

Planning Committee

10 November 2021



Application No.	19/01567/FUL
Site Address	Florida Court, Station Approach, Staines-upon-Thames, TE18 4LZ
Applicant	Dayco Properties Ltd
Proposal	The creation of an additional floor above the existing building to create 7 x 1 bedroom units and 2 x 2 bedroom units and the creation of 2 additional car parking spaces.
Case Officer	Matthew Churchill
Ward	Staines
Called-in	N/A

Application Dates	Valid: 27.11.2019	Expiry: 22.01.2020	Target: Over 8 weeks
Executive Summary	<p>This planning application seeks the construction of an additional storey above the existing residential building at Florida Court. The additional storey would contain 7 x 1-bedroom units and 2 x 2-bedroom units. The application also proposes the creation of 2 additional car parking spaces at the rear of the site.</p> <p>Florida Court is a Locally Listed, art deco style building that appears to have been constructed in the 1930s. The building is arranged in a 'horseshoe' shape around a central courtyard. The existing units are accessible from entrances within the central courtyard, and further entrances via doorways and external staircases on the outer elevation of the 'horseshoe'.</p> <p>The application site is situated to the north-west of Staines Railway Station and is accessed via a gap between no.2 and no.3 Station Approach, which is located opposite the railway station car park. A row of garages is situated to the rear of the development as well as an area of amenity space. Florida Court is visible from the Kingston Road Car Park, which is located to the west. The railway line and Station Path also both run alongside the southern site boundary.</p> <p>When this application was initially submitted, officers had concerns over impact of the additional storey upon light entering a number of the ground floor windows serving existing habitable rooms to flats on the ground floor of Florida Court.</p> <p>In response to the LPA's concerns, the applicant has altered the design</p>		

	<p>and has reduced the proposed height at the ridge from some 10.9 metres to approximately 10 metres. The applicant has also revised the layout of the additional floor, and has submitted a further daylight sunlight report, which provides greater clarification of the daylight and sunlight impacts of the scheme on the existing ground floor windows.</p> <p>Following the alterations to the design and submission of additional daylight sunlight information, officers consider that on balance the additional storey would have a satisfactory impact upon light serving habitable rooms located on the ground floor.</p> <p>Florida Court currently contains 18 units, which incorporate between 1 and 3 bedrooms. The proposal would increase the overall number of units at the site to 27 and would increase the height of the building from some 7.75 metres to approximately 10 metres. The application proposes 2 additional car parking spaces at the rear of the site, which whilst falling short of the Parking Standards SPD, given the proximity of the site to Staines Railway Station, is on balance considered to be satisfactory. The development would also have a density of approximately 119 dwellings per hectare, which is considered to be acceptable in this location.</p>
Recommended Decision	Approve the application subject to conditions as set out at Paragraph 8 of the Report.

MAIN REPORT

1. Development Plan

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

- SP1 - Location of Development
- LO1 - Flooding
- SP2 - Housing Provision
- HO1 - Providing for New Housing Development
- HO4 - Housing Size and Type
- HO5 - Housing Density
- CO2 - Provision of Infrastructure for New Development
- CO3 - Provision of Open Space for New Development
- SP6 - Maintaining and Improving the Environment
- EN1 - Design of New Development
- EN7 – Tree Protection
- EN11 - Development and Noise
- EN15 - Development on Land Affected by Contamination
- CC1 - Renewable Energy, Energy Conservation and Sustainable Construction
- CC2 - Sustainable Travel
- CC3 - Parking Provision

1.2 Also relevant is the Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development, (April 2011), Flooding (July 2012), and the National Planning Policy Framework (NPPF) (July 2021).

