

# Planning Committee

08 February 2023



<b>Application No.</b>	21/00947/FUL		
<b>Site Address</b>	Cadline House, Drake Avenue, Staines-upon-Thames, TW18 2AP		
<b>Applicant</b>	Richard Hughes, Cadline Limited		
<b>Proposal</b>	Demolition of existing building and construction of new build 2.5 storey residential building comprising of 13 flats and 15 under-croft car spaces		
<b>Officers</b>	Matthew Clapham		
<b>Ward</b>	Staines		
<b>Call in details</b>	N/A		
<b>Application Dates</b>	Valid: 11/06/2021	Expiry: 10/09/2021	Target: Extension of time 10/02/2023
<b>Executive Summary</b>	<p>The proposal involves the demolition of Cadline House (formerly known as Northumberland House), which is an existing industrial building with associated offices, and the erection of a new building with three floors of accommodation to provide 13 flats. Access to the development will be from Gresham Road. The site is located within the urban area. It is not within a designated Employment Area.</p> <p>It is considered that the principle of demolishing the existing commercial building and replacing it with a new residential development is acceptable. The proposal will be in keeping with the character of area, will not cause harm to the amenity of neighbouring residential properties and is considered to meet the requirements of Policy EN1, and other relevant policies of the Core Strategy and Policies DPD, 2009.</p> <p>Moreover, the proposed units are considered to provide an acceptable standard of amenity for future occupiers. Whilst the proposed parking provision is below the Council's minimum Parking Standards, the site is located a short walk away from the railway station, bus station and Staines town centre and consequently, it is considered that the shortfall is acceptable in this particular case.</p>		
<b>Recommended Decision</b>	Approve the application subject to conditions as set out at Paragraph 8 of the Report.		

## MAIN REPORT

### 1. Development Plan

- 1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:
- LO1 (Flooding)
  - HO1 (Providing for New Housing Development)
  - HO3 (Affordable Housing)
  - HO4 (Housing Size and Type)
  - HO5 (Density of Housing Development)
  - EN1 (Design of New Development)
  - CC2 (Sustainable Travel)
  - CC3 (Parking Provision)
- 1.2 On 19 May 2022, Council agreed that the draft Local Plan be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The public consultation for the Pre-Submission Publication version of the Local Plan ended on 21st September and the local plan was submitted to the Planning Inspectorate on 25<sup>th</sup> November 2022.
- 1.3 The following policy of the draft Spelthorne Local Plan 2022-2037 is of relevance:
- Policy ST1 (Presumption in Favour of Sustainable Development)
  - Policy PS2 (Designing Places and spaces)
  - Policy H1 (Homes for All)
  - Policy E3 (Managing Flood Risk)
  - Policy ID2 (Sustainable Transport for New Developments)
- 1.4 The NPPF policy states at para 48 that:  
Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 1.5 Section 38(6) the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan (unless material considerations indicate otherwise) and not in accordance with an emerging plan, although emerging policies may be a material consideration.
- 1.6 At this stage, the policies in the Pre-Submission Spelthorne Local Plan carry limited weight in the decision-making process. The adopted policies in the 2009 Core Strategy and Policies DPD carry substantial weight in the determination of this planning application.
- 1.7 National Planning Policy Framework (NPPF) 2021 is also relevant.

## **2. Relevant Planning History**

- 2.1 The site has the following planning history:

STAINES/FUL/P3010/6	Erecting a factory	Granted 23.01.1961
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## **3. Description of Current Proposal**

