

Planning Committee

18 September 2024



Application No.	24/00369/FUL
Site Address	35 The Avenue Sunbury-on-Thames TW16 5HY
Applicant	Mr and Mrs Ranjeet and Amrit Kaur Rana
Proposal	Erection of a replacement detached dwelling house to replace existing detached property and garage.
Case Officer	Vanya Popova
Ward	Sunbury East
Called-in	<p>This application has been called in by Councillor Grant for the following reasons:</p> <ul style="list-style-type: none"> • Overdevelopment • Bulk and massing • Out of character • Adverse impact on the amenities of the immediate neighbouring properties

Application Dates	Valid: 22.03.2024	Expiry: 17.05.2024	Target: Extension of time agreed to 20.09.2024.
Executive Summary	<p>The application site relates to a two storey detached dwelling situated on the western side of The Avenue in Sunbury-on-Thames.</p> <p>This planning application proposes the demolition of the existing two storey house and garage to allow for the erection of a replacement two storey house, with a room in the roof space, that includes the installation of 1 no. rear facing dormer.</p> <p>The application site is located within a residential area which contains a mix of two storey properties, most of which have previously been altered and extended. It is considered that the proposed design and appearance of the replacement dwelling would be in keeping with the general character of the surrounding area. It is further considered that the proposal would not have any significant adverse impacts upon the residential amenity of adjoining properties. The proposal would also be acceptable in terms of flooding and parking provision.</p> <p>The proposal is therefore considered to be acceptable.</p>		
Recommended Decision	Approve the application subject to the conditions as set out in 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)
 - EN7 (Tree Protection)
 - EN8 (Protecting and Improving the Landscape and Biodiversity)
 - SP7 (Climate Change and Transport)
 - CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
 - CC2 (Sustainable Travel)
 - CC3 (Parking Provision)
- 1.2 Also relevant are the following Supplementary Planning Documents/Guidance:
- Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development 2011
 - Supplementary Planning Guidance (SPG) on Parking Standards 2011
 - Supplementary Planning Document (SPD) on Climate Change, April 2024
- 1.3 The National Planning Policy Framework (NPPF) 2023 is also relevant. The revised draft NPPF was issued in July 2024 and carries limited weight for decision making purposes.
- 1.4 On 19 May 2022, the Council agreed that the draft Spelthorne Local Plan 2022 – 2037 be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The public consultation for the Pre-Submission Publication version of the Local Plan ended on 21st September 2022 and the local plan was submitted to the Planning Inspectorate on 25th November 2022.
- 1.5 An Examination into the emerging Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved to request that the Planning Inspector pause the Examination for a period of three (3) months to allow time

for the new council to understand and review the policies and implications of the emerging Local Plan. After the three month pause the Council would decide what actions may be necessary before the Local Plan Examination should proceed.

- 1.6 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 Local Plan process forward.
- 1.7 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 had been published before determining the next steps.
- 1.8 On 22 September 2023, the Inspector agreed to a further pause to the Examination and requested that the Council continue to address the issues that he identified in the first week of the Examination, in particular flood risk and its potential implications in relation to the site allocation and delivery strategy of the plan. On 10 November 2023, the Environment Agency (EA) provided comments on Spelthorne's Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA) seeking additional information, amendments and updates to the assessment.
- 1.9 Following the Environment & Sustainability Committee meeting on 29 February 2024, it was resolved to propose, to the Planning Inspector, modifications to the emerging Local Plan, including the removal of all Green Belt site allocations, with the exception of two allocations that meet the need for Gypsy, Traveller and Travelling Showpeople, the removal of site allocations at high risk of flooding and to move some higher flood risk sites to the later plan period (years 11-15), and the withdrawal the Staines Development Framework as a core document.
- 1.10 On 18 July 2024, Council considered a report into the resumption of the Local Plan Inquiry which had previously been agreed by the Corporate Policy and Resources Committee on 8 July 2024. The report set out the recent response from the Environment Agency, and the options for deciding whether or not Council agreed a request for further Main Modifications to the Local Plan in order to resume the Examination hearings and progress the Plan to adoption. Council agreed the option to progress the local plan and officers have now requested this from the Inspector.
- 1.11 The NPPF 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.

1.12 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
- PS3: Heritage, Conservation and Landscape
- H1: Homes for All
- E2: Biodiversity
- E4: Environmental Protection
- ID2: Sustainable Transport for New Development

1.13 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
24/00084/TPO	TPO293/2023- T1 (shown as T1 on the submitted plan)-Oak-crown reduce the lateral branch tips to within 8m of the trunk, removing 2-3m of their length and cutting back to suitable side branches with a final cut diameter not exceeding 100mm- Reduce height from 19m to 17m by pruning approximately 2-3m off	Grant TPO Consent 06.03.2023

	the branch tips and cutting back to suitable side branches.	
23/01320/TPO	TPO30SUN-T9 - 1 x Horse Chestnut to reduce height of crown by up to 2m to suitable growth points and reduce lateral branches no more than 1.5m, also lift crown by 1m. Total finished height of approx. 12m high with crown spread of 7m..	Grant TPO Consent 18.12.2023
PLAN S/FUL/74/224	Erection of a single-storey rear extension of 144 sq.ft. (13.37 sq.m.) to provide a new kitchen.	Grant Conditional 05.08.1974

3. Description of Current Proposal

The application site and surrounding area

- 3.1 The application site relates to a two storey detached dwelling situated on the western side of The Avenue in Sunbury-on-Thames. The northern and southern flank boundaries are bounded by existing residential detached two storey properties (Nos. 33 and 37 The Avenue), whereas the western rear boundary is adjacent to Sunbury Park, which is designated as a Site of Nature Conservation Importance (SNCI). Sunbury Park is located within the Lower Sunbury Conservation Area (CA) (the application site is not within the CA).
- 3.2 The Avenue runs from north to south for some 1300 metres in length, comprising predominately two storey detached houses in a variety of designs and styles. The character of this area has evolved over time with changes to individual properties, many of which have previously been extended or altered. However, there is some distinct character such as the dwellings occupying relatively deep plots and are characterised by mature landscaping within the front gardens (predominately Horse Chestnut trees which are subject to a Tree Preservation Order TPO30/SUN) that break up the mass and partially screens the dwellings within the street scene. The gaps between the dwellings vary considerably both at ground and first floor levels. Although, there is some established pattern for The Avenue, which is the common use of red/brown roof tiles. The built form of the area is generally houses which are set back from the road, with front gardens and parking areas to the front of the buildings. At roof level, mainly the use of hipped roofs provide a strong separation between the dwellings.
- 3.3 The existing plot contains a house with a detached garage to the side and a wooden shed behind including a single storey rear extension. In addition, it contains driveway that provides parking for two vehicles at the front. There is a mature Horse Chestnut tree at the front subjecting to a Tree Preservation Order (TPO30/SUN- T9). The Council has also recently protected an Oak tree at the rear under a Tree Preservation Order (TPO293/2023- T1).

Proposal

- 3.4 This planning application seeks permission for the demolition of the existing two-storey detached house and garage and the erection of a replacement two-storey house with a room in the roof space that includes the installation of 1 no. rear facing dormer. The driveway parking within the front garden and the private garden area will remain in the same location as they currently are. The replacement dwelling would have an overall length at ground floor level of 13.5 metres (10.5 metres at two storey level), a width across the plot of 13.2 metres and a maximum height measuring 8.1 metres (1.1 metres ridge increase in comparison to the existing roof level) with the eaves reaching 5.2 metres. The replacement building is shown to set in from the northern and southern flank boundaries between 1 metre and 1.1 metres.



Front Elevation

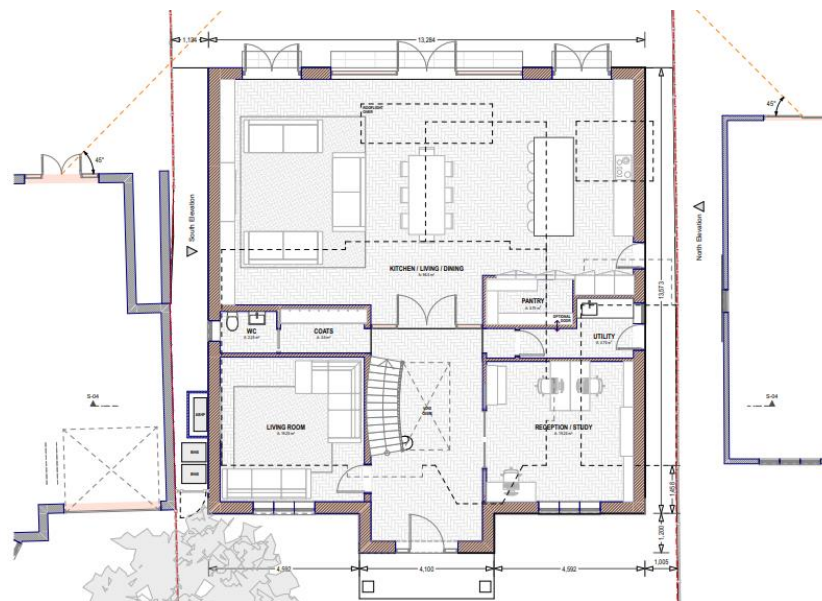
1:100



Rear Elevation

1:100

Proposed Front and Rear Elevations

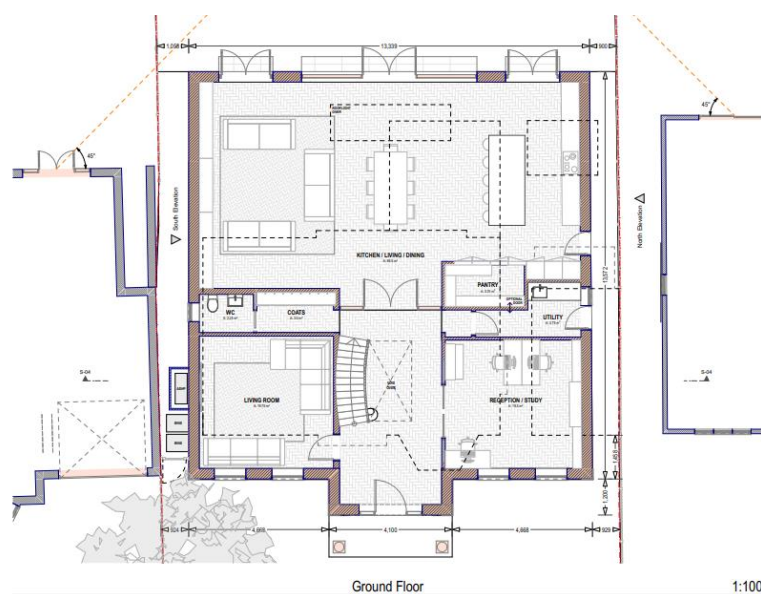


Proposed Layout Plan

- 3.5 The full set of proposed plans are provided as an Appendix.
- 3.6 It is worth noting that the current scheme has subjected to several amendments due to design concerns raised by the Local Planning Authority. Compared with the original plans, the bulk of the roof has been reduced along with the incorporation of only one dormer rather than the three rear dormers originally proposed. In addition, the latest plans show a minimum 1 metre set in distance from each flank boundary, together with changes to the openings and elevation detailing, including the proposed external materials.
- 3.7 The illustrations below outline the layout and front elevation of the original submission which has now been reduced.



Original Proposed Front and Rear Elevations (now superseded)



Original Proposed Layout Plan (now superseded)

4. Consultations

The following table shows those bodies consulted and their response.

Consultee	Comment
County Highway Authority	No objections on highway grounds, subject to conditions and informatives.
Surrey Wildlife Trust	No objections in principle. However, considers that a Bat survey is necessary prior to determination of this application.
Heritage Officer	No objections to the proposal.
Council Tree Officer	No objections in principle, subject to pre-commencement conditions requiring additional information to ensure the TPO trees would not be significantly impacted by the proposal.
Environment Health - Contamination	No objections subject to conditions.
Environmental Health- Noise	No objections to the proposal.
Sustainability Officer	No objection.

5. Public Consultation

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

5.2 The Council has received 29 letters of objection to the application, which also included received letters of objection from the Lower Sunbury Residents' Association (LOSRA).

5.3 Reasons for objecting include:

- Out of character
- Overbearing
- Over-development
- Bulk and height and massing
- Gaps between dwellings
- Parking/turning
- Impact on the TPO trees
- Landscaping
- Permitted development rights should be removed
- Needs to be designed to comply with Building Regulations Part M4(2): accessible and adaptable dwellings
- Loss of light
- Overlooking
- Loss of privacy
- Loss of outlook

- On-street parking stress
- Eyesore
- Impact on the biodiversity and wildlife
- Impact on the nearby conservation area
- Out of proportion house
- Visual impact
- Impact on building line
- Materials used
- Design issues
- Terracing effect
- Level of parking provision
- Location of the Air Source Heat pump
- Potentially used as a HMO (*Officer's note:- This proposal is for the erection of a replacement dwelling and should be assessed on this basis*)
- Highway safety issues

5.4 The Council has also received 18 letters of representation, which support the proposal. Reasons for supporting include:-

- Adds to the aesthetic of the area
- Adds value to the character
- Mixed area, fits in
- The value of properties will increase
- No changes to the traffic or parking
- Noise and disturbance will be as existing
- Objections are unfounded and misleading
- More sustainable and environmentally friendly
- Showed consideration of the trees which subject to TPO

6. Planning Issues

- Character and appearance.
- Residential amenity.
- Parking provision & highway impact.
- TPO trees
- Climate change
- Ecology
- Other matters

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. This remains unchanged in the draft NPPF.

- 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. The Council's Supplementary Planning Document 'Design of Residential Extensions and New Residential Development' (SPD) advises that that two storey developments should be 'set in' a minimum of 1 metre from the closest side boundary.

- 7.4 The submitted plans show that the proposed new building would be 1.1 metres higher than the adjacent two storey neighbouring properties to the north and south. The angle of the roof would slope in 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 within The Avenue. The proposed replacement dwelling would be set in between 1 metre and 1.1 metres from the northern and southern flank boundaries at first floor level. The proposed property would therefore maintain the general visual gaps from the side boundaries and the adjoining properties. This would comply with the Council's SPD design guidance of minimum separation distance from flank boundaries for new developments. 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 and would set down from the main roof. The two-storey front element with its single storey front canopy element would be keeping with the general building line in relation to this part of The Avenue. The proposed plans also show the provision of a rear facing dormer which is designed with pitched roof, setting up and in from the eaves, which are not considered to be over-dominant or out of proportion.

- 7.5 In terms of materials, the proposed façade will comprise red brickwork on the ground floor and render on the first floor. The side and rear elevations will be rendered. The roof will be faced with brown tiles. It is considered that the proposed materials and external treatment is in keeping with the character of the area.
- 7.6 The development as a whole incorporates traditional design features would be located within the prevailing building line, and would be set-in from its side boundaries. It is considered to be in proportion with the size of the plot. Importantly, the scale and bulk of the development has been reduced when compared to the originally submitted plans, along with amendments to the façade elements and external materials. The proposal shows changes to the roof angle of 30 degrees, lowering its ridge and reducing the bulk. As such, the proposed development as a whole would not appear cramped, and the scale and form of the proposal would sit comfortably within the wider established architectural character.
- 7.7 Furthermore, the proposal would have an acceptable impact visually when seen from the Sunbury Park. The Council's Heritage Officer was consulted and raised no objections to the proposal. For the reasons stated above it is considered that the proposal would have an acceptable impact upon the character of the area.
- 7.8 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

- 7.9 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.”

- 7.10 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 do not breach 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 a 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'.
- 7.11 The application site is immediately adjoined to the north and south by the two-storey detached properties (Nos. 33 and 37 The Avenue). The rear boundary is adjacent to the Sunbury Park. No 33 contains a part two storey, part single, storey rear extension along with an attached garage (near the boundary with No 35) which has also been extended at the front. In terms of No 37, the planning and building control records show a part two storey part single storey rear extension built in 1991 along with a single storey front garage extension and single storey rear extension built in 2007.
- 7.12 The proposed plans show the two storey element would line up with No 33 The Avenue's rear elevation of the existing part single storey rear element, whereas No 37's rear elevation would still project forward at the rear. 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 from both neighbouring nearest ground floor rear openings. The proposed single storey rear element with flat roof would extend 3.2 metres and 1.5 metres at the rear beyond Nos 33 and 37 rear elevations respectively. The proposed single storey element would therefore respect the Council's 4 metres depth recommendation for single storey projections to detached properties.
- 7.13 The proposed plans indicate that the replacement dwelling would contain two first floor flank openings (one on each side). Given that both windows would serve bathrooms (non-habitable rooms), a condition has been recommended that these windows are obscured glazed and non-opening below 1.7 metres floor level.
- 7.14 It has been noted that there are neighbouring concerns in respect of potential overlooking and loss of privacy in regard to the proposed rear facing dormer. However, the proposed dormer will be located at the rear and the existing house currently contains first floor rear windows in the same place. Given that any views will be oblique and that a dormer element could potentially be installed under Permitted Development on the existing house, it is not considered that a refusal could be justified on the provision of a second floor rear window.
- 7.15 Therefore, 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. Consequently, the proposal is considered to have an acceptable impact on the amenity of neighbouring residential properties, conforming to the Design SPD and Policy EN1.

Parking & Highway Impact

- 7.16 The Spelthorne Borough Council's Parking Standards require 2.5 parking (rounded up to 3) spaces for 4 bedroom dwellings or larger (the proposed house has 6 bedrooms). The submitted layout plan indicates that the proposed replacement dwelling would incorporate 3 vehicle spaces, which would comply with the Council's minimum parking standards. There are restrictions for enlarging the driveway due to the presence of the protected Horse Chestnut tree. The Avenue is an unclassified road providing opportunities for on-street parking. It is considered that the proposal would have an acceptable impact on the parking provision. The County Highway Authority (CHA) has been consulted on this application in respect of highway safety, capacity and policy grounds and raises no objection subject to conditions to ensure that the parking facilities and access are provided.
- 7.17 The proposal is, therefore considered to be acceptable on highway and parking grounds.

TPO trees

- 7.18 Policy EN7 of the CS & P DPD states that the Council needs to ensure appropriate measures to safeguard healthy trees of amenity value, giving to the protection of those known to be under threat. As already mentioned above, there are two trees (1 no. Horse Chestnut tree and 1 no. Oak tree) within the site which are subject to Tree Preservation Orders.
- 7.19 The applicant submitted a Tree Survey Arboricultural Impact Report as part of this submission, which was reviewed by the Council's Tree Officer. The subject report states that no trees will be removed to facilitate the development. It has been indicated that the Oak tree (T1) is to be pruned, but in accordance with the consent recently granted under 24/00084/TPO. Furthermore, the submitted report states the new building will have 3.3 metres clearance from the edge of the crown, following the agreed reduction to the back of the building. The Council's Tree Officer considers this to be an adequate clearance from the building so as not to cause an ongoing conflict, subject to tree protection measures being implemented prior to any works. Furthermore, an Arboricultural Method Statement detailing the location and position of all tree protection measures along with the submission of a detailed Construction Method Statement have been requested as conditions.
- 7.20 In regard to the Horse Chestnut tree at the front (TPO30/SUN-T9), the Council's Tree Officer acknowledged that the provided plan showed the tree protected in line with 'BS5837:2012 Trees in Relation to Construction' and if protected as shown, it is not considered that there will be a reason to refuse the application. The tree protection measures prevents access through the front boundary fence. In addition, the Council's Tree Officer acknowledged that the position of the house in relation to the Horse Chestnut has led to a minimal reduction of the parking area and they have supplied a plan showing the intended drive layout, which has not impacted on the tree. Any change to the driveway in the future would require a TPO application due to the impact on the Horse Chestnut.

Climate Change

- 7.21 The Climate Change Supplementary Planning Document (SPD) was adopted by the Council in April 2024. It provides more detailed guidance to applicants on how to implement adopted policy SP7 from the Core Strategy 2009. Policy SP7 seeks to reduce climate change effects by:
- a) promoting inclusion for renewable energy, energy conservation and waste management in new and existing developments
 - b) development reduces the need to travel and encourages alternatives to car use
 - c) encourage non car-based travel,
 - d) promoting the efficient use and conservation of water resources,
 - e) promoting measures to reduce flooding and the risks from flooding,
 - f) supporting measures to enhance and manage Staines' role as a public transport interchange.
- 7.22 There are also three implementation policies; Policy CC1: Renewable Energy Conservation and sustainable Construction, Policy CC2: Sustainable Travel and Policy CC3: Parking provision. There are also other key documents supporting action on climate change; the NPPF 2023 chapter 14 "Meeting the challenge of climate change", the National Model Design Code and Spelthorne Borough Council's Climate Change Strategy 2022 – 2030.
- 7.23 A climate change checklist has been submitted with this application, in accordance with the new SPD requirements. This checklist shows that the applicant has considered the following factors:
- Energy:- ASHP installation, low temperature heating, building insulation measures, double / triple glazing, installation of smart meters/energy monitoring along with energy efficient appliances. In addition, consideration of building orientation, ventilation, windows and shading for both solar gain and cooling
 - Transport:- accessible and secure bicycle storage, space for working from home and existing dropped kerbs to retail level of footway/cycleway, and electric vehicle charging provision
 - Construction & Waste:- local construction materials, internal recycling storage with sufficient space and external for composting for easy access for collection. In addition, low carbon and/or recyclable construction materials
 - Water:- water use limits and smart metering, retained garden and permeable outdoor area and water-efficient appliances, drought tolerant plants used where applicable.
- 7.24 The applicant submitted an energy report that has considered Air Source Heat Pumps (ASHP) and direct hot water (DHW) along with energy efficiency fabric measures as a suitable solution for this proposal to provide improvements to the CO2 emissions. The Council's Sustainability Officer is satisfied that the requirements will be met as stipulated within the Council's CC1 policy.

- 7.25 Overall, the scheme performs well against the Council's SPD and climate change policies. The proposal is considered acceptable on climate change grounds as the applicant has given due consideration to some sustainability and climate change measures. Conditions have been recommended.

Ecology

- 7.26 Policy EN8 of the CS and P DPD states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by ensuring that new development, wherever possible, contributes to an improvement in the landscape and biodiversity and also avoids harm to features of significance in the landscape or of nature conservation interest.
- 7.27 The Surrey Wildlife Trust (SWT) was consulted, and noted that the site is located within a wider landscape suitable for foraging and commuting Bats, including being located in close proximity to the River Thames. Therefore, it was recommended that a Preliminary Bat Roost Assessment Survey should be submitted prior the determination of this application. Following this, the applicant submitted an Ecological report, which concluded that the existing house has a moderate bat roost suitability and the garage and shed structures with low bat roost suitability. Therefore, a full bat roost assessment was recommended by the applicant's ecologists, to comprise 2 no. dusk bat emergence surveys of the main house and 1 no. dusk bat emergence survey of the garage. These surveys were carried out during the bat survey season (May to August inclusive) and each survey was indicated that was separated by at least three weeks. The applicant submitted a "Summery Findings and Recommendation" of the full bat survey along with the proposed mitigation measures. It is anticipated that the copy of the full bat assessment will be submitted prior the Planning Committee meeting.
- 7.28 The summary letter concludes that two Soprano Pipistrelles were recorded emerging from the roof of No 35 The Avenue during the first dusk bat emergence survey carried out in June 2024, although there were no bats recorded emerging from the main house, detached garage or shed during the dusk bat emerging survey on the 9th July or 30th July 2024. Therefore, the summery concludes that the house was assessed as supporting two Soprano Pipistrelle day roosts, each used by one bat. There is negligible bat roost suitability for the shed and garage. The nearby Oak tree was assessed as having capacity to support single or low numbers of bats and/or low conservation status bat roosts only. As the proposal involves the demolition of the existing house, the applicant will need to separately apply for a licence from Natural England guided by a licensed bat worker. The summery letter also indicates that the full bat assessment provides mitigation measures and confirms once the mitigation measures are followed that there will be no adverse impact to the favourable conservation status of the bat species present, within their natural ranges. A condition has been recommended accordingly. Also, a condition is recommended for the provision of new bat and bird boxes. Subject to these conditions, the impact on ecology is considered acceptable.
- 7.29 For small sites (such as the application site) the mandatory (at least 10%) Biodiversity Net Gain has come into force in April 2024 under the

Environmental Act 2021. This application was submitted in March 2024 and this requirement, therefore, does not apply. However, the proposal relates to a replacement dwelling.

Other Matters

- 7.30 The Council's Environmental Health Officer has raised no objection to the proposal on contamination, subject to conditions.
- 7.31 It has been noted that representations refer to the adverse impact upon the neighbouring amenity in terms of the location and likely noise impact of the Air Source Heat Pump (ASHP). The proposed plans show the ASHP is located in the gap between the new house and No 33 The Avenue's boundary (beyond that is the neighbouring garage at ground floor level). The Council's Environmental Health Officer has raised no objection to the ASHP on noise grounds. There is sufficient screening by the mass of the building that windows on the front and rear elevations will be sufficiently protected. Furthermore, the proposed plans indicate that the subject plant will be surrounded by acoustic fence. A noise condition and informative have been recommended to address the raised concerns.
- 7.32 The proposed house would comply with the Government's Nationally Described Technical Housing Standards (THS) (March 2015) for a 6 bedroom house. There will be no change to the existing private garden at the rear. The replacement dwelling is therefore considered to comply with, and exceed, the minimum amenity requirements for future occupiers.
- 7.33 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 two storey house and proposal relates to a replacement dwelling and there is no risk to the future occupants of the site from flooding.
- 7.34 The Local Planning Authority has received a comment that as a minimum the dwelling must be designed to comply with Building Regulations Part M4(2): accessible and adaptable dwellings. It is acknowledged that H1 of the Pre-Submission Spelthorne Local Plan 2022 – 2037 refers to this, which currently carries limited weight in decision-making. 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 in the NPPF. 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

- 7.35 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 £39,988.82. 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

- 7.36 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:
- 7.37 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

- 7.38 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.39 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.
- 7.40 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.
- 7.41 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

7.42 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 three 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 2023/18/L01 Revision A, 2023/18/PE04 Revision A, 2023/18/PE08 Revision A, 2023/18/PE01 Revision A, 2023/18/PE05 Revision A, 2023/18/PE06 Revision A, 2023/18/PE07 Revision A, 2023/18/PE02 Revision A and 2023/18/PE03 Revision A Received on 22.03.2024, 2023/18/DAS01 Revision C, 2023/18/DAS02 Revision C, 2023/18/PP05 Revision C, 2023/18/PP09 Revision C, 2023/18/PP06 Revision C, 2023/18/PP07 Revision C, 2023/18/PP08 Revision C, 2023/18/PP02 Revision C, 2023/18/PP03 Revision C and 2023/18/PP04 Revision C Received on 10.05.2024, and 2023/18/PP01 Revision D Received on 31.05.2024.

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. Prior to the commencement of development, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall include full details of the location and position of the tree protection measures and no dig areas, timescales of implementation, frequency of inspections carried out by an Arboricultural tree consultant and method of reporting information back to the Council's Tree Officer. The tree protection measures and inspection timescales shall be carried out strictly in accordance with the agreed Arboricultural Method Statement.

Reason:- To safeguard the health and condition of the nearby Tree

Preservation Order trees in the interest of the visual amenity of the area.

5. No development shall commence until a Construction Method Statement Plan, to include details of:

- Methods of foundation design
- Loading and unloading of plant and materials
- Storage of plant and materials
- Programme of works (including integrated with the Arboricultural Method Statement)

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

Reason:- To safeguard the health and condition of the nearby Tree Preservation Order trees in the interest of the visual amenity of the area.

6. Prior to the occupation of development, a scheme to provide bird and bat boxes/bricks on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the buildings are occupied and thereafter maintained.

Reason:- As part of the proposed mitigation measures for the interest of encouraging wildlife.

7. The proposed demolition and construction works shall be carried out strictly in accordance with the mitigation measures set out in the Recommendation section of the Full Bat Roost Assessment- Summary letter with Findings and Recommendations submitted on 02 September 2024, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In the interest of preventing harm to wildlife.

8. 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.

9. No development shall take place until:-

(i) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the

Local Planning Authority.

(ii) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.

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

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

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

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

10. 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.

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

Reason:- In the interests of the character of the area, the amenity of neighbouring and adjoining dwellings, and the nearby TPO trees.

12. 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

13. Prior to the occupation of the development hereby permitted the first floor window(s) on the northern and southern elevation(s) shall be obscure glazed to a minimum of level 3 obscurity and be non-opening to a minimum height of 1.7 metres above internal floor level. The(se) window(s) shall thereafter be permanently retained as installed.

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

- 14 The rated noise level from the Air Source Heat Pump (ASHP) hereby approved shall be at least 10 dB(A) below the background noise level at the nearest noise sensitive property as assessed using the guidance contained within the latest BS 4142 (2014).

Reason:- To safeguard the amenity of nearby residential properties.

- 15 The acoustic enclosure/screening surrounding the Air Source Heat Pump (ASHP) hereby approved shall be installed prior the building is occupied. Development shall be carried out in accordance with the approved details and maintained as approved.

Reason:- To safeguard the amenity of nearby residential properties.

- 16 Prior to the occupation of the development hereby permitted, the sustainability measures proposed in the supporting Climate Change Checklist shall be incorporated into the design of the development and/or site layout as relevant. Thereafter the approved sustainability measure shall be retained and maintained.

Reason:- To ensure sustainability measures are taken into account in the development in accordance with policies SP7, CC1, CC2 and CC3 of the Spelthorne Core Strategy and Policies DPD 2009 and the Climate Change SPD, April 2024.

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. The Air Source Heat Pump (ASHP) should be installed in accordance with the following guidance <https://www.cieh.org/media/7538/heat-pumps-briefing-note-professional-advice-note.pdf>
4. 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.

5. The applicant is advised to contact the Natural England prior the demolition of the development to obtain a bat licence.
6. 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.

7. In accordance with Approved Document S of the Building Regulations, you will be required to install electric vehicle charging facilities.
8. 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 2023.
9. The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, (www.ccscheme.org.uk) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.
10. The applicant should consider the use of e-bike and the installation of e-bike charging points with socket timers to prevent them constantly drawing a current over night or for longer than required. Signage should be considered regarding damaged or shock impacted batteries, indicating that these should not be used/charged. The design of communal bike areas should consider fire spread and there should be detection in areas where charging takes place. With regard to an e-bike socket in a domestic dwelling, the residence should have detection, and an official e-bike charger should be used. Guidance on detection can be found in BS 5839-6 for fire detection and fire alarm systems in both new and existing domestic premises and BS 5839-1 the code of practice for designing, installing, commissioning, and maintaining fire detection and alarm systems in non-domestic buildings.
11. 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.

12. 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”.

13. 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.

14. 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.