

Planning Committee

12 December 2023



Application No.	23/01224/FUL
Site Address	Beech Dale Highfield Road Sunbury-on-Thames TW16 6DL
Applicant	Kevin & Vanessa Yates
Proposal	Demolition of existing bungalow and garage and erection of a replacement two storey house with rooms in the roof space that includes the installation of 3 no. rear dormers. The provision of a first-floor southern facing balcony.
Case Officer	Vanya Popova
Ward	Halliford and Sunbury West
Called-in	<p>This application has been called in by Councillor Dunn for the following reasons:</p> <ul style="list-style-type: none"> • Overdevelopment • Bulk and massing • Out of character • Over-shadows the immediately next door neighbouring property

Application Dates	Valid: 28.09.2023	Expiry: 23.11.2023	Target: Extension of time agreed to 15.12.2023.
Executive Summary	<p>This planning application proposes the demolition of the existing bungalow and garage and erection of a replacement two storey house with rooms in the roof space that includes the installation of 3 no. rear dormers. The provision of a first floor southern facing balcony.</p> <p>This application has been submitted following the refusal of a previous planning application (23/00266/HOU) in May this year for extensions to the existing bungalow to create a two storey house with a second floor of habitable accommodation and other associated works. That particular application was refused on the grounds that in terms of scale, mass, design, layout and location, the development was considered to be visually obtrusive and out of keeping with the character and pattern of development in the area and failed to make a positive contribution to the street scene. Furthermore, the development was considered to have an unacceptable impact upon the neighbouring adjoining property of Maryland in terms of outlook, over-looking/loss of privacy and overbearing impact.</p> <p>Whilst this current planning application refers to a replacement dwelling, rather than extensions and alterations to existing dwelling, the scale and</p>		

	<p>height of the proposal has substantially been reduced compared to the refused scheme. As a consequence, the proposed design and layout is considered to pay regard to the residential street, overcomes the previous significant adverse impact upon the immediate neighbouring property, Maryland, and complies with the requirements of Policy EN1 of the Core Strategy and Policies DPD 2009 and the Supplementary Planning Document of the Design of Residential Extensions and New Residential Development, 2011.</p> <p>In terms of highway safety, the County Highway Authority raises no objection to the proposal.</p> <p>The proposal is therefore considered to be acceptable.</p>
Recommended Decision	Approve the application subject to conditions as set out at paragraph 8 of this report.

MAIN REPORT

1. Development Plan

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

- SP1 (Location of Development)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)
- EN8 (Protecting and Improving the Landscape and Biodiversity)

1.2 Also relevant are the following Supplementary Planning Documents/Guidance:

- Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development 2011
- Supplementary Planning Guidance (SPG) on Parking Standards 2011

1.3 The National Planning Policy Framework (NPPF) 2023 is also relevant.

1.4 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). It was also

agreed that the draft Staines Development Framework be published for public consultation. The public consultation for both the Pre-Submission Publication version of the Local Plan and draft Staines Development Framework ran from 15 June 2022 to 19 September 2022 and the local plan was submitted to the Planning Inspectorate under Regulation 19 on 25 November 2022. An Examination into the Local Plan commenced on 23 June 2023. However, on 6 June 2023, the Council resolved to request the Planning Inspector to pause the Examination Hearings into the Local Plan for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the Local Plan and after the three month pause the Council will decide what actions may be necessary before the Local Plan examination may proceed.

- 1.5 At the meeting of the Council on 19 July 2023, it was agreed that Catriona Riddell & Associates be appointed to provide 'critical friend' support to inform the options for taking the plan process forward. On 14 September 2023, the Council considered a report following the deferral in June. The report listed three options; to continue with the local plan to include further work (especially on design codes), to request a further pause or to withdraw the local plan. On the day of the meeting, a letter was received from the Housing Minister stating that the Housing Secretary, was directing the council "not to take any step to withdraw the plan from examination..." The Council resolved to extend the pause in the Examination timetable until the proposed changes to the NPPF have been published (expected shortly) before determining the next steps and take immediate legal advice to confirm the validity of the minister's directive. On 22 September 2023, the Inspector agreed to a pause to the Local Plan and requested that the Council continues to address the issues that he identified in the first week of the hearings, in particular flood risk and its potential implications in relation to the site allocation and delivery strategy of the plan.

- 1.6 The NPPF policy states at para 48:

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.

1.7 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
- E2: Biodiversity
- E4: Environmental Protection
- ID2: Sustainable Transport for New Development

1.8 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.

2. Relevant Planning History

2.1 The site has the following planning history:

Ref. No.	Proposal	Decision and Date
23/00266/HOU	Proposed roof extension that would include part two storey part single storey front, side and rear extensions and raising the ridge height to convert existing bungalow to a two storey house. Converting roof space into habitable living space including the installation of front and rear facing dormers with rooflights within the southern and western roof plane including the installation of southern and western facing dormers within the front extension. Changes to fenestration along with the creating of a first floor southern facing balcony. Erection of a detached garage within the western-south corner (following demolition of existing garage).	Refused 02.05.2023
SPE/FUL/86/441	Erection of a detached single garage at the side measuring 8.15 m (26ft 9 ins) by 3.33 m (10 ft 11 ins) following demolition of existing garage.	Grant Conditional 30.07.1986
SUN/FUL/7558	Bedroom extension.	Grant Conditional 14.10.1963

SUN/FUL/4954	The erection of a detached bungalow.	Grant Unconditional 18.10.1955
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3. Description of Current Proposal

The application site and surrounding area

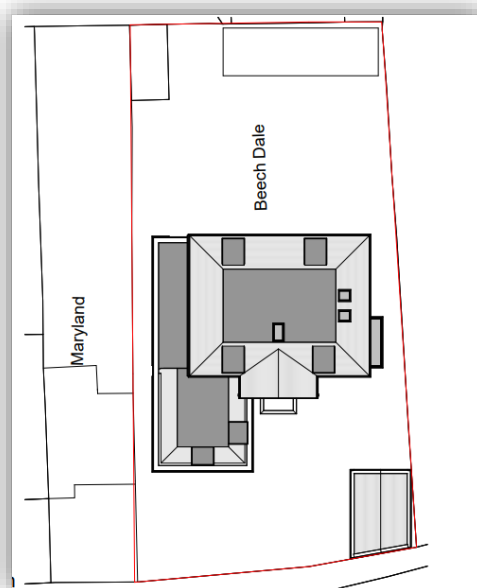
- 3.1 The application site relates to a detached bungalow referred to as “Beech Dale” which is situated on the eastern side of Highfield Road in Sunbury-on-Thames. The northern flank and eastern rear boundaries of the site are bounded by existing residential properties, whereas to the south of the site is open land which is located within the Green Belt (the application site is not within the Green Belt). The site is the last property on this side of the road and occupies a much wider plot (some 0.10 hectares in area). Highfield Road is a private road that is residential in character comprising predominately detached and semi-detached properties either two storeys, chalet style or bungalows, which vary in architecture style, age and the use of materials. Several nearby properties have created additional accommodation at roof level, often served by rear dormers and roof lights. In terms of architectural details, some of the houses within the area have full height bay windows or two storey front elements with pitched main roofs which join the houses’ roofs.
- 3.2 On the western side of Highfield Road, the properties are detached in character occupying substantially larger plots than the ones on the opposite side road which gives a more spacious character. These properties are situated within the Green Belt, whereas the residential properties to the eastern side are located within the urban area. It is noted that the character of this area has changed and evolved over time with changes to individual properties, many of which have previously been extended or altered, and as such the street has a mixed character without any uniformity. The built form of the area is generally houses set back from the road with gardens and parking areas to the front of the buildings. The properties on the eastern side of the road follow a relatively similar building line and have front gardens that are open with low-lying landscaping and some hardstanding to accommodate off-street parking.
- 3.3 The plot sizes within the road the area vary in size. This provides some variation in the established pattern of development. It is noticeable the application site’s large plot size, including its width when viewed in context with the properties’ plots on the eastern side of the road. The existing bungalow has an irregular shape and has extensions which brings it close to its flank boundaries. The existing application property extends across the plot by 18 metres in width. Its front gable element and detached garage align with the other properties on that side of the road, whereas the rest of the bungalow is set back approximately 16 metres from the road. The detached garage immediately adjoins the flank boundary with Maryland. The site also contains a single storey rear extension, covered pergola like structure and outbuildings at the rear.

Background

- 3.4 As indicated in the planning history section above, the previous planning application (ref. 23/00266/HOU) was refused under the delegated powers on 02 May 2023.
- 3.5 The recently refused scheme was for an extension to the existing bungalow to create a two storey house along including converting the roof space into habitable living accommodation. This also included a half storey front extension with crown roof and detached garage at the front western-south corner. The overall cumulative impact in scale, height, mass and proportions was considered not to be in keeping with the character of the area. Consequently, the scheme was refused on adverse impact upon the character of the area.
- 3.6 The application was also refused on the unacceptable impact to the immediate adjacent property (Maryland) for a significant over-bearing, over-looking and loss of privacy concerns.
- 3.7 The illustration below outlines the layout and front elevation within the previous submission.



Proposed Front Elevation



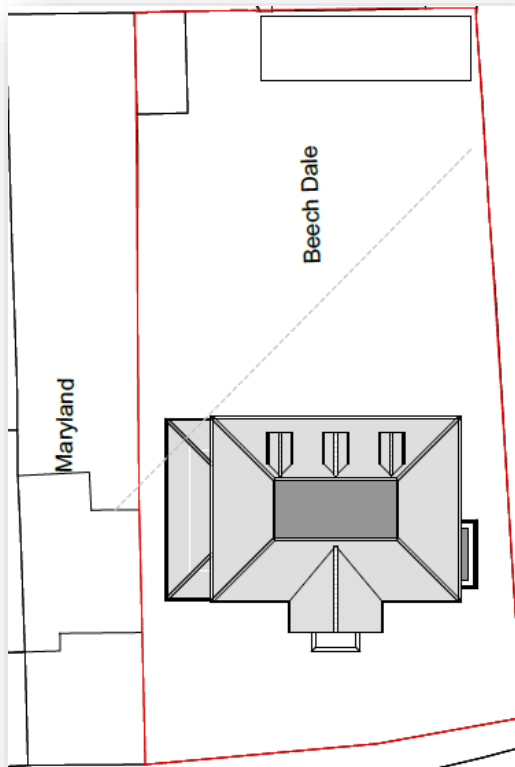
Proposed Layout Plan

Proposal

- 3.8 This planning application seeks permission for the demolition of the existing bungalow and garage and erection of a replacement two storey house with rooms in the roof space that includes the installation of 3 no. rear facing dormers. In addition, the scheme proposes the provision of a first-floor southern facing balcony. The parking and private garden area will remain in the same location as they currently are. The replacement dwelling would have an overall width at ground floor level of 17.8 metres, a maximum height measuring 8.3 metres and the eaves reaching 5.6 metres. The first floor will measure 14.8 metres in width, which gives 4.7 metres set in from the northern flank boundary and stepping away from the southern side boundary between 2.8 metres and 3.5 metres. The dwelling would be set back by 2 metres from the adjacent the semi-detached properties, whereas the central gable front element would line up with the regular building line with these properties. In terms of positioning, the single storey front open porch will follow the neighbouring front gable elements/front extensions within the street.
- 3.9 Compared with the refused planning application, the size of the building has been reduced and some elements have been removed from the scheme including front facing flat roofed dormers, a half storey front extension with crown roof and detached garage extending beyond the building line. Furthermore the ridge height and eaves have been reduced to address concerns regarding the impact on the character of the area and amenity relationship with Maryland neighbouring property. This has resulted the reduction of the overall bulk and dominant of flat roof area.



Proposed Front Elevation



Proposed Layout Plan

3.10 The full set of proposed plans are provided as an Appendix.

4. Consultations

The following table shows those bodies consulted and their response.

Consultee	Comment
Environment Health - Contamination	No objections subject to conditions.
County Highway Authority	No objections subject to conditions.
Council's Sustainability and Flood Risk Officer	The applicant has demonstrated that the proposal can meet the renewable energy requirements and as such no objections.
Surrey Wildlife Trust	No objections, recommends informatics.

5. Public Consultation

5.1 A total of 12 properties were notified of the planning application.

5.2 The Council has received 13 letters of objection raising the following concerns:

- Dominant building
- Height
- Loss of light
- Over-shadowing
- Over-bearing
- Any damage or dust pollution must responsibility of the owners (*Officer's note:- An informative for the applicant to consider Party Wall Agreement could be imposed*)
- Out of character
- Visual impact
- Over-looking
- Loss of privacy
- The new dormer windows at the rear should be obscured glazed
- Over-development
- New built -advantage of saving VAT (*Officer's note:- This is not a material planning consideration*)
- Harmful to the Green Belt
- Highway safety
- Potential HMO (*Officer's note:- The proposal relates to a replacement dwelling and assessment can only considers this. What potentially could happen is not a material planning consideration*)
- Anti-social behaviour (*Officer's note:- This is not a material planning consideration*)
- Bulky appearance
- Not step free access for disabled people
- No indication for parking or surface finishes (*Officer's note:- This is not required under this application at this stage. If approved, a condition is usually imposed for materials including surfaces for parking areas*)
- Needs to be designed to comply with Building Regulations Part M4(2): accessible and adaptable dwellings*
- Insufficient off-street parking provision
- Problems with sewage
- Flood risk area
- Highway implications
- Concerns during demolition and construction phases
- Noise and disturbance

The Council has also received two letters of support regarding the proposal.

6. Planning Issues

- Character and Appearance.
- Residential Amenity.
- Parking Provision & Highway Impact.

7. Planning Considerations

Design & Appearance

- 7.1 At part 12, on ‘*Achieving well-designed places*’, the NPPF 2023, 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, while not preventing or discouraging appropriate innovation.
- 7.2 The National Design Guide (NDG), “*Planning practice guidance for beautiful, enduring and successful places*”, produced by the former Ministry of Housing, Communities and Local Government (MHCLG) in 2021, sets out guidance for well designed places. Paragraphs 43 and 44, note that well designed buildings do not need to copy what is already in existence but do need to integrate with the surroundings in a number of ways including physically, socially and visually:
- “Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including:*
- the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it;*
 - patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, grain, form and scale – see Built form;*
 - the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development – see Identity.*
 - uses and facilities, including identifying local needs and demands that well-located new facilities may satisfy; and public spaces, including their characteristic landscape design and details, both hard and soft.*
- However, well-designed places do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities, and to incorporate new sustainable features or systems.”*
- 7.3 Policy EN1 of the Core Strategy and Policies Development Plan Document (CS&P DPD) states that the Council will require a high standard of design and layout of new development. Proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines layout, materials and other characteristics of adjoining buildings and land and achieving a satisfactory relationship to adjoining properties.
- 7.4 The submitted plans show that the proposed new building would be 0.2 metres higher than the adjacent two storey neighbouring properties to the

north. The angle of the roof would slope in a similar manner to the neighbouring properties. This is considered to be in keeping with the general height, and the design will be compatible with the mixed character of the street scene. The proposed replacement dwelling would be set in approximately 4.7 metres from the northern flank boundary at two storey level, whereas the proposed single storey side element of the house would be 1.7 metres away from the boundary with 'Maryland'. The proposed property would therefore maintain the general visual gap from the side boundaries. This would comply with the Council's SPD design guidance of minimum separation distance from flank boundaries for new developments (0.2 metres for single storey side elements as well as 1 and 2 metres for two and three storey developments respectively). The front elevation would contain a two storey front gable element situated in the middle with similar eaves height as the rest of the building. The proposed plans also show the provision of three rear facing dormers which are designed with pitched roofs, setting down from the ridge and setting up and in from the eaves, which are not considered to be over-dominant or out of proportion. In terms of materials, the proposal would include brick façade and slate roof, which would reflect the other mix materials in the street scene.

- 7.5 The development as a whole incorporates traditional design features located in general with the prevailing building line and set in from its side boundary is considered to be in proportion with the scale taking into account its wide plot. Furthermore, it would have an acceptable impact when viewed from the nearby open land. Importantly, the scale and bulk of the development has been reduced when compared to the scheme previously refused. As such, the proposed development as a whole would not appear cramped, and the scale and form of the properties would sit comfortably within the wider established mixed architectural pattern. For the reasons stated above it is considered that the proposal would have an acceptable impact upon the character and pattern of the area which has a mixed character and would not have an adverse impact on way the street scene functions.
- 7.6 It is considered that the proposed design and appearance would be in keeping with the character of the surrounding area and complies with the requirements of Policy EN1 (a) and the Design SPD.

Residential Amenity

- 7.7 Policy EN1b of the CS & P DPD states that:
- "New development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook."*
- 7.8 The Council's Supplementary Planning Document entitled 'Design of Residential Extensions and New Residential Development 2011' (SPD) provides guidance for applicants to demonstrate that proposed developments have not breached the 45 degree vertical and horizontal guide when measured from neighbouring ground floor habitable windows, and lead to unacceptable loss of light or over-bearing. The SPD is a guide, it is not

development plan policy and this is acknowledged at Paragraph 3.6 that 'most development would have some impact on neighbours. The aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed'.

- 7.9 The application site is immediately adjoined to the north by the two storey semi-detached property (Maryland). The rear boundary is shared by no 6 and 7 Tadmor Close, which are detached bungalows (with existing first floor accommodation).
- 7.10 The two storey element would be set in 4.7 metres from the neighbouring boundary of Maryland. The submitted plans have demonstrated that the proposed replacement dwelling would comply with the Council's 45 vertical and horizontal guide when measured from the middle of the neighbouring ground floor kitchen and nearby door (that serves the same room). Furthermore, the Council's guide would not be breached from the middle of the neighbouring conservatory extension. The proposed building would have lower ridge height (8.3 metres instead of previously proposed 9.3 metres) and eaves (5.6 metres instead of previously proposed 6.5 metres). Furthermore, the layout has been amended and the proposed building would no longer extend 13.1 metres beyond the neighbouring ground floor nearest window. It would now extend by approximately 5.5 metres and 3.3 metres beyond the neighbouring conservatory. Furthermore, no first floor windows are proposed on the northern flank elevation. Therefore, the proposal is considered to have an acceptable relationship with the neighbouring property and an acceptable impact on in terms of over-bearing, loss of privacy or over-looking.
- 7.11 Objections were raised concerning the Council's 25 degree guide and that this would be breached. It is relevant to note that the purpose of this guide is to ensure that the front or rear elevations of a property is not significantly impacted by proposed developments in terms of skylight/sky view. However, the neighbouring property is adjacent to the flank elevation rather directly facing directly the rear elevations, and as such it is not relevant the neighbouring properties at the rear. The proposal would not breach the 25 degree in regards to the neighbouring properties at the rear (along Tadmor Close).
- 7.12 The proposed built form will be located some 25 metres from the rear boundary with no 6 and 7 Tadmor Close, both of which have wide private gardens at the rear. The proposal would therefore meet the minimum separation distance from the back to boundary of 10.5 metres (even for three storey development which is 15m). Furthermore, the proposed replacement dwelling would respect the Council's minimum back to back requirement of 21 metres (even for three storey which is 30 metres). The proposed plans indicate the provision of a first floor balcony on the elevation that faces the Green Belt land. The balcony would set back 0.6 metres from the front elevation of the dwelling and would set back 6.2 metres from the rear elevation. It is considered that it would have an acceptable relationship with and would not lead to over-looking or loss of privacy to the nearby residential properties at the rear.
- 7.13 It is considered that the proposal does not significantly overlook, overbear, cause a loss of sunlight or daylight or outlook and therefore respects the

amenities of the adjoining neighbouring properties. Therefore, the proposal is considered to have an acceptable impact on the amenity of existing neighbouring residential properties, conforming to the Design SPD and Policy EN1.

Parking & Highway Impact

- 7.14 The Spelthorne Borough Council's Parking Standards require 2.5 parking (rounded up to 3) spaces for 4 bedroom dwellings or larger. The submitted layout plan indicates that the proposed replacement dwelling would incorporate 4 vehicle spaces, which would comply with the Council's minimum parking standards. It is considered that the proposal would have an acceptable impact on the parking provision. The County Highway Authority (CHA) also raised no objection on the proposal, considered necessary to impose a condition requiring the provision of an electric vehicle charging point.
- 7.15 The proposal is, therefore, acceptable on highway and parking grounds.

Other Matters

- 7.16 The Council's Environmental Health Officer has raised no objection to the proposal on contamination, subject to conditions.
- 7.17 The applicant submitted an Ecological report as part of this submission, which concluded that the existing bungalow and garage have negligible Bat roost suitability. In absence of trees within the site, a preliminary Ecological Assessment (PEA) confirmed that there are no bats in presence. The Surrey Wildlife Trust (STW) was consulted and raised no objection to the submitted report, considering that it was appropriate in scope and methodology. The SWT has been satisfied that the report identified the likely absence of active bat roosts and has therefore advised that bats do not appear to present a constraint to the proposed development.
- 7.18 The applicant submitted an energy report has considered the Air Source Heat Pumps (ASHP) as a suitable solution for this proposal to provide improvements to the CO2 emissions when combined with a high-performing fabric. The Council's Sustainability Officer was consulted and raised no objection to the proposal on renewable energy grounds, subject to the imposition of a condition.
- 7.19 The proposed house would comply with the Government's Nationally Described Technical Housing Standards (THS) (March 2015) for a 5 bedroom house. There will be no change to the existing private garden at the rear (467sq metres). The replacement dwelling is therefore considered to comply with and exceed the minimum amenity requirements for future occupiers.
- 7.20 As already highlighted above, the site lies within Flood Zone 1, which has a low probability of flooding with a less than 1 in 1000 year chance of flooding, and no uses are precluded on flooding grounds. The principle of locating new

residential development ('defined as 'a more vulnerable use') in the relatively low risk Flood Zone 1 is acceptable. The site currently contains a detached bungalow and proposal relates to a replacement dwelling and there is no risk to the future occupants of the site from flooding.

- 7.21 The Local Planning Authority has received a comment in respect of the accessibility of the property indicating that the property does not have step free access to habitable rooms with 3 steps down from the hallway and therefore as designed the dwelling is not visitable. A comment has also been made that as a minimum the dwelling must be designed to comply with Building Regulations Part M4(2): accessible and adaptable dwellings. Part M4(2) is an optional requirement and only applies where a planning condition is imposed. Planning conditions should be used in a way that is clearly seen to be fair, reasonable and practicable. Government advice states that it is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls. The comment has provided no justification for the use of part M4(2) and it is not considered that imposing a condition would meet the necessary tests. The Building Regulations state that in the Secretary of State's view, requirement M4(1) will be met when a new dwelling makes reasonable provision for most people, including wheelchair users, to approach and enter the dwelling and to access habitable rooms and sanitary facilities on the entrance storey.

Financial Considerations

- 7.22 Under In S155 of the Housing and Planning Act 2016, Local Planning Authorities are 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 £44,374.05. 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

- 7.23 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:
- 7.24 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

- 7.25 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.26 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.
- 7.27 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.
- 7.28 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

- 7.29 The proposal is considered to be keeping with the character and the amenities in relation to the other properties in the surrounding area and would also be meet to the objectives of Policy EN1 of the CS & P DPD. The objections associated with the previous refusal scheme have been outcome. Accordingly, the application is recommended for approval.

8.0 Recommendation

GRANT planning permission 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 P.M.504 Rev O, P.M.200, P.M.502 Rev O, P.M.500 Rev O, P.M. 202 and P.M.503 Rev O Received on 29.09.2023, P.000 Rev B Received on 07.11.2023, P.M.300 Rev B, P.M.301 Rev B, P.M.600 Rev Q and P.M.601 Rev Q Received on 13.11.2023, P.M.100 Rev C, P.M.400 Rev R and P.M.602 Rev R Received on 20.11.2023.

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 and surface material for parking area is 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 the proposed building 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 is 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. Prior to the commencement of development a survey report detailing ground conditions of the site shall be submitted to and approved in writing by the Local Planning Authority. Where Made Ground or contamination is encountered a scheme to investigate, assess and remediate contamination risks shall be agreed in writing with the Local Planning Authority, and shall be carried out in accordance with the agreed details and timetable. 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.

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.

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

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 - 7kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority 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 2023, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

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, roof alterations 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. 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 and cycles to be parked. Thereafter the parking area shall be retained and maintained for its designated purpose.

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 2023 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

Informatives

1. 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.
2. Please note that this application is subject to the payment of Community Infrastructure Levy (CIL). Details of the charge, how it has been calculated and what happens next are set out in the CIL Liability Notice which will be sent separately.

For amended permissions, a new CIL Liability Notice will only be issued where there has been a change to the developments Gross Internal Area (GIA). Where there is no change in GIA, the CIL Liability Notice for the original permission applies.

In all cases, if you have not already done so an Assumption of Liability notice should be sent to the Council as soon as possible and before the commencement of development.

*Please note, where planning permission is granted by way of general consent (including prior approval notifications), a Liability Notice will be generated following the submission of a Notice of Chargeable Development.

Before any works in respect of a CIL liable development is commenced, a Commencement Notice, or Notice of Chargeable Development in cases of general consent, must be submitted to the Council.

Non-compliance with the CIL Regulations will trigger enforcement action under the Part 9. Further information on CIL and the stages which need to be followed is available on the Council's website. www.spelthorne.gov.uk/CIL. Further guidance can be found on the Government website on the following link - <https://www.gov.uk/guidance/community-infrastructure-levy>.

3. 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.

Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking

Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.

4. The applicant should ensure that the proposed development will result in no net increase in external artificial lighting at the development site, in order to comply with above referenced legislation and the recommendations in "BCT & ILP (2018) Guidance Note 08/18. Bats and artificial lighting in the UK. Bats and the Built Environment. Bat Conservation Trust, London & Institution of Lighting Professionals, Rugby".
5. The applicant should take action to ensure that development activities such as demolition and vegetation or site clearance are timed to avoid the bird nesting season of early March to August inclusive.

As suitable foraging and commuting habitat exists within and surrounding the site, measures should be taken to enhance the site for Badger and Hedgehog including: • Ensuring the species can move across the landscape by creating suitably sized gaps into all close-boarded fencing • Creating habitat connectivity across the landscape • Creating a wild corner with minimal habitat management • Incorporating hedgehog homes into the development. In addition, any trenches left overnight, will need to be covered or provided with ramps to prevent mammals falling in and becoming trapped. If badger activity is detected, works should cease and advice from a suitably experienced ecologist sought to prevent harm to this species.

6. Native species or species of known biodiversity benefit are recommended when planting new trees and shrubs. Preferably these should be of local provenance from seed collected, raised, and grown only in the UK, suitable for site conditions and complementary to the surrounding natural habitat. Planting should focus on nectar-rich flowers and/or berries as these can also be of considerable value to wildlife.
7. Historically, land across Spelthorne has been subject to extensive mineral extraction, with subsequent infilling of the resultant voids. Excavations during some development works have encountered fill materials where records have not previously identified a history of extraction/infilling.

To confirm ground conditions at the application site minimum requirements of the survey are as follows:

- The excavation of 2-3 trial holes to a depth of 1.00mbgl. This can be done by hand or with a small digger
- At least one location beneath the footprint of the proposed dwelling and another one to two holes within the proposed rear garden and other associated landscaped areas.
- An inspection to be made of the ground conditions and confirm the absence or otherwise of any made ground/fill materials at this property, their thickness and extent.

- Photographs shall be taken of each exploratory position including all associated soil arisings (soils excavated and placed to the side of the hole as works progress).
- Where different soil horizons are encountered (i.e. topsoil to 0.40mbgl overlying a layer of sandy gravel to 0.60mbgl with stiff clay to the base of the excavation (c.1.00mbgl)) appropriate written logs will be required to detail the depths, thickness and description of the materials encountered.
- A scale plan (such as the site layout plan) indicating the location of the exploratory positions in relation to the proposed property and a photograph taken across the site detailing the soils and arisings.
- The information, logs and photographs can be submitted to us in a simple letter report.
- If made ground materials are encountered during the excavations soil sampling and assessment of contamination risks will be required to be undertaken by a suitably qualified person.

Made Ground refers to non-natural/notable fill materials - fragments of brick, concrete, metal, plastic, timber, glass, ashy materials. Evidence of contamination is identified by either visual (staining of soil or sheens on groundwater (if encountered)) or olfactory means (organic, tarry, hydrocarbon/petrochemical odours). If materials of this nature are discovered during the survey, you are advised to contact us for further guidance.

The applicant should be mindful not to create a dust nuisance during demolition works, particularly where any asbestos containing materials may be present. If removal of asbestos cement sheet roofing 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 cement sheets, which outlines good practice, how to prepare and what equipment is needed, how to remove the sheets and how to deal with the sheets once removed (<http://www.hse.gov.uk/pubns/guidance/a14.pdf>). 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>).

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).

- 9. 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.
- 10. In accordance with Approved Document S of the Building Regulations, you will be required to install electric vehicle charging facilities.
- 11. All gas-fired boilers should meet a minimum standard of <40mgNOx/kWh to meet best practice.