

Planning Committee

2 April 2025



Application No.	23/00388/FUL
Site Address	Multi-Storey Car Park and adjoining highway land, Church Road, Ashford
Applicant	Spelthorne Borough Council
Proposal	Demolition of Multi-Storey Car Park and erection of a residential block for 42 no. residential units, with associated car parking, together with a further provision of public car parking spaces, and a ground floor commercial use (Use Class E). Provision of landscaping/public realm, access arrangements and associated highway works.
Case Officer	Paul Tomson/Susanna Angell
Ward	Ashford Town
Called-in	N/A

Application Dates	Valid: 05/04/2023	Expiry: 04/04/2025	Target: Extension of time agreed
Executive Summary	This planning application involves the demolition of the existing multi-storey car park and the erection of a new building with five floors of accommodation to provide 42 no. residential flats, a ground floor commercial use (Class E), and car parking including the provision of some replacement public car parking. In addition, a new public realm is to be created at the front of the site to include hard and soft landscaping. Underground bins will be located within this area. There will also be amendments to the surrounding highway land. The existing building is in a poor condition and has been closed since June 2022. The site is located in Ashford town centre and the principle of redeveloping the site for residential and commercial purposes is considered acceptable. The existing building is visually unattractive and disused and is detracting from the visual amenities and vitality of the town centre. Replacing the car park with the proposed development will make a positive contribution to the area and make a substantial improvement to this part of the town centre. It is recognised that the proposed building is substantially greater in height than the existing building (approximately twice the height) and the neighbouring buildings to the side and rear and will therefore have a materially greater visual impact on the character of the area and surrounding properties. However, these impacts need to be balanced		

	against the substantial benefits that the development will deliver. Although the emerging Local Plan has only limited weight at this stage, it is relevant to note that the application site is to be designated as an 'Allocation Site' for new residential and commercial/community purposes in the new Local Plan. It is considered that the benefits of replacing the disused and unattractive car park with the proposed development will clearly outweigh the impacts associated with the larger built form and its relationship with neighbouring properties. Accordingly, the scheme complies with Policy EN1 of the Core Strategy and Policies DPD 2009. The proposal will provide an active frontage and together with the new public realm, it will make a positive contribution to the high street. The introduction of 42 no. new dwellings will also help contribute towards the vitality and viability of the town centre, as well as making a contribution to the Borough's housing need. Following amendments to the site frontage and highway arrangement, the County Highway Authority has made no objection to the proposal on highway safety grounds. The level of residential car parking and replacement public parking is considered acceptable. Whilst the applicant has indicated that it is their long-term intention to provide affordable housing on the site by applying for funding through Homes England, the application as it stands proposes all of the units to be market housing. The applicant has demonstrated to the satisfaction of the Local Planning Authority that it is not viable to provide any affordable housing on the site. The LPA's valuation advisor agrees with this position and accordingly, the scheme complies with the requirements of Policy HO3 of the Core Strategy and Policies DPD 2009.
Recommended Decision	Approve the application subject to conditions as set out in the Recommendation section (paragraphs 8.1, 8.2 and 8.3).

MAIN REPORT

1. Development Plan

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

- LO1 (Flooding)
- HO1 (Providing for New Housing Development)
- HO3 (Affordable Housing)
- HO4 (Housing Size and Type)
- HO5 (Density of Housing Development)
- EM1 (Employment Development)
- SP4 (Town Centres and Retail Development)
- TC3 (Development in Ashford, Shepperton and Sunbury Cross Centres)
- CO3 (Provision of Open Space for New Development)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN15 (Development on Land Affected by Contamination)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

1.2 On 19 May 2022, the Council agreed that the draft Spelthorne Local Plan 2022 – 2037 be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The public consultation for the Pre-Submission Publication version of the Local Plan ended on 21st September 2022 and the local plan was submitted to the Planning Inspectorate on 25th November 2022.

1.3 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. This was agreed.

1.4 On 14 September 2023, 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.

- 1.5 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.
- 1.6 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.
- 1.7 On 24 October 2024, the Council agreed to re-instate 13 of the 15 Green Belt sites as housing allocations and requested the Planning Inspector to resume the Examination into the Local Plan.
- 1.8 On 12 December 2024, the Planning Inspectorate confirmed that the Local Plan examination would resume on the 27 January 2025. This has now taken place and the Examination closed on 18 February 2025. Adoption of the Local Plan by Council could be by September 2025 subject to the plan being found sound by the Inspector and public consultation undertaken on the Main Modifications (<https://spelthornelocalplan.info/evidence-base/>).
- 1.9 The following policy of the draft Spelthorne Local Plan 2022-2037 is of relevance:
- Policy ST1 (Presumption in Favour of Sustainable Development)
 - Policy PS2 (Designing Places and Spaces)
 - Policy SP2 (Ashford, Shepperton and Sunbury Cross)
 - Policy H1 (Homes for All)
 - Policy H2 (Affordable Housing)
 - Policy E3 (Managing Flood Risk)
 - Policy EC2 (Retail)
 - Policy ID1 (Infrastructure and Delivery)
 - Policy ID2 (Sustainable Transport for New Developments)
- 1.10 The site has been identified as a 'Site Allocation' in the draft Local Plan (AT3/007 - Ashford Multi-Storey Car Park). In particular, the Site Allocation proposes a mixed-use development comprising residential development (approximately 55 units) and a ground floor retail/community use to provide an active frontage (approximately 400 sq. m.).
- 1.11 A total of 3 representations were received (including 1 representation from the Environment Agency) in relation to the proposed Site Allocation in the emerging Local Plan. Issues raised included:

- The current car park is an eyesore and redevelopment would improve the town centre.
- The development could house community uses and retain some level of car parking
- Overlooking and noise impacts should be restricted
- Support for the proposed allocation
- Flood risk assessment required

1.12 The [National Planning Policy Framework](#) (NPPF) states at para 49 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).

1.13 Section 38(6) the Planning and Compulsory Purchase Act 2004 (https://www.legislation.gov.uk/ukpga/2004/5/pdfs/ukpga_20040005_en.pdf) 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.

1.14 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

Ref. No.	Proposal	Decision and Date
STA.P.9315	Erection of a multi-storey car park to accommodate 292 cars and incorporating a public convenience on land on the south side of Church Road, Ashford.	Approved 12.03.1968

3. Description of Current Proposal

3.1 The application relates to Ashford Multi Storey Car park which is located on the southern side of Church Road in Ashford town centre. The car park has been closed since June 2022. Prior to that, the top deck of the car park had been closed since at least 2013.