- 3.1 The application relates to Cadline House (formerly known as Northumberland House), which is a commercial property located on the corner of Drake Avenue and Gresham Road in Staines-upon-Thames. The building comprises the main single storey commercial element covering the centre of the site, but with ancillary two-storey offices fronting Gresham Road. There is existing parking on the forecourt fronting Drake Avenue.
- 3.2 Drake Avenue comprises an existing small industrial estate. To the north, on the other side of Drake Avenue, is a residential development of 14 flats currently under construction, that was formerly a commercial building, Drake House. To the rear is another commercial building, Cambridge House. To the south-west is a residential property, 44 Gresham Road and a Builders Merchant, 44A Gresham Road. Opposite are residential properties and a footpath leading to Knowle Green, the Council Offices, Leisure Centre, Medical Centre and Staines Park. The site is located within the urban area. Whilst Drake Avenue is an existing industrial estate with the remaining units in commercial use, it is not designated as an Employment Area in the Core Strategy and Policies DPD (CS & P DPD). The site is located within all three Flood Risk Zones, including a small area of functional flood plain adjoining Sweeps Ditch to the south and the remainder being within the relatively low risk Flood Zone 2 (between 1 in 100 year) and Flood Risk Zone 3a (1 in 1000 year).
- 3.3 The proposal involves the demolition of Cadline House and the erection of a new building with three floors of accommodation providing 13 flats. The proposed building will measure 32 metres in length, up to 25 metres in width, and up to 9.9 metres in height. The second floor will be within the roof space with the flats served by dormer windows. The building will be traditional in appearance and faced with a mix of yellow stock brickwork, red brick features for soldiers and plinths and roof slates to be in keeping with nearby properties in Gresham Road. Private amenity space will be provided in the form of balconies and terraces. Access will be from Gresham Road. 15 no. car

parking spaces will be provided for the flats. In terms of dwelling mix, there will be 4 no. 1-bed and 9 no. 2-bed (all market housing).

#### 4. Consultations

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

<b>Consultee</b>	<b>Comment</b>
<b>County Highway Authority</b>	No objections subject to conditions
<b>Sustainability</b>	Satisfied renewable energy provision will be met
<b>Environment Agency</b>	No objections subject to conditions
<b>Surrey Police</b>	Requested condition to ensure achievement with the principles of Secure by Design
<b>Environmental Health (Air Quality)</b>	No objections subject to conditions
<b>Environmental Health (Contamination)</b>	No objections subject to conditions
<b>Lead Flood Authority (Sustainable Drainage Systems)</b>	No objections subject to conditions
<b>Thames Water</b>	No objections
<b>Surrey Wildlife Trust</b>	Requested confirmation on Roosting Bats and that recommendations of Ecological Survey are implemented

#### 5. Public Consultation

5.1 20 neighbour notification letters were sent out and a statutory site notice was displayed and a press notice issued as the proposal is a Major Application. The Council has received 14 letters of objection from 12 separate households in relation to:

- Inadequate parking
- Failure to comply with lifetime homes
- Inadequate provision for disabled / elderly persons
- Flood risks
- Inappropriate location
- Highway safety / health and safety
- Impact on commercial uses in area
- Lack of notification
- Outstanding issues regarding travel plan/contamination
- Loss of a tree
- Flats not needed – larger homes required
- Lack of Infrastructure

In addition, two letters of support have been received in relation to:

- Modern / aesthetically better design

- Provides more housing
- Better than high rise developments

## 6. Planning Issues

- Principle
- Housing Need
- Density
- Design and Appearance
- Impact upon Neighbouring Properties
- Amenity Space
- Unit Size
- Parking Provision
- Highway Safety
- Flooding
- Ecology
- Contamination and Air Quality

## 7. Planning Considerations

### Principle

- 7.1 The site is located within the urban area. The site is not located within a designated Employment Zone. It is located within all three Flood Risk Zones, although the majority of the site is within Zone 2. Consequently, the principle of demolishing the existing commercial building and redeveloping the site for residential purposes is considered acceptable.

### Housing Need

- 7.2 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.
- 7.3 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<sup>1</sup>. The standard method for calculating housing need is based on the 2014 household growth projections and local affordability. This equates to a need of 618 dwellings per annum in Spelthorne. This figure forms the basis for calculating the five-year supply of deliverable sites.
- 7.4 The base date for this assessment is the start of the current year 1 April 2022 to 31 March 2027. The 20% buffer will therefore be applied to this full period.

