptable.
- 7.62 The advisor stated that there were 'slight concerns' over the impact of the development upon light reaching windows at 14 Albain Crescent and 40 Willowbrook Road. The daylight sunlight report notes that 5 windows at 14 Albain Crescent would see VSC reductions of between 23-25% (BRE guidance states there should not be a loss of more than 20%). Additionally, 2 windows serving this dwelling would have a 21-24% reduction in NLS levels (BRE guidance also states there should be a loss of no more than 20%). At 40 Willowbrook Road, all windows would pass VSC guidance. However, 1 window (out of 6), would see a reduction in NSL levels of 37%.
- 7.63 The advisor has also expressed greater concerns over the impact upon light entering 15 Albain Crescent, where 5 windows would fall outside VSC guidelines with reductions of between 24-29% and 3 rooms would have between a 31-53% reduction in NSL levels. There would be a noticeable impact upon the light entering this property following construction of the development. This was drawn to the applicant's attention who commented that following the construction of the development 90% of the neighbouring windows would be compliant with VSC guidelines, 95% of the windows would be compliant with NSL guidelines and 100% of the windows would be compliant with APSH guidelines.
- 7.64 The LPA must undertake a planning balancing exercise in terms of the impact of the development upon the light entering existing surrounding properties, where there would be shortfalls against planning policies and guidance. The LPA is unable to demonstrate a 5-year housing supply. The NPPF requires Local Planning Authority's to adopt a 'tilted-balance' approach, where a 5 year housing supply cannot be demonstrated, in which development should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development when assessed against policies in the NPPF as a whole. In this instance, the application proposes a development in the urban area on a surplus car park, which would make a significant contribution to the LPA's 5-year housing supply. There would be noticeable impacts upon light entering 14 & 15 Albain Crescent and 40 Willowbrook Road, which currently benefit from an open site at their rear boundaries. However, the impacts upon the light entering these properties needs to be considered against the NPPF as a whole, in particular the provision of much

needed 127 housing units and when balancing the application as a whole it is not considered that objection should be raised on the basis of loss of light.

### Overshadowing

- 7.65 The daylight sunlight report also analyses whether the development would overshadow neighbouring properties. BRE guidance states that at least half of all amenity areas should receive at least 2 hours of sunlight on 21<sup>st</sup> of March. The BRE guidance states that if an existing garden or amenity area does not meet this guidance, and as result of development the area that can received 2 hours of sunlight on March 21 is less than 0.8 times (or 20%) its former value, then the loss of sunlight is likely to be noticeable.
- 7.66 The Daylight Sunlight report states that only one property would see a reduction of more than 0.8 times its current value (18 Victory Close). However, more than half the amenity space at this property (55.9%) would received two hours of daylight on 21 March, and as such the development would be compliant with BRE guidelines on overshadowing.

### Privacy & Overbearing Impact

- 7.67 The LPA's SPD on the Design of Residential Extensions and New Residential Development (April 2011), states that the positions of windows should avoid views into the windows of an adjoining property or onto patios or sitting out and garden areas immediately to the rear of these properties. The SPD further states that an appropriate degree of separation must exist between properties to avoid overlooking, preserve privacy and to avoid an overbearing impact.
- 7.68 The SPD contains a 'back to back' and 'back to side' guide, which states that there should be a minimum distance of 21 metres between the rear elevations of neighbouring dwellings, which increases to a guideline distance of 30 metres, where the dwellings are set over three storeys. The guidance further states that there should be a minimum 'back to side' distance of 13.5 metres between two storey dwellings, and a minimum 'back to side' distance of 21 metres for three storey dwellings. It should be noted that this guidance is primarily aimed towards 'traditional suburban dwellings' rather than high density development.

### Block A

- 7.69 Block A would be set over 5 storeys and would contain balconies and windows serving habitable rooms in each elevation. There would be a 'back to back' distance of approximately 18.2 metres between Block A and the closest dwelling to the south of the site (13 Albain Crescent). There would also be a distance of 13.5 metres between the rear elevation of Block A, and the rear boundary of this property. Whilst this would fall short of the LPA's 30 metre guidance, 18.2 metres is a significant distance, and it is considered that the southern elevation of Block A would have an acceptable impact upon the privacy of dwellings located to the south of the site.
- 7.70 There would be a distance of approximately 31.9 metres between the northern elevation of Block A and the southern elevation of the nearest residential dwelling situated to the north of the site (83 Viola Avenue). This dwelling contains a

relatively long rear garden. As a result Block A would be situated some 7.3 metres from the rear boundary of this property. However, given the 31.9 metre distance to the rear elevation of this dwelling, Block A is considered to have an acceptable impact upon the privacy of all dwellings to the north of the site.

