

Planning Committee

28 April 2021



Application No.	21/00134/FUL		
Site Address	115 Feltham Hill Road, & Land at the rear of 113-127 Feltham Hill Road, Ashford		
Applicant	Kamac Group		
Proposal	Proposed redevelopment of site for the erection of 5 no residential units, following demolition of existing buildings.		
Officers	Kelly Walker		
Ward	Ashford Common		
Call in details	This application has been called in by Cllr Noble due to loss of amenity to existing properties including overlooking and overdevelopment of the site with development at the rear being out of character and detriment to the locality, contrary to Policy EN1a) and b).		
Application Dates	Valid: 25/01/2021	Expiry: 22/03/2021	Target: Extension of Time agreed
Executive Summary	<p>This planning application seeks the demolition of the existing buildings on site, including the chalet style detached dwelling with garage and separate workshop building and the erection of 5 no. dwellings consisting of 2 x pairs of 2 bed semi-detached houses and a 3 bedroomed detached dwelling with garage, together with parking and landscaping.</p> <p>The proposal is considered to pay due regard to the design, scale and character of the area. It will be a sustainable form of development, meeting a need for housing on a brownfield site. The proposal provides 10 parking spaces. The proposal is considered to provide a good standard of amenity for future occupants and will have an acceptable impact on existing neighbouring residential properties. As such, there are no adverse impacts that would significantly and demonstrably outweigh the benefits when taking the 'tilted balance' into account. The application is considered to be acceptable and is recommended for approval.</p>		
Recommended Decision	The application is recommended for approval subject to conditions.		

MAIN REPORT

1. Development Plan

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

- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO4 (Housing Size and Type)
- HO5 (Density of Housing Development)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

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

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

07/00689/OUT	Demolition of existing dwelling and commercial building and erection of 1 no. 3 bedroom, 5 no. 2 bedroom and 1 no. 1 bedroom dwellings. Alteration to existing access and provision of associated parking.	Refused 04.10.2007
STAINES/FUL/P15946	Erection of toilet accommodation.	Granted

30.04.1973

STAINES/FUL/P12594	Use of land for storage of paint in connection with the painting and decorating contractor's business. Use of land for storage of paint in connection with the painting and decorating contractor's business.	Granted 15.12.1970
STAINES/FUL/P6064/7	Parking and use of caravan.	Granted 15.01.1965
STAINES/OUT/P6064/5	Erecting a Chalet Type Bungalow.	Granted 16.07.1964
STAINES/OUT/P6064/4	Demolishing house and outbuildings and erecting two detached chalet bungalows and three large garages.	Refused 24.06.1964
STAINES/OUT/P6064/3	Demolishing house and outbuildings and erecting two Bungalows.	Refused 26.05.1964
STAINES/FUL/P6064/8	Erecting one chalet type dwelling.	Granted 19.11.1964
STAINES/FUL/P6064/6	Erecting one chalet bungalow with garage.	Granted 26.10.1964

3. Background

- 3.1 Planning application 07/00689/OUT was for the demolition of existing dwelling and commercial building and erection of 1 no. 3 bedroom, 5 no. 2 bedroom and 1 no. 1 bedroom dwellings, alterations to the existing access and provision of associated parking. This application for 7 dwellings, was on the same application site as the current application and was refused due to the cramped form of development and its impact on the amenity of adjoining properties. The reason for refusal was as follows:-

'The proposal represents an unacceptable cramped form of development with a poor relationship with neighbouring properties. The proposed buildings will result in significant loss of privacy to neighbouring properties and have an overbearing effect on them. There is an inadequate provision of amenity space, and insufficient space provided for landscaping around the rear parking and turning area. Furthermore, Plot 6 would unacceptably encroach into the Root Protection Areas of the Sycamore and Silver Birch trees in the rear gardens of 123 and 125 Feltham Hill Road. The development will therefore be out of character with the surrounding area, adversely affect the amenities of adjoining occupiers and cause unacceptable harm to the

adjacent trees, contrary to Policies BE1, BE5, BE6 and BE11 of the Spelthorne Borough Local Plan 2001.'

- 3.2 This refused scheme was for 7 dwellings and the current proposal is for 5 units which has had regard to the existing trees and surrounding dwellings. The Local Plan 2001 has now been superseded by the 2009 local plan which is the development plan for decision making and there is also now the Council's Design SPD 2012. In addition, as we do not have a 5 year housing supply and the 2021 Housing Delivery Test was 50% for Spelthorne, 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'.

Description of Current Proposal

- 3.3 The application site is located on the northern side of Feltham Hill Road and is a large irregular shaped plot. The site is occupied by a chalet style bungalow fronting the highway, with an access road to the eastern side leading to a T junction and a single storey outbuilding located in the eastern arm at the rear of the site. There is also a garage in the rear garden of the dwelling, accessed via the access road to the side. The site is surrounded by residential properties.
- 3.4 To the north of the site are the rear gardens of properties located along Dingle Road, these are semi-detached properties, many have single storey side and rear additions and outbuildings/garages in the gardens. To the west are also dwellings located along Dingle Road, although these face in a westerly direction, and consist of detached and terraced dwellings, with the rear garden of no. 2b adjoining the side of the application site. Feltham Hill Road consists of 2 storey residential development, with properties fronting the highway and rear gardens behind. However, Dingle Road wraps around the side and rear of Feltham Hill Road. Immediately to the west of the application site fronting Feltham Hill Road is a 2 storey block of flats at Christine Court (formerly 113 Feltham Hill Road). Its car park area and access road to it, adjoin the western side of the application site. To the east are more 2 storey terraced, detached and semi-detached houses and flats. This includes no. 121, which has a small garage block at the rear of the property, which adjoins with the application site (which were not previously there when the 2007 application was assessed). Rear gardens of other properties along Feltham Hill Road also adjoin the application site and some have outbuildings at the rear. On the opposite side of the road are other 2 storey residential properties. Dwellings are of a traditional design, mostly with pitched tiled roofs, although mixed in design styles and materials used.
- 3.5 The site has a large leylandii hedge around it in part where it adjoins neighbouring residential properties and consequently it is currently very much screened from view. These are not, however, protected by a tree preservation order or planning condition. The site is previously developed land and located within the urban area.

- 3.6 The proposal is for the demolition of the existing buildings on site and the erection of 5 no. 2 storey dwellings (4 x 2 bed and 1 x 3 bed). A pair of 2 bed semi-detached houses will front Feltham Hill Road, in a similar position to the existing chalet style dwelling. The existing access road will be utilised in order to access the rear section of the plot, with another pair of semi-detached houses located in the eastern projecting piece of land and a detached 3 bed dwelling, with a garage, in the piece of land to the west. The houses will be of a traditional design with pitched roofs and materials including bricks and tiles. Each dwelling will have its own private garden to the rear of the dwelling. Parking will be provided for 10 vehicles, with areas of landscaping and buffer strips along the access road and parking spaces.
- 3.7 The proposed indicative site layout and previously refused scheme is provided as an Appendix.

4 Consultations

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

Consultee	Comment
County Highway Authority	No objection, recommends conditions
Head of Street Scene (Refuse)	No objection
Tree Officer	No objection
Crime Prevention Officer	No objection. Makes a number of detailed security related comments concerning the Secure by Design award.
Sustainability Officer	No objection, recommends condition
Environmental Health Officer (Air Quality)	No objection, recommends condition
Environmental Health Officer (Contamination)	No objection, recommends condition

5. Public Consultation

- 5.1 A total of 37 properties were notified of the planning application. Letters of representation have been received from 19 separate properties. Amended plans were provided and neighbours were re-notified and a further 4 letters were received from previous writers. One letter was also received from the SCAN Advisor. The following issues were raised:-
- overdevelopment
 - out of character/cramped
 - lack of parking/traffic generation/highway safety – poor parking layout
 - loss of trees/screening

- loss of privacy/overlooking to properties at rear.
- overbearing/overshadowing /loss of light/loss of outlook
- overlooking of existing properties (some with loft conversions) to the application site.
- noise and disturbance during construction
- noise and disturbance due to development
- impact on wildlife – bats/birds etc
- security impacts
- access by emergency vehicles
- boundary issues/type of boundary fence
- pressure on infrastructure
- no more houses needed in Ashford
- previous refusal at the site
- health and well-being of neighbour
- property prices (Officer note, this is not a planning matter)
- refuse storage

5.2 In addition, the SCAN Officer has noted the 'Accessibility Statement' submitted with the application indicates that the proposals have considered the needs of the disabled at present and the ability to be adapted in the future. The layouts shown with the planning application appear to have limited scope for such adaption. However, in order to ensure the dwellings will be built to an 'accessible and adaptable' standard a condition must be imposed on any planning permission granted to ensure that they will comply with Building Regulation M4(2) Category 2: Accessible and adaptable dwellings.

6. Planning Issues

- Principle of the development
- Housing density
- Design and appearance.
- Residential amenity
- Highway issues
- Renewable energy
- Dwelling mix
- Trees/Ecology

7. Planning Considerations

Housing Land supply

7.1 When considering planning applications for housing, local planning authorities should have regard to the government's requirement that they boost significantly the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF) 2019.

- 7.2 The Council has embarked on a review of its Local Plan and acknowledges that the housing target in its Core Strategy and Policies DPD February 2009 of 166 dwellings per annum is more than five years old and therefore the five year housing land supply should be measured against the area's local housing need calculated using the Government's standard 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.
- 7.3 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.
- 7.4 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.
- 7.5 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 3513 dwellings in the five year period.
- 7.6 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.
- 7.7 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 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

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

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.

- 7.8 As a result, current decisions on planning applications for housing development need to be based on the 'tilted balance' approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole'.

Principle of the development

- 7.9 As noted above, Policy HO1 of the Local Plan is concerned with new housing development in the Borough. HO1 (c) encourages housing development on all sustainable sites, taking into account policy objectives and HO1 (g) states that this should be done by:

"Ensuring effective use is made of urban land for housing by applying Policy HO5 on density of development and opposing proposals that would impede development of suitable sites for housing."

- 7.10 This is also reflected in the NPPF paragraph 117 which emphasises the need for the effective use of land in meeting the need for homes, whilst safeguarding the environment and provides further relevant context at paragraph 122 in respect of achieving appropriate densities.
- 7.11 The site is located within the urban area, on a previously developed site. It is close to the parade of shops at the junction with School road/Convent Road and Feltham Hill Road which have a variety of shops and services on both Convent Road and Feltham Hill Road, and is also within walking distance of Ashford Town centre. As such, the site is within an accessible location close to facilities and public transport links. It is not located within a high flood risk area or in the Green Belt. The site currently has a dwelling and a workshop building located on it. The site is surrounded by residential uses, with gardens of dwellings on Dingle Road to the north and west, and dwellings and flats along Feltham Hill Road. Therefore, the principle of creating new residential dwellings is considered acceptable. Furthermore, the proposal is considered to comply with the aims of National Planning Policy Framework (NPPF) and makes efficient use of urban land. The principle of the development is, therefore, acceptable, provided other policies requirements are met as discussed further below.

Housing density

- 7.12 As referred to above, when considering the principle of housing, the NPPF and Policy HO1 requires new housing development to be sustainable and in the urban area and this scheme meets both of these requirements. Notwithstanding this, Policy HO5 in the Core Strategy Policies DPD 2009 (CS & P DPD) sets out density ranges for particular contexts but prefaces this at paragraph 6:25 by stating:

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

7.13 Policy HO5 specifies densities for sites within existing residential areas that are characteristic of predominantly family housing rather than flats, new development should generally be in the range of 35 to 55 dwellings per hectare. It is important to emphasise that the density ranges are intended to represent broad guidelines and development will also be considered against the requirements of Policy EN1 on design.

7.14 The principle of a high density development on urban land is the focus of the NPPF and Policy HO1 in order to make efficient use of land of previously developed and brownfield land, in sustainable locations.

7.15 The proposal is for 5 houses, in place of an existing one, a net increase of 4 houses. The site area is some 0.17 hectares and will therefore result in a density of less than 30 dwellings per hectare. Although below the recommended minimum density of 35 dwellings per hectare, in policy HO5, this is partly a reflection of the larger than normal road length due to the unusual nature of the plot shape. Consequently, it is not considered that an objection per se could be made on the low density in this particular case providing other policy requirements are met.

7.16 The density is considered to be acceptable provided it complies with Policy HO1 and Policy EN1 on design which is explained in the following paragraphs.

Dwelling mix

7.17 Policy HO4 of the CS & P DPD (Housing Size and Type) states that the Council will ensure that the size and type of housing reflects the needs of the community by requiring developments that propose four or more dwellings to include at least 80% of their total as one or two bedroom units. The Supplementary Planning Document “Housing Size and Type” 2012, notes that, *‘...where there is a predominance of larger dwellings a mix with less than 80% one and two bedroom dwellings may be appropriate with a greater proportion of 3 bedroom dwellings. However, the majority should still have one and two bedrooms.’*

7.18 The application provides 4 of the 5 houses as 2 bed unit and the remaining one as a 3 bed. This equates to 80% of the units as small units and as such the proposal complies with the requirements of Policy HO4 and is acceptable.

Design and appearance

7.19 Policy EN1a of the CS & P DPD states that *“the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions,*

building lines, layout, materials and other characteristics of adjoining buildings and land.”

- 7.20 The existing dwelling is chalet style with some accommodation within the roof. The properties within the road are of varying styles including a mix of design features and materials. The existing dwelling has a detached garage/shed to the rear at an angle to the access road. The access road extends to the land at the rear which has a single storey detached workshop to the north east of the site, with some hardstanding.
- 7.21 The proposed development comprises a pair of semi-detached 2 storey houses (Plots 1 and 2), fronting the road with rear gardens behind, which are 12.6m in length. Beyond this is a parking area. The three other proposed dwellings are positioned at the rear of the site, perpendicular to the main pattern of development fronting Feltham Hill Road. Plots 1 and 2 are located in the same position as the existing chalet style property but are set further forward, although still further back from the highway than the adjacent buildings. In addition, the proposed pair of dwellings are set in from the western boundary with Christine Court by at least 1m. There is an access road to the west between the proposed pair of semis and Christine Court and in addition, an access road on the application site, on the eastern boundary with 117a Feltham Hill Road. As such, the gaps between the dwellings/plots are retained. The proposed pair of semi-detached dwellings, although taller than the building they replace, will be of a traditional design with roofs sloping back from the road and gable sided. It is considered they will contribute positively to the street scene of Feltham Hill Road. The access road will be retained and improved for the increased vehicular movements with landscaping proposed either side to help soften it and act as a buffer strip.
- 7.22 A car parking area for six cars is proposed to be located behind the rear gardens of plots 1 and 2. Beyond this will be plot 3, a detached dwelling and opposite this, the other pair of semi-detached houses at plots 4 and 5, both facing into the site towards one another with rear gardens behind. The character of Feltham Hill Road does consist of 2 storey development fronting the highway, with rear gardens behind. However, small access roads, with parking to the rear of the site are evident on Feltham Hill Road, including at the adjacent site at Christine Court and at 121 Feltham Hill Road, which has garages located to the rear of the site. Both of these adjoin the application site. In addition, it should also be noted that the application site already has an access road which leads to the rear of the site.
- 7.23 Dingle Road adjoins Feltham Hill Road to the west of the application site and wraps around the side and rear of Feltham Hill Road. Consequently, there are properties adjoining the application site on the western side and to the rear (north). No. 2b Dingle Road will back onto Plot 3 in a traditional layout and plots 4 and 5 will side on to dwellings in Dingle Road and Feltham Hill Road. As such it is considered that the proposal which includes houses behind the main built form fronting the highway, will not look out of place, be out of character with the locality, or of detriment to it, in this instance.
- 7.24 Plot 3 is located in the north western corner of the site and plots 4 and 5 in the north eastern corner facing into the site and towards one another. They are

set some distance back from Feltham Hill Road and will not be particularly visible from the street. However, glimpses of the houses between the existing buildings will be possible on Feltham Hill Road and Dingle Road. As noted above, the development would not be out of character with the layout of the locality which includes dwellings positioned at various angles, surrounding the application site. The proposed dwellings each have long rear gardens, which will provide large gaps between the built form and result in an acceptable layout.

7.37 Although the proposed dwellings will be visible from neighbouring plots and gardens they are of a traditional design and materials and are considered to be acceptable in regard to design and appearance. The design, scale and layout will pay due regard to that of the neighbouring sites and is considered to be in keeping with the character of the area. The proposal is considered to make a positive contribution to the street scene and accords with policy EN1 of the local plan.

7.25 Parking has been provided within the site and will not be particularly visible from Feltham Hill Road, and includes landscaping to soften its appearance. Landscape buffers are provided within the parking area and adjacent to the access road and properties. Landscaping will be provided to the street frontage, which will improve its appearance. The landscaping will help to soften the built form and provide a pleasant street frontage. As such the proposed development is considered to be acceptable in design terms and conforms to policy EN1.

Impact on neighbouring residential properties

7.26 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.”

7.27 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.

7.28 Para 3.6 of the Council's SPD 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.’*

7.29 It states further in para 3.9 that, *‘...An appropriate degree of separation must exist between properties to avoid overlooking, preserve privacy and outlook and avoid an overbearing impact. Diagram 1 shows a typical street layout with three rows of properties facing the respective roads. It shows the minimum distances that must exist between dwellings when new residential development is proposed. The figures in brackets relate to three storey*

development. 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.'

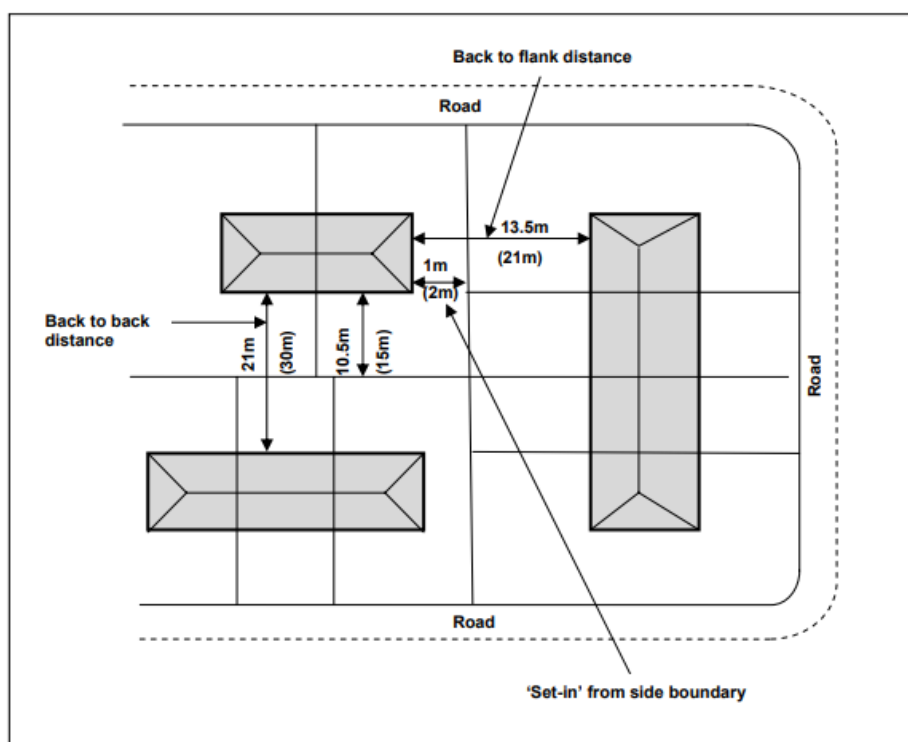


Diagram 1: Area to the rear of a property to be clear of development to preserve privacy and outlook. (N.B. the figures in brackets relate to three storey development).

The minimum separation distance for 2 storey development is 10.5m for back to boundary distance, and 21m for back to back development. There is also a minimum distance for back to flank elevations of 13.5m.

- 7.30 However, as the document explains, it is not always easy to apply these distances, when the relationship is not as set out in the diagram above. Para 3.15 also notes that, '*...application of these measures will need to take account of circumstances where properties are skewed and not directly facing each other or are not at 90° and therefore a lesser degree of overlooking or impact on outlook might arise*'.
- 7.31 The proposed consists of a pair of semi-detached 2 storey houses (Plot 1 and 2), fronting the road. These dwellings have rear gardens behind, with a depth of 12.6m. Beyond this is a parking area and then the other proposed dwellings perpendicular to the main form of development fronting Feltham Hill Road. Plots 1 and 2 are located in the same position as the existing chalet style property, and in line with neighbouring properties fronting Feltham Hill Road. In addition, they are set in from the side boundaries, by at least 1m from the western boundary with Christine Court. There is an access road to the west between the proposed pair of semis and Christine Court and in addition an access road on the application site to the side of the proposed dwellings and the eastern boundary with 117a Feltham Hill Road. As a consequence, the built form is set away from the adjacent dwellings on Feltham Hill Road and will not have a detrimental impact on their amenity in terms of being

overbearing or causing loss of light. Windows in the front will look towards Feltham Hill Road and the ones at the rear will look towards their own rear gardens. Side facing windows will be obscurely glazed to ensure no overlooking issues arise.

- 7.32 In addition, the access road, which is already in existence but will have additional vehicular movements, has been modified and provides a 2m landscape strip to the side boundary with no. 117a to provide an additional buffer. Other areas of hardstanding for manoeuvring and car parking have been amended to provide further landscaping and buffer strips adjacent to neighbouring properties, as well as ensuring proposed car parking is positioned adjacent to existing car parking and garages, where possible. The refuse storage area has also been removed, as it is not required to be provided given the proposal is for houses rather than flats, so can be stored within the individual plots. As such, it is considered that the access road and car parking layout will have an acceptable impact on existing neighbouring properties.
- 7.33 Plot 3 is located in the north western corner of the site. The proposed dwelling is a detached 2 storey, 3 bedroomed house, with detached garage to the southern side. It will face into the application site. It will have a long rear garden behind, of some 17.1m in depth, greatly exceeding the back to boundary 10.5m minimum separation distance as set out in the SPD. There will be a distance of some 28m between the back of the proposed dwelling and the existing dwelling at 2b Dingle Road, which also exceeds the minimum back to back separation distance. The proposed side elevation will be set in from the northern boundary with the rear gardens of properties located along Dingle Road by 1.5m. The side of the proposed dwelling is located to the rear of nos. 14 and 16 Dingle Road and will be located approx. 18m from the rear of the original 2 storey houses and some 13.5m from the deepest part of the rear extension at no. 14. Therefore, the proposal will meet the minimum separation distance required for back to flank development and will ensure an acceptable relationship with the properties located to the rear (west) and side (north) along Dingle Road, and will not cause any unacceptable loss of light/outlook and neither will it be overbearing. The southern side boundary adjoins the car park of Christine Court and will have an acceptable impact.
- 7.34 Plots 4 and 5 are located in the north eastern part of the site and face towards plot 3, with their rear gardens behind. These consist of a pair of semi-detached 2 storey, 2 bedroomed dwellings, with hipped roofs that slope in from the sides, as well as the front and rear. The design of the roof which slopes in from the side boundary, was an amendment to the originally submitted scheme, and helps to reduce the bulk and scale of the roof, so that it slopes away from the gardens of Dingle Road. The pair of dwellings will have long rear gardens of some 21.1m in depth, (twice the length of the minimum 10.5m back to boundary distance) and in fact is the back to back distance. As such it will have an acceptable impact on the dwellings to the east.
- 7.35 The proposed side elevation of plots 4 and 5, will be set in from the southern boundary by approx. 1.1m with the rear of the gardens at 121 and 123 Feltham Hill Road. No. 121 has a block of garages and hardstanding at the

rear of the site, with the dwellings on Feltham Hill Road, located a long distance, (over 20m) to the south, as such the proposal will have an acceptable relationship with these properties. The proposed side elevation is set in from the northern boundary, with the rear gardens of properties located along Dingle Road, by 1.1m, and will partly be adjacent to the existing outbuilding located in the rear garden of no. 22 Dingle Road. The side of the proposed dwelling is located to the rear of nos. 20 and 22 Dingle Road. Although the proposed dwelling is positioned perpendicular to the main dwelling at no. 20 Dingle Road, it is not located directly behind it. No. 20 has an irregular shaped garden, which is wide, but not particularly long. No. 22 is located at the end of Dingle Road which is a cul du sac and is positioned at a different angle to no. 20. It too has an irregular shaped garden, which is wide but much longer than that at no. 20. Both of these dwellings have a side extension which link together, also at a different angle to the main dwelling on each plot.

- 7.36 As noted above, the SPD does point out that when applying the minimum separation distances, it is important to take account of the angle between the existing and proposed buildings, such as this relationship, stating that, '*application of these measures will need to take account of circumstances where properties are skewed and not directly facing each other or are not at 90° and therefore a lesser degree of overlooking or impact on outlook might arise.*'
- 7.37 Indeed the relationship of nos. 20 and 22 to the proposed dwellings on plot 4 and 5 are not 90 degrees and is skewed, as the dwellings do not directly face each other or are located directly behind one another. The northern side of plot 4 will be located approx. 14m from the rear of the original 2 storey house at no. 20, at its closest point, and some 11m from the deepest part of the side extension, again at its shortest point. However, as noted above, the properties are located at an angle to one another, with the proposed dwelling located adjacent to the south eastern corner of the rear garden, overlapping less than 4m of the wide garden to no. 20, which has an overall width of some 17m. The main dwelling at No. 22 is set further away (approx. 14.5m) from the side of the proposed plot 4 and in addition there is an outbuilding located in its rear garden adjacent to the application site, which will help to soften the impact. As noted previously, the side of the roof of the proposed plot 4 will slope in, away from the boundary, which will also help to reduce the impact.
- 7.38 As stated above, plots 4 and 5 will not meet the specific positions/relationship to correctly apply the minimum separation distances set out in the SPD. However, when applied, it does exceed the minimum requirement for back to flank development from the main 2 storey dwellings at nos. 20 and 22 Dingle Road. The position, distances and design/scale of the proposed semi-detached houses will ensure an acceptable relationship with the neighbouring properties and their gardens and will not cause any unacceptable loss of light/overshadowing and outlook or be overbearing. It is acknowledged that some overshadowing will occur to garden areas, due to the arc of the sun. However, the proposal is considered to have an acceptable relationship with and impact on the amenity of the occupants of the neighbouring properties along Dingle Road, which will not lead to a significant impact in terms of loss

of light/overshadowing, loss of outlook or being overbearing that would justify a reason for refusal.

- 7.39 Front facing windows of plots 3, 4 and 5 face into the application site. The rear facing windows face along their own, long rear gardens. In addition, the dwellings are set in from the northern side boundary with neighbouring gardens, plot 3 by 1.5m and plot 4 and 5 by 1.1m, and the windows are set in from the side elevations. As such, it is not considered that these windows would lead to a significant overlooking or loss of privacy issue to the adjacent dwellings, that would justify refusal. Although this was raised as a concern with the previously refused scheme, this was in conjunction with other issues in terms of the scheme not meeting the minimum separation distances and proximity of the front and rear elevations to boundaries with adjacent dwellings. The single dwelling at plot 3 is set further in than the previous scheme, now 1.5m. The proposed first floor side facing windows will be obscure glazed by condition to ensure there is no overlooking or loss of privacy to neighbouring properties. Ground floor windows in the side will face boundary treatment to be agreed by condition, but will ensure that ground floor windows do not cause loss of privacy.
- 7.40 In addition, the proposals will not cross the 25 degree line as set out in the Council's SPD when drawn from a point at 2m above ground level from the properties to the rear and side along Dingle Road, or indeed those on the opposite side of Feltham Hill Road. This will ensure an appropriate level of daylight and a significant view of the sky is maintained, as set out in the SPD. In addition, plots 2 and 3 will not cross the 45 degree line when taken from neighbouring properties on Feltham Hill Road as set out in the SPD. As such the proposed development will have an acceptable relationship with, and impact on the amenity of existing neighbouring residential properties, and will not cause a significant loss of light, be overbearing or cause loss of outlook.
- 7.41 Therefore, the proposal is considered to have an acceptable impact on the amenity of existing neighbouring residential properties, conforming to the Design SPD and Policy EN1.

Amenity Space

- 7.42 The Council's SPD on Residential Extension and New Residential Development 2011 provides general guidance on minimum garden sizes (Table 2 and paragraph 3.30). In the case of dwellings, it requires 60 sq. m for a 2 bed dwelling and 70 sq. m for a 3 bed dwelling. The proposal provides a private rear garden for each dwelling, with the smallest one being plot 2 with an area of 63 sq. m, it also has a front landscape area.. This is above the minimum requirement, with those for plots 3, 4 and 5 being much longer and therefore larger. Therefore, the provision of amenity space is considered acceptable and in keeping with the character of the area.

Proposed dwelling sizes

- 7.43 The SPD on the Design of Residential Extensions and New Residential Development 2011 sets out minimum floorspace standards for new dwellings. These standards relate to single storey dwellings including flats, as well as to 2 and 3 storey houses. For example, the minimum standard for a 2 bedroom, 2 storey house for 4 people is 79.sq. m.

- 7.44 The Government has since published national minimum dwelling size standards in their “*Technical Housing Standards – nationally described space standard*” document dated March 2015. These largely reflect the London Housing Design Guide on which the Spelthorne standards are also based. The standards are arranged in a similar manner to those in the SPD and includes minimum sizes for studio flats. This national document must be given substantial weight in consideration of the current application in that it adds this additional category of small dwellings not included in the Council’s Standards.
- 7.45 All of the proposed dwelling sizes comply with the minimum standards stipulated in the national technical housing standards and the SPD. The requirement is 79 sq. m for the 2 bed and 93 sq. m for a 3 bed 5 person, 2 storey dwelling are meet. Therefore, it is considered their standard of amenity overall to be acceptable.

Highway and parking provision

- 7.46 Strategic Policy SP7 of the CS & P DPD states that:

“The Council will reduce the impact of development in contributing to climate change by ensuring development is located in a way that reduced the need to travel and encourages alternatives to car use. It will also support initiatives, including travel plans, to encourage non car-based travel.”

- 7.47 Policy CC2 of the CS & P DPD states that:

“The Council will seek to secure more sustainable travel patterns by: ... (d) only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account: (i) number and nature of additional traffic movements, including servicing needs; (ii) capacity of the local transport network; (iii) cumulative impact including other proposed development; (iv) access and egress to the public highway; and (v) highway safety.

- 7.48 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. The Council’s parking standards have a minimum requirement of 1.5 spaces per 2 bed dwelling and 2 spaces per 3 bed dwelling (2.25 spaces if over 80 sq. m).
- 7.49 The proposed parking provision for the residential properties is 10 spaces. The proposal includes 4 no. 2 bed houses and 1 no 3 bed house. The Council’s residential Parking Standards would require a minimum of 8.25 spaces, which is rounded up to 9. Therefore, the proposal meets this requirement and provides sufficient parking provision. The County Highway Authority (CHA) was consulted on the planning application and has assessed the application on safety, capacity and policy grounds. The CHA has raised no objection, subject to the imposition of conditions.
- 7.50 Therefore the CHA has raised no objection to the proposed scheme on highway safety grounds or parking provision. The site is located in a sustainable location close to some shops and services as well bus routes. As

such it is considered that the scheme is acceptable in terms of policies CC2 and CC3 on highway and parking issues.

Electric Vehicle Charing Points (EV points)

- 7.51 The County Highway Authority, through its document entitled '*Surrey Vehicular and Cycle Parking*' (January 2018), recommends 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.
- 7.52 The County Highway Authority and the Council's Environmental Health Department (Air Quality) have both recommended that parking spaces are provided with electric vehicle charging points.
- 7.53 The applicant has agreed to provide parking spaces with EV charging points upon occupation. This is considered to be in accordance with the objectives of the County guidance. and this can be dealt with by a planning condition.

Renewable Energy

- 7.54 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 sq. m 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.
- 7.55 The applicant has noted that they would have possible options for meeting the requirement by either Ground or Air Sourced heat pumps or roof mounted Solar Photovoltaic Panels. The Council's Sustainability Officer has been consulted and raises no objection. The renewable energy condition will be imposed and at this point they will need to confirm the final technology chosen and present the figures that demonstrate this will meet the minimum requirement. Accordingly, the renewable energy proposals are acceptable and accords with Policy CC1, subject to a condition.

Loss of Trees/Landscaping

- 7.56 The applicant has submitted a Tree Survey which includes details about hedges to be removed from the site and how the proposal will impact on the retained tree at the adjacent site. The Council's Tree Officer has been consulted and raises no objection to these proposals noting there are no trees of any merit on or near the site. The leylandii hedging located along some of the boundaries of the site, is not covered by a Tree Preservation Order and the site is not located within a Conservation Area and therefore could be removed without consent. Although the hedge does add some screening of the site, it is not considered reasonable to require it to be retained.
- 7.57 Landscaping will be provided to the front of the proposed semi-detached dwellings, which will help to improve the streetscape. Landscaping will also be provided along the access road and within parking areas to break up the hardstanding and act as a buffer to neighbouring sites, also adding visual

interest. The gardens will be to the rear of each of the dwellings. A landscaping condition will be imposed to agree these details.

Biodiversity/Ecology

- 7.58 The applicant has submitted an Ecological Appraisal, with mitigation measures and sets out recommendations to achieve biodiversity net gains at the site. The site was surveyed in October 2020 based on standard extended Phase 1 methodology. In addition, a general appraisal of faunal species was undertaken to record the potential presence of any protected, rare or notable species. A specific survey was conducted in respect of bats, in the form of detailed visual internal and external inspections of the two on-site buildings. The site itself is not subject to any statutory or non-statutory ecological designations and largely comprises buildings and hardstanding, with areas of amenity grassland, scattered scrub and ornamental planting, bound by brick walls and fence lines, with hedgerows at the northern, eastern and southern boundaries. The habitats within the site are not considered to form important ecological features and their loss to the proposals is of negligible significance. The site offers limited opportunities for protected species and no evidence of any such species was recorded during the survey work.
- 7.59 However mitigation measures will be implemented to safeguard bats and nesting birds and roosting and nesting opportunities will be enhanced through the provision of bat and bird boxes and also the opportunity to secure a number of biodiversity net gains, including additional native tree planting. In summary, the proposals have sought to minimise impacts on biodiversity and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm. Consequently, no objections are raised subject to a condition recommending that the mitigations measures set out in the ecological report are adhered to.

Contaminated Land

- 7.60 The development site is located within 5m of a decorating/paint storage business and is also in the vicinity of several infilled gravel pits. The Council's Pollution Control Officer has raised no objection but requested standard conditions to be imposed requiring a further investigation to be carried out to refine risks and remediation measures. Subject to these conditions, the proposal is considered acceptable in accordance with Policy EN15.

Refuse Storage and Collection

- 7.61 A communal refuse storage area was provided in the initial submission in order for refuse vehicles to access the site and collect the bins. However, following consultation with the Council's Group Head Neighbourhood Services, it became apparent that refuse vehicles would collect from Feltham Hill Road and not within the site. As the proposal is for dwellings, there is no need for a dedicated refuse storage area as required for flatted developments as it is up to the individual occupants of the houses to decide where to put the bins on their own site. The refuse will need to be taken to the end of the access road for collection on Feltham Hill Road on collection days. The Council's Group Head Neighbourhood Services has been consulted and has raised no objection to the provision.

Equality Act 2010

- 7.62 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

The applicant has advised that the proposed have been designed to be adaptable to be accessible. As such the application has been considered in light of the Equality Act and the scheme is considered to have due regard to this.

Human Rights Act 1998

- 7.63 This planning application has been considered against the provisions of the Human Rights Act 1998. and the following articles were found to be particularly relevant:-

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e., peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

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 refusal 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.

Other matters

- 7.64 Security has been raised in a number of letters of objection. This relates to the fact that the site is currently gated and has no access to the rear, but the proposal includes the removal of the tall hedges and the access road into the rear of the site would be used by the new dwellings. Although this would change the current situation, it is not considered to give rise to a significant security issue. The boundary would have a suitable treatment which would be

appropriate for a residential area and agreed by condition. The Crime Prevention Officer has been consulted and raises no objection to the proposal subject to a number of recommendations which will be attached as an informative to any permission given. The Community Infrastructure Levy (CIL) as referred to below, includes payment for local infrastructure to support the application. In regard to accessible and adaptable dwellings, it is not considered necessary or reasonable for a planning condition to be imposed to require the imposition of legislation covered by a different entity i.e., Building Control, as requested by the SCAN Officer.

Financial Considerations

- 7.65 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 based on a rate of £140 per sq. metre of net additional gross floor space. 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

- 7.66 The proposal is considered to pay due regard to the design, scale and character of the area, making a positive contribution to the street scene. It will be a sustainable form of development, meeting a need for housing on an existing previously developed site, providing a good standard of accommodation for future residents with sufficient parking and amenity space provision. It will have an acceptable impact on the amenity of neighbouring properties and is considered to be acceptable.
- 7.67 As such, there are no adverse impacts that would significantly and demonstrably outweigh the benefits when taking the tilted balance into account and therefore the application is considered to be acceptable. The application is recommended for approval.

8. Recommendation

- 8.1 GRANT subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.

Reason: - This condition is required by Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings

2020/P0091 LP B, 105 A, 110 B and 111 B received on 26 January 2021 and amended plan numbered C100 B, 100 F and 112 C received on 16 March 2021

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

3. No development above damp-proof course level shall take place until details of the materials and detailing to be used for the external surfaces of the buildings and surface material for parking areas are submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved materials.

Reason:- To ensure that the proposed development does not prejudice the appearance of the development and the visual amenities and character of the locality, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 4 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.

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

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

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

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

Reason: - To ensure that the development is sustainable and complies with Policy SP7 and CC1 of the Spelthorne Development Plan Core Strategy and Policies DPD.

7. Details of a scheme of both soft and hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby approved. The approved scheme of tree and shrub planting and other associated works shall be carried out prior to first occupation of the buildings and/or site. The planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason: - To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development.

8. Prior to occupation of the units the proposed first floor windows in the flank elevations of all dwellings, shall be obscure glazed and non-

opening to a minimum of 1.7m above internal floor level. Details of glazing to be installed shall be submitted to and approved in writing by the Local Planning Authority. These windows will thereafter be permanently retained as installed.

Reason:- To safeguard the amenity of neighbouring residential properties in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

9. Prior to the occupation of the development, details of a scheme of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s)/use is/are occupied. Development shall be carried out in accordance with the approved details and maintained as approved.

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

10. 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: - This condition is required 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 2018 and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

11. No new development shall be occupied until 5 parking spaces, (one per dwelling) are fitted with a fast charge socket (7kw Mode 3 with Type 2 connector), and a further 2 spaces are provided with power supply (through feeder pillar or equivalent) to provide additional fast charge sockets.

Reason: For the improvement of sustainable transport in order to improve local air quality and public health, in accordance with paragraphs 103, 170e, and Section 9 (Promoting Sustainable Transport) of the NPPF.

12. The precautionary measures to safeguard wildlife at the site including bats, shall be carried out strictly in accordance with the recommended

mitigation measures in the submitted Aspect Ecological Appraisal January 2021.

Reason:- In the interest of safeguarding bats and other wildlife on the site

- 13 Prior to the construction of the buildings, a biodiversity enhancement scheme to be implemented on the site including the installation of bird and bat boxes, shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented before the occupation of the building in accordance with the approved scheme and thereafter maintained.

Reason:- To encourage wildlife on the site.

Informatives to be attached to the planning permission

1 The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs In the event that the access works require the felling of a highway tree not being subject to a Tree Preservation Order, and its removal has been permitted through planning permission, or as permitted development, the developer will pay to the County Council as part of its licence application fee compensation for its loss based upon 20% of the tree's CAVAT valuation to compensate for the loss of highway amenity.

2 The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

3 Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

4 It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

5.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.

6.With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

7.A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

8.Please note that this application is subject to the payment of Community Infrastructure Levy (CIL). Full details of the charge, how it has been calculated and what happens next are set out in the CIL Liability Notice which will be sent separately.

If you have not already done so an Assumption of Liability notice should be sent to the Council as soon as possible and before the commencement of development.

Further information on CIL and the stages which need to be followed is available on the Council's website. www.spelthorne.go.uk/CIL.

9.You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:

(a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;

(b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;

(c) Deliveries should only be received within the hours detailed in (a) above;

(d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down

stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsters and wheel washes;

- (e) There should be no burning on site;
- (f) Only minimal security lighting should be used outside the hours stated above; and
- (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit. In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme - www.ccscheme.org.uk/index.php/site-registration of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit. In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme - www.ccscheme.org.uk/index.php/site-registration Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit. In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme - www.ccscheme.org.uk/index.php/site-registration

10. 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.

11. 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.