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<sup>1</sup> Planning Practice Guidance Reference ID: 68-005-20190722

National guidance sets out that the buffer should comprise sites moved forward from later in the plan period. A 20% buffer applied to 618 results in a figure of 742 dwellings per annum, or 3,708 over five years.

- 7.5 In using the objectively assessed need figure of 742 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.
- 7.6 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 3,286 dwellings in the five-year period.
- 7.7 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.43 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.
- 7.8 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% last year and 60% in 2020. The Council's Housing Delivery Test Action Plan has been 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.
- 7.9 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'.

### Density

- 7.10 Policy HO5 of the CS & P DPD states that within higher density residential areas, 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 to 75 dwellings per hectare. To the north are flats; the former Drake House and Beach's House and Gresham Court

beyond and opposite at 77 Gresham Road and further to the south, Bressington Court, Lazare Court and Abbey Lodge. Whilst the area is not a designated Employment Area, there are commercial uses remaining in Drake Avenue together with Hy-Ten, Brewers and Jewsons in close proximity. Policy HO5 further states that 'Higher density development may be acceptable where it is demonstrated that the development complies with Policy EN1 on design particularly in terms of compatibility with the character of the area and is also within an area which is accessible by non-car based modes of transport'.

- 7.11 The proposed density is 112 dwellings per hectare (dph), which is above the recommended 40 to 75 dph range laid out in Policy HO5. It is important to note that any mathematical density figure, is in part, a product of the mix of units proposed. In this case, the 13 units are either 1 bed or 2 bed, in accordance with the recognised need in Spelthorne, and accordingly, it is possible to accommodate more small units within a given floorspace and an acceptable numerical density can be much higher. Moreover, the site is in a location that is well served by public transport. It is a short walk away from the railway station, which has an extensive and frequent service. It is also within walking distance of the bus station and town centre. It is relevant to note that Paragraph 124 of the NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it. Paragraph 125 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities. Accordingly, the proposed housing density is considered acceptable, subject to it complying with Policy EN1 on design (see the paragraphs below).

#### Design and Appearance

- 7.12 Policy EN1(a) of the CS & P DPD states that the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
- 7.13 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.
- 7.14 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.

- 7.15 It is considered that the proposed design and appearance is in keeping with the character of the area and complies with the requirements of Policy EN1(a). The proposed building will be two-storey in scale but with second floor accommodation within the roofspace served by dormers. These proposed dormers are considered to be of good design and do not dominate the roof form. The parking area is undercroft and therefore is not readily visible from the street scene. The proposed building also has some balconies of varying designs including one at the front and rear which protrudes from the building. Each of the flats on the first or second floor will have balconies to provide some private amenity space and in addition there will be a communal garden to the rear for the occupants of the flats. The proposal will be similar in scale and design to the neighbouring residential block of flats currently under construction on the other side of Drake Avenue, formerly Drake House and also similar to that of Beach's House beyond the adjoining development to the north-east, and 67 – 71 Gresham Road to the south-east, both which have 3-floors of accommodation with the second floor served by dormers. The proposal will also appear in character with 73, 75 and 77 Gresham Road. Moreover, the proposed building will be set-back from Gresham Road by between 5.9m – 7.6m and will therefore maintain the existing building line in this part of Gresham Road.

#### Impact on adjoining properties

- 7.16 Policy EN1(b) 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.
- 7.17 It is considered that the relationship with neighbouring residential properties is acceptable. The application is accompanied by a Daylight and Sunlight Assessment which has considered impacts on various properties that adjoin the application site, including both residential and commercial buildings. This report concluded that *'The results are considered acceptable, and this assessment of daylight, sunlight and overshadowing indicates that the proposed scheme, will not cause a noticeable change in light levels to existing neighbouring occupants. Therefore, it is considered appropriate for the specific site'*.
- 7.18 To the south, there is a residential property at 44 Gresham Road. This property has a blank flank elevation facing towards the proposal site and is set 9m away from the proposed development by virtue of the Sweeps Ditch and there is an attached garage between the neighbouring property and the side boundary. The existing building on the application site is two storey in part towards the front, dropping lower towards the rear of the existing building and a number of trees along the ditch boundary. The vertical 45 degree angle line taken from the ground floor rear windows as set out in the Councils Supplementary Planning Document (SPD) for the Design of Residential Extensions and New Residential Development (2011) is not infringed by the proposed development. The horizontal 45 degree angle from this window is infringed, however this is infringed at a distance of 17m away from the window. It is recognised that this proposed building is taller than the existing building on the site, with that part of the building adjoining the rear garden to



the neighbouring property being 6.2m to the eaves and 9.7 to the maximum height, compared to 3.6m and 5.6m respectively for the existing building, in view of the existing relationship between this property and the application site together with the findings of the Daylight and Sunlight Assessment, which specifically considered the impacts on this property and found that overshadowing was not above the amount considered reasonable during summer months, it is not considered that there is sufficient harm to the residential amenity of this property arising from the development to justify refusal. Those windows facing towards the property at 44 Gresham Road either serve non-habitable rooms or have obscure glazing and screens to balconies to a height of 1.7m.

- 7.19 To the north, a block of 14 flats is currently under construction. That part of the building closest to the proposed development is the flank wall which serves flats facing onto Gresham Road. The side facing windows serve bathrooms or provide secondary glazing to bedrooms. The bulk of the block of flats towards the rear are set within the site, being some 24m away from the flank elevation of the proposed building beyond a car parking area. This distance is considered to minimise any significant concerns regarding loss of light, loss of privacy or overbearing to these flats, which are currently under construction.
- 7.20 To the rear and the south west are commercial units, including a builders merchant. There are windows serving Cambridge House immediately to the rear, however these serve a commercial building. Furthermore, the Daylight and Sunlight Assessment concluded that these windows would receive adequate sunlight during both summer and winter months. It is also considered that the proposal will have an acceptable relationship with the properties on the other side of Gresham Road, and the other neighbouring commercial properties in Drake Avenue.

#### Residential Amenity

- 7.21 The Design SPD sets out minimum amenity space standards for new dwellings. For flats, the requirement is 35 sq. m per unit. Where amenity space is shared the requirement will be relaxed to 35 sq. m per unit for the first 5 units, 10 sq. m for the next 5 units, and 5 sq. m for each unit thereafter. Usable balcony floorspace may be counted in this provision. In addition, the SPD states that only usable garden space to the side and rear of a property will be regarded as useable amenity space.
- 7.22 All of the proposed units will have private amenity space in the form of balconies and/or terraces of various sizes. The largest amenity spaces are on the ground floor. However, all of the spaces are below the minimum SPD standard of 35 sq. m. There are areas of communal open space, which amounts to 165sqm of shared open space, however, while there are two narrow areas of space around the side of the building, the larger areas are to the front on Gresham Road, reducing the quality of the amenity areas. The applicant has stated that the combined size of the proposed amenity space is 333.5 sq. m including all private and communal areas, although as stated above, some of this area is not of a quality that would be included in the figures. The SPD requires a total of 240sqm of communal amenity space.

- 7.23 Therefore, whilst the proposed amenity space does not fully comply with the Council's minimum amenity size standards in the SPD, it is not considered that there are sufficient grounds to justify refusal of planning permission in this particular case. Staines Ward where the application site is located, is well served by existing public open space. Indeed, the Council's 'Open Space Assessment November 2019' has identified Staines Ward as having an acceptable supply of parks and recreation grounds (the ward has the highest level in the Borough), as well as amenity green space. The site is located close to the local park and the leisure centre. The immediate area is largely characterised by flatted development. Some of the nearby flats have relatively small areas of amenity space, including Drake House to the north and the proposed level of amenity space at the application site would not appear out of keeping with this character. Moreover, it is important to note that the Council does not currently have a 5 year housing land supply and consequently the 'tilted balance' must be applied in this particular case (see the Need for Housing above). The benefits of providing an additional 13 dwellings to the Borough's housing stock will clearly outweigh the limited shortfall in amenity space, which in any case, is not considered harmful in this location.

#### Unit Size

- 7.24 The SPD on the Design of Residential Extensions and New Residential Development 2011 sets out minimum floorspace standards for new dwellings. These standards relate to single storey dwellings including flats, as well as to 2 and 3 storey houses. For example, the minimum standard for a 1-bedroom flat for 2 people is 50 sq. m.
- 7.25 The Government has also published national minimum dwelling size standards in their "*Technical Housing Standards – nationally described space standard*" document dated March 2015. These largely reflect the London Housing Design Guide on which the Spelthorne standards are also based. The standards are arranged in a similar manner to those in the SPD and includes minimum sizes for studio flats. This national document must be given substantial weight in consideration of the current application.
- 7.26 The original plans showed 3 of the proposed 14 units to be slightly below the minimum floorspace standards. Revised plans have since been submitted reducing the number of units to 13 and as a result all the units now comply with the minimum size standards in the Technical Housing Standards.

#### Parking Provision and Highway Issues

- 7.27 Strategic Policy SP7 of the CS & P DPD states that the Council will reduce the impact of development in contributing to climate change by ensuring development is located in a way that reduces the need to travel and encourages alternatives to car use. It will also support initiatives, including travel plans, to encourage non-car-based travel. Policy CC2 of the CS & P DPD states that the Council will seek to secure more sustainable travel patterns by only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account: (i) number and nature of additional traffic movements, including servicing needs; (ii) capacity of the local transport network; (iii) cumulative

impact including other proposed development; (iv) access and egress to the public highway.

- 7.28 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.
- 7.29 The proposal shows a total of 15 spaces are to be provided, with the plans showing one disabled space and have been amended to show all spaces being served with an Electric Vehicle Charging Point. The Council's Parking Standards require a provision of 19 spaces, a shortfall of 4 spaces. However, the shortfall of these four parking spaces overall is not considered to be a reason to refuse the scheme, in particular given the location of the site. The site is located within walking distance of local facilities including Staines town centre and the bus and train stations and is therefore in a relatively sustainable location. Consequently, it is considered that the level of parking is acceptable. 14 secure bicycle storage spaces are provided.
- 7.30 The County Highway Authority (CHA) has raised no objection to the proposed level of car parking on the site or highway safety, subject to conditions and informatives. The CHA notes that *'The proposed parking provision of 15 spaces for 14 flats accords with SCC's parking standards, but is slightly below what is recommended by Spelthorne Borough Council's Parking Guidance. This guidance does, however, advise that the parking requirements can be reduced where sites have good accessibility. In this case, the site is located within a reasonable walking distance of bus stops, a railway station, and the shops and services in Staines Town Centre. It is therefore considered that a lower parking provision is acceptable for the proposed development. In addition, there are parking restrictions on Gresham Road in the vicinity of the site, so it is unlikely that any vehicles associated with the development would park in a location where they would have a material impact upon highway safety.* Therefore, in view of the sustainable location of the site and proximity to public transport hubs, the proposal is considered acceptable with regard to parking, particularly as similar shortfalls have been approved on the neighbouring plot and that in Langley Road, a short distance away.

#### Flooding

- 7.31 The site is located within all three Flood Risk Zones, with a small area immediately alongside the Sweeps Ditch to the south being within the functional flood plain and the remainder being partly within the remaining Zones 3a and 2. The Environment Agency (EA) originally raised objections, primarily concerning the level of the flood voids and finished floor levels. Following amendments to the proposal, the EA withdrew the objections and is now satisfied that, subject to suitable conditions relating to voids and flood risk assessment.
- 7.32 In terms of a sequential test and safe access and egress outside of the 1% probability, in view of the site being located in the front part adjoining Gresham Road in the Zone 2 Flood Risk Area, outside of Zone 3, and the approval on the adjoining site, formerly Drake House and approvals of other housing developments in the vicinity, including the West Wing at Knowle Green and at Langley Road, it is considered that a safe means of access / egress is provided through the footpath directly opposite the site and into Staines Park, Knowle Green and areas around it. In addition, the Lead Local

Flood Authority (Surrey County Council) have not raised any concerns regarding Sustainable Drainage Systems (SUDS) subject to conditions.

### Ecology

- 7.33 In terms of Ecology, Policy EN8 of the CS and P DPD states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by ensuring that new development, wherever possible, contributes to an improvement in the landscape and biodiversity and also avoids harm to features of significance in the landscape or of nature conservation interest. It is also important to note the guidance regarding protected species in Circular 06/2005. This states that "*it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*"
- 7.34 The Surrey Wildlife Trust recommended that prior to determination, clarification should be sought from the ecologist as to whether further survey regarding bats is required. The applicant confirmed that their Ecologist found no evidence of bats roosting. Conditions regarding the recommendations of the Ecological report are recommended.

### Contamination and Air Quality

- 7.35 The applicant has submitted a contaminated land assessment. The Environmental Health Officer (EHO) has been consulted and notes that a desk study, walkover, and a site investigation was carried out. The site was previously a pond and subsequently used as a warehouse and more recently, as offices. Made ground was identified across the site and elevated levels of contamination and gases and remediation is recommended prior to redevelopment of the site for new dwellings, and in accordance with para. 183 of the NPPF and Council Policy EN15. The EHO has recommended conditions as the proposal is for a development particularly sensitive to contamination and accords with Policy EN15.
- 7.36 The applicant has submitted an Air Quality Assessment (AQA), as is required by Policy EN3 of the CS & P DPD. The Council's Environmental Health Officer (EHO) has been consulted and has raised no objection subject to the imposition of conditions. Therefore, the proposal is considered to accord with Policy EN3 on air quality.

### Other Matters

- 7.37 The proposal will comply with the Council's smaller dwellings policy (HO4), which requires at least 80% of the units to be 1 or 2 bedroom in size.
- 7.38 The Council's Sustainability Officer has raised no objection to the renewable energy facilities (photovoltaic solar panels).
- 7.39 With regard to the Crime Prevention Officer's comments, it is not considered appropriate to impose a condition, as requested, relating to "Secured by Design". Many of the requirements are very detailed (e.g. type of laminated glazing), elements which are not normally covered and enforced under the planning regulations. However, a copy of the officer's response has been forwarded to the applicant and it is proposed to add a relevant informative to the decision notice (see below). In addition, a condition is to be imposed

requiring an external lighting scheme to be implemented, partly for security purposes.

- 7.40 The proposed development will include a bin store located towards the northern side of the site. The bin store will be of sufficient size to accommodate the required number of bins for a scheme of this size (6 x 1100 litre communal bins and further space for kitchen waste). The Group Head of Neighbourhood Services has been consulted any response will be reported orally to members.
- 7.41 There are trees located within the site, predominantly along the southern boundary, to Sweeps Ditch, one of which was referred to in a third party representation. The Councils Arboricultural Officer has not raised any concerns regarding the loss of any trees. A landscaping condition has been attached.
- 7.42 With regard to the concerns regarding Accessibility and Lifetime Homes, these are noted. However, Compliance with the Building Regulations are reviewed through the Building Regulations Process and Part M4(2) of the regulations are an optional standard for which reasoned justification would be necessary were a planning condition be recommended – no such justification has been provided.

#### Financial Considerations

- 7.43 Under In 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 would generate New Home Bonus which is an economic benefit. It is a CIL chargeable development and will generate a CIL Payment of approximately £60,600. This is a mitigation against the development. The proposal will also generate Council Tax payments which is not a material consideration in the determination of this proposal..

#### Equalities Act

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

- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

- 7.45 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 circumstance.
- 7.46 There is a lift provided in the flats and ramps and they have been designed so that all of the flats are accessible and adaptable for disabled people (i.e. M4(2) of the Building Regulations) The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long-term adverse effect 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 some disabilities to access the development.

#### Human Rights Act

- 7.47 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.48 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.
- 7.49 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.50 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.

#### Conclusion

- 7.51 The proposal seeks the redevelopment the Cadline House site with the provision of 13 new flats, which will meet the need for housing and has significant weight. It will make effective use of urban land in a sustainable location. The proposal is considered to respect and make a positive contribution to the street scene and the character of the area in which it is

located and pays regard to the characteristics of the neighbouring buildings. The NPPF requires permission for housing to be granted unless the impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. It is considered that the shortfall in the amenity space parking, and it will be clearly outweighed by the benefits of providing new housing in this location. Therefore, the proposal is considered to conform with Policy EN1 of the Core Strategy and Policies DPD, and the NPPF. Consequently the application is recommended for approval.

## **8. Recommendation**

### **8.1 APPROVE 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:

320-21-01; 320-21-03; 320-21-04; 320-21-05 received 07.06.2021 and amended plans numbered 320-21-06 rev C; 320-21-11 rev A; 320-21-12 rev F; 320-21-13 rev F; 320-21-14 rev F; 320-21-15 rev F; 320-21-16 rev A; received on 10/11/2022 and 320-21-07 rev E; 320-21-08 rev E; 320-21-09 rev E; 320-21-10 rev B received 23/01/2023.

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

3. The development hereby permitted must not be commenced until a drawing of the void, demonstrating the underside of the void is above the 1% annual probability flood level with an appropriate allowance for climate change, is submitted to, and approved in writing by, the local planning authority. The development shall be implemented and subsequently maintained in accordance with the drawing as approved. This drawing should also show the size and spacing distance of any proposed metal bars that are being included on the void openings.

Reason:- The updated plans show that the voids now extend from the ground and confirm that the void openings will be 1 metre wide and will be every 5 metres. However, the height of the underside of the voids has not been confirmed as requested in our previous response (WA/2021/129196/02). This condition seeks to reduce the risk of flooding to the proposed development and future users, to ensure that there are no detrimental impacts to flood storage or flood flow routes and to ensure that the development does not increase flood risk to surrounding areas. This is in accordance with paragraph 167 of the NPPF and Policy E3 of the emerging Spelthorne Local Plan 2022 – 2037 (dated June 2022) which state development must be appropriately flood resistance and resilient, safe for its lifetime (taking into account climate change) and must not increase flood risk elsewhere.

4. The development shall be carried out in accordance with the submitted flood risk assessment (Addendum to Flood Risk Assessment version 1.0 dated 29 January 2022 prepared by STM Environmental) and the mitigation measures it details: • Finished floor levels shall be set no lower than 15.49 metres above Ordnance Datum (AOD) • The decking will be open in design and raised to

15.49mAOD (proposed finished floor level) so not to impact floodplain storage or impede flood flows These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason:- This condition seeks to reduce the risk of flooding to the proposed development and future occupants in accordance with paragraph 167 of the NPPF and Policy E3 of the emerging Spelthorne Local Plan 2022 – 2037 (dated June 2022) which state development must be appropriately flood resistance and resilient, safe for its lifetime (taking into account climate change) and must not increase flood risk elsewhere.

5. No construction or demolition work shall take place until a refurbishment and demolition asbestos survey has been submitted to and approved in writing by the Local Planning Authority.

For the removal of asbestos containing materials:

(a) A Risk Assessment and Method Statement is to be agreed in writing by the Local Planning Authority, so that the removal and disposal of asbestos containing materials is appropriately managed.

(b) The agreed methodology and mitigation measures shall be implemented in accordance with the approved details and a completion report (including waste disposal information) should be submitted for approval.

Reason:- To protect the future site users and neighbours from harmful substances

6. No development shall take place until:-

(i) A site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.

(ii) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

The site shall be remediated in accordance with the approved method statement, with no deviation from the statement without the express written agreement of the Local Planning Authority.

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

**NOTE**

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences. An information sheet entitled "Land Affected by Contamination: Guidance to Help Developers Meet



Planning Requirements" proving guidance can also be downloaded from Spelthorne's website at [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk).

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

7. 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.

8. 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 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.

9. 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.

10. Prior to the occupation of the development hereby permitted the ground floor windows on the western elevation of plot 4, the first floor side glazing panels to the balconies southern elevation facing 44 Gresham Road and the windows ground, first and second floor windows on this southern elevation as shown on drawing no. 320-21-15 rev F shall be obscure glazed and be non-opening to a minimum height of 1.7 metres above internal floor level in accordance with details/samples of the type of glazing pattern to be submitted to and approved in writing by the Local Planning Authority. These windows shall thereafter be permanently retained as installed.

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

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

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

12. Prior to the first occupation of the development hereby approved facilities within the curtilage of the site for the storage of refuse and recycling materials shall be submitted to and approved by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the development hereby approved and retained thereafter.

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

13. Prior to the occupation of the building 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 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.

14. 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 buildings are occupied and thereafter 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.

15. No part of the development shall be first occupied unless and until the proposed vehicular access to Gresham Road has been constructed and provided with visibility zones in accordance with the approved plans, and tactile paving to form pedestrian crossing facilities. Thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason:- The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

16. 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 / turning areas shall be retained and maintained for their designated purposes.

Reason:- The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

17. The development hereby approved shall not be occupied unless and until all the parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with drawing no. 320-21-07 Revision E received 23.01.2023.

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

18. The development hereby approved shall not be first occupied unless and until facilities for the secure parking of a minimum of 14 bicycles have been provided in accordance with the approved plans, and thereafter the said approved facilities shall be provided, 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

19. No demolition work shall take place until a Demolition Method Statement, incorporating a Dust Management Plan (DMS) has been submitted to and approved in writing by the Local Planning Authority. The agreed methodology and mitigation measures shall be implemented in accordance with the approved details.

Reason: To protect the amenity of the surrounding area

20. That the Action Plan set out in section 9 of the Travel Plan written by Capital Transport Planning (June 2021) be implemented in accordance with the

timetable set out in table 3 of the travel plan and thereafter maintained in perpetuity.

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

21. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the 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. The required drainage details shall include:
- a) 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. The associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 0.6 l/s. Network Asset Management Highways Laboratory and Information Centre Merrow Lane Guildford Surrey GU4 7BQ 2
  - b) 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.).
  - c) 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.
  - d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
  - e) 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.

Reason:- To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site

22. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide 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 Drainage System is constructed to the National Non-Statutory Technical Standards for SUDS.

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

measures in the submitted STM Environmental Preliminary Ecological Risk Assessment 30.04.2021.

Reason:- In the interest of safeguarding wildlife on the site.

### Informatives

1. 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](http://www.securedbydesign.com).
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 our website. If there are any further queries please contact the Flood Risk Asset, Planning, and Programming team via [SUDS@surreycc.gov.uk](mailto:SUDS@surreycc.gov.uk). Please use our reference number in any future correspondence (LLFA-SP-21-0551)
3. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway 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 (including Stats connections/diversions required by the development itself or the associated highway 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/permits-and-licences/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/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice)
4. 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.
5. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
6. 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.

7. 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.
8. 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](http://www.ccscheme.org.uk/index.php/site-registration).

9. The developer should take action to ensure that development activities such as vegetation or site clearance are timed to avoid the bird nest season of early March to August inclusive.  
If this is not possible and only small areas of dense vegetation are affected, the site could be inspected for active nests by an ecologist within 24 hours of any clearance works. If any active nests are found they should be left undisturbed with a buffer zone around them, until it can be confirmed by an ecologist that the nest is no longer in use.

**Appendices:**

Site Plan, Floor Plans and Elevations