

Planning Committee

13 October 2021



Application No.	19/01211/FUL		
Site Address	Benwell House, Green Street Sunbury on Thames TW16 6QS		
Applicant	Spelthorne Borough Council		
Proposal	Erection of 5 storey residential block to provide 39 residential units, with a mix of 12 x 1-bed, 24 x 2-bed and 3 x 3-bed units together with associated parking, landscape and access.		
Officers	Russ Mounty		
Ward	Sunbury East		
Call in details	N/A		
Application Dates	Valid: 09/09/2019	Expiry: 09/12/2019	Target: Extension of time agreed
Executive Summary	<p>This planning application proposes the erection of a new 5 storey residential block within the Benwell House site with associated car parking, pedestrian access and landscaping.</p> <p>The principle of high density residential development on the site would be consistent with national and local planning policies. The proposal has been considered based on the 'tilted balance' approach set out in the National Planning Policy Framework (NPPF) and it is considered that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits of the proposal when assessed against local and national policies taken as whole.</p> <p>The proposed unit type and size are considered to be appropriate, meeting the Borough's requirements and the density would be suitable for this particular location, given the proximity to services and public transport opportunities.</p> <p>It is considered that the design, height, layout and appearance are appropriate, although conditions are recommended to mitigate the impact on adjoining properties.</p> <p>The parking level proposed is satisfactory for this type of development in this location and it has been demonstrated that traffic generation from the site would be comparable to that of the original use of the site as offices.</p> <p>The loss of TPO trees would be mitigated by the provision of replacement tree planting, although it is acknowledged that these would</p>		

	<p>take time to mature. The level of amenity space proposed complies with the Council's policy requirements.</p> <p>It is considered that the proposal complies with the Policies of the Core Strategy and Policies DPD 2009 and the principles set out in the NPPF, the National Design Guide and the Council's supplementary documents.</p>
Recommended Decision	The application is recommended for approval.

MAIN REPORT

1. Development Plan

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

- SP1 (Location of Development)
- SP2 (Housing provision)
- LO1 (Flooding)
- HO1 (Providing for New Housing Development)
- HO3 (Affordable Housing)
- 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)
- EN11 (Development and Noise)
- EN13 (Light Pollution)
- 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 - Design of Residential Extensions and New Residential Development, 2011
- SPD Housing Size and Type, 2012
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1.3 The advice contained within the National Planning Policy Framework (NPPF) 2021 is also relevant.

2. Relevant Planning History

2.1 The site has the following planning history

Ref. No.	Proposal	Decision and Date
18/00529/FUL	Removal of roof structure and erection of an extension comprising two and part three storeys to provide 24 units and associated works(now known as Benwell phase 1).	Approved 25.07.2019
18/00123/FUL	Conversion of existing third floor roof space to provide six x 1 bed units, erection of dormers and other associated works (now known as Benwell phase 1).	Approved 09.03.2018
17/01847/PDO	Prior Approval for the Change of Use from Office to Residential comprising 33 units (now known as Benwell phase 1).	Prior Notification Approved 15.01.2018

3. Description of Current Proposal

- 3.1 The application site comprises 1.98 acres (0.8 ha) on the east side of Green Street, approximately 0.2 miles from Junction 1 of the M3 motorway.
- 3.2 The site originally contained a purpose-built office building constructed in the mid-1980s set over three floors. The building was constructed from red brick on a yellow brick plinth, with a tiled crown roof.
- 3.3 This building has been converted under Prior Approval to provide residential units and was subsequently extended upwards under Planning Approval 18/00529/FUL to provide additional residential units over three additional floors. The top two are metal clad and the roof is now flat.
- 3.4 The proposed new residential building would be located in an area of land to the south of the converted office building, between the access and the parking area along the southern boundary. This area currently contains trees, covered by an Area Tree Preservation Order, although it was used for site offices during the office conversion.
- 3.5 The proposal comprises a five-storey residential block, with the fifth-floor set-back from the façades. The original proposal incorporated a community use within the ground floor, but this was deleted by the applicant, during the

review of the application and replaced with 3 additional residential units, raising the total of residential units to 39.

- 3.6 The building would be constructed of buff brick for the first four floors, with a metal clad fifth floor and a flat roof, providing space for photovoltaic panels. The glazing would provide large feature windows, regularly spaced throughout the facades. The units are placed around a central spine corridor which creates a predominance of single aspect units.
- 3.7 The proposed unit mix of residential units comprises 12 x 1-bed, 24 x 2-bed and 3 x 3-bed accessed from a central corridor
- 3.8 The main access to the site has been retained with additional parking created within the site boundary, between the two buildings. The existing mature landscaping around the perimeter is proposed to be retained and enhanced.
- 3.9 The amenity space for the proposed development comprises the communal garden space shared with the office conversion, as well as private balconies and terraces to all units.

4 Consultations

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

Consultee	Comment
County Highway Authority	No objection subject to conditions
Lead Local Flood Authority	No objections
County Archaeologist	No objections.
Pipelines	No objections
Renewable Energy	No objections
Environmental Health (Noise/Lighting)	No objections subject to conditions
Affordable Housing Advisor	It is viable for the proposed scheme to provide 13 no. (33%) on-site affordable housing units, based upon Plots 1-8, 101-104 and 106, providing a Residual Land Value which, when compared against the Benchmark Land Value provides an additional surplus of £8,015 as a commuted sum.
Housing Strategy and Policy Manager	The current overriding requirement is for two bedroom properties, particularly 2 bed four person units so that families have the natural space to grow as opposed to needing to move as soon as their family grows.
Street Scene	No objection subject to an informative

Surrey Police (SBD)	No objection subject to an informative
Tree Officer	Objects to the loss of TPO trees
Thames Water	No objections subject to informative

5 Public Consultation

Community Engagement

- 5.1 The NPPF seeks to encourage pre-application engagement and advises that *“early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community”*.
- 5.2 The Council's own Statement of Community Involvement states that the *Council will encourage applicants and developers to undertake pre-application consultation and discuss their proposals with their neighbours or the community before submitting their formal application.*
- 5.3 In addition to pre-application discussions which took place between the applicant and the Planning Officers, the applicant also undertook pre-application engagement with the public. This included a public event exercise held over two days exhibiting the proposed development (for the original proposal which included a community use at ground floor level). This was advertised by both physical and on-line publicity to ensure it attracted a range of stakeholders and members of the local community.
- 5.4 The applicant advises that the event attracted 54 attendees, and the project team received formal feedback from 35 attendees in response to the proposal. The applicant advises that a high level of support was received for the development scheme with 71% of respondents supporting the principle of developing the site. However, there were a number of comments on the detail of the scheme that were received.
- 5.5 Representations received in respect of this application have claimed that the public consultation was flawed, being leading questions and far too generic, and that resident's views were not taken into account by the applicant.