2. Relevant Planning History

2.1 The Council holds records for one previous planning application at the site as outlined below:

PLAN N/OUT/74/374	Erection of 18 lock-up garages to the rear of flats.	Application Refused 20.08.1974
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3. Description of Current Proposal

- 3.1 The application site is occupied by a two-storey art deco style building, which appears to have been constructed in the 1930s. The building is Locally Listed and is accessed through a gap between no.2 and no.3 Station Approach. The site entrance is situated opposite the Staines Railway Station car park. The Station Path and the railway line run to the south of the site.
- 3.2 Florida Court currently contains 18 residential units, which each incorporate between 1 and 3 bedrooms. The building is laid out in a 'horseshoe' shape and is arranged around a central courtyard. The existing residential units contain entrances in the centre of the courtyard, as well as further entrances on the outer elevation of the horseshoe, accessed through either external staircases serving the first floor units, or doorways serving the ground floor units. There are currently 9 units situated on the ground floor and 9 units situated on the first floor.
- 3.3 The central courtyard contains a grassed area, and further amenity space is located at the rear of the building. A wall at the western boundary separates the site from the Kingston Road Car Park. The site also contains a row of five garages at the rear.
- 3.4 In the wider street scene, there is a row of commercial properties situated to either side of the site entrance on Station Approach. An office development known as 'Staines One' is located to the north of the site, and residential properties in Claydon Court are also situated to the north, which are contained in a 3-storey building. Gresham Road is also a short distance from the site, which is accessible via the pedestrian bridge over the railway.
- 3.5 The application proposes an additional storey over the existing building that would contain 7x1 bedroom units and 2x2 bedroom units. The units would each be accessed through an internal stairway and the internal layout of the first floor would be revised to accommodate the new staircase. The external stairways serving the first-floor units would remain in place following the completion of the works. In total there would be 27 units at the site, and the development would have a density of 119 dwelling per hectare. The application also proposes two additional off-street parking spaces at the rear of the site.
- 3.6 The roof over the additional storey would be pitched and would measure a height at the ridge of approximately 10 metres. A brick string course would be incorporated between the first and second floors and the existing chimney stacks would be maintained and extended. The applicant's Design and Access Statement also indicates that the existing roof tiles would be reused on the new roof, although in any case the proposed materials would be secured by condition.

4. Consultations

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

Consultee	Comment
County Highway Authority	No objections subject to conditions.
Environmental Health	There are no recommendations
Environment Agency	No objections.
Council's Heritage Advisor	No objections.
Network Rail	The developer should contain Network Rail's Asset Protection team prior to commencing any works.
Sustainability Officer	The Renewable Energy Requirement would be met.
Tree Officer	No objections subject to conditions.
Head of Neighbourhood Services	No objections subject to bins being collected kerbside.

5. Public Consultation

5.1 The Council has consulted the occupiers of 43 neighbouring properties. The application has also been re-advertised on two occasions following the receipt of revised plans and additional information. A total of 12 letters of representation have been received from 5 senders, which object to the proposal on the following grounds:

- The plans may impact the plumbing of the existing flats (Officer note: this is not a planning matter).
- Concerns over electrical lighting circuits and existing TV antennas. (Officer note: this is not a planning matter).
- Access to the loft space would be lost for existing units.
- The plans show external doors would serve the new flats (Officer Note: the plans state that the third floor doors would be non-opening).
- The Daylight and Sunlight Assessment has incorrectly labelled a number of the bedrooms (Officer Note: The applicant has submitted a revised DLSL Assessment with these rooms correctly labelled).
- Concerns as to whether notice has been served upon the correct parties (Officer Note: the LPA sought clarification from the applicant and further information was submitted in this regard).

- Concerns over the impact upon light of neighbouring properties.
- The two additional parking spaces would be inadequate and would increase competition for spaces and there are typically up to 18 vehicles parked.
- Concerns over the structural ability of the building to support another level (Officer note: this is not a planning matter).
- The flats would not be accessible for disabled users.
- Concerns over the Heritage Statement (Officer Note: The Council's Heritage Advisor has raised no objections to the proposals).
- Concerns over what would happen to existing residents during the construction process (Officer Note: two informatives are recommended in relation to the construction process).
- The proposal would not meet Building Regulations part M(4). (Officer note: this is not a planning matter).
- The works could impact existing leases (Officer Note: This is not a planning matter).

6. Planning Issues

- Principle of Development.
- Need for Housing.
- Daylight and Sunlight.
- Impact upon Existing Residential Dwellings.
- Housing Size & Type.
- Design, Height & Appearance.
- Locally Listed Building.
- Density.
- Amenity Space for Residents.
- Landscape.
- Open Space.
- Contaminated Land.
- Parking Provision & Highways.
- Waste and Recycling.
- Flooding.
- Renewable Energy.
- Local Finance Considerations.
- Trees.
- Equality Act.
- Human Rights Act.

