

Planning Committee

28 April 2021



Application No.	20/01506/FUL		
Site Address	Sunbury Cross Ex-Services Association Club, Crossways, Sunbury		
Applicant	SUN EX-21 Ltd		
Proposal	The demolition of the existing Sunbury Ex-Servicemen's Association Club and re-development of the site including the erection of three residential buildings of 4-storey, 6-storey and 9-storey comprising 69 flats with associated car-parking, cycle storage, landscaping and other associated works.		
Officers	Paul Tomson/Vanya Popova		
Ward	Sunbury Common		
Call in details	N/A		
Application Dates	Valid: 04/01/2021	Expiry: 05/04/2021	Target: Extension of time agreed
Executive Summary	<p>This planning application proposes for the demolition of the existing clubhouse and the redevelopment of the site comprising three residential buildings of 4-storey, 6-storey and 9-storey containing a total of 69 flats with associated car-parking, cycle storage, landscaping and other associated works.</p> <p>The proposal is considered to constitute an overdevelopment of the site by virtue of: excessive housing density; cramped layout; poor outlook for the ground floor flats; domination of car parking and hardstanding; inadequate space for landscaping; and insufficient open space to provide a children's play area. Furthermore, the applicant has failed to provide sufficient evidence to demonstrate that there is adequate car parking provided on the site. The development will fail to make a positive contribution to the character of the area, will not create a strong sense of place, and will provide a poor standard of amenity for future occupiers. The proposal is therefore contrary to Policies EN1, HO5, CO3 and CC3 of the Core Strategy and Policies DPD 2009 and Section 12 (Achieving Well Designed Places) of the National Planning Policy Framework 2019.</p>		
Recommended Decision	The application is recommended for refusal.		

Note: In accordance with the Planning Committee's Terms of Reference as set out in the Constitution, the Planning Development Manager has decided that,

after consultation with the Chairman of the Planning Committee, this application should be submitted to the Planning Committee for determination.

MAIN REPORT

1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO3 (Affordable Housing)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- CO1 (Providing Community Facilities)
- CO3 (Provision of Open Space for New Development)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN11 (Development and Noise)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

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

- SPG on Parking Standards Updated 2011
- SPD on Housing Size and Type 2012

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

2. Relevant Planning History

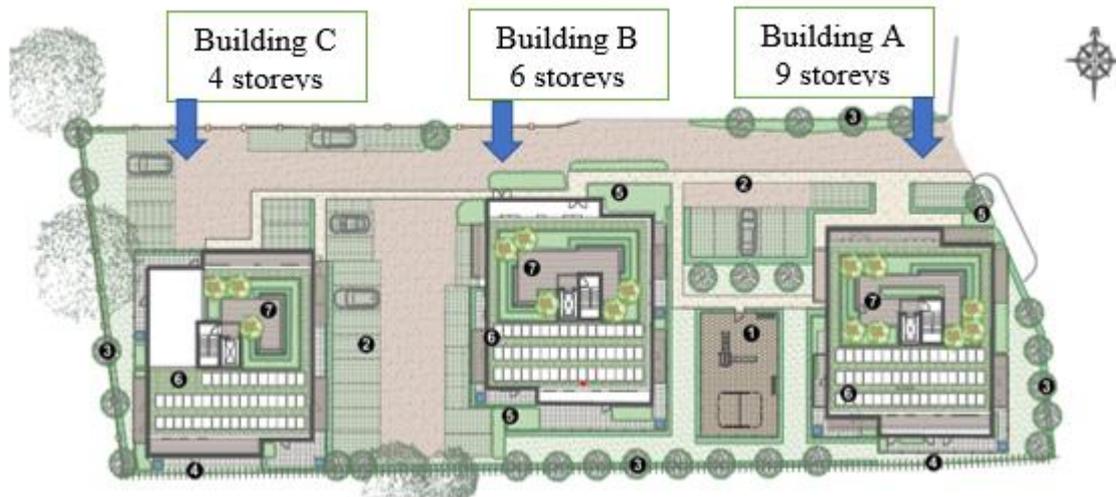
- 2.1 The club was originally built in the 1970s as part of a comprehensive development which also comprised the construction of existing flats and maisonettes located to the north of site. Since the original planning permission, the club has been subject to number of minor planning permissions to extend or alter the existing facility.

3. Description of Current Proposal

- 3.1 The application site comprises an area of 0.316 hectares and is occupied by a two storey building with associated car-parking and is formally known as the Sunbury Cross Ex-Services Association Club. According to the submitted information, the existing development is no longer in use. The site is situated on the southern end side of Crossways in Sunbury On Thames, a cul-de-sac road which main access is via Staines Road West. Immediately to the south of the site is the Staines Reservoirs Aqueduct, whilst further to the south is the Tesco superstore and its associated car-park which can be accessed at the end of Crossways (adjacent to the application site) via a pedestrian footbridge across the Aqueduct. The M3 motorway runs further south-east of the site. Opposite the Crossways road (east) is the entrance to the Sunbury Cross Multi-storey car park. The western boundary adjoins an existing two storey building (Lodge Nursing Home) which comprises a residential care home. To the north of site is a 4 storey building comprising residential maisonettes including Oak Lodge and Sycamore Lodge. Further to the north are more flatted residential developments.
- 3.2 In terms of planning constraints, the whole site is within the 1 in 1000 year flood zone (Flood Zone 2). It is adjacent to the designated Shopping and Employment Areas of Sunbury Cross as defined in the Local Plan.

