

Planning Committee

08 May 2024



Application No.	24/00170/FUL		
Site Address	Crownage Court, 99 Staines Road West, Sunbury-on-Thames, TW16 7AE		
Applicant	Mayfair Homes Management Ltd		
Proposal	Provision of a rooftop extension to provide 14 apartments (resubmission of PA 21/01742/FUL)		
Officers	Kelly Walker		
Ward	Sunbury Common		
Call in details	N/A		
Application Dates	Valid:29/02/2024	Expiry: 30/05/2024	Target: Within 13 weeks
Executive Summary	<p>This application relates to the existing building which was originally built as an office but has more recently been converted to residential flats following approval of a Prior Approval application. It is located on the northern side of Staines Road West where it adjoins Green Lane. The surrounding area contains a mixture of uses, with taller buildings on Staines Road West and in the Sunbury Cross Centre to the east. Many were originally designed for commercial uses; however, several have been converted to residential. To the rear along Green Lane and Heathcroft Avenue are two storey dwellings and some bungalows. There are other commercial uses along Staines Road West to the west, including a car showroom on the corner with Green Lane.</p> <p>This planning application proposes the erection of extensions on top of the existing building to provide a further 14 residential units comprising 6 x 1 bed, 7 x 2 bed and 1 x 3 bed units. This is a re-submission of the same proposal, approved by planning permission ref. 21/01742/FUL, which expired on the 2 March 2024. As there has been no material changes in planning circumstances since this time, this is a material planning consideration which carries very substantial weight in the decision making of this planning application.</p> <p>The proposal results in the extension of an existing residential building in a sustainable location. The proposed flats are considered to be acceptable in regard to design, and the scheme is in keeping with the character of the area. The proposal will have a satisfactory impact on the existing neighbouring residential properties and provide a good standard of amenity for future occupants. The proposal will be acceptable on</p>		

	<p>parking, highway grounds and flooding. Drainage and renewable energy provision are acceptable.</p> <p>The proposal will be an efficient use of brownfield land in a residential area, providing much needed housing, contributing to housing delivery in the Borough. In addition, the 'tilted balance' is applicable in this case. It is considered that there is no significant or demonstrable harm that would outweigh the benefits of the scheme, as with the previous scheme.</p>
Recommended Decision	The application is recommended for approval.

MAIN REPORT

1. Development Plan

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

- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

1.2 The relevant Emerging Local Plan policies are: -

- 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

1.3 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 May 2023. However, on 6 June 2023, the Council resolved the following: Spelthorne Borough Council formally requests 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. 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 Council resolved to extend the pause in the Examination timetable until the proposed changes to the NPPF have been published (expected in the Autumn) before determining the next steps and take immediate legal advice to confirm the validity of the minister's directive. The revised NPPF was published on 19 December 2023 and the Council considered its position in light of the implications on the Local Plan and whether Members wished to propose modifications as a result. At an Environment & Sustainability Committee meeting on 29 February 2024, Members agreed to the proposed modifications relating to Green Belt allocations, flood risk sites and the Staines Development Framework, which have been conveyed to the Inspector for his consideration on whether the examination will be able to resume.

As such the policies carry limited weight in the decision-making process of this current planning application.

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

- SPG on Parking Standards Updated 2011
- SPD on Housing Size and Type 2012.
- SPD on Flooding 2012
- SPD on the Design of Residential Extensions and New Residential Development 2011

1.5 Government policy contained within the National Planning Policy Framework (NPPF) 2023 is also relevant.

2. Relevant Planning History

Ref. No.	Proposal	Decision and Date
21/01742/FUL	Provision of a rooftop extension to provide 14 apartments	Grant conditional 02.03.2022
21/00543/FUL	Provision of a rooftop extension to provide 14 duplex apartments	Withdrawn 09.08.2021
18/01323/FUL	Erection of a boundary railing of 1m in height to the front of the premises	Grant 29.11.2018
16/01111/PDO	Prior approval notification for the change of use of the lower ground floor from offices (B1) to residential (C3) comprising 6 flats.	Prior Notification Office Refuse 08.09.2016
16/00698/FUL	External alterations to existing building involving the installation of metal cladding and brickwork to form new fenestration, and other alterations.	Grant Conditional 25.08.2016
16/00012/PDO	Prior approval notification for the change of use from offices (use class B1a) to residential (use class C3) comprising 59 flats	Prior Notification Office Approve 04.03.2016
14/00961/FUL	Extensions and alterations to existing building involving conversion of existing office building to 26 residential flats (2 no. 2-bed, 4 no. 3-bed, 19 no. 4-bed and 1 no. 5-bed) associated gym, reception and concierge areas, parking. -Infill extension on the at first, second and third floor level. -Erection of 3-storey front and rear extensions. 2-storey rear extension and roof extension at fourth floor level on the Green Lane frontage.	Grant 16.03.2015
13/01634/PDO	Prior Approval Notification for the change of use from offices (use class B1a) to residential (use class C3) comprising 23 flats.	Prior Notification Office Approve 23.12.2013
99/00423/FUL	Change of use from Class A1 (Retail) to class B1 (offices).	Grant 24.09.1999
91/00254/FUL	New plant room at roof top level	Grant 18.04.1991

3. Description of Current Proposal

- 3.1 The application site is located on the northern side of Staines Road West, on the corner with Green Lane and is a large rectangular shaped plot. The site is occupied by a former office building over 4 stories of accommodation and is L

shaped along the street frontages. It has been converted to residential use following a Prior Approval permission being granted (16/00012/PDO) and has also undergone some external changes to help facilitate this. The works, which included fenestration and external materials, were approved under planning application ref 16/00698/FUL. The building now contains 59 flats with parking provided in the basement levels and it is accessed from Green Lane.

- 3.2 Permission was granted on the 2 March 2022 (ref 21/01742/FUL) for the provision of a rooftop extension to provide 14 apartments. This application had a 2 year lifespan and has since expired. This application seeks permission for the same scheme. As such, this is a material planning consideration and must be given substantial weight given the policies and constraints at the site have not changed since this decision was made.
- 3.3 The applicant notes that in this short permission window, site ownership has changed and there has not been time to make a meaningful start on site, nor have time to satisfy the pre-commencement conditions attached to the permission. The applicant notes that this application seeks to re-submit the approved scheme for a new planning application with no change to the design but simply to enable more time to implement the scheme. All supporting information submitted for the original application (ref: 21/01742/FUL) is unchanged. A new contamination report, detailed SuDS Strategy and Energy Statement are included within this submission.
- 3.4 Other properties along Staines Road West to the east are of a similar scale with accommodation over 3 and 4 stories, and most were originally office buildings, many of which have now been converted to alternative uses, including residential flats. The adjacent building to the east contains a church and is over 3 stories of accommodation. Further to the east is Sunbury Cross roundabout and the junction with the M3 motorway, with more tall buildings. On the opposite side of Staines Road West is a tower block at Kempton Point of 16 storeys in height. To the west along Staines Road West are mostly buildings in residential use, but there are also some commercial developments. Most buildings in this direction, are more domestic in scale and of traditional design. On the opposite corner of Green Lane is a car show room and adjacent to this along Green Lane are some bungalows. To the north, at the rear of the application site, are the residential dwellings located in Heathcroft Avenue. These consist of semi-detached and terraced 2 storey family housing fronting the road, with their rear gardens behind, backing directly onto the application site.
- 3.5 The site is located within the urban area, within a designated Employment Area and within the 1 in 1000 year flood zone (Flood Zone 2).
- 3.6 As noted above, the approved scheme was submitted following a withdrawn scheme for a larger extension to provide 14 larger flats. This included a 2 storey extension across the entire building. It was withdrawn following concerns raised by Officers, and as such, a much larger extension in overall scale and massing. The current application which is the same as that previously approved, was subsequently submitted in order to address the issues with the previous application by reducing the scale of the proposed development, including reducing the size/number of bedrooms of the

proposed flats in order to comply with planning policies on smaller units and design, as well as increasing the setback distance from Heathcroft Avenue to the rear and prominence on Green Lane.

- 3.7 The proposal is for the erection of additional floors on top of the existing building to provide an additional 14 flats (comprising 6 x 1 bed, 7 x 2 bed and 1 x 3 bed units). This will include a new third floor on top of the existing Green Lane frontage (set back from the exiting side elevation by 2m) which will contain 5 new flats. In addition, there will be a new fourth and fifth floor on top of the existing building fronting Staines Road West. The proposed fourth floor will provide 6 flats and will extend across the frontage and close to the side elevation from Green Lane. The proposed fifth floor will be set back from the floor below and also from the corner with Green Lane and will provide a further 3 units. This extension will partly replace the existing plant located on top of the existing building.
- 3.8 The design will be flat roofed and will include a variety of materials to reflect those of the existing building and, in addition, the use of timber cladding for the new top floors. Eight of the proposed flats will have a private balcony/terrace area and in addition the proposal provides a communal terrace area.
- 3.9 The proposal will provide no further parking spaces. The site currently benefits from 75 car parking spaces in total within the basement and ground floor levels. The proposal will reutilise 11 of these existing car parking spaces for more accessible cycle storage areas. Therefore 64 car parking spaces will be provided at the site for the 73 units overall, although no further spaces are being provided for this current proposal. In addition, further cycle parking and refuse storage areas will be provided. These are shown on the plans for the existing flats, as well as those proposed in order to demonstrate that the site can accommodate this. In addition, a refuse management plan has been submitted.
- 3.10 Copies of the proposed site layout and elevations are provided as an Appendix.

4 Consultations

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

Consultee	Comment
County Highway Authority	No objection, recommend conditions
Group Head-Neighbourhood Services	No objection, recommend conditions
Sustainability Officer	No objection, recommends a condition
Lead Local Flood Authority (Surrey County Council)	No objection, recommends conditions
Heathrow safeguarding	No objection

Thames Water	No objection
Crime Prevention Officer	No objection, recommend conditions
Environmental Health (Contaminated land)	No objection
Environmental Health (Air Quality)	No objection, recommends conditions

5. Public Consultation

5.1 Following receipt of the planning application, 98 properties were notified of the planning application. Furthermore, a statutory site notice was displayed, and the application was advertised in the local press. A total of 9 letters of representation were received objecting to the application.

5.2 Reasons for objecting include: -

- Lack of parking/highway issues/congestion
- Too many units, intensity of use, density
- Noise and disturbance during construction
- Overlooking/Loss of privacy/intrusive
- Damage to existing building/flats.
- Air and noise pollution
- Lack of infrastructure
- Design and appearance, overdevelopment/out of keeping.
- Lack of facilities existing already – refuse, cycle parking etc
- Flooding in car park
- Cycle parking spaces not sufficient currently.
- Loss of light/overshadowing
- Concerns over well-being of existing residents
- Use of materials – fire safety
- Accessibility for disabled people/parking spaces/lifts
- Property Value (not a planning issue)
- Poor management (not a planning issue)

6. Planning Issues

- Housing supply
- Housing density
- Design and appearance
- Residential amenity
- Parking/Highway issues
- Flooding
- Renewable energy
- Ecology
- Dwelling mix
- Air quality

7. Planning Considerations

The proposed flats were granted planning permission just over two years ago and as there has been no material changes in planning circumstances since this time, this is a material planning consideration which carries very substantial weight in the decision making of this planning application.

Housing Land Supply

7.1 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) 2023.

7.2 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 method¹. 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 and this figure forms the basis for calculating the five-year supply of deliverable sites although a 20% buffer is required to be added for Spelthorne in accordance with Government requirements due to a historic under delivery. Historically, Local Planning Authorities (LPAs) needed to demonstrate a 5 year housing land supply to meet its housing needs, however, the revised NPPF, para 226 states:

“From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.”

7.3 This paragraph applies to Spelthorne because the emerging local plan has been submitted for Examination. Following the lack of clarity on the interpretation of this paragraph, the Government issued a revision to the PPG on Housing Supply and Delivery on 05/02/24. Within this guidance, it is

¹ Planning Practice Guidance Reference ID: 68-005-20190722

confirmed that *“Both the 5 year housing land supply and the 4 year housing land supply that authorities should demonstrate for decision making should consist of deliverable housing sites demonstrated against the authority’s five year housing land supply requirement, including the appropriate buffer”*.

- 7.4 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. 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” which applies to Spelthorne. A 20% buffer applied to 618 results in a figure of 742 dwellings per annum, or 3,708 over five years.
- 7.5 In using the objectively assessed need figure of 742 as the starting point for the calculation of a four year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review, the Borough’s housing supply will be assessed in light of the Borough’s constraints, which will be used to consider options for meeting need. The Council has now published its Strategic Land Availability Assessment (SLAA) which identifies potential sites for future housing development over the plan period.
- 7.6 The sites identified in the SLAA as being deliverable within the first five years and subsequent updates from landowners have been used as the basis for a revised four year housing land supply figure. Spelthorne has identified sites to deliver approximately 2,278 dwellings in the **four** year period.
- 7.7 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 3 year supply and accordingly the Council cannot at present demonstrate a four year supply of deliverable housing sites. There is, therefore, a presumption in favour of sustainable development.
- 7.8 In terms of the five year housing land supply figures, the need is 3,708 dwellings (including a 20% buffer) and the projected supply is 2780 dwellings which provides a five year housing land supply of 3.8 years.
- 7.9 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 (2022) for Spelthorne Borough Council was published by the Secretary of State in December 2023, with a score of 68%. 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 68% is less than the 75% specified in the regulations. The figure compares with 69% last year and 50% 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 (2023). 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’

Principle of the Development for Housing

- 7.11 Policy HO1 of the Local Plan is concerned with new housing development in the Borough. HO1 (c) encourages housing development on all sustainable sites, taking into account policy objectives and HO1 (g) states that this should be done by:

“Ensuring effective use is made of urban land for housing by applying Policy HO5 on density of development and opposing proposals that would impede development of suitable sites for housing.”

- 7.12 This is also reflected in the NPPF paragraph 123 which notes that Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and provides further relevant context at paragraph 129 in respect of achieving appropriate densities which states that:-

‘Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.’

- 7.13 The site is located within walking distance of Sunbury Cross shopping centre, in the urban area on a previously developed site, with an existing residential use. As such, the site is within an accessible location close to facilities and public transport links. Therefore, the principle of creating 14 new residential units is considered acceptable and has already been given permission two years ago. Furthermore, the proposal is considered to comply with the aims of National Planning Policy Framework (NPPF) and makes efficient use of urban land. The principle of the development is, therefore, acceptable, provided other policies requirements are met as discussed further below.

Housing Density

- 7.14 As referred to above, when considering the principle of housing, the NPPF and Policy HO1 requires new housing development to be sustainable and to be located in the urban area. This scheme meets both of these requirements. Notwithstanding this, Policy HO5 in the Core Strategy Policies DPD 2009 (CS & P DPD) sets out density ranges for particular contexts but prefaces this at paragraph 6:25 by stating:

“Making efficient use of potential housing land is an important aspect in ensuring housing delivery. Higher densities mean more units can be

provided on housing land but a balance needs to be struck to ensure the character of areas is not damaged by over-development.”

- 7.15 Policy HO5 specifies densities and notes that within higher density residential areas, including those characterised by a significant proportion of flats and those containing significant Employment Areas, new development should generally be in the range of 40 to 75 dwellings per hectare. It is important to emphasise that the density ranges are intended to represent broad guidelines and development will also be considered against the requirements of Policy EN1 on design.
- 7.16 The principle of a high density development on urban land is the focus of the NPPF and Policy HO1 in order to make efficient use of land of previously developed and brownfield land, in sustainable locations.
- 7.17 The proposal is for 14 units. The site area is some 0.32 hectares and there are 59 flats currently at the site. This would result in a total of 73 units in total and will therefore result in a density of 228 dwellings per hectare, which exceeds the recommended density range of 40-75 dwellings per hectare in Policy HO5. However, the policy also notes that higher density development may be acceptable where it is demonstrated that the development complies with Policy EN1 on design, particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non-car-based modes of travel.
- 7.18 In addition, the NPPF in para 128 Achieving appropriate densities states that,

‘...Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use....’*

Therefore, the density is considered to be acceptable in this instance, as before, provided it complies with Policy EN1 on design which is explained in the following paragraphs.

Dwelling mix

- 7.19 Policy HO4 of the CS & P DPD (Housing Size and Type) states that the Council will ensure that the size and type of housing reflects the needs of the community by requiring developments that propose four or more dwellings to include at least 80% of their total as one or two bedroom units. The SPD allows for the majority to be smaller dwellings when located in an area characterised by family dwellings such as this location. The proposal provides 13 of the 14 units as smaller, 1 or 2 bed units, which is over 80% and acceptable. Consequently, the proposed dwelling mix complies with the requirements of Policy HO4 and is acceptable.

Design and appearance

- 7.20 Policy EN1(a) of the CS & P DPD states that the Council will require a high standard of design and layout of new development. Proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines layout, materials and other characteristics of adjoining buildings and land.
- 7.21 Section 12 of the NPPF refers to design - Achieving well-designed places and in particular that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.22 In paragraph 139 the NPPF states that, '*...Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
 - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."*
- 7.23 The National Design Guide, for beautiful, enduring and successful places, produced by the {former} MHCLG in 2021, addresses how we recognise well design places by outlining ten characteristics; context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and life span.
- 7.24 In para 51 when referring to identity it states that, '*...Well-designed places, buildings and spaces: have a character that suits the context, its history, how we live today and how we are likely to live in the future*'. Other relevant paragraphs from the National Design Guide in relation to built form and home and buildings sections are noted below.
- '53 Well-designed new development is influenced by:*
- *an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;*
 - *the characteristics of the existing built form*

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

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

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

- 7.25 The proposal includes a new third floor on the Green Lane frontage, containing 5 flats, which extends back into the site towards the properties to the north on Heathcroft Avenue. This storey will be set back from the existing storey below on the Green Lane frontage by 2m and 1.5m from the building below on the Staines Road West frontage. It will have a depth of some 28m on top of the existing building but will stop some 14m short of the rear of this existing element. There is an existing stairwell feature at the rear of the building on the Green Lane frontage that exceeds the height of the existing building on this frontage and will be a similar height to the proposed new floor. The proposed set back helps to ensure that the proposed new floor is subservient, and that this elevation pays regard to the fact that development along Green Lane and Heathcroft Ave is of a smaller domestic scale. As such, this part of the proposal is considered to be appropriate for this location.
- 7.26 A new fourth floor, containing 6 flats, is proposed to extend across the Staines Road West frontage. This will have a set back from the Staines Road West elevation below by some 0.8m and will also be set back from the corner with Green Lane by some 1.7m. On the corner and along Green Lane, this will have large windows and wooden cladding to contrast with the floors below and the corner element is set back further from the road. The proposed fourth floor along the Staines Road West frontage will have the same footprint as the floor below (with no set back) and will be treated the same with grey cladding. In addition, a further fifth floor is proposed on top of this, to include 3 more flats. This will be set back from the front elevation of the floor below by 1m on the Staines Road West frontage and set in from the floor below at its point closest to the corner by 2m. In addition, it will be set back at the side towards the front, where it adjoins the adjacent property to the east at the church.
- 7.27 A mixture of materials will be used to reflect those of the existing building. This includes the same grey cladding for the fourth floor to the existing floors below. There will be a contrasting treatment, consisting of horizontal timber cladding, with large areas of glazing, to the top floors and corner on Green Lane. This will provide a contrast and in particular a 'lightness' to the top of the building, which along with the set-backs from the floor below will help the proposed extension to appear less dominant. The top floors will have a thin

roof overhanging to the building, clad with zinc, along the top to provide a 'cap' to it.

- 7.28 It is considered that the use of materials along with the scale and design, in particular, with the set backs from the main elevations, ensures the proposed development will pay due regard to the design and scale of the host building. In addition, balconies and terraces are provided which will have balustrades of glazing to help to integrate into the design and materials of the building.
- 7.29 Although the building is already relatively large in its scale, expanding across the corner of this large plot, it is considered the proposal will add further interest to the building and result in a building which is not out of keeping with its surroundings, despite it being taller than the adjacent property, which is set further forward. It is located along a stretch of Staines Road West which has a number of taller buildings and a variety of styles, and designs. As such it is considered that the proposal will have an acceptable impact on the visual amenity of the locality and will be in keeping with the street scene of Staines Road West. The separation from properties on Heathcroft Avenue allows the difference in context and street frontages to integrate sufficiently.
- 7.30 Paragraph 124 of the NPPF is of particular relevance to this site, it relates to optimising the site, noting that policies and decision should: -

'(d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).'

The scheme is considered to optimise the use of the site by providing a residential use in a sustainable location on an existing building in residential use which will integrate with its surroundings.

- 7.31 As such, it is considered that the design and layout and appearance will continue to be acceptable and will be in keeping with the character of the area and accord with Policy EN1.

Residential Amenity

- 7.32 The Council's SPD on Residential Extension and New Residential Development 2011 provides general guidance on minimum garden sizes (Table 2 and paragraph 3.30). In the case of flats, it requires 35 sq. m for the first 5 units and 10 sq. m for the next 5 each. This would equate to some 265 sq. m required for the 14 flats. The proposal provides private terrace/balcony areas for 8 of the flats providing some 201 sq. m of space. In addition, the proposal also provides a communal amenity area for occupants of the flats to the rear of the building, on the fourth floor, of some 76 sq. m. The combined areas of these amenity spaces, is some 277 sq. m. This meets the minimum requirement. Therefore, the provision of amenity space is considered acceptable and of a benefit to future occupants.