7. Planning Considerations

Principle of Development

- 7.1 Policy HO1 of the CS&P DPD states that the Council will ensure that provision is made for housing by encouraging housing development on all sites suitable for that purpose taking into account other policy objectives. The policy further encourages that effective use is made of urban land for housing by applying policy HO5 on density and opposing proposals that would impede development of sites suitable for housing.
- 7.2 This is also reflected in the NPPF at 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 122 in respect of achieving appropriate densities.
- 7.3 The application proposes the construction of additional residential units on a site situated in close proximity to Staines Railway Station. The site is also a short walking distance from Staines Bus Station and Staines Town Centre where there are various facilities that are supportive to residential development.
- 7.4 The development would make a contribution of 9 additional units to the Council's 5-year housing supply, where a supply of only 4.5 years can be currently demonstrated, in what is considered to be a sustainable transport location in the urban area.
- 7.5 The principle of the redevelopment of a site in the urban area, close to public transport nodes and facilities supportive of residential development is considered to be acceptable, subject to assessment against local and national planning policies and guidance, as well as any other material planning considerations, which are considered below.

Housing Supply

- 7.6 When considering planning applications for housing, local planning authorities should have regard to the government's requirement that they significantly boost the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF) 2021.
- 7.7 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 method. 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.

- 7.8 The NPPF requires a local authority to demonstrate a full five year supply of deliverable sites at all times. For this reason, the base date for this assessment is the start of the current year 1 April 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.
- 7.9 In using the objectively assessed need figure of 733 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review, the Borough's housing supply will be assessed in light of the Borough's constraints, which will be used to consider options for meeting need. The Council has now published its Strategic Land Availability Assessment (SLAA) which identifies potential sites for future housing development over the plan period.
- 7.10 The sites identified in the SLAA as being deliverable within the first five years and subsequent updates from landowners have been used as the basis for a revised five year housing land supply figure. Spelthorne has identified sites to deliver approximately 3263 dwellings in the five year period.
- 7.11 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.5 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.
- 7.12 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
- 7.13 As a result, current decisions on planning applications for housing development need to be based on the 'tilted balance' approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless 'any adverse impacts of doing so would significantly

and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole’.

Daylight & Sunlight and Residential Amenity

- 7.14 Policy EN1 of the CS&P DPD states that proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk proximity or outlook.
- 7.15 At paragraph 3.6, the Council's Supplementary Planning Document (SPD) on the *Design of Residential Extensions and New Residential Development* (April 2011), states that most developments will have some impact on neighbours. The aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed.
- 7.16 The NPPF at paragraph 130, states that planning decisions should ensure that developments create places that are safe, with a high standard or amenity for existing and future users.
- 7.17 At paragraph 125 the NPPF further states that Local Planning Authorities should refuse applications which they consider fail to make an efficient use of land. In this context, when considering applications for new housing the NPPF states that authorities “*should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)*”.
- 7.18 The Council's SPD on design contains a 25° guide, which is primarily aimed towards more traditional suburban style developments rather than higher density schemes such as the current proposal. The purpose of the 25° guide is to ensure that a significant view of the sky is not lost in the area to the front and rear of a property.
- 7.19 The existing floor plans show that on the ground floor of Florida Court, there are currently 14 main windows that serve habitable rooms, which look out onto the central courtyard. It is considered that the additional storey would breach the Council's 25° guidance to an extent, when measured from 12 of the windows. However, when measured from 10 of the 12 windows, it is considered that the 25° guide would only be breached at the very edge of the roof proposed over the additional storey, and the breach is not considered to be significant. At the two most southerly ground floor windows, which are contained in a ‘set out’ element, the breach of the 25° guide would be to a greater extent.
- 7.20 The applicant's original submission documents included a daylight sunlight report. This used BRE guidance to determine the impact of the additional storey on the light serving the existing habitable rooms on the ground and first floors and enabled officers to examine the impact in greater detail. Officers instructed an external advisor to review the applicant's report.