Proposal

- 3.3 This application seeks permission for the demolition of existing clubhouse and the re-development of the site comprising the erection of three residential buildings of 4-storeys (Building C), 6-storeys (Building B) and 9-storeys (Building A) totalling 69 flats with associated car-parking, cycle storage, landscaping and other associated works. Each of the units would be served with its own external balcony. The submitted plans also show that each of the three buildings will be providing communal roof terraces with fitted planters and integrated seating as well as composite decking. At ground floor level, there will be no shared communal garden area but the layout plan shows the incorporation of 95 sq. metres of a children's play area located between Building A and Building B. The tallest building would have a height of 27 metres (30.65 metres maximum height), whereas the remaining buildings B and C would have heights of 18 metres and 12 metres (maximum heights of 21.65 metres and 15.40 metres) respectively.
- 3.4 The illustration below outlines the layout of Buildings A, B and C.



3.5 This submission relates to fully residential character consisting of 33 x 1 bedroom flats, 25 x 2 bedroom flat and 11 x 3 bedroom flats (amended). The applicant has also amended the dwelling mixes which are proposed to be allocated to the Affordable Housing.

3.6 The proposed mix and tenure are as the follows:

Unit type	PRIVATE	AFFORDABLE		TOTAL
		Rented	Shared	
One bed	21	9	3	33
Two bed	11	7	7	25
Three bed	2	7	2	11
	34	35		69

3.7 A total of 32 car parking spaces are proposed for the residential units, 7 of which are allocated for disabled parking and 12 vehicle charging spaces (6 fast electric vehicle charge sockets and 6 with a power supply). In addition, it is proposed to provide 102 no secure cycle spaces which would be allocated within the three buildings (53 in Building A, 32 in Building B and 17 in Building C). The vehicle and pedestrian entrance to the site will be on the northern-east side leading into the Crossways.

4 Consultations

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

Consultee	Comment
County Highway Authority	No objection, requests conditions.
Environment Agency	No objections. Refers to the standard advice.
Group Head-Neighbourhood Services	No objections on the refuse arrangements.
Highways England	No objections.
Environmental Services (Renewable Energy)	Original comments raised concerns on the lack of details on energy demand savings. After re-consultation, the Sustainability Officer is satisfied that the renewable requirements will be met.
Local Lead Flood Authority (Surrey County Council)	After re-consultation, no objections. Conditions and informatives have been recommended.
Crime Prevention Officer	Should the application gain consent, a condition or informative has been recommended concerning the Secured by Design (SbD) Gold award.
BAA	No objections, recommends an informative regarding cranes.
Surrey Wildlife Trust	No comments have been received. Any updates will be reported verbally.
Natural England	No objections. Refers to standing advice.
Tree Officer	No objections.
Thames Water	No objections, recommends informatives.
National Grid	No comments have been received. Any updates will be reported verbally.
Environmental Health (Contaminated Land and Dust)	No objections on contamination grounds. Subjects to pre-commencement conditions and informatives.
Environmental Health (Air Quality)	After re-consultation, Principal Pollution Control Officer has raised no objections, recommends conditions and informatives.
Surrey Fire & Rescue Service	No comments have been received. Any updates will be reported verbally.
Environmental Health (Noise)	No objections, recommends conditions and informatives.
Council's Housing Strategy	Originally raised concerns on the proposed unit sizes not being in line with the Council's current requirements (2b4p). (<i>Officer's note:-</i>

	<i>The applicant has amended the Affordable Housing unit sizes as per Housing Strategy and Policy Officer).</i>
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5. Public Consultation

- 5.1 132 properties were notified of the planning application. Furthermore, a statutory site notice was displayed and the application was advertised in the local press.
- 5.2 A total of 29 letters of representation has been received commenting on the proposal including objections raised by the Spelthorne Committee for Access Now (SCAN) and on the behalf of the Lower Sunbury Residents Association (LOSRA). In addition, a letter of presentation has been made by Spelthorne Borough Council's Community Safety Officer encouraging that the developer considers a new CCTV system to help reduce fear of crime and AID crime and disorder matters.

