

Planning Committee

31 May 2023



Application No.	23/00185/FUL
Site Address	10 Chestnut Grove, Staines-upon-Thames TW18 1BZ
Applicant	Deepak Agarwal
Proposal	Demolition of converted garage and erection of new build part single storey, part two storey dwelling house with integral garage, including single storey rear extension to existing dwelling.
Case Officer	Matthew Churchill
Ward	Staines South
Called-in	The application has been called in by Councillor Bateson on the basis of policy EN1a relating to the character of the area and EN1b relating to the impact upon the amenity of neighbouring and adjoining dwellings.

Application Dates	Valid:28.02.2023	Expiry:25.04.2023	Target: Extension of Time Agreed until 28.04.2023
Executive Summary	<p>This planning application proposes the erection a part single storey, part two storey dwelling house incorporating an integral garage, which would be constructed following the demolition of the existing converted garage. The application also proposes a single storey rear extension to the existing dwelling.</p> <p>It is relevant to note that the property benefits from an extant planning permission for the erection of a new build two storey house, together with a single storey rear extension to the existing property, which would be constructed following the demolition of the existing converted garage (22/00512/FUL). At the time of the site visit works had not commenced. However, this permission could be implemented subject to the relevant conditions and is a material planning consideration in the determination of the current application and carries significant weight in decision making.</p> <p>The main alterations between the extant planning permission and the current proposals are:</p> <ul style="list-style-type: none">• The incorporation of a double gable roof in comparison to a single gable over the consented dwelling.• At ground floor level, the front elevation of the proposed dwelling would be in line with the front elevation of the existing dwelling.		

	<p>There was a 2.6 metre set back in the consented scheme.</p> <ul style="list-style-type: none"> • At first floor level the front elevation of the proposed dwelling would be set back approximately 1.7 metres from the front elevation of the existing dwelling. In the consented scheme there was a 2.6 metre set back at first floor level. • The construction of an integral garage. • The proposed single storey rear extension would measure 4 metre in depth, in comparison to 3 metres in the consented scheme. <p>Officers consider that the proposal has a satisfactory impact upon the character and appearance of the area, the amenity of neighbouring and adjoining dwellings and the 1 in 1000-year flood event area. The proposal is therefore considered to meet the requirements of policy EN1, policy CC2, policy CC3 and policy LO1 of the CS&P DPD.</p>
<p>Recommended Decision</p>	<p>Approve the application subject to conditions as set out at Paragraph 8 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:

- EN1 (Design of New Development).
- HO1 (Providing New Housing Development).
- HO5 (Density of Housing Development).
- CC2 (Sustainable Travel).
- CC3 (Parking Provision).
- LO1 (Flooding).

1.2 On 19 May 2022, the Council agreed that the draft Spelthorne Local Plan 2022 – 2037 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 2022 and the local plan was submitted to the Planning Inspectorate on 25th November 2022. The Examination into the Local Plan will commence on 23 May 2023.

1.3 The following policies of the Pre-Submission Spelthorne Local Plan 2022 – 2037 are of relevance:

- ST1: Presumption in Favour of Sustainable Development.
- ST2: Planning for the Borough.
- PS2: Designing places and spaces.
- H1: Homes for all.
- E3: Managing Flood risk.

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).

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.

- 1.5 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.
- 1.6 The Council's Supplementary Planning Document (SPD) of the *Design of Residential Extensions and New Residential Development* (April 2011) and the *Parking Standards Supplementary Planning Guidance* (updated September 2011) are also relevant, as the National Planning Policy Framework (July 2021).

2. Relevant Planning History

- 2.1 The site has the following planning history:

16/01689/HOU	Erection of a single storey garage extension including the installation of a new garage door	Granted 21.12.2016
21/01368/FUL	Erection of a two storey side extension following demolition of existing garage and subdivision of the plot to create a 2 x bedroom dwelling with associated parking and amenity space	Refused 28.10.2021
22/00512/FUL	Demolition of converted garage and erection of new building two storey house, together with single storey extension to the existing dwelling.	Granted 29.06.2022

3. Description of Current Proposal

- 3.1 The application relates to no.10 Chestnut Grove, which is a two-storey detached dwelling situated on the western side of Chestnut Grove in Staines-upon-Thames. The property is located within the 1 in 1000-year flood event area (Flood Zone 2). The dwelling also contains an off-street car parking space at the front of the site.
- 3.2 The street scene of Chestnut Grove is residential in character and is predominantly occupied by two-storey detached, semi-detached and terraced dwellings. Churchill Court also adjoins the site and Kingdom Hall is situated on the eastern side of the road.
- 3.3 The application proposes the erection of a new build, part single storey, part two storey dwelling with an integral garage, that would be constructed

following the demolition of the existing converted garage. The application also proposes a single storey rear extension to the existing dwelling.

3.4 The property benefits from an extant planning permission, granted in June 2022 under the reference 22/00512/FUL. This relates to the erection of a new build two storey house, following the demolition of the existing converted garage. The permission also included the erection of a single storey rear extension to the existing dwelling.

3.5 The consented dwelling could be constructed on site subject to the relevant conditions and is a material planning consideration in determination of the current application that carries significant weight in decision making.

3.6 The main differences between the consented scheme (22/00512/FUL) and the current proposals are:

- The incorporation of a double gable roof over the current proposal whereas a single gable was proposed over the consented scheme.
- Projection of the ground floor of the proposed dwelling up to the front elevation of the existing house, in comparison to an approximate 2.6 metre set back in the consented scheme.
- A 1.7 metre first floor 'set-back' of the proposed dwelling, in comparison to a 2.6 metre 'set-back' in the extant permission.
- The incorporation of an integral garage in comparison to an external parking space in the consented scheme.
- An increase in the depth of the single storey rear extension from 3 metres to 4 metres.

3.7 It is also relevant to note that planning permission was refused at the site in October 2021, for a two-storey side extension, following the subdivision of the plot, which would have created a 2x bedroom dwelling with an associated parking space (21/01368/FUL). The application was refused as a result of concerns relating to the projection to the boundary, the complexity of the roof and an overbearing impact upon the occupiers of Churchill Court. It was considered that such concerns were overcome in the extant permission 22/00512/FUL.

4. Consultations

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

Consultee	Comment
County Highway Authority	Requests conditions and informative.
Environment Agency	No comments to make.
Environmental Health	Requests conditions and informatives.
Head of Neighbourhood Services	No objections.

5. Public Consultation

5.1 The Council has received 8 letters of representation, which object to the proposal on the following grounds:

- Surrounding dwellings would be overlooked.
- Concerns over notification of the current tenants (Officer Note: the applicant has completed Certificate A on the application form which confirms that they are the freeholder or have a leasehold interest in the land with at least 7 years left to run).
- Any demolition will cause a dust disturbance (Officer Note: An informative has been recommended in relation to dust).
- Concerns over the submitted parking surveys.
- The scheme may have an adverse impact upon the road surface.
- Concerns over parking during the construction process.
- The dwellings will be used as HMO's (Officer Note: The application proposes a new dwelling and must be determined on that basis).
- The proposal would have an adverse impact upon light reaching neighbouring habitable rooms and gardens particularly in the afternoons.
- The proposal will affect views of the sky from neighbouring dwellings.
- There is insufficient parking available in the road.
- The density and design of the proposal would be out of character where some properties in the street are over 125 years old.
- The proposal would have an overbearing impact.
- The scheme would have an adverse impact upon parking provision.
- The proposal represents overdevelopment of the site.
- The dwelling will not be occupied by families.
- A photograph has also been received in relation to sunlight.

6. Planning Issues

- Principle.
- Housing Need.
- Character and Appearance.
- Amenity for future occupiers.
- Residential Amenity.
- Parking Provision & Highways.
- Flooding.

7. Planning Considerations

Principle

- 7.1 The property benefits from an extant planning permission for the demolition of the existing converted garage and the erection of a new build, two-storey house, together with a single storey rear extension to the existing dwelling (22/00512/FUL). The dwelling can currently be constructed on site, subject to compliance with the relevant conditions. The existing permission is a material planning consideration in the determination of the current application and carries significant weight in decision making.
- 7.2 The street scene of Chestnut Grove is typically occupied by detached, semi-detached and terraced dwellings, which are similar in scale and design, and which are generally set over two storeys. Whilst other buildings are present, notably at Churchill Court and Kingdom Hall, the creation of a two-storey semi-detached dwelling would be acceptable in principle given the surrounding dwelling mix and has also been accepted at the site in the previously consented scheme. However, the current proposal must be considered against the relevant planning policies and guidelines and any other material planning considerations.

Housing Land Supply

- 7.3 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.
- 7.4 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 618 dwellings per annum in Spelthorne. This figure forms the basis for calculating the five-year supply of deliverable sites.
- 7.5 The Council has considered its supply of deliverable sites, in line with the NPPF definition, as set out in Annex 2. The five year time period runs from 1 April 2023 to 31 March 2028. 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 618 results in a figure of 742 dwellings per annum, or 3,708 over five years.
- 7.6 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.

- 7.7 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 2,615 dwellings in the five year period.
- 7.8 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 3.53 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.
- 7.9 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 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.
- 7.10 As a result, current decisions on planning applications for housing development need to be based on the ‘tilted balance’ approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless ‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole’.

Design & Appearance

- 7.11 Policy EN1 of the CS & P DPD states that the Council will require a high standard in the design and layout of new development. The policy further states that proposals for new development should respect and make a positive contribution to the street scene and character of the area in which they are situated paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
- 7.12 At part 12, on ‘*Achieving well-designed places*’, the NPPF places a strong emphasis on design and states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. The NPPF also states that development that is not well-designed should be refused, especially where it fails to reflect local design policies and

government guidance on design, taking into account and local design guidance and supplementary planning documents.

- 7.13 The National Design Guide (January 2021), states that well-designed places should enhance the surroundings, should be attractive and distinctive, should have coherent pattern of development, should be accessible and easy to move around, should enhance and optimise nature, should be safe, social and inclusive, should be mixed and integrated, functional healthy and sustainable, efficient and should be resilient and made to last.
- 7.14 At paragraph 4.13, the Council's SPD on the *Design of Residential Extensions and New Residential Development* (April 2011) the purpose of which is to amplify policy EN1, states that for houses and flats alike, the height, depth, width and form of the proposed buildings should be similar to those in the prevailing street frontage. At paragraph 4.11, the SPD further states that building plots must be of sufficient size to provide garden space appropriate to the size of the dwellings proposed, and plots should normally be similar in size and shape to other plots in the street.
- 7.15 The application proposes a two-storey semi-detached dwelling that would be similar in size and scale to other semi-dwellings in Chestnut Grove. The ridge over the proposed dwelling would measure a similar height to the existing dwelling (approximately 7.4 metres) and would be similar in height to other properties in the street.
- 7.16 When measured from the proposed block plan, the new dwelling would incorporate a garden area of some 85m². A garden area of some 87m² would also be retained for the existing dwelling. This would be in accordance with the Council's 60m² minimum amenity space requirements for dwellings of this size as set out in Table 2 in the Council's SPD on design.
- 7.17 The proposed dwelling would occupy an extension to the host building, which at first floor level would be subordinate and set back approximately 1.7 metres from the front elevation. This would be in adherence to the Council's 1 metre guideline minimum 'set-back' distance for two storey side extensions.
- 7.18 At first floor level, the extension would also be set in 1 metre from the southern flank boundary with Churchill Court and would be in accordance with the Council's 1 metre set in guidance. This guidance is designed to ensure that extensions avoid a terracing effect upon adjoining properties.
- 7.19 It is noted that the single storey side element at ground floor level would project up to the boundary with Churchill Court and would fall short of the Council's 0.25 metre set in guidance for single storey side extensions. However, this guidance is primarily designed to ensure that guttering, roofs and drainpipes do not overhang the boundary. The proposed elevation plans show that the roof and guttering would be situated within the application boundary, and the shortfall is not considered to result in visual harm.
- 7.20 At paragraph 3.51, the Council's SPD on design states that the type of roof over an extension is critical to successful design and can help integrate the

new with the existing building. The SPD also states that roofs should match the existing angle of slope and design in terms of hipped or gable ends.

- 7.21 The host building contains a gable roof over the first-floor. The proposed dwelling would incorporate a double-gable roof with two ridge lines. This would match the gable design of the existing roof and is considered to successfully 'tie-in' to the main roof body. The roof over the single storey element would also be largely pitched, although there would be a flat element at the rear, which would not be visible from the public street scene and would be set above a pitched element.
- 7.22 The proposed single storey rear extension to the existing dwelling would measure a depth of 4 metres and would be in accordance with the Council's 4 metre guideline depth for rear extensions to semi-detached dwellings.
- 7.23 The proposed materials would also match those of the host dwelling and would include natural roof slates, rendered walls and UPVC windows. However, it is recommended that details of the materials are secured by condition.
- 7.24 A dwelling of a similar scale was also approved at the site in the consented scheme, albeit with a greater set back, outside parking space, and different roof design, which could be constructed at the site subject to conditions and which is afforded significant weight in the determination of the current application.
- 7.25 The proposed dwelling would be set behind the prevailing building line and is considered to be in proportion with the scale of other dwellings in Chestnut Grove. The overall design of the proposal is therefore considered to be in accordance with the objectives with policy EN1 and the NPPF in design terms.

Density

- 7.26 Policy HO5 of the CS&P DPD states that within existing residential areas that are characterised predominantly by family housing rather than flats, new development should generally be in the range of 35 to 55 dwellings per hectare. In higher density areas including those characterised by a significant proportion of flats and those containing employment areas, this increases to a range of 40 to 75 dwellings per hectare.
- 7.27 The proposal would have a density of 59 dwellings per hectare. Whilst this marginally exceeds the guidance in policy HO5 for dwellings located in areas characterised predominately by family housing, Churchill Court, a flatted development, adjoins the western site boundary. Moreover, policy HO5 further states that higher density development may be acceptable where it is demonstrated that a proposal complies with policy EN1 on design, particularly where it is in a location that is accessible by non-car based modes of transport.
- 7.28 Officers consider that the proposal would accord with the objectives of policy EN1 in design terms, and the site is situated approximately 1km from Staines

Railway Station, which is considered to be within reasonable walking distance. The proposal is therefore considered to be accessible by non-car based modes of travel and a higher density may be regarded as acceptable.

- 7.29 It is also relevant to note that a density of 59 dwellings per hectare was accepted in the consented scheme (22/00512/FUL). It is therefore considered that the proposal would comply with the objectives of policy HO5.

Future Occupiers

- 7.30 The nationally described Technical Housing Standards (THS) (March 2015) stipulate minimum floorspace requirements for variously sized units. Relevant to the current application, the THS states that a two-bedroom, 4 x person dwelling, set over two storeys should be provided with a minimum internal floor area of at least 79m².
- 7.31 The proposed dwelling, excluding the garage, would have an internal floor area of approximately 80m² in accordance with the THS minimum requirements. The existing dwelling would also contain an internal floor area of approximately 98m², also in accordance with minimum floorspace requirements.
- 7.32 The proposed and existing dwellings would also be provided with 85m² and 87m² of amenity (garden) space respectively, in adherence to the Council's minimum 60m² guidance. The dwellings are therefore considered to adhere to minimum amenity requirements for future occupiers.

Amenity

- 7.33 Policy EN1 states that proposals for new development should achieve a satisfactory relationship to adjoining properties, avoiding significant harmful impacts in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk proximity or outlook. At paragraph 3.6, the Council's SPD on design states that most developments will have some impacts on neighbours. The aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed. It is also acknowledged that the Council has received a number of letters of representation which object to the proposal on amenity grounds.
- 7.34 The Council's SPD on design contains a 45° vertical guide, the purpose of which is to ensure that the height of extensions or new dwellings to either side of a property do not lead to an unacceptable loss of light. As a result of the double gable design of the roof, when measured from the plans, the proposal is considered to very marginally breach a 45° arc when measured from the doorway in the rear elevation of Churchill Court. However, this breach is very marginal and is not considered to result in significant harmful impacts upon light serving this doorway.
- 7.35 Furthermore, the first-floor element of the dwelling is not considered to breach the Council's 45° horizontal guide when measured from the doorway at the

rear of Churchill Court. The proposal would also not breach the Council's 45° vertical guide when measured from flank windows in the northern elevation of Churchill Court.

- 7.36 In terms of privacy, the proposed dwelling would incorporate a first-floor window in the southern flank elevation. To prevent unacceptable opportunities for overlooking, and as this window would serve a bathroom instead of a habitable room, it is recommended that a condition is attached to the decision notice, requiring this window to incorporate obscure glazing. The first floor of the dwelling would also be set in 1 metre from the boundary with Churchill Court, which is not considered to result in an overbearing impact.
- 7.37 Ground floor windows were observed during the site visit in the side and rear elevations of no.8 Chestnut Grove, adjoining the northern site boundary. The first-floor of the proposed dwelling would be screened from no.8, by the host building and is not considered to have an adverse impact upon the occupiers of this property.
- 7.38 The proposed single storey rear extension to the host dwelling would measure 4 metres in depth and would be in adherence to the Council's 4 metre guideline depth for single storey rear extensions to semi-detached dwellings. It would measure a maximum height of approximately 3.53 metres, which would exceed the Council's 3 metre guideline height nearest the boundary. However, the single storey rear extension would incorporate a pitched roof with flat element, which would measure some 2.73 metres to the eaves, and is not considered to result in an adverse impact upon light or an overbearing impact.
- 7.39 At paragraph 3.21, the Council's SPD on design contains a 25° guide, which is designed to ensure that an extension in the area in front or to the rear of a property is not so close that a significant view of the sky is lost. When measured from a height of 2 metres above ground level from no.9 and no.11, the proposed dwelling would not breach the Council's 25° guidance.
- 7.40 The first-floor windows to the proposed dwelling would also be some 17.6 metres from ground floor windows serving no.9 and no.11, a greater distance than to the first-floor windows serving the existing dwelling, which are some 15.2 metres from the front elevation of the opposite properties.
- 7.41 It is not considered that the first-floor window serving the proposed dwelling would result in unacceptable opportunities for overlooking, particularly in the context of the relationship between other properties located opposite one another in Chestnut Grove.
- 7.42 It is noted that the letters of representation raise concerns that the dwelling would restrict light reaching gardens situated opposite the site. There would be a distance of approximately 17.6 metres between the first floor of the proposed dwelling and the front elevation of dwelling located opposite the site. As a result of distance and the siting of the dwellings located opposite the site, the proposal is considered to have a satisfactory impact upon light reaching surrounding gardens at the rear of these dwellings.

- 7.43 There would also be some 21 metres between the extension and properties at the rear of the site in Worple Avenue. The proposal is therefore considered to be in accordance with the objectives of policy EN1 in amenity terms.

Parking & Highways

- 7.44 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 transport infrastructure in the area taking into account access and egress to the public highway and highway safety. Policy CC3 states that the Council will require appropriate provision to be made for off-street parking in accordance with its parking standards.
- 7.45 At paragraph 111, the NPPF states that development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.46 There is currently a single car parking space at the front of the dwelling as the existing garage has been converted. The proposed dwelling would contain a single car parking space in the proposed integral garage. The host dwelling would not be provided with any off-street car parking spaces.
- 7.47 The Council's Parking Standards (updated September 2011), stipulate that a two-bedroom dwelling should be provided with a minimum of 1.5 off-street car parking spaces per dwelling. The Council would therefore normally expect to see a minimum of 3 off-street car parking spaces across both units.
- 7.48 The parking standards allow for a lower levels of provision in the borough's four town centres, where access to public transportation is generally high. Any shortfall will be assessed against the distance from public transport nodes, the frequency and quality of bus and train services, the availability of quality pedestrian and cycle routes, and the range and quality of facilities supportive of residential development within a reasonable walking distance of the site.
- 7.49 The application site is not located within one of the borough's four town centres. However, the site is situated approximately 1km from Staines Railway Station, which is considered to be within reasonable walking distance. There are also bus stops in Kingston Road which are within reasonable walking distance and the property is not far from amenities in Stainash Parade. As such, whilst located outside of the one of the borough's four town centres, officers consider that a two-space shortfall would be satisfactory in this instance. Moreover, the same level of parking provision was accepted in the consented scheme.
- 7.50 Notwithstanding the shortfall, it is recommended that a condition is imposed upon the decision notice, requiring that the garage is maintained as a garage and used for parking space to ensure that it is not converted into habitable accommodation. It is also considered necessary to impose a condition requiring the provision of an electric vehicle charging point.

- 7.51 The Council has also consulted the County Highway Authority (CHA), who commented that the site can be said to be sustainable, due to the close proximity to several bus stops on Kingston Road, the proximity to Staines Railway Station, and as the site is within reasonable walking distance of Staines Town Centre.
- 7.52 The CHA having assessed the application on safety, capacity and policy grounds has recommended that a condition is attached to the decision notice requiring the provision of cycle storage, in accordance with the submitted plans.

Flooding

- 7.53 The Council's records show that the site is located within the 1 in 1000-year flood event area (Flood Zone 2). The Council's SPD on Flooding (July 2012) and the Planning Practice Guidance (PPG), both advise that 'more vulnerable uses' in flooding terms, which includes new dwellings are acceptable in this flood zone.
- 7.54 In terms of the sequential approach, the Council's SPD on Flooding states that studies of land availability for housing and employment have shown that land in flood zones 1 and 2 will be needed to meet housing needs over the next 15 years. Whilst the SPD is some 11 years old, housing needs have significantly increased since publication, and the current proposal is considered to be an acceptable use in this flood zone.
- 7.55 The Council has consulted the Environment Agency (EA), which has confirmed that there are no comments to make on the proposals. The conditions recommended by the Environment Agency in its standing advice are also recommended to be attached to the decision notice. The proposal will then be considered to adhere to policy LO1 flood storage and capacity terms.
- 7.56 It is also considered to be possible to escape away from the site to an area outside flood plain without having to pass through in 100 year flood event area

Other Matters

- 7.57 Given the scale of the proposal, it is considered necessary to remove permitted development rights from the property in the interests of the character of the area and residential amenity. It is considered that conditioning this removal meets the conditions test set out in the NPPF.
- 7.58 In total the Council has received 8 letters of representation. Of the matters raised not already covered in this report, it is not considered that an objection could be reasonably sustained on the grounds of the impact upon the road surface. Additionally, the application proposes a new dwelling and not an HMO and must be assessed on this basis.

Financial Considerations

- 7.59 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 £16,420. 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 2010

- 7.60 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- 7.61 The elimination of discrimination, harassment and victimisation; The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it; The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights Act 1998

- 7.62 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.63 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.
- 7.64 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.
- 7.65 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

- 7.66 Policy HO1 states that the Council will ensure that provision is made for housing by encouraging housing development, including redevelopment, infill, conversion of existing dwellings and the change of use of existing buildings to housing, on all sites suitable for that purpose taking into account other policy objectives.
- 7.67 As highlighted above, the Council cannot currently demonstrate a 5-year housing supply. Where a 5-year supply cannot be demonstrated, the NPPF states that planning permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework taken as whole”*.
- 7.68 The property benefits from an extant planning permission for the demolition of the existing converted garage and the erection of a new build two storey house, together with a single storey rear extension to the existing dwelling (22/00512/FUL). Whilst each application must be determined on its own merits, the principle of an additional dwelling at the site has been established, which could be constructed on site subject to conditions.
- 7.69 The proposed dwelling is considered to have an acceptable impact upon the character and appearance of the area, the amenity of neighbouring and adjoining dwellings, parking provision and the 1 in 1000 year flood event area. The proposal is therefore considered to comply with the objectives of policy EN1, Policy CC2, Policy CC3, Policy LO1 and Policy HO1, and is recommended for approval subject to the following conditions:

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 08 Rev C (Received 28.02.2023), 01 Rev A, 02, 03 Rev A, 03 Rev F, 05 Rev D, 06 Rev G, No Title (Site Location Plan) (Received 15.02.2023)

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

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

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

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

5. 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.

6. No development shall take place until:-
 - (i) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the

site investigation have been agreed in writing with the Local Planning Authority.

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

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

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

NOTE

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences. An information sheet entitled "Land Affected By Contamination: Guidance to Help Developers Meet Planning Requirements" providing guidance can also be downloaded from Spelthorne's website at www.spelthorne.gov.uk.

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

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.

NOTE

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences. An information sheet entitled "Land Affected By Contamination: Guidance to Help Developers Meet Planning Requirements" providing guidance can also be downloaded from Spelthorne's website at www.spelthorne.gov.uk.

8. The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast charge socket (current minimum requirements - 7 kw 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:-.In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2019, and policies CC2 and CC3 of Spelthorne Borough Council's Core

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no extensions or outbuildings shall be erected to the residential development hereby permitted without the prior planning permission of the Local Planning Authority.

Reason:-.In the interests of the character of the area and the amenity of neighbouring and adjoining dwellings.

10. Prior to the occupation of the development hereby permitted the first floor window(s) on the southern flank elevation(s) 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. The(se) window(s) shall thereafter be permanently retained as installed.

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

11. 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.

12. 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.

13. Prior to occupation, 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.

14. The parking space(s) and/or garage(s) shown on the submitted plan be constructed and made available for the development prior to occupation and thereafter the approved facilities together with the means of access thereto shall be maintained as approved, and be reserved for the benefit of the

development hereby permitted.

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

15. No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) (b) loading and unloading of plant and materials
- (c) (c) storage of plant and materials
- (d) (d) measures to prevent the deposit of materials on the highway

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

Reason:-. In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2021 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

Informatives

1. The applicant should be mindful not to create a dust nuisance during demolition works, particularly where any asbestos containing materials may be present. A Refurbishment and Demolition asbestos survey is required to determine if asbestos containing materials are present. If removal of asbestos containing materials is required appropriate removal (without significant damage), handling and disposal by competent persons is required. The Health & Safety Executive (HSE) have produced a guide to safe removal of asbestos containing materials, which outlines good practice, how to prepare and what equipment is needed, how to remove it and how to deal with the waste once removed. There is also information on the HSE website about how to comply with the regulations, including a more generic guide to working safely with asbestos - <http://www.hse.gov.uk/asbestos/protect.htm>.
2. 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).

3. 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.

4. In accordance with Approved Document S of the Building Regulations, as of 15 June 2022 you may be required to install electric vehicle charging facilities.

5. In order to meet best-practice, gas-fired boilers should meet a minimum standard of

6. The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary.