- 7.33 In regard to dwelling sizes, the SPD on the Design of Residential Extensions and New Residential Development 2011 sets out minimum floorspace standards for new dwellings. These standards relate to single storey dwellings including flats, as well as houses.
- 7.34 The Government has since published national minimum dwelling size standards in their "*Technical Housing Standards – nationally described space standard*" document dated March 2015. These largely reflect the London Housing Design Guide on which the Spelthorne standards are also based. The standards are arranged in a similar manner to those in the SPD and includes minimum sizes for studio flats. This national document must be given substantial weight in consideration of the current application in that it adds this additional category of small dwellings not included in the Council's Standards.
- 7.35 All of the proposed dwelling sizes comply with or exceed the minimum standards stipulated in the national technical housing standards and the SPD. The requirement for 1 bed flats is 39 sq. m, 2 bed flats is 61 sq. m and 3 bed flats is 74 sq. m. The smallest proposed 1 bed flats is some 47 sq. m and the 2 bed flats are at least 72 sq. m, which exceeds the minimum requirement for flats. As noted previously, 8 out of the 14 proposed flats also have a private terrace/balcony area and there is also some communal outside space for the occupiers. Therefore, it is considered the size of the proposed units is acceptable.
- 7.37 In regard to light and outlook, some of the flats are dual aspect, with windows facing in two directions. The flats each have large windows and most have direct access to their own private outside space, Given the space around the building and the height of the units, this will allow for relatively good levels of natural light to reach each apartment.
- 7.38 Therefore, it is considered that the standard of amenity for future occupants, overall to be acceptable, as it was with the previous approved scheme, in accordance with Policy EN1 and the SPD.

Impact on amenity of neighbouring residential properties

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

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

- 7.40 The scale of the development and proximity to the boundaries with existing properties needs to be given consideration to ensure that there is an acceptable relationship and that existing residential properties will not be significantly adversely affected by the proposal. The Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) sets out detailed guidance in order to ensure this is the case.

- 7.41 The SPD in para 3.6 acknowledges that ‘most *developments will have some impact on neighbours, the aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed.*’ It sets out minimum separation distances for development to ensure that proposals do not create unacceptable levels of loss of light, be overbearing or cause loss of privacy or outlook. These are set as a minimum for 2 storey development of 10.5m for back to boundary distance, and 21m for back to back development. Three storey development has a back to boundary distance of 15m and back to back distance of 30m. There are no minimum separate distances for buildings taller than 3 storeys.
- 7.42 To the north, the application site adjoins the rear gardens of dwellings located on Heathcroft Avenue. This boundary between the properties is staggered with the gardens increasing in length towards the east. The short garden of No. 95 is located on the corner with Green Lane, which has a garden with a length of some approx. 16m. The adjoining dwellings to No. 95 have rear gardens of approx. 20m in length. In addition, the existing building fronting Green Lane, is set back from this boundary by approx. 14m at its shortest point and 20m at its longest. This provides an existing gap of approx. 35m between the rear of the existing 2 storey dwellings on Heathcroft Avenue and the existing building on the application site at its closest point. The proposed extensions will be located on top of the existing building, which already has residential use and windows facing towards these dwellings and their gardens. Along the Green Lane frontage, the proposed extension will have a depth of 28m on top of the existing building but will be set back from the rear building line of the existing building by 14m. As such, the separation distance between the proposed third floor on Green Lane will be 49m from the rear building line of the existing 2 storey dwellings. This will be a gap of approx. 34m to the rear boundary with No. 96 and 28m with the adjoining dwellings. In addition, there is an existing stairwell feature at the rear of the building on the Green Lane frontage that exceeds the height of the existing building on this frontage and will be a similar height to the proposed new floor. This will help to partly shield the proposed Green Lane element, although it is not as wide as the proposed extension.
- 7.43 As noted above, three storey development has a back to boundary distance of 15m and back to back distance of 30m. There are no minimum separation distances for buildings taller than 3 storeys. This proposed floor will be the fourth storey on the Green Lane frontage and will have a separation distance of 28m back to boundary (at its shortest point) and 49m back to back. As such, given the set back and distance between, as well as the design of this part of the proposal on the Green Lane element, it is considered to have an acceptable relationship and impact in regard to overshadowing and loss of light, with the properties located to the north along Heathcroft Avenue. Windows are proposed in this rear element (which will be the closest part of the proposal to the northern boundary) and given the separation distances noted above, are considered not to give rise to a significant overlooking issue to the properties behind. In addition, there will be a balcony/terrace area, which could have screening imposed by condition to ensure the perceived overlooking is mitigated as they will be closer to the boundary.

- 7.44 The proposed fourth and fifth floors are to be located on top of the existing building fronting Staines Road West, partly replacing the existing plant. The fourth floor will extend across the entire frontage with the fifth floor set in from the corner with Green Lane. This part of the proposal will be set back some 40m from the rear boundary with the properties on Heathcroft Avenue, (as is the existing building), and approx. 68m from the existing 2 storey rear building line of these properties. This distance is considered to be sufficient to ensure the proposal will not result in a significant overlooking, loss of light or overbearing impact that would justify refusal of the scheme.
- 7.45 Properties on the opposite side of Green Lane are set back from the street frontage and are located 32m from the existing building. The proposal is for one new storey on top of this on the Green Lane frontage which will be set back a further 2m. As such the proposal is considered to have an acceptable impact on the amenity of these dwellings in regard to loss of privacy, loss of light and being overbearing. The proposal is also considered to have an acceptable relationship with the adjacent property to the east at the church, which is set further forward. The proposal will be built on top of the existing building and will be partly set back from the side at the front of the building. In addition, there is a gap between the buildings and as such it is considered to have an acceptable relationship with and impact on this building.
- 7.46 In addition, the proposal will not cross the 25 degree line when drawn from a point at 2m above ground level from the rear of the properties to the north at Heathcroft Avenue or indeed to the west on the opposite side of Green Lane. As noted before the proposed development is located over 34m away from the existing dwellings on the opposite side of Green Lane and 49m from the rear of the 2 storey dwellings on Heathcroft Avenue. This will ensure an appropriate level of daylight and a significant view of the sky is maintained, as set out in the SPD. As such, the proposed development is considered to have an acceptable relationship with existing neighbouring residential properties, and will not cause a significant loss of light, be overbearing, cause loss of outlook or loss of privacy.
- 7.47 Although it is acknowledged that there will be noise and disruption associated with the construction of the proposed development, in particular for those already residing in the building, this is not a planning matter and would not justify a reason for refusal of planning permission. It is considered that the existing properties will not be detrimentally impacted by the physical form of the proposed development in planning terms, given that the extensions will be located on top of the existing building. Although there may be a reduction in some sunlight and views of the sky from some of the windows, in some of the units close to the corner, this is not considered to be significant and as such would not result in a significant loss of light, overbearing or overlooking impact to the existing residents.
- 7.48 The proposal is considered to have an acceptable relationship and therefore an acceptable impact on the amenity of existing neighbouring residential properties, and those existing residents of the subject building conforming to the Design SPD and Policy EN1, as with the previously approved application.

Parking and Highway Issues

- 7.49 Strategic Policy SP7 of the CS & P DPD states that the Council will reduce the impact of development in contributing to climate change by ensuring development is located in a way that reduced the need to travel and encourages alternatives to car use. It will also support initiatives, including travel plans, to encourage non-car-based travel. Policy CC2 of the CS & P DPD states that the Council will seek to secure more sustainable travel patterns by only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account: (i) number and nature of additional traffic movements, including servicing needs; (ii) capacity of the local transport network; (iii) cumulative impact including other proposed development; (iv) access and egress to the public highway.
- 7.50 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.
- 7.51 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's then recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum standards (maximum parking standards continue to be applicable in relation to commercial development).
- 7.52 The proposal is for 14 no dwellings (1 no. 3 bed, 7 no 2 bed and 6 no. 1 bed). The Council's Parking Standards SPG states that one bedroom units should be provided with a minimum of 1.25 car parking spaces per dwelling, two bedroom units, 1.5 for 2 bed units and 2 per three bed units. On this basis the development would be required to provide 20 spaces for the proposed residential units. The site already contains 59 flats and currently has 64 car parking spaces. The proposal does not include any further parking spaces with this proposed development. As such the proposal will result in 73 residential units in total and 64 car parking spaces. There is an issue with flooding in the existing carpark which results in some of the spaces being unusable. The applicant notes that there is a drainage pump which needs to be switched on in order to drain the water in the car park, and the building owner will ensure a management company is appointed to do this.
- 7.53 However, the lack of parking for the proposed development is not considered to be a reason to refuse the scheme, in particular given the location of the site. The site is located within walking distance of local facilities including Sunbury Cross shopping centre, Sunbury train station and bus stops, therefore in a relatively sustainable location. Consequently, it is considered that the level of parking is acceptable.
- 7.54 The County Highway Authority (CHA) has raised no objection to the proposed level of car parking on the site. It notes the history of the site, specifically the previous application assessed by the CHA, i.e. planning reference no: 21/01742/FUL. The CHA notes the similarity of this to the current application which proposes the same land use, whilst associated trip rates and vehicle

sizes are unlikely to be different so, as such, there will be no significant changes in terms of highway arrangements. The CHA notes that it is aware of the concerns raised by residents in relation to parking overspill and the intensification of the site in terms of trips. It states that, '*...If a site is in a sustainable location, and we would deem this site fits that description, then SCC policy is to consider whether alternative modes of transport mean that future occupiers are by necessity going to be car owners. In this case there are walking, cycling and public transport opportunities nearby, so we wouldn't consider on-site parking to be a requirement for future occupiers.*'

7.55 They have also recommended a condition requiring cycle parking provision for the proposed development at a rate of 1 cycle space per unit in accordance with the approved plans. The CHA has used the 2011 Census data for the locality and have concluded that it is unlikely that 1 or 2-bed flats will have more than two vehicles associated with them, even where they do have more than one vehicle.

7.56 The CHA notes that, '*...This data indicates that the development is unlikely to generate a parking demand much greater than one vehicle per flat. It is also noted that a third of households, similar to those of the proposed flats, within the local area did not own a vehicle in 2011. Based on the percentages, the proposed development could give rise to a total of 12 vehicles. The CHA therefore considers that any future occupiers of the flats should not be allocated a parking space will have purposely chosen the development in acknowledgement of this and would not typically own a car, nor would place a high reliance on car ownership. The CHA acknowledges that where there is some excess parking demand, or where visitors arrive at the site by car, that parking could take place outside the site. Whilst it is appreciated that the LPA may consider this causes an amenity concern, the Highway Authority does not consider this would result in a significant highway safety issue on the adjoining public highway. There are single yellow lines around the junction of Green Lane with A308 Staines Road West, and on both Green Lane and Staines Road West themselves, and so this will help to prevent on-street parking from taking place in dangerous locations and protect users from any highway safety hazards.*' Therefore, the CHA concludes that subject to the imposition of conditions, they raise no objections on highway safety or capacity grounds.

7.57 The proposal also provides cycle parking for the new units as well as the existing ones. Taking into account the site's sustainable location, and the comments from the County Highway, it is considered that the parking provision continues to be acceptable in this instance and location, according with Policies CC2 and CC3, subject to conditions to ensure the proposed parking layout and cycle parking provision is implemented including line markings which are currently not present on site.

Flooding

7.56 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by not permitting residential development or other 'more vulnerable' uses [e.g. residential] within Zone 3a where flood risks cannot be overcome.

- 7.57 The site is located within the urban area in an area liable to flood 1 in 1000 year event (Flood Zone 2). This is not in the higher risk flood zones and is therefore acceptable location for new dwellings. SCC as the Lead Local Flood Authority has been consulted in relation to drainage and raises no objection recommending conditions for SuDS to ensure adequate drainage of the site. Therefore, the proposal is considered to be acceptable on flooding grounds and accords with Policy LO1 and the NPPF on flooding.

Renewable Energy

- 7.58 Policy CC1 of the CS & P DPD states that the Council will require residential development of one or more dwellings and other development involving new building or extensions exceeding 100 sqm to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources unless it can be shown that it would seriously threaten the viability of the development.
- 7.59 The applicant is proposing to install Solar Panels on the roof of the development in order to meet the renewable energy requirement stipulated in Policy CC1. The applicant's renewable energy statement demonstrates that this will generate at least 10% of the total energy demand on the site, which meets the requirement and therefore complies with the policy. The Council's Sustainability Officer was consulted and considers the proposals to be acceptable. Accordingly, a condition will be attached to any consent issued and the proposed renewable energy facilities are considered to comply with Policy CC1 and are acceptable.

Air quality

- 7.60 The applicant has submitted an Air Quality Assessment (AQA), as is required by Policy EN3 of the CS & P DPD. The Council's Environmental Health Officer (EHO) has been consulted and has raised no objection subject to the imposition of conditions. Therefore, the proposal is considered to accord with Policy EN3 on air quality.

Contaminated land

- 7.61 The applicant has submitted a contaminated land assessment. With the previous application, the Environmental Health Officer (EHO) recommended conditions in accordance with para. 183 of the NPPF and Council Policy EN15. The EHO has been consulted once again and notes that there are no proposed groundworks for this development. The submitted phase 1 desk study concludes that a site investigation is not required. Therefore, the proposal accords with Policy EN15 and is acceptable.

Refuse storage

- 7.62 The proposed plans show the provision of bins for all of the existing residential flats as well as the proposed ones. 73 units would require 17,520

litres of bin space and 17,560 litres has been provided (16 x 1100 litres) In addition a waste management strategy has been submitted in order to ensure that the waste on site is managed better, to help improve the current situation on site and to aid the collection process, as with the previously approved scheme. The Councils Neighbourhood Services Department has been consulted and welcome this. As such, the refuse provision is considered to be acceptable.

Other matters

- 7.63 In regard to biodiversity the proposal is for a roof top extension to an existing building. The proposal does provide some areas of 'Green roofs' and in addition some outside space for new residents, which may have capacity for some form of vegetation, although limited, will be an improvement to the existing. The proposal is considered to be acceptable in regard to Policy EN8 and the NPPF which seeks to support opportunities to improve biodiversity in and around developments.
- 7.64 When the previous planning permission was granted, a condition was imposed to prevent hours of construction on Saturdays. This matter has been reconsidered in the light of the current application and it is considered that it is not necessary to impose this condition as it does not meet the guidance on the Use of Conditions in Planning Permissions'. The matter falls to be considered by Environmental Health and an informative has been added (no. 6) which states 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.'
- 7.65 The Health and Safety Executive (HSE) is a statutory consultee for fire safety matters for planning applications for tall buildings, which are referred to as 'relevant buildings'. For a proposal to be a relevant building requiring consultation with the HSE, (referred to as Planning Gateway One) it must contain 2 or more dwellings and met the height condition of 18m or more in height or 7 or more stories. This is measured from the upper floor surface of the top floor to the ground level and excludes roof top plant. As such the proposal does not fall under the remit of Planning Gateway One because it is lower than the specified height. Fire safety, however, will be considered as part of the Building Regulation Control. Only the design and visual nature of the proposed materials are a planning consideration and were considered acceptable previously.

Equalities Act 2010

- 7.66 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

- 7.67 The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means to have such regard as is appropriate in all the circumstances.
- 7.68 There is a lift provided for the new flats as well as the existing. No new parking spaces will be provided and there is no requirement to provide disabled parking spaces for this scheme and none were included in the previously approved scheme. The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. This can include but is not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. It is considered that it would be possible for individuals with disabilities to access the development and the proposal is acceptable in regard to the equalities act.
- Human Rights Act 1998
- 7.69 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.70 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.
- 7.71 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.
- 7.72 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.

Financial Considerations

- 7.73 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development and will generate a CIL Payment of approx. £176,000 in total. This is a material consideration in the determination of this planning application. The proposal will also generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

Conclusion

- 7.74 The proposal is for an extension on top of an existing building already in residential use, in a predominantly residential area. The proposed flats were granted planning permission just over two years ago and as there has been no material changes in planning circumstances since this time, this is a material planning consideration which carries very substantial weight in the decision making of this planning application. The proposed flats are considered to be acceptable in regard to design and appearance. The proposal will have an acceptable impact on the amenity of existing neighbouring residential properties and those in the existing building, providing a good standard of amenity for future occupants. The proposal will be acceptable on parking, highway grounds and flooding. Drainage and renewables are also acceptable.
- 7.75 The proposal will be an efficient use of brownfield land and involves building on top of an existing building already containing residential flats, which is the focus of Government Policy. The site is in a sustainable location, a residential area, providing much needed housing, contributing to housing delivery in the Borough. As noted previously the "tilted balance" approach as set out in paragraph 11 of the NPPF (2023) requires that planning permission should be granted unless "any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole" There is a presumption in favour of sustainable development, and the benefits of the scheme in this existing residential location clearly outweighs any harm, as such the NPPF requires permission to be. Therefore, the application is recommended for approval.

8. Recommendation

8.1 APPROVE subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:
278_2_001, 101B, 102B, 103, 104, 105, 106, 200A, 201, received on 9 February 2024 and additional plans 100, 107, 108, 109, 110, 111, 112, 203 and 202 received on 29 February 2024.

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

3. No development shall take place until details of the materials to be used for the external surfaces of the buildings and other external surfaces of the development are submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved materials and detailing.

Reason: - To ensure that the proposed development does not prejudice the appearance of the development and the visual amenities and character of the locality, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

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

Reason: - To ensure that the development is built in accordance with the submitted renewable energy details and is sustainable and complies with Policy SP7 and CC1 of the Spelthorne Development Plan Core Strategy and Policies DPD.

5. Prior to the first occupation of the development hereby approved facilities within the curtilage of the site for the storage of refuse and recycling materials have been provided in accordance with the

approved plans. Thereafter the said approved facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.

Reason: - 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 occupation of the development, the drainage system shall be installed in accordance with the Sustainable Drainage System Strategy by STM Environmental dated February 2024. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

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

7. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS

- 8 The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the proposed flats have been provided in accordance with the approved plans. Thereafter the said approved facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.

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

9. Before the development is first occupied:
 - (a) Details shall be submitted for the approval of the Local Planning Authority of on-site mitigation measures (to include mechanical whole dwelling ventilation to all properties) with the air intakes located at high level away from the direction of adjacent sources of air pollution and with consideration of the prevailing wind direction from such sources, to protect the occupiers of the development from poor air quality. The mechanical ventilation system must incorporate adequate filtration/treatment to be effective against the ingress of roadside air pollutants to the dwellings. The development shall not be first occupied until

those mitigation measures have been provided and are operational.

- (b) Details shall be submitted for the approval of the Local Planning Authority of the location of the air intakes and the complete specification and maintenance regime for the equipment, which must be established and in place before the development is first occupied. The equipment shall thereafter be retained and maintained in accordance with the approved details.

Reason: -. In the interest of the amenity of future occupants and air quality.

- 10. Prior to the occupation of the development hereby approved the approved parking spaces shall be laid out and marked as shown on the approved plan and shall thereafter be retained as such.

Reason:- In the interest of parking amenity and highway safety

Informatives

1. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-4-Cranes-2016.pdf>).
2. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
3. The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
4. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
5. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the

development itself or the associated highway works) on the highway. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see Alterations to existing roads under S278 Highways Act 1980 - Surrey County Council ([surreycc.gov.uk](http://www.surreycc.gov.uk)) and <http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-managementpermit-scheme>.

6. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
 - b) 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;
 - c) 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;
 - d) Deliveries should only be received within the hours detailed in (a) above;
 - e) 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;
 - f) There should be no burning on site;
 - g) Only minimal security lighting should be used outside the hours stated above; and
 - h) 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).

7. The applicant is advised that the essential requirements for an acceptable communication plan forming part of a Method of Construction Statement are viewed as:
 - a. how those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme;

- b. how neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them;
 - c. the arrangements that will be in place to ensure a reasonable telephone response during working hours;
 - d. the name and contact details of the site manager who will be able to deal with complaints; and
 - e. how those who are interested in or affected will be routinely advised regarding the progress of the work. Registration and operation of the site to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements.
8. 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>
9. The applicant should be mindful to follow best practice when selecting gas-fired boilers. A minimum standard of less than 40mgNOx/kWh should be met. All gas fired CHP plant should meet a minimum emissions standard of 250mgNOx/kWh for spark ignition engine.
10. The applicant should be mindful to follow best practice dust control measures during demolition, earthworks, and construction to prevent excessive dust emissions.
11. The applicant is advised to provide signage in the parking bay to inform drivers to switch off their engines when stationary. This is to help prevent idling engines contributing to poor air quality
12. The applicant is requested to submit a Travel Plan incorporate, (following the Surrey County Council 'Travel Plan Good Practice Guide') to the Local Planning Authority and regularly updated as necessary, in association with the development hereby approved
13. The applicant is advised to provide full user packs of the mechanical ventilation system to the occupants of the flats, including its full purpose (including local air quality) and how to use it
14. The applicant is requested to incorporate, Electric vehicle charging points where possible, into the development hereby approved:
15. The applicant's attention is drawn to the ACPO/Home Office Secured by Design (SBD) award scheme, details of which can be viewed at www.securedbydesign.com.

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

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

Further information on CIL and the stages which need to be followed is available on the Council's website. www.spelthorne.go.uk/CIL

17 it is recommended that the parking spaces are allocated, and that prospective residents are made aware by the developer if they are able to have a parking space before moving in