- 7.21 The external advisor identified that the two ground floor windows at the southern end of the building, where the breach of the 25° highlighted in paragraph 7.19 would be greatest, would both comply with BRE guidance, and were not windows of concern. The advisor identified four ground floor windows serving living rooms, where the impact of the additional storey was of 'most concern' and also identified six further windows serving bedrooms, which did not meet BRE guidance but where shortfalls could be mitigated.
- 7.22 The LPA shared the findings of the external advisor's report with the applicant. In response the applicant reduced the height of the ridge from approximately 10.9 metres to some 10 metres. The applicant also submitted an additional daylight and sunlight report, which uses BRE and Average Daylight Factor guidance to analyse the revised impact on light.
- 7.23 The additional daylight sunlight report highlights how short of being 'well-lit' each of the living rooms identified by the LPA's external advisor as being of 'most concern' would be.
- 7.24 Officers sought clarification from the applicant on how such figures were calculated, and the applicant's consultant confirmed that a 'well-lit/adequately lit' room, is a room where at least 80% of the room is lit. The figures illustrated in the table below detail how much additional floor space in each room would need to be lit, in order for that particular room to be adequately/well lit.

Flat Number	Amount of floorspace falling short of the rooms being 'well-lit'
3	2.22m ²
6	3.47m ²
14	1.74m ²
17	2.22m ²

- 7.25 As highlighted above, the living rooms in the above units fall 3.47m², 2.22m² and 1.74m² short of being 'adequately/well-lit'. This means that they are 3.47m², 2.22m² and 1.47m² short of being 80% lit.
- 7.26 As a response, a planning balancing exercise is required to consider whether these shortfalls would outweigh the benefits of the contribution of 9 additional units to the Council's 5-year housing supply, in this sustainable transport location.
- 7.27 The NPPF also advises that where a 5-year supply cannot be demonstrated, a tilted balance approach should be adopted whereby proposals should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole. The LPA can only currently demonstrate a supply of 4.5 years.
- 7.28 On planning balance, officers consider that the contribution of 9 additional units to the Council's 5-year housing supply in this location would be considered to outweigh shortfalls from being adequately/well-lit, in four of the existing units.

- 7.29 The daylight sunlight report further identifies shortfalls in the following bedrooms:

Flat Number	Amount of floorspace falling short of rooms being 'well-lit'
3	0.93m ²
6	1.05m ²
14	1.05m ²
17	0.84m ²
19	0.67m ²

- 7.30 The report also details that the bedroom serving flat 1, would also fall slightly short of the requirements, although a figure is not given. Whilst officers acknowledge the above shortfalls and the occupiers of these bedrooms would experience some changes to the amount of light that is received, it is considered that such shortfalls would not be to an extent that would outweigh the benefits of the contribution of 9 additional units in this location.
- 7.31 In terms of surrounding residential properties, Claydon Court located to the north of the site is some 20 metres from the application building. At such a distance it is not considered that the proposal would have an adverse impact upon the light and privacy of the occupiers of this building. The applicant's initial daylight and sunlight report also confirms that the proposal would be in adherence with BRE guidelines when measured from Claydon Court.
- 7.32 The proposal is further considered to have an acceptable impact upon the light privacy and amenity of all further surrounding dwellings.

Locally Listed Building

- 7.33 Florida Court is a Locally Listed Building. Policy EN5 of the Council's CS&P DPD states that the Council will seek to preserve architectural and historical heritage by amongst other things, encouraging the retention of buildings of local architectural or historic interest and seeking to ensure that their character and setting is preserved in development proposals. It should be noted however, that whilst a Local Listing does afford additional planning protection than would otherwise be the case, a Locally Listed Building is not statutorily protected in the same way as a Grade I*, Grade I or Grade II Listed Building would be.
- 7.34 The NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that directly or indirectly affect a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.35 The Council's Local Listing Document describes Florida Court as a self-conscious formal and symmetrical design of houses/flats around an open-ended courtyard, with green glazed tile roofs and painted stucco walls. The

listing further states that the building incorporates a restrained Art Deco Influence and that the design and plan form is replicated in a number of other areas in the south-east including at an almost identical building in Reading. However, the listing further explains that the architectural style was short lived and rarely replicated since the 1930s.