Reasons for objecting include:-

- Too many flatted developments
- Need more green spaces
- Further pressure on local schools and doctor clinics
- Air Pollution
- Highways implications
- Traffic congestion
- The crime rate is high
- The site was sold without the Sunbury Cross Ex-Services Association members' agreement
- There was a higher {financial} offer submitted which the Club committee ignored (Officer note: not a planning matter)
- There will be a great deal of profit for the developers (Officer note: not a planning matter)
- Originally Club members were promised for the construction of a new Club within the site
- Over-shadowed
- Loss of view
- Loss of sunlight and daylight
- Noise
- Lack of green spaces in Sunbury
- Access issues (in and out)
- Increased noise and disturbance levels by lorries coming in and going/manoeuvring during construction
- The area of Crossways is already busy
- Sunbury Ex Serviceman's Club was a much used local amenity for residents' groups and other social activities
- The club members are entitled to be recompensed for the sale of the land (Officer note: not a planning matter)
- Over-developed
- Health and Safety issues

- Insufficient parking on site
- Impact on on-street parking within the area
- Very limited consideration to disabled people (The layouts of flats, in particular entrance door arrangements, are not suitable for some disabled people, particularly wheelchair users)
- The limited disabled parking.
- a mixture of flats at different levels and to a greater number should be provided to at least Category 2 (M4(2)) standard potential interfere with the current wireless connectivity safety operating system in the area, most specifically to the cameras at Spelthorne Grove
- loss of amenities within the local area
- No consideration for the local community
- Impact on health and well-being
- Cramped development
- Dominating Car-parking /Hardstanding
- Poor infrastructure
- Over-looking
- The loss of important and well-used community hub
- No local engagement with some of the neighbouring properties
- Over-bearing

6. Planning Issues

- Principle/loss of club
- Housing need
- Housing Density
- Design and Appearance
- Amenity Space
- Open space
- Impact on Existing Residential amenities
- Parking/Highway issues
- Affordable housing
- Renewable energy
- Dwelling mix
- Air quality
- Noise
- Flooding
- Impact on trees/landscape
- Waste and Recycling
- Contaminated Land
- Biodiversity

7. Planning Considerations

Principle/Loss of Existing Club

- 7.1 The site is located within the urban area and is occupied by the Ex-Servicemen's Club and its associated car park. The site adjoins existing residential development to the north, and a residential care home to the west. Consequently, the principle of creating a new residential development on the site is considered acceptable subject to other planning issues being acceptable, including the loss of the clubhouse. This is addressed below.

- 7.2 The proposal involves the loss of the existing Ex-Servicemen's Club. Policy CO1 of the Core Strategy and Policies DPD 2009 (CS & P DPD) states that the Council will seek to ensure community facilities are provided to meet local needs by resisting the loss of existing facilities except: (i) where it is demonstrated that the facility is no longer needed, or (ii) where it is established that the services provided by the facility can be provided in an alternative location or manner that is equally accessible to the community served. The supporting text to the policy refers to community facilities to include schools and other educational facilities, health and social care facilities, emergency services, advice centres, clubs, societies, places of worship, sport and leisure activities, youth facilities and community centres.
- 7.3 It is relevant to note that the site has been identified as a proposed site allocation for housing in the Council's Preferred Options Consultation Site Allocations document dated November 2019 (Regulation 18) and it states that "redevelopment could provide the opportunity for a mixed use scheme with a new club on the ground floor and residential development above". However, it is important to stress that the new Local Plan is in its very early stages of preparation. It is yet to be subject to examination and consequently the weight given to the Preferred Options Consultation document is negligible.
- 7.4 It is considered that the Ex-Servicemen's Club constitutes a community facility and that the requirements of Policy CO1 are applicable in this particular case. It is relevant to note that the Council has received several letters of representation from third parties raising the loss of the club as a reason for objection. For example, the letters state that the club was sold without consultation with its members and that there is an ongoing legal dispute.
- 7.5 The applicant was asked about the issues raised in the third party letters and was requested to provide information to demonstrate that the club is no longer needed. He states that the club closed on the 20 March 2020 having been placed in administration by its members following a democratic vote. The applicant has responded by stating:

"The reality is member's club membership is falling When the Club was thriving, it had a membership of 3000 and over the last twenty odd years it has fallen to around 300 in 2014 and 260 by 2020. (loss rate of 10% per year). This is because the size of the UK armed services has fallen from 350000 in 1970 to 145000 last year.

(source: [British armed forces size 1900-2020 | Statista](#))

Clearly a club relying on membership based on armed services personnel and families will over time decline in line with size of the armed forces. In addition, membership from family members or next generation has also declined due to a declining birth rate, work and other factors which result in generations no longer living in the same area.

The constitution of the Club has voting members (more than five years membership). These voting members decided to close the club - 240 voted to close the club and only one member has not cashed his/her cheque from the distributed funds. None of the members who were not happy with the

decision to close have followed up the procedure set out or taken matters any further. The closure of the club was supervised by a firm of lawyers appointed by the Club.

Some of the members have indicated joining Bagster House Club in Shepperton or Sunbury Royal British legion, opposite Crossways. This additional membership will help make these two clubs more viable for the future.”

