

Planning Committee

27 April 2022



Application No.	21/01801/FUL
Site Address	Sunbury Cross Ex-Services Association Club, Crossways, Sunbury-on-Thames, TW16 7BG
Applicant	SUN EX-21Ltd
Proposal	Demolition of existing Sunbury Ex-Servicemen's Association Club and redevelopment of site including the erection of two residential buildings of 5-storeys and 8-storeys comprising 47 flats with associated car parking, cycle storage, landscaping and other associated works.
Case Officer	Paul Tomson/Vanya Popova
Ward	Sunbury Common
Called-in	N/A

Application Dates	Valid: 29/11/2021	Expiry: 28/02/2022	Extension of agreed until 29 April 2022
Executive Summary	<p>This planning application proposes the demolition of the existing clubhouse and the redevelopment of the site to include the erection of two residential buildings of 5-storeys and 8-storeys comprising 47 flats, with associated car-parking, cycle storage, landscaping and other associated works.</p> <p>This application has been submitted following the refusal of the previous application 20/01506/FUL comprising 69 units on the 29th April 2021. That particular application was refused on the grounds that it constituted an overdevelopment of the site and failed to make a positive contribution to the area and create a strong sense of place. It provided a poor standard of amenity to future occupiers. The level of car parking was considered insufficient. In addition, the proposal comprised more than 30 'family sized dwellings' (2-bed or more) and in the absence of a payment or completed legal agreement, the applicant had failed to comply with Policy CO3 of the Core Strategy and Policies DPD in relation to the provision of open space to provide a children's play area.</p> <p>The current proposal has been substantially reduced in scale compared to the refused scheme. The number of units has been lowered from 69 to 47, and the number of buildings reduced from 3 to 2. As a consequence, the design and layout is more spacious and it is considered that the overdevelopment issues and reasons for refusal associated with the previous application have been overcome. As this</p>		

	<p>scheme proposes less than 30 family sized dwellings, the requirements of Policy CO3 to deliver on-site or off-site open space to provide a children's play area are not applicable.</p> <p>The proposal will make an efficient use of brownfield land and provide much needed housing (including 17 no. affordable units – 36%), contributing to housing delivery in the Borough. In addition, the 'tilted balance' is applicable in this particular case. It is considered that there is no significant or demonstrable harm that would outweigh the benefits of the scheme.</p> <p>The application is recommended for approval subject to the prior completion of a Section 106 agreement.</p>
<p>Recommended Decision</p>	<p>Approve the application subject to a S106 agreement and conditions as set out at Section 9 of the Report.</p>

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:

- Strategic Policy SP1: Location of Development
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO3 (Affordable Housing)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- TC3 (Development in Ashford, Shepperton and Sunbury Cross Centres)
- CO1 (Providing Community Facilities)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN11 (Development and Noise)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

- 1.2 Also relevant are the following Supplementary Planning Documents/Guidance:
- SPG on Parking Standards Updated 2011
 - SPD on Housing Size and Type 2012
- 1.3 The advice contained within the National Planning Policy Framework (NPPF) 2021 is also relevant.
- 1.4 The emerging plan is currently being prepared but at present carries negligible weight in any decision making.

2. Relevant Planning History

- 2.1 The site has the following planning history:

Ref. No.	Proposal	Decision and Date
SUN/OUT/5760/Z18	The erection of 68 flats having 3 habitable rooms each, and 60 maisonettes having 4 habitable rooms each, together with a Community Centre, Club and car parking.	Approved 23/11/1972
20/01506/FUL	The demolition of existing Sunbury Ex-Servicemen's Association Club and re-development of the site including the erection of three residential buildings of 4-storey, 6-storey and 9-storey comprising 69 flats with associated car-parking, cycle storage, landscaping and other associated works.	Refused 29/04/2021 Appeal lodged

3. Background and Description of Proposed Scheme

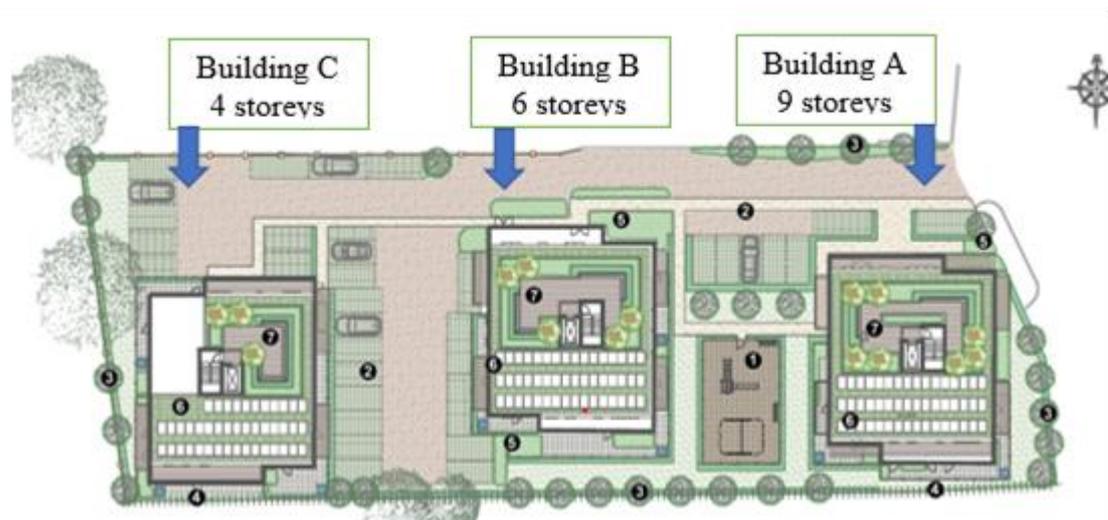
- 3.1 The application site comprises an area of 0.316 hectares and is occupied by a two storey building with associated car-parking and is formally known as the Sunbury Cross Ex-Services Association Club. According to the applicant the clubhouse closed doors in March 2020 and the building is currently empty. The site is situated on the southern end side of Crossways in Sunbury on Thames, a cul-de-sac road which main access is via Staines Road West. Immediately to the south of the site is the Staines Reservoirs Aqueduct, whilst further to the south is the Tesco superstore and its associated car-park which can be accessed at the end of Crossways (adjacent to the application site) via a pedestrian footbridge across the Aqueduct. The M3 motorway runs further south-east of the site. Opposite the Crossways road (east) is the entrance to

the Sunbury Cross Multi-storey car park. The western boundary adjoins an existing two storey building (Lodge Nursing Home) which comprises a residential care home. To the north of site is a 4 storey building comprising residential maisonettes including Oak Lodge and Sycamore Lodge. Further to the north are more flatted residential developments.

