

Planning Committee

10 December 2024



Application No.	24/01089/FUL		
Site Address	5-7 & 9 Station Approach & 21 Woodthorpe Road Ashford TW15 2QN		
Applicant	Mr Clive Morris		
Proposal	Demolition of existing office buildings, and construction of 35 new residential units together with Class E unit (Commercial, Business and Service), associated amenity and parking.		
Case Officer	Kelly Walker		
Ward	Ashford Town		
Called-in	N/A		
Application Dates	Valid: 09.09.2024	Expiry: 09.12.2024	Target: EOT agreed until 12.12. 2024
Executive Summary	<p>The application site comprises a 0.16 ha area of land situated in close proximity to Ashford Railway Station. The site is currently divided into two distinctive areas: one occupying the eastern area that is accessed by vehicles from Station Approach; one occupying the western area that is accessed from Woodthorpe Road to the south.</p> <p>The eastern portion of the site contains 7-9 Station Approach, which is a three-storey office building. A further two-storey office building is situated to the rear of No.7-9, which is also accessible from the western element of the site. The western part of the site contains a two-storey office building known as the 'Powerhouse', which is located at No.21 Woodthorpe Road. The site also includes an associated car parking area. The site is located in the urban area. No. 7-9 Station Approach and the access to the site via Woodthorpe Road are located within a designated Employment Area. It is also within, but on the edge of, a designated Shopping Area.</p> <p>This planning application proposes the demolition of the existing office buildings, and construction of 35 new residential units together with 99 sq. m of Class E floor space (Commercial, Business and Service), along with associated amenity space and parking provision. The proposal would comprise a central block, which would be set over four storeys. This would incorporate an under-croft car parking area, accessed from Woodthorpe Road. A further block would be situated to the east, which would be set over five storeys and would contain a Class E unit on the ground floor with an active frontage onto Station Approach. There will be bicycle and waste storage on the ground floor. A ground floor residential unit would also be contained in the eastern block, with all other flats</p>		

	<p>located above</p> <p>This application is an amendment to a previous similar scheme for 40 units which was refused and dismissed at appeal. The Inspector considered that the overall layout, scale, height and massing of the proposal was acceptable, but the design on the Station Approach frontage was unacceptable and did not make a positive contribution to the street scene. Therefore, this application has been submitted in order to seek to overcome the objections raised by the Inspector.</p> <p>It is considered that the proposed changes, which include the reduced height and removal of a storey, setting back the upper floors, and the alignment of storey heights, shop fronts and first floor fenestration for more consistency, has now overcome the concerns raised by the Inspector. Consequently, there is now a significant improvement in the design on the Station Approach frontage.</p> <p>As a result of addressing the design concerns raised by the Inspector, the proposal will no longer deviate from the established storey heights and window levels which characterise the existing frontage. In addition, the horizontal lines of the frontage will be retained along with improved proportions and would no longer appear incongruous. Therefore, the amendments to the proposal are considered to have overcome the Inspectors objections to the scheme. All other matters continue to be acceptable.</p>
Recommended Decision	Approve the application subject to conditions

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)
- HO3 (Affordable Housing)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- SP6 (Maintaining and Improving the Environment)
- EM1 (Employment Development)
- 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)

Also relevant are the following Supplementary Planning Documents/Guidance:

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

1.2 The policies contained within the National Planning Policy Framework (NPPF) (December 2023) are also relevant. The Government also published a draft revised NPPF in July 2024, which has not currently been adopted, along with a Written Ministerial Statement (WMS) 'building the homes we need'. The WMS and the draft NPPF 2024, set out Government's ambitions for growth,

building homes and improving affordability. The NPPF proposals are subject to consultation and therefore also subject to change or modification. Nevertheless, the 'direction of travel' as set out in the WMS is unlikely to alter and given the importance placed on building new homes and affordability, limited weight should be attached to the contribution of the proposed to the WMS's ambitions and the draft NPPF

- 1.3 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.
- 1.4 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.
- 1.5 At the meeting of the Council on 19 July 2023, it was agreed that Catriona Riddell & Associates be appointed to provide 'critical friend' support to inform the options for taking the Local Plan process forward.
- 1.6 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.
- 1.7 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.
- 1.8 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 19 March 2024 the Council published updated Level 1 and Level 2 SFRA. On 2 May 2024 the EA provided comments, including a request for additional clarification which was provided on 17 May 2024.
- 1.11 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 requested this from the Inspector.
- 1.12 On 24 October 2024, the Council agreed to re-instated 13 of the 15 Green Belt sites as housing allocations and request the Planning Inspector to resume the Examination into the Local Plan. Officers have now requested this from the Inspector.
- 1.13 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
 - PS1: Responding to the Climate Emergency
 - PS2: Designing Places and Spaces
 - H1: Homes for All
 - H2: Affordable Housing
 - E1: Green and Blue Infrastructure
 - E2: Biodiversity
 - E3: Managing Flood Risk
 - ID1: Infrastructure and Delivery
 - ID2: Sustainable Transport for New Developments
- 1.14 The NPPF policy states at para 48 that: Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 1.15 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.
- 1.16 The Council's Emerging Plan identifies a site, which includes the application site within a larger parcel of land as an allocation site, which is allocated for Residential (C3): approximately 120 units and 1300 sq. m of commercial floor space (Use Class E) (AT3/016 – 23-31 (not 11-19) Woodthorpe Road).

In addition to meeting the policies in the plan, the site-specific allocations states that any development of this site will be required to provide the following:

- A mixed-use development comprising residential development and ground floor retail/office use to provide an active commercial frontage.
 - A well-designed scheme that has a positive relationship with the nearby town centre user and residential properties.
 - Include measures to mitigate the impact of development on the local road network and take account of impacts on the strategic road network as identified through a site-specific Travel Plan and Transport Assessment.
 - Provide or contribute to any infrastructure as set out in the IDP and or identified at application stage which is necessary to make the site acceptable in planning terms.
 - Maximise the use of Climate Change measures and renewable energy sources, in accordance with policy PS1 to make buildings zero carbon where possible.
- 1.17 The Infrastructure Delivery Plan (IDP) Part 2, March 2022 supplements the Infrastructure Delivery Plan (IDP) by analysing individual site allocations in greater detail. This involves highlighting specific infrastructure requirements that have been identified and that can be included as a means of securing these through developer contributions. The plan identifies the site as having the following Infrastructure requirements: (To note the figures below are for the entire allocation site and any part of the proposal would need to be a percentage of this).
- Contribution through s106 towards healthcare - £170,000

- Contribution through s106 towards identified Police needs - £96,000
- Potential education contribution to SCC as delivery body (no sum stated)
- Potential highways contribution to SCC (no sum stated)
- Contribution towards affordable housing.

1.18 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 relevant to Site at 9-11 Station Approach

23/00865/FUL	Demolition of existing office buildings, and construction of 40 new residential units together with Class E (Commercial, Business and Service), associated amenity and parking.	Refused 09.10.2023 Appeal dismissed (ref 3333864) 05.07.2024
SPW/FUL/88/496	Erection of a 3 storey building incorporating 2 office suites totalling 511 sq. m (5,500 sq. ft) and one 1-bedroomed flat, and provision of 18 parking spaces	Granted 29.06.1988

A copy of the appeal decision for 23/00865/FUL is attached as an Appendix.

3. Description of Current Proposal

3.1 The application site comprises a 0.16 ha. area of land situated in close proximity to Ashford Railway Station. The site is currently divided into two distinctive areas: one occupying the eastern area that is accessed by vehicle from Station Approach, (via an undercroft access to the existing building); and one occupying the western area that is accessed from Woodthorpe Road to the south.

3.2 The eastern portion of the site contains 7-9 Station Approach, which is a three-storey office building, where the second floor is set back from the frontage. The building is served by a car park accessed through a gap in the frontage, which contains 14 off-street parking spaces. A further two-storey office building is situated to the rear of No.7-9, which is also accessible from the western element of the site.

- 3.3 The western part of the site contains a two-storey office building known as the 'Powerhouse', which is located at No.21 Woodthorpe Road, and incorporates an associated car park containing 23 parking spaces. The site is located in the urban area. No. 7-9 Station Approach and the access to the site via Woodthorpe Road, are located within a designated Employment Area. They are also within, but on the edge of, a designated Shopping Area. The rest of the site, consisting of the north-western corner of the T shaped plot, is not within these designated areas. The site is also within the Esso Pipeline consultation zone and within Heathrow Airport safeguarding heights zone.

Surrounding area

- 3.4 The application site is located to the south of Ashford Railway Station and its car park. Immediately to the north of No.7-9 Station Approach, is a former office building (No.3 Station Approach), which has been converted to eight residential units through the Prior Approval process (20/01274/PDO). It also has a roof extension, containing two further residential units on the second floor (18/00174/FUL), which is set back from the floor below.
- 3.5 A three and four-storey flatted development at The Foundry adjoins the western site boundary (16/00196/FUL). Imtech House, a former office building converted to residential units, is located to the south-west.
- 3.6 The buildings immediately to the south of the site, which front Woodthorpe Road and go around the corner to Station Approach are a uniform set of terraced properties, set over two-storeys and contain commercial uses on the ground floor and residential units above. These are also similar to the block that is located on the opposite side of the Woodthorpe Road to the south
- 3.7 The surrounding buildings typically range from two and three storeys in height, although parts of The Foundry development occupy four storeys. Imtech House is set over five storeys, although this is the tallest building in the surrounding locality.
- 3.8 The northern side of the railway line is in commercial use and is occupied by Lidl Supermarket, and the Hitchcock and King Builders Merchants.

Proposal

- 3.9 This planning application proposes the demolition of the existing office buildings, and construction of 35 new residential units together with 99 sq. m of Class E floor space (Commercial, Business and Service), along with associated amenity and parking provision.
- 3.10 A total of 35 flats are proposed, comprising 16 no. 1 bed, 14 no. 2 bed and 5 no. 3 bed flats. The applicant is proposing all units as market housing, with no affordable units. The proposal would comprise a central block, which would be set over four storeys. This would incorporate an under-croft car parking area, accessed from Woodthorpe Road. A further block would be situated to the east of the site, which would be set over five storeys and would contain a Class E unit on the ground floor with an active frontage onto Station

Approach. The predominant material is brick with zinc vertical seam cladding to the top floor elements. There will be bicycle and waste storage areas on the ground floor, and communal gardens. A ground floor residential unit would also be contained in the eastern block, with all other flats located above.

- 3.11 There would be an approximate 5m separation distance between the two blocks, at the closest point, with a communal garden situated in between, as well as a private garden serving the ground floor unit. A further communal garden area would be situated to the west of the site, adjacent to the rear block. There would also be balconies for most units, as well as parking for 15 vehicles and cycle storage for 42 cycles. The main vehicular access would be from Woodthorpe Road to the south, through the existing access road.

Background

- 3.12 Previously, planning permission 23/00865/FUL was refused for a similar scheme, which had 40 units and a more prominent six storey building fronting Station Approach. The reason for refusal was:

'The proposal, by reason of its design, scale and siting would represent an overdevelopment of the site by virtue of:- excessive housing density; cramped layout; poor outlook; inadequate light; excessive height and scale; poor relationship with neighbouring properties and insufficient bin storage facilities. The development will fail to make a positive contribution to the area, will be visually obtrusive in the street scene, will not create a strong sense of place and will have a poor standard of amenity for future occupiers. The proposal is therefore contrary to Policies EN1 and HO5 of the Core Strategy and Policies DPD 2009, the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011, and the National Planning Policy Framework 2023.'

- 3.13 Following the Council's refusal, the scheme was appealed against (ref 3333864) and the Planning Inspector considered that the main issues were the impact on the design and appearance and also the impact on the amenity of neighbouring properties. The Inspector disagreed with the Council that the proposal would have an unacceptable impact on the amenity of neighbouring properties. He considered, given the variation in building scale and character which contributes to the established character and visual interest of the area, the overall layout, scale, height and massing of the proposal was acceptable. However, the Inspector did consider that the design on the Station Approach frontage was unacceptable and did not make a positive contribution to the street scene and dismissed the appeal on these grounds. As such, this application has been submitted in order to try to overcome the concerns raised by the Inspector.
- 3.14 The proposal makes some changes to the building fronting Station Approach, when compared to the previous scheme as follows: -
- the height is reduced, (one storey is removed)
 - the upper floors are set back further from the floors below.

- alignment of storey heights, shop fronts and first floor fenestration for more consistency
- reduced from 40 to 35 units in total

4. Consultations

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

Consultee	Comment
County Highway Authority	No objection, subject to conditions
Environment Agency	No comments received
Group Head- Neighbourhood Services	No objection, dis raise concerns about Council collection
Surrey County Council (Minerals and Waste)	No objection, recommend conditions
Sustainability Officer	No objection, recommend conditions
Local Lead Flood Authority (Surrey County Council)	No objection, recommend conditions
County Archaeologist	No objection
Crime Prevention Officer	No objection, recommend conditions
Heathrow Safeguarding	No objection, recommend conditions
Natural England	No comments received
Surrey Wildlife Trust	No comments received with this application. However previous application no objections were received.
Network Rail	No objection. Request CIL money should be spent on contribution towards improving the station and its accessibility
Tree Officer	No objection
Surrey Fire Safety	No objection, recommend conditions
Esso	No objection
Environmental Health (Noise/light)	No objection, recommend conditions
Environmental Health (Contaminated land)	No objection, recommend conditions
Environmental Health (Air Quality)	No objection, recommend conditions
Thames Water	No objection, - informatives requested
Independent Viability Advisor	No objection. Affordable housing not viable

5. Public Consultation

- 5.1 The NPPF seeks to encourage pre-application engagement and front loading and advises that “early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.” The Council’s own Statement of Community Involvement states that the “Council will encourage applicants and developers to undertake pre-application consultation and discuss their proposals with their neighbours or the community before submitting their formal application.”.
- 5.2 The applicant notes that with the previous scheme, they carried out a Public Consultation event on Thursday 1st June from 4-7pm at St Hilda’s Church, Stanwell Road, Ashford, where the proposed plans were displayed, with the architect and client present to respond to any questions or concerns. Flyers advertising the event were distributed to surrounding businesses and residents and also displayed on a website with comments invited. The applicant notes that the consultation event attracted approximately 10 people, four of whom provided written comments, plus two further online comments were received. A further public consultation by the applicant following the appeal decision has not been undertaken.
- 5.3 A statutory site notice was displayed, and the application was advertised in the local press. The Council has sent letters to 276 properties and 2 letters of objection have been received raising the following concerns: -

- Too many residential units
- Already lots of new flats in this location, many due to conversions.
- Noise and disturbance
- Already had lots of disruption due to Esso pipeline
- Proving difficult to run a business and keep staff
- Traffic generation
- Parking pressure
- Parking costs
- Air pollution/dust
- Highway/transport matters
- Local security

- 5.4 One of the letters was from the SCAN Officer (Spelthorne Committee for action Now) noting the following:

Units must be accessible and adaptable for disabled people to Part M4(2) at least and there should be another disabled parking bay. He comments that if planning permission is granted a condition needs to be imposed requiring it to be built to Part M4(2) and to PartM4(3) for the wheelchair accessible units proposed.

6. Planning Issues

- Principle
- Housing density
- Design and appearance

- Neighbouring residential amenity
- Amenity space provision
- Proposed dwelling sizes
- Highway issues
- Parking provision
- Affordable housing
- Flooding
- Dwelling mix
- Archaeology
- Contaminated land
- Air quality
- Crime and design
- Climate change
- Biodiversity

7. Planning Considerations

Background.

- 7.1 The Council completed its 'Preferred Options Consultation' (Regulation 18) in January 2020 as part of its preparation for a new Local Plan for the Borough. The Preferred Options Consultation Document proposed a number of sites within the Borough to be allocated for housing and employment development (including some sites currently located within the Green Belt),
- 7.2 The Spelthorne Local Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities for Examination on 25 November 2022. The spatial strategy is centred on an efficient use of brownfield land in the urban area and a small amount of Green Belt release to meet specific needs of the community. The site at Woodthorpe Road (AT3/016) has been identified as an allocation in the draft Spelthorne Local Plan for 120 residential units and 1300 sqm of Class E floorspace (approximately). The allocation has been informed by discussions with the site promoter and the Strategic Planning team.
- 7.3 Whilst the Council is supportive of this site as an allocation through the Local Plan, the emerging Spelthorne Local Plan carries limited weight in decision making as its soundness has not yet been subject to examination by an independent planning inspector. Officers have reviewed representations on the allocation site, some in support and some objecting. In addition, policies are subject to a wide range of representations and objections.
- 7.4 Whilst a limited level of response was received in relation to the site, a notable number of comments were received in relation to the wider strategy. One letter was received supporting the site, and one objection noting an overdevelopment of the site, and one from the Environment Agency (EA) referring to ground water. The officer responses as well as the proposed changes, have been passed to the Planning Inspectorate. However, it is not

yet known whether the site will be allocated, or if modifications will be required through the examination process.

7.5 In regard to the position of the emerging Local Plan, despite a number of pauses, the following applies: -

- i. The plan before the examining Inspector has not changed since it was submitted
- ii. The Council's request that the Examining Inspector consider Main Modifications to remove proposed Green Belt housing allocation sites has been withdrawn.
- iii. The Environment Agency has entered into a Statement of Common Ground in respect of flooding matters pertaining to the spatial strategy and proposed emerging allocation sites.

c.6 As the Local Plan progresses through to examination and adoption, additional weight can be given to it. This is set out in paragraphs 47-50 of the NPPF. Para 48 states: '*...Local planning authorities may give weight to relevant policies in emerging plans according to:*

the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given).

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).

"49. However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

*50. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; * or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is*

refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process”.

*officer emphasis

Housing Land Supply

7.7 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.

7.8 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.”

7.09 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 confirmed that *“Both the 5 year housing land supply and the 4 year housing*

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

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".

- 7.10 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.
- 7.11 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.
- 7.12 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.
- 7.13 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.
- 7.14 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.
- 7.15 The information above is the Council's stated position as of 31/03/24. However, at the recent appeal on the Hazelwood housing scheme for 67 dwellings (23/00070/FUL – appeal hearing held on 22/10/24), it was acknowledged by the LPA that the housing supply position was continuing to deteriorate and the five year supply currently stood at 2.35 to 2.4 years supply of deliverable housing. The four year figure (applications submitted from 19/12/23 when the revised NPPF was published) which applies for this application, was 2 years.
- 7.16 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 has been updated to reflect this. The current action plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough.

- 7.17 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'. In this particular case, substantial weight should be given to the delivery of housing.

Principle of the development

- 7.18 As noted above, 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."

- 7.19 This is also reflected in the NPPF paragraph 117 which emphasises the need for the effective use of land in meeting the need for homes, whilst safeguarding the environment. The site is a brownfield site located in a sustainable location, in the town centre, close to local facilities and transport links, with the railway station in close proximity. The site is not located in the Green Belt or within the functional floodplain and as such the principle of housing is acceptable in this location. Commercial development is also expected on the street frontages with retail and active frontages. As such, the principle of the development is acceptable.

Housing density

- 7.20 Policy HO5 in the Core Strategy Policies DPD 2009 (CS & P DPD) sets out density ranges for particular context 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."

- 7.21 Policy HO5 specifies that within Ashford, Shepperton and Sunbury Cross centres, new development should generally be in the range of 40-75 dwellings per hectare. It does say that 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.

- 7.22 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, providing sustainable developments. However, the proposal involves the creation of 35 residential properties on a site of 0.16 hectares and the proposed housing density is approximately 218 dwellings per hectare (dph) (a reduction from 40 units or 250 dph for the previous scheme). Although this is considerably above the density ranges set out in Policy HO5, these represent broad guidelines, and development will also be considered against the requirements of Policy EN1 on design. The design is now considered to be acceptable which is discussed further below, and as such the density in this case is also considered to be acceptable.

Design and appearance

- 7.23 Policy EN1a of the CS & P DPD states that *“the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.”*
- 7.24 The NPPF states that planning decisions should ensure that development will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to the local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change.
- 7.25 The proposal is to demolish the existing commercial buildings on site and erect 2 no. blocks: one fronting Station Approach at 4 storey, with another storey set back from the frontage, (5 stories maximum height) and adjacent to this at the rear of the site, a 5 storey block (with the top storey set back). This rear block will be accessed via the existing vehicular access from the south at Woodthorpe Road, with no street frontage itself. The buildings take up the majority of the site with the access road joining from the south. There is some landscaping/amenity space provided between the blocks and also to the west of the site.
- 7.26 The proposed layout of the buildings uses the existing built form as a guide, in that the buildings line up with the existing terraces fronting Station Approach and also the blocks at The Foundry. However, the blocks are maximising the site and extend not only across the width but also the depth of the plot with little in the way of space around the building. The buildings are taller than the ones they replace and adjacent to them.
- 7.27 As noted above, the scheme has been submitted in order to seek to overcome the Inspector’s design concerns at appeal. As the appeal decision is very recent, it is a material consideration in the determination of the current application which carries significant weight. In regard to the general character

and appearance, the Inspector referred to the character of the area noting that,

'... The appeal site lies within Ashford Town Centre which comprises a rich mix of buildings of varying design and character predominately with commercial uses at the ground floor level and residential accommodation above. The area surrounding the appeal site displays a dense pattern of development with limited spaces between buildings other than to provide areas of hard surfacing for parking. Building heights in the area also vary significantly and include a two storey terrace to the south of the appeal site as well as taller buildings such as Imtech house of five storeys, The Foundry rising to four storeys and Ash House on Station Road of five storeys. As a result of this variation in building heights, views of taller buildings are frequently possible through gaps and over the smaller buildings. These taller buildings are not grouped but are peppered across the town centre and often result in stark changes in building heights across the area. These taller buildings include those with both prominent street frontages such as Imtech House as well as those behind the main building line in the case of The Foundry. Together the variation in building scale and character contributes to the established character and visual interest of this area.'

7.28 With respect of the height and design of the overall scheme, the Inspector considered the appeal scheme to be in keeping noting that,

'The proposal would respect the building heights of the surrounding area, and the top storeys would be recessed, reducing the massing and adding articulation to the upper floors. The appellant's Massing Views suggest that the upper levels of the blocks would be visible to varying degrees from the surrounding area, including from the far side of the roundabout to the south, where they would appear above the consistent height and strong parapet line of the two storey terrace. However, given the dispersed nature of taller buildings across the area and their existing impacts on the townscape, I do not consider the visual effects of the height and massing of the blocks would cause visual harm.'

7.29 The Council was previously concerned about the proximity of the proposed buildings to the boundaries with little space around them. However, the Inspector did not consider this was out of character. He noted that,

"The proposed blocks would extend close to their site boundaries and the western block would sit hard against the edge of the car park to the north and would not benefit from a street frontage. However, given the relatively dense grain of development in the area, together with the adjacent development at The Foundry which is similarly set back behind the street frontage, the proposed site layout would not appear uncharacteristic in this context'.

7.30 However the Inspector did have concerns about the design of the appeal scheme on the street frontage of Station Approach: -

'The proposed eastern block would include a frontage onto Station Approach. This forms part of the designated shopping area and the appellant acknowledges the importance of this frontage as it provides a link from the

station to the main commercial centre and contributes to the impressions of the area of those users of the station. Despite the varied building forms which characterise the wider area, there is a greater degree of consistency in the appearance of the buildings forming the western street frontage. This arises from the combination of their storey heights, alignment of the shopfronts and first floor windows, as well as a strong horizontal parapet which runs continuously across the frontage above the first floor level. Together these contribute positively to the character of this important route. While not of any particular architectural merit, the existing building at 7-9 Station Approach shows consideration for these established characteristics.'

'By contrast, the proposed frontage onto Station Approach would deviate significantly from the established storey heights and window levels which characterise the existing frontage and the horizontal lines of the frontage would be substantially lost. While the approach to the building height is not opposed for the reasons set out above, when viewed in combination with the detailed design and proportions of the proposed Station Approach elevation, this would amount to a substantially incongruous addition which would contrast heavily with its context. It is not apparent that the proposed stepped nature of this elevation would mitigate for or reduce these effects and its departure from the established building line adds further to its jarring effects.'

- 7.31 The Inspector concluded that the proposal would conflict with Policy EN1, as the development did not respect and make a positive contribution to the street scene and the character of the area in which it is situated and would conflict with the Council's Design of Residential Extensions and New Residential Development Supplementary Planning Document (SPD) 2011, which identifies the character of the area as one of the most important considerations for a well-designed scheme. He also noted that the proposal would also be at odds with the design objectives of the NPPF where it required development to be sympathetic to local character including the surrounding built environment and stated that: -

'...the proposal would cause harm to the character and appearance of the area by reason of the design of the Station Approach frontage. While the effects would be limited predominantly to localised views around Station Approach, the effects would nonetheless be very significant.'

- 7.32 As noted above, this application is subject to an amended proposal which has been submitted in order to address the concerns raised by the Inspector on the Station Approach frontage. The proposal has been reduced from 40 to 35 units. However, the rest of the proposal, including the western building, which the Inspector had no objection to, remains the same as that previously submitted. The changes to the building fronting Station Approach, when compared to the previous scheme are as follows: -

- the height is reduced, from 17.5m to 15.5m. (one storey is removed)
- the upper floors are set back further from the floors below.
- alignment of storey heights, shop fronts and first floor fenestration for more consistency

- 7.33 These amendments have been made in order to ensure the design pays due regard to the existing consistent street context so that it integrates with the existing terraced properties, which extend around the corner of Woodthorpe Road and Station Approach. The proposal now continues the 'strong horizontal parapet which runs continuously across the frontage' above the first floor level and aligns up with the existing shopfronts and first floor windows (as referred to by the Inspector as contributing positively to character). In doing so, the floor levels/stories at ground and first floor now match that of the existing terrace (previously the proposed new building had lower floor to ceiling heights and did not line up with the existing building floor levels). The floors above the parapet are set back further from the street with a staggered frontage. As a result, the proposal has one storey less than the previously refused scheme, and is lower in overall height. The maximum height of the building has been reduced from 17.5m to 15.5m (a reduction of approximately 2m) and is not the height of a full storey, due to the change to the storey levels/heights.
- 7.34 As a result of addressing the design concerns raised by the Inspector, the proposal will no longer deviate from the established storey heights and window levels which characterise the existing frontage. In addition, the horizontal lines of the frontage will be retained along with improved proportions and would no longer appear incongruous. Therefore, the amendments to the proposal are considered to have overcome the Inspector's objections to the scheme.
- 7.35 The main facade material proposed is a warm red / orange brick, and the top floors are in a zinc vertical seam cladding, in a dark grey, to differentiate between the main mass of the buildings. Balconies and gates are to have ornate metal railings, as with the previous scheme. The proposed design and appearance is considered to be in keeping and respects and make a positive contribution to the street scene and the character of the area in which it is situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings, conforming to Policy EN1

Impact on neighbouring residential properties

- 7.36 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."

- 7.37 The Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) 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.' The SPD is a material consideration in the determination of this planning application. 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 two 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 is also a minimum distance for back to flank elevations of 13.5m (two storey) and 21m (three storey).

7.38 The NPPF states that Local Planning Authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies relating to daylight or sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

7.39 The submission documents include a daylight/sunlight report, which uses BRE guidance to assess the impact of the scheme upon light entering windows serving habitable rooms at neighbouring properties. The Council, in the previous application, had raised some concerns about the impact of the proposal on the amenity of existing neighbouring properties namely 3 Station Approach and 35A Woodthorpe Road within the Foundry development. However, the Inspector did not agree in regard to the living conditions of occupants of nearby properties. The Inspector noted: -

'No.3 Station Approach adjoins the site to the north and comprises flats set across three storeys, some of which are served by windows in its west facing elevation. The appellant's Daylight and Sunlight Report acknowledges that diffuse daylight may be adversely affected to three of those windows closest to the appeal site. In addition, the development would also breach a 45 degree vertical guide line taken from the centre of those windows, in accordance with methodology set out in the Council's Design of Residential Extensions and New Residential Development SPD.

Nonetheless, the tests contained in the Council's SPD acknowledge that they are a guide and the Framework is clear that authorities should take a flexible approach in applying guidance relating to daylight and sunlight where they would otherwise inhibit making efficient use of the site.'

7.40 The Inspector noted that these windows were for bedrooms, where expectations of high levels of daylight are generally less and the loss of the light is not significant, as the results fall just below the level of acceptability. He states further that the proposed north elevation would be close to the windows and would be prominent to some degree in regard to outlook from the windows. However, he stated that the relationship would be acceptable,

... 'there is no substantive evidence to suggest that these effects would be overbearing or amount to a significant harmful impact. For these reasons in combination, I consider the effects of the proposal on no.3 Station Approach to be acceptable.' The Inspector also commented on another property:

'The appellant acknowledges effects on other existing windows, in particular including one ground floor window within 35A Woodthorpe Road within the Foundry development. The Council accepts that the impacts of the

development on their lighting would not be to an extent to warrant refusal. Based on the evidence and considered in light of the provisions of the Framework set out above, I find the effects on the natural lighting and outlook of other properties, including within No.35A, to be acceptable.'

- 7.41 The Inspector concluded to that '*...the proposal would not cause unacceptable harm to the living conditions of occupants of nearby properties and would comply with Policy EN1 of the DPD which, at point b), requires development to achieve a satisfactory relationship to adjoining properties and avoid significant harmful impacts in terms of matters including daylight and outlook'*
- 7.42 The proposed scheme generally remains the same, in regard to the relationship with existing properties. The reduced overall height would ensure that the impact outlook and loss of light would, in fact, be slightly reduced from the previously refused scheme. As such, the proposal is considered to have an acceptable impact on the amenity of neighbouring properties and accords with Policy EN1.

Amenity Space

- 7.43 The Council's SPD on Residential Extensions 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 per unit for the first 5 units and 10 sq. m per unit for the next 5 units and 5 sq. m per unit thereafter. On this basis, some 350 sq. m would be required for the proposed flats in total.
- 7.44 The applicant states that the scheme provides 239 sq. m of private amenity space and 274 sq. m of communal amenity space. The amenity space consists of some communal balconies and garden areas on the ground floor, one area is for a private garden for the only ground floor flat. This is located directly between the two buildings and wraps around the proposed flat to the west and south. As such, although a useful outside space for this flat, it will be limited due to its size and location as a result of the proximity of the boundary wall/fence and the buildings themselves. The other communal outside spaces are the areas left over between the buildings, which includes paths for accessing between the building and also the west of the western block. Although these spaces are limited in their size, they will provide a space where residents can spend time outside. Although limited in their use the spaces are a welcome addition to the proposed flats in a town centre development and on a site which currently has only buildings and hardstanding. The Inspector raised no objection to this on the previous scheme and therefore the proposed outside amenity space provided is acceptable, particularly given that the current proposal is for a reduction in residential units.

Proposed dwelling sizes/amenity for future occupants

- 7.45 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 for

two and three storey houses. For example, the minimum standard for a 1-bedroom flat for two people is 50 sq. m.

- 7.46 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.
- 7.47 The proposal includes a mixture of sizes of units. The 1 bed 1 person flats are 39 sq. m and 42 sq. m, in size, 1 bed 2 person flats are 50 sq. m. and 51 sq. m (with 2 no wheelchair units at 61 and 64 sq. m), 2 bed 3 person flats are 61 sq. m, (wheelchair one at 74 sq. m). 3 bed 4 person flats are 74 sq. m and 3 bed 5 person flat is 91sq m.
- 7.48 Therefore, all of the proposed flat sizes comply with the minimum standards stipulated in the national technical housing standards and the SPD. The flats on the block fronting Station Approach are single aspect only. All other flats have windows in at least two elevations. There is only one flat located on the ground floor, which is at the back of the front block. It has windows in the south and western elevations, and its own private garden. Each of the other flats, apart from two on the fourth floor at the rear block and the front facing flats on the first and third floors, have a private balcony. Although small, they would be a useful outside amenity space. Most of the balconies are recessed to provide privacy. The flats without private balconies on the third and fourth floors do have access to a communal roof garden on their level. There are also communal gardens at ground level to the west of the front block and to the south and west of the rear block.
- 7.49 The Council had previously raised some concerns about small issues with the layout, window positions and the fact that the flats on Station Approach are single aspect. However, it was noted that these elements along with the poor design were a reflection of the overdevelopment of the site and in itself was not a reason to refuse permission. The Inspector has not objected on this basis and there has been an improvement in the design. As such, the amenity of future occupants is considered to be acceptable and no longer points towards an overdevelopment of the site.

Highway and parking provision

- 7.50 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.”

- 7.51 Policy CC2 of the CS & P DPD states that:

“The Council will seek to secure more sustainable travel patterns by: ... (d) 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; and (v) highway safety.

- 7.52 The County Council was consulted as the County Highway Authority (CHA) and has requested additional clarification on certain matters. This has been received and the CHA has raised no objection noting that the applicant has demonstrated to the satisfaction of the CHA that the development will not lead to a significant or severe impact on highway safety and capacity on the local highway network.
- 7.53 The CHA notes that, *‘... public transport points are easily accessible including Ashford Railway Station, and various bus stops well within walking distance, which provide a high frequency service. In addition, there are opportunities for future occupiers to make journeys by foot or by cycle, and there are a range of local services including retail, education and leisure within a short distance of the site. As such the CHA considers that this location is sufficiently accessible to the extent that it would not be a necessity for future occupiers to require their own private car.’*
- 7.54 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, however this is likely to take place within parking bays along Station Approach or Woodthorpe Road. Double yellow line parking restrictions are currently in place along the eastern side of Station Approach, whilst the mini-roundabout junction is protected by single yellow parking restrictions, thereby preventing any on-street parking from occurring here and protecting users from any highway safety hazards.
- 7.55 The CHA refers to the access arrangements including the existing vehicular access off Woodthorpe Road is to be extended and vehicular access from Station Approach will be stopped up. The request by the Applicant to relocate the existing 'Keep Clear' markings, and reorder the parking spaces, has been considered as part of the CHA response and it is likely this would be acceptable but changes to parking restrictions would require the Traffic Regulation Order (TRO) to be amended and this would be subject to a public consultation and advertising process. The Applicant would be expected to pay the costs of this work in addition to the amendments to the lining itself should the TRO amendment be approved. This is a matter outside of the application process as it is not a requirement to make the planning application acceptable.
- 7.56 Consequently there are no objections on highway grounds.

Parking Provision

- 7.57 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. 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 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 (maximum parking standards continue to be applicable in relation to commercial development).

- 7.58 A total of 35 flats are proposed, comprising 16 no. 1 bed, 14 no. 2 bed and 5 no. 3 bed flats. The proposed parking provision for the residential properties is 15 spaces. The Council's Parking Standards as set out in the Supplementary Planning Guidance (SPG) requires 51 spaces, for the occupants of the flats. The SPG states that a reduction of parking requirements will normally only be allowed within the Borough's 4 town centres defined in the Core Strategy and Policies DPD where public transport accessibility is generally high. Any reduction will be assessed against the following relevant factors: -
- a. Distance from public transport node i.e. main railway station, bus station, main bus stop;
 - b. Frequency and quality of train service;
 - c. Frequency and quality of bus service;
 - d. Availability and quality of pedestrian and cycle routes;
 - e. Range and quality of facilities supportive of residential development within a reasonable walking distance (or well served by public transport) e.g. retail, leisure, educational, and possibly employment.
- 7.59 Therefore, the location of the site in Ashford town centre close to local facilities and transport links, including the train station, allows for a lower amount of parking to be provided, as set out in the Council's Supplementary Planning Guide (SPG) on parking.
- 7.60 The CHA has also raised no objection on this basis, noting that they are aware of resident's concerns that the proposed car parking provision is insufficient, and that this represents a notable reduction of the maximum standards recommended by Spelthorne Borough Council. However, the parking standards state that a reduction would be allowed for development located within one of the Borough's 4 town centres defined in the Core Strategy and Policies DPD where public transport accessibility is generally high. As the site meets this location criteria, a reduced parking provision can be considered to accord with the adopted local policy.
- 7.61 The previous scheme had the same parking provision but was for more units, (40 opposed to 35) and off street parking provision was not considered to be a reason to refuse the scheme previously, This was not an issue raised by the Planning Inspector. As such, the proposal is considered to be acceptable on parking grounds and accord with Policy CC3.

Affordable housing

- 7.62 Policy HO3 of the CS & P DPD requires up to 50% of housing to be affordable where the development comprises 15 or more dwellings. The Council's policy is to seek to maximise the contribution to affordable housing provision from each site having regard to the individual circumstances and viability, including the availability of any housing grant or other subsidy, of development on the site. Negotiation is conducted on an 'open book' basis.
- 7.63 The applicant is proposing to provide no affordable housing units, and the applicant has submitted a viability assessment to justify this. The Council's independent viability consultant has reviewed this submission and has concluded that the proposed scheme cannot provide any affordable housing contribution from a viability point of view. It should also be noted that there was no affordable housing provision with the appeal scheme and the outcome of the viability review was also agreed. Therefore, the fact that there is no affordable housing contribution with this scheme, is considered to be acceptable.

Flooding

- 7.64 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 requiring all development proposals within Zones 2, 3a and 3b and development outside these areas (Zone 1) on sites of 0.5ha or of 10 dwellings or 1000sqm of non-residential development or more, to be supported by an appropriate Flood Risk Assessment (FRA).
- 7.65 The site is located 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 applicant has submitted a Flood Risk Assessment (FRA) & Drainage Strategy, as is required by Policy LO1 of the CS & P DPD.
- 7.66 In terms of flood risk, the site is located outside of the high flood risk area and as displayed in the FRA there is no risk to the future occupants of the site from flooding.
- 7.67 With regards to surface water drainage, the applicant is proposing to implement a combination of green roof and crate storage systems to provide improved surface water drainage than currently on the site.
- 7.68 The Lead Local Flood Authority at Surrey County Council has been consulted on the proposed sustainable drainage scheme and raises no objection to the scheme, subject to conditions. The Environment Agency has made no comment on the current application. Accordingly, the application complies with the requirements of Policy LO1 of the CS & P DPD.

Dwelling mix

- 7.69 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.

- 7.70 The number of smaller units (1 bed and 2 bed units) is 30 out of the total 35 units and equates to 86% of the total units. As such the proposal complies with Policy HO4 and is acceptable in this regard.

Archaeology

- 7.71 Whilst the site is not located within an Area of High Archaeological Potential the applicant has submitted an Archaeological Desk-Based Assessment. The County Archaeologist was consulted on the application and raises no objection. Therefore, the impact of the development on archaeology is considered acceptable and accords with Saved Local Plan Policy BE26

Contaminated Land

- 7.72 The applicant has submitted a Phase 1 – Desk Study and Preliminary Risk Assessment report to ascertain the level of contamination of the existing ground conditions and proposed remediation measures. This is particularly important as the proposal introduces new residential development onto the site which has existing commercial uses and reflects the council's standard precautionary approach to contamination risk. The Council's Pollution Control Officer has raised no objection subject to conditions being imposed requiring a further investigation to be carried out to refine risks and remediation measures. As such, subject to these conditions, the proposal is considered acceptable and accords with Policy EN15.

Air quality

- 7.73 The applicant has submitted an Air Quality Assessment (AQA), as is required by Policy EN3 of the CS & P DPD. The AQA assesses the impact of construction impacts of the proposed development and recommends mitigation measures. The Council's Pollution Control section was consulted on the application and raised no objection on air quality, subject to conditions.

Refuse Storage and Collection

- 7.74 Policy EN1 states that proposals for new development should demonstrate that they will incorporate provision for the storage of waste and recyclable materials.
- 7.75 The Council's "*Waste management guidelines for property developers, architects, planners and contractors*", advises that for flats and communal properties, the Council allocates 240 litres of bin storage for waste and 240 litres for recycling. Although the proposal provides two bin stores that would store enough bins for the proposed 35 flats, this is within the building and would require the bins to be moved to the street for collection.
- 7.76 The applicant has provided a Waste Management Strategy which sets out that the refuse and recycling will be collected by a private company, as occurs at the site currently, to ensure any issues with distances associated with Local Authority collections, and also removes any issue with bins blocking the public footpath. The Council's Group Head Neighbourhood Services has been consulted and has no objection to the proposal, as it will not be collected by

the Council. However, sufficient bins storage spaces have been provided for the number of units proposed.

Loss of Employment Space

- 7.77 The site is partially located within the Ashford Town Centre Employment Area. The building at No.7-9 Station Approach, and the building to the rear is located within the Employment Area. However, "The Powerhouse at No.21 Woodthorpe Road, is situated outside of the Employment Area.
- 7.78 Policy EM1 states that the Council will maintain development in designated employment areas by refusing proposals that involve a net loss of employment land or floor space in employment area, unless the loss of floorspace forms part of a redevelopment that more effectively meets needs for an existing business operating from the site or the loss of employment land is part of a mixed use development that which results in no loss of employment space, or it can be demonstrated that the site is not viable in the long term.
- 7.79 Whilst the proposal would include 99m² of Class E floorspace on the ground floor, the application specifies that 1135m² of non-residential floorspace would be lost, although it should be noted that this includes No.21 Woodthorpe Road, which is not located within the Employment Area. The proposal is for 99sq m and the site at 7-9 Station Approach (which is within the employment zone) has a commercial floor area of some 511 sq. m. As such, the net loss of employment floor space, within the employment zone, would in fact be 412 sq. m.
- 7.80 Whilst this would be a loss of employment floorspace, Policy EM1 was adopted in 2009, and in more recent years the government has encouraged a change of use of employment space to residential, notably through the prior approval process. In this instance, whilst there would be a loss of employment floorspace, this loss is not considered to outweigh the benefits of 35 additional dwellings to the Council's 5 year housing land supply, in this sustainable location. The Inspector in the previous appeal scheme did not object to the loss of employment floorspace. In addition, the site forms part of the allocation in the emerging local Plan which also carries some weight in favour of the development.

Biodiversity

- 7.81 Policy EN8 of the CS&P DPD states that the Council will seek to protect and improve landscape and biodiversity in 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.
- 7.82 It is relevant to note that the application is not subject to the National Biodiversity Net Gain requirements as it involves the redevelopment of a brownfield site which has buildings and hardstanding upon it and it does not include the loss of an area of at least 25 sq. m of habitat (one of the specified requirements).

- 7.83 The applicant has submitted a Preliminary Ecological Appraisal. Surrey Wildlife Trust (SWT) has been consulted and although no comments have been received with this application, they raised no objection to the previous scheme. The report recommends bird and bat boxes and planting of native species, which will be controlled by conditions.
- 7.84 The Inspector raised no objection on ecology grounds on the previous appeal scheme; Therefore, the proposal is considered to provide an improvement to the ecology of the site which is currently covered in buildings and hard standing and conforms to Policy EN8. In addition, the proposal includes the addition of landscaped areas and green roofs which will help to soften the development and provide some ecological benefits and is acceptable on these grounds.

Climate Change

- 7.85 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.*
- 7.86 There are also three implementation policies; Policy CC1: Renewable Energy Conservation and sustainable Construction, Policy CC2: Sustainable Travel and Policy CC3: Parking provision.
- 7.87 Policy CC1 states that the Council will require residential development of one or more dwellings and other development involving new building or extensions exceeding 100 sq. m 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. The applicant has submitted an energy statement noting that they will use photovoltaics panels and air source heat pumps and the Council's Sustainability Officer has raised no objection to the proposal. A condition will be imposed in order to ensure the policy requirement is met.
- 7.88 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*.

- 7.89 The applicant has submitted an Energy and Sustainability report and completed the Climate Change Checklist (which forms part of the SPD) as part of their submission. The report notes that the design has an optimised layout and orientation to minimise the energy usage. Attention has been given to reducing the environmental impact of the building during its lifetime, with an enhanced fabric performance complemented with the incorporation of renewables that ensure a reduction of CO2 emissions. The report has demonstrated that a highly energy efficient building fabric and its services do better the Building Regulations Part L1A, and thermal performance. The addition of renewable energy sources; PV panels for energy generation and air-source heat pumps for space and water heating, will be most appropriate and practical strategy to meet the energy efficiency and carbon reduction targets set by the council and central government.
- 7.90 Overall, the scheme is considered to performs well against the Council's SPD and climate change policies and in particular is an efficient use of a brownfield site providing more residential units in a sustainable location and the principal of which was not objected to previously.

Crime and Design

- 7.91 With regard to the Crime Prevention Officer's comments, it is considered appropriate to impose an informative rather than a condition, in line with government advice on the use of planning conditions relating to "Secured by Design". Many of the requirements are very detailed (e.g., standards of windows, doors and locks), elements which are not covered and enforced under the planning regulations.

Other Matters

- 7.92 The landscaping is considered to soften the hardstanding and buildings and provide a benefit compared to the existing situation where the site is laid to hardstanding and has buildings upon it.
- 7.93 The SCAN Officer has referred to accessible units. The applicant has noted that there will be 4 wheelchair user dwellings and all remaining units will be M4(2) Accessible and adaptable dwellings. Also, the proposal provides 3 disabled car parking spaces. The emerging local plan has a policy which will allow in the future for a condition to be attached to consents to ensure all units are compliant with a higher level of building regulation control. At present this is at the early stages and can only be given limited weight. As such, a condition would not be reasonable at this stage and would be covered by building regulation control.
- 7.94 In regard to noise, the applicant has submitted a noise report, and no objection has been received from the Council's Environmental Health Officer (EHO) on these grounds however noise from commercial uses could be an issue in the future. There is no objection to the proximity of the train station and noise, and indeed other existing residential properties are located a similar distance from the train line and station.

- 7.95 As part of the application assessment Network Rail was consulted given the proximity of the development to Ashford Railway Station. Network Rail has replied to request that some Community Infrastructure Levy (CIL) money is pooled with other contributions from nearby development towards funding a scheme to improve accessibility at the station.
- 7.96 This is a matter for the CIL Working Party and not for the determination of this application and the matter has been referred to the CIL officer.

Equalities Act 2010

- 7.97 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.
- 7.98 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.
- 7.99 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.
- 7.100 It is considered that this proposal may affect individuals with protected characteristics specifically the impact of the development on disabled people. However, given the application is at outline stage and design is not under consideration.

Human Rights Act 1998

- 7.101 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.102 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.
- 7.103 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.

7.104 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

7.105 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. It is relevant to note that the proposal is a CIL chargeable development and given there are buildings to be demolished the proposal will generate a CIL fee of approximately £32,000. The proposal will generate Council tax payments which is not a material consideration in the determination of this proposal.

Conclusion

7.106 The proposal will provide 35 new residential units on a brownfield site, in a sustainable town centre location, close to public transport links and local facilities. As such, it will be an efficient use of land and will provide for much needed housing. Despite there being no affordable housing provided, the provision of new dwellings would be a benefit of the scheme which would carry substantial weight in favour of the development. The proposal has been submitted in order to address the design concerns raised by the Planning Inspector at the recent appeal at the site which is a material consideration which carries significant weight. Therefore, the proposed layout, scale and design, is now considered to be in character with the locality, in particular on the Station Approach frontage, and will not be of detriment to the locality.

7.107 There are no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. The proposal conforms to Policies of the Core Strategies and Policies DPD and is therefore 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 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 TPH-01, 24, 27 and 28, B23026 101A_1, 102A_2, 28301A-1, 2-1, 2-2 and 2-3 received on 11 September 2024 and amended plans numbered TPH 22A, 23B, 25A and 26A received on 21 November 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. The refuse and recycling facilities hereby approved shall be provided prior to the occupation of the development hereby approved and retained thereafter.

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

5. No part of the development shall be first occupied unless and until the proposed vehicular modified access to Woodthorpe Road has been constructed and provided with visibility zones in accordance with drawing number P2819/TS/03 (dated 04.09.24), hereby approved, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 600mm high.

Reason:- In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2023 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

6. The development hereby approved shall not be first occupied unless and until the existing eastern vehicular access from the site to Station Approach has been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason:- In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2023 and policy CC2 of Spelthorne Borough

7. The development hereby approved shall not be first utilised unless and until a dropped kerb access onto Station Approach, has been constructed in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. Thereafter the access, which is not to serve vehicles, shall be retained and maintained for its designated purpose.

Reason: - In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2023 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009

8. No development shall commence until a Demolition and Construction Transport/Environmental Management Plan, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
 - (f) HGV deliveries
 - (g) hours of demolition/construction
 - (h) measures to prevent the deposit of materials on the highway
 - (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - (j) on-site turning for construction vehicles
 - (k) dust suppression measures

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

Reason: - In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2023 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009

9. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: - In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework

2023, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009

10. The development hereby approved shall not be first occupied unless and until facilities for the secure, lit and covered parking of at least 42 bicycles and the provision of a charging point with timer for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason:- In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2023, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009

11. Prior to the occupation of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Heads of Travel Plan' document (if appropriate, specify). And then the approved Travel Plan shall be implemented on occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Reason: - In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 "Promoting sustainable transport" of the National Planning Policy Framework 2023, and policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009

12. 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 and Policy EN8

13. 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.

14. No development shall take place until:-

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

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

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

Reason: -. To protect the amenities of future residents and the environment from the effects of potentially harmful substances. In accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

15. 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.

16. The rated noise level from any plant/machinery/ducting shall be at least 10dB(A) below the background noise level at the nearest noise sensitive property as assessed using the guidance contained within BS 4142 (2014).

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

17. No deliveries nor collections/loading nor unloading, including refuse collection of the Class E use shall occur at the development other than between the hours of 08:00 to 18:00 on Monday to Friday, 09:00 to 18:00 on Saturdays and at no time on Sundays and Public/Bank Holidays.

Reason: To ensure that the amenity of occupiers of the development site/

surrounding premises is not adversely affected by noise,

18. The ground floor Class E unit shall not be used for the purposes hereby permitted before 8.00am or after 11.00pm on any day.

Reason: To safeguard the amenity of neighbouring properties.

- 19 The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national NonStatutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to 1.2l/s.

b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

d) Details of drainage management responsibilities and maintenance regimes for the drainage system.

e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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

20. 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 designed to the National Non-Statutory Technical Standards for SuDS.

- 21 Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds.

The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary to manage the flat roofs to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

- 22 No development shall take place until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP shall demonstrate that waste generated by the construction and excavation is limited to the minimum quantity necessary and that opportunities for re-use and recycling of any waste generated are maximised. The SWMP should be implemented as approved.

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

- 23 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 and CC1 of the Spelthorne Core Strategy and Policies DPD 2009 and the Climate Change SPD, April 2024.

- 24 Prior to the first occupation of the buildings hereby permitted, details including a technical specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The agreed external lighting shall be implemented prior to the first occupation of the buildings and shall at all times accord with approved details.

Reason: To safeguard the amenity of neighbouring properties.

- 25 Details of a scheme of both soft and hard landscaping works shall be submitted to and approved by the Local Planning Authority prior to first occupation of any part of the development hereby approved. The approved scheme of tree and shrub planting shall be carried out prior to first occupation of the buildings and/or site. The planting so provided shall be maintained as

approved for a minimum period of 5 years, such maintenance to include the replacement in the current or next planting season, whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason:- To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development. In accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 26 Before the first occupation of any part of the development, a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

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

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. 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.

4. 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.
5. In accordance with Approved Document S of the Building Regulations, you will be required to install electric vehicle charging facilities.
6. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. 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.

7. 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.
8. 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.
9. Due to the site being within 6km of Heathrow Airport the crane operator is required to submit all crane details such as maximum height, operating radius, name, and phone number of site manager along with installation and dismantling dates to the CAA Airspace Coordination and Obstacle Management Service (ACOMS) system. For notification, please follow the link via CAA website: Crane notification | Civil Aviation Authority (caa.co.uk) Once crane notification has been received from the CAA, Heathrow Works Approval Team will assess and issue the necessary crane permit. No cranes should operate on site until a crane permit has been issued. Specific CAA guidance for crane lighting/markings is given in CAP1096: Guidance to crane users on the crane notification process and obstacle lighting and marking (caa.co.uk).
10. The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Heathrow Airside Operations staff. In some instances it may be necessary to contact Heathrow Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. Classification: Public The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England before the removal of nests and eggs.

11. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website. If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards. Sub ground structures should be designed so they do not have an adverse effect on groundwater. If there are any further queries please contact the Flood Risk, Planning, and Consenting Team via SUDS@surreycc.gov.uk. Please use our reference number in any future correspondence.

12. 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.