- 7.6 In addition to the above comments, the applicant has submitted details of the club’s accounts since 2013, which show that the club has been struggling financially for a number of years. In view of the above comments and the information submitted, it is considered that the applicant has demonstrated that the club is no longer needed, and that the requirements of Policy CO1 have been met.

Housing Need

- 7.7 When considering planning applications for housing, local planning authorities should have regard to the government’s requirement that they significantly boost 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.
- 7.8 The Council has embarked on a review of its Local Plan and acknowledges that the housing target in its Core Strategy and Policies DPD February 2009 of 166 dwellings per annum is more than five years old and therefore the five year housing land supply should be measured against the area’s local housing need calculated using the Government’s standard method¹. The standard method for calculating housing need is based on the 2014 household growth projections and local affordability. This equates to a need of 611 dwellings per annum in Spelthorne. This figure forms the basis for calculating the five-year supply of deliverable sites.
- 7.9 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 2021, but the full five year time period runs from the end of the current year, that is, 1 April 2022 to 31 March 2027. 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 611 results in a figure of 733 dwellings per annum, or 3666 over five years.
- 7.10 In using the objectively assessed need figure of 733 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.

¹ Planning Practice Guidance Reference ID: 68-005-20190722

- 7.11 The sites identified in the SLAA as being deliverable within the first five years and subsequent updates from landowners have been used as the basis for a revised five year housing land supply figure. Spelthorne has identified sites to deliver approximately 3513 dwellings in the five year period.
- 7.12 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.79 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites. There is, therefore, a presumption in favour of sustainable development.
- 7.13 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 and a presumption in favour of sustainable development if the figure is below 75%. The Housing Delivery Test result for Spelthorne Borough Council was published by the Secretary of State in January 2021, with a score of 50%. This means that less housing has been delivered when compared to need over the previous three years. As a consequence, there is a presumption in favour of sustainable development because the test score of 50% is less than the 75% specified in the regulations. The figure of 50% compares with 60% last year and 63% in 2019. The Council’s Housing Delivery Test Action Plan will be updated to reflect this. The current action plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough.
- 7.14 Usually as a result of the above position in Spelthorne relating to the 5 year housing land supply and the recent Housing Delivery Test, 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’. However, the NPPF at para 11d) i) makes clear that the presumption in favour of development does not apply where, ‘...: *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed...*’
- 7.15 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’. This will be assessed below.

Housing Density

- 7.16 Policy HO5 of the CS & P DPD states that within higher density residential area, including those characterised by a significant proportion of flats and those containing significant Employment Areas, new development should generally be in the range of 40 – 75 dwellings per hectare. Higher density development may be acceptable where it is demonstrated that the

development complies with Policy EN1 on design, particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non car-based modes of travel.

- 7.17 The site area is 0.316 hectares and the proposed development of 69 units will have a housing density of 218 dwellings per hectare (dph). The proposed housing density is much higher than the recommended density range of 40 – 75 dph specified in Policy HO5. Furthermore, the development is not considered to comply with the requirements of Policy EN1 on design, which is explained in detail in the following paragraphs.

Design and appearance

- 7.18 Section 12 of the National Planning Policy Framework 2009 (The Framework) seeks to achieve well-designed places. Paragraph 127 states that planning decisions should ensure that developments:
- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.19 Policy EN1(a) of the CS & P DPD states that the Council will require a high standard of design and layout of new development. Proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines layout, materials and other characteristics of adjoining buildings and land.
- 7.20 The site has an edge of centre location within the urban area. The Sunbury Cross Shopping Centre and designated Employment Area is located on the eastern side of Crossways. To the north of the site is the relatively high density development of Forest Drive (the blocks known as Oak Lodge and Sycamore Lodge are nearest to the site), which comprises 4-storey blocks of maisonettes. The 4-storey flank elevation of 6 & 12 Oak Lodge immediately

adjoins the northern boundary of the site. To the west is the 2-storey residential care home of Ashton Lodge. To the north-east, on the other side of Crossways is the multi-storey car park of the Sunbury Cross Centre. To the south of the site is the Thames Water aqueduct, with the Tesco supermarket car park beyond. There is a footbridge over the aqueduct linking Crossways with the supermarket.