- 3.2 In terms of planning constraints, the whole site is within the 1 in 1000 year flood zone (Flood Zone 2). It is adjacent to the designated Shopping and Employment Areas of Sunbury Cross as defined in the Local Plan.

Background

- 3.3 As indicated in the planning history section above, the previous planning application (ref. 20/01506/FUL) was refused by the Planning Committee on 28 April 2021 (the application was recommended for refusal by the Planning Officers).
- 3.4 The previous scheme proposed the demolition of the existing clubhouse and re-development of site comprising the erection of three residential buildings of 4 9 storey (Building A), 6 storey (Building B) and 4 storey (Building C) comprising a total of 69 residential flats (33 x 1 bed, 25 x 2 beds and 11 x 3 bedroom flats). Along with this, the scheme also proposed a total of 32 parking spaces.
- 3.5 The illustration below outlines the layout of Buildings A, B and C within the previous submission.



- 3.6 The application was refused on the following grounds:
1. *The proposal is considered to constitute an overdevelopment of the site by virtue of: excessive housing density; cramped layout; poor outlook for the ground floor flats; domination of car parking and hardstanding and inadequate space for landscaping. Furthermore, the applicant has failed to provide sufficient evidence to demonstrate that adequate car parking provision is provided on the site. The development will fail to make a positive contribution to the character of the area, will not create a strong sense of place, and will provide a poor standard of amenity for future occupiers. The proposal is therefore contrary to Policies EN1, HO5 and CC3 of the Core Strategy and Policies DPD 2009 and Section 12*

(Achieving Well Designed Places) of the National Planning Policy Framework 2019.

2. *In the absence of a payment or a completed legal agreement under Section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CO3 of the Core Strategy and Policies DPD 2009 in relation to the provision of new on-site open space or a financial contribution towards new off site provision or to improve existing sites to enhance their recreational value and capacity.*

The applicant has lodged an appeal against the refusal of planning permission to the Planning Inspectorate. A start letter has just been issued by the Planning Inspectorate and the appeal is now under consideration.

Proposed scheme

- 3.7 This resubmission proposal is for the demolition of the existing Sunbury Ex-Servicemen's Association clubhouse and re-development of the site comprising the erection of two residential buildings of 8 storeys (Building A) and 5 storeys (Building B) to provide 47 flats (20 x 1 bed, 21 x 2 bed and 6 x 3 bed). The development would be served by 43 parking spaces at a ratio of 0.91 per unit as well as 66 cycle spaces. The development also proposes associated access, amenity space and landscaping.
- 3.8 The development would be arranged across 2 blocks. Block A would be the largest block in the development comprising 8 storeys in height. It would contain 30 flats (19 x 2 bed and 11 x 1 bed) and would be situated to the east of the site. Block B would be situated towards west of the site and would be 5 storeys in height. The proposed plans indicate that this block is designed to accommodate 17 flats (6 x 3 bed, 2 x 2 bed and 9 x 1 bed).
- 3.9 Each of the units within both buildings above ground floor level would be served with its own external balcony. The western elevation of Block B at ground floor level would have an undercroft parking area for 8 vehicles. The submitted plans also show that each of the two buildings will be providing communal roof terraces. At ground floor level, there will be a shared communal garden area between Block A and Block B (referred on the Proposed Layout plan as Peace Garden). An underground bin storage system has been proposed adjacent to the northern boundary of the site. The vehicle and pedestrian entrance to the site will be on the northern-east side leading into the Crossways.
- 3.10 The illustration below outlines the layout of the site and the location of Blocks A and B.



3.11 The proposed mix and tenure is as the follows:

Unit type	PRIVATE	AFFORDABLE		TOTAL
		Rented	Shared	
One bed	11	6	3	20
Two bed	19	2	0	21
Three bed	0	3	3	6
	30	11	6	47

3.12 The applicant is proposing 36% of the units (17 units) as affordable and they will be located all in Block B.

4. Consultations

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

Consultee	Comment
County Highway Authority	No objections. Conditions and informatives have been recommended.
Environment Agency	No objections. Refers to the standard advice.
Highways England	No objections.
Lead Local Flood Authority (Surrey County Council)	No objections. Conditions and informatives have been recommended.
Environmental Health (Contaminated Land and Dust)	No objections on contamination grounds. Subjects to conditions and informatives.
Environmental Health (Air Quality)	No objections, recommends conditions and informatives.
Environmental Health (Noise)	No objections, recommends conditions and informatives.

Surrey Wildlife Trust	Originally raised concerns for insufficient information regarding bats. Following the submission of additional information, no objections on bats subject to conditions.
Tree Officer	No objections.
BAA	No objections, recommends an informative regarding cranes.
Natural England	No objections. Refers to standing advice.
Thames Water	No objections, recommends informatives.
National Grid	No comments have been received. Any updates will be reported verbally.
Crime Prevention Officer	A condition or informative should be imposed concerning the Secured by Design (SbD) Gold award.
Surrey Fire & Rescue Service	No objections, recommends informatives.
Council's Group Head, Community Well-being	No objections.
Environmental Services (Renewable Energy)	The Sustainability Officer is satisfied that the renewable requirements will be met.
Health and Safety Executive	Originally raised concerns as a statutory consultee on Fire Safety for tall buildings. After re-consultation on amended plans, there are now no objections
Council's Strategic Lead, Housing Options	No objections.

5. Public Consultation

- 5.1 A total of 145 properties were notified of the planning application, a statutory site notice was displayed, and the application was advertised in the local press.
- 5.2 A total of 17 letters of objection has been received commenting on the proposal including objections raised by Spelthorne Committee for Access Now (SCAN).

Reasons for objecting include:-

- Traffic
- Too many flatted developments
- More vehicles
- Highway implications
- Noise
- Air pollution

- Over-development
- Narrow road
- Doctor surgeries are full
- High density
- Sunbury Ex Serviceman's Club was a much used local amenity for residents groups and other social activities
- Loss of club
- The site was sold without the members' agreement
- New club should be built
- Insufficient parking
- Parking stress within the nearby streets
- Very limited consideration to disabled people (The layouts of flats, in particular entrance door arrangements, are not suitable for some disabled people, particularly wheelchair users)
- Insufficient green space
- Light Pollution
- The crime rate is high
- No consideration for the local community
- Poor infrastructure
- The site is not suitable for residential
- Light commercial activities should be considered instead
- Access issues (in and out)

A representation has been made by Spelthorne Borough Council's Community Safety Officer encouraging that the developer considers a new CCTV system to help reduce fear of crime and crime and disorder matters. This can be added as an informative to the decision notice in the event that the application is approved.

6. Planning Issues

- Principle/loss of club
- Housing need
- Design and appearance
- Housing density
- Amenity space
- Impact on existing residential amenities
- Parking/Highway issues
- Renewable Energy
- Affordable housing
- Flooding
- Biodiversity

7. Planning Considerations

Principle/Loss of Existing Club

- 7.1 The site is located within the urban area and is occupied by the Ex-Servicemen's Club and its associated car park. The site adjoins existing residential development to the north, and a residential care home to the west. Consequently, the principle of creating a new residential development on the

site is considered acceptable subject to other planning issues being addressed.

- 7.2 The site was identified as a proposed site allocation for housing in the Council's Preferred Options Consultation Site Allocations document dated November 2019 (Regulation 18).
- 7.3 It is important to stress that the new Local Plan is in its very early stages of preparation, indeed the Regulation 19 Local Plan has not been issued. It is, therefore, yet to be subject to examination and consequently the weight given to the Preferred Options Consultation document is negligible.
- 7.4 The proposal involves the loss of the existing Ex-Servicemen's Club. Policy CO1 of the Core Strategy and Policies DPD 2009 (CS & P DPD) states that the Council will seek to ensure community facilities are provided to meet local needs by resisting the loss of existing facilities except: (i) where it is demonstrated that the facility is no longer needed, or (ii) where it is established that the services provided by the facility can be provided in an alternative location or manner that is equally accessible to the community served. The supporting text to the policy refers to community facilities to include schools and other educational facilities, health and social care facilities, emergency services, advice centres, clubs, societies, places of worship, sport and leisure activities, youth facilities and community centres.
- 7.5 It is considered that the Ex-Servicemen's Club constitutes a community facility and that the requirements of Policy CO1 are applicable in this particular case. It is relevant to note that the Council has received several letters of representation from third parties raising the loss of the club as a reason for objection. For example, the letters state that the club was sold without consultation with its members and that there is an ongoing legal dispute.
- 7.6 The loss of the existing club was accepted in the previous planning application 20/01506/FUL. Whilst that particular application was refused, the reasons for refusal did not relate to the loss of the club. It was accepted that the applicant had provided sufficient information to demonstrate that the club was no longer needed, and that the requirements of Policy CO1 (Providing Community Facilities) of the Core Strategy and Policies DPD 2009 (CS& P DPD) had been met. The club closed in March 2020 and the site is disused today. Consequently, the loss of the club continues to be acceptable.

Housing Need

- 7.7 When considering planning applications for housing, local planning authorities should have regard to the government's requirement that they significantly boost the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF) 2021.
- 7.8 The Council has embarked on a review of its Local Plan and acknowledges that the housing target in its Core Strategy and Policies DPD February 2009 of 166 dwellings per annum is more than five years old and therefore the five year housing land supply should be measured against the area's local housing need calculated using the Government's standard 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.

- 7.9 The NPPF requires a local authority to demonstrate a full five year supply of deliverable sites at all times. For this reason, the base date for this assessment is the start of the current year 1 April 2021, but the full five year time period runs from the end of the current year, that is, 1 April 2022 to 31 March 2027. The 20% buffer will therefore be applied to this full period. National guidance sets out that the buffer should comprise sites moved forward from later in the plan period. A 20% buffer applied to 611 results in a figure of 733 dwellings per annum, or 3666 over five years.
- 7.10 In using the objectively assessed need figure of 733 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review, the Borough's housing supply will be assessed in light of the Borough's constraints, which will be used to consider options for meeting need. The Council has now published its Strategic Land Availability Assessment (SLAA) which identifies potential sites for future housing development over the plan period.
- 7.11 The sites identified in the SLAA as being deliverable within the first five years and subsequent updates from landowners have been used as the basis for a revised five year housing land supply figure. Spelthorne has identified sites to deliver approximately 3263 dwellings in the five year period.
- 7.12 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.79 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites. There is, therefore, a presumption in favour of sustainable development.
- 7.13 Government guidance (NPPF para 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 2022, with a score of 69%. 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 69% is less than the 75% specified in the regulations. The figure of 69% compares with 50%, 60% and 63% in the previous three years. The Council's Housing Delivery Test Action Plan will be updated to reflect this. The current action plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough.

- 7.14 As a result of the above position in Spelthorne relating to the 5 year housing land supply and the Housing Delivery Test result, current decisions on planning applications for most housing developments 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'.
- 7.15 As a result, current decisions on planning applications for housing development need to be based on the 'tilted balance' approach set out in paragraph 11 of the NPPF (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'.

Design and Appearance

- 7.17 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. In paragraph 134 the NPPF 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, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:*

(a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or

(b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'.

- 7.18 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.

In para 51 when referring to identity it states that, '*...Well-designed places, buildings and spaces:... have a character that suits the context, its history, how we live today and how we are likely to live in the future...*'

Other relevant paragraphs from the National Design Guide in relation to built form and home and buildings sections are noted below.

'53 Well-designed new development is influenced by:

- *an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;*
- *the characteristics of the existing built...'*

'66 Built form is determined by good urban design principles that combine layout, form and scale in a way that responds positively to the context. The appropriate density will result from the context, accessibility, the proposed building types, form and character of the development.'

'131 Well-designed shared amenity spaces feel safe and secure for their users. They are social spaces providing opportunities for comfort, relaxation and stimulation - including play - for residents, regardless of the type or tenure of homes. They are well overlooked and all of the residents who share them can access them easily.'

'132 Private amenity spaces including both gardens and balconies enhance visual and outdoor amenity. They can also provide a degree of privacy and separation for living areas from adjoining public space. Front gardens may incorporate planting to add to natural features within the public space.'

- 7.19 Policy EN1(a) of the CS & P DPD states that the Council will require a high standard of design and layout of new development. Proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines layout, materials and other characteristics of adjoining buildings and land.
- 7.20 The site has an edge of centre location within the urban area. The Sunbury Cross Shopping Centre and designated Employment Area is located on the eastern side of Crossways. To the north of the site is the relatively high density development of Forest Drive (the blocks known as Oak Lodge and Sycamore Lodge are nearest to the site), which comprise 4-storey blocks of maisonettes. The 4-storey flank elevation of 6 & 12 Oak Lodge immediately adjoins the northern boundary of the site. To the west is the 2-storey residential care home of Ashton Lodge. To the north-east, on the other site of Crossways is the multi-storey car park of the Sunbury Cross Centre. To the south of the site is the Thames Water aqueduct with the Tesco supermarket car park beyond. There is a footbridge over the aqueduct linking Crossways with the supermarket.
- 7.21 The existing building on site has a tired and dated appearance. As noted above, the current application has been submitted in order to overcome the previous reasons for refusal. The previous scheme showed the three buildings in close proximity to the boundaries, which raised serious concerns due to the cramped layout, unacceptable overdevelopment and poor outlook in regards to the nearby ground floor flats. Furthermore, the proposed private terraces whilst serving as an acceptable buffer had narrow depths.

- 7.22 The current proposal has been substantially reduced in scale compared to the refused scheme comprising two buildings of 5 and 8 storeys instead of previously proposed three buildings in 4, 6 and 9 storey in height. Consequently, this has resulted the design and layout in more spacious character providing more opportunities for soft landscaping and ensuring sufficient distances from the nearby boundaries. The only significant area of space for landscaping at ground floor level within the refused scheme was between Block A and B in a form of a small children's play area. Whilst the immediate neighbouring buildings are in 4 storey and 2 storey in height, there are taller buildings within the area (which vary in height) by and overall the proposed development is considered to integrate well within the surrounding area.
- 7.23 Both Blocks of the proposal would contain ground floor apartments, each with main front door entrances on the eastern side of the buildings. Additional access entrances are provided on the western and southern sides. The space between the blocks is shown as open with landscaped pedestrian routes which would contribute to a defined sense of place.
- 7.24 The proposed materials indicate red multi brick with light and dark mortar join effects. In, this particular area the surrounding buildings are mainly faced in brickwork and it is considered that the proposed buildings would be keeping with the character of the surrounding area. However, it is recommended that further details of the materials are secured by condition.
- 7.25 It is considered that the current scheme in terms of its design, scale and location is acceptable and will integrate into the existing street scene and wider built form within the vicinity. The majority of parking has been provided to the western side, within the under croft part of the Block B building and some parking on the northern side (between the two buildings). The refused scheme was considered to create a much more built-up appearance with an over-dominance of hardstanding. The revised set back and set in, allows this part of the proposed buildings to appear less dominant and helps to break up the built form and width of the buildings. As such it enables space between the buildings and additional landscaping to soften its appearance.
- 7.26 Paragraph 119 of the NPPF states that policies and decision should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions...
- 7.27 Paragraph 120 of the NPPF relates to optimising the site, noting that policies and decision should: - .
- '(d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively....'*
- 7.28 The scheme is considered to optimise the use of the site by providing a residential use in a sustainable location on an unused, previously developed site and will integrate well with its surroundings.

- 7.29 The proposal is considered to comply with Policy EN1 on design and appearance and the guidance in the NPPF.

Housing Density

- 7.30 The NPPF encourages the optimisation of densities and states that Local Planning Authorities should refuse planning applications which they consider fail to make an efficient use of land.
- 7.31 Policy HO5 of the CS & P DPD states that within higher density residential area, including those characterised by a significant proportion of flats and those containing significant Employment Areas, new development should generally be in the range of 40 – 75 dwellings per hectare. Higher density development may be acceptable where it is demonstrated that the development complies with Policy EN1 on design, particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non car-based modes of travel.
- 7.32 The site area is 0.316 hectares and the development would have a density of approximately 149 dwellings per hectare (dph). Immediately to the west is the two storey existing residential care home, whereas to the north is situated 4 storey maisonettes with further flatted developments beyond that with much higher density. The proposed housing density is much higher than the recommended density range of 40 – 75 dph specified in Policy HO5. However, Policy HO5 allows for higher density developments where a scheme complies with Policy EN1 on design, particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non-car based modes of transport. For the reasons highlighted above, the proposal is considered to be in accordance with Policy EN1 in design terms and a higher density is considered to be acceptable subject to its location being accessible. This will be considered further below.
- 7.33 The proposed density of 149 dwellings per hectare, considered to represent an acceptable optimisation of the site, in accordance with the objectives of the NPPF and policies EN1 and HO5.

Amenity Space

- 7.34 The Council's SPD, Design of Residential Extension and New Residential Development (2011) provides general guidance on minimum garden sizes (Paragraph 4.20). In the case of flats it requires 35 square metres per unit for the first 5 units, 10 square metres for the next 5 units, and 5 square metres per unit thereafter.
- 7.35 The proposed development would provide 530 m² amenity (garden) area at ground floor level between Block A and B. The proposed plans also indicate that both roofs of the buildings would incorporate a roof terrace fitted with planters, integrated seating, and composite decking. In addition, all apartments above ground floor level would be served by external balconies. On the basis of the above minimum guidance, there would be a requirement for the 47 apartments to be served by a minimum of 410m² of private amenity space. When considered cumulatively with the balconies, the apartments

would be provided with amenity space that significantly exceeds the Council's minimum requirements.

- 7.36 The Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development (2011) sets out minimum floor space standards for new dwellings.
- 7.37 The Government has also published national minimum dwelling size standards in their "Technical Housing Standards – nationally described space standard" document (2015). These largely reflect the London Housing Design Guide on which the Spelthorne standards were also based and are arranged in a similar manner to those in the Council's SPD and are shown in the table below. The national document must be given substantial weight in consideration of the current application.

	1 bed	2 bed	3 bed
National Space Standard	39m ² (1 person) 50m ² (2 people)	61m ² (3 people) 70m ² (4 people)	74m ² (4 people) 86m ² (5 people) 95m ² (6 people)
Space proposed	Between 40 m ² 1 person) and 66 m ² (2 people)	Between 61m ² (3 people) and 79m ² (4 people)	Between 74m ² and 79m ² (4 people)

- 7.38 The proposed dwelling sizes comply with the minimum standards stipulated in the national technical housing standards and the SPD, Therefore, it is considered their standard of amenity overall to be acceptable.

Residential Amenity

- 7.39 Policy EN1b of the CS & P DPD states that:

"New development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook."

- 7.40 Notwithstanding the fact that in an urban area such as this case, it would be expected that some level of over-looking could occur especially at the edge of town centre locations. The scale of the development and proximity to the boundaries with existing properties need to have an acceptable relationship and existing residential properties should not be significantly adversely affected by the proposal. The Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) sets out policies requirements in order to ensure this is the case.
- 7.41 The SPD in para 3.6 acknowledges that 'most developments will have some impact on neighbours, the aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed.' It sets out minimum separation distances for development to ensure that proposals do not create unacceptable levels of loss of light, be overbearing or cause loss of privacy or outlook. The LPA's SPD on the Design of Residential Extensions and New Residential Development (April 2011), contains a 'back-to-back' guide, which states that there should be a minimum distance of 21 metres between the

rear elevations of two storey dwellings where the rear elevations are situated 'back-to-back'. The SPD further states that there should be a minimum distance of 30 metres between the rear elevations of three storey dwellings. The SPD also contains a 'back-to-side' guide, which states that there should be a minimum distance of 13.5 metres between the side elevations and the rear elevations of two storey properties. This minimum distance increases to 21 metres between the side and rear elevations of three storey buildings. However, there are no minimum separation distances for more than 3 storeys and it should be noted that this guide is aimed primarily towards 'traditional suburban dwellings' rather than high density development such as the one proposed.

- 7.42 The recently refused scheme originally proposed the constructions of three buildings comprising 9 storey (located near the eastern boundary and directly facing the car-parking area of the nearby 4 storey flatted development), 6 storey (middle building) and 4 storey (near the western boundary). It was considered that the proposal would have no material impact on privacy or daylight to the surrounding properties and that the Council's 25 degree line would have been met.
- 7.43 As already noted above, the current proposal has been substantially reduced in scale by removing a whole block comprising 12 flats and 4 storeys in height. In addition, the remaining 2 buildings have been proposed with reduced height comprising 8 storeys (building A) (previously proposed 9 storeys) and 5 storeys (Building B) (previously proposed 6 storeys). Block A would be directly facing the car-parking area of the existing 4 storey flatted development to the north (Sycamore Lodge) which is situated approximately 37.3 metres from the rear of the subject flatted development (angled view).
- 7.44 The proposed Building B would be set back from the northern boundary by 9.4 metres and it will have a separation distance from the front to the back elevation of the Sycamore Lodge flats of 32.5 metres. The 2 storey care home situated on the western side of the scheme would be approximately 40 metres away from the flank elevation of the proposed 5 storey building (Block B). The southern elevation of the neighbouring flatted development Oak Lodge does not contain any windows.
- 7.45 Given the distances outlined above, on balance, it is not considered the buildings will have an overbearing impact upon any surrounding units and is considered to have a satisfactory impact upon privacy.

Daylight/sunlight

- 7.46 At paragraph 125 c) 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)".
- 7.47 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.

- 7.48 The proposal will not cross the 25 degree line when drawn from a point at 2m above ground level from the rear elevation of Sycamore Lodge, which will ensure an appropriate level of daylight and a significant view of the sky is maintained, as set out in the SPD.
- 7.49 The proposal is considered to have an acceptable relationship and therefore an acceptable impact on the amenity of existing neighbouring residential properties, conforming to the Design SPD and Policy EN1.

Parking/Highway Issues

- 7.50 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.
- 7.51 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum (maximum parking standards continue to be applicable in relation to commercial development). The supporting text to the Parking Standards stipulates a number of important exceptional situations where a reduction in parking will only be allowed. One of these situations includes town centre locations where the reduction in parking will be assessed against the distance from a "public transport node", frequency of public transport, availability of pedestrian and cycle routes, and the range and quality of facilities supportive of residential development within reasonable walking distance.
- 7.52 It is relevant to note that the parking provision in the previous planning application (20/01506/FUL) was 32 spaces for 69 units with 12 vehicle charging spaces (6 fast electric vehicle charge socket and 8 with a power supply), representing a parking ratio of 0.46 spaces per dwelling. The Council considered that this disproportionately low level of parking for this location (and lack of evidence from the applicant to demonstrate that this would not add to the existing parking stress in the area) was an indication that the site was being overdeveloped to an unacceptable degree.
- 7.53 The proposed parking provision with the current application is 43 spaces with 20% of the spaces (8 spaces) fitted with a fast charge socket for electric vehicles, including the provision of 1 space dedicated to a car club vehicle. However, the Surrey County Councils 'Vehicle, Cycle and Electric Vehicle Parking Guidance for New Development (November 2021)' advice that there should be 1 electric socket per dwelling. This matter has been highlighted with applicant and it has now been agreed that the proposed scheme will comply with the subject requirement (1 electric socket per dwelling). A condition has been recommended.

7.54 The proposed 43 parking space would represent a parking ratio of 0.91 spaces per unit (i.e., slightly below 1 space per flat). This is below the Council's Residential Parking Standard of 65 spaces for a scheme of this size (a shortfall of 22 spaces), although a significant improvement compared to the refused application.

7.55 Whilst the proposed parking provision is below the Council's Residential Parking Standards of 65, it is considered that there are not sufficient grounds to justify refusal on parking grounds. Unlike the previous application, the proposed parking level is not considered disproportionately low to indicate an unacceptable overdevelopment of the site. Although the site is not technically within a town centre, it is recognised it is situated close to the Sunbury Cross Shopping Centre on the other side of Crossways, and it is considered reasonable to allow some reduction in the parking standards in this particular case. The site is a very short walk from the shops and services in the Sunbury Cross Centre. It is also within walking distance of Sunbury Railway Station. Moreover, there are several bus routes within walking distance of the site. The County Highway Authority (CHA) was consulted on the planning application and has raised no objection to the proposed parking provision. The CHA has made the following comments on this issue:

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

The CHA acknowledges that where there is some excess parking demand, or where visitors arrive at the site by car, that parking could take place outside the site, however this is likely to take place within the adjacent multi-storey car park which has ample capacity. Furthermore, double yellow line parking restrictions are currently in place throughout the length of Crossways, as well as along both carriageways of A308 Staines Road West, thereby preventing any on-street parking from occurring here and protecting users from any highway safety hazards. Indeed, the parking stress survey commissioned by the applicant demonstrates that there are no 'long term' parking opportunities within a 200 metre walk distance of the site (the industry standard catchment distance) for prospective residents of the development.

7.56 With regard to the vehicle ownership levels from the 2011 Census, the CHA makes the following comments:

This data indicates that the development is unlikely to generate a parking demand much greater than one vehicle per flat. It is also noted that a third of households similar to those of the proposed flats within the local area did not own a vehicle in 2011. Based on the percentages, the proposed development could give rise to a total of 40 - 47 vehicles (the higher figure

here using a robust scenario that 16.3% of households owned 3 cars or vans each). However, it is expected that the 43 car parking spaces would be allocated to certain flats and so prospective residents would need to be made aware by the developer if they are able to have a parking space before moving in. The CHA therefore considers that any future occupiers of the flats not allocated a parking space will have purposely chosen the development in acknowledgement of this and would not typically own a car, nor would place a high reliance on car ownership.

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

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

Renewable Energy

- 7.57 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.
- 7.58 The applicant submitted an energy report which states that various energy measures have been incorporated into the design of the scheme, including a thermally efficient building fabric, low energy lighting throughout, and air-source heat pumps.
- 7.59 The Council's Sustainability Officer was consulted and stated that he is satisfied that the renewable energy requirement would be met. It is recommended that this is secured by condition.