- 3.2 The car park is three storeys in height with a flat roof and occupies the whole plot. To the north of the site on the opposite side of Church Road is the former Brooklands College development, comprising residential development and commercial floorspace at ground floor. To the south of the site is Clarendon Road which consists of residential properties that back onto the site. Directly to the east is 59-61 Church Road which is a commercial property (dentist). To the west of the site is 51-55 Church Road which is in commercial use. The site is located within the urban area. It is also located within the designated Employment Area and Shopping Area of Ashford.
- 3.3 The proposal involves the demolition of the multi storey car park and the erection of a new building, with parking and commercial floor space at ground floor, and 4 floors of residential accommodation above containing 42 units. The development will also provide 42 car parking spaces for residents and 39 public parking spaces (including 2 disabled parking spaces). The commercial floorspace will comprise two separate units fronting onto Church Road and will be Use Class E (Commercial, Business and Service). It will have a total floorspace of 359 sq. m.
- 3.4 The proposed building will measure 59.5ms in length, up to 28ms in depth, and 18.3ms in height. It will be flat roofed in appearance and faced with a mix of red and pale coloured brick work. The top floor will be set back and faced in metal cladding. Private amenity space will be provided in the form of balconies and a raised terrace to the rear. Access will be from Church Road. The proposed building line will be set back compared to the existing building and will line up with the adjoining buildings. The new public realm will comprise new paved areas and space for landscaping. The soft landscaping area will be partially enclosed with low level walling, which is designed to serve as informal public seating. Underground bins will be located within this area. In terms of dwelling mix, the development would provide 9 no. 1 bed 2 person units, 25 no. 2 bed 3 person units and 8 no 2 bed 4 person units (all market housing).
- 3.5 The application was delayed following the County Highway Authority (CHA) raising fundamental concerns about the bin collection arrangement. The CHA originally considered that the principle of refuse collection, comprising the craning of bins over the public highway would significantly compromise highway safety.
- 3.6 Following lengthy discussions with the CHA, the applicant has submitted amended plans. These comprise changes to the public realm which allow the refuse collection to operate safely. There are also changes to the adjoining highway land. The proposal also results in the loss of 4 existing on-street parking spaces and the existing layby in front of the building.
- 3.7 Neighbouring properties have been re-notified of the amended plans.

4. Consultations

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

Statutory Consultees

Consultee	Comment
County Highway Authority	No objection subject to conditions. Requests a financial contribution of £20,000 towards the 'Surrey CC Placemaking Scheme' for public realm and highway improvements to Church Road.
Lead Flood Authority (Sustainable Drainage Systems)	No objection subject to conditions

Non-Statutory Consultees

Consultee	Comment
Surrey Police	Made various security related design comments. Requests a condition requiring the applicant to apply for a Secured by Design Award.
Thames Water	No objection subject to a condition and informatives.
SCC Fire Service	No objection
National Grid	No response
NHS	No response
Surrey Wildlife Trust	No objection
Environment Agency	No comments (as the site is not within a higher risk flood zone).
Environmental Health (Contamination)	No objection subject to condition
Head of Neighbourhood Services	No objection
Environmental Health (Lighting)	No objection subject to condition
Environmental Health (Air quality)	No objection subject to condition
Environmental Health (Noise)	No objection

Valuation advisor	Agrees that the scheme is not viable to provide any affordable housing.
Sustainability Officer	No objection
Tree Officer	No objection

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.”
- 5.2 The applicant is Spelthorne Borough Council. Two public consultation events were carried out from the application site on Friday 1st July 2022 and Saturday 2nd July 2022, prior to the application being submitted.
- 5.3 121 neighbour notification letters were sent out to the surrounding properties to notify them of this planning application. Statutory site notices were displayed around the site, and a notice was advertised in the local newspaper. The Council has received 24 letters of objection and 3 letters of representation (i.e. neither objecting nor supporting). In addition, two letters of support have been received.
- 5.4 The following concerns have been raised:
- Why does Ashford need another 42 flats when hundreds have only just been built on the old college school grounds?
 - Ashford is already grid locked four times a day with the number of vehicles now on the road without adding more.
 - 42 dwellings is too many for the site
 - There should be more retail units along the front façade
 - Inadequate parking space for residents and visitors
 - Too many flats and no infrastructure [*Officer note: infrastructure issues can be addressed through the Community Infrastructure Levy – CIL*]
 - Insufficient parking, which will spread to surrounding road. The town centre needs a new car park.
 - Ashford needs more family homes with gardens, not flats.
 - Crime facilitated by the publicly accessible basement car park
 - Highway safety issues. Inadequate visibility for vehicle emerging from the site.
 - Inadequate loading areas.
 - The cycle parking proposed is cramped and inadequate for the numbers required

- The building is too high. The development appears to dwarf the surrounding buildings and encroach on the privacy of the houses to the rear of the development
- It is imperative that the public parking is not reduced from the proposed number during development as since closure of the existing car park it is impossible to find a parking space most days.
- The development would lead to loss of light, overshadowing, and be too overbearing for the area. It would overlook and lead to loss of privacy for nearby residents.
- Noise created by generators at the rear of the building
- Noise and disturbance from proposed roof top terrace

5.5 In addition to this, a letter has been received from the Spelthorne Committee for Access Now (SCAN) raising the following concerns

- The planning application makes no reference to Part M of the Building Regulations and refer to the long superseded Disability Discrimination Act and fails to consider the Council's emerging Local Plan.
- Only 10% of the residential units are noted to be wheelchair user compliant. It would be expected that 10% to be designed and constructed to Part M4(3) Cat 3 wheelchair user dwellings. The remainder of the flats should be to Part M4 (2) accessible and adaptable dwellings.

[Officer note: Notwithstanding the submitted Design and Access Statement stating that 10% of the units will be 'wheelchair use compliant', the applicant has since confirmed that all of the dwellings will meet Part M4(2) – accessible and adaptable dwellings. None of the units will meet Part M4(3) – 'wheelchair use compliant'. However, this is not a planning policy requirement at present]

- Taking into consideration the emerging Local Plan these standards should be required by condition.

6. Planning Issues

- Is the Development Acceptable in Principle
- Housing Need
- Loss of Existing Car Park
- Housing Density
- Design and Appearance
- Impact on Neighbouring Properties
- Amenity of Future Occupants
- Affordable Housing
- Open Space
- Parking Provision
- Highway Issues
- Flooding

7. Planning Considerations

Principle of Development

- 7.1 The site is located within the urban area and Ashford Town Centre. It is also located within the designated Shopping and Employment Zone boundaries associated with the town centre. Policy TC3 (Development in Ashford, Shepperton and Sunbury Cross Centres) of the Core Strategy and Policies Development Plan Document 2009 (CS & P DPD) states that within the defined Employment Areas of Ashford, Shepperton and Sunbury Cross, the Council will encourage mixed use development containing offices with residential and other uses that contribute positively to the centre, where development can take place in an acceptable manner and where the existing amount of employment floorspace is retained.
- 7.2 The existing car park has been disused since June 2022 and is clearly detracting from the vitality of the town centre and the visual amenities of the street scene. It is not considered to be an existing employment generating use. The principle of demolishing the existing multi-storey car park and replacing it with a new mixed-use development comprising residential, a commercial ground floor use, and the provision of some replacement public car parking, is considered acceptable. Indeed, introducing a significant level of new residential development (and a commercial use) onto the site will play an important role in contributing to the vitality of the existing Ashford town centre, consistent with the aims of Section 7 (Ensuring the vitality of town centres) of the NPPF.
- 7.3 It is relevant to note that the site has been identified as a proposed Site Allocation in the Council's Pre-Submission Spelthorne Local Plan June 2022 (i.e. the emerging Local Plan). The draft Allocation proposed a mixed-use development comprising residential development and a ground floor retail/community use to provide an active frontage. Whilst the outcome of the recent Examination into the emerging Local Plan is yet to be published (limited weight is to be given at this stage), it is considered that the proposed development subject to the planning application is broadly consistent with the aims of the draft Site Allocation.

Housing Need

- 7.4 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 NPPF.
- 7.5 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.

- 7.6 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.
- 7.7 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.
- 7.8 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.
- 7.9 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.
- 7.10 The information above is the Council's stated position as of 31/03/24. However, at the 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.
- 7.11 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 (2023) for Spelthorne Borough Council was published by the Secretary of State in December 2024, with a score of 61%. 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

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

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.

- 7.12 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 (2024). 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.

Loss of Existing Car Park

- 7.13 In terms of the loss of the existing Multi Storey Car Park, the planning application states that the car park has 139 parking spaces. The car park has been closed since June 2022 (nearly 3 years). The top levels have been closed for at least 12 years.
- 7.14 The applicant states that a survey of the Multi Storey Car Park in 2018 revealed that the car park had a maximum of 48 vehicles parked on weekday and maximum of 20 vehicles on a Saturday. The same survey stated that on average, on a weekday between 9am and 6pm, an average of 34 vehicles would be parked and on Saturday an average of 12 vehicles. This suggests that the car park was significantly underused when it was open. The application proposes 39 public parking spaces, a figure which is comparable to the average figure for weekday use highlighted in the survey.
- 7.15 The latest amended plans show highway works which would involve the loss of three parallel parking spaces outside 51 - 55 Church Road and one further space outside 39 Church Road to allow the refuse lorry to operate safely. The existing layby in front of the site comprising a disabled parking space, and space for motorcycles and police parking, will be removed. It is noted that this would further reduce the on-street parking in Church Road and it is recognised that at certain times the on-street parking spaces are occupied at a high level. However, the existing public parking spaces are subject to time restrictions and it is not possible to park for long periods of time in these spaces. For example, there is no scope for commuter parking. Furthermore, there is other additional parking available. Taking into account the proposed 39 parking space in the new development, the loss of the existing multi-storey car park and on-street spaces and the replacement with 39 public parking spaces as part of the proposed development is considered acceptable.

Housing Density

- 7.16 Policy HO5 of the Core Strategy and Policies DPD 2009 (CS & P DPD) states that within Ashford, Shepperton and Sunbury Cross centres, new development should generally be in the range of 40 to 75 dwellings per

hectare. The supporting text to Policy HO5 states that the centres of Ashford, Shepperton and Sunbury Cross for the purposes of the policy is defined by the fullest extent of the designated Shopping and Employment Areas as shown on the Proposals Map (the application site is wholly located within these boundaries).

- 7.17 The proposal involves the creation of 42 residential properties on a site of 0.26 hectares and the housing density is therefore 162 dwellings per hectare (dph). Whilst the proposed density is above the recommended 40-75 dph range stipulated in Policy HO5, the policy states that, *'Higher density developments may be acceptable where it is demonstrated that the development complies with Policy EN1 on design particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non car based modes of travel.'* It is important to note that any mathematical density figure is in part a product of the mix of units proposed. In this case, all of the units are either 1 bed or 2 bed in size and accordingly it is possible to accommodate many more small units within a given floor space and an acceptable numerical density can be much higher. Therefore, whilst the development is above 75 dph, it is considered that the proposed density is acceptable in this particular town centre location where there is the option for residents to use public transport or other non-car means of travel. The proposal will need to comply with Policy EN1, which is examined in the following paragraphs.

Design and Appearance

- 7.18 Policy EN1(a) 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.
- 7.19 The site is located within the town centre where there is a variety of different building styles and scale. On the southern side of Church Road (on which the application site is located), the buildings are generally set back some distance from the main carriageway with service roads provided in front of the properties providing access and on-street parking. To the west of the site are the commercial flat roof blocks of 39 – 53 Church Road. These are three-storey in scale, although an additional 3rd floor has been added to No. 47-49 to provide new flats (the first and second floors have also been converted to residential). To the east is No. 59-61 (dentist) which is 2-storey in scale. Further to the east is 1-19 Church Parade, which is 3-storey in scale. This is a commercial block with a flat roof design and has flats on the upper floors. Opposite the site on the other side of Church Road is the new Brooklands development. This is 4-storey in scale. The nearest blocks to Church Road comprise projecting pitched roof gable-end wings. The remaining section is set back, thereby creating a town square.

- 7.20 The existing multi-storey car park is substantial in size measuring 60 metres in width, 33 metres in depth, and approximately 9 metres in height, although the staircase tower rises to 15m. The building projects forward compared to the existing buildings either side. For example, in relation to No. 51-55 (to the west) the existing car park projects forward by 5.5 metres. To the east, the building projects forward from 59-61s building line by approximately two metres. As a consequence, there is no service road provided in front of the application site and the building projects forward incongruously within the street scene. In addition, the existing multi-storey car park has no active frontage and creates a shaded and unattractive/hostile impact along this part of Church Road. As mentioned above, the building has been disused since 2022 and it currently detracts from the appearance and character of the high street.
- 7.21 The proposed building will be five storeys in scale. It will measure 59.5 metres in width, 17.5 metres in depth (main part of the building although the car parking and communal garden deck will extend further towards the rear), and up to 18.3 metres in height. The proposed building will therefore be twice as high as the existing building. It will be substantially higher than the buildings either side of it. For example, in relation to Nos. 51-55 the new building will rise a full two-storeys higher than the existing neighbouring block. The proposed flank walls of the upper floors will be clearly visible when the development is viewed obliquely from the street. The proposed 18.3 metre height is similar to the maximum height of the Brooklands development opposite. However, only the very top of the pitched roof gables of the Brooklands development are at this height. The vast majority of that scheme is substantially lower. The proposed building will also appear substantial in scale when viewed from the properties at the rear in Clarendon Road.
- 7.22 Whilst it is acknowledged that the proposed development will appear bulky and rather out of proportion with its immediate neighbours, its scale needs to be viewed in context with its town centre location where a variety of different design and scale of buildings is normally acceptable. Moreover, the additional scale must be weighed against the substantial benefits that this development will bring to the town centre. The scheme will involve removing an unattractive and disused building that does not make any positive contribution to the street scene. The proposed mix of external materials comprising red and pale coloured brickwork, and metal cladding for the set-back top floor (together with the large areas of glazing) is considered a significant improvement on the dark brickwork and metal grille frontage associated with the existing building. The proposed building line will be set back so that it is broadly in line with the prevailing building line. As a result, a new public realm will be laid out at the front of the site comprising a new walkway immediately in front of the building, together with landscaping. Unlike the existing building, new commercial units will be provided on the ground floor providing an active and visible frontage onto Church Road that will add vitality to the town centre and provide a much more attractive frontage to the site. A further significant benefit in favour of the scheme is the provision of 42 new residential units, which will contribute positively to the town centre as well as providing much needed homes to the area.

- 7.23 Taking into account all of these benefits, it is considered on balance, that the proposed design and appearance is acceptable and complies with the requirements of Policy EN1 of the CS & P DPD and the NPPF.

Impact on adjoining properties

- 7.24 Policy EN1(b) 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.
- 7.25 With regards to impact on light, the application is accompanied by a Daylight and Sunlight Assessment which has considered impacts on various properties that adjoin the application site, including both residential and commercial buildings. This report concludes that there will be no significant harm caused to the daylight and sunlight amenity to the surrounding properties. The level of daylight and sunlight to neighbouring properties as a result of the proposal is therefore considered acceptable.
- 7.26 The proposed development would be located to the north of a number of residential properties adjoining site to the rear (fronting Clarendon Road). The existing car park is set over three levels and stands three stories in height. It already has a poor relationship with these properties due to its height and proximity. The rear section currently stands 9m in height, dropping down to 6.5m in height within 5.5 metres of the boundary.
- 7.27 The rear section of the proposed development would extend up to and along the boundary with the properties fronting Clarendon Road. This section would be flat roofed comprising a plant area but would be recessed into the ground standing 2.3m height above ground level. Above this would be a mezzanine car park level located some 5.9m from the rear boundary and standing 3.4 metres in height above ground level. A raised area of communal residential amenity space would be located above this. This would be set back from the rear boundary line of the site by approximately 7.2m and stand 5.1m in height.
- 7.28 The height and scale of these sections are similar to the existing car park and these sections are considered to have an acceptable relationship with the properties on Clarendon Road, avoiding significant loss of light and overbearing impact.
- 7.29 The Council's Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) sets out separation distances for two and three storey development within a traditional suburban location which does not apply to this site. Nonetheless,, it is a useful indicative guide with which to assess the proposed development. The SPD states that 3 storey development should maintain a 30m back-to-back separation distance and a minimum 'back to boundary' separation distance for three storey development of 15m.
- 7.30 The front section of the development (comprising the main residential block) would stand five stories in height, 17.5m in overall. This is approximately twice the height of the existing car park. In terms of separation distances, it

would be set back approximately 15m from the rear boundary with the Clarendon Road properties. Due to its five storey scale, the building would clearly have a substantial presence when viewed from the Clarendon Road properties.

- 7.31 However, whilst lower in height, the existing car park is located closer to the properties on Clarendon Road, whilst the proposed new taller building would be set back further from the rear boundary. Furthermore, the visual harm resulting from the height and scale of the proposed development needs to be weighed against the visual harm resulting from the existing dilapidated car park, which could potentially attract anti-social behaviour. It should also be noted that despite public consultation, the Council has received few objections from the occupants of the properties in Clarendon Road (only two letters). On balance therefore, it is not considered objection could be sustained on the basis of an overbearing impact due to scale.
- 7.32 In terms of impact on daylight, the flats are to the north of the Clarendon Road properties, and consequently, the proposal is not considered to cause a substantial loss of sunlight.
- 7.33 The Council's 25 degree guide (laid out in the Council's SPD) is used to assess development in order to ensure that in the area to the rear of a property no new development is so close that a significant view of the sky is lost. New development should not to infringe a 25 degree line measured from the centre of a the main window to a habitable room. The proposed development would not infringe a 25-degree line taken from the grounds floor windows serving properties in Clarendon Road. It is therefore not considered that significant loss of day light would result to these properties.
- 7.34 Directly to the east of the site is No. 59-61 Church Road, which is a dental surgery. The relationship with this property is considered acceptable. To the west of the site is No. 51-55 Church Road. This is in commercial use and the relationship with this property is also considered to acceptable.
- 7.35 In terms of impact on privacy, half the flats would have their main outlook to the rear of the property. Furthermore, the first floor of the development would comprise a raised communal garden area. This would set back approximately 7.2m from the rear boundary with the Clarendon Road properties. The plans show that a screen would erected along the boundary of the garden in order to avoid loss of privacy to the gardens backing onto the site. It is considered that this would ensure residents are not able to have direct views into the gardens and therefore would not result in significant loss of privacy.
- 7.36 The flats would also have balconies located at 2nd and 3rd floor level. These would be large enough to sit out on. They are set back approximately 15m back from the rear boundary with the Clarendon Road properties. However, there is a line of evergreen trees, and other trees and foliage, located at the rear of the rear gardens of most properties adjoining the site. These trees are in the gardens of the neighbouring properties and therefore in their control. Some of the properties have a significant level of screening provided by the tree cover, as the trees are substantial in height and crown spread.

- 7.37 Furthermore, the balconies do not extend fully across the rear elevation. The central section contains Juliet-style balconies (with no sitting out areas). The property on Clarendon Road with no tree cover along the boundary would face onto this central section where the balconies are Juliet balconies. It is also relevant to note that the top level of flats has no balconies.
- 7.38 Taking into account these factors, it is considered on balance, the impact of the proposal on the amenity of neighbouring properties would not be significantly harmful so as to warrant refusal of the application and sufficiently complies with the requirements of Policy EN1 of the CS & P DPD.

Residential Amenity

- 7.39 The Design SPD sets out minimum amenity space standards for new dwellings. For flats, the requirement is 35 sq. m per unit. Where amenity space is shared the requirement will be relaxed to 35 sq. m per unit for the first 5 units, 10 sq. m for the next 5 units, and 5 sq. m for each unit thereafter. Usable balcony floorspace may be counted in this provision. In addition, the SPD states that only useable garden space to the side and rear of a property will be regarded as amenity space for the proposed residents.
- 7.40 The minimum amenity space requirement for the development is 385m². The proposal incorporates a large raised communal roof terrace measuring 440m². This would include garden areas, landscaping and seating. The development also provides balconies large enough to sit out on for most properties, thereby also providing further private outdoor space. It is therefore considered that the amenity space provision is acceptable.
- 7.41 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 to 2 and 3 storey houses. For example, the minimum standard for a 1-bedroom flat for 2 people is 50 sq. m.
- 7.42 The Government has also 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.
- 7.43 The size of several of the 1-bedroom units is marginally below the minimum internal floorspace standard of 50 sq. m (they are 1 sq. m below – i.e. 49 sq. m). However, taking in account that most of them have their own private balconies and they are located within the town centre, it is considered that the residents will nevertheless have an acceptable standard of amenity.
- 7.46 It is also noted that some of the flats (the ones facing onto Church Road) will be single aspect and north facing. However, to their benefit, the flats will have a wide, open aspect with views towards the Brooklands development. As

noted above, many have their own balconies large enough to sit out on. The flats are also located in the town centre a short distance from local amenities.

- 7.47 On balance therefore, the proposed amenity of future residents is considered acceptable and the proposal complies with the requirements of Policy EN1 of the CS & P DPD.

Affordable Housing

- 7.48 Policy HO3 of the CS & P DPD requires the Council to negotiate for a proportion of up to 50% of housing to be affordable where the development comprises 15 or more dwellings. The Council will 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 should be conducted on an 'open book' basis.
- 7.49 The proposal involves the provision of 42 flats (9 no. 1-bed and 33 no. 2-bed units), all of them to be occupied as private market housing. None of the units are proposed to be affordable. In accordance with Policy HO3, the applicant has submitted an affordable housing viability assessment on an open book basis to demonstrate it is not financially viable to provide any affordable housing on the site.
- 7.50 The viability assessment has considered the proposal based on several different tenure scenarios, including for example 100% private sales, and in all of them the scheme would make a financial loss. Even if the proposal was to be built and all the units were to be privately rented the scheme would not be financially viable and the development would therefore make a substantial loss/deficit.
- 7.51 The applicant's viability assessment has been reviewed by the Council's valuation advisor. The response confirms that it is not viable to provide any affordable housing on the site. Indeed, the assessor agrees with the applicant that it is not even viable to develop the scheme on the basis that the housing is wholly privately sold or rented. Accordingly, the proposal is considered to comply with the requirements of Policy HO3.
- 7.52 Notwithstanding the above situation, the applicant has advised their preference is to deliver the scheme as affordable housing and once the scheme has planning permission, the proposal is to seek a joint development partner to deliver the scheme. The final decision around the type of housing; all market housing or a split between market and affordable will be dependent on the outcome of discussions with potential joint venture partners and the identification of an appropriate partner.
- 7.53 Accordingly, the proposal is considered to comply with the requirements of Policy HO3 of the CS & P DPD.

Open Space

- 7.54 Policy CO3 of the CS & P DPD requires the provision of public open space for residential developments. The policy states that where any new housing is

proposed in areas of the Borough with inadequate public open space, or where provision would become inadequate because of the development, the Council will require either the provision of new on-site open space or a financial contribution towards the cost of new off-site provision. It also states that in new housing development of 30 or more family dwellings (i.e., 2-bed or greater units) the Council will require a minimum of 0.1ha of open space to provide for a children's play area. Such provision is to be increased proportionally according to the size of the scheme.

- 7.55 The Council's Open Space Assessment November 2019 is one of the evidence-based documents for the new Local Plan. The Assessment confirms that there is a shortage of public open space in this part of the Borough (Ashford Town Ward). The proposal includes some 33 no. 2-bedroom units (i.e. family sized units) and Policy CO3 would therefore require 0.11 hectares of open space to provide a children's play area on the site.
- 7.56 It is important to note that when the Council's Open Space Assessment was published (November 2019), the nearby Brooklands College development and its associated open space and children's play area had not been completed. Indeed, the Assessment shows the nearest available public open space at that time in relation to the application site to be the Clockhouse Lane recreation ground and the open space adjacent to Church Road and Stanwell Road. Both of these areas are located a considerable walking distance away from the application site.
- 7.57 The Brooklands College development is now substantially complete. This development provides a substantial area of open space comprising the large green space and children's playground at the rear, the 'Pocket Park' in the middle of the site where the old college archway is now erected, as well as the Town Square fronting Church Road. The combined size of these areas is 1.29 hectares. The level of public open space required by Policy CO3 in relation to the number of family units at the Brooklands College development was 0.9 hectares, and the level of open space provided on that site including the town square was well in excess of this (0.39 hectares extra). All three spaces are publicly accessible. Moreover, towards the rear of the site, adjacent to the field, is the new children's playground. The walking distance between the application site and the children's play area is some 220 metres which is approximately a five-minute walk away.
- 7.58 Taking into account the size and quality of the nearby public open space at the Brooklands College development, it is not considered that any additional open space or children's playground is required in connection with the proposed development, nor is it considered a financial contribution in lieu of this is required. The provision of available public open space in relation to the planning application is considered acceptable and complies with Policy CO3 of the CS & P DPD.

Parking

- 7.59 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.

- 7.60 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 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). The supporting text to the Council's Parking Standards (Supplementary Planning Guidance) stipulates a number of important exceptional situations where a reduction in parking will only be allowed. One of these situations includes town centre locations where the reduction in parking will be assessed against the distance from a "public transport node", frequency of public transport, availability of pedestrian and cycle routes, and the range and quality of facilities supportive of residential development within reasonable walking distance.
- 7.61 A total of 81 no. parking spaces are to be provided within the development, of which 42 space are to be designated for the new flats. The remaining 39 space are to be provided as public parking for the town centre.
- 7.62 The Council's Parking Standards stipulate a minimum of 61 residential parking spaces for a scheme of this size, whilst the proposed level of parking is 42 (i.e. 1 space per unit). Although the proposed parking provision is 19 spaces below the minimum standard, it is considered that there is sufficient justification for this shortfall in this particular location. The site is within Ashford town centre and a short walking distance away from the railway station. Church Road is on a bus route, and the proposed residents will have immediate access to the various shops and services in the town centre. The development will therefore meet one of the exceptional situations referred to in the supporting text of the Parking Standards and accordingly, the level of residential parking provided is acceptable. Moreover, the County Highway Authority considers the proposed residential parking provision to be acceptable.
- 7.63 With regard to cycle parking, an amended plan has been received showing the provision of an enclosed cycle store within the basement. This will provide 42 cycle parking spaces for the residential element, which is considered acceptable.
- 7.64 It is not proposed that any of the proposed parking spaces are designated for the new commercial units, which is considered acceptable in this town centre location. It is also considered that the provision of 39 parking spaces for public parking is acceptable (refer to the 'Loss of Existing Car Park/On-street Parking' paragraphs above).
- 7.65 Accordingly, the proposed level of residential and public car parking, and the proposed cycle parking, is considered acceptable and complies with Policy CC3 of the CS & P DPD.

Highway Issues

- 7.66 Policy CC2 of the CS & P DPD states that the Council will seek to secure more sustainable travel patterns by only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account:
- (i) number and nature of additional traffic movements, including servicing needs,
 - (ii) capacity of the local transport network,
 - (iii) cumulative impact including other proposed development,
 - (iv) access and egress to the public highway,
 - (v) highway safety.
- 7.67 The proposal involves the creation of 42 residential units together with 359 sq. m. of Class E commercial use, which will generate a slight increase of additional traffic compared to the existing multi-storey car park. As mentioned above, a total of 81 car parking spaces will be provided within the building (42 for the flats and 39 for the public parking). The proposal also involves new access arrangements, and associated works to the existing highway land in front of the site.
- 7.68 The County Highway Authority (CHA) was consulted on the planning application. Whilst they originally objected due to highway safety issues relating to the siting of the proposed underground bins, amended plans were submitted in February 2025 which have overcome the CHA's concerns. The CHA has since responded raising no objection subject to the imposition of conditions.
- 7.69 The CHA has raised no objection to the widened vehicular access leading into the new building. The existing access that served the western end of the multi-storey car park will be closed off. They consider the increase in traffic generation to be modest and will not create any highway safety issues. The CHA is also satisfied with the amended location and access arrangements for the underground bins. Unlike the original scheme, the new arrangement has been designed with the creation of a new vehicular access and servicing area for the refuse lorry for collection, so that there will be no issues with the lorry's crane overhanging the pedestrian pavement. As part of the revised changes, the new servicing area will link up with the existing service road to the west of the site with the consequent removal of 4 no. on-street parking spaces. This will enable the refuse collection lorry to enter and exit the site in forward gear and not conflict with other highway users. It is also relevant to note that the amendments to the highway land and improvements to the public realm will result in the removal of the existing parking layby in front of the multi-storey car park. This currently serves a disabled bay, motorcycle and police parking and will be replaced with new pavement. All of these proposed changes to the existing highway land to the south of the Church Road main carriageway have been agreed between the CHA and the applicant and will be secured by a Section 278 highway agreement. This is a legal agreement secured between

the two parties (not involving the Local Planning Authority) to ensure that the highway works are implemented and funded.

- 7.70 The CHA has also requested a financial contribution of £20,000 towards the ‘Surrey CC Placemaking Scheme’ for public realm and highway improvements to Church Road. In the event that the Placemaking scheme works are not progressed for any reason, the same fee should be given to the CHA for an alternative scheme. In particular, the CHA has clarified that the money would go towards the cost of implementing a ‘raised-table’ on the carriageway and a zebra crossing. This will help to create improved pedestrian linkage between the new public realm in front of the application site with the existing town square on the northern side of Church Road.
- 7.71 Whilst the benefits of the Placemaking Scheme are noted, it is considered that the requested financial contribution does not meet the tests for planning obligations set out in paragraph 58 of the NPPF. In particular, it is not considered that the £20,000 is necessary to make the planning application acceptable in planning terms. Indeed, if the ‘raised-table’ and zebra crossing were not implemented (they are located outside the planning application site) the planning application would still be acceptable in planning terms. In any case, the CHA has indicated that the £20,000 would represent a very small proportion of the cost of implementing the ‘raised-table’ and crossing (approximately 2%). Moreover, the CHA has stated that it is likely they will seek Community Infrastructure Levy (CIL) contributions from Spelthorne for the wider town centre works. The Placemaking Scheme is a town centre-wide proposal that will be implemented regardless of the planning application and is in the CHA’s scheme of works.
- 7.72 It is therefore considered that the proposal’s impact on the highway is acceptable and that the development complies with Policy CC2.

Flooding

- 7.73 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).
- 7.74 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. The applicant has submitted a Flood Risk Assessment (FRA) & SuDS Strategy, as is required by Policy LO1 of the CS & P DPD. The principle of locating the proposed development in Flood Zone 1 is acceptable. No uses are precluded on flooding grounds.
- 7.75 In terms of existing surface water flooding, the Environment Agency’s flood maps show that a small area at the rear of the site is subject to medium/high risk of surface water flooding. This area appears to correspond with the existing roadway at the rear. Because part of the site currently is prone to medium/high risk, the applicant has carried out a ‘Sequential Test’, as

stipulated in the NPPF. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding.

- 7.76 The applicant's sequential test concludes that there are no reasonably available alternative sites in the Borough identified that could offer a similar provision of new residential units as the proposed development at the application site. Indeed, it is agreed that the type and size of the development proposed at the Ashford Multi-Storey Car Park site cannot realistically be implemented at any other available sites in the Borough. Consequently, the proposal is considered to satisfy the sequential test. As the site is located in the low risk Flood Zone 1 and the proposed use is acceptable in principle in this flood zone, it is not required for the 'Exception Test' to be applied and passed.
- 7.77 Regarding surface water drainage in the proposed scheme, the applicant has submitted details of a proposed sustainable drainage scheme (SuDS). The proposed scheme includes the provision of 'blue roofs' (i.e. areas of flat roof that can retain rainwater) and permeable paving. The Lead Local Flood Authority (LLFA) was consulted on the planning application. Whilst they originally raised an objection, subsequent revised details were submitted and the LLFA has now raised no objection subject to the imposition of conditions.
- 7.78 Accordingly, the proposal is considered acceptable on flooding grounds and complies with Policy LO1 and the NPPF.

Biodiversity

- 7.79 Policy EN8 of the CS & P DPD (Protecting and Improving the Landscape and Biodiversity) states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by ensuring that new development, wherever possible, contributes to an improvement in the landscape and biodiversity and also avoids harm to features of significance in the landscape or of nature conservation interest.
- 7.80 The application is not subject to the National Biodiversity Net Gain (BNG) requirements, as it was submitted to the Local Planning Authority prior to the BNG regulations coming into effect in 2024. Moreover, the existing site has virtually no ecological value, being entirely covered by the concrete structure of the car park and the roadway at the rear.
- 7.81 The applicant has submitted an ecological impact assessment, which includes a bat survey. The report concludes that the existing building due to the nature of its construction is not deemed to be of potential for roosting bats. Indeed, no evidence of bats was discovered and no mitigation is required. The Surrey Wildlife Trust was consulted and has raised no objection. The new scheme will introduce areas of landscaping to the front and rear of the site, which will encourage wildlife. Furthermore, a condition is to be imposed requiring a scheme comprising bat and bird boxes to be installed on the site, which will also enhance biodiversity.
- 7.82 Accordingly, the proposal is considered to comply with Policy EN8 of the CS & P DPD.

Climate Change

- 7.83 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.*
- 7.84 There are also three implementation policies; Policy CC1: Renewable Energy Conservation and sustainable Construction, Policy CC2: Sustainable Travel and Policy CC3: Parking provision.
- 7.85 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 and sustainability statement, which states that all space heating, cooling and domestic hot water will be provided by Air Source Heat Pumps (ASHPs). Furthermore, a significant area of Photovoltaic solar panels is to be installed on the roof. The report states that 25% of the on-site energy demand will be achieved from the photovoltaic panels alone (well in excess of the required 10%). The applicant states that if the ASHPs are added to this calculation, the total percentage increases to 40%. 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.
- 7.86 There are also other key documents supporting action on climate change; the NPPF 2024 chapter 14 "*Meeting the challenge of climate change, flooding and coastal change*", the *National Model Design Code and Spelthorne Borough Council's Climate Change Strategy 2022 – 2030*.
- 7.87 The scheme is considered to perform well against the Council's climate change policies and the SPD. The development is an efficient use of a derelict brownfield site providing residential units and an active commercial frontage in a sustainable location. As mentioned above, a substantial level of the total on-site energy demand will be generated by renewable energy facilities on the site. Accordingly, the proposal is considered acceptable on sustainability grounds.

- 7.88 Accordingly, the proposal complies with the requirements of Policy CC1 of the CS & P DPD.

Other Matters

- 7.89 The proposal will comply with the Council's smaller dwellings policy (HO4), which requires at least 80% of the units to be 1 or 2 bedroom in size.
- 7.90 With regard to the Crime Prevention Officer's comments, it is considered appropriate to impose an informative (rather than a condition) bringing 'Secured by Design' to the attentions of the applicant. Many of the requirements of Secured by Design are very detailed (e.g. standards of windows, doors and locks), elements which are not covered and enforced under the planning regulations. However, conditions are to be imposed requiring details of lighting and CCTV schemes to be submitted for approval, partly for security reasons.
- 7.91 The Council's Pollution Control Officer (Environmental Health) has raised no objection on contaminated land grounds subject to conditions. She has also raised no objection on air quality grounds. A condition is to be imposed requiring the submission of a Demolition and Construction Environmental Management Plan, partly to ensure that dust is minimised during the demolition and construction phases.
- 7.92 The Council's Head of Neighbourhood Services has raised no objection to the size and location of the proposed underground bins.
- 7.93 The applicant has confirmed that all of the proposed residential units have been designed so that they will achieve the requirement of Part M4(2) – Accessible and adaptable dwellings – of the building regulations.

Financial Considerations

- 7.94 Under In S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.
- 7.95 The proposal would generate New Homes Bonus which is an economic benefit. Whilst the proposed development is CIL chargeable, the proposed residential floorspace is less than the floorspace of the existing multi-storey car park and it will not therefore generate a CIL Payment. The proposal will generate Council Tax payments which is not a material consideration in the determination of this proposal.

Equalities Act

- 7.96 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

- 7.97 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 circumstance.
- 7.98 The applicant states that the proposal will achieve the required standards of accessible and inclusive design and will include level access, accessible accommodation and lift access to all floors. The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. This can include but is not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. It is considered that it would be possible for individuals with some disabilities to access the development.

Human Rights Act

- 7.98 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.99 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.
- 7.100 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.
- 7.101 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol

may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Conclusion

7.102 The proposed development is on a brownfield site and will provide 42 dwellings and new commercial floorspace in a sustainable town centre location, close to public transport links and local facilities. It is an efficient use of land and will provide much needed housing. The existing derelict multi-storey car park is detracting from the area and redeveloping the site with an active frontage and setting the building line back to create public realm will make a substantial positive contribution to the street scene. A further benefit includes the provision of public car parking, which will help to offset the loss of the multi-storey car park. Whilst it is acknowledged that the proposed building will be substantially greater in scale than the existing car park and adjoining buildings, and that there will be some impact on neighbouring residential properties, this is considered to be clearly outweighed by the benefits that the development will deliver. Accordingly, the application is recommended for approval.

8. Recommendation

8.1 The options available to the Planning Committee for decision making are:

- To approve the application as set out in this report. This option is recommended. The report analyses in some detail the reasons why the application is considered to be acceptable in planning terms.
- To approve the application subject to additional /amended conditions and informatives. This option is not recommended, the conditions and informatives are set out below. The Planning Committee should be minded of paragraph 57 of the NPPF which states that :- *planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects* ([National Planning Policy Framework](#)).
- To refuse the application. This option is not recommended. The report assesses why officers consider the application to be acceptable and there are [no material planning reasons](#) to refuse the proposal.

8.2 The application is recommended for approval, subject to conditions and informatives below.

8.3 **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 and drawings:

1307-DNA-ZZ-00-DR-A-0002 Rev. A; 1307-DNA-ZZ-00-DR-A-0006 Rev. A received 21 February 2025

1307-DNA-ZZ-GF-DR-A-1000 Rev. A; 1307-DNA-ZZ-M0-DR-A-1000M Rev. A; 1307-DNA-ZZ-01-DR-A-1001 Rev. A; 1307-DNA-ZZ-02-DR-A-1002 Rev. A; 1307-DNA-ZZ-04-DR-A-1004 Rev. A; 1307-DNA-ZZ-05-DR-A-1005 Rev. A received 21 February 2025

1307-DNA-ZZ-XX-DR-2000 Rev. A; /2010 Rev. A received 21 February 2025

18014-MA-XX-XX-DR-C-7043 P01 received 21 February 2025

1307-DNA-ZZ-B1-DR-A-0999 Rev. C received 17 March 2025

1307-DNA-ZZ-00-DR-A-0001 Rev. B; 1307-DNA-ZZ-00-DR-A-0007 Rev. A received 20 March 2025

1307-DNA-ZZ-XX-DR-A-0004; /0005; /2001; /2002; /2003; /2011; /3000 received 24 March 2023

1307-SC-10; 1307-SC-11; 1307-SC-12; 1307-SC-13 received 05 April 2023

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

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

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

4. No development shall take place until:-

(i) A site investigation fully characterising the nature and extent of any land and groundwater contamination and its implications, together with its extent and methodology, shall be submitted to and approved in writing by the Local Planning Authority.

(ii) A written method statement for the remediation of land and/or groundwater contamination affecting the site, together with a timetable for implementation, shall be submitted to and agreed in writing by the Local Planning Authority

The site shall be remediated in accordance with the agreed method statement and timetable for implementation.

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.

5. 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.

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

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

7. Details of a scheme of both soft and hard landscaping works shall be submitted to and approved in writing 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 the first occupation of the buildings. The planting so provided shall be maintained as approved for a 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.

8. 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.

9. Prior to the occupation of the building hereby approved, full details of the refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The agreed refuse and recycling facilities shall be provided on the site prior to the occupation of the development 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.

10. Prior to the occupation of the building hereby approved details including a technical specification of all proposed external lighting and lighting for the car parking areas shall be submitted to and approved in writing by the Local Planning Authority. The agreed lighting shall be implemented prior to the occupation of the building and shall at all times accord with the approved details.

Reason:- To safeguard the amenity of neighbouring properties and in the interest of security.

11. 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 Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory 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. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to 1l/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) Evidence that the proposed solution meets SCC Highways drainage requirements.

d) 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.

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

f) 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 technical stands for SuDS and the final drainage design does not increase flood risk on or off site.

12. 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.

13. The development hereby approved shall not be first occupied unless and until the existing access from the west of the site to Church Road has been permanently closed and any kerbs and footway, fully reinstated, and the proposed access to the east of the site has been constructed and provided in general accordance with the drawing number 1307-DNA-ZZ-GF-DR-A-1000 Rev A and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Reason: In order that the development does not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2024 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

14. 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) vehicle routing to and from the Strategic Highway Network
 - (i) measures to prevent the deposit of materials on the highway
 - (j) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - (k) on-site turning for construction vehicles
 - (l) pre-demolition asbestos survey
 - (m) 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: - This condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and in order to protect local air quality and the amenity of neighbouring occupants.

15. 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 does not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2024 and Policies CC2 and CC3 of the Core Strategy and Policies Development Plan Document February 2009.

16. The development hereby approved shall not be first occupied unless and until the proposed removal of the layby and amendment to parking restrictions on Church Road, and the associated Traffic Regulation Orders have been designed and implemented at the applicant's expense, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: - In order that the development does not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2024 and Policy CC2 of the Core Strategy and Policies Development Plan Document February 2009.

17. The development hereby approved shall not be first occupied unless and until facilities for the secure, lit and covered parking of 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 2024, and Policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

18. No part of the commercial / public element of the development that is hereby approved shall be occupied until 7KW fast charge Electric Vehicle (EV) charging facilities (Mode 3 with type 2 connector) for a minimum of 50% of proposed spaces plus power supply (feeder pillar) for a further 50% of spaces are provided in accordance with plans to be submitted to and approved by the LPA. Thereafter the EV charging facilities will be retained and maintained to the satisfaction of the LPA.

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 2024, and Policies CC2 and CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

19. Prior to the occupation of the development the proposed off-site highway works including:
 - The removal of the existing layby, and the repaving of the footway along the length of the site frontage;
 - The installation of tactile paving to the south of the SCC Placemaking scheme;
 - The creation of a splayed kerb access and provision of a servicing bay;
 - The removal of 3 no. parking bays and the creation of an overrun area to provide an improved pedestrian environment; and
 - The removal of the Blue Badge space to the west of the application site and reinstatement of footway

shall be constructed and provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter shall be kept permanently maintained. The above works shall be carried out under S278 of the Highways Act 1980 at developers' expense and will be subject to a detailed design and stakeholder engagement exercise. Any necessary supporting additional traffic management measures or other supporting measures for these junction works shall also be provided at developers' expense.

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 2024, and Policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

20. Prior to the first occupation of each respective part of the development, separate Travel Statements shall be submitted for the flexible commercial/community space and the private dwellings for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework.

The two statements should include:

- The Sustainable Travel Information Pack which shall be issued to the first-time occupier of each dwelling, prior to first occupation.
- Details of local public transport services and location of rail stations and local bus stops, lift sharing schemes and e-bike charging,
- Maps showing local walking and cycling routes and isochrone maps showing accessibility to public transport, schools and local community facilities,
- Information to promote the take-up of sustainable travel.

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 2024, and Policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

21. The rated noise level from the plant hereby approved shall be at least 5 dB(A) below the background noise level at the nearest noise sensitive property as assessed using the guidance contained within the latest BS4142 (2014).

Reason:- To safeguard the amenity of nearby properties.

22. 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 building is occupied and thereafter maintained.

Reason: - In the interest of encouraging wildlife on the site.

23. 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.

24. Prior to the occupation of the development, details of a Closed Circuit Television (CCTV) scheme shall be submitted to and approved in writing by the Local Planning Authority. The agreed CCTV scheme shall be fully implemented prior to the occupation of the development and thereafter maintained.

Reason: - In the interest of security.

25. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure.

26. Prior to the occupation of the residential units, details of the design of the proposed privacy screen to be installed on the southern elevation of the raised communal terrace shall be submitted to and approved in writing by the Local Planning Authority. The agreed privacy screen shall be fully implemented prior to the occupation of the residential units and thereafter maintained.

Reason: To safeguard the amenity of neighbouring properties.

Informatives

- 1) The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

- 2) The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs
- 3) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.
- 4) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
- 5) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- 6) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- 7) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
- 8) 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.

- 9) It is the responsibility of the developer to provide 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 / in non-domestic buildings the premises should have detection, and an official e-bike charger should be used. Guidance on detection can be found in BS 5839-1 of the code of practice for designing, installing, commissioning, and maintaining fire detection and alarm systems in non-domestic buildings.
- 10) 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 bowzers 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).

- 11) 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.
- 12) The applicant should be mindful to follow best practice when selecting gas-fired boilers. A minimum standard of less than 40mgNO_x/kWh should be met. All gas fired CHP plant should meet a minimum emissions standard of 250mgNO_x/kWh for spark ignition engine.
- 13) The applicant's attention is drawn to the Secured by Design (SBD) award scheme, details of which can be viewed at www.securedbydesign.com
- 14) Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. The developer is expected to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk
- 15) Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 16) 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>.