Planning Application - Consulting the Neighbours

- 5.6 A total of 71 properties were originally notified of the application, statutory site notices were displayed and the application was advertised in the local press. 191 representations have been received objecting to the proposal.
- 5.7 Reasons for objecting include:-
- Overlooking
 - Overbearing impact
 - Visual Impact
 - Ugly Building

- Contrary to Policy EN1(b)
- Contrary to Council's SPD design of Residential Extensions and New Residential Development
- Pollution
- Impact on Air Quality
- Building is too high
- Height
- Scale
- Overbearing
- Loss of Trees
- Loss of TPO trees
- Loss of Pine and Horse Chestnut trees
- Loss of ancient trees
- Loss of Light
- No daylight sunlight assessment
- Insufficient Infrastructure – In particular GPs and Schools
- Insufficient Public Transport
- Public Transport is too expensive as a realistic alternative
- Inadequate access for emergency vehicles
- Increased Pressure on Utilities
- Out of character
- Blocks of flats out of character with Sunbury village
- Site has already been developed for housing
- Inappropriate density
- Development is too dense
- Heavy Massing In combination overly visually dominant
- Inadequate amenity space
- Traffic generation
- Lack of Parking detail
- Inadequate parking provision
- Parking stress on surrounding roads
- The traffic study is believed to grossly underestimates the traffic generation
- Adverse impact on road safety
- Green Street already congested
- Increased pressure on local roads

- Lack of community engagement
- Flawed Public Consultation
- Inaccurate use of photos of tall buildings
- The phased development of the site appears to be overdevelopment by stealth
- Precedent
- No Environmental Impact Assessment (NB the site does not meet the criteria for an EIA)
- Risk of increased flooding
- Any available building is earmarked for change of use
- Earlier objections have been ignored
- Putting financial gain over lives
- Affordable Housing less than half the policy requirement
- Affordable target slashed
- Proposal should as a minimum meet the Affordable Housing Policy
- Noise and disturbance caused by the existing site works
- Contrary to the Council's declaration of a climate emergency

6. Planning Issues

- Principle of Development
- Need for Housing
- Affordable Housing
- Housing Type, Size and Density
- Design and Amenity
- Impact on Existing Residential Dwellings
- Highways Issues and Parking
- Waste & Recycling
- Arboricultural Impact

7. Planning Considerations

Principle of Development

- 7.1 Policy HO1 encourages housing development and seeks to ensure the effective use of urban land through the application of Policy HO5 on density.
- 7.2 This is also reflected in the National Planning Policy Framework 2021 (NPPF) paragraph 119 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 124 in respect of achieving appropriate densities.

- 7.3 The site is located in a primarily residential environment and complies with the aims of Policy HO1, providing housing within the Borough on suitable sites, albeit that there is a requirement to take into account all other policy objectives.
- 7.4 The principle of increased density within the site would generally be in accordance with the objectives of the CS&P DPD and the NPPF, making effective use of the site. However, the proposal must demonstrate that it complies with Policy EN1 on design, particularly in terms of its compatibility with the character of the area.

Housing Land supply

- 7.5 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) 2021.
- 7.6 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.
- 7.7 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.
- 7.8 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

- 7.9 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.
- 7.10 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.
- 7.11 Government guidance (NPPF para 74) 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.
- 7.12 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 (2021). 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’.

Affordable Housing

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

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

Having regard to specific site circumstances the LPA will negotiate for up to 50% of housing to be affordable where the development comprises 15 or more dwellings. The Council seeks to maximise the contribution to affordable housing provision from each site, having regard to the individual circumstances and viability, with negotiations conducted on an ‘open book’ basis.

- 7.14 The NPPF seeks to deliver a sufficient supply of homes that meet the needs of the population. Paragraph 63 of the NPPF states that:

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

- 7.15 There is a recognised need for affordable rented properties in Spelthorne Borough and the applicant has provided a Viability Assessment based on this requirement.
- 7.16 The Council's Supplementary Planning Document on Housing Size and Type identifies that the Council's research has confirmed that the size of affordable family dwellings required, and the proportions in which they need to be provided overall, are as follows:

- 2 bedroom 4 person dwellings 66%
- 3 bedroom 5 person dwellings 31%
- 4 bedroom 6 and 7 person dwellings 3%

The Housing team has a current need for 2 bed 4 person units in order to address those in most need on the housing waiting list.

- 7.17 The RICS guidance 'Assessing viability in planning under the Planning Policy Framework 2019 for England' (March 2021) encourages practitioners to be reasonable, transparent and fair in objectively undertaking or reviewing financial viability assessments.
- 7.18 The National Planning Practice Guidance states that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and to site circumstances, including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.
- 7.19 The LPA's independent financial advisor reviewed all inputs into the applicant's appraisal and undertook independent research into the Gross Development Values, Benchmark Values, Build Costs and other inputs adopted for the proposed scheme.
- 7.20 Whilst some of the inputs adopted were considered to be within reasonable parameters and to comply with normal viability practice, others were based on assumptions with insufficient evidence and justification. In reassessing the proposal following the deletion of the community space and inclusion of three additional units, it was concluded that the level affordable housing which would be viable would be 30%, which equates to 13 units and also a financial contribution of £8,015.
- 7.21 The identified units would be 1-8, 101-104 and 106. This represents 3 one bed units and 5 two bed units on the ground floor and 2 one bed units and 3 two bed units on the first floor and would be secured as affordable rented accommodation. The applicant has provided written agreement to the affordable housing and the financial contribution.

- 7.22 There have been representations made in respect of the lack of affordable housing provision and the failure to meet the policy requirement, however the applicant has submitted a viability appraisal in accordance with RICS and Government guidelines that has been independently reviewed.
- 7.23 Whilst the one bed units are less flexible in meeting the current needs of those on the Council's housing register, it is considered that the mix of units and quantum provided addresses Policy H03 having regard to the individual circumstances and viability.
- 7.24 The Housing Strategy and Policy Manager commented at the lack of new affordable provision delivered in this ward and the importance of an even distribution across the borough. Delivery in this location would allow local residents to remain in the local area should they wish to, so that they can remain part of their community and close to existing support networks.

The mix would be acceptable and the affordable housing should be maintained in perpetuity, with rents set at no more than 80% of the market rent, capped at the relevant Local Housing Allowance rate for the area to ensure that the properties remain affordable for future households. The developer should also be required to enter into a legal agreement to secure these terms.

Housing Type, Size and Density

- 7.25 Policy H04 of the CS&P DPD and the Council's Supplementary Planning Document (SPD) on Housing Size and Type, seeks to secure 80% of dwellings as 1 or 2 bed in size in developments of 4 or more units. The Council's SPD on Housing Size and Type advises that policy HO4 should not apply to affordable housing. This is to ensure that the overall dwelling stock of private units meets the demand that exists within the Borough, including a greater demand for smaller dwellings.
- 7.26 The application seeks to provide 39 residential units comprising 12 x one bed units (31%) and 24 x two bed units (61%) and 3 x three bed units (8%). With the affordable units not included in the calculation, this would result in a housing mix of 27% 1 bed units, 62% 2 bed units and 11% 3 bed units providing 89% small units, with two thirds of those being 2 bed units in accordance with the Borough's requirements. The proposed housing type and mix is therefore considered to be in accordance with the requirements of policy HO4.
- 7.27 The proposal indicates that the unit sizes meet the requirements as shown on the table below:

	One Bed	Two Bed	Three Bed
Technical Housing Standards	50m ²	70m ²	86m ²
Proposed Unit Sizes	≥50m ²	≥71m ²	≥90m ²

- 7.28 The Council's SPD contains minimum floor space requirements that reflects the Government's Technical Housing Standards. All of the thirty nine units proposed meet or exceed these minimum standards. Whilst this is acknowledged to be a minimum standard, the LPA is satisfied that the technical guidance has been met.
- 7.29 Policy HO5 of the CS&P DPD sets out guidelines on the density of housing developments. The density guidelines provided indicate that areas characterised by predominantly family housing should generally be in the range of 35 to 55 dwellings, with those characterise by a significant proportion of flats should generally be in the range of 40 to 75 dwellings. However, it also recognises that higher densities may be appropriate in suitable areas where the development complies with Policy EN1 on design and non-car based modes of travel are accessible.
- 7.30 In this particular case, the density for the whole development (Benwell House Phase 1 and Phase 2) once complete would be equivalent to 120 units per hectare and this is considered to be appropriate, given the site's location, close to the railway station and the facilities and services around Sunbury Cross.
- 7.31 The adjoining Mitchison Court was constructed at 185 units per hectare having received planning approval in 2008. It should be noted however, that this is an extra care facility, with on-site care staff, comprising 39 one and two bed units.
- 7.32 The NPPF identifies that planning policies and decisions should promote an effective use of land in meeting the need for homes and that substantial weight should be given to the value of using suitable brownfield land within settlements. In addition, the NPPF in para 125 states that, *'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.'* Therefore, on balance, and given the "tilted balance" requirements of NPPF para. 11, the density is considered to be acceptable. Notwithstanding this, there is also a requirement for the proposals to comply with Policy EN1, and other relevant policies.
- 7.33 It is considered that the type, size and density of the units proposed largely complies with policies HO4 and HO5, the Council's the SPD on Housing Size and Type and the NPPF and is considered to be acceptable.

Design, Height and appearance

- 7.34 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.

7.35 Section 12 of the NPPF refers to design - Achieving well-designed places and in particular that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It states in paragraph 130 that, *'Planning policies and 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.'*

7.36 In paragraph 130 the NPPF states that, 'Development that is not well designed should be refused' and the National Design Guide supports this stating that 'The NPPF makes clear that creating high quality buildings and places is fundamental to what planning and development should achieve.'

7.37 The National Design Guide, Planning practice guidance for beautiful, enduring and successful places, produced by the MHCLG in 2021, addresses how we recognise well design places by outlining ten characteristics; context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and life span. The Built Form characteristic is identified as the *"three dimensional pattern or arrangement of development blocks, streets, buildings and open spaces. It is the interrelationship between all these elements that creates an attractive place to live, work and visit rather than their individual characteristics."* *"Well designed places are considered to have:*

compact forms of development that are walkable, contributing positively to well-being and placemaking;

accessible local public transport, services and facilities, to ensure sustainable development; recognisable streets and other spaces with their edges defined by buildings, making it easy for anyone to find their way around, and promoting safety and accessibility; and

memorable features or groupings of buildings, spaces, uses or activities that create a sense of place, promoting inclusion and cohesion.”

- 7.38 The applicant's Design and Access statement indicates that the proposal would complement the adjacent former office building (Benwell House), that has been converted and extended with additional storeys to provide residential accommodation.
- 7.39 In addition, it indicates that by presenting the shortest elevation to Green Street and retaining the natural screening, the proposal would minimise the impact on the public realm.
- 7.40 It continues that the layout and siting of the building has been designed to reflect a stepping down from the six floors at Benwell House to the 5 floors of the proposed block, which the applicant believes responds to and protects the adjoining properties.
- 7.41 The applicant also believes that the massing of the proposed building has sought to reflect that of Benwell House and Mitchison Court and to take advantage of the location and mature landscape setting.
- 7.42 In terms of the proposed materials, the Design and Access statement indicates that the proposal would be respectful of its surroundings, yet contemporary in its execution. The strong masonry aesthetic for the first four floors is countered by the stepped in, lightweight metal cladding of the fifth. The windows have been arranged around a grid but are contemporary in style and the balance of glazing to brickwork ensures neither is dominant.
- 7.43 The proposed materials comprise grey metal cladding, buff multi brickwork and grey aluminium doors and windows.
- 7.44 The design and external appearance of the proposals has been carefully assessed. It is considered that the design of the proposed residential block would reflect the alterations made to the Benwell House office conversion and create a place with its own distinct identity.
- 7.45 The site dictates that the shortest elevation faces Green Street and together with the retention and enhancement of the mature landscape boundary on Green Street, would mitigate any impact to the public realm.
- 7.46 Reflecting the design features of the existing office conversion is considered to be an appropriate decision and would have no material impact on the character or appearance of the wider area, due to the location and existing landscaping. However, views of the building would be available from the surrounding residential areas.

- 7.47 The height of the proposal, at 5 storeys, does step down from the Benwell House office conversion and the location and site characteristics mitigate the impact of the proposal on the street scene and the adjoining properties in Dunnell Close and Meadows End. However, it should be noted that the properties in Meadows End are two storeys with short gardens and those in Dunnell Close are also two storey housing to the rear with a two and half storey apartment block to the front.
- 7.48 Construction of the residential block primarily of brickwork would reflect the prevailing materials of the wider area, although buff multi bricks are less common. The grey cladding system for the top floor would provide for a contrasting appearance and aesthetic, although the existing development does not support the 'lighter' appearance suggested. The glazing type and pattern is considered to be appropriate to the contemporary design aesthetic, scale and massing of the proposed residential block.
- 7.49 Overall, the design, height and appearance of the proposed residential block are considered appropriate for this particular development, within its landscape setting in accordance with policy EN1 (a) and the national policy guidance.

Impact on Existing Residential Dwellings

- 7.50 Policy EN1 (b) requires that new development *'achieves a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight, sunlight, or overbearing effect due to bulk, proximity or outlook.'*
- 7.51 The Council's SPD, Design of Residential Extension and New Residential Development (2011) provides guidance on privacy and outlook and seeks to secure an appropriate degree of separation.
- 7.52 The flatted development in Dunnell Close (units 1-10) to the south is approximately 3.3m from the boundary and 17m from the proposed residential building. On the north side of this building are 6 two-bed flats set over three floors. The first 2 floors have windows to the two bedrooms and a secondary window to the lounge area on this north elevation facing the application site.. The third floor is contained in the roof and uses rooflights for the bedrooms and the secondary window to the lounge area.
- 7.53 The house in Dunnell Close (Plot 11), which abuts the southern boundary of the site, has a bedroom window on the side elevation, facing north towards the proposed development, which would be approximately 12.7m from the boundary and 27m from the proposed development. This property's garden is also located to the north of the house.
- 7.54 At its closest point the proposed building would be approximately 22m from the closest dwellings in Meadows End (Nos 10 and 12) and 14.5m from the boundary. The other two properties that share the eastern boundary would be 25m and 35m respectively at the closest point and at an oblique angle. There would be 2 units on each of the 5 floors at this eastern end with combined lounge/kitchen areas having east facing windows. The proposed balconies

have been located on the north and south facades to mitigate potential overlooking, with the exception of the fifth floor, where the usable space is located on the east elevation.

- 7.55 The Council's Supplementary Policy Document Design of Residential Extensions and New Residential Development (2011) refers to privacy and outlook and the distance between properties. It highlights that an appropriate degree of separation must exist between properties to avoid overlooking, preserve privacy and outlook and avoid an overbearing impact. The SPD sets out back to back and back to side minimum distances between dwellings, although these only refer to two and three storey dwellings.
- 7.56 Whilst concern has been raised in respect of the back to back distance with the adjoining properties, this planning guidance must be assessed in terms of the impact to ensure that the development has no significant unacceptable impact on neighbouring properties. It should also be noted that the proposed building's principal elevation faces north towards the residential office conversion (Phase 1) and therefore this is not a back to back distance with the properties in Meadows End but a back to flank, the distance for which on a three storey development is recommended to be 21m. The back to back distance would be with the house in Dunnell Close where the distance is recommended at 30m at three storey but would be approximately 26m. However, the guidance must be considered in terms of its intent and local plan policy and national planning guidance are also relevant.
- 7.57 The SPD also refers to the need to maintain a reasonable amount of light into habitable rooms. It identifies that new dwellings should not break a 25 degree line, the purpose of which is to ensure that properties are not built so close that a significant view of the sky is lost.
- 7.58 The applicant's daylight/sunlight assessment concludes that the layout of the proposed development follows the BRE guidelines and does not significantly reduce sunlight or daylight to existing surrounding properties and will not therefore cause harm to the amenity of the surrounding properties.
- 7.59 The proposal would breach the 25 degree line from the properties in Meadows End, however no.12 Meadows End is approximately 8m from its rear boundary and approximately 22m from the proposed building. There are mature trees on the boundary as identified in the table below (which are proposed to be retained) and these would all currently represent an obstruction to the 25 degree guide because of their height. It should also be noted that the windows of No.10 & 12 Meadows End are not directly facing the proposed building, although it would be clearly visible.

Tree No.	Species	Height (m)	Spread (m)
T45	Common Lime	9	3
T46	London Plane	11	6
T47	Common Lime	8	2
T48	English Elm	6	4
T49	Corsican Pine	17	7

- 7.60 However, it should also be noted that the trees are deciduous and whilst restricting existing views of the sky during spring/summer, offer significantly less mitigation of the proposed building during autumn/winter.
- 7.61 The particular circumstances of this proposal are such that whilst the 25 degree guide requires further consideration is given to the impact of the proposal on the daylight to the properties at Meadows End, there is not considered to be a significant material impact on the view of the sky.
- 7.62 The proposed balconies have been oriented north and south which would reduce the potential for overlooking of the properties in Meadows Ends. However, there would be balconies approximately 12m from the treed boundary to the south with Dunnell Close. The roof terraces on the eastern end of the building would be approximately 14m from the treed boundary with Meadows End. Whilst there would be some screening from the trees during the summer, the trees are deciduous and a condition I recommended to secure an opaque enclosure to mitigate overlooking whilst the terrace is in use.
- 7.63 Although the proposal is five storeys, the distance to the boundary, stepping of the fifth floor, orientation of the building and the level of mature planting along the boundary is considered to mitigate overlooking and the potential overbearing impact of the structure.
- 7.64 The applicant's lighting assessment states that the proposed external lighting concept scheme has been laid out in accordance with relevant legislation and complies with ILE guidance. The lighting concept design seeks to minimise potential impacts on the neighbouring properties and businesses as well as the natural environment including potential, nocturnal cohabitants of the site. However, concern has been raised at the existing lighting scheme implemented in connection with the residential conversion of the former office and a condition is proposed to secure low level lighting in connection with this proposal.

Parking

- 7.65 Policy CC3 of the CS&P DPD seeks to ensure appropriate provision is made for off-street parking in development proposals.
- 7.66 The Council's Parking Standards SPD (2011) indicates that 57 parking spaces would normally be required to serve the new development. When considered in combination with the residential conversion and extension of the former Benwell House office, the requirement would be 138 spaces. This would be amended downwards by 6 spaces to 132 for the affordable housing units provided, where the requirement for spaces is less.
- 7.67 The overall proposal seeks to provide for 107 spaces for 96 dwellings (approved and proposed), of which 94 would be allocated for residents and leaving 13 spaces for visitors.

- 7.68 The applicant's Transport Assessment (TA) identifies data from the 2011 Census indicates that 75% of one and two bedroom flats in the Sunbury East Ward had access to a car.
- 7.69 The TA also indicates that the site is accessible by non-car modes, being within walking and cycling distance of Sunbury Cross with bus services calling at stops in close proximity and Sunbury on Thames railway station a short distance to the north of the site.
- 7.70 Parking for 39 bicycles would be provided in connection with this development, representing one space per unit, providing 94 spaces for the entire development.
- 7.71 Comments have been received concerning the parking layout not complying with the Council's Supplementary Policy Document Design of Residential Extensions and New Residential Development (2011). However, the layout reflects the original layout of Benwell House when it was used as an office and it is not considered that alterations to the parking layout would be reasonable or feasible.
- 7.72 The applicant has confirmed that 20% of the spaces (22) will be provided with electric vehicle charging spaces with a further 20% (22) will have passive provision to address future demand.
- 7.73 Representations have been made in respect of parking stress on the surrounding roads, however the proposed parking provision is at 1 space per unit and this is considered to be appropriate for small units in this sustainable location.
- 7.74 Given the location of the site, its proximity to the rail station and bus stops and the facilities at Sunbury Cross, the provision of a 1:1 parking ratio is considered to be acceptable in this particular case. The EV charging facilities and the cycle parking meet the Council's requirements and are considered to be appropriate.

Transportation Issues

- 7.75 The site is located in close proximity to and Sunbury on Thames railway station and the town centre. The NPPF encourages sustainable travel choices and promotes opportunities for the use of public transport, walking and cycling. The NPPF also encourages the focus of significant development to locations which are or can be sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 7.76 The applicant's Transport Assessment considers that the number of trips associated with the proposal, in combination with the conversion of the former office to residential use would have no noticeable impact on the local highway network, with fewer overall trips than the former office development.
- 7.77 The Transport Assessment uses TRICS data to show the trip data for the proposed residential development. It also demonstrates an improvement between the former office use and the cumulative impact of the approved Benwell House conversion and the new residential proposal. It concludes that

the cumulative primarily residential proposal would result in a reduction of 26 two way vehicle movements against the former office use during the AM peak (08.00 – 09.00) and a reduction of 6 two way vehicle movements in the peak PM (17.00 – 18.00).

- 7.78 The Transport Assessment concludes that the proposal for new residential units would not result in a material change in the character of the traffic in the vicinity and that in accordance with the NPPF, the residual cumulative impacts of the development are not considered to be severe and the proposal should not therefore be refused on transport grounds.
- 7.79 The applicant has submitted a travel plan which indicates that a multi-modal travel survey will be undertaken on 75% occupation of the residential units or within 6 months of first occupation, whichever occurs first.
- 7.80 The County Highway Authority (CHA) has reviewed the Transport Assessment submitted by the applicant and has raised no objections to the traffic impact of the proposal. However, the CHA has identified 7 accident reports that included personal injury involving pedestrians on Green Street within 400m of the site access in the last 10 years and considers that the risk of accidents involving pedestrians on Green Street would increase as a result of more pedestrian movements created by the residential development and the move to alternative modal choices.
- 7.81 The CHA therefore considers that an uncontrolled crossing close to the development would enable pedestrians to safely cross Green Street and would be required to make the development acceptable. However, they also acknowledge the requirement for a Road Safety Audit to ensure it is located in an appropriate location and would not represent a highway danger.
- 7.82 Representations have been received regarding increased traffic generation and the perceived underestimation of the Transport Assessment. However, the traffic generation is based on TRICS (Trip Rate Information Computer System) data which is an independent database of trip rates for developments used in the United Kingdom for transport planning purposes, specifically to quantify the trip generation of new developments. This data demonstrates that there would be a reduction in traffic movements.

Trees

- 7.83 The applicant has submitted an arboricultural assessment that provides above and below ground arboricultural constraints which have informed the site layout design of the proposal.
- 7.84 The report identifies that a total of eighty-seven trees and one group were surveyed in accordance with British Standard 5837:2012. It identifies that eight trees warranted an A grade (highest grade) and thirty trees warranted a B grade. The remaining trees and the group are considered to be category C or U and of low value. As such the report concludes that they would not represent a constraint on redevelopment. One group classification was assigned to trees G77.1 – G77.9 to take into account their collective merit which is considered to be B.

- 7.85 The report identifies 36 trees that would be removed as result of the proposal. The report identifies that T2 and T25, both C category Norway Maples, would require removal to facilitate construction of proposed car parking bays and the new cycle store respectively. Both T2 and T25 are considered by the applicant to be small unremarkable trees of limited quality and as such their removal would not have a significant impact on the wider landscape.
- 7.86 Trees T35 – T39, which includes two mature B category Horse Chestnuts, would require removal to facilitate construction of the proposed bin stores, outdoor seating and cycle store.
- 7.87 Trees T70 – T80, which includes one B category Atlas Cedar, would require removal to facilitate construction of the proposed building. This area also includes the G77.1 – G77.9 group.
- 7.88 The report acknowledges that there are areas of proposed residential car parking, access roads and footpaths that will significantly overlap with the Root Protection Areas (RPA) of T1 – T3, T6, T7, T11 – T14, T16, T18, T19, T20, T22, T23 and T67 – T69. In these locations a Cellular Confinement System (CCS) is proposed as an integral component of the sub-base, to act as a suspension layer.
- 7.89 To mitigate for the loss of the trees as result of the development, the arboricultural assessment proposes the planting of 38 trees throughout the site that the applicant considers, together with the species recommended, would make a significant contribution to the wider landscape.
- 7.90 Representations have been received from local residents concerning the amenity and ecological value of the existing trees on and their loss as a result of the proposal. Some 39% of the trees to be removed are category B, trees of moderate quality, with the remaining being category C or U, low quality or those that are dead or dying. The majority of the trees to be removed are located within the site of the proposed building, whilst the majority of those proposed to be planted are located around the boundary of the site.
- 7.91 Comments also refer to the Council's Supplementary Policy Document Design of Residential Extensions and New Residential Development (2011), which states that:
- 'Mature trees and hedges make a positive contribution to the environment and biodiversity. They should be retained wherever possible...'*
- 7.92 A comprehensive survey of the trees on site was submitted with the planning application and identified the trees of particular value within the Area Order. Whilst category B trees are proposed to be removed, a comparable number of replacement trees are proposed. It should however be noted that these will take time to mature and provide a comparable level of amenity value.
- 7.93 The Council's tree officer reviewed the arboricultural assessment and was satisfied with the tree works proposed and the replacement trees. However, during the review of the application, two TPO trees on the boundary have died

and the Tree Officer now objects on the basis that the loss of two large prominent pines from the perimeter of the site has increased the value of the trees on the island, where the development is proposed, in particular the cedar T87 a B grade tree and the adjacent Corsican pines (T84.1-9), mainly B grade trees, whose value he considers is increased for their ability to screen the existing building.

- 7.94 The loss of the two trees on the boundary is unfortunate, as is the storage of materials and containers within the root protection area which neither represents good practice, nor follows the applicant's own arboricultural advice.
- 7.95 However, the two boundary trees had high canopies, with few mid and low level branches providing screening. Whilst it is accepted that the 'island' trees would provide screening of the existing building, the proposal is for a new building and the two boundary trees whilst contributing to mitigating views of it would not screen it.
- 7.96 Therefore, it is not considered that the loss of the two boundary trees would outweigh the wider benefits of the proposed scheme.

Amenity Space for Residents

- 7.97 Policy EN1(d) of the CS&P DPD relates to a high standard of design and layout incorporating landscaping to enhance the setting of the development.
- 7.98 The Council's SPD, Design of Residential Extension and New Residential Development (2011) provides guidance on minimum garden sizes and amenity space (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.
- 7.99 For the proposed residential building of 39 units this would result in a requirement for 370m². However, on the basis that this proposal has been incorporated into the wider Benwell House site, the total requirement has been calculated, including the Benwell House office conversion and extension, at 655m² of amenity space. The site provides for over 1000m² of outdoor space, excluding the balconies, and therefore complies with the levels in the SPD.
- 7.100 The Landscape Masterplan document submitted with the application states that the landscape design concept for Benwell House is to create a community focused landscape that works with the existing environmental assets and landscape character of the site. The design strategy therefore seeks to provide a series of spaces that meet the social and amenity needs of residents and visitors, whilst also contributing and enhancing local biodiversity habitats and networks.
- 7.101 The Landscape Masterplan also states that the entrance and arrival space between the two buildings is designed with pedestrian priority in mind, with planting beds to soften the space.

- 7.102 A 'social and amenity garden' is proposed at the southeast of Benwell House. The space would be created using recycled composite decking with a pergola and climbing plants to provide screening and shelter. Timber picnic style benches would allow residents to sit and chat and informal timber seating would also be provided.
- 7.103 The Landscape Masterplan also proposes a woodland play trail to the west of the site, situated under the retained trees and would offer a variety of play opportunities for all ages. A footpath of resin bound gravel is also proposed through the space creating a meandering route that could be used all year round and providing access to people of all abilities.
- 7.104 It is considered that the proposed arrival space between the existing and proposed building would be a hard landscaped area, scaled to the car, with 9 new car parking spaces proposed within the landscaped area. However, the revised Tree Plan (L-401) updated and improved the Landscape Masterplan, providing a greater level of landscaping. It should however be noted that this landscaping will take time to mature and will not provide the level of screening currently available.
- 7.105 The proposed 'social and amenity garden' to the southeast of Benwell House would provide an area of formal outdoor seating and although this element is small compared to the scale of the overall development, it does contribute to the range of types of amenity space for future occupants.
- 7.106 The proposed woodland play trail utilises the area between Downside (the adjacent road) and the Benwell House office conversion. The resin bound pathway could provide a level, accessible, permeable solution within the root protection area of the TPO trees. Details of the play equipment has not been provided and would be secured through condition. The use of defensible planting along the building's façade would provide a level of security and privacy to occupiers of the ground floor units.
- 7.107 The new residential building incorporates areas of private space at ground floor, balconies of between 5m²-7m² at the first to fourth floors and amenity areas at the inset fifth floor level, providing private defensible space to all of the proposed units.
- 7.108 Overall the proposed amenity space provision would meet the requirements of the Policy EN1(d) and the SPD, however the suggested enhancement of local biodiversity habitats and networks would likely be restricted to the periphery of the site due to the intended use of the available space within it.

Contaminated Land

- 7.109 Policy EN15 of the CS&P DPD seeks to ensure that development that may be affected by contamination is safe for the intended use.
- 7.110 The applicant submitted a desk study report which has sought to determine the history of the site and assess the potential for contamination. The conclusion indicates that there is a low risk of contamination.

- 7.111 The Council's Environmental Health Pollution Officer is aware of site investigations that have been undertaken in connection with the works in respect of the office conversion that have not been incorporated into the report. As a result, conditions relating to further investigation and remediation measures are recommended.
- 7.112 During the site investigation works required under the approved Prior Determination of the conversion of the office to residential (17/01847/PDO), five exploratory locations were excavated within the area outlined as the potential Phase II development (19/01211/FUL), the current proposal.
- 7.113 Slightly elevated concentrations of polycyclic aromatic hydrocarbons (PAH) compounds were identified within two of those locations at a depth of 0.40m and 0.50m below ground level. PAH's are a group of persistent organic pollutant compounds that contain two or more benzene rings, they are generally produced through incomplete combustion or pyrolysis.
- 7.114 Both locations were positioned close to the curb line in an area. The compounds identified have been found at depths where current users would be unlikely to come into contact with, are not considered to be soluble and should therefore not pose a risk to offsite occupants and/ or local groundwater.
- 7.115 Environmental Health has recommended land contamination conditions that require the applicant to appropriately characterise ground conditions beneath the proposed development and undertake appropriate remediation works where necessary, reducing any potential risks.
- 7.116 Representations have been made in respect of pollution resulting from the development, however the conditions proposed would provide adequate measures to control emissions (dust, noise, vibration) that might arise as a result of the works.

Renewable Energy

- 7.117 Policy CC1 of the CS&P DPD states that the Council will require residential development of one or more dwellings 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.
- 7.118 The applicant's submission included an Energy Strategy proposing to use photovoltaic panels located on the roof of the proposed development. This was challenged by the Council's Sustainability Officer as being an inadequate proposal to meet the Council's requirements.
- 7.119 The applicant responded that the Energy Statement provided for an estimate on the number and capability of panels required. This has since been clarified with the manufacturer and the applicant can confirm that the 60 panels will deliver 15,430 kWh/year and will have capability of 17.40 kWp to meet the policy requirements.

- 7.120 The Council's Sustainability Officer has reviewed the additional information and is satisfied that the minimum 10% renewable requirement of policy CC1 of the CS&P DPD would be met.

Waste & Recycling

- 7.121 The Council's guidance on the storage and collection of household waste seeks to ensure that waste is collected cleanly, safely and efficiently.
- 7.122 The waste and recycling provision at the site has been amalgamated between both buildings and proposes the use of underground bins to address the whole site requirements.
- 7.123 The Council requires provision for refuse and recycling with a total capacity based on 2 x 240 litre bins per unit (one for refuse and one for recycling) and operates a fortnightly refuse and recycling collection service.
- 7.124 A separate food waste collection service is operated weekly and all properties require a small 5 litre internal caddy. For every 10 flats the council requires one 140 litre external food waste bin to be provided for residents.
- 7.125 The waste and recycling capacity requirement for 96 units is 23,040 litres for each of waste and recycling (46,080 total) and 1,344 litres for food waste.
- 7.126 The waste and recycling capacity proposed is 2 x 5000 litre underground bins for each of waste and recycling (20,000 total) which represents 43% of the requirement and 1 x 3,000 litre underground bin for food waste, which represents 223% of the requirement. The provision for household waste and recycling would be less than half required capacity for this site.
- 7.127 The applicant proposes that a commercial waste contractor is appointed to collect the waste on alternate weeks. The applicant also stated that:
- 'An initial provision of 25% of the rents is to be allocated to meet the costs of all outgoings associated with the development, refuse being one of these costs. There will be a concierge service on site to make sure this happens on the given day.'*
- 7.128 Tracking information has been provided to demonstrate that the appropriate size refuse vehicle, capable of unloading the underground bins, can operate satisfactorily within the site.
- 7.129 The Council's Group Head Neighbourhood Services has been consulted and is satisfied that the applicant has provided an operational justification for the waste and recycling provision and that this will not impact Council collections. However, as the waste and recycling provision only represents 43% of the Council's requirement, an informative is recommended to advise future occupiers that the proposal does not comply with the Council's waste and recycling policy and that the collection will be undertaken by a commercial contractor.

Flooding

- 7.127 The site is located in flood zone 1 which represents land having less than 1 in 1000 annual probability of river flooding.
- 7.128 The applicant's Flood Risk Assessment (FRA) states that the site is at a low risk from groundwater, surface water (overland flow) fluvial and tidal flooding. The site is at risk of flooding from reservoir failure, however the reservoirs are maintained by Thames Water to a very high standard and there have been no instances of flooding from the reservoirs to date affecting the site.
- 7.129 Overall this report concludes that the proposed development is fully compliant with NPPF, issues relating to flood risk and drainage do not represent an impediment to the development of the site
- 7.130 The Lead Local Flood Authority and Thames Water were consulted on the proposal and raised no objection, subject to conditions and informatives.

Air Quality

- 7.131 Policy EN3 of the CS&P DPD seeks to improve air quality within the Borough and minimise harm from poor air quality.
- 7.132 The applicant has submitted an Air Quality Assessment to assess both construction and operational impacts of the proposed development.
- 7.133 The Air Quality Assessment concludes that there is a medium risk of dust soiling during earthworks and trackout and a low risk of dust soiling during construction. There is also a low risk to human health during earthworks and trackout, which is negligible during construction. The overall construction phase poses a low to medium risk in terms of fugitive particulate matter (PM10) emissions. Through good site practice and the implementation of suitable mitigation measures, the impact of dust and PM10 releases will be minimised. The residual effect of the construction phase on air quality is therefore not significant.
- 7.134 In terms of operational impacts the assessment concludes that the impacts of the proposed development on air quality would be negligible at all existing receptors for all the pollutants of concern. In the opening year, concentrations at all new receptors would be below the relevant AQS objectives for annual mean concentrations pollutants. On this basis, the assessment concludes that mitigation is not required and the residual effects would not be significant.
- 7.135 The Council's Pollution Control Officer has reviewed the Air Quality Assessment and acknowledges that the consultants anticipate that the dust emission magnitude can be reduced through the implementation of appropriate mitigation measures which will seek to lessen the potential nuisance caused by dust emissions arising from the works and that the residual effects are considered to be not significant.
- 7.136 Representations were received in respect of air pollution, however technical data shows that the traffic generation from the site would be below the levels

of the previous office use and the provision of electric vehicle charging provision would further mitigate the situation.

- 7.137 The Council's Pollution Control Officer has raised no objection subject to the imposition of conditions. Therefore, the proposal is considered to accord with Policy EN3 on air quality.

Equalities Act 2010

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

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

- 7.139 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.

- 7.140 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.

- 7.141 The planning statement indicated that aim of the proposal was to ensure that appropriate standards for accessibility would be met at the outset, to meet reasonable expectations for mainstream inclusive design, and to ensure that the aims of the Disability Discrimination Act 1995 (as amended 2005) would be met.

- 7.142 It further states that the design approach takes into account a wide range of environmental needs and is not limited to specific types of disability. In adopting this broad approach, the scheme aims to promote the provision of an environment that is safe, convenient and enjoyable for use by everyone living or visiting the scheme.

- 7.143 The development would incorporate a lift serving each floor and 2 disabled parking spaces within close proximity of the entrance. 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. It is further considered that apart from a direct impact this proposal will have, there is also going to be an indirect impact on number of people who share other protected

characteristics. This impact will arise mainly from construction works and may affect to a various but not significant degree pedestrians and surrounding properties. The impact will be mitigated by planning conditions.

- 7.144 Whilst the planning statement makes reference to the Disability Discrimination Act 1995 (as amended 2005), which is now out of date, the applicant has confirmed that the development has been designed to accord with the Equality Act 2010, which supersedes the Disability Discrimination Act.

Human Rights Act 1998

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

- 7.146 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.

- 7.147 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.

- 7.148 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

- 7.149 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.

- A financial contribution of £8, 015 in connection with the affordable housing provision
- In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development and will generate a CIL Payment. 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.

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

8. Conclusions

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

9. Recommendation

- (A)** To GRANT planning permission subject to the completion of an appropriate agreement between Knowle Green Estates Limited being a developer/party with sufficient *interest* in the land and Spelthorne Borough Council being the local planning authority to secure the following Heads of Terms, delegated to the Planning Development Manager:
1. To provide a minimum of 13 on site affordable rented units (5 x 1 bedroom, 8 x 2 bedroom) units 1-8, 101-104 and 106 {a minor non-material amendment to this mix may be permitted following agreement between the Planning Development Manager and the Planning Committee Chairman}
 - Prior to the occupation of the affordable rented housing units the transferee (or owner) shall enter into a Nominations Agreement in respect of the affordable rented housing (in order that the affordable housing meets local needs).
 2. A Commuted Sum of £8,015 index-linked from completion of the agreement with payment due on first occupation;
 3. To enter into a s278 agreement with the Surrey County Council for the provision of pedestrian crossing on Green Street.
 4. To cover the costs incurred by Surrey County Council associated with the drafting, advertising and making of the proposed amendments to Traffic Regulations Orders, up to the value of five thousand pounds (£5000).

In the event that the Legal Agreement is not completed

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

REFUSE the planning application for the following reasons:

1. The development fails to provide a satisfactory provision of affordable housing to meet the Borough's housing needs, contrary to Policy HO3 of the Core Strategy and Policies DPD 2009, and the principles set out in the National Planning Policy Framework.
2. The development fails to provide satisfactory provision for pedestrians crossing Green Street contrary to Policy EN1 of the Core Strategy and Policies DPD 2009, and the principles set out in the National Planning Policy Framework

(B) In the event that the Section 106 agreement is completed to the satisfaction of the Local Planning Authority; GRANT subject to the following conditions: -

CONDITIONS/REASONS

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: 1339/ PL/0001 Rev A Location Plan, 1339/ PL/0002 Rev D Site Plan, 1339/ PL/1000 Rev E L0_Ground Floor Plan, 1339/ PL/1001Rev E Typical Floor Plan_L1-3, 1339/ PL/1004 Rev D Fourth Floor/Roof Plan, 1339/ PL/2000 Rev D North Elevation, 1339/ PL/2001 Rev D South Elevation, 1339/ PL/2002 Rev D East & West Elevation, 1339/ PL/2005 rev D Contextual Elevations, 1339/ PL/2010 Rev A Refuse & Cycle Store, and 1339/ PL/3000 Rev B Section AA BB.

Reason: For the avoidance of doubt and to ensure the development is completed as approved.

3. 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" providing 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.

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

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

NOTE

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences. An information sheet entitled "Land Affected By Contamination: Guidance to Help Developers Meet Planning Requirements" providing 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. No construction work shall take place until a Construction Environmental Management Plan incorporating a Dust Management Plan (DMS) has been submitted to and approved in writing by the Local Planning Authority. The

agreed methodology and mitigation measures shall be implemented in accordance with the approved details.

Reason: To protect local air quality and help prevent statutory nuisance, and to accord with the National Planning Policy Framework 2021 and policies DP6, EN15 and CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

6. No site clearance or building operations shall commence until protective fencing consisting of weld mesh panels on a scaffold framework as shown in Figure 2 of BS5837 2012 has been erected around each tree or tree group to be retained on the site in accordance with details to be submitted to and approved by the Local Planning Authority. Such fencing shall be maintained during the course of the development and no storage of materials or erection of buildings shall take place within the fenced area.

Reason: To protect the existing trees on site to be retained in accordance with policies SP6, EN7 and EN8 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

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

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

8. Prior to above ground works being commenced a scheme of noise mitigation measures in accordance with British Standard 8233:2014 shall be submitted to and approved by the Local Planning Authority in writing. The noise mitigation measures shall ensure that the following internal noise levels are not exceeded:

Bedrooms - 35dB LAeq T *, 30 dB LAeq T † , 45dB LAFmax T *

Living rooms- 35dB LAeq T †

* - Night-time - 8 hours between 23:00-07:00 † - Daytime - 16 hours between 07:00-23:00.

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with policy EN11 of the Core Strategy and Policies Development Plan Document.

9. Prior to the occupation of the development hereby approved, a scheme to provide bird boxes and bat boxes/tubes on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the building(s) is occupied and thereafter maintained.

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

10. Prior to the occupation of the building hereby permitted details of all external lighting, including a scheme of low level lighting within the parking area, to include technical specifications shall be submitted to and approved in writing by the Local Planning Authority. The agreed external lighting shall be implemented prior to the occupation of the building and shall at all times accord with the approved details.

Reason: To safeguard the amenity of neighbouring residential properties and in the interest of security

11. Prior to the occupation of the development hereby approved the proposed 60 photo voltaic panels, delivering a minimum of 15,430 kWh/year, with a capacity of 17.40 kWp, shall be installed and operational, unless otherwise agreed in writing with the Local Planning Authority. These measures shall be retained for the life of the development.

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.

12. Prior to the occupation of the development hereby approved the facilities for the secure parking of bicycles within the development site shall be provided in accordance with the approved plans. Thereafter the said approved facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.

Reason: The above condition is required in recognition of Section 9 (Promoting Sustainable Transport) of the NPPF.

13. The rated noise level from the plant hereby approved shall be at least 10 dB(A) below the background noise level at the nearest noise sensitive property as assessed using the guidance contained within BS 4142 (2014).

Reason: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery.

14. Prior to the occupation of the development 22 parking spaces shall be laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for eleven dual 7kW (fast charge) posts and one dual rapid post for electric vehicles. The approved scheme shall include a schedule for dates by which the layout of 22 additional spaces to accommodate 11 further dual headed 7kW (fast charge) posts as charging bays will be provided in the future. The scheme shall also include a mechanism for residents to request provision of these additional spaces ahead of those dates. The charging point spaces shall be retained exclusively for its designated purpose.

Reason: The above condition is required in recognition of Section 4 (Promoting Sustainable Transport) of the NPPF.

15. The refuse and recycling facilities hereby approved shall be provided prior to the occupation of the development hereby approved and retained thereafter.

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

16. Prior to occupation of the building, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the Sustainable Drainage System is built to the approved designs.

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

Reason: In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2021, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

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

Reason: In the interest of amenity and Policies SP6, EN1 and EN8 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009 and the National Planning Policy Framework 2021.

19. Prior to the occupation of the building hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out and thereafter maintained in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape features in accordance with Policies SP6, EN1 and EN8 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009 and the National Planning Policy Framework 2021.

20. Prior to the occupation of the development hereby permitted, details of an obscured means of enclosure of the fifth floor roof terraces on the east elevation shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall thereafter be permanently retained as installed.

Reason: In the interest of the privacy of the surrounding properties and in the interest of visual amenity, in accordance with policy EN1 of the Spelthorne Borough Local Plan 2009.

21. The development hereby permitted shall not be occupied until a pedestrian crossing has been provided on Green Street to the satisfaction of the Local Planning Authority, in consultation with the County Highway Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the safety of pedestrians accessing local facilities in the vicinity of the site.

22. The parking spaces shown on the approved site plan (landscape plan) 1339/PL/0002 shall be constructed and completed prior to the occupation of the building hereby approved, and thereafter maintained as approved and reserved for the benefit of the development.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highways and to ensure that the facilities provided are reserved for the benefit of the development for which they are specifically required, in accordance with policy CC3 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

INFORMATIVES TO APPLICANT

1. The applicant is advised that all gas fired boilers should meet a minimum standard of less than 40mgNO_x/kWh. All gas-fired CHP plant should meet a minimum emissions standard of 50mgNO_x/Nm³ for gas turbines - note other limited apply for spark or compression ignition engines. Where biomass is proposed within an urban area it is to meet minimum emissions standards of: Solid biomass boiler 275 mgNO_x/Nm³ and 25 mgPM/Nm³.

2. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>
3. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk
4. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater
5. Machinery, plant/equipment and extract/ventilation system and ducting should be mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced to reduce noise and vibration
6. 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.
7. 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.
8. The applicant is advised that the waste and recycling strategy submitted does not meet the Council's Waste and Recycling Policy. The applicant must arrange for additional private collections to accommodate the shortfall and is responsible for the additional cost.
9. With reference to condition 12, the applicant is requested to consider providing all the proposed parking spaces within the site with a power supply (through feeder pillar or equivalent) to provide additional fast charge provision.

10. 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).