Affordable Housing

- 7.60 Policy HO3 of the CS & P DPD requires up to 50% of housing to be affordable where the development comprises 15 or more dwellings. However, policies are out of date for the purposes of para 11(d) of the NPPF 2021 (i.e. the presumption in favour of sustainable development) if they have been overtaken by matters which have happened since the plan was adopted. The NPPF 2021, refers to 10 dwellings as the minimum starting point for affordable dwellings rather than the 2009 local plan policy of 15 dwellings. Therefore given that the guidance in the NPPF is up to date and Spelthorne has an unmet need for affordable housing in the Strategic Housing Market Assessment (SHMA) 2019, it is considered that the 10 dwellings rather than 15 dwellings should be used as the starting point for decision making. The Council's policy is to seek to maximise the contribution to affordable housing

provision from each site having regard to the individual circumstances and viability, including the availability of any housing grant or other subsidy, of development on the site. Negotiation is conducted on an 'open book' basis.

- 7.61 The applicant has submitted details of the Vacant Building Credit (VBC) in relation to this particular application, which is a government policy intended to encourage housing development of previously developed land. Para 64 of the NPPF states that to "*to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount*". The national Planning Policy Guidance (PPG) on planning obligations notes there is an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into lawful use or is demolished to be replaced for a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floor space. It also states that the existing floor space of a vacant building should be credited against that of the new development. For example, where a building with a gross floor space of 8,000 sq. is demolished as part of a proposed development with a gross floor space of 10,000 sq. m, any affordable housing contribution should be a fifth of what would normally be sought.
- 7.62 The guidance comments that the VBC applies where the building has not been abandoned and ~~that~~ 'The policy is intended to incentivise brownfield development including the reuse or redevelopment of empty or redundant buildings. In considering how the vacant building credit should apply in a particular development, local planning authorities should have regard to the intention of national policy. In doing so it may be appropriate for authorities to consider: - whether the building has been made vacant for the sole purpose of redevelopment -whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development'.
- 7.63 The guidance also states that the VBC applies to on-site affordable housing as well as financial contribution to offsite provision. 'Abandonment' follows the interpretation in general planning law and depends on factors such as the condition of the building, length of non-use, whether there has been any intervening use and evidence of the owners' intentions.
- 7.64 The existing club closed in March 2020 and has been vacant since that time. When the previous application (20/01506/FUL) was being considered, the applicant submitted a substantial level of information to demonstrate that the club was no longer viable and that it had closed for this reason. The existing club building has an existing floorspace figure of 1,059 sq.m. The proposed development has a total floorspace of 3,760 sq. m. The VBC is applied to the scheme by deducting the existing floorspace figure from the proposed floorspace total, thereby providing a remaining total of 2,701 sq.m. It is only this remaining floorspace total that is subject to the Council's affordable

housing policy HO3, and the requirement that 50% of the proposed units should be affordable.

- 7.65 Of the remaining proposed floorspace of 2,701 sq.m that is subject to Policy HO3, the applicant is proposing 1,411 sq. m. (52%) to be occupied by affordable housing units. These units are to be located entirely within Building B (the smaller 5-storey block) and will comprise a total of 17 units. In terms of tenure, 11 no. units (65%) are to be affordable rent, with the remaining 6 units (35%) to be occupied as intermediate housing. This proposed mix of housing complies with the requirement in Policy HO3 that at least 65% of the affordable housing is for rent. As more than 50% of the proposed units (after the VBC is applied) are to be affordable, and that the affordable rent tenure is 65%, the proposal complies with Policy HO3 and is therefore acceptable. It is relevant to note that the Council's Strategic Lead has raised no objection to the proposed affordable housing mix and units sizes (indeed, one of the rented units has been changed to a 2-bed at the request of the officer).

Flooding

- 7.66 The site is located within Flood Zone 2, which has between 1 in 100 year and 1 in 1000 year chance of flooding. The applicant has submitted a Flood Risk Assessment as is required by Policy LO1 of the CS & P DPD. The principle of locating new residential development ('defined as 'a more vulnerable use') in the relatively low risk Flood Zone 2 is acceptable. The Environment Agency was consulted but has made no comment on the proposal due to the low flood risk nature of the development.
- 7.67 With regard to the sustainable drainage scheme (SuDS), the applicant is proposing to install underground geo-cellular storage crates to create an attenuation space. The intention is also to provide permeable paving and rainwater harvesting butts. The Lead Local Flood Authority (SCC) was consulted and has raised no objection subject to the imposition of conditions.
- 7.68 With regard to the Sequential Test, the NPPF states that the aim is to steer new development to areas with the lowest risk of flood. Development should not be allowed or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment [carried out by the local planning authority for strategic planning purposes] will provide the basis for applying the test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 7.69 A strategic flood risk assessment was carried out prior to the adoption of the current Local Plan in 2009 (although an Interim report was produced in 2018 as an evidence base document to support the emerging new Local Plan). Studies of land availability for housing and employment showed that in Spelthorne land in Flood Zones 1 and 2 would be needed to meet housing and other needs over the Local Plan period (2009 – 2026) and therefore sites in either zone would be acceptable. There was, however, no housing case to use land in Flood Zone 3 for housing where risks couldn't be overcome. At the time of the adoption of the current Local Plan, the housing need target was 3,745 over the plan period, or 166 dwellings per year. However, that figure is now out of date and Spelthorne now has a housing need annual figure of 733 units (including a 20% buffer).. Consequently, the need to building new

residential development in Flood Zones 1 and 2 is even greater than before and continues to be acceptable.

7.70 On a site specific basis, the application site is located entirely within Flood Zone 2. There are no areas of the site within the even lower risk Flood Zone 1. Consequently, there is no opportunity in this particular case to locate the new dwellings to areas of lower flood risk within the site.

7.71 Accordingly, the application is considered acceptable on flooding grounds.

Biodiversity

7.72 The applicant has submitted a bat survey which confirms that there is no evidence of bat roosts within the existing clubhouse building. Consequently, Surrey Wildlife Trust raised no objection to the demolition of the building.

7.73 The site is mainly laid with hardstanding and there is limited opportunities for biodiversity on the site at present. The proposal will introduce a substantial increase in landscaping on the site which should increase the level of biodiversity on the site, thereby achieving a net-gain. Conditions are to be imposed on the decision notice to ensure this is secured. The Surrey Wildlife Trust was consulted and has raised no objection subject to these measures being achieved. Accordingly, the impact on biodiversity is considered acceptable.

Other Matters

7.74 The Council's Environmental Health Officer has raised no objection on air quality grounds subject to conditions. The applicant has submitted an Air Quality Assessment which recommends the installation of mechanical ventilation to the new units to address the air quality issues on the site (which can be controlled by condition).