- 7.36 As Florida Court is Locally Listed the LPA consulted its Heritage Advisor who commented that the revised shallower pitch solution associated with the amended plans which reduces the ridge height, would be acceptable so long as the shallower pitch would be able to accommodate the replacement tile the LPA would wish to see here. On this basis the advisor stated that there would be no objections. The applicant has confirmed that it is the intention to utilise the existing roof tiles. In light of the Heritage advisor's comments, it is recommended that details of the conditions are secured by condition. It is therefore considered that the proposal would have an acceptable impact upon this Locally Listed Building and its setting in accordance with policy EN5.

Design, Character and Appearance

- 7.37 Policy EN1 of the CS&P DPD states that the Council will require a high standard in the design and layout of new development. The policy further states that developments should create buildings and places that are attractive with their own distinct identity, and that respect and make a positive contribution to the street scene and character of the area in which they are situated, paying due regard to the scale, heights, proportions, building lines, layouts, materials and other characteristics of adjoining buildings and land.
- 7.38 The NPPF states that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The framework further advises 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. The framework also states that development that is not well-designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 7.39 The NPPF further sets out a number of design requirements, stating that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to the local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 7.40 The application site is located in Station Approach. To an extent, it is screened from the street scene by the commercial properties located at the front of the site. There are a mixture of building designs and uses in the immediate vicinity of the site, ranging from commercial and office uses, to residential buildings in the wider area, which generally range from 2-3 storeys in height.

- 7.41 The additional storey would increase in the height of Florida Court from approximately 7.75 metres to some 10 metres. This is considered to be acceptable in the context of surrounding buildings which generally range between 2-3 storeys in height. The additional floor would be similar in design and scale to the floors below, with the fenestration on the outer elevations reflecting the doors and windows beneath. A brick string-course would be incorporated between the first and second floors and existing stairways on the outer elevation of the 'horseshoe' would remain in place.
- 7.42 The design, scale and height of the additional storey is considered to be in keeping with the character of the surrounding area, which contains further 3 storey buildings, and the proposal is considered to be in accordance with the objectives of policy EN1 and the NPPF in design terms.

Density

- 7.43 Policy HO5 of the CS&P DPD states that in existing residential areas predominately characterised by family housing rather than flats, new development should generally be in the range of 35 to 55 dwellings per hectare. In areas characterised by a significant proportion of flats and those containing significant employment areas, this rises to between 40 to 75 dwellings per hectare.
- 7.44 Policy HO5 further states that higher density development may be acceptable where it is demonstrated that the scheme complies with policy EN1 on design, particularly in terms of its compatibility with the character of the area, and where it is in a location that is accessible by non-car based modes of travel.
- 7.45 There is currently a density of 79 dwellings per hectare at Florida Court. As a result of the 9 additional units this would increase to a density of approximately 119 dwellings per hectare. Whilst this would exceed the density guidelines set out in policy HO5, the NPPF encourages an optimisation of densities and the proposal is considered to be located in a sustainable transport location close to good transport links and within a relatively short walking distance of the town centre.
- 7.46 Policy HO5 allows for higher densities where a proposal meets the design requirements of policy EN1, and where the development is situated in an accessible location. For the reasons highlighted above, the proposal is considered to meet the design objectives of policy EN1 and is considered to be accessible by non-car based modes of transport. The proposed density is therefore considered to be acceptable in this location.

Housing Type and Size

- 7.47 Policy HO4 of the CS&P DPD and the Council's Supplementary Planning Document (SPD) on Housing Size and Type (July 2012), seeks for 80% of units in developments of 4 or more units, to contain 1 or 2 bedrooms. This is to ensure that the overall dwelling stock meets the demand that existing within borough, including a greater demand for smaller dwellings. The application proposes 7 x 1-bedroom units and 2 x 2-bedroom units and would therefore be in accordance with the objectives of policy HO4.

- 7.48 The Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development (April 2011) sets out minimum floor space standards for new dwellings.
- 7.49 The Government has also published national minimum dwelling size standards in their "Technical Housing Standards – nationally described standard" document (2015). These largely reflect the London Housing Design Guide on which the Spelthorne Standards were also based and are arranged in a similar manner to those in the SPD. A summary of the relevant standards set out in the Technical Housing Standards is illustrated in the table below:

Dwelling Size (Single Storey)	Minimum Floor Space Requirement
1 bed x 1 person	39m ²
1 bed x 2 person	50m ²
2 bed x 3 person	61m ²
2 bed x 4 person	70m ²

- 7.50 All of proposed units would meet the minimum internal floor space requirements outlined above. The proposed housing mix, dwelling type and internal floor space for future occupiers, is therefore considered to be acceptable.