- 7.21 It is considered that the proposed development in terms of its design and cramped layout, constitutes an unacceptable overdevelopment of the site and fails to make a positive contribution to the area. It will fail to create a strong sense of place and will provide a poor standard of amenity to the future occupiers. The proposed blocks are substantial in size and height varying between 4 and 9 storeys. However, little space is being provided around the buildings for landscaping to help soften their appearance and create a sense of place. The only significant area of space for landscaping at ground level is located between Block A and B and this is largely taken up by the proposed small children's play area. The landscape strip adjacent to the northern boundary (near the access) is only approximately 1 metre in width. When viewed in context with the relatively high density development of Forest Drive (which in itself has a built up appearance), the proposed development will appear substantially more cramped in layout and scale.
- 7.22 With regard to Block C (the most western block), this is sited very close to the southern and western boundaries, whilst the northern and eastern elevations will face onto the communal parking areas. The ground floor flats will suffer from poor outlook onto either the rather hostile metal palisade fencing along the southern boundary, the wooden fencing along the western boundary, or the new parking area. This will provide a poor standard of amenity for future occupiers. It is not considered that the proposed ground floor private terraces will serve as an acceptable buffer as they are narrow in depth. The poor environment is exacerbated by the existence of the overbearing 4-storey flank elevation of 6 & 12 Oak Lodge to the north.
- 7.23 With regard to Block A (the most eastern block), this is 9-storeys in height but has little space around its southern and eastern elevations (and the same palisade fencing to the south), whilst there will be very little space for landscaping adjacent its northern entrance elevation. The north-eastern corner of the building and the private terrace/balconies will be sited very close to the highway.
- 7.24 Although Block B (the middle block) is sited slightly further away from the southern boundary, there is still little space provided in proportion to the size of this 6-storey building (the set-back is approximately 6 metres). Its western elevation will face onto the communal parking area with little space for landscaping and only the narrow private terraces located in between.
- 7.25 Whilst the existing block of flats at Elm Court located further to the north on Staines Road West has relatively little space around it, this has a different context and should not be used as a steer for the unacceptably cramped scheme on the application site. Likewise, the blocks of flats at Isobel House and Priscilla House within the Sunbury Cross Shopping Centre have a different context.

- 7.26 Consequently, the proposal fails to comply with the requirements of Policy EN1 of the CS & P DPD, and Section 12 of the NPPF, and is unacceptable.

Amenity Space

- 7.27 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, it requires 35 square metres per unit for the first 5 units, 10 square metres for the next 5 units, and 5 square metres per unit thereafter.

- 7.28 In the case of higher density town centre residential development and mixed use schemes paragraphs 4.46 – 4.47 of the SPD states:

“Such schemes will usually involve high density flatted development... The opportunities for on-site open space provision will be limited, particularly where ground floor non-residential uses and access/delivery areas occupy most of the site area. Family accommodation is therefore unlikely to be appropriate. Some amenity space can be provided in the form of large balconies as well as at roof level, subject to design and safety considerations.”

- 7.29 On the basis of the above minimum guidance, there would be a requirement for the 69 apartments to be served by a minimum of 520m² of private amenity space. The plans indicate that all the apartments would be served by external balconies. The provided space between Building A and Building B of 209 m² with 95 m² of which would be a children playground. The Local Planning Authority has calculated that 751.4 m² of private amenity space would be provided across the balconies and 276 m² in a form of communal roof terraces on each of the three buildings. When considered cumulatively with the balconies, the apartments would be provided with amenity space itself and communal roof terraces in an edge of town location that significantly exceeds the Council's minimum requirements.

Open space

- 7.30 Policy CO3 of the CS & P DPD requires the provision of public open space for residential developments. The policy states that where any new housing is proposed in areas of the Borough with inadequate public open space, or where provision would become inadequate because of the development, the Council will require either the provision of new on-site open space or a financial contribution towards the cost of new off-site provision. It also states that in new housing development of 30 or more family dwellings (i.e., 2-bed or greater units) the Council will require a minimum of 0.1ha of open space to provide for a children's play area. Such provision is to be increased proportionally according to the size of the scheme.

- 7.31 There is a shortage of public open space in this part of the Borough (Sunbury Common Ward). This is confirmed by the Council's Draft Open Space Assessment November 2019, which is one of the evidence-based documents for the new Local Plan. Indeed, the only park/recreation ground within an easy walk of the application site (i.e., within 400m) is the 'pocket park' located adjacent to Escot Road. The proposal includes some 25 no. 2-bedroom units and 11 no. 3-bedroom units. Consequently, there will be a total of 36 no.

family sized units and Policy CO3 would therefore require 0.12 hectares of open space to provide a children's play area on the site.

- 7.32 It is noted that the proposed site layout plan shows the provision of a small children's play area to be sited between Blocks A and B on the site. However, the play area (which the plan indicates will provide a pair of junior swings and a 'hut slide') is only 95 sq. m in size and well short of the 0.12 hectares (or 1200 sq. m) required by Policy CO3. The inadequate provision of open space is therefore contrary to the policy and unacceptable. It is a further indication that the site is being overdeveloped to an unacceptable level.
- 7.33 The applicant was asked by the Local Planning Authority regarding the possibility of making a financial contribution in the form of Section 106 agreement of approximately £140,000 to cover the cost of improving/upgrading the existing children's play area at the 'pocket park' adjoining Escot Road. This potentially could have been a way of addressing the substantial shortfall on the site. However, the applicant has responded by stating that they consider there is only a shortfall of 240 sq. m of open space on the site, and that any financial contribution should only be proportionate to mitigate that particular shortfall. They have also raised concern that such a financial contribution to upgrade the Escot Road play area would be lawful under the CIL Regulations.
- 7.34 Officers disagree with the applicant's statement that there is only a shortfall of 240 sq. m of open space on the site. Indeed, most of the ground level space around the buildings (excluding the private terraces) is taken up by hardstanding, parking spaces and narrow landscape strips adjacent to the boundaries. The only usable space on the site is centred around the small play area. The combined size of the play area and the landscaped space around it is approximately 200 sq. m. In any case, Policy CO3 requires the provision of open space, in addition to any private or communal amenity space designated to the residents.
- 7.35 With regard to the CIL Regulations, it is not unlawful to request a Section 106 financial contribution (in addition to CIL payments) where it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. It is also referred to in Policy CO3 which states that "if on or off-site provision is not feasible the council will require a contribution in the form of a commuted payment to improve existing sites to enhance their recreational value and capacity". The proposal is, therefore, unacceptable in this regard.

Residential Amenity

- 7.36 Policy EN1b of the CS & P DPD states that:
- "New development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook."*
- 7.37 Notwithstanding the fact that in an urban area such as this case, it would be expected that some level of over-looking could occur especially at the edge of

town centre locations. The scale of the development and proximity to the boundaries with existing properties needs to be given consideration to ensure that there is an acceptable relationship and that existing residential properties will not be significantly adversely affected by the proposal. The Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) sets out policies requirements in order to ensure this is the case.

- 7.38 The SPD in para 3.6 acknowledges that *'most developments will have some impact on neighbours, the aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed.'* It sets out minimum separation distances for development to ensure that proposals do not create unacceptable levels of loss of light, be overbearing or cause loss of privacy or outlook. The LPA's SPD on the Design of Residential Extensions and New Residential Development (April 2011), contains a 'back-to-back' guide, which states that there should be a minimum distance of 21 metres between the rear elevations of two storey dwellings where the rear elevations are situated 'back-to-back'. The SPD further states that there should be a minimum distance of 30 metres between the rear elevations of three storey dwellings. The SPD also contains a 'back-to-side' guide, which states that there should be a minimum distance of 13.5 metres between the side elevations and the rear elevations of two storey properties. This minimum distance increases to 21 metres between the side and rear elevations of three storey buildings. There are no minimum separation distances for more than 3 storeys. It should be noted that this guide is aimed primarily towards 'traditional suburban dwellings' rather than high density flatted development.
- 7.39 As already mentioned, the proposal relates to three buildings comprising 9 storey (located near the eastern boundary), 6 storey (middle building) and 4 storey (situated close to the western boundary). The 9 storey building would be directly facing the car-parking area of the 4 storey flatted development to the north situated approximately 41.51 metres from the rear of Sycamore Lodge (angled view). The proposed middle building would be set back from the northern boundary by 7 metres. However, it will have a separation distance from the front to the back elevation of the Sycamore Lodge flats of 30 metres. The proposed three buildings will have lower elements on the northern and southern side in order to break up the bulk. The 2 storey care home situated on the western side of the scheme would be approximately 14 metres away from the flank elevation of the proposed 4 storey building. The proposed Building C (4 storey) will set back from the northern boundary by 12 metres. The southern elevation of the neighbouring flatted development Oak Lodge does not contain any windows.
- 7.40 The proposal is considered to have an acceptable relationship and therefore an acceptable impact on the amenity of existing neighbouring residential properties, in accordance with Policy EN1.

Parking/Highway Issues

- 7.41 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.

- 7.42 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum (maximum parking standards continue to be applicable in relation to commercial development). The supporting text to the Parking Standards stipulates a number of important exceptional situations where a reduction in parking will only be allowed. One of these situations includes town centre locations where the reduction in parking will be assessed against the distance from a "public transport node", frequency of public transport, availability of pedestrian and cycle routes, and the range and quality of facilities supportive of residential development within reasonable walking distance.
- 7.43 Whilst the site is not technically within a town centre, it is recognised it is situated close to the Sunbury Cross Shopping Centre on the other side of Crossways, and it is considered reasonable to allow some reduction in the parking standards in this particular case.
- 7.44 The proposed parking provision is 32 spaces. This represents a parking ratio of 0.46 spaces per unit (i.e., significantly below 1 space per flat). This is well below the Council's Residential Parking Standards of 92 spaces for a scheme of this size.
- 7.45 The applicant has attempted to justify the proposed level of parking provision on the site by stating that the development will be located in an area where there is a good level of public transport, pedestrian links and a wide range of local amenities and facilities. The limited on-site parking to be provided, the lack of long-stay off-site car parking opportunities, together with the provision of the proposed on-site car club facility (2 years free membership and £50 of free credit for new residents), will limit the potential for residents of the new scheme from owning a car.
- 7.46 The County Highway Authority (CHA) was consulted on the planning application and has assessed the proposal on highway safety, capacity and policy grounds. On the issue of car parking, the CHA has raised no objection. They have made the following comments on this issue:

"The CHA is aware of resident's concerns that the proposed car parking provision is insufficient, and that this represents a notable reduction of the maximum standards recommended by Spelthorne Borough Council. However, the parking standards state that a reduction would be allowed for development located within one of the Borough's 4 town centres defined in the Core Strategy and Policies DPD where public transport accessibility is generally high. As the site meets this location criteria, a reduced parking provision can be considered to accord with the adopted local policy.

The CHA acknowledges that where there is some excess parking demand, or where visitors arrive at the site by car, that parking could take place outside the site, however this is likely to take place within the adjacent multi-

storey car park which has ample capacity. Furthermore, double yellow line parking restrictions are currently in place throughout the length of Crossways, as well as along both carriageways of A308 Staines Road West, thereby preventing any on-street parking from occurring here and protecting users from any highway safety hazards.

The table below shows car ownership data for flats, maisonettes, apartments, caravans or mobile temporary structures within the Spelthorne 008E Lower Layer of the 2011 Census Data, which the site is situated within. It is considered unlikely that 1 or 2-bed flats will have more than two vehicles associated with them, even where they do have more than one.

2011 Census Car Ownership by Accommodation Type - Super output areas - Lower Layer - Spelthorne 008E				
Accommodation Type	All categories: Car or van availability	No cars or vans in household	1 car or van in household	2 or more cars or vans in household
Flat, maisonette, apartment, caravan or other mobile or temporary structure	368	121	187	60
% of flats, maisonettes etc.	100.0	32.9	50.8	16.3

This data indicates that the development is unlikely to generate a parking demand much greater than one vehicle per flat. It is also noted that a third of households, similar to those of the proposed flats, within the local area did not own a vehicle in 2011. Based on the percentages, the proposed development could give rise to a total of 58 vehicles. However, it is expected that the 32 car parking spaces would be allocated to certain flats and so prospective residents would need to be made aware by the developer if they are able to have a parking space before moving in. The CHA therefore considers that any future occupiers of the flats not allocated a parking space will have purposely chosen the development in acknowledgement of this and would not typically own a car, nor would place a high reliance on car ownership.

Finally, the proposal includes the provision of a parking space to accommodate 1 car club vehicle. Car club vehicles provide an alternative to vehicle ownership for occupiers of the site who would infrequently need to travel in a private vehicle. Therefore, the proposed car club vehicle could therefore reduce parking demand generated by the site by allowing occupiers of the development, and residents from the wider community, to share a vehicle and optimise its usage.

Given the above, it is the CHA's position that subject to the inclusion of the above conditions within any permission granted, no objections on highway safety or capacity grounds would be raised."

- 7.47 Whilst the applicant's and CHA's comments on parking provision are noted, it is considered that the level of proposed parking is disproportionately low for this type of development, in this particular location. Insufficient evidence has

been provided by the applicant to demonstrate that the proposal will not cause parking overspill and stress in the wider area. Based on the Census data above, the CHA has stated that the development could give rise to a total of 58 vehicles, which is slightly below 1 space per unit but substantially higher than the 32 parking spaces proposed. It is relevant to note that the proposed development comprises a significant number of family sized units (2-bedroom and 3-bedroom units), which are likely to generate a greater demand for parking compared to smaller units. Whilst the opportunity to park off-site in the vicinity (especially on a long-term basis) is limited, there are some neighbouring road within a short walking distance where parking overspill could potentially occur and add to the parking stress in the local area. It is therefore considered that the disproportionately low level of parking spaces on site, and in particular the insufficient evidence to demonstrate that this will not add to the existing parking stress in the area, is a further indication that the site is being overdeveloped to an unacceptable degree.

Affordable Housing

- 7.48 Policy HO3 of the CS & P DPD requires up to 50% of housing to be affordable where the development comprises 15 or more dwellings. The Council's policy is to seek to maximise the contribution to affordable housing provision from each site having regard to the individual circumstances and viability, including the availability of any housing grant or other subsidy, of development on the site. Negotiation is conducted on an 'open book' basis.
- 7.49 The applicant is proposing to provide 35 affordable housing units, (23 for affordable rent and 12 no. for intermediate). The 35 units represent an affordable housing provision of 50.7%. This complies with the 50% affordable requirement in Policy HO3 and is therefore acceptable.
- 7.50 Policy HO3 states that the provision within any one scheme may include affordable rented and intermediate units, subject to the proportion of affordable rented of at least 65% of the total affordable housing component. The proposal is to provide 65.7% (23 out of the 35 units) as affordable rent and therefore the tenure mix is considered acceptable.

Flooding

- 7.51 The site is located within Flood Zone 2, which has between 1 in 100 year and 1 in 1000 year chance of flooding. The applicant has submitted a Flood Risk Assessment as is required by Policy LO1 of the CS & P DPD. The principle of locating new residential development ('defined as 'a more vulnerable use') in the relatively low risk Flood Zone 2 is acceptable. The Environment Agency was consulted but has declined to comment on the proposal due to the low flood risk nature of the development.
- 7.52 With regard to the sustainable drainage scheme (SuDS), the applicant is proposing to install underground geo-cellular storage crates to create an attenuation space. The intention is also to provide permeable paving and rainwater harvesting butts. The Lead Local Flood Authority (SCC) was consulted and has raised no objection subject to the imposition of conditions.

- 7.53 With regard to the Sequential Test, the NPPF states that the aim is to steer new development to areas with the lowest risk of flood. Development should not be allowed or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment [carried out by the local planning authority for strategic planning purposes] will provide the basis for applying the test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 7.54 A strategic flood risk assessment was carried out prior to the adoption of the current Local Plan in 2009. Studies of land availability for housing and employment showed that in Spelthorne land in Flood Zones 1 and 2 would be needed to meet housing and other needs over the Local Plan period (2009 – 2026) and therefore sites in either zone would be acceptable. There was, however, no housing case to use land in Flood Zone 3 for housing where risks couldn't be overcome. At the time of the adoption of the current Local Plan, the housing need target was 3,745 over the plan period, or 166 dwellings per year. However, that figure is now out of date and Spelthorne now has a housing need annual figure of 727 units. Consequently, the need to building new residential development in Flood Zones 1 and 2 is even greater than before and continues to be acceptable.
- 7.55 On a site specific basis, the application site is located entirely within Flood Zone 2. There are no areas of the site within the even lower risk Flood Zone 1. Consequently, there is no opportunity in this particular case to locate the new dwellings to areas of lower flood risk within the site.
- 7.56 Accordingly, the application is considered acceptable on flooding grounds.

Other Matters

- 7.57 The Council's Environmental Health Officer has raised no objection on air quality grounds subject to conditions. The applicant has submitted an Air Quality Assessment which recommends the installation of mechanical ventilation to the new units to address the air quality issues on the site (which can be controlled by condition).
- 7.58 The Council's Sustainability Officer has raised no objection to the proposed renewable energy facilities (air source heat pumps).
- 7.59 The proposal complies with the requirements of Policy HO4 (Housing Size and Type) as at least 80% of the new units will be smaller dwellings (1 or 2 bedroom in size).
- 7.60 The Council's Environmental Health Officer has raised no objection to the proposal on noise grounds.
- 7.61 All of the proposed units comply with the minimum size standards stipulated in the Government's Technical Housing Standards – national described space standards 2015.

- 7.62 The applicant has submitted an ecological appraisal which confirms that there is no evidence of bat roosts present on the site. Consequently, there are no ecological issues regarding the demolition of the existing building.
- 7.63 The Council's Head of Neighbourhood Services has raised no objection to the proposed bin stores and collection arrangements.
- 7.64 The Council's tree officer has raised no objection to the proposal.

Equalities Act 2010

- 7.65 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

- 7.66 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.
- 7.67 The applicant states that 10% of the new housing is designed to be wheelchair accessible and meet Building Regulations requirement M4(3) 'wheelchair user dwellings'. The remainder will be 'accessible and adaptable dwellings' meeting Building Regulations requirement M4(2). 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

- 7.68 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.69 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.

- 7.70 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.
- 7.71 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Financial Considerations

- 7.72 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development and will generate a CIL Payment of approximately £100,000. This is a material consideration in the determination of this planning application. The proposal will also generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

Conclusion

- 7.73 With most complex planning applications such as this there are a range of issues which have to be weighed up in the overall consideration of the proposal. There will be some which add weight in favour of the scheme and some weigh to some degree against it and some may be neutral. It is unusual in schemes of this nature for every aspect of the Council's standards/policies to be fully complied with.
- 7.74 It is recognised that the proposal will create 69 new dwellings, of which 35 units will be affordable. This is a consideration that weighs in favour of the development, particularly as it will help contribute towards the Borough's housing need. However, even after taking into account the 'tilted balance' approach set out in paragraph 11 of the NPPF, it is considered that the proposal is unacceptable. As explained above, the scheme is considered to have a cramped layout with the site dominated by hardstanding and parking, insufficient space for landscaping, inadequate open space to provide a children's play area, and poor outlook for the ground floor flats. Moreover, the

applicant has provided insufficient evidence to demonstrate that adequate car parking provision is being provided on the site. The development will fail to create an acceptable sense of place and a positive contribution to the area. Accordingly, the application is recommended for refusal.

8. Recommendation

8.1 REFUSE the planning application for the following reason:

1. The proposal is considered to constitute an overdevelopment of the site by virtue of: excessive housing density; cramped layout; poor outlook for the ground floor flats; domination of car parking and hardstanding; inadequate space for landscaping; and insufficient open space to provide a children's play area. Furthermore, the applicant has failed to provide sufficient evidence to demonstrate that adequate car parking provision is provided on the site. The development will fail to make a positive contribution to the character of the area, will not create a strong sense of place, and will provide a poor standard of amenity for future occupiers. The proposal is therefore contrary to Policies EN1, HO5, CO3 and CC3 of the Core Strategy and Policies DPD 2009 and Section 12 (Achieving Well Designed Places) of the National Planning Policy Framework 2019.