7.75 The Council's Sustainability Officer has raised no objection to the proposed renewable energy facilities (air source heat pumps).

7.76 As this scheme proposes less than 30 family sized dwellings, the requirements of Policy CO3 to deliver on-site or off-site open space to provide a children's play area are not applicable in this particular scheme.

7.77 The proposal complies with the requirements of Policy HO4 (Housing Size and Type) as at least 80% of the new units will be smaller dwellings (1 or 2 bedroom in size).

7.78 The Council's Environmental Health Officer has raised no objection to the proposal on noise grounds.

7.79 The Council's Head of Neighbourhood Services has raised no objection to the proposed underground bin store and collection arrangements.

7.80 It has recently come to the Local Planning Authority's attention that there is a discrepancy between the red line boundary in the planning application and the red line of the site's title deed from the Land Registry. In particular, the eastern boundary of the title deed plan does not extend as far towards

Crossways and it appears that part of the proposed landscaped amenity land and a section of Block A would not be within the control of the applicant (owned by the Sunbury Cross Shopping Centre). The applicant signed Certificate A as part of the planning application. However, the applicant has been made aware of this discrepancy and submitted a completed Certificate B on 21 March 2022 showing that the interested parties have now been notified.

Equalities Act 2010

- 7.81 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.82 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.
- 7.83 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.
- 7.84 The applicant states that 10% of the new housing is designed to be wheelchair accessible meeting Building Regulation M4(3) 'wheelchair user dwellings'. The remainder will be 'accessible and adaptable dwellings' meeting Building Regulations M4(2). 4 no. parking spaces are for disabled motorists. The NPPF defines people with disabilities as individuals that have a 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. 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/derive mainly from construction works and may affect to a various but not significant degree pedestrians.

Human Rights Act 1998

- 7.85 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.86 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.

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

In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the 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.

- 7.88 In terms of the built form, it is not considered that the proposal would result in a significant loss of outlook, loss of light/overshadowing, be overbearing or cause loss of privacy to neighbouring residential properties or cause noise or light nuisance issues that would justify refusal of the proposal. In addition, it is also considered that the proposal would have an acceptable impact on uses and their users. It is acknowledged however, that the demolition of the existing commercial unit and the construction of the new buildings, would have an impact on nearby properties and uses. The adjoining residential flats and Nursing Home will be most affected by the demolition of the existing building. A Construction Environmental Management Plan (CEMP) is recommended by condition to ensure issues such as noise and dust are mitigated against to reduce the impacts. It is also noted that this will be for a limited period.

Financial Considerations

- 7.89 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development and will generate a CIL Payment of approximately £121,570. This is a material consideration in the determination of this planning application. If the developer qualifies for social housing relief, the applicable proportion will be 100% exempt.
- 7.90 The proposal will also generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

8. Legal Agreement

- 8.1 The proposed affordable housing needs and car club will need to be secured by way of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990. In the event that the S106 agreement is not completed to the satisfaction of the Local Planning Authority, and in the event that the applicant does not agree a further extension of time to allow the completion of the legal agreement and issuing of the decision notice, the recommendation is to refuse planning permission. The details are set out in the recommendation below.

9. Recommendation

- 9.1 APPROVE subject to the following:

- 9.2 (A) Subject to the applicant first entering into an appropriate legal agreement in respect of the following:

1. To provide at least 17 affordable housing units (Rent: 6 no. 1-bed, 2 no. 2-bed, 3 no. 3-bed; Intermediate: 3 no. 1-bed, 3 no. 3-bed) on site built in accordance with current Homes and Communities Agency Scheme Development Standards, the details of which shall be agreed with the Council's Planning Development Manager.
 - The split of the type of affordable housing shall be at least 11 for affordable rent and at least 6 dwellings for intermediate.
 - Within 6 months of commencement of development the Registered Provider (RP) shall enter into a Nominations Agreement in respect of the affordable housing (in order that the social housing meets local needs).
 - Build and complete the affordable units and hand over to the Registered Provider for occupation before more than 50% of the open market units are sold or substantially completed, whichever is the sooner.
2. To provide the following sustainable transport measures:
 - (a) Provision of one car club vehicle to be based in the proposed Car Club Parking Space, and to ensure that this vehicle is retained for a minimum of two years following first occupation of the site.
 - (b) Provide the first occupants of each residential unit with one year free Car Club membership.

In the event that the Section 106 Agreement is not completed

- 9.3 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: -

9.4 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 Section 5 of the NPPF 2021.
- 2) The proposal fails to provide sustainable transport measures and is therefore contrary to Policy CC2 of the Core Strategy and Policies DPD 2009 and Section 9 of the NPPF 2021.

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

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

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

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

CRO-PR2b-1D; CRO-PR2b-2D; CRO-PR2b-3D; CRO-PR2b-4D; CRO-PR2b-5D; CRO-PR2b-6D; CRO-PR2b-9D; CRO-PR2b-10D; CRO-PR2b-11D received 18 March 2022.

CROS-LON2-0; CROS-LON2-1; CROS-LON2-2; CROS-LON2-3; CROS-LON2-4; CROS-LON2-5; CROS-LON2-6; CROS-LON2-7; CROS-LON2-8; CROS-LON2-9; CROS-LON2-10 received 19 November 2021.

CROS-EX-01; CROS-EX-02; S19/7407/01; S19/7407/02 received 19 November 2021.

21-1010-Landscape Masterplan-Ground Floor received 19 November 2021.

CRO-PRa-1D; CRO-PRa-2D; CRO-PRa-3D; CRO-PRa-4D; CRO-PRa-5D; CRO-PRa-6D; CRO-PRa-7D; CRO-PRa-8D; CRO-PRa-9D; CRO-PRa-12D; CRO-PRa-13D; CRO-PRa-14D; CRO-PRa-15D received 18 March 2022.

3. The construction of the buildings hereby permitted shall not commence until a survey report detailing existing ground conditions of the site shall be submitted to and approved in writing by the Local Planning Authority. Where made ground or contamination is encountered a scheme to investigate, assess and remediate contamination risks shall be agreed

in writing by the Local Planning Authority, and shall be carried out in accordance with the agreed details and timetable.

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

5. No development shall commence until a Demolition and Construction Transport/Environmental Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
 - (f) measures to prevent the deposit of materials on the highway
 - (g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - (h) on-site turning for construction vehicles or equivalent traffic management
 - (i) dust suppression measures

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the demolition and construction of the development.

Reason: - This condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and in order to protect local air quality.

6. The construction of the development shall not commence until details of the design of a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. Those details shall include:
 - a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
 - b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events,

during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2 l/s.

- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The development shall be carried out in accordance with the agreed surface water drainage scheme.