Amenity Space for Residents

- 7.51 The Council's SPD on the Design of Residential Extensions and New Residential Dwellings (April 2011) stipulates minimum amenity (garden) space requirements. This states that within the first 5 units of a development there should be a minimum of 35m² of amenity space per unit. There should also be a minimum of 10m² per unit for the next 5 units, and 5m² per unit for each unit thereafter.
- 7.52 There are 18 existing residential units at Florida Court, and the current application proposes another 9 units, resulting in a total of 27 residential units at the site.
- 7.53 When calculated against the SPD's minimum requirements on the basis of 27 units, there would normally be a requirement to provide a minimum communal amenity area of at least 235m². The applicant's block plan indicates that there would be an amenity area of 345m² available at the rear of the site, with a further amenity area of 183m² available within the central courtyard. There would also be balcony space provided to the occupiers of units 20, 22, 26 & 27. As such the proposed amenity space would significantly exceed the Council's minimum requirements for a development of this size and the application is considered to provide an acceptable level of amenity space to future occupants. The proposal is therefore considered to be in accordance with the objectives of policy EN1 and in this regard.

Highways & Parking

- 7.54 Policy CC2 of the CS&P DPD states that the Local Planning Authority will seek to secure more sustainable travel by only permitting traffic generating

development where it is or can be made compatible with the transport infrastructure in the area taking into account the capacity of the local transport network, the cumulative impact, access and egress to the public highway and highway safety.

- 7.55 Policy CC3 also states that appropriate provision should be made for off street parking in accordance with the Council's Parking Standards.
- 7.56 The NPPF states that development should only be refused or prevented on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts on the road network would be severe.
- 7.57 The application site currently contains a row of 5 garages at the rear, which are accessed from the south of the site. The applicant's Transport Assessment states that 2 of the garages are utilised by the occupiers of Florida Court, 2 are rented out to outside parties and 1 of the garages falls under the ownership of the applicant.
- 7.58 There is also an informal area of hardstanding to the front of the garages, and whilst there are no formal car parking spaces marked, 3 cars were observed during the site visit parking informally on the grass area in this part of the site.
- 7.59 The Council's Parking Standards SPD would normally require that the 18 existing units would be served by 27.5 (rounded up to 28) off-street parking spaces. The development is currently served by 5 garages and an informal parking area, a ratio of approximately 0.28 spaces per dwelling when considering the 5 garages.
- 7.60 The Parking Standards SPD would also normally require the 9 additional units to be served by 11.75 (rounded up to 12 spaces) based upon the following standards:

Unit Type	General Needs Housing	Affordable Housing
1 bed unit	1.25	1
2 bed unit	1.5	1.25
3 bed unit (under 80m ²)	2	1.75

- 7.61 The application proposes only 2 additional formal parking spaces following the construction of the additional 9 units, resulting in a parking ratio of approximately 0.22 spaces per new unit and a ratio of approximately 0.26 spaces per unit across the development as a whole.
- 7.62 The Parking Standards SPD allows for a reduction in its minimum parking standards in the borough's 4 town centres, where any reduction must be assessed against the distance from public transport nodes, the frequency and quality of train and bus services, the availability of quality pedestrian and cycle routes, and the range of facilities supportive of residential development within reasonable walking distance.

- 7.63 The application site is located outside of Staines Town Centre. However, it is situated in very close proximity to Staines Railway Station, which is served by trains to London Waterloo, Weybridge and Windsor and other destinations. The site is also situated a short walk from Staines bus station, which provides further public transport links.
- 7.64 Florida Court is also located approximately 550 metres from the pedestrianised section of Staines High Street and approximately 460 metres from the Elmsleigh Centre, where numerous facilities are contained that are supportive to residential development. It is therefore considered that a reduction against the Council's minimum requirements is justified in this location, which is considered to be highly sustainable in transport terms.
- 7.65 The Council's Parking Standards SPD would normally require 12 parking spaces to be provided for the 9 additional units, where only 2 additional formal parking spaces are proposed at a ratio of approximately 0.22 spaces per new unit. Whilst this would fall short of the Council's minimum requirements, given the sites highly sustainable location and proximity to Staines Railway Station and Staines Town Centre, it is considered that this reduction would be acceptable in this instance. It is also noted that prior approval was recently granted at nearby Claydon Court for 8 additional units, which did not propose any additional car parking spaces (21/00172/PDNF).
- 7.66 The LPA has also consulted the County Highway Authority, who commented that given the proximity of the site to Staines Railway Station, local bus services and local amenities, it is considered unlikely that future residents would be reliant upon owning a private car. The CHA therefore raised no objections to the application, subject to 3 conditions.
- 7.43 The County Highway Authority has requested that a condition is imposed on the decision notice if the proposal is approved, requiring that at least one of the available parking spaces is provided with a fast charge electrical charging point.