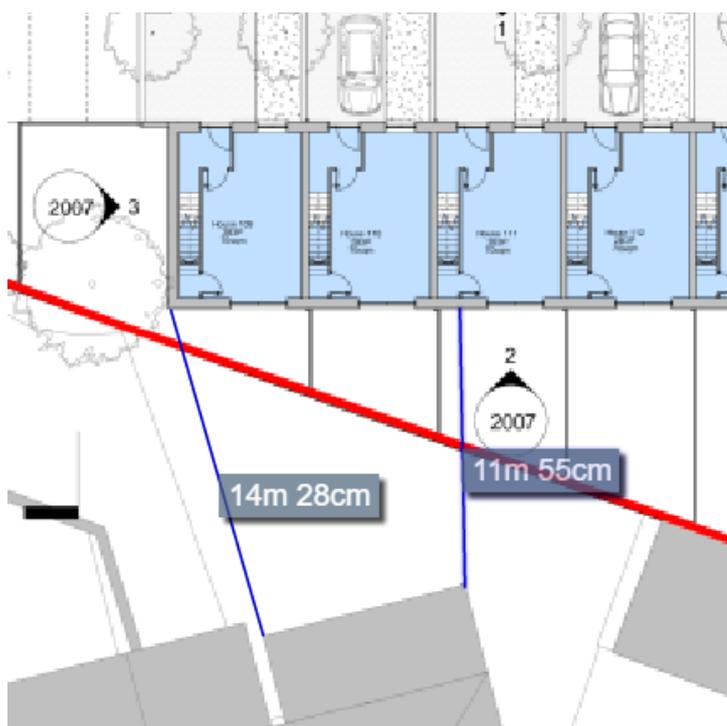
- 7.71 It is acknowledged that Block A would be situated 3 metres from the boundary with the communal amenity area of Queen Mary Court situated to the north of the site. This amenity area is already overlooked by the units in Queen Mary Court and it is not considered that an objection could reasonably be sustained on this basis.
- 7.72 Given the distances outlined above, whilst there would be shortfalls when assessed against the LPA's 'back-to-back' and 'back-to-side' guidance, Block A is not considered to have an overbearing impact upon any surrounding dwellings and is considered to have a satisfactory impact upon privacy.

### Block B

- 7.73 Block B would be set over 3 storeys and would incorporate first and second floor windows in the eastern flank elevation that would serve habitable rooms. The windows would be situated approximately 7 metres from the western flank boundary of 18 Victory Close and 11 metres from the flank boundary of 1A Yeoman Drive. As such, there would be a significant shortfall in the Council's back-to-side guidance and there would be a degree of overlooking into the rear gardens of both properties. However, any overlooking would occur at a distance of 7 and 11 metres.
- 7.74 Whilst there would be a shortfall in separation distances when assessed against the Council's 21 metre back to side distance, as outlined in the daylight section of this report, the Local Planning Authority cannot demonstrate a 5 year housing supply and must apply a 'tilted balance' approach, whereby the NPPF states planning permission should be approved unless any adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the NPPF as a whole.
- 7.75 There would be a degree of overlooking 18 Victory Close at a distance of 7 metres, and of the garden at 1A Yeoman Drive at a distance of 11 metres. The Local Planning Authority must carefully consider whether this separation distance would cause harm to an extent that this would outweigh the provision of 127 residential units in an urban location. On balance, this is considered to be an acceptable compromise.
- 7.76 At its closest point Queen Mary Court would be situated approximately 10 metres from the north-western corner of Block B, falling short of the Council's guideline separation distances. However, no windows are proposed in the northern elevation and at such a distance it is considered that the proposal would not have an overbearing impact upon Queen Mary Court.
- 7.77 There would also be a distance of 21 metres between the western elevation of Block A and the eastern elevation of Block B. At such a distance, Block A and Block C are considered to have an acceptable relationship.

## Block C

- 7.78 Block C would contain a row of 5 x 2 bed, two storey terraced dwellings and 2 x 2 bed apartments that would be located at the east of the block.
- 7.79 All of the first floor rear windows to the terraced dwellings in Block C, would serve either bathrooms or landings, which do not constitute habitable rooms. A condition is therefore recommended to be attached to the decision notice, which requires these windows to contain obscure glazing to prevent opportunities for overlooking.
- 7.80 At the closest point, the rear elevation of Block C would be situated approximately 1.6 metres from the rear boundary of the nearest residential dwelling (40 Willowbrook Road). However, this property has an irregular rear boundary, and its rear elevation is not orientated perpendicularly to the rear elevation of Block C.
- 7.81 At the closest 'back-to-back' point, the rear elevation of Block C would be situated approximately 11.55 metres from the rear elevation of 40 Willowbrook Road. This separation distance would fall significantly short of the Local Planning Authority's 21 metre 'back-to-back' guidance. However, on balance this is considered not to result in an overbearing impact.



- 7.82 The first floor apartment at the east of Block C would contain two first floor windows in the rear elevation that would serve a combined kitchen and living room. The windows would be located some 7.5 metres from the rear boundary of no.27 Willowbrook Road. On balance it is considered that this would not result in unacceptable opportunities for overlooking, particularly as an outbuilding is situated at the rear of no.27 Willowbrook Road, alongside the boundary, which would mitigate any adverse impacts.

## Parking

- 7.83 Under the requirements of the Councils Parking Standards SPD (2011), a total of 178 parking off-street car parking spaces would normally be required to serve a development of this size, based on the following standards:

Unit Type	General Needs Housing	Affordable Housing
1 bed unit	1.25	1
2 bed unit	1.5	1.25
3 bed unit (under 80 m <sup>2</sup> )	2.25	1.75

- 7.84 Policy CC3 of the CS&P DPD requires adequate provision of off-street parking.
- 7.85 The development would contain 127 off street car parking spaces at a ratio of 1 parking space per dwelling. This would fall 51 car parking spaces short of minimum parking space requirements set out in the Council's Parking Standards SPD.
- 7.86 The Council's Parking Standards state that a reduction in the minimum requirements will normally be allowed in the Borough's 4 town centres, where public transport accessibility is generally high. Any reduction will be assessed against the distance of the site from public transport nodes, the frequency and quality of bus and train services, the availability of quality cycle and pedestrian routes, and the range and quality of facilities supportive of residential development within reasonable walking distance of the site.
- 7.87 The application site is not situated in one of the Borough's 4 town centres. However, the applicant's transport assessment indicates that the site is located between 375 and 475 metres (4-5 minutes walk approx.) from bus stops in Town Lane, with additional bus stops situated in Stanwell Road, which are between 600 and 640 metres from the site (7-8 minutes walk approx.). The site is also located approximately 1.35 km from Ashford Railway Station, which is considered to be within a reasonable walking distance (20 minutes approx.) Given the accessibility of the site by non-car modes of travel, the proposed density is considered to be acceptable.
- 7.88 There are a number of nearby facilities that are supportive to residential development that would also be situated within reasonable walking distance of the scheme, including the Tesco Superstore and Ashford Hospital, which adjoins the site, a community centre and a number of education facilities that are within a reasonable distance.
- 7.89 Whilst the application site is not located in one of the borough's 4 town centres, it is considered that the development would be situated within reasonable walking distance of facilities that would be supportive of residential units. The site is also considered to be within reasonable walking distance of a number public transport nodes. As such, whilst there would be shortfall of 51 parking spaces when assessed against the Parking Standards SPD, the ratio of 1 parking space per unit is considered to be acceptable in this location.

- 7.90 In addition, census data for flats and apartments within the immediate vicinity of the site suggests that 22.3% of the units in the surrounding area are likely to have zero cars associated with them, whilst 21% of the surrounding units are likely to have more than one vehicle. The census data further suggests that it is likely that the remaining 56.7% of units would have one vehicle. The County Highway Authority (CHA) has commented that on the basis of this data, one car parking space per unit is likely to be sufficient to accommodate the parking demand of the proposal, providing the spaces remain unallocated. It should be noted however, that the census data is now 9 years old and it is not possible to determine how many vehicles are associated with households with more than one vehicle and is the most up to date information we have
- 7.91 The transport assessment also confirms that the parking spaces would be unallocated, and 6 of the parking spaces (5%) would be for disabled users. It further confirms that there would be 127 cycle spaces, at a ratio of 1 space per dwelling, which would be in accordance with the minimum requirements set out in the Parking Standards SPD.
- 7.92 It is noted that the development would result in the loss of 113 parking spaces that previously served Ashford Hospital, as well as 8 parking spaces that served the former nursery. The car park has been sold by Ashford Hospital and is no longer in use, with hoarding having been erected along Town Lane and, it is considered that an objection could not be sustained against the proposal on the basis of displacement of staff parking for the hospital.
- 7.93 The transport statement also indicates that a maximum of 69 staff vehicles were observed using the car park. The statement further indicates that the NHS is reconfiguring the main hospital car park to accommodate 79 additional spaces. As this falls outside of the application site, the LPA would have no planning control over reconfiguration of the main car park. In any event, it is considered that an objection could not be sustained on the car parking arrangements of the existing hospital, as the application site no longer falls within the ownership of the hospital and is in effect now a separate site.

#### Electric Vehicle Charing Points (EV points)

- 7.94 The County Highway Authority, through its document entitled '*Surrey Vehicular and Cycle Parking*' (January 2018), recommend that in new developments, 1 fast EV charging socket should be provided per house, and that 20% of all spaces available to flats are fitted with a fast charge socket, with a further 20% being provided with a power supply to provide additional fast charging points.
- 7.95 The County Highway Authority and the Council's Environmental Health Department (Air Quality) have both recommended that at least 20% of the parking spaces are provided with electric vehicle charging points.
- 7.96 The applicant has agreed to provide all 31 of the EV charging points upon occupation (5 for the houses and 26 for the flats). This is considered to be in accordance with the objectives of the County guidance.

- 7.97 The applicant has also agreed to 'future proof' a further 26 spaces, in accordance with the Surrey guidance to provide a power supply to a further 20% of the spaces. These can be dealt with by planning conditions.

#### Transportation Issues

- 7.98 Policy CC2 of the CS&P DPD states that the Local Planning Authority will seek to secure more sustainable travel by amongst other things, only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account the capacity of the local transport network, the cumulative impact, and access egress to the public highway and highway safety.
- 7.99 The NPPF also states that development should only be refused or prevented on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts on the road network would be severe.
- 7.100 The transport assessment includes a trip generation analysis, which predicts that the development would create 34 vehicle journeys during the AM peak (8am-9am), and 24 vehicle journeys during the PM peak (5pm-6pm). The transport assessment also conducted an assessment at local junctions, which suggests that in 2021, if completed, the development would cause traffic to increase by 0.7% at the junction with London Road, in the am peak and by 0.4% in the pm peak. The transport assessment also predicts that the existing roundabout would continue to operate at capacity following completion of the development.
- 7.101 The Council has consulted the County Highway Authority (CHA). The CHA commented that the development is likely to lead to an increase in queuing on Town Lane between the Tesco superstore and Ashford Hospital, and may lead to a slight increase in delays on Town Lane and at the junction with the A30, although this impact would be low. Whilst there is likely to be an increase in delays along Town Lane, the CHA has not objected to the application on this basis.
- 7.102 As part of the consultation process for the previous planning application to redevelop the application site (19/01044/FUL), Highways England requested further details on how the development would impact a mini-bus service operating between Ashford Hospital and St Peter's Hospital, as this was agreed as part of a planning permission in Runnymede Borough at St Peter's Hospital (RU.17/1815). As the application site has been sold by Ashford Hospital and is no longer in use with hoarding erected along Town Lane, it is considered that an objection could not reasonably be sustained on the grounds of the impact upon parking arrangements at the main Ashford Hospital site. In addition, the Council consulted Highways England on the current application, and no objections were made.
- 7.103 The CHA also commented that that car park reconfiguration at the main hospital site has not provided adequate additional capacity. However, the CHA further commented that there would be little scope for objection through the planning process on this matter as the ownership of the car park has already been transferred and the car park could be barriered off without the requirement

planning permission as it now has been, providing there is no condition associated with the car park use.

- 7.104 The County Highway Authority has also raised concerns over the footway along Town Lane, situated to the west of the development would not be suitable for residential access. The CHA has therefore requested that a condition is attached to the decision notice requiring the submission of a scheme detailing pedestrian improvements along Town Lane. As the private section of Town Lane has been included in the red line in the site location plan, it is considered that such a condition could be attached to the decision notice, and such a condition would meet the 6 tests set out in the NPPF.
- 7.105 Given the comments of Highways England and the County Highway Authority, it is considered that the proposal would be in accordance with the requirements of Policy CC2 and the NPPF in highways terms and subject to conditions, is acceptable on transportation grounds.

### Waste & Recycling

- 7.106 Policy EN1 of the CS&P DPD, states that proposals for new development will need to demonstrate that they will incorporate provision for the storage of waste and recyclable materials.
- 7.107 The Spelthorne document entitled 'Guidance on the storage and collection of Household Waste' states that for flats communal wheeled bins should be provided for refuse and recycling and should have a total capacity based on 1 x 240 litres for refuse per unit and 1 x 240 litres for recycling per unit. On this basis a development for 127 units would normally be required to have a minimum bin storage capacity of 30,480 litres for refuse and 30,480 litres for recycling.
- 7.108 The applicant has submitted a waste management plan (1345/PL/0105), which confirms that the development would incorporate:
- 4 x 5000 litre general waste bins (20,000 litres in total),
  - 4 x 5000 litre recycling bins (20,000 litres in total)
  - 2 x 3000 litre food waste bins (6,000 litres in total)
- 7.109 This would fall short of the guidance outlined within the Spelthorne storage and collection of household waste document. To overcome this shortfall, the plans state the refuse requirements for the scheme are based on an alternative weekly collection by the Council, with every second week a collection being arranged and paid for by the management company of Victory Place.
- 7.103 The Council's Head of Neighbourhood Services was consulted and confirmed capacity would be acceptable on the basis that the Council would collect bins fortnightly and the applicant's management company would collect the bins on alternative weeks. However, concerns were initially expressed as the bins would be doubled up and there would not be sufficient space either side of the bins leading to concerns as to how the bins would be emptied.

- 7.104 The applicant submitted an additional plan (1345/PL/1000 Rev B), which demonstrates that there would be a 0.5 metre gap either side of the bins. On this basis the Council's Head of Neighbourhood Services confirmed that the proposed development would be acceptable.

#### Air Quality

- 7.110 Policy EN3 of the CS&P DPD seeks to improve air quality within the Borough and minimise harm from poor air quality.
- 7.111 The pollution control officer has requested the submission of a construction management plan, to include a dust management plan, to show how this would be managed during the demolition process. This can be dealt with by means of a condition.
- 7.112 The pollution control officer has recommended that at least 20% of proposed parking spaces contain electric charging points, in the interests of air quality. A condition concerning electric car charging points has already been addressed above. A further condition has also been recommended in relation to the submission of an asbestos survey in relation to the existing buildings. The officer also commented on gas boilers, which will be attached as an informative.

#### Contaminated Land

- 7.113 The Council's Environmental Health Department has requested that a condition is attached to the decision notice requiring the developer to submit a contaminated land desk study to identify any sources of land/water contamination, and where any sources are identified, a site investigation is required, as well as a written statement outlining remediation measures.
- 7.114 Two further conditions have been requested, which would require the applicant to submit a remediation report and an asbestos survey relating to the existing buildings. It is considered that such conditions would meet the six tests set out in the NPPF.

#### Archaeology

- 7.115 The applicant has submitted a written scheme of investigation for an archaeological investigation, as well an archaeological evaluation.
- 7.116 The LPA has consulted the County Archaeology Officer who noted that the archaeological evaluation was curtailed by a number of factors including previous gravel extraction, access restrictions, the presence of existing services and a series of subterranean tunnels. However, the Archaeological Officer considered that the results of the evaluation were sufficient to determine that the site does not contain any features of archaeological significance, with the exception of the tunnels.

- 7.117 The Officer recommended that a condition be attached to the decision notice to secure the implementation of historic building recording and archaeological monitoring, to be conducted in accordance with a written scheme of investigation.

### Flooding

- 7.118 The site is not located in a flood zone. The Local Planning Authority consulted the Environment Agency, who raised no objections.

### Renewable Energy

- 7.119 Policy CC1 of the CS & P DPD states that the Council will require residential development of one or more dwellings, and other development involving new building or extensions exceeding 100 square metres, to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources unless it can be shown that it would seriously threaten the viability of the development.
- 7.120 The applicant has submitted an Energy Statement with the submission. This considers a number of measures for meeting renewable energy demand, including wind, photovoltaics, solar thermal systems, biomass heating, ground and air source heat pumps and combined heat and power. The report proposes the use of photovoltaic panels. A 65kWp array (equating to approximately 250 panels), is proposed to ensure that over 10% of the development's energy demand is met by on site renewable energy sources.
- 7.121 The Council's Sustainability Officer was consulted and stated that they are satisfied that the renewable energy requirement would be met. It is recommended that this is secured by condition.

### Biodiversity

- 7.122 Policy EN8 of the CS&P DPD states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by safeguarding Sites of international and national importance, ensuring that new development wherever possible contributes to an improvement in biodiversity avoiding harm to features of nature conservation interest. The policy further states that permission will be refused where development will have significant harmful impacts on features of nature conservation interest.
- 7.123 The applicant has undertaken an Ecological Appraisal, which has included a Desk Study and the conclusions of a Phase 1 Habitat Survey. The report concludes that the development would not significantly impact nearby Sites of Special Scientific Interest, or Sites of Nature Conservation Importance. It further stated that the site presently contains urban habitats with low ecological value.
- 7.124 The applicant has also submitted a Bat Survey Report, which recorded no bats roosting at the site. However, bats were observed commuting and foraging across the site and as a result the report recommends mitigation and

enhancement measures. It is recommended that a condition is attached to the decision notice requiring the applicant to submit details enhancement measures prior to occupation of the development.

- 7.125 The Local Planning Authority Consulted Natural England, who considered that the application would not have an adverse effect on the integrity of Staines Moor Site of Special Scientific Interest (SSSI), which forms part of South West London Waterbodies Special Protection Area (SPA). Natural England therefore has no objections.
- 7.126 The Local Planning Authority also consulted the Surrey Wildlife Trust (SWT), which commented that the LPA should consult Natural England for advice on whether the application would comply with European Legislation. The SWT further advised the LPA to consider where residents are likely to go for recreation in the locality as there is a risk green spaces could have their biodiversity affected by the residents of 127 new dwellings. In response, it should be noted that some amenity space is being provided on site and a financial contribution is also being provided to improve nearby existing open spaces in the borough. It is not considered that an objection could be sustained on the basis of future occupants impacts upon nearby green spaces.
- 7.127 The SWT also requested a condition requiring the submission of a landscape and ecological management plan. In response to conserving and enhancing biodiversity and geodiversity, the LPA recommends a condition requiring the applicant to submit further details of landscaping and a condition requiring biodiversity enhancement measures across the site.
- 7.128 The proposal is therefore considered to be acceptable in biodiversity terms.

### Other Matters

- 7.129 The LPA has notified Heathrow Safeguarding (HS), which has recommended that two informatives are attached to the decision notice relating to cranes and landscaping.

### The Planning Balance

- 7.130 This development is proposing the redevelopment of a surplus car park that was formerly part of Ashford Hospital. The scheme proposes the construction of 127 residential dwellings in an urban area, which would significantly contribute to the Council's 5-year housing supply. The Local Planning Authority must make a planning judgement and determine whether this benefit would or would not outweigh any planning harm associated with the development.
- 7.131 There are some shortfalls when the proposal is assessed against the LPA's planning guidelines, most notably the separation distances to adjoining dwellings and shortfalls against BRE guidelines. There are also shortfalls against the Council's minimum Parking Standards.

- 7.132 In terms of separation distances, the development would incorporate first and second floor windows serving habitable rooms, within 7 metres of the side boundary of 18 Victory Close and within 11 metres of the side boundary of 1A Yeoman Drive. The development would also incorporate windows and balconies serving habitable rooms in all storey's of Block A, which would be situated approximately 18.2 metres from the rear elevation of the closet dwelling to the south of the site (13 Albain Crescent). Additionally, there would be shortfalls in BRE guidance at 14 and 15 Albain Crescent and 40 Willowbrook Road.
- 7.133 The decision maker must make a planning judgement as to whether these shortfalls would outweigh the benefits of the provision of 127 residential units in the urban area including the provision of 22 (17%) affordable housing units to help meet the housing needs of the borough. The LPA is also unable to demonstrate a 5-year housing supply and can only demonstrate a supply of 4.8 years. The NPPF states that where a LPA is unable to demonstrate a 5 year housing supply, a 'titled balance' approach should be adopted, whereby planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the NPPF as a whole. On planning balance, when the application is viewed as a whole, it is considered that the benefits of the provision of 127 units in this urban location would outweigh the harm outlined above.

#### Equalities Act 2010

- 7.134 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- (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.
- 7.135 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.
- 7.136 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.
- 7.137 The LPA has received a letter of representation raising concerns that the applicant's design and access statement makes reference to the Disability Discrimination Act 1995 (as amended 2005), which is now out of date. The applicant has submitted a letter dated 21 September 2020, to clarify that the development has been designed to accord with the Equality Act 2010, which supersedes the Disability Discrimination Act.

7.138 The development would incorporate lifts serving each floor of Block A & Block B, and the development would contain 6 disabled parking spaces (5%) across the development. The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long term adverse effects on their ability to carry out normal day-to-day activities. This can include but is not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. It is considered that it would be possible for individuals with disabilities to access the development.

#### Human Rights Act 1998

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

7.140 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.

7.141 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.

7.142 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

7.143 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.

7.144 As the application site is located in CIL Zone 1 and as the scheme is providing in excess of 15 units and is subject to assessment against policy HO3, the application would not be liable to any CIL charges. This is because the approved CIL charging schedule has a rate of £0 in Zone 1 where 15 or more units are proposed to which affordable housing applies.

7.145 In consideration of S155 of the Housing and Planning Act 2016, the proposal would result in the following financial contributions:

- £35,000 be sought to improvements to existing off-site open spaces.

These are considered to be material considerations in the determination of this planning application. The proposal will also generate a New Homes Bonus Business Rates and Council Tax payments which are not material considerations in the determination of this proposal

### Planning obligation

Affordable housing, a commuted sum and a financial contribution are obligations negotiated and agreed to make acceptable this development which would otherwise be unacceptable in planning terms. These would be secured by entering into a legal agreement with Knowle Green Estates Limited under section 111 of the *Local Government Act 1972* requiring it to enter into an approved form of section 106 agreement once it has taken an interest in the Land. This statutory power allows local authorities to enter into agreements which facilitate the discharge of its functions. This means that the planning permission will not be implemented until the section 106 agreement has been completed. The above proposed agreement ensures that the obligations are enforceable against the Land by Spelthorne Borough Council as Local Planning Authority and satisfies the requirement of the NPPF.

## **8. Conclusions**

It is considered that the proposal makes effective use of urban land in a sustainable location. It would have an acceptable impact on the highway network and the level of parking is considered to be appropriate for this location with amenities and public transport opportunities within reasonable walking distance of the site. It meets the Borough's recognised need for housing and provides units with a good standard of amenity. Therefore, the application is recommended for approval.

## **9. Recommendation**

**(A)** To GRANT planning permission subject to the completion of an appropriate agreement between Knowle Green Estates Limited being a developer/party with sufficient *interest* in the land and Spelthorne Borough Council being the local planning authority to secure the following Heads of Terms, delegated to the Planning Development Manager:

1. To provide a minimum of 22 on site affordable rented units (17 x 2 bedroom x 3 person, 4 x 2 bedroom x 4 person, and 1 x 1 bedroom x 2 person):
  - Prior to the occupation of 50% of the residential units (not being the affordable units) to build and complete the affordable rented units and transfer these to a Registered Provider, unless otherwise agreed by the Local Planning Authority.
  - Prior to the occupation of the affordable rented housing units the transferee (or owner) shall enter into a Nominations Agreement in respect of the affordable rented housing (in order that the affordable housing meets local needs).

2. A Commuted Sum of £2,844 index-linked from completion of the agreement with payment due on first occupation;
3. A financial contribution of £35,000 towards off-site open space improvements within Spelthorne.

### **In the event that the Legal Agreement is not completed**

In the event that the Section 106 agreement is not completed to the satisfaction of the Local Planning Authority and/or the applicant does not agree an extension of time for the determination of the planning application, delegate to the Planning Development Manager in consultation with the Chairman of the Planning Committee the following:

REFUSE the planning application for the following reasons:

1. The development fails to provide a satisfactory provision of affordable housing to meet the Borough's housing needs, contrary to Policy HO3 of the Core Strategy and Policies DPD 2009, and the principles set out in the National Planning Policy Framework.
2. The development would provide an inadequate level of open space contrary to Policy CO3 of Policy CO3 of the Core Strategy and Policies DPD 2009.

**(B)** In the event that the Section 106 agreement is completed to the satisfaction of the Local Planning Authority; 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: 1345/PL/0001, 1345/PL/0006, 1345/PL/0007, 1345/PL/0008, 1345/PL/0009, 1345/PL/0010, 1345/PL/0011, 1345/PL/0012, 1345/PL/0013, 1345/PL/0014, 1345/PL/0017, 1345/PL/0016, 1345/PL/0018, 1345/PL/0019, 1345/PL/0020, 1345/PL/0021, 1345/PL/0022, 1345/PL/0024, 1345/PL/2002, 1345/PL/2001, 1345/PL/2007, 1345/PL/2004, 1345/PL/2003, 1345/PL/2006, 1345/PL/2005, 1345/PL/0103, 1345/PL/0103, 1345/PL/0102, 1345/PL/0101 (Received 17.07.2020) 1345/PL/1015 Rev A, 1345/PL/1023 Rev A (Received 17.11.2020) 1345/PL/0002 Rev A, 1345/ PL/1002 Rev A, 1345/ PL/1003 Rev A, 1345/ PL/1004 Rev A (Received 20.11.2020)

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

- 3 Details of a scheme of both soft and hard landscaping works shall be submitted to and approved by the Local Planning Authority prior to first occupation of any part of the development hereby approved. This shall include a programme for the

implementation of the landscaping works. The approved scheme of tree and shrub planting shall be carried out in accordance with the approved implementation programme. The planting so provided shall be maintained as approved for a minimum 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. In accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 4 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 policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 5 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 the courtyard open space 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.

- 6 Details of the layout of the Play Areas and the equipment to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details prior to the first occupation.

**Reason:** To ensure that the proposed development complies with policy C03 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009 and section 8 (promoting healthy and safe communities) of the National Planning Policy Framework.

- 7 The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) The results of further infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy.
- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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

- 8 Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

**Reason:** To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

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

**Reason:** In the interests of the archaeological potential of the site in accordance with Saved Policy BE26.

- 10 Prior to the first use or occupation of the building's hereby approved, a strategy shall be submitted and agreed with the Local Planning Authority, which details ecological mitigation measures, including but not limited to the provision of roosting opportunities for bats. The mitigation measures shall thereafter be retained to the agreed details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard and protect important species using the site in accordance with policies SP6 and EN8 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 11 There shall be no direct access for vehicles (other than emergency vehicles) between the site and Greenaway Terrace, unless otherwise agreed in writing by the Local Planning Authority.

**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 policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

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

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

- 13 Following construction of any groundwork and foundations, no construction of development above damp course level shall take place until a report is submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of 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.

- 14 Prior to the occupation of the development hereby permitted the first floor windows on the southern elevation(s) of the units labelled House 109, House 110, House 111, House 112 and House 113 in Block C, as shown in plan 1345/PL/1021 and 1345/PL/1023, 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. These windows shall thereafter be permanently retained as installed.

**Reason:** To safeguard the privacy of the adjoining properties in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 15 No development shall commence until a Construction Transport Management Plan, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) measures to prevent the deposit of materials on the highway
  - (e) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

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

- 16 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 plan 1345/ PL/1000 Rev B (Received 29.10.2020). Thereafter the said approved facilities shall be provided, 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.

- 17 Prior to the occupation of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's "Travel Plans Good Practice Guide". Thereafter the approved Travel Plan shall be implemented upon first occupation of the site and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

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

- 18 The development hereby approved shall not be first occupied unless and until pedestrian and cyclist infrastructure, including but not limited to those shown on drawings 19008-01-006 Rev B, and AH-CP-19-P1 Rev A03, have been constructed in accordance with a detailed design to be submitted to and approved in writing by the Local Planning Authority. The facilities shall include a comprehensive improvement to pedestrian facilities that provides an uninterrupted safe and convenient link between Greenaway Terrace and Town Lane (B378). Thereafter the

said approved facilities shall be permanently available to residents of the development and 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.

- 19 The development hereby approved shall not be occupied unless and until at least 31 of the available parking spaces, including one for each of the proposed terraced houses, 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. The scheme must also detail how 26 of the additional spaces will be provided with electricity for the future provision of EV charging points.

**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.

- 20 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.

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](http://www.spelthorne.gov.uk).

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

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

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

#### NOTE

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

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

- 22 No work shall take place until an asbestos survey has been submitted to and approved in writing by the Local Planning Authority. For the removal of asbestos containing materials:
- (a) A Risk Assessment and Method Statement is to be agreed in writing by the Local Planning Authority, so that the removal and disposal of asbestos containing materials is appropriately managed.
  - (b) The agreed methodology and mitigation measures shall be implemented in accordance with the approved details and a completion report (including waste disposal information) should be submitted for approval.

**Reason:** in the interests of residential amenity and in accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 23 No development shall take place until a Construction Management Plan (CMP) and Dust Management Plan (DMP) has been submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan is to include (but not limited to) the mitigation measures outlined within Section 6 of the Air Quality

Assessment. Continuous monitoring of PM10 should be included in the DMP and must be undertaken during the demolition, earthworks and construction process.

**Reason:** To protect the amenity of the local area.

- 24 Window glazing shall be installed on the western elevation of Block A the elevations facing Tesco's service yard in accordance with the recommendations made by MZA Acoustics in their June 2020 Report (Issue/Revision 5).

**Reason:** Reason: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance.

## **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 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 with consideration of the nearby hospital 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 covering stockpiles and exposed topsoil, 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. The applicant is encouraged to adopt the best practice mitigation measures for construction dust specified within the Institute of Air Quality Management Guidance on the Assessment of Dust from Demolition and Construction;
  - (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.

(h) The Pollution Control team should be consulted over placement of continuous PM10 monitoring and upon the methods of dust suppression and mitigation prior to the works.

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)

It should be noted that under the Environmental Protection Act 1990 Councils can serve an abatement notice on people responsible for statutory nuisances. This may require whoever's responsible to stop the activity or limit it to certain times to avoid causing a nuisance and can include specific actions to reduce the problem.

- 3 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.
- 4 The minimum depth of clean topsoil should be 150mm for adequate rooting depth for grasses areas, for landscaping the minimum is 300mm and for residential back gardens 600mm. If insufficient capping space is present then excavations may be required to meet the required depth without raising the profile of the land.

In the residential garden areas all hot spots should be remediated with at least 600mm of clean cover with a suitable geotextile or deters to dig base beneath the clean materials and cover area.
- 5 If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards. If there are any further queries please contact the Flood Risk Asset, Planning, and Programming team via [SUDS@surreycc.gov.uk](mailto:SUDS@surreycc.gov.uk). Please use our reference number in any future correspondence.

6 **Landscaping**

The development is close to the airport and the landscaping which it includes may attract birds which in turn may create an unacceptable increase in birdstrike hazard. Any such landscaping should, therefore, be carefully designed to minimise its attractiveness to hazardous species of birds. Your attention is drawn to Advice Note 3, 'Potential Bird Hazards: Amenity Landscaping and Building Design' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

7 **Cranes**

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

8 The applicant's attention is drawn to the ACPO/Home Office Secured by Design (SBD) award scheme, details of which can be viewed at [www.securedbydesign.com](http://www.securedbydesign.com).

9 Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

10 The applicant is advised that gas fired boilers should meet a minimum standard of less than 40mgNO<sub>x</sub>/kWh. All gas fired CHP plant should meet minimum emissions standards of 250mgNO<sub>x</sub>/NM<sup>3</sup> for spark ignition engines. Note other limits apply for gas turbine or compression ignition engines.

- 11 Any lighting for the proposed development should be designed in line with the Bat Conservation Trust guidelines on artificial lighting and wildlife (Bat Conservation Trust 2018) to minimise adverse impacts on bats in the surrounding area.
- 12 BEFORE carrying out any work you must:
- (i) Note the presence of an Above Ground Installation (AGI) in proximity to your site. You must ensure that you have been contacted by Cadent and/or National Grid prior to undertaking any works within 10m of this site.
  - (ii) Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
  - (iii) Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
  - (iv) Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
  - (v) In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.