Reason: To ensure the design meets the technical stands for SuDS and the final drainage design does not increase flood risk on or off site.

- 7. Prior to first occupation, 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. This must include the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

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

- 8. 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.

9. Following construction of any groundwork and foundations, no construction of development above damp proof course level shall take place until a report has been submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how at least 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 built in accordance with the submitted renewable energy details and is sustainable and complies with Policy SP7 and CC1 of the Spelthorne Development Plan Core Strategy and Policies DPD.

10. The development hereby approved shall not be first occupied unless and until the existing southern access from the site to Crossways has been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: - This condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2021 and Policies CC2 and CC3 of the Core Strategy and Policies Development Plan Document February 2009.

11. The development hereby approved shall not be first occupied unless and until the proposed modified vehicular access to Crossways has been designed and constructed to facilitate the safe crossing of pedestrians in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: - This condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2021 and Policies CC2 and CC3 of the Core Strategy and Policies Development Plan Document February 2009.

12. The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the development site 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: - The above condition is required in recognition of Section 9 (Promoting Sustainable Transport) of the NPPF.

13. 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: - This condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2021 and Policies CC2 and CC3 of the Core Strategy and Policies Development Plan Document February 2009.

14. The development hereby approved shall not be first occupied unless and until all of the parking spaces within the site are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230v AC 32 amp single phase dedicated supply), and thereafter 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.

15. Before the development is first occupied,
- Details shall be submitted for the approval of the Local Planning Authority of on-site mitigation measures (to include mechanical whole dwelling ventilation to all properties) with the air intakes located at high level away from the direction of adjacent sources of air pollution and with consideration of the prevailing wind direction from such sources, to protect the occupiers of the development from poor air quality. The mechanical ventilation system must incorporate adequate filtration/treatment to be effective against the ingress of roadside air pollutants to the dwellings. The development shall not be first occupied until those mitigation measures have been provided and are operational.
 - Details shall be submitted for the approval of the Local Planning Authority of the location of the air intakes and the complete specification and maintenance regime for the equipment, which must be established and in place before the development is first occupied. The equipment shall thereafter be retained and maintained in accordance with the approved details.

Reason:- To protect the future occupants from poor air quality.

16. Prior to the first occupation of the buildings hereby approved, noise mitigation measures shall be fully implemented in accordance with the recommendations in paragraphs 5.05 – 5.06 of the W.A. Hines & Partners External/Internal Noise Assessment dated 21 September 2020.

Reason:- To protect the amenity of residents from external noise.

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

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

18. Before the first occupation of any part of the development, a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

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

19. Prior to the first occupation of the buildings, details of the proposed refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be implemented in accordance with the agreed details before the first occupation of the buildings 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.

20. Prior to the first occupation of the buildings hereby permitted details including a technical specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The agreed external lighting shall be implemented prior to the first occupation of the buildings and shall at all times accord with the approved details.

Reason:- To safeguard the amenity of neighbouring properties and in the interest of security and wildlife.

21. There shall be no raising of existing ground levels on the site within the area liable to flood, other than in accordance with the approved details.

Reason:- To prevent the increased risk of flooding due to impedance of flood flows and reduction in flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

21. All spoil and building materials stored on site before and during construction shall be removed from the area of land liable to flood upon completion.

Reason:- To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

22. No construction of the buildings above damp-proof course level shall take place until a detailed biodiversity net gain assessment to demonstrate a measurable biodiversity net gain and how this gain will be secured is submitted to and approved in writing by the Local Planning Authority. The agreed biodiversity net gain measures shall be implemented prior to the occupation of the development.

Reason:- To ensure that the proposed development achieves a measurable level of biodiversity net gain.

23. Prior to the occupation of the building(s), 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 encourage wildlife on the site.

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

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

Informatives

1. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-4-Cranes-2016.pdf>).
2. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on the website. If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards. If there are any further queries please contact the Flood Risk Asset, Planning, and Programming team via SUDS@surreycc.gov.uk. Please use our reference number in any future correspondence.
3. The applicant should give careful consideration to the NOx and Particulate Matter emissions of any backup generators that will be installed and the location of such equipment in relation to nearby receptors at height, the intakes for the mechanical ventilation system, and the frequency of testing. The applicant should be informed that some generators require permitting by the Environment Agency (see <https://www.gov.uk/guidance/specified-generator-when-you-need-a-permit>). Equipment that does not require a permit is still subject to restrictions on testing, you must not carry out more than 50 hours testing a year for each backup generator. For each backup generator, you must record the number of hours you test during the year. Temporary generators and mobile plant are also subject to controls where they meet specific criteria (see text given on mobile generators <https://www.gov.uk/guidance/specified-generator-when-you-need-a-permit#excluded-generators>).
4. The applicant should consider installing appropriate signage to discourage reverse parking up to the windows of ground floor flats and adjacent to play areas, in order to protect the air quality for the ground floor residents and children using the play areas.
5. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be

completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

6. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
7. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
8. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
9. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see: <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see: www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.
10. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
11. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, where possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149).
12. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:

<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

13. 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.
14. 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 bowsers 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).

15. The applicant is advised that the essential requirements for an acceptable communication plan forming part of a Method of Construction Statement are viewed as:
 - a. how those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme;
 - b. how neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them;
 - c. the arrangements that will be in place to ensure a reasonable telephone response during working hours;
 - d. the name and contact details of the site manager who will be able to deal with complaints; and

- e. how those who are interested in or affected will be routinely advised regarding the progress of the work. Registration and operation of the site to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements.
16. The applicant should be mindful to follow best practice dust control measures during demolition, earthworks, and construction to prevent excessive dust emissions.
 17. Surrey Fire and Rescue Service (SFRS) would strongly recommend that consideration is given to the installation of AWSS (ie; Sprinklers, Water Mist etc) as part of a total fire protection package to:
 - protect life;
 - protect property, heritage, the environment and our climate;
 - help promote and sustain business continuity; and
 - permit design freedoms and encourage innovative, inclusive and sustainable architecture.

The use of AWSS can add significant benefit to the structural protection of buildings in the event of a fire. Other benefits include supporting business recovery and continuity if a fire happens.
 18. The applicant is advised to take action to ensure that the development activities such as vegetation or site clearance are timed to avoid the bird nest season of early March to August inclusive.
 19. In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of the NPPF. This includes the following –
 - a. Provided or made available 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 that the application was correct and could be registered.
 - c. Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.
 20. The applicant is advised to design the new housing as wheelchair accessible that meets Building Regulation M4(3) and M4(2).
 21. The applicant is advised to consider a new CCTV system to help reduce fear of crime and crime and disorder matters.