Waste & Recycling

- 7.67 Policy EN1 of the CS&P DPD, states that proposals for new development will need to demonstrate that they will incorporate provision for the storage of waste and recyclable materials.
- 7.68 The applicant has stated in an email that the occupant unit would each have their own bins that they would be responsible for. The Council's Head of Neighbourhood Services was consulted and commented that there would be no issues with this, providing that bins were collected kerbside on the days of collection.

Flooding

- 7.69 The application site is not located within a flood event area, and there is considered to be a dry means of escape away from the site outside of the 1% annual exceedance probability. The proposal is therefore considered to be in accordance with policy LO1 in flooding terms.

Renewable Energy

- 7.70 Policy CC1 of the CS & P DPD states that the Council will require residential development of one or more dwellings, and other development involving new building or extensions exceeding 100 square metres, to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources unless it can be shown that it would seriously threaten the viability of the development.
- 7.71 The applicant originally stated what that it was unlikely to be viable to introduce renewable energy sources, although the development would have produced 25% less carbon dioxide than buildings built before 2006 building regulations standards.
- 7.72 Following concerns raised by the Council's Sustainability Officer, the applicant subsequently proposed solar panels on the roof. The Council's Heritage Consultant has confirmed that this would not have an adverse impact upon the character of setting of this Locally Listed Building, and the Council's Sustainability Officer is satisfied that on this basis the 10 percent renewable energy requirement would be met. The proposal is therefore considered to be in accordance with the requirements of Policy CC1.

Other Matters

- 7.73 The Council's Tree Officer undertook a site visit and recommended that a condition is attached to the decision notice requiring the applicant to submit an Arboricultural Method Statement before the works commence.

Equalities Act 2010

- 7.74 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 person 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.
- 7.75 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.
- 7.76 The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means having such regard as is appropriate in all the circumstances.

- 7.77 The existing occupiers may be affected by the construction works for a temporary period. It is considered that this proposal may affect individuals with protected characteristics specifically the impact of the development on disabled people. Whilst there would be no lifts up to the third storey units, the development still offers a limited access to the additional units for some disabled people. The scheme does also propose an additional parking space for disabled users. The NPPF defines people with disabilities as individuals who have physical or mental impairment, which has 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. Whilst the absence of a lift may prevent wheelchair users from accessing the new storeys, it would nevertheless be possible for some individuals with disabilities to access the development.

Human Rights Act 1998

- 7.78 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.79 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.
- 7.80 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.
- 7.81 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Finance Considerations

- 7.82 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.

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

- The Community Infrastructure Levy for Zone 2 (£140 indexed per square metre of additional residential floor space) will be payable on this site.

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

Planning Balance

7.84 This application proposes the construction of 9 additional units in the urban area. The units will be in close proximity to Staines Railway Station and a short distance from Staines Bus Station and Staines Town Centre which provides various facilities which are supportive of residential development.

7.85 As a result of the unique layout of the building and its arrangement in a 'horseshoe shape' the proposal would result in a loss of light outside of BRE and ADF guidelines to four of the living rooms on the ground floor. As a result, the occupiers of four of the flats would experience shortfalls of 3.47m², 2.22m² (x 2) and 1.74m² from being well-lit in their living rooms. There would also be minor shortfalls in a number of the bedrooms on the ground floor.

7.86 The NPPF states that when considering applications for housing "*authorities should take a flexible approach in applying policies and guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)*".

7.87 The application proposes 2 additional parking spaces which represents a shortfall when applying the Council's parking standards. However, it is acknowledged that the existing development also falls short of the Council's Parking Standards SPD. Nevertheless,, the site is located in a sustainable transport location, adjacent to Staines Railway Station, and a short distance from Staines Bus Station and Stains High Street which provides various facilities supportive of residential development.

7.88 The Council can only currently demonstrate a housing supply of 4.5 years. Where a 5 year supply cannot be demonstrated, the 'tilted balance' applies. The NPPF states that the development should be approved without delay unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework as a whole.

7.89 Whilst there would be shortfalls against BRE guidelines, and there would also be a shortfall in parking provision, officers consider that the contribution of 9 additional units to the Council's 5 year housing supply would on balance outweigh this harm and is considered to be an acceptable compromise.

Conclusion

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

8. Recommendation

To GRANT planning permission subject to following conditions:

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 19027 PL/02 Rev C 19027 PL/04 19027 PL/03 Rev C (Received 02.06.2021) 19027 PL/06 Rev A (Received 15.10.2021)

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

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

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

- 4 The development hereby approved shall not be occupied unless and until at least one of the available parking spaces is provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework

2019, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 5 The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles have been 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: In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2019, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 6 No development above damp course level shall take place until details of the materials to be used for the external surfaces of the building(s) and replacement windows 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.

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

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

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

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

2009.

- 9 An Arboricultural Method Statement in accordance with BS5837: 2012 shall be submitted to the Local Planning Authority for approval before the commencement of the hereby permitted works to demonstrate that the extension will not harm trees within the site. The approved extension shall be carried in accordance with the details agreed in the Arboricultural Method Statement.

Reason: To prevent damage to the trees in the interest of the visual amenities of the area, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009

INFORMATIVES TO APPLICANT

- 1 The Town and Country Planning (Development Management Procedure) (England) Order 2015
Working in a positive/proactive manner
In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:-
 - a) Provided pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
 - b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure
 - c) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.
- 2 Access by the Fire Brigade
Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings. There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).
- 3 Please note that this application is subject to the payment of Community Infrastructure Levy (CIL). Full details of the charge, how it has been calculated and what happens next are set out in the CIL Liability Notice which will be sent separately.

If you have not already done so an Assumption of Liability notice should be sent to the Council as soon as possible and before the commencement of development.
- 4 You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:

- a) A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures
- b) Site perimeter automated noise and dust monitoring;
- c) Engineering measures to eliminate or mitigate identified environmental impacts e.g. hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
- d) Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents liaison meetings, etc.)
- e) A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme;
- f) To follow current best construction practice BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites',
- g) BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from ground borne vibration,
- h) BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings - vibration sources other than blasting,
- i) Relevant EURO emission standards to comply with Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999,
- j) Relevant CIRIA practice notes, and
- k) BRE practice notes.
- l) Site traffic - Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
- m) Site waste Management - Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations.
- n) Noise mitigation measures employed must be sufficient to ensure that the noise level criteria as outlined in BS8233:2014 and WHO guidelines is achieved.

- 5 You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking.
- a) 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/siteregistration).

- 6 Due to the proximity of the proposed roof extension to Network Rail land, Network Rail strongly recommends the developer contacts AssetProtectionWessex@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

Wessex Asset Protection and Optimisation (ASPRO) accept the Planning Application 19/01567/FUL, provided that the developer will:

1. Confirm the boundary limits and fence line
2. Adopt ASPRO guidance and requirements and a list of NR deliverables that will be provided to the developer in kick-off meeting;
3. Submit for ASPRO acceptance design-if needed, risk assessment & method statement (RAMS) for any work within Network (NR) zone of influence such as, but not limited to
 - Drawings & RAMS for building construction and Design & RAMS for any temporary works related to construction such as scaffolding, edge protection. Etc
 - Lifting plan for all liftings associated with construction works, using plant, etc
 - Drawings & RAMS for roof works, drainage, adjacent to NR boundary
 - Traffic management plan during construction for construction vehicles
4. Proposer to confirm if any covenants are applied to the land and if so comply with them

5. Proposer to apply for buried services report prior to any works on site.
6. Proposer to ensure works will not affect the traffic flow and access to the station during construction.
- 7 The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary.

Appendices: