

Planning Committee

28 May 2025



Application No.	25/00423/PAP
Site Address	Maynard Court, Rosefield Road, Staines-upon-Thames, TW18 4QD
Applicant	Mr S Bowyer
Proposal	Prior Approval notification for the erection of two floors of residential flats on top of the existing detached block of flats. The proposed third and fourth floor extension would consist of 4 apartments per floor with associated parking and refuse facilities.
Case Officer	Matthew Churchill
Ward	Staines
Called-in	The application has been called in by Councillor Williams as a result of the impact upon traffic and congestion and the character of the area.

Application Dates	Valid:27.03.2025	Expiry:22.05.2025	Target: Extension of Time Agreed.
Executive Summary	<p>This application seeks the Council's prior approval for a third and fourth floor above Maynard Court in Staines-upon-Thames. The scheme proposes 4 new units on each floor (8 in total). The building is currently occupied by 33x one-bedroom apartments. In addition to the proposed dwellings, the application also proposes alterations to the parking and amenity areas.</p> <p>The application has been submitted under Schedule 2, Part 20, Class A of the Town and Country Planning Order 2015 (General Permitted Development) (GDPO).</p> <p>Subject to the proposals meeting the permitted development requirements set out in Class A, unlike a 'full' planning application where all material planning considerations are reviewed when coming to a decision, the Government has set out several specific areas for which the Council's prior approval is required. These are as follows:</p> <ul style="list-style-type: none"> • The transport and highways impact of the development. • Air traffic and defence assets impacts of the development. • Contamination risks in relation to the building. • Flooding risks in relation to the building. • The external appearance of the building. • The provision of adequate natural light in all habitable rooms of the new dwellinghouses. 		

	<ul style="list-style-type: none"> • The impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light. • Whether because of the siting of the building, the development will impact protected views identified in the directions relating to protected vistas (Officer note: there are no such vistas in Spelthorne). • Where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building (Officer note: the building is not in excess of 18 metres and would measure approximately 16.5 metres following construction of the additional storeys). • Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building (Officer note: the works do not meet the fire risks condition). <p>The proposals are considered to meet the requirements of permitted development legislation as set out in Schedule 2, Part 20, Class A of the GDPO. The Council is therefore able to assess the above impacts of the development in deciding whether to grant prior approval for the scheme.</p> <p>Officers consider that the proposal would have acceptable impacts in the specified prior approval areas and recommend that prior approval is granted.</p>
Recommended Decision	Grant prior approval subject to conditions as set out at Paragraph 8 of the Report.

MAIN REPORT

1. Development Plan

- 1.1 The Town and Country Planning (General Permitted Development) Order 2015 (as amended) states that applications for prior approval submitted under Part 20, Schedule 2, Class A of the Order, must have regard to the [National Planning Policy Framework \(NPPF\)](#) (December 2024) so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

2. RELEVANT PLANNING HISTORY

- 2.1 The site has the following planning history:

SPW/FUL/85/4	Erection of a building incorporating 21 one-bedroomed flats, and provision of ancillary parking.	Granted 10.04.1985
SPW/FUL/85/620	Erection of a 3-storey building incorporating 33 one-bedroomed flats, and provision of 11 garages and 29 parking spaces.	Granted 25.09.1985
23/01001/PAP	Prior Approval Notification for the erection of two floors of residential flats on top of the existing detached block of flats. The proposed third and fourth floor extension would consist of 6 apartments per floor (x 12 total) with associated parking and refuse facilities.	Prior Approval Refused 29.09.2023
24/00392/PAP	Prior Approval notification for the erection of two floors of residential flats on top of the existing detached block of flats. The proposed third and fourth floor extension would consist of 4 apartments per floor (8 in total) with associated parking and refuse facilities.	Prior Approval Refused 08.05.2024

3. DESCRIPTION OF CURRENT PROPOSAL

- 3.1 The application site is occupied by a 3-storey flatted development that is situated on a corner plot at the junction of Kingston Road and Rosefield Road.
- 3.2 The property contains 33 existing one-bedroom dwellings. A parking area is located at the rear of the site, which is accessed from Rosefield Road. The car park contains 29 off-street parking spaces and 11 garages. The building was granted planning consent in 1985 under the reference SPW/FUL/85/620.
- 3.3 The site also contains an amenity/garden area at the rear of the building as well as two bin storage areas. It is noted that trees are located within the amenity/garden area, although these are not situated within a Conservation Area and are not subject to a Tree Preservation Order.
- 3.4 The Council's records indicate that the property is located within the 1 in 100-year (Flood Zone 3A) and 1 in 1000-year (Flood Zone 2) flood event areas. The property is also situated approximately 105 metres from Staines Railway Station.
- 3.5 The street scene of Kingston Road is occupied by a mixture of commercial and residential buildings including the Star Public House, and residential units in Greenlands Court, Dorchester Court and St James Court. The Church of Jesus Christ of Latterday Saints is also located to the west of the site on the opposite side of Rosefield Road.
- 3.6 There is a mixture of building heights in Kingston Road and its surrounding locality, ranging from 2 storeys at Pullman Place to 5 storeys at Dorchester Court and Claydon Court. Rosefield Road is typically occupied by two storey detached and semi-detached dwellings, although the road also contains two x three storey flatted developments at David Court and St Catherines Court.
- 3.7 The application has been submitted under *Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)* (GDPO) and seeks the Council's prior approval for the erection of two floors of residential flats on top of the existing detached block of flats. The proposed third and fourth floor extension would each consist of 4 apartments (8 in total). The application also proposes associated parking and refuse facilities.
- 3.8 The plans show that the proposal would provide a total of 33 off-street parking spaces as well as the retention of the 11 existing garages. The development would have a parking ratio of approximately 1.07 off-street parking spaces per dwelling (0.8 parking spaces per dwelling excluding the garages).
- 3.9 Subject to the development constituting permitted development under [Schedule 2, Part 20, Class A](#) of the GDPO, the Council's prior approval is required as to:-

- (a) transport and highways impacts of the development;
- (b) air traffic and defence impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;
- (e) the external appearance of the building;
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) the impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
- (h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas date 15 March 2012 issued by the Secretary of State;
- (i) where the building is 18 metres or more in height, the fire safety of the external wall construction of the existing building; and
- (j) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

4. CONSULTATIONS

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

Statutory Consultees

Consultee	Comment
County Highway Authority	Recommends conditions and informatives.
Environment Agency	No objections

Non-Statutory Consultees

Consultee	Comment
London Heathrow Safeguarding	Recommends an informative relating to cranes.
Environmental Health (Contamination)	Recommends condition and informatives.

5. PUBLIC CONSULTATION

5.1 The Council sent out 107 neighbour notification letters and has received 27 letters of representation, which object to the proposals on the following grounds:

- Parking concerns, including use of surrounding roads by commuters, insufficient provision, adverse impacts on amenity as a result of parking, parking during construction, and concerns that the existing garages are not fit for purpose.
- Concerns over the impact upon character, height, overdevelopment and as the building would be an eyesore, and as surrounding roads are made up of two storey dwellings.
- Concerns over the construction process.
- The impact upon local facilities including dentists and GP surgeries.
- The road has flooding and drainage issues.
- Concerns over the loss of the green amenity area (Officer Note: minimum garden space requirements are not an area for prior approval assessment).
- There will be an adverse impact upon utilities, drains and sewers (Officer Note: this is not an area of prior approval assessment).
- Flooding concerns over the proposed parking area.
- Concerns over a loss of storage space.
- Noise and disturbance concerns including during construction and to occupiers of top floor units.
- Light pollution concerns.
- Concerns over fire risk (Officer Note: This is not a prior approval consideration given the height of the building).
- Concerns that more than two storeys would be added during construction (Officer Note: this would require planning permission).
- Current top floor residents will experience disturbance from the new flats above.
- Concerns over the refuse area including pests and rodents and concerns that the refuse area is overloaded (Officer Note: Waste and Refuse is not an area of prior approval assessment set out in the GDPO).
- Concerns over the financial impacts to existing occupiers (Officer Note: this is not a planning matter).
- There are many flats to purchase in Staines and the development is not needed.
- There will be a loss of privacy.
- There will be disruption to existing residents.
- A group is seeking to purchase the freehold of the development (Officer Note: this is not a planning matter).
- Concerns over the requirement for a lift.
- There will be an impact upon property values (Officer Note: this is not a planning matter).

6. PLANNING ISSUES

- Whether the proposal constitutes permitted development under the requirements of Schedule 2, Part 20 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GDPO).
- Whether the Council's prior approval should be granted in the areas set out in Schedule 2, Part 20, Class A of the Town and Country (General Permitted Development) Order 2015 (as amended) namely:
 - (a) Transport and highways impacts of the development*
 - (b) Air traffic and defence impacts of the development*
 - (c) Contamination risks in relation to the building*
 - (d) Flooding risks in relation to the building*
 - (e) The external appearance of the building*
 - (f) The provision of natural light in all habitable rooms of the new dwellinghouses.*
 - (g) The impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light*
 - (h) Whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas date 15 March 2012 issued by the Secretary of State*
 - (i) Where the building is 18 metres or more in height, the fire safety of the external wall construction of the existing building; and*
 - (j) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.*

7. PLANNING CONSIDERATIONS

Background

- 7.1 There have been two recent applications that have sought prior approval for additional storeys at the site. An application for 2 x additional storeys that would have contained 12 units, was refused in September 2023 under the reference 23/01001/PAP. The application was refused as the proposals did not meet the requirements of permitted development legislation as the additional storeys were not just proposed on the principal part of the building. Additionally, it had not been demonstrated that there was a dry means of escape away from the site, nor that the application had passed the Sequential Test and Exception Test. The proposal was also considered to have an unacceptable impact upon the character of the area as a result of the cumulative mass and scale of the scheme, which was considered to result in an over-dominant feature. The flooding risks of the building and the external appearance of the building were therefore considered to be unacceptable.

- 7.2 A further application for prior approval for 2 x additional storeys for 8 x units that would only have been contained on the principal part of the building was refused in May 2024 under the reference 24/00392/PAP. The application was refused as the works did not constitute permitted development as balconies were proposed that require planning permission. It was also not demonstrated that the sequential test had been passed. However, unlike the application submitted under the reference 23/01001/PAP, it was considered that the applicant had submitted sufficient evidence to demonstrate that there was a 'dry means of escape' away from the site.

Permitted Development

- 7.3 Under the requirements of Schedule 2, Part 20, Class A, the applicant has applied for:

“Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost residential storey on a building which is a purpose-built, detached block of flats together with any or all –

- (a) Engineering operations reasonably necessary to construct the additional storeys and new dwelling houses;*
- (b) Works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwelling houses;*
- (c) Works for the construction of appropriate and safe access and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;*
- (d) Works for the construction of storage, waste and other ancillary facilities reasonably necessary to support the new dwellinghouses*

- 7.4 Under Schedule 2, Part 20, Class A development is not permitted if:

- (a) The permission to use any building as a dwelling house has been granted by virtue of Class M, MA, N, O, P, PA or Q of Schedule 2, Part 3 of the GDPO.
- (b) Above ground level, the building is less than 3-storeys in height.
- (c) The building was constructed before 1st July 1948, or after 5th March 2018
- (d) The additional storeys are constructed other than on the principal part of the building.
- (e) The floor to ceiling height of any additional storey, measured internally, would exceed the lower of (i) 3 metres (ii) the floor to ceiling height of any additional storey of the principal part of the building.
- (f) The new dwelling houses are not flats.
- (g) The height of the highest part of the extended building would exceed the height of the highest part of the roof of the existing by more than 7 metres.
- (h) The height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres.
- (i) Development under Class A(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development.

(j) Development under Class A(a) would consist of engineering works other than works within the existing curtilage of the building to- (i) strengthen existing walls (ii) strengthen existing foundations; or (iii) Install or replace water, drainage, electricity, gas or other services.

(k) In the case of Class A (b) development there is no existing plan on the building.

(l) In the case of A(b) development the height of replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plan as measured from the lowest surface of the existing roof on the principle part of the building.

(m) Development under Class A (c) would extend beyond the curtilage of the existing building.

(n) Development Under Class A (d) would – (i) extend beyond the curtilage of the existing building (ii) be situated on land forward of the principal elevation of the building (iii) be situated on land forward of a wall fronting a highway and forming the side elevation of the existing building.

(o) The land or site on which the building is located, is or forms part of – (i) article 2(3) land; (ii) a site of special scientific interest (iii) a list building or land within its curtilage (iv) a scheduled monument or land within its curtilage; (v) a safety hazard area; (vi) a military explosives storage area; or (vii) land within 3 kilometres of the perimeter of an aerodrome.

- 7.5 Unlike the two previous applications that sought Prior Approval at the site, it is considered that the current proposal meets the requirements of Permitted development under the terms of Schedule 2, Part 20, Class A of the GDPO listed above as the works do not propose balconies and the scheme would take part on the principal part of the building. The Council's Prior approval is therefore required for the following areas specified in Class A:

Transport and highway impacts of the development

- 7.6 At paragraph 116, the [NPPF](#) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 7.7 Policy CC2 of the [Council's Core Strategy and Policies Development Plan Document](#) (CS&P DPD) states that the Council will seek to secure sustainable travel patterns by amongst other things, only permitting traffic generating development where it is or can be made compatible with transport infrastructure in the area taking into account access and egress to the public highway and highway safety.
- 7.8 It is relevant to note that the GDPO states the Council's Prior Approval is required for the transport and highways impacts of the development, rather than specifically the level of on-site parking provision.

- 7.9 The 33 existing 1-bedroom units are currently served by 26 surface car parking spaces and 11 garages (37 spaces in total). The application proposes to increase the number of surface spaces to 33, alongside the retention of the 11 existing garages (44 in total).
- 7.10 The [Council's Parking Standards SPG \(updated September 2011\)](#), whilst local guidance not set out in the NPPF, states that a one-bedroom dwelling should be provided with a minimum of 1.25 off street parking spaces. It further states that a two-bedroom dwelling should be provided with a minimum of 1.5 off-street spaces.
- 7.11 The Parking Standards would therefore normally require a minimum of 57.75 (rounded up to 58) off-street parking spaces to serve the proposed and existing units. The application proposes 44 parking spaces including the existing garages, which would fall 14 spaces short of the SPG guidelines. This equates to approximately 1.07 parking spaces per dwelling (0.8 spaces excluding the garages).
- 7.12 However, the [Parking Standards SPG](#) states within the Borough's 4 town centres, where access to public transport is generally high, a reduction in parking requirements will normally be allowed. Any reduction will be assessed against the distance to public transport nodes, the frequency and quality of bus and train services, the availability and quality of pedestrian and cycle routes, and the range and quality of facilities supportive of residential development within a reasonable walking distance.
- 7.13 It is acknowledged that the site is not located within one of the Borough's Town Centres. However, the property is situated approximately 105 metres from Staines Railway Station, which has regular train services to London. The site is also located approximately 570 metres from Staines Bus Station and there are further bus stops on Kingston Road. Additionally, the site is located some 560 metres from the pedestrianised section of Staines High Street, which provides numerous facilities and amenities that are supportive of residential development.
- 7.14 Therefore, in this instance, whilst it is acknowledged that the site is not located within one of the boroughs four town centres, a reduction against the Council's Parking Standards is considered to be acceptable, and the parking ratio of approximately 1.1 parking spaces per dwelling (0.8 spaces excluding the garages) is not considered to result in unacceptable transport and highways impacts of the development.
- 7.15 The Council has also consulted the County Highway Authority (CHA), which has recommended that conditions and informatives are attached to the decision notice. The CHA has also commented that it is aware of concerns raised by residents in relation to parking overspill and the intensification of the site in terms of trips. However, in sustainable locations, which the CHA considers is the case with this site, it is Surrey County Council policy to consider whether alternative modes of transport mean that future occupiers are necessity going to be car owners. In this case there are walking, cycling and public transport facilities nearby, and so the CHA does not consider on-site parking to be a requirement for future occupiers.

- 7.16 The CHA further notes that the Railway Station is a 2-minute walk from the site and several bus stops within Kingston Road and the Town Centre are located within an 8-minute walk. A condition requiring cycle parking has also been recommended by the CHA. The CHA acknowledge that where there is some excess parking demand, or where visitors arrive by car, parking could take place outside of the site in the surrounding highway network. However, the CHA notes that there are double yellow lines around the junction of Kingston Road and Rosefield Road, which prevent parking from taking place in dangerous locations.
- 7.17 Given the sites proximity to the Town Centre and nearby public transport nodes and the provision of approximately 1.07 off street parking space per dwelling, it is considered that the proposals would have an acceptable impact upon transport and highways. It should also be noted that planning applications 23/01001/PAP and 24/00392/PAP were not refused on transport or highways grounds, and are a material consideration in the determination of the current application.

Air traffic and defence asset impacts of the development

- 7.18 The Council has consulted Heathrow Safeguarding, which has raised no objections. However, an informative has been recommended in relation to cranes.
- 7.19 The proposal is not considered to impact any defence assets.

Contamination risks in relation to the building

- 7.20 Policy EN15 of the CS&P DPD states that the Council will ensure that where development is proposed on land that may be affected by contamination, action will be take action to ensure the site is safe or will be made safe for its intended use.
- 7.21 The Council's Environmental Health Department has been consulted in regards to contamination and has raised no objections. Informatives have been recommended in regards to dust, the construction process, air quality, as well as a condition requiring cycle parking, although in any event a similar condition has also been recommended by the County Highway Authority.

Flooding risks in relation to the building

- 7.22 The Council's mapping system shows that the site is located across the 1 in 100-year (Flood Zone 3A) and 1 in 1000-year (Flood Zone 2) flood event areas, although the majority of the site is located within Flood Zone 3A.

- 7.23 At paragraph 170, the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from the areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. At paragraph 181, the NPPF further states that development should only be allowed at areas at risk of flooding where it can be demonstrated that safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 7.24 Policy LO1 e) of the CS&P DPD states that the Council will seek to reduce flood risks and its adverse effects on people and property in Spelthorne by not permitting residential development or change of use to other more vulnerable uses within Zone 3a where flood risks cannot be overcome. In relation to access and egress, the Council's SPD on Flooding (July 2012) states at paragraph 4.39 that the Council's position is that for residential development, the only safe route of escape is a dry route.

Flood Flows & Flood Storage Capacity

- 7.25 The proposed third and fourth floors would be situated atop an existing building and are subsequently not considered to have an adverse impact upon flood flows and flood storage capacity.
- 7.26 It is noted that the works also proposed alterations to the car park, and it is recommended that the conditions in the EA's standing advice are attached to the decision notice in this regard. Car parks are noted as 'less vulnerable' developments in flooding terms, which the Planning Practice Guidance (PPG) advises is acceptable in Flood Zone 3a.
- 7.27 The Council has also consulted the Environment Agency (EA) which has raised no objections.

Access & Egress

- 7.28 The application has been accompanied by a Flood Risk Assessment (FRA). At Appendix 3, the FRA demonstrates that there would be a 'dry means of escape' away from the entrances of the building that would be located outside of the 1 in 100-year flood event area. This would therefore constitute a 'dry means of escape' away from the site.
- 7.29 The FRA states that the estimated flood level at the site in a 1 in 100-year flood event from the River Thames is estimated to be 14.82m AOD. The data also indicates that a 1 in 100-year flood event level from Sweeps ditch would be 14.81m AOD. On this basis, as with planning application 24/00392/PAP, it is considered that the topological plan in the applicant's FRA demonstrates that there is a 'dry means of escape' away from the site. The FRA also suggests that there is a very low hazard rating with a 21% allowance for climate change.

Sequential & Exception Tests

- 7.30 At paragraph 174, the [NPPF](#) states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 7.31 The NPPF states at paragraph 181 that where appropriate, applications should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in light of this assessment (and the sequential and exception tests as applicable) it can be demonstrated that within the site the most vulnerable development is located in the areas at lowest risk.
- 7.32 The PPG on [Flood risk assessment; the sequential test for applicants](#) states that a sequential test is required if a development is in Flood Zone 2 or 3 where a sequential test has not already been undertaken for a development of the type planned to be carried out in the proposed site.
- 7.33 The applicant has submitted a sequential test which analyses a number of sites that could potentially facilitate the proposals to establish whether the development could be located within an area at lower risk of flooding. It concludes that no suitable and reasonably available sites have been located that could facilitate the proposed development. It is therefore considered that the sequential test has been passed in this instance.
- 7.34 At [Table 2](#), the PPG on *Flood Risk and Coastal Change*, it is indicated that an Exception Test is required for proposals for 'more vulnerable developments' including new dwellings in Flood Zone 3a. The PPG further advises that the Exception Test should only be applied if the Sequential Test has shown that there are no reasonably lower risk sites suitable for the proposed development, to which the development could be steered.
- 7.35 The PPG also advises that it should be demonstrated that a development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.
- 7.36 The applicants FRA states that the sustainability benefits of the proposals include utilising a brownfield site and avoiding development in the Green Belt, economic and social benefits, the utilisation of an existing bus and rail network, and the use of public footways and cycling. In regards to the development being safe for its lifetime, the FRA states that safe access and egress is available, there would be no increase in the impermeable areas of surface water run off or to the buildings footprint or flood risk as a result of the development, they also suggest that there would be a reduction in flood risk due to SUDs measures.

- 7.37 The application site is considered to be located within a sustainable location that is within a short walking distance of Staines Railway Station, the bus station and facilities. The development is also considered to be safe for its lifetime as it would be located atop an existing building. The applicant's data also indicates that with an allowance for climate change the route of escape has a low hazard rating. The proposal is therefore considered to pass the exception test.
- 7.38 The flooding impacts of the building are therefore considered to be acceptable.

External Appearance of the Building

- 7.39 At paragraph 131, the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Additionally, at paragraph 135, the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.40 Policy EN1 of the CS&P DPD states that the Council will require a high standard in the design and layout of proposals for new development. The policy further states that proposals for new development should demonstrate that they will make a positive contribution to the street scene and character of the area in which they are situated, paying due regard to the scale, height, proportions, layout and characteristics of adjoining buildings and land.
- 7.41 The [National Design Guide](#) also indicates that well-designed places should enhance the surroundings, be attractive and distinctive, achieve a coherent pattern of development, should be accessible and easy to move around, should enhance and optimise nature, should be safe, social and inclusive, should contain mixed and integrated uses, should be functional, sustainable, efficient and resilient and should be made to last.
- 7.42 The street scene of Kingston Road contains a mixture of commercial and residential buildings, including the Star Public House, the Jesus of Latterday Saints Church on the opposite side of Rosefield Road but visible in Kingston Road, and residential units in Greenlands Court, Dorchester Court, St James Court and the application site. There are also mixture of building heights ranging from 2 storeys in Pullman Place, to 5 storeys in Dorchester Court.
- 7.43 Rosefield Road is typically occupied by two-storey, more traditional scale residential dwellings. However, 3-storey flatted developments are also present at St Catherines Court and David Court.

- 7.44 It is considered that the proposal would have an acceptable impact upon the character of the area. The building would be set over 5-storeys. There are 5-storey buildings in the surrounding street scene, notably at Dorchester Court situated to the east of the site, and Claydon Court located to the south-west. As such, it is not considered that a 5-storey building would be unduly out of character in this location.
- 7.45 The proposed windows would match the symmetry of the windows below and the proposed roof is also considered to tie in with the design of the existing building with the proposed materials providing a visually lighter addition. The additional storeys are not considered to be over-dominant or out of proportion with the existing building. The external appearance of the building is therefore considered to be in accordance with the design objectives of the NPPF and policy EN1.
- 7.46 It should also be noted that the design was considered to be acceptable in planning application 24/00392/PAP, which is similar to the current proposals notwithstanding the removed balconies, and would be a material planning consideration in the determination of the current application.

The provision of adequate light in all habitable rooms of the new dwelling houses

- 7.47 The plans show each of the proposed habitable rooms would be served by windows, with dual aspect units. The application is therefore considered to provide an acceptable level of natural light to all habitable rooms in the new dwelling houses.

The impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and loss of light

- 7.48 At paragraph 135, the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.49 Policy EN1 of the CS&P DPD states that proposals for new development should demonstrate they will achieve a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight or sunlight or overbearing effect due to bulk, proximity or outlook. At paragraph 3.6, the Council's SPD on the [*Design of Residential Extensions and New Residential Development*](#) (April 2011) states that most development will have some impacts on neighbours the aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed.

- 7.50 At the closest point the additional storey would be located approximately 28 metres from the rear garden of no.6 Rosefield Road. At such a distance, it is not considered that the proposal would have an adverse impact upon light or privacy, or that there would be an overbearing impact upon the occupiers of this dwelling.
- 7.51 The additional storeys would also be located some 31 metres from No.5 Greenlands Road. At such a distance, the proposal is considered to have an acceptable impact upon this property and would not have an adverse impact upon light or privacy, or an overbearing impact to an extent that it is considered that a recommendation for refusal could be reasonably justified.
- 7.52 The proposal is also considered to have an acceptable impact upon the occupiers of Greenlands Court situated to the east of the site. A number of windows are contained within the western flank elevation of Greenlands Court. However, it is evident from the planning history of this site that such windows serve bathrooms. It is noted that windows serving bedrooms are located in the rear elevation of this building, and kitchens in the front. Given the siting of these additional storeys, it is considered that they would have a satisfactory impact upon these windows.
- 7.53 The proposals are also considered to have an acceptable impact upon the existing dwellings in Maynard Court. Officers consider that the works would have an acceptable impact upon the light and privacy of the existing dwellings and the proposals are not considered to have an overbearing impact as a result of the proposed siting and scale. The proposals are therefore considered to be in accordance with the objectives of policy EN1 and the NPPF in amenity terms. The relationship was also previously found to be acceptable.

Whether because of the siting of the building, the development will impact on a protected view identified in the Directions relating to Protected Vistas dated 15 March 2012

- 7.54 There are no protected views in the borough of Spelthorne.

Where the existing building is 18 metres in height or more, the fire safety of the external wall construction of the building.

- 7.55 The existing building and the additional storeys would not exceed 18 metres. The proposed additional storeys would measure some 16.5 metres in height. the LPA is therefore not required to make an assessment in respect of this prior approval criteria.

Where the development meets the fire risk condition, the fire safety impacts on the intended occupiers

- 7.56 The building would be less than 18 metres in height and less than 7 storeys. The fire safety condition would therefore not be applicable and an assessment is also not required in respect of this prior approval criteria.

Other Matters

7.57 In total, the Council has received 27 letters of representation. Of the objections not already covered in this report, the LPA has received a letter from several residents suggesting that they are wishing to purchase the freehold of the development under what is described as a 'Section 13 Notice'. Whilst these letters are acknowledged, this is not a criteria of prior approval assessment set out in the legislation, and it is not considered that the application could be refused for this reason.

7.58 The LPA has also received a letter of representation which raised concerns over the bin storage areas as well as the loss of amenity space at the rear of the site. Waste and refuse storage and amenity space provision are not assessment criteria for prior approval set out in the GDPO. It is recommended however, that waste and refuse details are secured by condition to ensure adequate facilities are provided. The GDPO states that prior approval may be granted subject to conditions reasonably related to the subject matter for the prior approval.

Financial Considerations

7.59 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. In consideration of S155 of the Housing and Planning Act 2016, the proposal would generate New Home Bonus which is an economic benefit. It is a CIL chargeable development and will generate a CIL Payment of approximately £ 147,411. This is a mitigation against the development. The proposal will also generate Council Tax payments which is not a material consideration in the determination of this proposal.

8. RECOMMENDATION

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

- To approve prior approval as set out in this report. This option is recommended. The report analyses the reasons why the application is considered 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 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 the conditions and informatives below:

8.3 **GRANT PRIOR APPROVAL** subject to the following Conditions:

The development must be completed within a period of 3 years starting with this prior approval date.

Reason:- To accord with the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

1. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings: 23 MCRR SP03 Revision D, 23 MCRR SP02 Revision E, 23 MCRR SP01 Revision B, 23 MCRR SL01, 23 MCRR S01 Revision C, 23 MCRR PP02 Revision C, 23 MCRR PP01 Revision D, 23 MCRR PE01 Revision E, 23 MCRR EX01 Revision A

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

2. 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.

3. 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 should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2024.

4. The development hereby approved shall not be first occupied unless and until facilities for high quality, secure, lit and covered parking for a minimum of 8 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. Thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority. Where communal storage areas are provided, 20% of all bikes (including disabled and adaptive cycles) should be able to be charged at any one time. 5% of communal cycle storage spaces should cater for disabled/adaptive cycles.

Reason:-. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2024.

7. The development hereby approved shall not be occupied unless and until 8 of the proposed parking spaces are provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason:-. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to promote sustainable forms of transport in accordance with the requirements of the National Planning Policy Framework 2024.

8. Prior to occupation, facilities within the curtilage of the site for the storage of refuse and recycling materials shall be submitted to and approved by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the development hereby approved and retained thereafter.

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

9. There shall be no raising of existing ground levels on the site within the area liable to flood, other than in accordance with the approved details.

Reason:-. To prevent the increased risk of flooding due to impedance of flood flows and reduction in flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

10. All spoil and building materials stored on site before and during construction shall be removed from the area of land liable to flood upon completion.

Reason:-. To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity in accordance with policies SP1, SP7 and LO1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

INFORMATIVES

1. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
 - (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
 - (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
 - (c) Deliveries should only be received within the hours detailed in (a) above;
 - (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
 - (e) There should be no burning on site;
 - (f) Only minimal security lighting should be used outside the hours stated above; and
 - (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit. In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme - www.ccscheme.org.uk/index.php/site-registration.

2. 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.

3. The applicant should be mindful not to create excessive dust emissions during demolition works, particularly where any asbestos containing materials may be present. A Refurbishment and Demolition asbestos survey is required to determine if asbestos containing materials are present. If removal of asbestos containing materials is required appropriate removal (without significant damage), handling and disposal by competent persons is required. The Health & Safety Executive (HSE) have produced a guide to safe removal of asbestos containing materials, which outlines good practice, how to prepare and what equipment is needed, how to remove it and how to deal with the waste once removed. There is also information on the HSE website about how to comply with the regulations, including a more generic guide to working safely with asbestos - <http://www.hse.gov.uk/asbestos/protect.htm>
4. It is recommended to use appropriate signage to discourage reverse parking up to the windows of ground floor flats in order to protect the air quality for the ground floor residents.
5. 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.
6. 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.
7. 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).
8. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2024. Where undercover parking areas (multistorey car parks, basement or undercroft parking) are

proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.

9. Due to the site being within 6km of Heathrow Airport the crane operator is required to submit all crane details such as maximum height, operating radius, name, and phone number of site manager along with installation and dismantling dates to the CAA Airspace Coordination and Obstacle Management Service (ACOMS) system.

For notification, please follow the link via CAA website:

[Crane notification | Civil Aviation Authority \(caa.co.uk\)](https://www.caa.co.uk/News-and-Information/News-and-Information-for-the-Industry/CAA-Advisories/CAA-Advisory-2020-01-01-02-01-03-04-05-06-07-08-09-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000)

Once crane notification has been received from the CAA, Heathrow Works Approval Team will assess and issue the necessary crane permit. No cranes should operate on site until a crane permit has been issued.

10. 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.

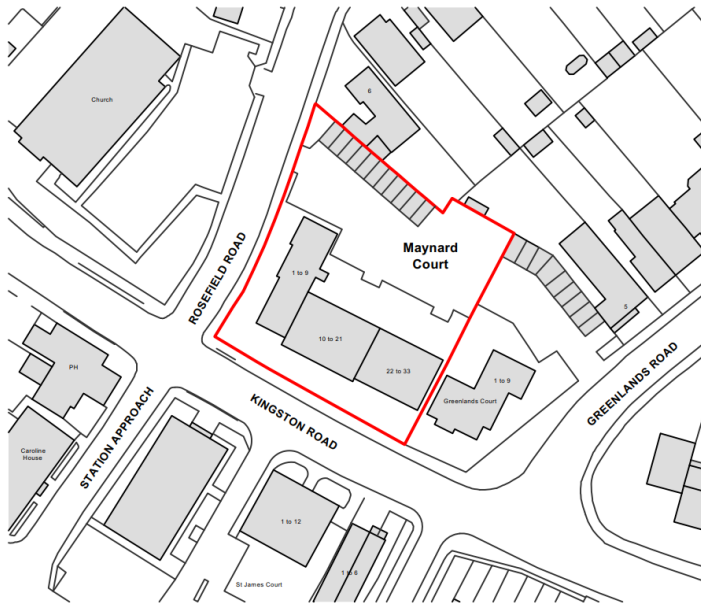
*Please note, where planning permission is granted by way of general consent (including prior approval notifications), a Liability Notice will be generated following the submission of a Notice of Chargeable Development.

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>.

Appendices:

Location Plan:



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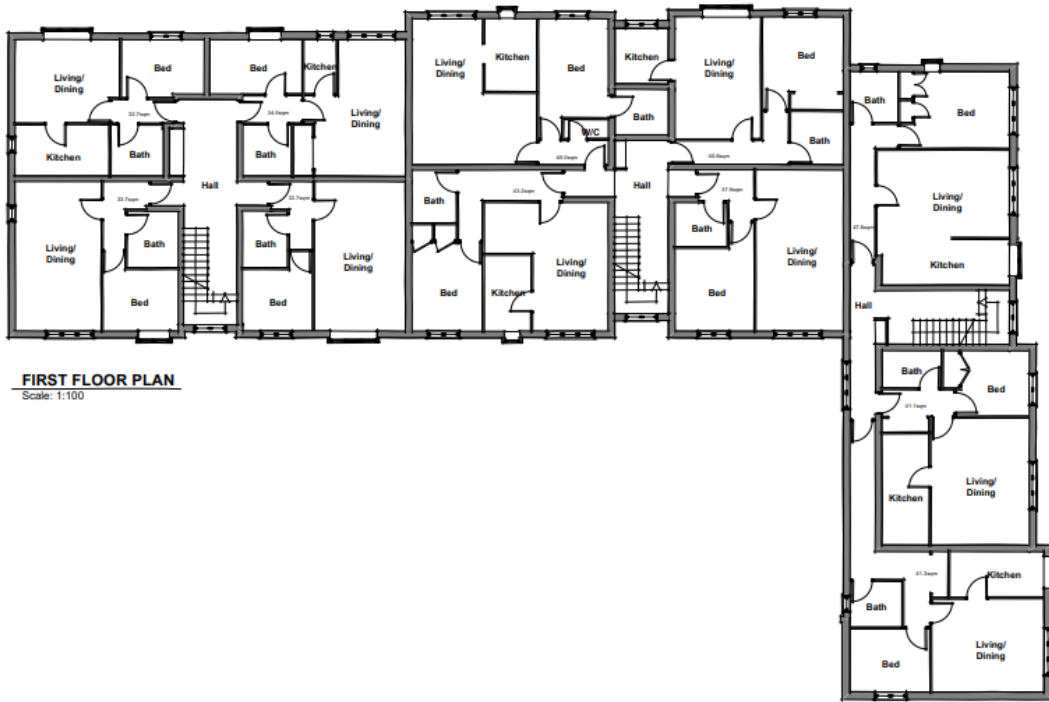
SITE LOCATION PLAN

Scale: 1:1250

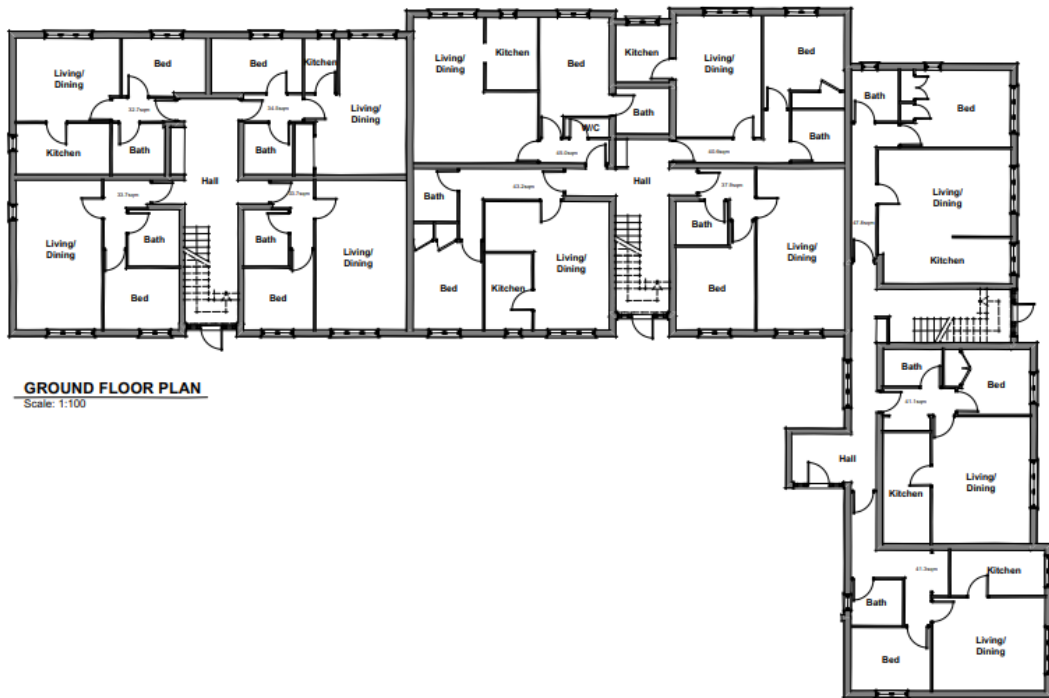
Existing Site Plan



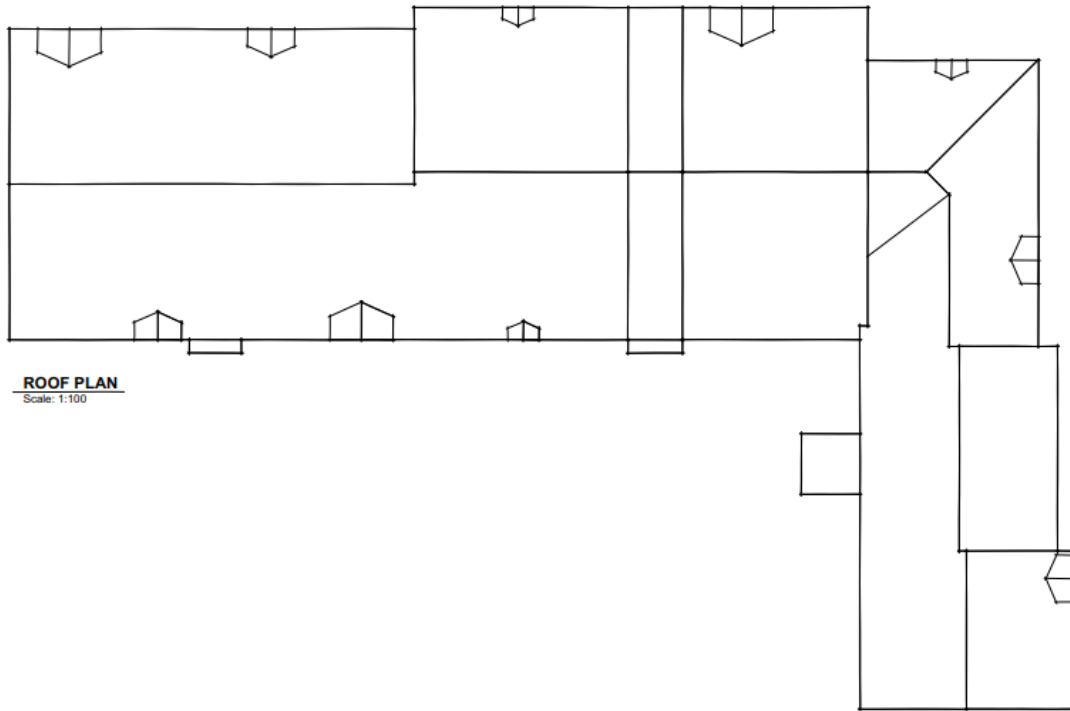
Existing Floor Plans:



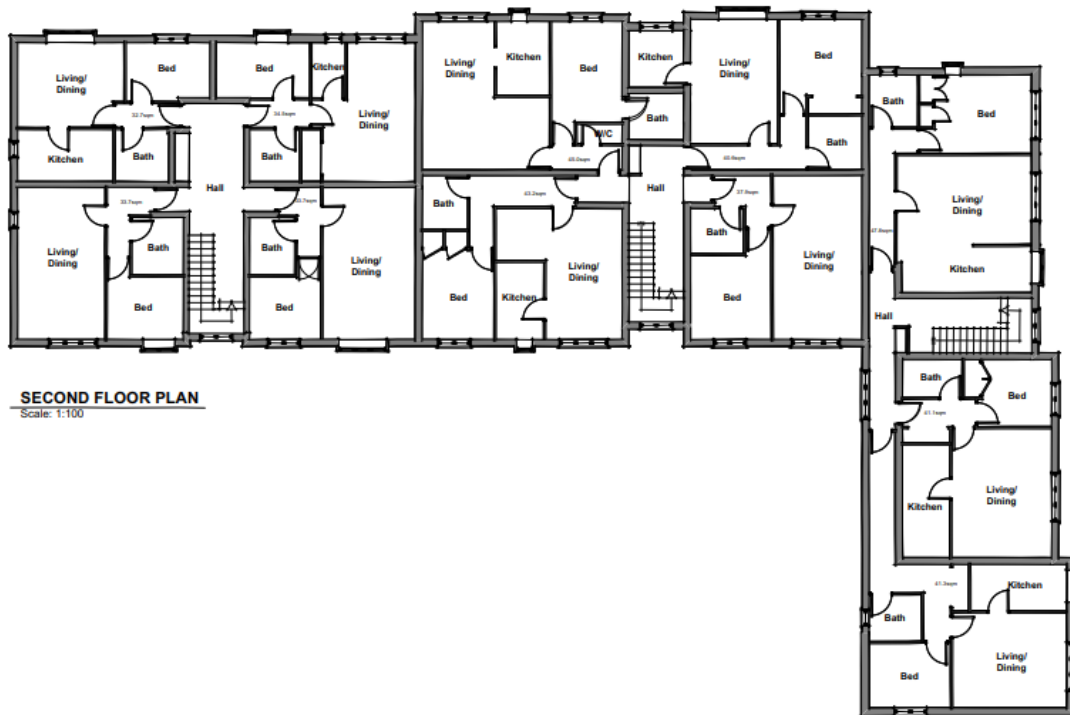
FIRST FLOOR PLAN
Scale: 1:100



GROUND FLOOR PLAN
Scale: 1:100



ROOF PLAN
Scale: 1:100



SECOND FLOOR PLAN
Scale: 1:100

Existing Elevations:



SOUTH WEST (STREET) ELEVATION
Scale: 1:100



SOUTH EAST ELEVATION
Scale: 1:100



NORTH EAST (CAR PARK) ELEVATION
Scale: 1:100

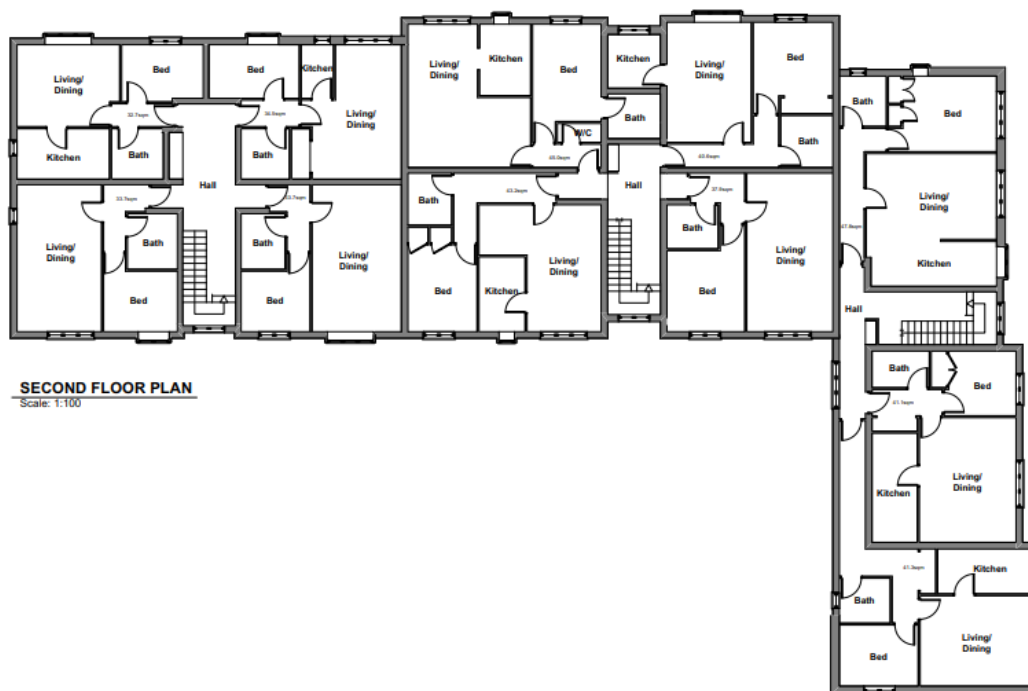
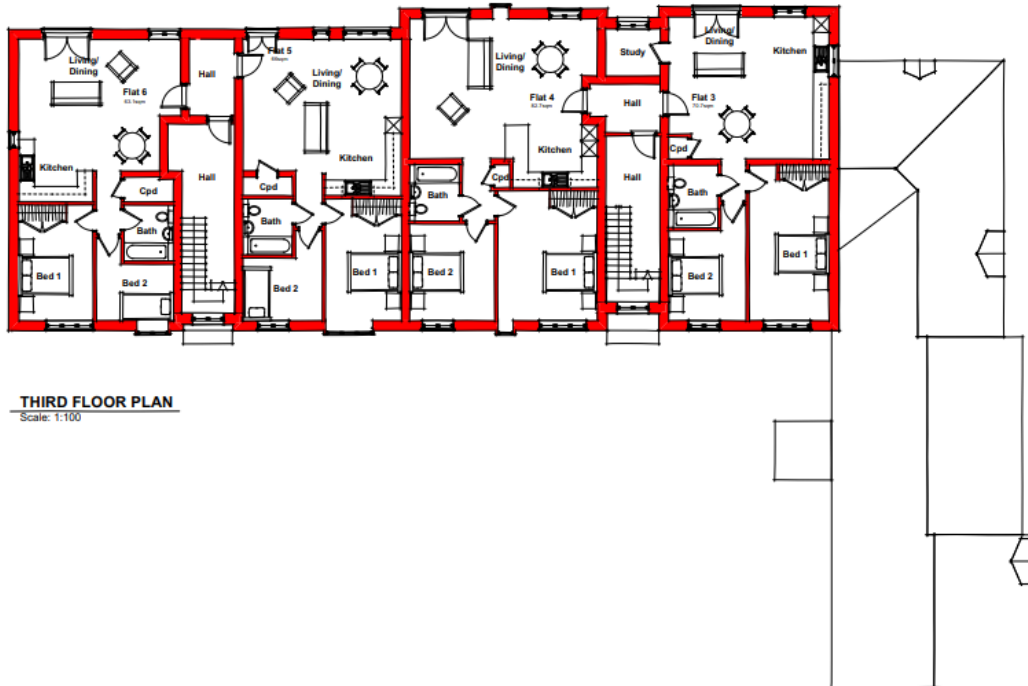


NORTH WEST (STREET) ELEVATION
Scale: 1:100

Proposed Site Plan:



Proposed Floor Plans:



Proposed Elevations:

