

To:
All members of the
Council

Please reply to:
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Date: 25 July 2022

Supplementary Agenda
Council - Monday, 1 August 2022

Dear Councillor

I enclose the following items which were marked 'to follow' on the agenda for the Council meeting to be held on Monday, 1 August 2022:

- 3. Waterfront Development - investigation report** **3 - 314**
The Monitoring Officer's covering report, and the investigator's report and associated appendices are attached.

Yours sincerely

Gary Lelliott
Committee Services

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To the members of the Council

Councillors:

S.M. Doran (Mayor)
D. Saliagopoulos
M.M. Attewell
C.F. Barnard
C.L. Barratt
R.O. Barratt
C. Bateson
I.J. Beardsmore
M. Beecher
J.R. Boughtflower
A. Brar
S. Buttar
J. Button

R. Chandler
J.T.F. Doran
R.D. Dunn
S.A. Dunn
T. Fidler
N.J. Gething
M. Gibson
K.M. Grant
A.C. Harman
H. Harvey
I.T.E. Harvey
N. Islam
T. Lagden

V.J. Leighton
A.J. Mitchell
S.C. Mooney
L. E. Nichols
R.J. Noble
O. Rybinski
J.R. Sexton
R.W. Sider BEM
V. Siva
B.B. Spoor
J. Vinson
S.J Whitmore

Extraordinary Council Meeting

Monday 1st August 2022



Title	Outcome of the independent external Investigation into the Waterfront Development Project
Purpose of the report	To note
Report Author	Petra Der Man (interim) Monitoring Officer
Ward(s) Affected	All Wards and Particularly Staines & Staines South
Exempt	No
Exemption Reason	N/a.
Corporate Priority	Affordable housing Recovery Service delivery
Recommendations	<p>Committee is asked, when considering the external independent Report into the Waterfront Development Project, carried out by Yinka Owa to:</p> <p>Note -</p> <ul style="list-style-type: none"> a) the broad terms of reference for the external independent Investigator, b) the timeline covered, c) methodology, d) that all information provided by the many witnesses involved has been assimilated by the Investigator into the production of the report, e) the identified concerns f) the comprehensive findings, and g) the recommendations of the Investigator.
Reason for Recommendation	This is a report to note, because the external independent Investigation that was commissioned by the Council is now

	complete and the Investigation Report is here reported. (It is produced at Appendix 1.)
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1. Summary of the report

- 1.1 This covering report provides Members with the external Investigation Report that was carried out by Yinka Owa at Appendix 1. The final Investigator report was not finalised until this month; namely July 2022.
- 1.2 This Council, through the Local Government Association, appointed Yinka Owa in September 2021 to carry out an in- depth investigation to address the totality of concerns raised by some resident groups and Councillors.
- 1.3 The concerns raised were about the decision making by the Council leading to the award of contract, the procurement process and the mass, scale and density of the proposed development particularly in the context of the surrounding conservation area and the historic buildings around the site including Staines Bridge. The Investigator summarised the concerns into 12 separate parts.
- 1.4 The Investigator has produced her Report which is attached in entirety here, (at **Appendix 1.**) together with its related Appendices.
- 1.5 Produced separately from this report is a related FAQ's document, which will be available for Members at the Extraordinary Council Meeting on 1st August 2022 and to the public from the same date. Councillors require an inquiry into the Waterfront development project to take place as soon as possible. A task group – the Review Group is to be set up to over see this process.
- 1.6 Members are reminded that on 5th July 2021, the Council's Corporate Policy and resources Committee approved the setting up of a dedicated task group, 'The Review Group, comprising of Councillors was established to oversee the process for commissioning the Investigation and its delivery upon completion.
- 1.7 Here, for ease of reference are the relevant hyperlinks to the decisions entered into to determine the related terms of reference and identity of Members on the Review Group as well as a related announcement from the then Leader:-.

<https://democracy.spelthorne.gov.uk/ieListDocuments.aspx?CId=296&MID=3489#AI14140>.

<https://democracy.spelthorne.gov.uk/ieListDocuments.aspx?CId=296&MID=3490#AI15357>.

<https://democracy.spelthorne.gov.uk/ieListDocuments.aspx?CId=133&MID=3469#AI14713>.

- 1.8 The Review Group are facilitating and organising the presentation of the Independent Investigator's Report into the Waterfront Development by Yinka Owa.

2. Key issues

- 2.1** Members are respectfully asked, when reading the attached Report (Appendix 1) with its related Appendices, to particularly note a) the broad terms of reference for the external independent Investigator,
- b) the timeline covered,
 - c) methodology,
 - d) that all information provided by the many witnesses involved has been assimilated by the Investigator into the production of the report,
 - e) the identified concerns
 - f) the comprehensive findings, and
 - g) the recommendations of the Investigator.
- 2.2** The Investigator has carried out a “comprehensive and robust investigation”. The period covered by her investigation is between September 2017 and 30th April 2020.
- 2.3** The Investigator has spent more than 220 recorded hours interviewing over 40 witnesses and has reviewed over 10,000 pages of documents. Those interviewed by the Investigator included Councillors, Council officers, consultants, local residents and representatives of local resident groups.
- 2.4** The Investigator looked at the local Constitutional process that was present during the relevant period with related applicable governance procedures. She reviewed all relevant legislative requirements, analysed the Council’s role of landowner and also separately in its statutory role of Local Planning Authority.
- 2.5** The Investigator addressed the applicable ‘planning context’, its local history, the ‘emerging local plan and Staines Development framework’.
- 2.6** She further assessed the related procurement process, including the steps taken in the lead up to the procurement process itself.
- 2.7** The Investigator reviewed all the relevant Cabinet briefings linked with the site’s procurement process, all related briefings, dialogue sessions and the Development Agreement.
- 2.8** The Investigator further considered the governance steps throughout, including noting reference being made to the matter on the Council’s Forward Plan and the fact that the matter was discussed at Extraordinary Council Meetings. Specifically, reference to what occurred during particular related Extraordinary Council Meetings with reference to the matter itself, is also made by the Investigator.
- 2.9** The ‘Bid Evaluation Process’ was reviewed by the Investigator.
- 2.10** The involvement of Councillors with the evaluation of bids was scrutinised by the Investigator.
- 2.11** The impact of covid together with national lockdown was noted by the Investigator on the process which led inevitably to the use of virtual meetings and more online communications.
- 2.12** The process and details of the notification of completion of [the] procurement process and successful bidder was analysed by the Investigator.

- 2.13 The Investigator also reviewed the related Council briefing and press release that was sent out to residents on the award of contract.
- 2.14 the Investigator identified all the concerns that had been raised by some local residents and councillors and broke them down into 12 numbered concerns which she expressly considered and referred to within her investigation Report. All 12 numbered concerns are set out in full at **Appendix 2** to this covering report.
- 2.15 The Investigator separately sets out her findings which she has set out within 45 numbered paragraphs, to address the concerns. For ease of reference, all the Investigators' numbered paragraphs to address her findings are set out in full at **Appendix 3** to this covering report.
- 2.16 It is sufficient and significant to note that from and within all the numbered findings, there are none which set out any wrongdoing.
- 2.17 The Investigator has concluded her report by making a number of 'recommendations'. (The Investigator's express recommendations are set out in full at **Appendix 4** to this covering report).
- 2.18 It is sufficient and significant to note that since the period covered by the Investigation report, the Council has formally adopted a different corporate governance model. The implications therefore to be taken from many of the Investigator's recommendations are now therefore no longer relevant.
- 2.19 The Council has been carrying out formal reviews, as a work in progress, of the current Constitution since adoption of its new current governance model; namely its Committee System as from 27th May 2021.

3. Financial implications

- 3.1 To date, the Council has been invoiced for £63,600 for the professional services of the Independent Investigator. Given that the final report was only completed in July 2022, it is anticipated that further final invoice(s) will be forthcoming to cover additional related work. In addition, there is (i) the unquantified and related cost of Council officer time involved in facilitating the Inquiry and (ii) the further unquantified time spent by those involved providing evidence to the Investigator.

4. Legal implications

- 4.1 The Borough Council is a public authority under the Human Rights Act 1998, as amended. Therefore, the Council is required to act compatibly with the convention rights in the exercise of their functions. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.

5. Equalities Implications.

- 5.1 The Equality Act 2010 introduced a public sector equality duty. In summary, the Council must in the exercise of its functions, have due regard to the need to:

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Advance equality of opportunity between people who share a protected characteristic and those who do not.

6. Sustainability/Climate Change Implications

- 6.1 There is nothing specifically relevant.

7. Risk

- 7.1 There have been serious and relevant implications for the reputation of Spelthorne Borough Council, for its professional officers, and for the reputation of Spelthorne Councillors. This has been a protracted external investigation and necessarily so. The Council through the LGA commissioned the services of the independent external Investigator to address all concerns raised and the obvious lack of trust in the process, the governance and in the role of officers and councillors involved with this matter.
- 7.2 The need for transparency in the independent comprehensive Investigation process has been recognised and maintained, such that the Investigator's report in its entirety is here published, available for the public to see, and to be scrutinised by Members during the open ECM.
- 7.3 The publication of the Report in its entirety as a public report available to Council and the public is the chosen method of the Task Group.

8. Contact

- 8.1 Petra Der Man (p.derman@spelthorne.gov.uk)

Background papers:

none

Appendices:-

1.The External Report into the Investigation into the Waterfront Development Project by Yinka Owa – Independent Investigator

[Appendices 4 referred to within the external report produced by Yinka Owa, relate to parts of the January 2019 Constitution. For ease of reference, here is a publicly available link to that Constitution:

<https://democracy.spelthorne.gov.uk/documents/g2032/Public%20reports%20pack%20Tuesday%2022-Jan-2019%2014.49%20Constitution.pdf?T=10&Info=1>

Appendix 2. All concerns noted and addressed by the Investigator.

Appendix 3. All Findings noted and set out by the Investigator.

Appendix 4. All Recommendations noted and set out by the Investigator.

APPENDIX 2

All “concerns” raised by from some local residents and also from some Councillors which were expressly identified and considered by the Independent Investigator, Yinka Owa in her Report into the Waterfront Development Project.

- “1. The height, scale, mass and density of the proposed Arora development.
2. The alleged secrecy surrounding the decision making leading to the award of the contract to Arora.
3. The allegation that the decision had been made by the Leader, his wife (Councillor Helen Harvey) and a handful of other councillors said to be the Leader’s close allies.
4. The alleged failure to consult ward councillors and residents on the proposal.
5. The alleged failure by the council to discharge its statutory duty to co-operate with affected neighbouring authorities and the providers of relevant infrastructure prior to the Development Agreement being approved and signed.
6. The allegation that because the Leader knew the Majority Group was in the process of organising another vote of no confidence against him and that this time he is likely to lose it, he deliberately rushed the decision when it could have been delayed because of Covid and the national lockdown.
7. The allegation that this was a vanity project for the Leader and he was going to see it through whatever the circumstances as his ‘parting shot’ to the Conservative Party.
8. That senior officers, who should have kept the Leader in check, were working in cahoots with him.
9. The grounds on which the Leader, other councillors involved and officers concluded that the proposed development, given its height and mass, would be compatible with its location in the Conservation Area.
10. That there was some effort by the Leader and officers to award the contract to Arora because of the Leader and senior officer’s previous associations with the company, for example, the council’s purchase of the building known as World Business Centre 4 (WBC4) from a company in the Arora Group of companies.
11. hat the terms of the Development Agreement had been drafted in favour of Arora to the detriment of the council, for example, the length of the term of the lease, favourable rent free provisions, undertaking by the council to assist Arora in obtaining planning permission to build the development.

12. Another concern was that the Development Agreement was not referred to or called in by the council's Overview and Scrutiny Committee.
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APPENDIX 3

All "Findings" produced by the Independent Investigator, Yinka Owa in her Report into the Waterfront Development Project.

" FINDINGS

1. I found no evidence that the Leader acted outside of his executive powers in relation to any aspect of this procurement project.
2. I found no evidence that this public works procurement breached any of the provisions in the Regulations.
3. I found no evidence that the Leader, Cabinet Members and officers involved with the procurement process breached any provision in the January 2019 constitution.
4. I found no evidence that the Leader, Cabinet Members involved in the procurement and officers acted out of personal gain or for reasons of financial incentives.
5. I found no evidence that the Member Code of Conduct or Officer Code of Conduct was breached in any aspect of this procurement project.
6. The council acted in its role as a landowner entering into a contract and the grant of a long lease to a developer to develop its land. That contractual relationship took the form of a Development Agreement and associated documents issued with the tender pack at the commencement of the procurement process.
7. The Development Agreement is a contract. It is a commercial contract. It is not a planning document.
8. The council has no legal duty or obligation to consult ward councillors, residents or other external public bodies in settling the terms of the Development Agreement.
9. In the Leader and Cabinet model of governance, officers have no duty to consult ward councillors or other councillors or residents on a procurement exercise.
10. The bidders would be required to disclose commercially and financially sensitive information as part of the competitive dialogue process. This is to enable the council and bidders to conduct open and frank negotiations. Such information would have played an active part in selecting the winning tender and would have informed some of the provisions in the Development Agreement.
11. For a procurement exercise of this nature and scale to be successful, the bidders have to be confident that their sensitive information would be kept confidential and not disclosed to third parties during the competitive dialogue process.
12. It is at the planning stage, when the successful bidder applies to the council for planning permission to build its scheme that the council, acting as a Local Planning Authority (LPA), has a statutory duty to consult.

13. The Development Agreement is conditional on the successful bidder obtaining planning permission from the council acting in its capacity as an LPA. Planning is not an executive function.
14. Arora would have to satisfy the requirements of the LPA to obtain planning permission.
15. Officers do not participate in party political group deliberations. They have no control over or involvement in how party political groups within the council are run or what and when information is provided by the Leader, Cabinet or other councillors to political party groups.
16. How political party groups operate and their dynamics sit outside the council's constitution.
17. I found no evidence that the terms of the Development Agreement were unreasonably favourable to Arora to the detriment of the council.
18. The provisions are balanced in a way that they will be acceptable to the industry and enable any developer (the successful bidder, in this case Arora) to access funding should they need to but at the same time the document contains sufficient provisions to protect the council's interests and ambitions for the site.
19. Residents were concerned that the council gave an undertaking in the Development Agreement to support Arora in obtaining planning permission.
20. This is a standard provision where the ownership of the land has not yet transferred to the developer.
21. As the land is still in the council's ownership, Arora will require the council's (as landowner) support to put together their planning application, for example, to access the site to carry out surveys or access documentation relating to the land in preparation for submitting their planning application.
22. The council as LPA in determining Arora's planning application must do so on sound planning grounds. It has a statutory duty to treat Arora's planning application as it would any application coming before it.
23. The drawings of the proposed development provided by Arora and sent to the Majority Group by the Leader is clearly marked as indicative of the design of the proposed development. It is not the final plan and drawing of the proposed development. The development's height, mass and density will ultimately be decided by the LPA after discharge of its duty to consult as required by law.
24. Residents were also concerned about the rent provisions in the document.
25. This is a project over a number of years that would require the developer to expend millions of pounds in development costs. It is not unusual with such projects to draft the rent provisions in such an agreement in this way so as to attract bidders.
26. Because of the complexity of the procurement exercise, council officers were supported by experienced and reputable external legal advisors and did not act alone.
27. I found no evidence that the Leader knew who the final two bidders were until March 2020 when he became partly involved in evaluating the final bids.

28. The Leader sought advice from the council's Monitoring Officer at the time on whether there was a conflict of interest and whether to declare an interest because of his prior dealing with Arora in his capacity as Leader of the council during the council's purchase of World Business Centre 4 from one of the companies in the Arora Group of companies.
29. He was advised by the council's Monitoring Officer at the time that he did not have a conflict. It was not a disclosable pecuniary interest as the association was in the line of his role as Leader.
30. Whilst not usual practice for councillors to be involved in the evaluation of tenders, officers invited the Leader and other councillors to participate in the assessment of a part of the quality element of the submitted tenders. The Leader had been quite particular about the quality of the development on the site and it seemed appropriate to officers that he was involved in that aspect. This is not an unreasonable decision to make.
31. I found no evidence that the process was not delayed because the Leader realised his time in office might be coming to an end because his colleagues in the Majority Group were about to vote him out.
32. Whilst I cannot rule out that on a human level this might have been a factor, there is evidence from the time table provided to bidders at the start of the process that internal approvals, including Cabinet approval for the award of contract, would be sought in April 2020 and completion of the Development Agreement was scheduled for May. It was signed off on 30 April.
33. It is a strong argument that given the backdrop of a worldwide pandemic and an unprecedented upheaval of life as we know it, the completion of a procurement process relating to the hospitality industry, which was heavily impacted by the pandemic, should not have been a priority at that time.
34. The counter-argument put forward by the councillors and officers involved in the procurement exercise was that it had been a complex, long and expensive process that had reached its final stages. Both the officers and councillors involved were of the opinion that the council had obtained a favourable deal and delaying or aborting the process was not in the council's long term interest because it looked unlikely that the council would secure such a good deal at a later date.
35. Also, none of the bidders had requested delaying or aborting the process.
36. The councillors on Cabinet should have been aware of the project since the September 2019 Cabinet briefing session by officers. The Waterfront Project as the procurement exercise was referenced in the Cabinet Briefing notes was on the agenda for those briefing sessions from September 2019 until March 2020.
37. The Cabinet Members had opportunities to ask questions of officers and the Leader at those briefing sessions and some did.
38. The decision to approve the award of the contract to Arora was made unanimously by Cabinet. The vote was not whipped. Cabinet Members could vote as they saw fit.
39. The councillor who was the Majority Party Whip during this period said that he did not recall any occasion when councillors were told how to vote on any

matter including the decision whether or not to award the contract for the re-development of the site to Arora.

40. The procedure for a decision to be called in by Overview and Scrutiny Committee is set out above. In the Leader and Cabinet executive arrangement, there is no statutory or constitutional requirement for the Leader and/or Cabinet to refer matters or legal documents to the Overview & Scrutiny Committee.
 41. The Chair of the Overview and Scrutiny Committee at the time stated that she was not approached by any councillor, including those not on the committee, about calling in the decision to award the contract to Arora.
 42. The decision was not implemented until expiry of the call in period – the period in which the decision could have been referred to Overview and Scrutiny Committee to be called in.
 43. The first time councillors in other political parties became officially aware of the transaction was from the council's press release of 4 May 2020 when the council officially and publicly announced the award of the contract to Arora.
 44. Opposition councillors had not been involved in or informed about any aspect of the process.
 45. There was no mechanism within the Leader and Cabinet governance model for their input."
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APPENDIX 4

All "Recommendations" produced by the Independent Investigator, Yinka Owa in her Report into the Waterfront Development Project.

1. These events occurred whilst the council operated the Leader and Cabinet model of governance. It moved to committee system of governance in May 2021.
2. Recommendations that I would have made to address some of the issues that arose will not be applicable given that the council now operates a committee system of governance.
3. Much was made of the fact that the decision on 8 April 2020 was not referred to the Overview and Scrutiny Committee to give that committee the opportunity to review the Development Agreement before it was concluded. Why this is an erroneous view has been addressed above.
4. I would have recommended targeted training for members generally and those on Overview and Scrutiny Committee in particular about how overview and scrutiny worked, their role, powers and how call in works within the council's constitution would have been beneficial to clear up a number of misconceptions.

5. In the context of the council's current committee model of governance, I recommend that interactive and councillor led training be arranged for councillors on how the council operates and how decisions are made and opportunities to influence and challenge decisions.
6. All Councillors could benefit from training on how the planning system works and the role of the council as an LPA.
7. Councillors' induction training for new and returning councillors should stress the need for them to maintain the confidentiality of council information that comes to their knowledge and/or possession. They should be reminded that failing to do so, without good cause, could be a breach of the Member Code of Conduct.
8. The site was the Bridge Street car park then 'The Waterfront'. The procurement project for the combined site of Bridge Street Car Park and Hanover House was referred to as the 'Waterfront Project' understandably following the council's acquisition of Hanover House and also for marketing purposes.
9. In the Forward Plan of 12 March 2020, the project is referred to as the 'Staines Development.' The report to the Extraordinary Cabinet meeting of 8 April 2020 is titled 'tender report for Staines Development'.
10. It was alleged by some of interested parties that I interviewed that this 'low key' description of the site on the Forward Plan was to avoid scrutiny and keep the intended award of the contract to Arora 'under the radar' so as to reduce the opportunity for challenge by councillors and the public.
11. I recommend that extra care should be taken by officers to maintain consistency of description of projects particularly in documentation or publications aimed at councillors and the public to prevent confusion and suspicion. There is no real reason why the same project should be called by different names.
12. Councillors also complained about the volume and quality of papers that are presented to them by officers in their roles as councillors, committee members and community leaders.
13. This complaint is not unique to this local authority.
14. Most councillors lead busy lives. Some have full time jobs and family life and commitments that they struggle to juggle with their council duties. An already pressured situation is made worse when councillors are presented with paperwork that they find difficult to wade through and understand or appreciate what is at stake.
15. They believe this negatively impacts their ability to make decisions or take action on a fully informed basis. Some feel that the lack of clear and understandable information in easily digestible format is deliberate by officers so they are kept in the dark or not fully appraised of council decisions and activities. This has led to some councillors having no confidence in information and/or advice received from some officers.
16. I recommend that the council conduct a review of how and how much information and paperwork are presented to councillors with a view to work with councillors to better understand the issues raised and how to address them.
17. I recommend that the council's Monitoring Officer, with input from other relevant officers and councillors as appropriate, review the council's report templates to ensure they are in a format that, whilst meeting statutory and constitutional

requirements, also addresses the point made by some councillors to be given the tools that enable them to make informed decisions.

18. Reports should be clear on their face whether they are for councillors' decision or information.
19. Councillors expressed varying degrees of unease about the presence of so many external consultants advising and acting on behalf of the council particularly in senior roles. Some even questioned the legality of decisions taken by consultants not directly employed by the council and whether the council is bound by their decisions.
20. I recommend that the relevant senior officers in the council review the use of external consultants particularly in key roles with a view to identifying those that can be filled by direct recruitment and undertake a recruitment drive to fill those positions."

Investigation into the Waterfront Development Project

by Yinka Owa – Independent Investigator

INTRODUCTION

1. In May 2020 Spelthorne Borough Council (the council) announced that following a Competitive Dialogue procurement process it had awarded a contract to Arora Group to develop the council owned site known as Bridge Street Car Park and Hanover House in Staines-upon-Thames town centre (the site) for a hotel-led mixed-use development.
2. Arora's winning bid was described in the council's press release, of 4 May 2020, see appendix 10 as set to provide a 4 star hotel with over 300 rooms, serviced apartments and residential units. In the Press release the council referred to the site as 'The Waterfront' and to the development of the site by Arora Group as 'the Waterfront Project'.
3. Resident groups and councillors raised various concerns about the way in which the contract was awarded and the proposed development.
4. Their concerns centre around the decision making by the council leading to the award of contract, the procurement process and the mass, scale and density of the proposed development particularly in the context of the surrounding conservation area and the historic buildings around the site including Staines Bridge.
5. The Council appointed me in September 2021 to undertake an in-depth investigation of these concerns.

TERMS OF REFERENCE

1. The Terms of Reference for the investigation attached to my appointment letter dated 31 August 2021 (the Initial TOR) are at appendix 1a.
2. Resident group representatives and some of the ward councillors for Staines were concerned that the Initial TOR did not go far enough to enable a thorough investigation. They wanted the terms of reference for the investigation to be 'comprehensive and robust' to reflect the wide ranging nature of their concerns.
3. The council at its meeting on 14 October 2021 passed a motion, put forward by the majority of the nine ward councillors for Staines, to amend the Initial TOR. The Amended Terms of Reference (Amended TOR) are appended at appendix 1b.
4. The Amended TOR together with the Initial TOR form my Terms of Reference for this investigation.

TIMELINE OF INVESTIGATION

1. My investigation focused on the time period between September 2017, when the council purchased Hanover House and 30 April 2020 when the council completed a Development Agreement with the Arora Group pursuant to the award of contract setting out the terms and conditions of the arrangement between the council and Arora Group in relation to the site (the relevant time period).
2. Whilst I did look at events, documentation, materials and activities of import to my investigation preceding and subsequent to the relevant time period, my main focus were those within that time period.

THE SITE

1. The site comprises the land known as Bridge Street Car Park and Hanover House in Staines town centre giving the council a combined area of more than one hectare of land and about 100 metres of river frontage making this gateway to Staines a key regeneration site. See appendix 2a and 2b for site plans.
2. The site is situated next to the historic Grade II listed Staines Bridge and adjacent to the Hythe Conservation Area including Hythe Village.

METHODOLOGY

Interviews

1. I spent over 220 hours on interviews. I conducted over forty (40) face to face and virtual interviews with councillors who had been on the Council's Cabinet and Overview & Scrutiny Committee at the relevant time period as well as ward councillors for Staines, the chair of the council's Planning Committee at the relevant time period, the Whip for the Majority Party Group as well as the Leader of the council.
2. I also interviewed representatives of resident groups, the council's Chief Executive, its Chief Financial Officer and other senior officers and consultants acting on behalf of the council who had conduct of the procurement process that culminated in the award of contract to the Arora Group.
3. I would like to thank all those who took time to meet with me and contributed to my investigation.

Site Visit

I toured Staines Town Centre and visited the site.

Documentation & Materials Provided

1. I was provided with a vast array of over 10,000 pages of documentation, materials and reports on the transaction and those relevant to it.
2. These included cabinet reports and minutes, the council's constitution at the relevant time period, details of all the bidders for the contract including evaluation documentation, minutes and notes from the dialogue sessions, the Development Agreement between the council and Arora Hotels Limited (Arora), the successful bidder and the exempt report to Cabinet on the award of the contract to Arora.
3. I was also provided with emails and other correspondence between councillors in the council's Conservative Party Majority Group which go to the heart of some of the concerns raised by resident groups and councillors.
4. Some of these documents and materials are already in the public domain like the reports and minutes. Some of them are appended to my report.
5. Some are commercially sensitive and/or confidential and have not been disclosed as a result. These include details of the procurement process including the Development Agreement and some of the correspondence between councillors on the Majority Group.

THE COUNCIL'S GOVERNANCE STRUCTURE AS AT APRIL 2020 & COMPOSITION

1. Until May 2021, the Council operated a Leader and Cabinet model of governance with the Leader appointing the Cabinet and together they discharged the executive functions of the council.
2. This model is widely referred to within the council as the 'strong leader' model of governance.
3. At the time of the Cabinet decision to award the contract to Arora, the political composition of the Council was 23 Conservative councillors, eight Liberal Democrat councillors, four Labour councillors, two Green councillors and two Independent councillors.
4. The Conservative Party had the most councillors so the Leader and his Cabinet were all from the Conservative Party Majority Group.
5. At its Annual Council Meeting on the 27 May 2021, the Council moved to a Committee System of Governance.

RELEVANT LEGISLATION

Local Government Act 2000 & Localism Act 2011

Executive Arrangements & Functions

1. The Local Government Act 2000 (the 2000 Act) introduced new executive arrangements for local authorities. It provides that the executive of a local authority must take one of the following forms:
 - Leader and Cabinet
 - Elected Mayor and Cabinet
 - Committee system, which was the only executive arrangement available to local authorities prior to the 2000 Act, was re-introduced by the Localism Act 2011.
2. The council adopted the Leader and Cabinet model of governance until May 2021.
3. The 2000 Act states that any function of the council which is the responsibility of the executive is regarded as exercisable by the executive on behalf of the Authority.
4. The 2000 Act also provides that the executive does not have to reflect the political balance of the authority. So in Spelthorne Council, the Leader and all the councillors on his cabinet were from the Majority Conservative Group.

Overview & Scrutiny Committees

1. The 2000 Act also introduced Overview and Scrutiny Committees.
2. The committee's functions include to review and scrutinise decisions made and other actions taken by the council's executive in the latter's discharge of their responsibilities.
3. It stipulates that a councillor on the executive could not also be on the Overview and Scrutiny Committee.
4. The 2000 Act introduced a separation of decision making and scrutiny of those decisions.
5. The purpose of the arrangements in the 2000 Act was to enable quick and efficient decision making and easy identification of the decision makers so they could be held to account.

Requirement for a Constitution

1. The 2000 Act provides that a local authority must have a document called a constitution (and keep it up to date) which should contain its standing orders, the procedural rules which apply to meetings of the council and a councillor code of conduct.
2. The constitution in force at the time of the Cabinet decision on the award of contract to Arora in April 2020 was that of January 2019.

The ‘Strong Leader’ Model

The Localism Act introduced a set term of office for leaders in the Leader and Cabinet model of governance and a prescribed process for the removal of that leader during their term of office.

Local Authority’s Functions & Responsibilities

1. A local authority has a duty to discharge myriad functions and responsibilities.
2. A local authority’s responsibilities can include acting as landowner, local planning authority, corporate parent on children social care matters, responsibility for adult social care, environmental services including parks and recreational facilities and bin collection and increasing responsibility for dealing with climate change and pollution.
3. The local authority must follow the statutory provisions and rules that govern the function it is presently discharging and where there might appear to be a conflict with another function or responsibility it should already have processes in place to address such potential conflict in a manner that ensures it does not contravene the law or breach its obligations.
4. As an example, from time to time, the council as landowner would apply to itself as Local Planning Authority for planning permission. In such instances, it must treat its own application as it would that of a third party and follow sound planning principles in making a decision.
5. Another example is when the council as a landowner disposes of land subject to the condition that the purchaser of that land obtain planning permission from it in its capacity as the Local Planning Authority.

THE COUNCIL’S DUTY AS LANDOWNER

Local Authority and Property Disposals - The Local Government Act 1972 & Duty of Best Value

1. Section 123 of the Local Government Act 1972 (the 1972 Act) provides that a local authority may dispose of its land as it sees fit. But it must not do so for a consideration less than the best value that can reasonably be obtained for that property unless the disposal is by way of grant of a tenancy not exceeding seven years, a short tenancy. This is usually referred to as a local authority’s ‘duty of best value’.
2. Consideration will usually consist of monetary and/or commercial value capable of being assessed, for example, by a property valuer.
3. The grant of a lease for 250 years by the council to Arora as part of the award of contract to the latter is subject to the duty of best value under the 1972 Act.

The Council as Landowner – Executive Function

The council in its role as a landowner is an executive function vested ultimately in the Leader in accordance with the provisions of the 2000 Act.

THE COUNCIL AS LOCAL PLANNING AUTHORITY

The Town & Country Planning Acts and National Planning Policy Guidance

1. The council acts as a Local Planning Authority (LPA) when determining planning applications.
2. When acting on planning matters, the LPA must have regard to planning laws set out in the Town and Country Planning Acts and various Regulations as well as National Planning Policy Guidance from Central Government and its own local planning policies contained in the council's own Local Plan.
3. This is to ensure that planning decisions are made on sound planning grounds and enables the council to robustly defend itself, for example, when its decision is challenged by a dissatisfied planning applicant by way of an appeal to the Secretary of State.

PLANNING NOT AN EXECUTIVE FUNCTION

1. Determination of planning applications is not an executive function and does not vest in the Leader and/or Cabinet.
2. This function rests with Full Council and is discharged through the council's Planning Committee.

The COUNCIL'S CONSTITUTION AS AT APRIL 2020

1. The constitution of the council in force at the time of the award of the contract is that adopted by the council in January 2019 (the January 2019 version of the constitution).
2. Part 1 of the January 2019 version of the constitution – headed 'summary and explanation' and at appendix 4a – summarised how the council made decisions, the role of the Leader of the council, Cabinet and other committees of the council including Overview and Scrutiny Committee as well as the role the public and council officers played in the smooth running of the council.
3. In the section headed 'how decisions are made' in the 'summary and explanation' section of Part 1 of the January 2019 constitution at appendix 4, it is stated that legally, the Leader of the council is responsible for most day to day decisions and is appointed by the council for a four year term of office.
4. It also explained that when major decisions are to be discussed or made they will first be published in what is referred to as the Cabinet Forward Plan insofar as they can be anticipated.

Access to Information Rules

Article 3 of the constitution, see appendix 4b, explained the interface between the council and the public on decision making, setting out the public's right to information and to participate in the council's decision making process.

Role of Leader

1. The role of the Leader of the council in decision making is set out further in Article 6 of the constitution headed 'The Leader of the Council' see appendix 4c.
2. This Article sets out the functions of the Leader including those that only the Leader can exercise which include the appointment of the Deputy Leader and the other members of Cabinet and preparation of the Leader's Cabinet Forward Plan.

Role of Cabinet

1. Article 7 headed 'the Cabinet', see appendix 4d, sets out the role and responsibility of cabinet.
2. The Schedule of Portfolio responsibilities of Cabinet members at the relevant time period is attached at appendix 4h.

Role of Overview & Scrutiny

Article 8 headed 'Overview and Scrutiny Committee, see appendix 4e, sets out the role and responsibilities of the Overview and Scrutiny Committee which included in paragraph 8.4 (g) of that article, to review and scrutinise the performance and decisions of the Cabinet and to exercise the right of 'call in' of those decisions in accordance with the provisions of the constitution.

Leader & Cabinet

Part 4 section (h) of the constitution headed 'Budget and Policy Framework Procedure Rules' see appendix 4l, sets out in more detail the framework for cabinet decisions.

Paragraph 1.2 of that document states that from May 2011 all executive functions of the council vests in the Leader.

1. It also states that references to the Cabinet in the document should be read as Leader and/or Cabinet according to delegations of authority made by the Leader from time to time.
2. This section incorporates the provisions of the Localism Act and the concept of the 'strong leader' into the council's constitution.

Overview & Scrutiny Procedure Rules

Part 4 section (b) – sets out the procedure rules for Overview and Scrutiny Committee. See appendix 4f. These includes the process of calling in decisions taken by the Leader, Cabinet or a Cabinet Member.

Call in Procedure

1. Are set out in paragraph 16 of Part 4 section (b).
2. It states that within five working days of the publication date of a decision of the Leader, Cabinet or a Cabinet Member, at least three councillors on the Overview and Scrutiny Committee, one of which must be the chairperson of that committee, may give notice in writing to the lead staff member of their wish that the decision should be considered by the Overview and Scrutiny Committee before that decision is implemented.

Outcome of Call In

1. The possible outcome of calling in a decision are set out in paragraph 16.11.
2. Having reviewed the decision, the Overview and Scrutiny Committee may either request that the Leader, Cabinet or Cabinet Member reconsiders the matter for reasons put forward by the committee or decide that no further action is needed and the decision can be implemented without further consideration or delay.
3. By law, the Overview and Scrutiny Committee cannot exercise executive functions vested in the Leader and/or Cabinet nor can that committee override the decisions of the Leader and/or Cabinet.
4. This means that the Leader and/or Cabinet could re-consider the matter as requested by Overview and Scrutiny committee and decide on the same course of action as was called in.

Cabinet Procedure Rules

1. The Cabinet Procedure Rules are in Part 4 (c) of the constitution. See appendix 4g.
2. Paragraph 8.1 states that decisions of Cabinet that can be called in for consideration by Overview and Scrutiny committee will not take effect and be implemented until five working days after the date of the publication of the decision.

Code of Conduct for Councillors

One of the requirements of the 2000 Act is that the council's constitution should include a code of conduct for its councillors. This is in Part 5 section (a) of the council's constitution. See appendix 4i.

Code of Conduct for Staff

A code of conduct for staff is incorporated in the constitution in Part 5 section (b). See appendix 4j.

Policy on Gifts, Hospitality & Sponsorship

The council's policy on gifts, hospitality and sponsorship is in Part 5 section (j) of the constitution. See appendix 4k.

THE PLANNING CONTEXT

Bridge Street Car Park 2006 Planning Brief

1. In May 2006, the council produced a Supplementary Planning Document (SPD) titled 'Draft, Bridge Street Car Park Staines Planning Brief' setting out its development requirements as LPA for the car park. See appendix 5.
2. The Planning Brief proposed that the primary use of the site should be residential with an element of public and private parking.
3. It stated that the development on the site must be of exceptional quality given its prominent location in the conservation area, the river and Staines Bridge.
4. It sets out what the council requires from any development on the site including that the mass and height of any buildings should be sympathetic to the surrounding area and buildings.

Sites Allocations Document in the 2009 Local Plan

1. Reference to Bridge Street car park in the Sites Allocations document which forms part of the 2009 Local Plan, designates the car park for residential development of approximately 75 dwellings including retention of an element of public car parking.
2. The development criteria for the site is stated as a high quality design to reflect the area adjoining Staines Bridge and the river. It went on that care needed for the development to achieve a satisfactory visual relationship with adjoining properties.
3. Reference to 75 dwelling in the document is stated as an approximate figure and pre-dates the council's purchase of Hanover House which is used for commercial purposes.

THE SITE'S PLANNING HISTORY

Taylor Wimpey 2009 Proposal for Bridge Street Car Park

1. In January 2009, the council, acting as LPA, granted planning permission to George Wimpey West London (now Taylor Wimpey) to develop the car park subject to the applicant entering into a Development Agreement with the council as landowner as

part of the disposal. See item 1 in the Waterfront Project Timeline document at appendix 3.

2. The sale of the land did not proceed. The conditions of the planning permission were never met and the planning permission lapsed.

Bellway Homes 2014 Proposal for Bridge Street Car Park

1. In December 2014, the Cabinet, acting as landowner, approved the sale of Bridge Street car park to Bellway Homes subject to the applicant obtaining planning permission. See item 2 in the Waterfront Project Timeline document at appendix 3.
2. Bellway Homes applied to the council as LPA for planning permission in March 2016. See appendix 6a, 6b, and 6c.
3. Despite some level of residents' objections, the Planning Committee granted planning permission subject to conditions. See appendices 6b & 6c.
4. The conditions were never met and this planning permission also lapsed. See item 3 in the Waterfront Project Timeline document at appendix 3.
5. Bellway's proposed development on the Bridge Street car park part of the site was around 14 storeys, up to the Civil Aviation Authority's safeguarding constraints on heights of buildings around Heathrow Airport. See appendix 6d.
6. Arora's proposed development is within the same parameters as Bellway's proposal but on a wider footprint as the site now also comprises Hanover House.

Relevance of the Site's Planning History – Material Planning Consideration

1. Previous planning permissions for the site or part of the site form part of the site's planning history and is relevant material consideration that the Planning Committee would take into account when determining Arora's planning application for the site.
2. The weight that will be given to this depends on various factors including that the planning permissions were never implemented and have since lapsed.

Emerging New Local Plan to replace 2009 Plan

The council is in the process of replacing the 2009 Local Plan working in collaboration with residents and councillors.

Staines Development Framework

1. Part of the work to replace the current Local Plan is the preparation of the Staines Development Framework which will form part of the new Local Plan for the borough as an SPD.

2. The work on the Staines Development Framework is led by the Staines Development Task Group. The Group is chaired by and includes every Staines ward councillor.

The Emerging Local Plan & Staines Development Framework – Material Planning Consideration

1. Both documents are material consideration that ought to be taken into account by the LPA to determine a planning application on the site. The weight that will be given to such material consideration will be dependent on the stage the new Local Plan is in the adoption process balanced against other relevant factors.
2. See link below to the council's local plan.

<https://www.spelthorne.gov.uk/article/17620/Development-Plan-2009>

PROCUREMENT PROCESS

Background to Procurement Process

Purchase of Hanover House

In September 2017 Cabinet gave approval for the council to purchase Hanover House situated next to Bridge Street car park because of its potential to enhance the value and attractiveness of both sites for development. See item 4 on the Waterfront Project Timeline at appendix 3.

Potential Use of Site for Hotel Led Mixed Use Development

1. At this time, councillors, including the Leader, had expressed their disappointment that the borough did not have any high end hotel to attract senior executives of national and international companies located in the borough to stay in or hold events. They either went to such facilities in neighbouring boroughs or to hotels in the Heathrow Airport area.
2. Council events like the Mayor's Ball were also held outside of the borough because of lack of good quality conference facilities within the borough.
3. As Hanover House was already in commercial use, the Leader discussed with some of his Cabinet colleagues his aspiration that a development of the combined site should include a high quality hotel with conferencing and leisure facilities.

Emerging Local Plan

1. This was against the backdrop of the work on the emerging Local Plan which included public consultation between May and June 2018 to consider options on how the council could meet its housing, employment and infrastructure needs over the next 15 years. In the public consultation document, the council set out 4 options:

- intensify development on brownfield sites (that is on previously developed sites) in urban areas;
- release Green Belt land for development;
- maximise development in Staines as the borough's main urban area; or
- a combination of all three of the above.

2. A majority of those that responded to the consultation opted for option four.

Staines Development Framework

The council then commenced the process of producing a Masterplan for Staines, later called the Staines Development Framework, to guide the approach to maximising development in Staines. This work is being led by the Staines Development Task Group.

STEPS TAKEN IN THE LEAD UP TO COMMENCEMENT OF PROCUREMENT PROCESS

CBRE Feasibility Study

1. At the end of 2017 senior officers, on the instructions of the Leader, commissioned hotel specialist consultants from CBRE, an international commercial property consultancy firm, to conduct a feasibility study on the viability of the site for a hotel and mixed use development.
2. CBRE were selected following a procurement exercise. This was approved by officers using the authority delegated to them by the council in the Officer Scheme of Delegated Authority which forms part of the council's constitution.
3. As the appointment of consultants is an officer function no councillor, including the Leader and Cabinet, participated in the selection and appointment of CBRE.
4. CBRE reported back to the council in March 2018.
5. The report detailing the outcome of the study was presented to the Leader. The conclusion was that the site would support a hotel and residential development but would at best be a 2 to 3 star hotel.
6. The Leader was clear that the hotel offer on the site should be at least a 4 star hotel to improve the aspirational nature of Staines' regeneration.

Use of Waterfront & Waterfront Project to describe the Site

Sometime after discussions on the outcome of the feasibility study, the site started being referred to by officers in internal communication and those with external advisors as the 'Waterfront' and the ensuing procurement process as the 'Waterfront Project'.

Appointment of Specialist Hotel Consultants

1. In September 2018, the Legal team issued a request for quotes from specialist hotel consultants to support the council in its procurement of a developer for a hotel led mixed use development on the site.
2. The quotes were evaluated on price and quality.
3. Colliers International Hotel Consultants (Colliers) were selected on the basis of best price.
4. Colliers were appointed by officers under officer delegated authority.
5. Only two specialist hotel consultancies responded to the council's request for quotes for this work – Colliers and Cushman & Wakefield.

Scoping Meeting

1. On 13 June 2019, officers held a high level scoping meeting with the Leader to determine the vision for the site and to agree on the direction of the procurement project.
2. The meeting was organised by officers.
3. Mr Howard Williams attended the meeting in his capacity as Director of Knowle Green Estates (KGE), the council's housing management organisation, should there be residential units within the development that the council might want KGE to manage.
4. Once it became clear that a developer would want to retain the management of the residential units in the development, Mr Williams' involvement in the matter ceased.

Soft Marketing Testing

1. On 17 June 2019 a soft market testing event was held at the offices of Colliers.
2. The purpose of the event was to sound out the market's interest in the site and the council's aspirations for the site as well as inform the market of the procurement route favoured by the council and why.
3. The council was represented by Colliers, officers and external consultants (acting on behalf of the council) at this event. These consultants were appointed and reported to council officers.
4. Because, the soft market testing event was an operational matter within the remit of officers, there was no member involvement or attendance at the event.

Appointment of Cushman & Wakefield

1. On 1 July 2019 Colliers were replaced by Cushman & Wakefield (CW) as the former were found by officers not to be the right fit for the project.
2. CW were also appointed under officer delegated authority.

Appointment of Clyde & Co LLP

At some point after the soft marketing testing Clyde & Co, an international legal firm, were appointed off the pre-procured contracts framework used by councils within Surrey, to support the council's project team on this procurement.

COMMENCEMENT OF THE PROCUREMENT PROCESS

Procurement Route – Competitive Dialogue

1. The council's previous approach to the site was to sell it off with little opportunity to influence what was ultimately built on it apart from as an LPA.
2. This was the position with the abortive sale of the car park to Taylor Wimpey and latterly Bellway Homes.
3. The council wanted some level of control on what would be built on the site and so it set out to find a procurement route that would best achieve this.
4. Officers' position was that this was a public works contract to which the Public Contracts Regulations 2015 (the Regulations) applied.
5. Following discussions with the council's external commercial (CW) and legal advisors (Clyde & Co), the Council's Procurement Manager suggested Competitive Dialogue as the most effective route to market where the specification or requirements could not be fully detailed and working with the market could achieve a positive solution.

Approval to Advertise in OJEU

1. The approval to proceed to the next stage of the procurement exercise, which was to publish the procurement project in the Official Journal of the European Union (OJEU) was given on 25 July 2019 by the Investment Property Committee (IPC).
2. IPC is made up of the Leader, Chief Executive and the Deputy Chief Executive and the council's section 151 officer. IPC is not specified in the January 2019 constitution as a decision making body.
3. However, with the presence of the Leader, on whom rests all executive functions of the council in that group, it gave the approval to proceed to OJEU.
4. The matter was then signed off by officers under officer delegated authority.

5. It is a requirement of the Regulations that a contract of this value is advertised in the OJEU.

OJEU Contract Notice

1. The transaction was advertised in the OJEU on 1 August 2019, pursuant to the Regulations as a public works contract. This was done by way of publication of a Contract Notice. See appendix 7a.
2. The OJEU notice specified Competitive Dialogue as the type of procurement procedure the council will be using on this project.
3. It also included a paper titled 'Outline Project Brief' setting out the council's aspirations for the site as well as a timetable for the procurement process. See appendix 7b.

Expressions of Interests

1. At the beginning of September 2019, officers long listed eight valid expressions of interests from eleven bidders.
2. They were evaluated by the council's Procurement Manager with the assistance of the council's Asset Development Manager and CW.
3. Conduct of the procurement process is a highly technical matter that required professional expertise in the relevant areas. It was led by council officers working with consultants reporting to council officers and the external advisors. Councillors were therefore not involved with these stages of the process.

Invitation to Participate in Dialogue

1. The eight expressions of interests were further evaluated by officers supported by CW and Clyde & Co.
2. Four of the eight bidders were invited to participate in competitive dialogue with the council.

Cabinet Briefings on the Council's Housing Developments

1. The Council's Property and Development Manager provided monthly briefings to the Leader and Cabinet to update them on progress with the council's property projects.
2. These briefing sessions usually took place as a pre-meeting to Cabinet meetings to ensure good attendance by Cabinet Members.
3. At such briefings the Leader and Cabinet Members can and do ask questions of officers on the projects in the briefing papers.

4. Commercially sensitive and/or confidential information about the projects would usually be anonymised but there would have still been sufficient information provided to councillors verbally to enable them to ask informed questions about the projects.

CABINET BRIEFINGS ON THE SITE'S PROCUREMENT PROCESS

1. The first mention of the procurement project in relation to the site was in the Cabinet briefing paper for September 2019. The briefing took place on 9 September 2019.
2. The site is referred to as the 'Waterfront Staines' in the paper.
3. There is an update in the paper on the procurement process as at September 2019. The notes also set out the next steps in the process.
4. The notes state that what is being procured is a partner led delivery of a high quality hotel led mixed use regeneration scheme on the site.
5. There are no details of any of the bidders in the notes.
6. No drawings or plans of any of the bidder's proposals were presented to Cabinet nor were there any indications given of the height or scale of the proposed development on the site.
7. Whilst questions were raised by Cabinet members about what was contained within the bidders' offer, none was raised about the height, scale or density of the proposed development on the site.

Other Cabinet Briefings where Update on Procurement Process Provided

1. **15 October 2019** - anonymised update on the procurement process to date with next steps provided to Leader & Cabinet by officers.
2. **21 November 2019** - Cabinet Briefing – anonymised update on the procurement process to date with next steps provided to Leader & Cabinet by officers.
3. **13 January 2020** – anonymised update on the procurement process to date with next steps provided to Leader & Cabinet by officers.
4. **10 February 2020** – anonymised update on the procurement process to date with next steps provided to Leader & Cabinet by officers.
5. **9 March 2020** – anonymised update on the procurement process to date with next steps provided to Leader & Cabinet by officers.

Invitation to Participate in Dialogue with the Council - ITPD

1. The ITPD was issued to the four shortlisted bidders on 6 November 2019.

2. The council was represented at the dialogue sessions by its officers, internal consultants and external advisors.
3. The ITPD document sets out how the council means to conduct the dialogue sessions. It also sets out the council's ambitions for the site and its expectation of the bidders. It explains how each bid would be evaluated – weighted 70% for quality and 30% for the bidder's commercial offer.
4. It included a time table of key dates in the process from the issue of the ITPD on 6 November 2019 to the anticipated award of contract date in May 2020. See appendix 7b.
5. In that timetable there is a reference to seeking internal approvals in April 2020. Internal approvals would include Cabinet approval of the award of contract to the successful bidder.
6. The same document was sent to each of the four remaining bidders invited to participate in the dialogue.

First Dialogue Sessions

1. The external advisors' notes and those of council officers in attendance at the sessions show that there was no councillor in attendance at these sessions with the four bidders.
2. The same agenda, prepared by the council's advisors, was used at each of the four sessions of the First Dialogue.
3. The purpose of the First Dialogue was for the bidders to present their bids.
4. One bidder de-selected itself at the end of the First Dialogue as they would not be able to deliver the project to the council's requirements.

Site Visits

1. At the end of the First Dialogue sessions, between December 2019 and February 2020 council officers and advisors conducted site visits to the remaining three bidders' self-selected sites.
2. The purpose of the site visits was to assess the bidder's product on the ground against their pitch at the First Dialogue session.

Second Dialogue Sessions

1. The second Dialogue sessions with the remaining three bidders took place from 27 January to 5 February 2020.
2. No councillor was in attendance at these sessions. They were conducted by the council's advisors and officers.

3. A second bidder dropped out of the process at the end of the second Dialogue session. Other priorities became evident during the dialogue process and they found they could no longer deliver to the standard expected by the council.

Third Dialogue Sessions

1. Proceeded with the two remaining bidders.
2. Both bidders were then invited to submit final tenders.

Invitation to Submit Final Tender – ISFT

1. The ISFT was issued on 4 March 2020 to the final two bidders.
2. It reiterated the process to date including that bids will be evaluated on the basis of 70% for quality and 30% for commercial offer.
3. It again re-produced the time table of key dates incorporated in the ITPD.
4. The key dates included April 2020 for internal approvals for the preferred bidder appointment and award of contract in May 2020. See the Procurement Process Time Table at appendix 7b.

DEVELOPMENT AGREEMENT

1. The award of the contract was to be by way of the successful bidder entering into a Development Agreement with the council.
2. The draft of the Development Agreement was produced by Clyde & Co on behalf of the council.
3. This is a highly technical legal document. Its purpose is to set out in detail the relationship between the parties over the lifetime of the contract. It makes provisions for the various aspects and stages of the relationship between the council and the successful bidder called the tenant and their guarantor which is their parent company.
4. It includes the grant of a 250 year lease over the site to the tenant.
5. There are mechanisms in the document for calculating rent and other payments due to the council as part of the contractual and lease arrangements between the parties.
6. The Development Agreement is conditional upon the tenant obtaining planning permission within a set time period from the LPA to build out their proposal.
7. There are various key dates and milestones in the document to move the relationship onto the next stage in the process.

8. The document was part of the dialogue sessions at each stage of the negotiations.
9. Whilst some aspects of the Development Agreement were open to negotiation as part of the dialogue sessions as would be expected from a commercial enterprise, there were aspects of the document that were non-negotiable particularly those that impact on the council's vision and ambition for the site.

12 March Forward Plan

1. As the tender submission deadline in March 2020 approached, the council's internal senior legal advisor contacted the Leader and others involved with the procurement on 28 February to advise that a meeting of Cabinet would need to be arranged to consider a report on the procurement process and for decision on award of contract at the conclusion of the process.
2. As the procurement key dates made known to all the bidders and in the dialogue documentation were not in line with scheduled Cabinet meetings, she advised that an Extraordinary Cabinet meeting would be required to enable the council to meet the time scales it set for the project.
3. An extraordinary meeting of Cabinet to take place on 8 April was duly included in the council's Forward Plan of 12 March 2020. See appendices 9a & 9b.
4. The procurement project is referred to as 'Tender report on Staines Development' in the 12 March 2020 Forward Plan and not as the 'Waterfront' or the 'Waterfront Project' as it had been referenced since 2019.

WHAT IS AN EXTRAORDINARY CABINET MEETING?

1. An extraordinary Cabinet meeting simply means that the meeting is not one of those scheduled at the start of the council's municipal year and was added at a later date.
2. There were several extraordinary meetings of Cabinet that year. See the Forward Plan for March 2020 attached at appendix 9b.
3. The Extraordinary Cabinet meeting to approve the award of the contract was held at 11am on 8 April 2020.
4. At 11.30am on the same day there was another Extraordinary Cabinet meeting on another matter right after the meeting at 11am.

Change of Deadline for Bid Submission

1. The deadline for the return of bids was moved to 20 March 2020 from 18 March at the request of one of the two bidders.
2. One of the bidders asked for an extension of time as it was still waiting for a third party to provide information required to finalise its bid.

Bid Evaluation Process – March 2020

This was the first time councillors were directly involved in the procurement process since July 2019 when the Leader gave approval for the contract to be advertised in the OJEU.

COUNCILLOR INVOLVEMENT IN THE EVALUATION OF BIDS

1. Officers decided that the Leader and relevant Cabinet Members should be involved in the evaluation of the non-technical aspects of the quality element of the two bids.
2. It is not usual practice for councillors to be involved in evaluating procurement tenders but it is not unheard of particularly given the value of this procurement and its importance to the council.
3. The total score for that part of the evaluation conducted by councillors was around 11% of the total score.
4. The Leader selected three Cabinet Members based on their portfolio to join him in the Cabinet part of the evaluation process.
5. The three other councillors were: Cllr Harman, the Deputy Leader with the Finance portfolio, Cllr Rybinski, the Lead Member for Economic Development, Customer Service, Estates and Transport; and Cllr Mrs Harvey, Lead Member for Investment Portfolio Management & Regeneration.
6. The remainder of the evaluation was conducted by council officers with the support of the external advisors with no further input from councillors.

Evaluation Training on 9 March 2020

1. Clyde & Co conducted training for the evaluation panel made up of officers and councillors.
2. Key themes of the training were that the bidders should be given equal treatment and the process must be transparent and non-discriminatory.
3. Evaluators were asked to declare any actual or potential conflict of interest before the start of evaluation.
4. They were advised to evaluate what has been presented by each bidder not what they know or like about the bidder.
5. They were reminded to focus on the bidder's tender not the marketing materials presented by the bidder.

Evaluation of Tenders – 23 to 27 March 2020

The dialogue was declared as closed and evaluation of the final two tenders took place between 23 and 27 March 2020.

Arora Selected as Successful Bidder

At the end of the evaluation process, Arora Hotels Limited were selected as the successful bidder.

PREPARATION FOR THE EXTRAORDINARY CABINET MEETING OF 8 APRIL 2020

1. The agenda for the Extraordinary Cabinet meeting to consider the report on the procurement process and the recommendations for the award of the contract was published on the council's website on 31 March 2020.
2. An email notification of the publication of the agenda on modern.gov (a virtual electronic system used by the council's committee team to send committee agenda and other papers to councillors) was sent to all councillors. Modern.gov is accessible by all councillors. See appendix 9e.
3. The published agenda did not include the report.
4. A first supplementary agenda was published on the council's website on 1 April 2020. This publication stated that the tender report was exempt which meant it could not be appended to the notice in its entirety for reasons of confidentiality and/or commercial sensitivity. See appendix 9g.
5. All councillors were notified of the publication of the first supplementary agenda on the same day on modern.gov and the exempt report was accessible to them on that system.
6. A second and final supplementary agenda containing the financial information on the tenders was published on 6 April, two days before the Extraordinary Cabinet meeting.
7. This publication was also notified to all councillors and the document was accessible to them through modern.gov. See appendix 9i.

COVID & NATIONAL LOCKDOWN

1. Central Government imposed a national lockdown on 23 March 2020.
2. Towards the end of February 2020, the council started to reduce face to face contact and activities particularly in the council's offices in light of the raising Covid cases.
3. Much of the activities on the project in March and April 2020 was done virtually including the Extraordinary Cabinet meeting on 8 April which was conducted via Skype.

Majority Group Deliberations on Officers' recommendation to Award the Contract to Arora Hotels

1. The Leader emailed the Majority Group late on Sunday 5 April inviting them to a virtual meeting the next day Monday 6 April to discuss the report to award the contract to Arora following the procurement process.
2. In communication between members of the Majority Group a number of the councillors including some cabinet members stated that this was the first time they had been provided with details of the project.
3. They also challenged the lateness of the Group meeting given that the extraordinary Cabinet meeting was two days from then on 8 April.
4. There were also concerns that there were no financial information provided and the report did not contain sufficient information to satisfy those concerns.
5. There was dissatisfaction and concerns. Some of the councillors asked that the decision on the award of the contract be delayed to allow for more time for Group to deliberate on the matter given the importance and high profile of the site.
6. On 6 April the financial information on the tenders was published as a second supplementary to the agenda for the meeting on 8 April. See appendix 9j.
7. The Leader asked the council's Monitoring Officer to prepare a Questions and Answers paper to address the questions that had been raised by Group. This was circulated to Majority Group. See appendices 8a and 8b. See also appendix 9c, the Leader's email of 7 April to the Majority Group.
8. The consensus at the end of the Group meeting on 6 April was that the Extraordinary Cabinet meeting on 8 April should proceed and the contract be awarded as recommended by officers.

EXTRAORDINARY CABINET MEETING OF 8 APRIL 2020

1. This meeting was held virtually via Skype. All Cabinet Members were in attendance. See Skype invite to all councillors at appendix 9d.
2. One Cabinet Member had earlier given her apologies for the meeting as she thought she would not be able to attend.
3. But she was able to attend the meeting, spoke at the meeting and also attended the second virtual extraordinary cabinet meeting that took place at the conclusion of the meeting on the Waterfront contract award.
4. The Leader asked each Cabinet in turn for their view on the project and at the end of deliberations the Cabinet voted unanimously in support of the award of the contract to Arora Hotels.

5. The Majority Party Whip stated that at no time during this process were the Cabinet Members and/or the Majority Group whipped as to how to vote.

Notification of Completion of Procurement Process & Successful Bidder

1. The council notified both bidders of the outcome of the process on 8 April. They were provided with the name of the successful bidder.
2. They were also provided with their score from the evaluation process and that of the successful bidder.
3. Under the Regulations, the council must wait at least 10 calendar days before entering into a contract with the successful bidder. The calendar days do not include a non-working day. This is known as the 'standstill period'.
4. The purpose of the standstill period is to give unsuccessful bidders the opportunity to make further enquiries and challenge the outcome of the process should they wish before the award of contract.
5. Both bidders were informed in their letters that the standstill period expired on 20 April 2020.
6. The unsuccessful bidder did not raise any enquiries of the council or challenge the proposed award of the contract to Arora.

Completion of the Development Agreement with Arora Hotels Limited

The Development Agreement documenting the formal award of the contract was completed by the council and Arora on 30 April 2020.

Council Press Release and Briefing to Residents on the Award of Contract

1. The council sent out a press release on the conclusion of the process and the award of the contract on 4 May 2020. See appendix 10.
2. It also produced a briefing on the project for residents' representatives and ward councillors on 19 January 2021. See appendix 11.

OBSERVATIONS

1. The usual practice is that decisions going to an Extraordinary Cabinet meeting will not first be discussed at a meeting of the Majority Party Group because there would have been no time to arrange such a meeting outside of those already scheduled.
2. Group discussion and a virtual meeting were arranged on this matter because of its importance and significance for the council.

3. The Leader and some other councillors formerly in the Majority Group at the time did not have a cordial relationship with a number of established councillors in that group and the Executive Committee of the local Conservative Party. Relationships were so fraught that on occasions some councillors walked out of Group meetings.
4. Each side looked at the other with suspicion. This made working together challenging.
5. The relationship eventually became irreconcilable and the Leader and a number of other councillors left the Conservative Party to form their own group.
6. It was alleged during interviews that the Leader was autocratic and egoistical. He was perceived as driven to achieve his ambition at all costs and did not welcome challenge or dissent.
7. The Leader and the other councillors who left the Majority Group, made various allegations including meddling and sabotage against those still within the Group. They had also made formal complaints against the leadership of the local Conservative Party.
8. Some of the councillors interviewed said the situation was so bad that they will not be standing at the next election.
9. In the past the Leader survived votes of no confidence. It was alleged that it had become apparent that there might be another vote of no confidence against him one which he would very likely lose.
10. The Leader was anxious to prevent leaks of commercially sensitive and confidential information due to allegations of leaks of such information in the past. An example provided by the Leader was the alleged leaking to a rival bidder by a senior councillor on the Majority Group of the council's offer for a commercial property which resulted in that competitor for the property out-bidding the council for it.
11. This experience is cited as one of the reasons why the Leader was cautious about how and with whom he shared confidential information on commercial transactions.
12. Decisions were made within this fractured and patently dysfunctional environment.
13. There also appeared to be a fundamental lack of understanding by a number of councillors of how the council made decisions within the context of a Leader/Cabinet decision making model.
14. The Leader/Cabinet model of governance vests significant power and authority in the Leader especially and also Cabinet. What was considered a small handful of councillors could make far reaching decisions without the input of the majority of councillors or their prior consultation. This did not sit well with a number of councillors from the Majority Group.

15. That councillors on Cabinet were there at the discretion of the Leader made some councillors view those on Cabinet as enablers of what is alleged to be the Leader's autocratic and non-inclusive style of leadership. These councillors were seen as duty bound to do the will of the Leader so as not to lose their position.
16. Some Majority Group councillors did not engage properly with the decision making process. They failed to read papers and did not prepare for meetings. Sometimes the first time they became aware of details of a matter would be when it came up in discussion at a meeting.
17. The Leader and Cabinet model did not give much scope for backbenchers from the Majority Group to participate in the executive decision making.
18. Councillors in other political parties on the council had no formal role in executive decision making.
19. It was unfortunate that two bidders de-selected themselves prior to the ISFT stage of the procurement process. Three or four final bids would have kept competition in the process quite high. However, decisions to de-select themselves were made by the two bidders unilaterally and due to reasons unrelated to the council.
20. There were still sufficient number of final bids for the process to continue and officers affirmed that they took steps to maintain the competitive tension between the two final bidders.

CONCERNS & FINDINGS

CONCERNS

The issue for residents and councillors isn't necessarily the development of a hotel led mixed use development on the site. Some were positively in favour of such a development and others welcomed the development of the site.

Their concerns are:

1. The height, scale, mass and density of the proposed Arora development.
2. The alleged secrecy surrounding the decision making leading to the award of the contract to Arora.
3. The allegation that the decision had been made by the Leader, his wife (Councillor Helen Harvey) and a handful of other councillors said to be the Leader's close allies.
4. The alleged failure to consult ward councillors and residents on the proposal.

5. The alleged failure by the council to discharge its statutory duty to co-operate with affected neighbouring authorities and the providers of relevant infrastructure prior to the Development Agreement being approved and signed.
6. The allegation that because the Leader knew the Majority Group was in the process of organising another vote of no confidence against him and that this time he is likely to lose it, he deliberately rushed the decision when it could have been delayed because of Covid and the national lockdown.
7. The allegation that this was a vanity project for the Leader and he was going to see it through whatever the circumstances as his 'parting shot' to the Conservative Party.
8. That senior officers, who should have kept the Leader in check, were working in cahoots with him.
9. The grounds on which the Leader, other councillors involved and officers concluded that the proposed development, given its height and mass, would be compatible with its location in the Conservation Area.
10. That there was some effort by the Leader and officers to award the contract to Arora because of the Leader and senior officer's previous associations with the company, for example, the council's purchase of the building known as World Business Centre 4 (WBC4) from a company in the Arora Group of companies.
11. That the terms of the Development Agreement had been drafted in favour of Arora to the detriment of the council, for example, the length of the term of the lease, favourable rent free provisions, undertaking by the council to assist Arora in obtaining planning permission to build the development.
12. Another concern was that the Development Agreement was not referred to or called in by the council's Overview and Scrutiny Committee.

FINDINGS

1. I found no evidence that the Leader acted outside of his executive powers in relation to any aspect of this procurement project.
2. I found no evidence that this public works procurement breached any of the provisions in the Regulations.
3. I found no evidence that the Leader, Cabinet Members and officers involved with the procurement process breached any provision in the January 2019 constitution.
4. I found no evidence that the Leader, Cabinet Members involved in the procurement and officers acted out of personal gain or for reasons of financial incentives.

5. I found no evidence that the Member Code of Conduct or Officer Code of Conduct was breached in any aspect of this procurement project.
6. The council acted in its role as a landowner entering into a contract and the grant of a long lease to a developer to develop its land. That contractual relationship took the form of a Development Agreement and associated documents issued with the tender pack at the commencement of the procurement process.
7. The Development Agreement is a contract. It is a commercial contract. It is not a planning document.
8. The council has no legal duty or obligation to consult ward councillors, residents or other external public bodies in settling the terms of the Development Agreement.
9. In the Leader and Cabinet model of governance, officers have no duty to consult ward councillors or other councillors or residents on a procurement exercise.
10. The bidders would be required to disclose commercially and financially sensitive information as part of the competitive dialogue process. This is to enable the council and bidders to conduct open and frank negotiations. Such information would have played an active part in selecting the winning tender and would have informed some of the provisions in the Development Agreement.
11. For a procurement exercise of this nature and scale to be successful, the bidders have to be confident that their sensitive information would be kept confidential and not disclosed to third parties during the competitive dialogue process.
12. It is at the planning stage, when the successful bidder applies to the council for planning permission to build its scheme that the council, acting as a Local Planning Authority (LPA), has a statutory duty to consult.
13. The Development Agreement is conditional on the successful bidder obtaining planning permission from the council acting in its capacity as an LPA. Planning is not an executive function.
14. Arora would have to satisfy the requirements of the LPA to obtain planning permission.
15. Officers do not participate in party political group deliberations. They have no control over or involvement in how party political groups within the council are run or what and when information is provided by the Leader, Cabinet or other councillors to political party groups.
16. How political party groups operate and their dynamics sit outside the council's constitution.
17. I found no evidence that the terms of the Development Agreement were unreasonably favourable to Arora to the detriment of the council.

18. The provisions are balanced in a way that they will be acceptable to the industry and enable any developer (the successful bidder, in this case Arora) to access funding should they need to but at the same time the document contains sufficient provisions to protect the council's interests and ambitions for the site.
19. Residents were concerned that the council gave an undertaking in the Development Agreement to support Arora in obtaining planning permission.
20. This is a standard provision where the ownership of the land has not yet transferred to the developer.
21. As the land is still in the council's ownership, Arora will require the council's (as landowner) support to put together their planning application, for example, to access the site to carry out surveys or access documentation relating to the land in preparation for submitting their planning application.
22. The council as LPA in determining Arora's planning application must do so on sound planning grounds. It has a statutory duty to treat Arora's planning application as it would any application coming before it.
23. The drawings of the proposed development provided by Arora and sent to the Majority Group by the Leader is clearly marked as indicative of the design of the proposed development. It is not the final plan and drawing of the proposed development. The development's height, mass and density will ultimately be decided by the LPA after discharge of its duty to consult as required by law.
24. Residents were also concerned about the rent provisions in the document.
25. This is a project over a number of years that would require the developer to expend millions of pounds in development costs. It is not unusual with such projects to draft the rent provisions in such an agreement in this way so as to attract bidders.
26. Because of the complexity of the procurement exercise, council officers were supported by experienced and reputable external legal advisors and did not act alone.
27. I found no evidence that the Leader knew who the final two bidders were until March 2020 when he became partly involved in evaluating the final bids.
28. The Leader sought advice from the council's Monitoring Officer at the time on whether there was a conflict of interest and whether to declare an interest because of his prior dealing with Arora in his capacity as Leader of the council during the council's purchase of World Business Centre 4 from one of the companies in the Arora Group of companies.

29. He was advised by the council's Monitoring Officer at the time that he did not have a conflict. It was not a disclosable pecuniary interest as the association was in the line of his role as Leader.
30. Whilst not usual practice for councillors to be involved in the evaluation of tenders, officers invited the Leader and other councillors to participate in the assessment of a part of the quality element of the submitted tenders. The Leader had been quite particular about the quality of the development on the site and it seemed appropriate to officers that he was involved in that aspect. This is not an unreasonable decision to make.
31. I found no evidence that the process was not delayed because the Leader realised his time in office might be coming to an end because his colleagues in the Majority Group were about to vote him out.
32. Whilst I cannot rule out that on a human level this might have been a factor, there is evidence from the time table provided to bidders at the start of the process that internal approvals, including Cabinet approval for the award of contract, would be sought in April 2020 and completion of the Development Agreement was scheduled for May. It was signed off on 30 April.
33. It is a strong argument that given the backdrop of a worldwide pandemic and an unprecedented upheaval of life as we know it, the completion of a procurement process relating to the hospitality industry, which was heavily impacted by the pandemic, should not have been a priority at that time.
34. The counter-argument put forward by the councillors and officers involved in the procurement exercise was that it had been a complex, long and expensive process that had reached its final stages. Both the officers and councillors involved were of the opinion that the council had obtained a favourable deal and delaying or aborting the process was not in the council's long term interest because it looked unlikely that the council would secure such a good deal at a later date.
35. Also, none of the bidders had requested delaying or aborting the process.
36. The councillors on Cabinet should have been aware of the project since the September 2019 Cabinet briefing session by officers. The Waterfront Project as the procurement exercise was referenced in the Cabinet Briefing notes was on the agenda for those briefing sessions from September 2019 until March 2020.
37. The Cabinet Members had opportunities to ask questions of officers and the Leader at those briefing sessions and some did.
38. The decision to approve the award of the contract to Arora was made unanimously by Cabinet. The vote was not whipped. Cabinet Members could vote as they saw fit.
39. The councillor who was the Majority Party Whip during this period said that he did not recall any occasion when councillors were told how to vote on any matter including

the decision whether or not to award the contract for the re-development of the site to Arora.

40. The procedure for a decision to be called in by Overview and Scrutiny Committee is set out above. In the Leader and Cabinet executive arrangement, there is no statutory or constitutional requirement for the Leader and/or Cabinet to refer matters or legal documents to the Overview & Scrutiny Committee.
41. The Chair of the Overview and Scrutiny Committee at the time stated that she was not approached by any councillor, including those not on the committee, about calling in the decision to award the contract to Arora.
42. The decision was not implemented until expiry of the call in period – the period in which the decision could have been referred to Overview and Scrutiny Committee to be called in.
43. The first time councillors in other political parties became officially aware of the transaction was from the council's press release of 4 May 2020 when the council officially and publicly announced the award of the contract to Arora.
44. Opposition councillors had not been involved in or informed about any aspect of the process.
45. There was no mechanism within the Leader and Cabinet governance model for their input.

RECOMMENDATIONS

1. These events occurred whilst the council operated the Leader and Cabinet model of governance. It moved to committee system of governance in May 2021.
2. Recommendations that I would have made to address some of the issues that arose will not be applicable given that the council now operates a committee system of governance.
3. Much was made of the fact that the decision on 8 April 2020 was not referred to the Overview and Scrutiny Committee to give that committee the opportunity to review the Development Agreement before it was concluded. Why this is an erroneous view has been addressed above.
4. I would have recommended targeted training for members generally and those on Overview and Scrutiny Committee in particular about how overview and scrutiny worked, their role, powers and how call in works within the council's constitution would have been beneficial to clear up a number of misconceptions.
5. In the context of the council's current committee model of governance, I recommend that interactive and councillor led training be arranged for councillors on how the

council operates and how decisions are made and opportunities to influence and challenge decisions.

6. All Councillors could benefit from training on how the planning system works and the role of the council as an LPA.
7. Councillors' induction training for new and returning councillors should stress the need for them to maintain the confidentiality of council information that comes to their knowledge and/or possession. They should be reminded that failing to do so, without good cause, could be a breach of the Member Code of Conduct.
8. The site was the Bridge Street car park then 'The Waterfront'. The procurement project for the combined site of Bridge Street Car Park and Hanover House was referred to as the 'Waterfront Project' understandably following the council's acquisition of Hanover House and also for marketing purposes.
9. In the Forward Plan of 12 March 2020, the project is referred to as the 'Staines Development.' The report to the Extraordinary Cabinet meeting of 8 April 2020 is titled 'tender report for Staines Development'.
10. It was alleged by some of interested parties that I interviewed that this 'low key' description of the site on the Forward Plan was to avoid scrutiny and keep the intended award of the contract to Arora 'under the radar' so as to reduce the opportunity for challenge by councillors and the public.
11. I recommend that extra care should be taken by officers to maintain consistency of description of projects particularly in documentation or publications aimed at councillors and the public to prevent confusion and suspicion. There is no real reason why the same project should be called by different names.
12. Councillors also complained about the volume and quality of papers that are presented to them by officers in their roles as councillors, committee members and community leaders.
13. This complaint is not unique to this local authority.
14. Most councillors lead busy lives. Some have full time jobs and family life and commitments that they struggle to juggle with their council duties. An already pressured situation is made worse when councillors are presented with paperwork that they find difficult to wade through and understand or appreciate what is at stake.
15. They believe this negatively impacts their ability to make decisions or take action on a fully informed basis. Some feel that the lack of clear and understandable information in easily digestible format is deliberate by officers so they are kept in the dark or not fully apprised of council decisions and activities. This has led to some councillors having no confidence in information and/or advice received from some officers.

16. I recommend that the council conduct a review of how and how much information and paperwork are presented to councillors with a view to work with councillors to better understand the issues raised and how to address them.
17. I recommend that the council's Monitoring Officer, with input from other relevant officers and councillors as appropriate, review the council's report templates to ensure they are in a format that, whilst meeting statutory and constitutional requirements, also addresses the point made by some councillors to be given the tools that enable them to make informed decisions.
18. Reports should be clear on their face whether they are for councillors' decision or information.
19. Councillors expressed varying degrees of unease about the presence of so many external consultants advising and acting on behalf of the council particularly in senior roles. Some even questioned the legality of decisions taken by consultants not directly employed by the council and whether the council is bound by their decisions.
20. I recommend that the relevant senior officers in the council review the use of external consultants particularly in key roles with a view to identifying those that can be filled by direct recruitment and undertake a recruitment drive to fill those positions.

Yinka Owa
Independent Investigator
25 July 2022

Waterfront Development Investigation

Appendices to Report

No.	Document
1.	Terms of Reference for Investigation
a	Initial Terms of Reference
b	Amended Terms of Reference
2.	Site Plans
a	Bridge Street Car Park site - see 6d
b	Bridge Street car park and Hanover House
3.	Waterfront Project Timeline
4.	Constitution of January 2019
a	Part 1 – summary and explanation
b	Article 3 – The Public
c	Article 6 – The Leader
d	Article 7 – Cabinet
e	Article 8 - Overview and Scrutiny Committee
f	Part 4b – O&S Procedure Rules
g	Part 4c – Cabinet Procedure Rules
h	Annex to Part 4c – Schedule of Portfolio responsibilities
i	Part 5a Member Code of Conduct
j	Part 5b Officer Code of Conduct
k	Part 5j Policy on Gifts, hospitality and sponsorship
l	Part 4h Budget and Policy Framework Procedure Rules
5.	Council's Planning Documents for Staines
a	SPD site May 2006 - Bridge Street car park planning brief for Taylor Wimpey planning application in 2009
6.	Bellway Planning Application for Bridge Street car park
a	Officer report on application for Committee
b	Minutes of Planning Committee 9 March 2016
c	Minutes of Cabinet 16 December 2014
d	Bellway Scheme Plans Site plan Conservation Area plan Elevations Scale Model View from River View from River walk View from Clarence Street View from Church Street
7.	Procurement Process
a	OJEU Notice
b	App 1 – Outline Project Brief (specification of requirements) and

	App 2 – Procurement Process timetable
8.	Monitoring Officers Qs &As
a	Email from Cllr Ian Harvey to Cabinet members of 7 April 2020 at 19.13
b	Attachment to email of MO's Qs & As
9.	Extraordinary Cabinet 8 April 2020 11am
a	Calendar of Meetings 2020-2021
b	Forward Plan 12 March 2020
c	Email from Cllr Ian Harvey to Conservative group dated 7 April 2020 at 14.14
d	Copy of Skype invite for 8/4/20 to all councillors
e	Agenda publication notification email for meeting on 8/4 sent on 31 March 2020.
f	Agenda for meeting on 8 April 2020 11am
g	First supplement publication notification email for report to 8 April 2020 meeting sent on 1 April 2020
h	Report issued in first supplementary agenda
i	Second supplement publication notification email for financial appendix to report for 8 April 2020 meeting sent on 6 April 2020
j	Exempt financial appendix issued in second supplementary agenda
k	Minutes of meeting held 8 April 2020 11am
10.	Council's press release of 4 May 2020
11.	Briefing to residents' representatives and ward councillors – 19 January 2021

Investigation into the Waterfront Development Project

Summary

Due to the concerns raised by Councillors and resident groups around the project-process and decision making the Council is seeking an in-depth investigation into the Waterfront Development Project.

Background

On the 4 May 2020 Spelthorne Borough Council announced that following a competitive tender process and the unanimous agreement of the Council's Cabinet, the Arora Group had been awarded the contract to develop Bridge Street Car Park and Hanover House in Staines-upon-Thames for a hotel-led mixed-use development.

This landmark development is set to provide an upscale (4 star) hotel with over 300 guest rooms, serviced apartments and residential units and represents a large inward investment for this Borough to boost economic footing and create many new local jobs for residents. It was quoted at contract award as being one of the largest deals of the type outside of London. The full press release that was issued at the time can be read here;

<https://www.spelthorne.gov.uk/article/19405/Waterfront-hotel-development-announced-forStaines-upon-Thames-May-2020>

This Council recognises the significance of the development for Staines upon Thames and understand that there are some concerns from both some councillors and community groups regarding the decision-making processes which led to the contract award. In January 2021 a briefing session was held by officers for nominated representatives of the Riverside Residents (Staines) Coalition and local ward Councillors on the Waterfront scheme. The presentation, alongside a project timeline can be read on our website at;

<https://www.spelthorne.gov.uk/article/20011/Waterfront-scheme-residents-briefing-February2021>

There has been a call to seek verifications of the project process and that due diligence was followed in the decision-making process. This Council is launching an independent investigation with an open remit to review all the steps taken throughout the process.

The structure of the Council

Until May 2021, the Council operated a Leader and Cabinet model of Governance, and with the 'strong leader' appointing the cabinet to discharge the executive functions of the Council.

The constitution at this time can be located with the following link:

<https://democracy.spelthorne.gov.uk/ieListDocuments.aspx?CId=209&MIId=3416&Ver=4&Info=1>

At the time of the Cabinet decision on this project the political composition of the Council was 23 Conservative, 8 Liberal Democrat, 4 Labour, 2 Green and 2 Independent. The following month a number of Councillors including the then Council Leader left the Conservative party and following further group formations the Council now has a composition of 18 Conservative, 8 Liberal Democrat Green Group, 4 United Spelthorne Group, 2 Labour, 2 Independent Group, 2 Independent Spelthorne Group, 2 Independent Labour and 1 vacancy.

At the Annual Council Meeting on the 27 May 2021 the Council moved to a Committee System of Governance.

The Procurement Process

At the initial stages of the process it was considered by officers as to whether this was a land transaction or classified as a works contract under the Public Contracts Regulations 2015 (PCRs). In light of the decision in the Supreme Court case of Faraday v West Berkshire, due to the controls over the development envisaged within a development agreement, it was concluded that this is a public works contract.

With the number of routes to market under the regulations, discussions took place between officers and the Council's commercial and legal advisors on the best route to use to ensure getting a deal of the quality required to fulfil the brief. The market is just starting to get used to having to undertake public procurements as traditionally deals in this sector were based on negotiations. It was agreed that the Competitive Dialogue process would achieve these aims as it allowed for on-going dialogue with the bidders to enable them to submit a final tender and produce quality submissions. This was considered the most suited to this complex, high value procurement.

The Competitive Dialogue process started with a high level specification to enable the bidders to understand the aspirations of the Council. This was followed by a set dialogue sessions built around the quality criteria evaluation criteria which were issued at the time of the OJEU notice being published. During the dialogue sessions the bidders discussed how they would fulfil that brief, satisfy the quality criteria and make their commercial submissions on the terms with the legal documents which were presented to them.

To ensure that the Council's ambitions were realistic in the market professional hotel advisors were appointed to advise through every step of the process from the initial concept and the production of the high level specification through to the evaluation of the tenders in terms of the commercial offer. Specialist legal advice was obtained to draft and complete all the legal documentation including the Development Agreement and the Lease. Legal advice was obtained on the procurement side to ensure that the risk of challenge was mitigated along the way.

The contract structure

The contract has taken the form of a conditional development agreement which provides for the granting of a long leasehold interest(s) in the site. The development agreement, the lease(s) and associated documents were issued with the tender pack at the beginning of the process and formed part of the dialogue sessions.

The development agreement was drafted to be institutionally acceptable to ensure that the bidders could fund the project, but at the same time as providing the Council proper controls for the development.

The development agreement is only conditional on vacant possession and satisfactory planning. There are no viability conditions, which indicates that the developer is fully committed to a scheme.

Within the development agreement there are approval mechanisms for revisions to the concept design. If there is a major variation, then Council has the opportunity to state that it is non-compliant with the development agreement. All these measures are in place to ensure the Council's vision stemming from the market demand reports is delivered.

As part of the tender quality requirements the Council included social value and local employment criteria as this project is focused on regeneration and economic development of the borough.

Concerns raised over the development

A community group has been set up called Riverside Residents (Staines) Coalition, who have raised a number of concerns about the transaction. The principal complaint is the size and massing of the development. There are wider planning concerns around whether the scheme was in line with the local plan and the impact on the conservation area. These concerns have fed into calls for a moratorium on development on Staines upon Thames town centre.

They have also raised concerns regarding the transparency of the decision making, the lack of involvement of all Councillors in the decision-making process, the lack of Councillor involvement in the drafting/terms of the contract documentation and the lack of involvement of the Overview & Scrutiny Committee.

This is the link to their website for full details of the correspondence and newsletters that have been issued by the group. <https://www.riversideresidentsstaines.org.uk/>

The investigation requirements

The Council are seeking an in-depth and exhaustive investigation into the legality and reasonableness of the process and procedures used from project inception through to final decision making and there is an open remit for the investigator to consider all matters that he/she considers appropriate to address the concerns raised by the Councillors and resident's group.

Below is a list of issues that have been extracted from the concerns:

1. Was there effective decision making in terms of Leader/Cabinet decisions (including political group processes) and officer delegations, at appropriate stages, and in accordance with the Council's form of governance, including whether there should have been active participation of the Overview & Scrutiny Committee?

2. Was the provision of information from officers to Councillors and between Councillors appropriate in this commercial transaction with a cabinet form of governance all the circumstances?
3. Was an appropriate procurement route followed to ensure compliance with the PCRs?
4. Was there appropriate officer, consultant, and Councillor involvement in the development of the procurement documents including the contract documents for a transaction of this size and scale?
5. Was the evaluation methodology adopted and the evaluation processes (including appropriateness of the evaluation team) reasonable?
6. In terms of the quality evaluation questions and the contractual requirements is there reasoned separation of functions of the Council as landowner and the Council as Local Planning Authority to ensure the appropriateness of the development in this riverside site on the edge of the conservation area?
7. Was the officer recommendation within the report appropriate and the options open to the Cabinet clear to enable them to make a reasoned decision?
8. The decision to award the contract was taken at a remote Extraordinary Cabinet Meeting in April 2020, was this meeting called appropriately and was it reasonable to proceed?
9. Given the previous business relationship between the Council and Arora Group were all appropriate declarations of interest made?

All documentation held by the Council will be made available to the investigator to ensure that this is a fully transparent process. If interviews with relevant officers and Councillors are required this will be facilitated.

Appendix A- Proposed TORs from the Staines Councillors

Terms of Reference

For the enquiry to serve its intended purpose, it is important that it is thorough and credible to Councillors and the communities whose interests they serve. The Enquiry's Terms of Reference must therefore be comprehensive and robust and will be made public. It is proposed by the Staines Councillors that the enquiry shall deep dive into the following issues:

- The bidding and evaluation process, including the identity of other bidders and their views on the bidding process.
- The role of the Officers and consultants in the bidding and evaluation process, the process followed for the selection of the successful bidder and whether this was compliant with council policy and procedures and relevant legislation.
- The role of the Officers and consultants in maintaining the Project's confidentiality/secretcy prior to its announcement on 4 May 2020.
- The role of the then Council Leader, members of the Cabinet and other Councillors in the selection and evaluation of bidding parties, evaluation of the successful bidder's Project proposal, and evaluation, scrutiny and approval of the Development Agreement.
- The role of the then Council Leader, members of the Cabinet and other Councillors in maintaining the Project's confidentiality/secretcy prior to its announcement on 4 May 2020.
- The details of the DA including exit clauses, financial and other penalties, failure of non-delivery
- A review of all associated risk assessments undertaken with the DA, to include reputational risks.
- An audit trial of scrutiny functions in regard to the DA, including decisions taken on whether and on what basis the Development Agreement would be referred to or called in by the Council's Overview and Scrutiny Committee (given the Project's highly controversial features including its size, location, lease arrangements, financial and other implications).
- The Council's exercise of its statutory 'duty to co-operate' with affected neighbouring authorities, and the providers of relevant infrastructure, prior to the Development Agreement being approved and signed.
- The grounds on which involved Officers and/or involved Councillors concluded that the Project (given its height and mass) would be compatible with its location in the sensitive riverside Staines Conservation Area.
- The relationships that existed between the former Leader and/or the Chief Executive and/or other Councillors or Officers with the successful bidder prior to the invitation to bid.

This is a formal request to the Review Team that the Terms of Reference as announced by the current administration on 20th August 2021, be revised and expanded to include the above-mentioned points.

Signed by all 9 Staines Councillors:
Cllr Beecher- Staines

Cllr Lagden- Staines
Cllr Siva- Staines
Cllr Gibson- Riverside and Laleham
Cllr Harman- Riverside and Laleham
Cllr Saliagopolous- Riverside and Laleham
Cllr Bateson- Staines South
Cllr Mooney- Staines South
Cllr Vinson- Staines South.



Plan B.
Scale 1:500
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Waterfront Project Timeline – This details actions taken by the Council and does not contain details of any political group meetings which took place outside the control of Council Officers.		
Date	Action	Involved/access
7 January 2009	Planning Permission granted for George Wimpy West London to develop site following a development agreement being entered into with them for the disposal of the site. Sale did not proceed.	Members of committee unknown from records held
16 December 2014	Cabinet decision on the disposal of site to Bellway Homes	Cabinet members at the time - Cllr R Watts, Cllr P Forbes-Forsyth, Cllr T Evans, Cllr N Gething, Cllr V Leighton, Cllr T Mitchell, Cllr D Patel, Cllr J Pinkerton OBE, and Cllr J Sexton
9 March 2016	Planning Permission granted for the Bellway Homes development	Planning Committee members at the time – Cllr R Smith-Ainsley, Cllr C Frazer, Cllr R Barratt, Cllr I Beardsmore, Cllr S Burkmar, Cllr Q Edgington, Cllr A Griffiths, Cllr I Harvey, Cllr N Islam, Cllr A Jones, Cllr V Leighton, Cllr A Neale, Cllr O Rybinski, Cllr R Sider BEM and Cllr H Thomson
27 September 2017	Cabinet decision to purchase Hanover House for redevelopment purposes	Cabinet members at the time – Cllr I Harvey, Cllr A Harman, Cllr M Attewell, Cllr C Barnard, Cllr M Francis, Cllr N Gething, Cllr T Mitchell, Cllr O Rybinski, Cllr H Williams
March 2018	CBRE Report on hotel feasibility	Commissioned by Asset Management. Appointment within officer delegation levels and findings shared with Leader
28 September 2018	Request for quotes issued for consultants	Issued on Council's procurement portal.
14 December 2018	Pre-tender hotel consultants appointed	Appointment under delegated authority to Group Head

13 June 2019	Scoping Meeting	<p>In Attendance: Cllr I Harvey (Leader), Cllr T Harman invited but was unable to attend. Howard Williams as Director of Knowle Green Estates</p> <p>Chief Executive, Section 151 Officer, Head of Corporate Governance, Principal Solicitor, Procurement Manager Development Manager, Asset Manager, Group Head of Regeneration and Growth</p>
17 June 2019	Soft Market testing event	Held at Consultant's offices. In attendance: Principal Solicitor, Procurement Manager and Development Manager
1 July 2019	Procurement process hotel Consultants appointed	Appointment under delegated authority to Group Head.
25 July 2019	Leader sign off to issue to market	The Council Leader
29 July 2019	OJEU Notice issued	Publicly available through Council's procurement portal and OJEU
4 September 2019	Returns of Expressions of Interest and SQ responses	Evaluated by Procurement Manager, Development Manager and Consultants
9 September 2019	Cabinet Briefing – Waterfront project included in update on developments	Cllr I Harvey, Cllr T Harman, Cllr M Attewell, Cllr R Barratt, Cllr J Boughtflower, Cllr O Rybinski
6 November 2019	Issue of the Invitation to participate in Dialogue	
15 October 2019	Cabinet Briefing – Waterfront project included in update on developments	Cllr I Harvey, Cllr T Harman, Cllr M Attewell, Cllr R Barratt, Cllr J Boughtflower, Cllr O Rybinski
12 Nov – 22 Nov 2019	First Dialogue Sessions with 4 bidders	Consultants, Development Manager, Procurement Manager and Principal Solicitor

21 November 2019	Cabinet Briefing – Waterfront project included in update on developments	Cllr I Harvey, Cllr A Harman, Cllr M Attewell, Cllr R Barratt, Cllr J Boughtflower, Cllr O Rybinski
2 Dec 2019 – 2 Feb 2020	Site visits	Consultants, Development Manager, Procurement Manager and Principal Solicitor
13 January 2020	Cabinet Briefing – Waterfront project included in update on developments	Cllr I Harvey, Cllr A Harman, Cllr M Attewell, Cllr R Barratt, Cllr A Brar, Cllr H Harvey, Cllr O Rybinski, Cllr J Sexton
27 Jan – 5 Feb 2020	Second Dialogue Sessions with 3 remaining bidders	Consultants, Development Manager, Procurement Manager and Principal Solicitor
10 February 2020	Cabinet Briefing – Waterfront project included in update on developments	Cllr I Harvey, Cllr A Harman, Cllr M Attewell, Cllr R Barratt, Cllr O Rybinski, Cllr A Brar, Cllr H Harvey, Cllr J Sexton
26 & 27 Feb 2020	Third Dialogue Session with last 2 remaining bidders	Consultants, Development Manager, Procurement Manager and Principal Solicitor External Solicitors
4 March 2020	Invitation to submit final tender issued	
9 March 2020	Evaluators training session	Cllr I Harvey, Cllr H Harvey, Cllr A Harman, Cllr O Rybinski. Consultants, Development Manager, Procurement Manager, Principal Solicitor. Run by external solicitors.
9 March 2020	Cabinet Briefing – Waterfront project included in update on developments	Cllr I Harvey, Cllr A Harman, Cllr R Barratt, Cllr A Brar, Cllr S Buttar, Cllr H Harvey, Cllr O Rybinski, Cllr J Sexton

10 March 2020	Cabinet agenda item placed on Forward Plan for 8 April 2020 Cabinet meeting	Available to all councillors and the public
20 March 2020	Final tender deadline for return	
23 – 27 March 2020	Evaluation of tenders	<p>Review of the submission of compliant tenders: Principal Solicitor, Procurement Manager.</p> <p>Quality Evaluations Evaluation of Section A (Understanding the Site and the Requirement): Group Head, Regeneration & Growth, Development Manager, consultants; Cllr I Harvey – Leader of the Council Cllr A Harman – Deputy Leader Cllr O Rybinski – Portfolio Holder, Economic Development, Customer Service, Estates & Transport, Cllr H Harvey - Portfolio Holder, Investment Portfolio Management, and Regeneration.</p> <p>Evaluation of Contract Compliance: External solicitors</p> <p>Evaluation of Sections B (Funding & Financial Viability and Commercial Arrangements); C (Structure of the Scheme Delivery); D (Planning & Development of the Public Realm); E (Working with the Authority & Delivering Social Value); Development Manager and consultants.</p> <p>Commercial Evaluations: Development Manager, consultants, Procurement Manager</p>
31 March 2020	Agenda for Cabinet meeting issued	Notification to all councillors through Modern.gov system and published externally on the Council's website.
1 April 2020	Report for Cabinet agenda issued including Tender Evaluation Report	Notification to all councillors through Modern.gov system.

6 April 2020	Financial appendix issued	Notification to all councillors through Modern.gov system.
8 April 2020	Cabinet meeting held	<p>All Cabinet members present: Cllr I Harvey, Cllr A Harman, Cllr R Barratt, Cllr I Beardsmore, Cllr A Brar, Cllr S Buttar, Cllr H Harvey, Cllr O Rybinski, Cllr J Sexton. Unanimous decision to approve.</p> <p>Other Councillors in attendance at the meeting:</p> <p>Cllr C Bateson, Cllr C Barnard, Cllr C Barratt, Cllr K Grant, Cllr V Leighton (Chairman of Overview and Scrutiny), Cllr L Nichols and Cllr Smith-Ainsley.</p>
8 April 2020	Public Contracts Regulations Standstill letters issued	
17 April 2020	Deadline for the receipt of call-in period	No call in received. To call in a decision requires three Councillors to do so including the Chairman of Overview & Scrutiny
20 April 2020	Deadline for standstill period challenge	No challenge received
30 April 2020	Agreements finalised, printed, and sealed ready for completion	
30 April 2020	Development Agreement Completed	
4 May 2020	Press release issued	

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CONSTITUTION OF SPELTHORNE BOROUGH COUNCIL

PART 1 – Summary and explanation

The Council's Constitution

The Constitution is the framework within which the Council operates. It is agreed at a meeting of the Borough Council and kept under review. It sets out how decisions are made and the procedures which are followed. Some of these processes are required by the law, while others are a matter for the Council to choose.

What's in the Constitution?

The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

Article 1 of the Constitution sets out the Council's key aims in preparing the Constitution. Articles 2-16 explain the rights of the public and how the key parts of the Council operate. These are:

- The Council and its Members (Article 2)
- The Public and the Council (Article 3)
- The Council (Article 4)
- The Mayor (Article 5)
- Leader of the Council (Article 6)
- The Cabinet (Article 7)
- Overview and Scrutiny (Article 8)
- Regulatory and Other Committees (Article 9)
- The Members' Code of Conduct Committee (Article 10)
- Joint Arrangements (Article 11)
- Officers (Article 12)
- Decision making (Article 13)
- Finance, contracts and legal matters (Article 14)
- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16)

How the Council operates

The Council is composed of 39 councillors elected every four years. Councillors are democratically accountable to residents of their ward. Their overriding duty is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Members' Code of Conduct Committee trains and advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. It is at Council meetings that councillors decide the Council's overall policies and set the budget each year. The Council appoints a councillor as its Leader for a four year term. The Leader appoints a Deputy Leader and a Cabinet. The Council appoints other committees to deal with issues which the Cabinet cannot undertake. The Council has agreed procedures to enable the public to take part in Council meetings by asking questions of councillors, presenting petitions and also commenting on matters being discussed by the Council before it makes decisions. The procedures are set out in Standing Orders (See Part 4).

How decisions are made

The Leader

The Leader is legally responsible for most day-to-day decisions and is appointed by Council for a four year term of office or until his/her term of office as a Councillor expires.

The Leader can delegate decisions to the Cabinet, individual Cabinet Members or members of staff.

When major decisions are to be discussed or made, these are published in the Cabinet Forward Plan insofar as they can be anticipated. Decisions generally are made at meetings (with Council staff present) and these are open to the public except where personal or confidential matters are being discussed.

The Leader has to make decisions in line with the Council's overall policies and budget. If he/she wishes to make a decision outside the budget or policy framework, this must be referred to the Council as a whole to decide.

The Cabinet

The Cabinet is made up of the Leader, Deputy Leader and between one and eight other elected councillors appointed by the Leader. Cabinet Members will normally be responsible for a portfolio of services or functions allocated to them by the Leader.

Overview and Scrutiny

There is an Overview and Scrutiny Committee which supports the work of the Leader, Cabinet and the Council as a whole. It allows members of the public to have a greater say in Council matters by considering matters of local concern. It can make reports and recommendations which advise the Leader, Cabinet and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committee also monitors the

decisions of the Leader and Cabinet. It can 'call-in' a decision which has been made by the Leader or Cabinet but not yet implemented. This enables the Committee to consider whether the decision is appropriate. It may recommend that the decision is reconsidered by the decision maker. It may also be consulted on forthcoming decisions and the development of policy.

Other Committees

The Council has a number of other Committees which deal primarily with the regulatory functions which are not the responsibility of the Leader; for example: Planning Committee, Licensing Committee and Members' Code of Conduct Committee.

The Council's Staff

The Council employs people (sometimes called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between staff (officers) and members of the Council (councillors).

The Public's Rights

The Public have a number of rights in their dealings with the Council. These are set out in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services, they may have additional rights. These are not covered in this Constitution. The Council welcomes participation by the public in its work. For further information on your rights as a citizen, please contact the Head of Corporate Governance.

Definitions

The headings in this Constitution are inserted for convenience only and shall not affect its construction.

A reference to a particular law is a reference to it as it is in force for the time being taking account of any amendment, extension, or re-enactment and includes any subordinate legislation for the time being in force made under it.

Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.

Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.

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Article 3 – The Public and the Council

3.1 The Public's rights

The public have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules (set out in Part 4 of this Constitution):

(a) Voting and Petitions

Residents on the electoral roll for Spelthorne have the right to:

- (i) vote at local elections.
- (ii) sign a petition to request a referendum for an elected mayor form of Constitution.
- (iii) submit petitions in accordance with the Council's Petition Scheme set out on the Council's website.

(b) Information

The public have the right to:

- (i) obtain a copy of this Constitution;
- (ii) attend meetings of the Council (and its committees and sub-committees) and the Cabinet (and where key decisions are being taken by an individual Cabinet member) except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (iii) find out from the Forward Plan what key decisions will be taken by the Leader, Cabinet or individual Cabinet councillor and when;
- (iv) see reports and background papers, and any records of decisions in accordance with the Council's Access to Information Rules; and
- (v) inspect the Council's Accounts and make their views known to the Council's external auditor.

(c) Participation

The public have the right to

- (i) contact their local councillor about any matters of concern to them;
- (ii) ask a question at a meeting of the Council;
- (iii) report on any meeting, which is not being held in private, by means of any medium available to them and share the results of such reporting by any communication method at their disposal without causing undue interference to the proceedings of the meeting;
- (iv) address the Council before it makes any decision on a recommendation to it from the Leader/Cabinet or a Committee

- (v) sign a petition in accordance with the Council's Petition Scheme set out on the Council's website;
- (vi) speak at meetings of the Planning Committee in accordance with the Council's protocol on public speaking at Planning Committees contained in Part 5 of the Constitution;
- (vii) speak at meetings of Licensing Sub-Committees in accordance with the rules and procedures adopted by the Council under the provisions of the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.
- (viii) subject to invitation by the Committee, a Panel or the Chairman, to contribute to investigations by the Overview and Scrutiny Committee and its Panels.

(d) Complaints

The public have the right to complain to:

- (i) the Council itself under its complaints procedure;
- (ii) the Ombudsman after using the Council's own complaints scheme; and
- (iii) the Members' Code of Conduct Committee about a breach of the Members' Code of Conduct.

3.2 Responsibilities of the Public

The public must not be violent, abusive or threatening to councillors or staff and must not wilfully harm things owned by the Council.

Article 6 – The Leader of the Council

6.1 Role

The Leader will hold office for a four year period starting on the day of his election as Leader at the Annual Council meeting, unless his term of office as a councillor is shorter, in which case the term of office as Leader will be the same as his term of office as a councillor. The Leader's period of office will cease at an earlier date if:

- (a) he resigns from the office; or
- (b) he is suspended from being a councillor under Part III of the Local Government Act 2000 (although he may resume office at the end of the period of suspension); or
- (c) he is no longer a councillor; or
- (d) he is removed from office by resolution of the Council.

If there is a vacancy in the position of Leader, the Leader will be elected at the first meeting of the Council following such a vacancy for a term of office of four years, starting on the day of his election as Leader, unless his term of office as a councillor is shorter, in which case the term of office as Leader will be the same as his term of office as a councillor, subject to (a) to (d) above.

Where the Leader is replaced during his term of office, then the new Leader takes office for the remainder of the original term i.e. until the day of the Annual Council Meeting following the next whole Council Borough elections.

The Leader will carry out all the local authority's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution, unless otherwise delegated by him. All delegations by the Leader will be set out in Part 3 of this Constitution.

6.2 Functions of the Leader

The Monitoring Officer shall be responsible for maintaining a list, (on the Leader's behalf), in Part 3 of this Constitution, which sets out who will exercise executive functions. Executive functions can be exercised by the Leader, the Cabinet, individual Cabinet members or staff. Any changes to Part 3 of the Constitution in relation to executive functions will be notified to all councillors.

Only the Leader will exercise the following functions:

- (a) appointment of the Deputy Leader
- (b) appointment of the Cabinet
- (c) allocation of portfolio responsibilities
- (d) preparation of the Leader's Cabinet forward plan

The Leader will chair meetings of the Cabinet.

6.3 Deputy Leader

The Deputy Leader will be a councillor appointed to the position by the Leader. The Deputy Leader will hold office until the end of the term of office of the Leader, or until:

- (a) he is removed from office by decision of the Leader; or
- (b) he resigns from the office; or
- (c) he is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (d) he is no longer a councillor.

If, for any reason, the Leader is unable to act, or the office of the Leader is vacant, the Deputy Leader must act in his place.

If, for any reason, the Leader is unable to act, or the office of the Leader is vacant, and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the remaining Cabinet members must either act collectively in the Leader's place or they must arrange for a Cabinet member to act in the place of the Leader.

6.4 Role of the Deputy Leader

- (a) The Deputy Leader will chair meetings of the Cabinet in the absence of the Leader.
- (b) The Deputy Leader will exercise all functions reserved to the Leader in his absence.

Article 7 – The Cabinet

THE ROLE OF THE CABINET

7.1 Role

The Cabinet will carry out all of the functions which are not the responsibility of any other part of the Council, as delegated by the Leader.

7.2 Form and Composition

The Cabinet will consist of the Leader and Deputy Leader together with at least one but not more than eight other councillors appointed by the Leader.

No member of the Cabinet shall be a member of the Overview and Scrutiny Committee.

7.3 Members of the Cabinet

Cabinet members will be appointed by the Leader. Their term of office will be the same as for the Leader unless;

- (a) they resign from office; or
- (b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (d) they are no longer councillors; or
- (e) they are removed from office, either individually or collectively, by decision of the Leader.

In the event of a vacancy or vacancies arising within the Cabinet during the year, for any reason, a replacement Cabinet member will be appointed by the Leader and notified to the Council at its next meeting.

7.4 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules (set out in Part 4 of this Constitution).

7.5 Responsibility for functions

The Leader will maintain a list setting out which individual Cabinet members , members of staff or joint arrangements are responsible for the exercise of particular Cabinet functions (see Part 3 of this Constitution). The role expected of individual Cabinet members who are appointed to hold Cabinet responsibilities is set out in the Cabinet Procedure Rules (see Part 4 of this Constitution).

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Article 8 – Overview and Scrutiny Committee

8.1 Terms of reference

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000, regulations under section 32 of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007, the Police and Justice Act 2006 and any other subsequent legislation in relation to the following matters:

- To act as the Council's Overview and Scrutiny Committee under the Local Government Act 2000; and
- To take on the responsibilities for Crime and Disorder Scrutiny under the Police and Justice Act 2006.

8.2 General role

- a) To be councillor led and discharge the function of overview and scrutiny as a critical friend in relation to the development of policies and strategies to meet local needs and in relation to service delivery and performance management;
- b) Review and / or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- c) Make reports and / or recommendations to the Council and / or the Cabinet in connection with the discharge of any of the functions;
- d) Question members of the Cabinet and / or committees and the Chief Executive, Deputy Chief Executives, or Heads of Service about their views on issues and proposals affecting Spelthorne and on their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- e) Consider any matter affecting Spelthorne or its inhabitants; and
- f) Exercise the right to call in for reconsideration, decisions made but not yet implemented by the Leader /individual member of the Cabinet / the Cabinet.

8.3 Policy review and development

- a) To assist the Council and the Cabinet on policy issues generally including the initiation and development of new policies and strategies (this includes not just the Council's policies and strategies but those of other bodies which affect the well being of the Spelthorne Community);
- b) To consider and advise the Cabinet and Council on the content of the Corporate Plan;
- c) To review, consider and recommend improvements and developments in advance of the decisions of the Cabinet in relation to policy matters;

- d) Conduct research and consultation in the analysis of policy issues and possible options;
- e) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and
- f) Liaise with other external organisations operating in Spelthorne, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

8.4 Scrutiny and review

- a) To review and monitor the Council's performance management arrangements and draw attention to local residents' concerns;
- b) To review and monitor the implementation of the Corporate Plan;
- c) To review and monitor performance in meeting the Council's annual targets, national and local performance indicators, and quality of life indicators;
- d) To review and monitor how and to what effect policies and strategies are being implemented and to make reports and recommendations, including proposals for changes to policies and practices to the Council and the Cabinet (this includes not just the delivery of Council policies and strategies but those of other bodies which affect the well being of the Spelthorne community);
- e) To review and monitor performance acting as a critical friend to the Cabinet regarding the Council's budget and policy framework;
- f) To review and monitor any areas that the Committee believes is not performing, setting up task groups as required;
- g) To review and scrutinise as a critical friend the performance and decisions of the Cabinet in relation to service provision and performance management and to exercise the right of 'call in' of decision in accordance with the provisions of the Constitution;
- h) To review and scrutinise the performance of other public bodies in Spelthorne, in particular exercising the Council's scrutiny responsibilities arising under the Police and Justice Act 2006 and the 'Councillor Call for Action' provisions under the Local Government and Public Involvement in Health Act 2007 and invite reports from appropriate public bodies by requesting them to address the committee and local people about their activities and performance; and
- i) Question and gather evidence from any person (with their consent) to fulfil its purpose.

8.5 Finance

Overview and Scrutiny Committees may exercise overall responsibility for the finances made available to them.

8.6 Reports

The Chairman of Overview and Scrutiny Committee will report to Council on the workings of the committee.

8.7 Work Programme

The Overview and Scrutiny Committee will decide its own work programme and working arrangements subject to any directions by the Council.

8.8 Proceedings of Overview and Scrutiny committees

The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. NUMBER AND SIZE OF COMMITTEES

- 1.1 The Council will have an Overview and Scrutiny Committee as set out in Article 8 and will appoint members to it. The Committee may appoint such sub-committees and working groups, as it considers appropriate.

2. WHO MAY SIT ON OVERVIEW AND SCRUTINY COMMITTEES

- 2.1 All councillors except members of the Cabinet and the Mayor may be members of the Overview and Scrutiny Committee. However, no councillor may be involved in scrutinising a decision which he has been directly involved with.

3. CO-OPTEEES

- 3.1 The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees such as representatives from other organisations, local residents, outside experts etc.

4. MEETINGS

- 4.1 There shall be at least 4 ordinary meetings of the Overview and Scrutiny Committee in every year in accordance with the calendar of meetings agreed by the Council. These shall be at times and venues to be decided by the Committee.
- 4.2 In addition, extraordinary meetings may be called from time to time as and when appropriate. An extraordinary Overview and Scrutiny Committee meeting may be called by:
- (a) the Chairman of the Overview and Scrutiny Committee,
 - (b) any 3 members of the Committee; or
 - (c) The lead staff member to the Committee if he considers it necessary or appropriate after consultation with the Chairman.
- 4.3 When calling an extraordinary meeting the justification for doing so shall be given.
- 4.4 Any councillor may attend meetings of the Overview and Scrutiny Committee of which he is not a member but shall sit separately from the members of the Committee so that it is clear to members of the public, who are the members of the Committee. A councillor shall not be entitled to attend meetings of working groups or sub-committees unless appointed as a member or invited to attend by the working group or sub-committee.
- 4.5 A councillor in attendance at meetings may, when invited to do so by the Chairman, speak at the meeting in relation to an issue being discussed, provided he has notified the Chairman before the start of the meeting of his wish to speak on the item.
- 4.6 A councillor appointed as the Council's representative on an outside body may attend meetings and speak in relation to an issue being discussed which affects that body, provided that he has notified the Chairman before the start of the meeting of his wish to speak on the item.

5. APPOINTMENT OF CHAIRMAN

- 5.1 At the first meeting in the municipal year the Committee will elect the Chairman for the year from amongst the councillors appointed to the Committee. In the event of an equality of votes, the appointment shall automatically be deferred to the next meeting and the Committee shall elect a Chairman for the meeting to enable the business on the agenda to be transacted. The Chairman will then conduct the appointment of a Vice-Chairman.
- 5.2 The Chairman shall preside at every meeting of the Committee at which he is present but may invite the Vice-Chairman of the Committee to preside over all, or any part of the meeting.
- 5.3 In the absence of the Chairman, the Vice-Chairman shall preside and, in the absence of the Chairman and the Vice-Chairman, the Committee shall elect a person from among their number to preside at the meeting, which will be conducted by the lead staff member.

6. QUORUM

- 6.1 The quorum for the Overview and Scrutiny Committee (or any sub-committee) shall be one quarter of the members of the Committee.

7. WORK PROGRAMME

- 7.1 The Overview and Scrutiny Committee shall be responsible for setting its own work programme and in doing so shall take into account the wishes of members on that Committee who are not members of the largest political group on the Council. Any work programme agreed may be amended from time to time.

8. AGENDA ITEMS

- 8.1 Any councillor shall be entitled to notify the Chairman that they wish a relevant item to be included on the agenda for the next available meeting of the Committee; such notice to include the reason for wanting the matter to receive Committee consideration. The Chairman shall consider such a request and if he agrees that it is an appropriate matter for the Committee to discuss, the lead staff member to the Committee will ensure that it is included on the next available agenda. If the Chairman does not consider it appropriate for the Committee to consider the item requested, then he shall give his reasons to the councillor making the request. (Note: this relates to any matter relevant to the functions of the Committee other than a 'call-in' of a key decision, which is dealt with separately in paragraph 16 below)

9. ORDER OF BUSINESS

- 9.1 The normal order of business at overview and scrutiny committees shall be:
- (a) Apologies for absence;
 - (b) Minutes of the last meeting;
 - (c) Disclosures of interests;
 - (d) Call in of a Leader, Cabinet or Cabinet Member decision;
 - (e) Any matter referred under the "Councillor call for action" procedures

- (f) Outcomes of any reports or recommendations to the Leader, Cabinet or Cabinet Member
 - (g) Matters set out in the work programme for the meeting
 - (h) Cabinet Forward Plan
 - (i) Members of the Committee to suggest items for future Committee consideration
 - (j) Work Programme; and
 - (k) Any business identified by the Lead staff member to the Scrutiny Committee and agreed by the Chairman
- 9.2 Duration of meetings (Please see Standing Orders for Council contained in part 4 section (a) of the Council's Constitution for the rules on the length of time allowed for a single meeting).

10. POLICY REVIEW AND DEVELOPMENT

- 10.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- 10.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Leader, Cabinet or Cabinet Member (as the case may be) for developments in so far as they relate to matters within their terms of reference.
- 10.3 The Overview and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

11. CONDUCT OF REVIEWS

- 11.1 Before starting any review or enquiry, the Overview and Scrutiny Committee will:
- (a) Define the issue it wishes to look at and the Committee's purpose in undertaking the review;
 - (b) Indicate the type of background information and any performance or other data the Committee requires;
 - (c) Indicate the individuals the Committee would like to interview as part of their review (e.g. Members of the Cabinet, staff, representatives from other organisations, local residents and outside experts. etc);
 - (d) Set a realistic timescale including meeting dates if there are to be additional meetings to those in the calendar; and

- (e) Decide whether the review is to be undertaken by the Committee itself or by a working group of members of the Committee reporting to the main Committee.
- 11.2 The terms of reference for any review to be undertaken by the Overview and Scrutiny Committee will be agreed by the Chairman of the Committee with the assistance of the lead staff member and sent to all members of the Committee. The Chairman of the Committee will then manage the review with the lead staff member and support of the committee manager.
- 11.3 Where the Overview and Scrutiny Committee conducts reviews or investigations and asks people to attend to give evidence, it will proceed in accordance with the following principles:
 - (a) that the review or investigation will be conducted fairly and all members of the Committee will be given the opportunity to ask questions, to contribute and speak;
 - (b) that those assisting the Committee by attending be treated with respect and courtesy; and
 - (c) that the review or investigation be conducted so as to maximise the efficiency of the investigation or analysis.

12. REPORTS FROM THE OVERVIEW AND SCRUTINY COMMITTEE

- 12.1 Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report or recommendation and submit it to the lead staff member for consideration by the Leader or Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council (if the recommendation would require a departure from or a change to the agreed budget and policy framework) as appropriate.
- 12.2 If the Overview and Scrutiny Committee cannot agree on one single final report or recommendation to the Council, Leader or Cabinet as appropriate, then up to one minority report or recommendation may be prepared and submitted for consideration by the Council, Leader or Cabinet with the majority report or recommendation.
- 12.3 The Council, Leader or Cabinet shall consider the report or recommendation of the Overview and Scrutiny Committee within eight weeks of it being submitted to the lead staff member.
- 12.4 The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Overview and Scrutiny'. The reports and recommendations of the Overview and Scrutiny Committee referred to the Leader, Cabinet or Cabinet Member shall be included at this point in the agenda (unless they have already been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within eight weeks of the Overview and Scrutiny Committee completing its report or recommendations.
- 12.5 All references and recommendations from the Overview and Scrutiny Committee will be considered by the Cabinet notwithstanding that the original decision may have been taken by an individual member of the Cabinet.

- 12.6 When the Council does meet to consider any referral from the Overview and Scrutiny Committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Leader or Cabinet to the Overview and Scrutiny proposals.
- 12.7 Where the Overview and Scrutiny Committee prepares a report or recommendation for consideration by the Cabinet in relation to a matter where the Leader has delegated decision making power to an individual member of the Cabinet, then the Overview and Scrutiny Committee will submit a copy of their report or recommendation to that individual for consideration and all members of the committee, for information. At the time of doing so, the Overview and Scrutiny Committee shall also serve a copy on the lead staff member and the Leader. If the councillor with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Committee, then they must then refer the matter to the next available meeting of the Cabinet for debate before exercising their decision making power and responding to the report in writing to the Overview and Scrutiny Committee. The Cabinet Member to whom the decision making power has been delegated will respond to the Overview and Scrutiny Committee within eight weeks of receiving its report. A copy of their written response to it shall be sent to the lead staff member and the councillor will attend a future meeting to respond.
- 12.8 The Overview and Scrutiny Committee will in any event have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee following its consideration of possible policy/service developments, the Committee will at least be able to make its views known to the Cabinet in relation to any key decision.

13. RIGHTS OF COMMITTEE MEMBERS TO DOCUMENTS

- 13.1 In addition to their rights as councillors, members of the Overview and Scrutiny Committee have the additional right to documents, and to notices of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 13.2 The above provision does not prevent detailed discussion between the Cabinet and the Overview and Scrutiny Committee taking place on the particular matter under consideration.

14. MEMBERS AND OFFICERS GIVING ACCOUNT

- 14.1 The Overview and Scrutiny Committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Chief Executive, Deputy Chief Executives, or Heads of Service to attend before it to explain in relation to matters within their remit:
- (a) any particular decision or series of decisions;
 - (b) the extent to which the actions taken implement Council policy; and/or
 - (c) their performance.

And it is the duty of those persons to attend if so required.

- 14.2 Where any councillor or staff member is required to attend the Overview and Scrutiny Committee under this provision, the Chairman of that committee will inform the lead staff member. The lead staff member shall inform the councillor(s) or staff members in writing giving at least 5 working days notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the Committee will require the production of a report, then the councillor or staff member concerned will be given sufficient notice to allow for the preparation of that documentation.
- 14.3 Where in exceptional circumstances, the councillor or staff member is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the councillor or staff member arrange an alternative date for attendance.

15. ATTENDANCE BY OTHERS

- 15.1 The Overview and Scrutiny Committee may invite people other than those people referred to in 14 above to address the meeting, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and councillors and staff members in other parts of the public sector and shall invite whosoever it considers appropriate to attend.

16. CALL IN PROCEDURE

- 16.1 The Overview and Scrutiny Committee shall be entitled to call in for consideration any decisions taken by the Leader, Cabinet or a Cabinet Member in accordance with the following procedure:
- 16.2 The "call in" procedure shall not apply to recommendations the Cabinet makes to the Council.
- 16.3 The call in procedure does not apply to urgent decisions (i.e. a decision which has been taken without the normal period of notice being given after consultation with and the agreement of the Chairman of the Overview and Scrutiny Committee that the decision was urgent).
- 16.4 Within five working days of the date on which a decision of the Leader, Cabinet or a Cabinet Member is published, not less than three councillors [one of whom must be the Chairman] of the Overview and Scrutiny Committee, may give notice in writing to the lead staff member of their wish that the decision should be considered by the Overview and Scrutiny Committee before it is implemented.
- 16.5 On receipt of such a notice the lead staff member will advise the Chairman of the Committee, of the call in and liaise with the Chairman to arrange for the committee to meet to consider the matter as soon as reasonably practicable.
- 16.6 To avoid delay in considering an item "called in", an extraordinary meeting of the Committee shall be convened within seven working days of a "call in" being received if an ordinary meeting is not scheduled in that period.
- 16.7 When calling in a Leader, Cabinet or Cabinet Member decision for review, the councillors doing so shall in their notice of "call in"
- outline their reasons for requiring a review;

- Indicate any further information they consider the Committee needs to have before it in order to conduct a review in addition to the written report made by staff ;
 - Indicate whether, where the decision was taken collectively by the Cabinet, they wish the Leader or his nominee (who should normally be the Cabinet Member) or where the decision was taken by a Cabinet Member, the member of the Cabinet making the decision, to attend the committee meeting; and
 - Indicate whether the staff member making the report to the Cabinet or to the Cabinet Member taking the decision or his representative should attend the meeting.
- 16.8 When a decision is called in for review, the Chairman of the Overview and Scrutiny Committee may arrange for any additional information they consider necessary to be made available to the Committee when it meets.
- 16.9 Where requested to do so, staff will arrange for the additional information to be supplied to the meeting and the staff member making the report to the Leader or Cabinet etc will attend.
- 16.10 When requested to do so, the Leader or his nominee, where the Cabinet has made the decision or the Cabinet Member who has made the decision will attend the meeting.
- 16.11 Having reviewed the decision, the Overview and Scrutiny Committee may either:
- (a) Request the Leader, Cabinet or Cabinet Member to reconsider the matter for reasons to be put forward by the Committee in their request to reconsider; or
 - (b) decide that no further action be taken, in which case the decision of the Leader or Cabinet etc may be actioned without further consideration or delay.
- 16.12 Where a decision is taken by the Leader, Cabinet or a Cabinet Member following consideration of a recommendation on the matter from the Overview and Scrutiny Committee and the decision is called in under the above procedure (ie a second call in on the same matter), the Overview and Scrutiny Committee must either:
- (a) refer the matter to the Council for decision with a recommendation from the Committee as to what it considers appropriate; or
 - (b) decide that no further action be taken, in which case the decision of the Cabinet or Cabinet Member may be actioned without further consideration or delay.

17. THE PARTY WHIP

- 17.1 The party political groups represented on the Council have recognised and agreed in principle that political group whipping as described in the Secretary of States' Guidance to New Council Constitutions is not appropriate and will not be applied in relation to the function of overview and scrutiny.

- 17.2 When considering any matter in respect of which a member of the Overview and Scrutiny Committee is subject to a party whip, the councillor must declare the existence of the whip and the nature of it before commencement of the Committee's deliberations on the matter. This shall then be recorded in the minutes of the meeting.

CABINET PROCEDURE RULES

1. MEMBERS OF THE CABINET

- 1.1 The Cabinet will consist of the Leader and Deputy Leader together with at least 1, but not more than 8, councillors appointed to the Cabinet by the Leader, who will report the appointments, and any changes to those appointments, to the Council in accordance with Article 7 of the Council's Constitution.

2. WHO MAY MAKE CABINET DECISIONS

- 2.1 The arrangements for the discharge of Cabinet functions may be set out by the Leader. The Leader may provide for Cabinet functions to be discharged by:

- (a) The Leader himself
- (b) The Cabinet as a whole
- (c) An individual member of the Cabinet
- (d) An individual member of the Council
- (e) A member of staff
- (f) Joint arrangements or
- (g) Another local authority

- 2.2 In the absence of the Leader, the Deputy Leader is authorised to exercise all the powers of the Leader.

- 2.3 Individual members of the Cabinet will be appointed by the Leader to exercise specific Cabinet Areas of Responsibility and these are **listed at Annex A**.

3. THE LEADER'S SCHEME OF DELEGATION FOR CABINET FUNCTIONS

- 3.1 The Leader's scheme of delegation for Executive functions is set out in Part 3 of the Council's Constitution. It may only be agreed or amended by the Leader.
- 3.2 No staff member may take a Key Decision as defined in Article 13 of the Council's Constitution.
- 3.3 The Leader has decided the extent to which individual members of the Cabinet may take decisions (see 2.3 above) and only the Leader can agree changes to this. No individual member may take a Key Decision as defined in Article 13 of the Council's Constitution.
- 3.4 In the absence of a Cabinet Member, the Leader can take any decision which the Cabinet Member could have taken. If an issue crosses Cabinet areas of responsibility, the Leader will decide which Cabinet Member should be consulted or take a delegated decision.

4. CABINET MEETINGS – WHEN AND WHERE

- 4.1 The Cabinet will normally meet in public approximately every six weeks on dates and at times to be agreed by the Leader. The Cabinet will

normally meet at the Council Offices unless another location is agreed by the Leader with the Chief Executive.

5. PUBLIC OR PRIVATE MEETINGS

- 5.1 All meetings at which decisions are taken on Cabinet functions, whether or not they are Key Decisions within the meaning of the Local Authorities ("Cabinet"/Executive Arrangements)(Access To Information)(England) Regulations 2000, will take place in public, except when the decision maker is considering exempt business.
- 5.2 Other meetings of the Cabinet, such as those to receive briefings from staff, to discuss the forward planning of business or give preliminary consideration to issues likely to arise in the future, will take place in private.

6. QUORUM

- 6.1 The quorum for a meeting of the Cabinet is 3.

7. HOW DECISIONS ARE TO BE TAKEN BY THE CABINET

- 7.1 Meetings at which Cabinet decisions are to be taken will be convened in accordance with the Access to Information Rules in Part 4 of this Constitution.
- 7.2 Where Cabinet decisions are delegated to an individual member of the Cabinet, such a decision may only be taken after the member taking the decision has received and considered a written report on the issue concerned from the Council's Management Team. A copy of such reports will also be sent at the same time to the Leader and the Chairman of the Overview and Scrutiny Committee.

8. DATE WHEN CABINET DECISIONS TAKE EFFECT

- 8.1 Decisions taken by the Cabinet or an individual member of the Cabinet, which can be called in for consideration under the Overview and Scrutiny Procedure Rules, shall take effect and be actioned five working days after the date on which the record of the decision is made and published.
- 8.2 Urgent decisions - that is, decisions taken by the Cabinet or individual member of the Cabinet without three days' notice being given but which the Chairman of the Overview and Scrutiny Committee agrees are urgent, shall take effect immediately the record of the decision is made and published.

9. CONDUCT OF CABINET MEETINGS

- 9.1 The Leader of the Council will preside at any meeting of the Cabinet at which he is present. In his absence, the Deputy Leader will preside. If both are absent, the Cabinet will appoint a person from those present to preside at the meeting. Standing Orders 1-5, 9 and 16-27 (but not 19 and 23.1) of the Standing Orders for Council apply to the conduct of meetings of the Cabinet.

10. WHO MAY ATTEND

10.1 Members of the public may attend any meeting convened to take Cabinet decisions, except where the matter under consideration qualifies under the grounds to exclude the press and public set out in the Access to Information Rules in Part 4 of this Constitution.

10.2 Any councillor may attend a meeting which is open to the public but shall sit separately from the members of the Cabinet so that it is clear to any members of the public who the members of the Cabinet are. Attendance by any councillor at Cabinet meetings will be recorded in the minutes of the meeting.

Provided that they have notified the Leader, or the person presiding, before the start of the meeting of their wish to speak, a councillor who attends a public meeting of the Cabinet may, when invited to do so by the person presiding, speak at the meeting on an item relating to their ward before the Cabinet/individual Cabinet member makes its decision.

10.3 Provided that they have notified the Leader that they wish to do so before the start of the meeting, the Leader of any minority political group attending any meeting at which a key decision is to be taken may speak, at a point in the discussion considered appropriate by the Leader, to put forward their view on that key decision before the decision is made.

10.4 Provided that they have notified the Leader that they wish to do so before the start of the meeting, the Chairman of the Overview and Scrutiny Committee who attends a meeting of the Cabinet (or in the absence of the Chairman the Vice-Chairman) may address the Cabinet in support of a report or recommendation from the Overview and Scrutiny Committee which is being considered at that meeting.

11. BUSINESS AT CABINET MEETINGS

11.1 At each meeting of the Cabinet held in public, the following business will usually be conducted:

- (a) apologies for absence;
- (b) consideration of the minutes of the last meeting;
- (c) declarations of interest, if any;
- (d) Petitions, if any matters referred to the Cabinet (by either the Overview and Scrutiny Committee or Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (e) consideration of reports and recommendations from the Overview and Scrutiny Committee;
- (f) Local Plan Working Party minutes and recommendations, if any;
- (g) matters set out in the agenda for the meeting which are Key Decisions;

- (h) Finance reports, if any;
- (i) All other matters on the agenda
- (j) A report of any decisions taken by individual members of the Cabinet;
- (k) Issues for future meetings;
- (l) Urgent Items.

12. PUTTING ITEMS ON THE CABINET AGENDA

- 12.1 The Leader may put on the agenda of any Cabinet meeting any matter which he wishes, whether or not authority has been delegated to the Cabinet, a committee of it, or any councillor or staff member in respect of that matter. The Proper Officer will comply with the Leader's request in this respect.
- 12.2 Any member of the Cabinet may ask the Proper Officer to ensure that an item is put for consideration by the Cabinet on the agenda of the next available Cabinet meeting. The Proper Officer will comply with any such request.
- 12.3 Any councillor may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration and, if the Leader agrees, the item will be considered at the next available meeting. The notice of the meeting will give the name of the councillor who asked for the item to be considered.

13. CONFLICTS OF INTEREST

- 13.1 Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of the Council's Constitution.
- 13.2 If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of the Council's Constitution.
- 13.3 If the exercise of a Cabinet function has been delegated to a committee of the Cabinet, an individual councillor or a staff member, and a conflict of interest arises, then the function will be exercised in the first instance by the Cabinet and otherwise as set out in the Council's Code of Conduct for Members in part 5 of the Council's Constitution.

Portfolio Title and Holder	Areas covered	Head of Service / Prime Contact
Leader of the Council's portfolio Cllr Ian Harvey	<ul style="list-style-type: none"> • Strategic coordination of Council Policy (including Corporate Plan) • Corporate Governance • The Constitution • Democratic arrangements • Strategic financial management and budget setting • Strategic assets including Acquisitions and Developments • Housing Strategy (in conjunction with the Portfolio Holder) • Town centre regeneration (in conjunction with Investment Assets portfolio) • Local Government devolution • Member/staff relations 	Chief Executive - Daniel Mouawad
Deputy Leader and Finance portfolio Cllr Tony Harman	<ul style="list-style-type: none"> • Members' development and information • Consultation and community engagement arrangements • Neighbourhood grants • Voluntary sector liaison and grants to outside organisations • SCC Cuts Liaison • General Financial Management • Accountancy • Council Tax/Business Rates • Audit • Director of KGE 	Chief Finance Officer – Terry Collier
Community Wellbeing Cllr Sati Buttar	<ul style="list-style-type: none"> • Community Development • Supporting Independent Living • Assistance for older people (including day centres, SPAN, Meals on Wheels) • Disability issues and access • Family support • Education/young people • NHS, Health and Wellbeing 	Group Heads Community Wellbeing – Deborah Ashman/ Karen Sinclair
Community Wellbeing Cllr Sati Buttar	<ul style="list-style-type: none"> • Spelride 	Group Head Neighbourhood Services – Jackie Taylor
Community Wellbeing Cllr Sati Buttar	<ul style="list-style-type: none"> • Promoting improved Public Health 	Senior Environmental Health Manager – Tracey Willmott-French
Housing Cllr Amar Brar	<ul style="list-style-type: none"> • Housing policy and strategy (in conjunction with the Leader and Investments portfolio holder) • Housing options, housing advice and housing benefits • Affordable housing and homelessness • Home Improvement Agency • Disabled Facilities Grants 	Group Heads Community Wellbeing – Deborah Ashman, Karen Sinclair
	<ul style="list-style-type: none"> • Private sector and social housing enforcement 	Senior Environmental Health Manager – Tracey Willmott-French

<p>Investment Portfolio Management, and Regeneration</p> <p>Cllr Helen Harvey</p>	<ul style="list-style-type: none"> • Management of SBC and KGE owned investment asset portfolio, including residential • Asset management / maintenance • Assist and advise Leader (as Strategic Asset Portfolio holder) on strategic asset acquisition and development • Town Centre Regeneration and vitality of local shopping communities (in conjunction with Leader / Strategic Assets Portfolio) 	<p>Group Head Regeneration and Growth – Heather Morgan</p>
<p>Environment and Compliance</p>	<ul style="list-style-type: none"> • Community safety , crime and disorder • Joint enforcement team (JET) • Parking services • Street scene • Waste strategy and management • Sustainability (including carbon management and climate change) • Open spaces, parks & allotments • Staines-upon-Thames market • Moorings • Cemeteries 	<p>Group Head Neighbourhood Services – Jackie Taylor</p>
	<ul style="list-style-type: none"> • Licensing (alcohol, gambling, entertainment and taxis) • Environmental Health (including food safety/ health and safety enforcement, environmental protection, Air pollution) • Heathrow Liaison 	<p>Senior Environmental Health Manager – Tracey Willmott-French</p>
<p>Corporate Management</p> <p>Cllr Jo Sexton</p>	<ul style="list-style-type: none"> • Business transformation • Performance management • Corporate Project Management • Emergency Planning • Alternative Delivery Models for Council Services 	<p>Group Head Commissioning and Transformation – Sandy Muirhead</p>
	<ul style="list-style-type: none"> • Corporate Health and Safety 	<p>Senior Environmental Health Manager – Tracey Willmott-French</p>
	<ul style="list-style-type: none"> • Procurement & contract management 	<p>Interim Monitoring Officer – Karen Limmer</p>
	<ul style="list-style-type: none"> • Leisure development activities • New leisure centre (in conjunction with Strategic Assets portfolio holder) 	<p>Group Heads Community Wellbeing – Deborah Ashman/ Karen Sinclair</p>
<p>Economic Development, Customer Service, Estates & Transport</p> <p>Cllr Olivia Rybinski</p>	<ul style="list-style-type: none"> • Office services • Transport • Liaison with Highways Authority • Economic development • Business support and inward investment • Tourism 	<p>Group Head Regeneration and Growth – Heather Morgan</p>
	<ul style="list-style-type: none"> • Customer Service (including reputation management and customer satisfaction) 	<p>Customer Service Operational Manager – Roy Tilbury</p>
	<ul style="list-style-type: none"> • Insurance 	<p>Senior Environmental Health Manager – Tracey Willmott-French</p>
	<ul style="list-style-type: none"> • Human Resources • ICT • Committee Services 	<p>Group Head Commissioning and Transformation – Sandy Muirhead</p>
	<ul style="list-style-type: none"> • Social Media advocate 	<p>Chief Executive – Daniel Mouawad</p>

PORTFOLIOS wef 30.04.2020

Planning Dept Management	<ul style="list-style-type: none"> • Planning policy, excluding strategic planning and the Local Plan • Planning enforcement • Management of Planning Dept • Planning Development Management 	Group Head Regeneration and Growth – Heather Morgan
	<ul style="list-style-type: none"> • Building Control 	Steve Bowden, Building Control Manager
Local Plan / Strategic Planning Cllr Ian Beardsmore	<ul style="list-style-type: none"> • Strategic Planning relating to Local Plan (excluding Heathrow expansion) • <i>Note: to only contribute to Cabinet debate and vote on portfolio specific matters. Portfolio will expire upon approval of Local Plan.</i> 	Group Head Regeneration and Growth – Heather Morgan

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Spelthorne Borough Council

Code of conduct for councillors and co-opted members

General Obligations

You are a councillor or co-opted member of Spelthorne Borough Council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a councillor or co-opted member -

1. You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
2. You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
3. When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
4. You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
5. You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
6. You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
7. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
8. You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
9. You must treat others with respect. This means treating people fairly and equitably and with courtesy, compassion and sensitivity. You should treat other people equally as you yourself would expect to be treated. You must never use behaviour which a reasonable person would consider as offensive, overbearing, intimidating, malicious, insulting or humiliating.
10. You must discharge your duties and conduct yourself in such a way that assists the Council to comply with its duties under the Equality Act 2010.

11. You must respect the distinct but complementary roles that councillors and staff have in their work for the Council and abide by the advice in the Member Officer Protocol.
12. You must recognise that the staff working for, or on behalf of, the Council are required to be impartial and you must not do anything which compromises that impartiality.
13. If a complaint is made under this Code of Conduct then you must not interfere with the administration or investigation of the complaint and you must not intimidate any complainant, witness or likely witness or engage with them in any way which undermines the investigation.

Registering and declaring pecuniary and non-pecuniary interests

14. You must, within 28 days of taking office as a councillor or co-opted member, notify the Monitoring Officer of any "Disclosable Pecuniary Interest" as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
15. In addition, you must, within 28 days of taking office as a councillor or co-opted member, notify the Monitoring Officer of other Non-Pecuniary Interests which the Council has decided should be included in the register.
16. The Council has decided that it is appropriate for you to register and disclose Non-Pecuniary Interests that arise from your membership of, or your occupation of a position of general control or management in, the following bodies:
 - a. bodies to which you have been appointed or nominated by the Council;
 - b. bodies exercising functions of a public nature;
 - c. bodies directed to charitable purposes;
 - d. bodies one of whose principal purposes includes the influence of public opinion or policy.
17. If an interest (under paragraphs 14-16 above) has not been entered onto the Council's register, then the councillor or co-opted member must disclose the interest to any meeting of the authority at which they are present, where they have an interest in any matter being considered and where the matter is not a 'sensitive interest'.¹
18. Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
19. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a Disclosable Pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions the Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by the Council.

¹ A 'sensitive interest' is described in the Localism Act 2011 where the councillor or person connected with the councillor could be subject to violence or intimidation.

Other guidance

20. The Members' Code of Conduct Committee publishes other guidance to assist councillors and co-opted members to meet the aspirations of this Code. You should make yourself familiar with this guidance and act accordingly:
 - a. The Planning Code
 - b. Policy on Gifts, Hospitality and Sponsorship
 - c. Conflicts of Interest Policy

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Staff Code of Conduct

1. Introduction

- 1.1 The Code of Conduct is a guide to help give staff advice on some of the problem areas and pitfalls of working in public service. The Code of Conduct is issued to all new staff. The Code of Conduct covers all staff although some aspects may apply only to staff at a senior level.

2. Purpose of code

- 2.1 The Code has been designed to protect and safeguard the position of individual members of staff as much as those of the Council, and to avoid situations where members of staff might be accused of having some potentially conflicting interest in anything they might be involved in through their work with the Council. Its aim is to encourage staff to inform their managers confidentially on certain personal matters that could affect their duties at the Council. Failure to follow the Code could lead to embarrassing and/or difficult situations and ultimately to an investigation under the Council's disciplinary procedure.

3. Responsibility of staff

- 3.1 Staff are required to report to Chief Officers and record on the appropriate form, full details of:
- (a) any private financial interests which could conflict with the Council's interests;
 - (b) any interest as a freeholder, lessee, licensee or tenant in any land or property in Spelthorne other than your main residence ;
 - (c) a relationship with any councillor, contractor or potential contractor ;
 - (d) a relationship with any member of staff or people in partner organisations which could lead to a conflict with your public duties;
 - (e) any paid employment or occupation or business interests outside the Council ;
 - (f) membership of any outside organisations or other public appointments which might conflict with the Council's interests, and
 - (g) a conflict of interest involving any other connection to the Council's work which may be relevant (e.g. an interest in a property which may be subject to a planning application, or a family member who may be seeking financial support).
- 3.2 A simple pro forma for recording details of any of these matters is available on SpelNet and should be completed by all members of staff affected and forwarded to the appropriate Chief Officer, in confidence, as soon as possible. In any event, staff are required to report:
- (a) on entering the organisation during the induction process;
 - (b) annually at appraisal time, or
 - (c) whenever a significant new matter arises under this Code.

- 3.3 Previous declarations need to be resubmitted on a new form so that the current form is comprehensive. It is important that information is updated as and when circumstances change. If there are any problems (e.g. about the extent of details required) staff should consult their Chief Officer.
- 3.4 Any information given about interests etc. will be maintained in confidence in the Council's Register. It will be available for inspection by the following people:
- (a) Your Head of Service
 - (b) Head of Human Resources
 - (c) Internal Audit Manager Services
 - (d) Head of Corporate Governance
 - (e) Management Team
- 3.5 Advice or clarification on any matters covered by the Code of Conduct is available from Human Resources, the Head of Corporate Governance or your Chief Officer.

4. Other rules applicable to employees

- 4.1 The main rules relating to the work of the Council are included within the Council's Constitution. Some of the other documents from the Constitution with which you should be familiar are:
- (a) Contract Standing Orders
 - (b) Financial Regulations
 - (c) Policy on Gifts and Hospitality
 - (d) Policy on Anti-Fraud and Corruption
 - (e) Confidential Reporting Code (Whistleblowing policy)
- 4.2 In addition, the Council has numerous other policies for guiding the work of staff and these are available on Spel-net. You should be familiar with these policies because they affect your work, they are relevant to this Code and if you do not abide by them, then they could be disciplinary matters under the Disciplinary Policy, such policies are:
- (a) The Disciplinary Policy
 - (b) Acceptable use policy (for the internet)
 - (c) ICT security policy
 - (d) Data protection policy
 - (e) Any specific departmental policy about access to restricted data or computer systems

5. Code of conduct - standards

- 5.1 The Council has adopted the Nolan Committee's Seven Principles of Public Life as part of its Member Code of Conduct and this Staff Code of Conduct, hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Accordingly, when employed by the Council -

- (a) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
- (b) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- (c) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- (d) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- (e) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
- (f) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
- (g) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

6. Disclosure of information and confidentiality

- 6.1 The law requires that certain types of information must be available to councillors, auditors, government departments, service users and the public. Other information is subject to confidentiality. You must be aware of the types of information, which in Spelthorne Borough Council are open and those which are not, and act accordingly.
- 6.2 You should not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way. Any particular information received by you from a councillor or a fellow employee which is personal to that person and does not belong to the Council, should not be divulged by you without the prior approval of that person.
- 6.3 If you have any doubts about your ability to share or restrict access to information then you should contact the Council's Data Protection Officer, Victoria Statham on ext 6241.

7. Political neutrality

- 7.1 You serve the Council as a whole. It follows you must serve all councillors and not just members of any controlling group of councillors, and must ensure that the individual rights of all councillors are respected.
- 7.2 Whether or not your post is politically restricted, you must follow every lawful expressed policy of the Council and must not allow your personal or political

opinions to interfere with your work. Information on politically restricted posts can be obtained from the Head of Human Resources or the Head of Corporate Governance. Guidance is also available on Spel-net.

8. Relationships

- 8.1 You must never become involved in dealing with or determining any application or request you or a member of your family or personal friend make to the Council, for example an application for planning permission or for council tax or housing benefit.

Councillors

- 8.2 You are responsible to the Council through its senior managers. For some, your job is to give advice to councillors and the Council. Mutual respect between staff and councillors is essential to good local government. Close personal familiarity with individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided. Any close personal friendships with councillors should be declared to your Chief Officer.

The Local Community and Service Users

- 8.3 You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community.

Contractors

- 8.4 All personal relationships with contractors or potential contractors (i.e. contractors who could bid for Council work) should be declared to your Chief Officer.
- 8.5 Orders and contracts must be awarded on merit, by fair competition against other tenders, and no favouritism should be shown to businesses run by, for example, friends, partners or relatives. No part of the community should be discriminated against.
- 8.6 If you engage or supervise contractors or have an official relationship with contractors and have previously had or currently have a relationship (i.e. working or friendship) in a private or domestic capacity with a contractor or potential contractor, you should declare that relationship to your Chief Officer.

9. Appointment and other employment matters

- 9.1 If you are involved in appointments you should ensure that these are made on the basis of merit. It would be unlawful to make an appointment which was based on anything other than the ability of the candidate to undertake the work. In order to avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a personal relationship (including friendship) outside work with him or her. You should declare any such relationship to your Chief Officer in advance.
- 9.2 Similarly, you should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close friend.

10. Outside commitments

- 10.1 You are required to obtain written consent from your Chief Officer to take any other paid employment or occupation in addition to the post held with the Council. This includes directorships, consultancies and sponsorships by any company, organisation or individual. It also includes any other business interests you pursue on your own account. You should be clear about your contractual obligations to the Council and should not take outside employment which conflicts or might conflict in the future with the Council's interests.
- 10.2 You may not carry out work arising from additional employment in office time nor use Council resources or facilities for those purposes.
- 10.3 Payment for personal use of Council facilities, e.g. making telephone calls, using fax or photocopiers, should be dealt with through the Council's Honesty Box scheme.
- 10.4 You should follow the Council's policies on the ownership of intellectual property or copyright created during your employment i.e:-
 - (a) all creative designs, writings and drawings produced by you in the course of your duties, belong to the Council;
 - (b) all inventions made by you are the property of the Council if made during the course of your duties.

11. Other personal interests

- 11.1 You must declare to your Chief Officer any financial interests which could conflict with the Council's interests e.g. any pecuniary interest in a business or company within Spelthorne or with which the Council might do business.
- 11.2 You must declare to your Chief Officer, any interest you have as freeholder, lessee, licensee or tenant in any land or property in Spelthorne except your main residence as recorded in your personnel records.
- 11.3 You must declare to your Chief Officer all non-financial interests which you consider could bring about conflict with the Council's interests or activities. Examples might be membership of the committee of an organisation seeking or receiving grant aid from the Council, membership of a National Health Service Trust Board operating in Spelthorne or involvement with an organisation or pressure group which may seek to influence the Council's policies. Ordinary membership of organisations whether local or national (e.g. National Trust, RSPB etc) will not usually be relevant.

12. Equality issues

- 12.1 You have an obligation to ensure that policies relating to equality issues as agreed by the Council are complied with, as well, of course, as the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.
- 12.2 You must treat others with respect. This means treating people fairly and equitably and with courtesy, compassion and sensitivity. You should treat other people equally as you yourself would expect to be treated. You must

never use behaviour which a reasonable person would consider as offensive, overbearing, intimidating, malicious, insulting or humiliating.

13. Separation of roles during tendering

- 13.1 You must be clear on the separation of client and contractor roles within the Council. If you are a senior employee with both a client and contractor responsibility, you must be aware of the need for accountability and openness. Regulations for compulsory competitive tendering have particular requirements for ensuring that contractor units are not involved in tender evaluation. If in doubt, please consult Legal Services.
- 13.2 If you are in a contractor or client unit you must exercise fairness and impartiality when dealing with all customers, suppliers, contractors and sub-contractors.
- 13.3 If you are privy to confidential information on tenders or costs for either internal or external contractors, you should not disclose that information to any unauthorised party or organisation.
- 13.4 If you are contemplating a management buyout, you should inform your Chief Officer as soon as you have formed a definite intent and withdraw from the contract awarding process.
- 13.5 You should ensure that no special favour is shown to work colleagues or former employees of the Council or their partners, close relatives or associates, in awarding contracts.

14. Use of financial resources

- 14.1 You must ensure that you use public funds entrusted to you in a responsible manner, ensuring value for money to the local community and avoiding legal challenge to the Authority. If you are in doubt about your obligations, you must seek advice.

Policy on Gifts, Hospitality and Sponsorship

1. Introduction

- 1.1 The Council has adopted a Code of Conduct for Members and a Staff Code of Conduct. Each code is based on the Nolan Committee's Seven Principles of Public Life. All councillors, co-opted members and staff are expected to abide by the code which is relevant for them. In addition all councillors, co-opted members and staff are also bound by this Policy on Gifts, Hospitality and Sponsorship which contains provisions which are applicable to all those working for the Council in their respective capacity.

2. General provisions

- 2.1 It is a criminal offence for you corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in your official capacity. It is for you to demonstrate that any such rewards have not been corruptly obtained.
- 2.2 The Council has adopted the following guidelines to help but they may be used in a disciplinary setting to determine if you are in breach of the relevant Code of Conduct.
- 2.3 One of the most difficult questions on which advice is sought, is the giving and receiving of hospitality and gifts. Staff and councillors need to appreciate that gifts, hospitality and sponsorship, wrongly accepted, can amount to or be construed as bribery within the meaning of the Bribery Act 2010.
- 2.4 It is impossible to prepare guidance to cover all situations, and you should always take advice whenever complex or potentially contentious situations occur. Staff can talk to their Chief Officer, to the Head of Human Resources or the Head of Corporate Governance. Councillors can talk to the Chief Executive or the Head of Corporate Governance.
- 2.5 One test to apply in this situation is "What would the man or woman in the street think"? Ask yourself whether if they knew the circumstances, they would think that you might be influenced in your future conduct by the gift or hospitality offered. Would they think that your past conduct might have been influenced by the hope of, or designed to encourage, such a gift or hospitality? If the answer to either of these questions is "yes", you should refuse the offer.
- 2.6 Bear in mind that it is not enough to avoid actual impropriety. It is important for your reputation and that of the Council to avoid any occasions for suspicion and any appearance of improper behaviour.

3. Advice on when to accept or refuse gifts and hospitality

Who is it from?	What is it?	Action	Explanatory Paragraph
Grateful member of public	A gift of nominal value (below £35) and no ulterior motive is apparent	Accept if refusal would give offence. Record in Register	4.1,4.3, 6.1-6.4

Grateful member of public	A gift of value above £35	Refuse unless refusal would give offence If accepted, donate to Mayor's Charity Appeal Record in Register	4.2, 6.1, 6.4
Frequent gifts from a member of public	A gift of nominal value (below £35)	Refuse unless refusal would give offence. If accepted, donate to Mayor's Charity Appeal. Record in Register	4.3, 6.1-6.4
A person or company engaged in negotiating a contract or other matter with the Council		Try to avoid such situations. If they arise, refuse. Record in Register.	4.4, 6.1, 6.4
	Offers of hospitality	Consult Chief Executive in advance Accept if there is a genuine need to impart information, represent or promote the interests of the Council in the community. Record in Register.	5.1 – 5.3, 6.1, 6.2, 6.4
	Offers to attend purely social or sporting functions	Consult Chief Executive in advance Accept only when these are part of the life of the community or where the Council should be seen to be represented. Record in Register	5.1 - 5.3, 6.1, 6.2, 6.4
	Attendance at relevant conferences and courses	Consult Chief Executive in advance Accept where it is clear the hospitality is corporate rather than personal. Record in Register	5.4, 6.1, 6.4

4. Gifts

- 4.1 A gift offered to you may be accepted if refusal would give offence, if:-
- (a) it is of nominal value (below £35.00) e.g. calendars, diaries, pens, a bottle of wine, flowers etc., and

- (b) no ulterior motive is apparent nor is there any danger of misinterpretation by the public (be careful where the offer comes from a person or company seeking work from the Council).
- 4.2 Gifts outside the scope of the above guidelines, should normally be refused, unless refusal would give offence. In such a case, the gift could be accepted and donated to the Mayor's Charity Appeal, with a suitable explanation to the person or company concerned. Receipt of gifts in these circumstances should be reported in accordance with paragraphs relating to Register for Gifts and Hospitality below. They should always be refused if an ulterior motive is apparent.
- 4.3 Some members of staff and councillors however, regularly come into contact with the public and a frequent recurrence of small gifts might give the impression that they are expected or a reward for favourable treatment. In these circumstances, gifts should normally be refused. Alternatively, if refusal would give serious offence, they could be accepted and the rules mentioned above applied.
- 4.4 In any event, you should refuse an offer or try to avoid situations where you are likely to be offered a gift from a person or company engaged in negotiating a contract or other matter with the Council, or who has negotiated such a matter and where you are directly responsible for formulating recommendations to the Council, for making a decision on a contract or for monitoring the service received from the person or Company concerned. If the contract or other matter has been completed, and there is no obvious likelihood of a renewal, then the previous paragraphs apply.

5. Hospitality

- 5.1 You should only accept offers of hospitality if there is a genuine need to impart information, represent or promote the interests of the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. Any hospitality accepted, should be properly authorised and recorded. (See paragraphs relating to Register for Gift and Hospitality below).
- 5.2 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.
- 5.3 When receiving authorised hospitality you should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 5.4 Acceptance of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Chief Executive is consulted in advance and where the Council is satisfied that any purchasing decisions are not compromised.

6. Register for Gifts and Hospitality

- 6.1 You must record all gifts and hospitality received, **including any offered but rejected**, in the Register maintained by the Chief Executive. This must include all offers of gifts and hospitality. Each entry in the Register must be

authorised by the Chief Executive and in the case of hospitality accepted, it must be authorised in advance of attendance of the particular event.

- 6.2 Offers of hospitality which are open to all members will be recorded in the Register by officers.
- 6.3 Gifts below the nominal value received by Refuse operatives, Community Day centre staff, Meals on Wheels and Spelride drivers from grateful members of the public are not required to be recorded.
- 6.4 In all cases, it is better to err on the side of caution. If you have doubts, seek advice. What matters above all else, are the reputations of yourself, the Council and local government generally.

7. Sponsorship - giving and receiving

- 7.1 Where an outside organisation wishes to sponsor or is asked to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. How would this look to the ordinary man or woman in the street? Particular care must be taken when dealing with contractors or potential contractors (i.e. contractors who could bid for Council work).
- 7.2 Where the Council wishes to sponsor an event or service neither you nor any person connected with you must benefit personally from such sponsorship in any way. In all cases there ought to be full disclosure of the arrangements and consultation with the Chief Executive at an early stage.
- 7.3 Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved with your work as a councillor or member of staff and any outside interests.
- 7.4 In each arrangement for sponsorship, care shall be given to recording the arrangement and the decision making process so that there is a clear audit trail for the purposes of transparency and accountability.

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. THE FRAMEWORK FOR CABINET DECISIONS

- 1.1 The Council is responsible for the adoption of its budget and policy framework as set out in Article 4 of the Constitution. Once a budget or a policy framework is in place, it is the responsibility of the Cabinet to implement it.
- 1.2 From May 2011 all executive functions will vest in the Leader. In this document references to the Cabinet should be read as Leader and/or Cabinet in accordance with the delegations made by the Leader from time to time.

2. PROCESS FOR DEVELOPING THE FRAMEWORK

The process by which the budget and policy framework shall be developed is:

- 2.1 The Cabinet will include in the forward plan a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, or any amendment to it. This will include its arrangements for consultation on those proposals. The Chairman of Overview and Scrutiny Committee will be notified of the publication of the forward plan. This notification may be by e-mail. The consultation period allowed shall in each instance be not less than 4 weeks.
- 2.2 At the end of the consultation period, the Cabinet will draw up firm proposals having regard to any responses it received during the consultation period. If the Overview and Scrutiny Committee wishes to respond to the Cabinet during the consultation process then it may do so. As the Overview and Scrutiny Committee has responsibility for fixing its own work programme, it is open to the Overview and Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from the Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by the Overview and Scrutiny Committee and the Cabinet's response.
- 2.3 At any time in advance of making its decision on any proposals relating to the budget or policy framework which it is considering or intends to consider, the Cabinet may formally request the Overview and Scrutiny Committee to consider and make recommendations on the same.
- 2.4 Once the Cabinet has approved the finalised proposals, the Chief Executive will refer them at the earliest opportunity to the Council for decision.
- 2.5 In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place.
- 2.6 If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- 2.7 The decision will be published and a copy shall be given to the Leader.
- 2.8 An in-principle decision will automatically become effective 5 working days after the day a copy of the Council's decision is given to the Leader, unless

the Leader informs the Chief Executive in writing within the 5 days that he/she objects to the decision becoming effective and provides reasons why.

2.9 In that case, the Chief Executive will call a Council meeting to take place within 7 working days of receipt of the Leader's objection. The Council will re-consider its decision and the Leader's written submission at that meeting. The Council may

- i) approve the Cabinet's original recommendation by a simple majority of votes cast at the meeting; or
- ii) approve a different decision which does not accord with the original recommendation of the Cabinet by a simple majority.

2.10 The decision shall then be published and shall have immediate effect;

2.11 In approving the budget and policy framework, the Council will also specify any changes to the extent to which the Cabinet may vary within the budget, incur supplementary expenditure or make in year changes to the policy framework in accordance with paragraphs 5, 6 and 7 of these Rules. Any other changes are reserved to the Council.

2.12 Where the Cabinet submits to the Council before 28 February in any year:

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 31A to 37 or 42A to 49, of the Local Government Finance Act 1992;
- (b) estimates of other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and the Council does not accept them, the procedure in rules 2.7 to 2.10 will apply.

2.13 When reconsidering its decision following any submission from the Leader, the Council when making calculations in accordance with the sections referred to in rule 1.13 or issuing a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992 will take into account:

- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- (b) the Cabinet's reasons for those amendments;
- (c) any disagreement that the Cabinet has with any of the Council's objections; and
- (d) the Cabinet's reasons for that disagreement.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

3.1 Subject to the provisions in paragraph 5, 6 and 7, the Cabinet, individual members of the Cabinet and any staff or joint arrangements discharging Cabinet functions may only take decisions which are in line with the budget

and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Council, then that decision may only be taken by the Council, subject to paragraph 4 below.

- 3.2 If the Cabinet, individual members of the Cabinet and any staff or joint arrangements discharging Cabinet functions are minded to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer to establish whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of the Monitoring Officer and / or the Chief Finance Officer is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 4.1 The Cabinet, an individual member of the Cabinet or staff or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Council if the decision is a matter of urgency. However the decision may only be taken:
- (a) If it is not practical to convene a quorate meeting of the Council; and
 - (b) If the Chairman of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.
- 4.2 The reasons why it is not practical to convene a quorate meeting of Council and the consent of the Chairman of the Overview and Scrutiny Committee to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the Overview and Scrutiny Committee the consent of the Mayor or in his absence the Deputy Mayor will be sufficient.
- 4.3 Following the decision, the decision taking body or person will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. EXPENDITURE SUPPLEMENTARY TO THE BUDGET

- 5.1 The Council sets the budget but recognises the need for the Cabinet to have flexibility. The Leader is authorised:
- (a) To incur supplementary expenditure in any year which does not exceed a total of 5% of the net revenue budget approved for that year; and
 - (b) To incur additional capital expenditure in any year which does not exceed **£20,000** or 5%, whichever is the greater, on any scheme within the approved capital budget for the year.

6. VIREMENT

- 6.1 The limits on virement are set out in the Council's Financial Regulations.
- 6.2 Within the limits set within the Financial Regulations the Leader may vire across budget heads which relate to Cabinet functions.

7. IN-YEAR CHANGES TO POLICY FRAMEWORK

- 7.1 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, an individual member of the Cabinet or staff or joint arrangements discharging Cabinet functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except where those changes:
- (a) will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
 - (b) are necessary to ensure compliance with the law, ministerial direction or government guidance;
 - (c) relate to the policy framework and a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

8. CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 8.1 Where the Overview and Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- 8.2 In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Finance Officer's report shall be presented to the Cabinet with a copy sent to every councillor. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of such a report and to prepare a report to either the Council, in the event that the Monitoring Officer and / or Chief Finance Officer conclude that the decision was a departure, or to the Overview and Scrutiny Committee if the Monitoring Officer and / or the Chief Finance Officer conclude that the decision was not a departure.
- 8.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 7 working days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or Chief Finance Officer. The Council may :
- (a) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
 - (b) amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible

for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or

- (c) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer or Chief Finance Officer.

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Working towards...

The Spelthorne Local Development Framework

Initial Draft Bridge Street Car Park, Staines Planning Brief



Supplementary Planning Document

May 2006

**Planning Brief
for
BRIDGE STREET CAR PARK
BRIDGE STREET, STAINES**

Initial Draft

SUPPLEMENTARY PLANNING DOCUMENT (SPD)

**Planning Services
Strategic Directorate (Community)
Borough of Spelthorne
Council Offices
Knowle Green
Staines
Middlesex
TW18 1XB**

Ref: 07/2006



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1. Introduction

- 1.1 The purpose of this Planning Brief is to set out the Council's requirements as Local Planning Authority for the proposed redevelopment of the Bridge Street Car Park site.
- 1.2 The brief proposes that the primary use of the site should be residential with an element of public and private car parking at ground and any basement level. Any scheme must include provision for the Sea Cadets unless an alternative appropriate and acceptable site can be found for them. The resulting development must be of exceptional quality given the site's prominent location with the Staines Conservation Area, adjoining the River Thames and at an important 'gateway' into Staines town centre.
- 1.3 It is the Council's intention in due course to formally adopt this document as a Supplementary Planning Document as part of its new Local Development Framework. Currently this draft brief has no statutory status and has been prepared to facilitate early consideration of the site's future. It nevertheless is a statement of the Council's intention for the site and will be a material consideration in its determination of any planning application which might come forward prior to the brief's formal adoption.

2. Description of the Site

- 2.1 The exact location of the site is shown on plan 1. It is some 0.714 hectares (1.71 acres) in extent. It is broadly rectangular in shape and is accessed from Bridge Street via a shared entrance with Ashby House and Hanover House. It is in Staines town centre and, being adjacent to Staines Bridge, is prominent and at an important gateway into the town. The site also has an important frontage to the River Thames.
- 2.2 The Planning Brief site currently has two levels of public car parking with the first floor level on a deck which is broadly level with the height of Clarence Street and the approach to Staines Bridge which are both elevated above the original prevailing ground levels.
- 2.3 The car park was constructed in the late 1980s as part of a comprehensive development scheme involving the redevelopment of a brewery site immediately to the north owned by Courage and the car park site owned by the Borough Council. Courage built new headquarter offices to the north of the car park and converted the historic brewery tower fronting Church Street to residential use. The single decked car park has 280 spaces and was also constructed to provide both public parking spaces, some of which are used by the offices on weekdays under a license agreement (100 spaces). A new headquarters for Staines and Egham Sea Cadets was also provided as part of the development in the south west corner of the site. A dedicated riverside walk was also created linking existing sections of towpath either side of the site.
- 2.4 The site is located in the Staines Conservation Area and also adjacent to Staines Bridge, a Grade II Listed Building and close to other listed building and historic structures. This part of the Conservation Area is characterised by development built up to the back of the pavement. The site has a river frontage of some 70 metres. The site is in a prominent position with longer distance views of the site from the tow paths on both north and south banks of the river. The Thames at this point has a slight curve with the Planning Brief site on the outside of this curve. Long views of the site are therefore possible for up to half a mile or more from the Thames both from the south and the west. The development will be clearly visible along side/behind the historic Staines Bridge. The site is also prominent when viewed from within the Conservation Area particularly along Clarence Street but also from Bridge Street.
- 2.5 The site is within the defined 1:100 year flood risk area. The Conservation Area boundary, nearby listed buildings and flood area are shown on Plan 2. Plan 3 shows the important viewpoints.
- 2.6 The Borough Council owns the freehold of the site. All relevant ownerships in the vicinity of the site are shown on Plan 4.

4. Development Requirements

- 4.1 The Council's requirement is for a residential development which subject to the findings of a current car parking study of the town centre may require an element of public car parking to be retained and either provides for the retention or rebuilding of the existing Sea Cadet accommodation, or enables their relocation to an appropriate alternative site. It will require 50% of the dwellings to be affordable of which no more than one third are to be for shared ownership with the remainder for rent. 80% or more of the dwellings are to be one and two bedroom units.
- 4.2 The development must be comprehensive and of an exceptionally high quality to reflect the site's prominent location at a 'gateway' into the town centre, adjacent to the River Thames and listed buildings and within a conservation area. Any planning application must be accompanied by a detailed design statement including a Flood Risk Assessment and any scheme will be required to demonstrate how it will enhance this part of the Staines Conservation Area. The Council's guidance on preparing such statements is set out at Appendix 2.
- 4.3 The specific requirements of any development on this site are as follows:
- a) Design
 - i. Massing - the mass of the building will need to be such that it fits in with the pattern and scale of buildings in the locality and, in particular, care must be taken not to harm the setting of the nearby listed buildings including the 2/3 storey late Georgian/early Victorian properties on the north side of Clarence Street and of Staines Bridge.
 - ii. Location of buildings - This should reflect the surrounding development patterns which reinforces the existing street pattern and alignment and position of Staines Bridge. The frontage of any new building to the River Thames should be set back sufficiently to allow long distance views along the towpath through the pedestrian tunnel through which the towpath passes under Staines Bridge. This is likely to require development behind a line defined by the north side of the pedestrian tunnel and the front elevation of Hanover House. The new building will need to achieve an appropriate separation from Staines Bridge and its approach to enable access to the arches under the Bridge including one which has pedestrian access through it. The position of the building will need to meet the Environment Agency's normal requirement for a minimum eight metres wide strip area for access to and maintenance of the River Thames of eight metres wide.
 - iii. Height - this should not exceed the height of adjoining buildings and not result in the properties on the north side of Clarence Street being over dominated. Clarence Street provides a particularly important vista within the Staines Conservation Area. The street rises from Market Square to its junction with Bridge Street as do the floor levels of the buildings. To preserve the visual integrity and prominence of this important group of buildings the height of the new development should not appear to be greater than the top of the parapet of no 41 Clarence Street when viewed along the street from outside the Blue Anchor Hotel at Market Square. This does not mean the building height should not exceed the actual

height of no 41 but that along this line of view it does not give the appearance of being greater. The building(s) will also need to achieve a satisfactory transition to the scale of Hanover House to the west and relate appropriately to the existing Sea Cadet building if it is retained. The development should not obscure the important view from Staines Bridge of the historic St Mary's Church in Church Street to the north west of the site.

- iv. External Appearance and Materials - This will need to be of a high standard of design and use of materials reflecting and complementing the character of the nearby listed buildings and the character of this part of the Staines Conservation Area. The elevations and roofline will need to be appropriately articulated and materials chosen to break up the scale of the building and reflect the character of this part of the Conservation Area and the nearby listed buildings. Care will be required in designing a structure which will be elevated above the prevailing ground level to ensure that the overall design of this element is attractive and the parking area does not detract. Any lift shafts or plant areas required for the development should not be readily seen from outside the site.
- v. Secured by Design - The development will be expected to be designed to minimise the opportunities for crime and will be expected to meet Surrey Police 'Secured by Design' standards (Contact Vic Smith, Crime Reduction Officer - 01784 444269).
- vi. People with Disabilities - in accordance with Policy H7 of the local Plan 20% of the dwellings provided on site should be suitable for people with disabilities.
- vii. Public Art - an artistic element should be included as an integral part of the overall design of the building in accordance with Policy BE3 of the Local Plan and the Council's 'Public Art Policy for Spelthorne' March 2005.

b) Access and Parking

The site access onto Bridge Street is at an already congested part of the highway network. The Council recognise, however, that where the opportunities for housing are optimised on sites within or close to town centres and there is proximity to both a range of facilities and good public transport there is more scope to limit the travel needs of these residents by private cars. Housing on such sites can be particularly attractive to these people who do not wish to have a car or make only limited use of one. Any development proposal must be accompanied by a detail transport assessment which must be prepared in consultation with Surrey County Council's Transportation Development Control Section. The Council has the following access and parking requirements:

- i. Vehicular Access - the new development should not significantly add to the existing traffic problems in the vicinity experienced at peak times. The extent of any impact will be dependent on a number of factors including the number and size of the new dwellings, the parking provision provided for them, encouragement given to residents to walk or use alternative transport to the private car, the amount of public car parking retained and its pattern of use and the differences in movement patterns of those occupying the residential properties and those of a public car park.

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Planning Committee

09 March 2016



Application Nos.	15/01718/FUL & 15/01718/LBC		
Site Address	Bridge Street Car Park, Bridge Close, Staines upon Thames		
Proposal	<p>Planning application for demolition of existing unlisted car park, sea cadet building, access ramp, deck and steps in Staines Conservation Area and redevelopment of the site to provide buildings ranging from 4 to 12 storeys in height comprising 358 sqm (GIA) ground floor commercial floorspace (Use Class A1/A2/A3) and 205 residential units (Use Class C3), together with ancillary residents gym, associated car parking, open space, landscaping and infrastructure works (15/01718/FUL). Listing Building Consent application for minor alterations and works to Grade II Listed Staines Bridge in association with the redevelopment of the adjacent Bridge Street Car Park (15/01718/LBC).</p>		
Applicant	Bellway (North London)		
Ward	Staines		
Call in details	N/A		
Case Officer	Paul Tomson/Siri Thafvelin		
Application Dates	Valid: 23/12/2015	Expiry: 24/03/2016	Target: Under 13 weeks
Executive Summary	<p>This planning application seeks the demolition of the existing car park and former Sea Cadets building and the redevelopment of the site to provide a scheme comprising 205 dwellings, a ground floor commercial unit, the creation of public open space and other associated works. As the proposal involves minor alterations to the listed building of Staines Bridge, both planning permission and listed building consent is being sought.</p> <p>The site has been allocated for housing in the Council's Allocations Development Plan Document 2009 and the principle of redeveloping the site for residential is acceptable. Whilst the proposal does not provide any replacement public car parking, the Council is satisfied that there is sufficient capacity at other town centre car parks and there is no objection to the loss of public parking on the site. There is no objection to providing a small commercial unit (Use Class A1/A2/A3) on the site.</p> <p>The site is in a prominent 'gateway' location within the Staines Conservation Area and adjacent to listed buildings. It will also be visible</p>		

	<p>from the nearby Egham Hythe Conservation Area in Runnymede. Whilst the proposal is substantially greater in height compared to surrounding buildings, it is considered to be high quality in design terms and will provide some significant public benefits. On balance, the harm to the conservation areas is not considered to be significant and this is outweighed by the public benefits. The impact on the setting of nearby listed buildings is considered acceptable. The minor works to the listed building of Staines Bridge is also considered acceptable. Historic England has raised no objection.</p> <p>The level of traffic generated by the proposed development is considered to be relatively small and will not have a material impact on the traffic movements using the adjacent highways. The County Highway Authority has not raised an objection on traffic generation grounds.</p> <p>Although no affordable housing is to be provided on the site, and all units are for market housing, the applicant is proposing a financial contribution in lieu of on-site affordable housing. This figure represents the equivalent cost of providing up to 52% affordable housing on the site, and is, in these particular circumstances of this site, a policy compliant scheme</p> <p>Whilst the site is located within an area liable to flood, the proposal involves flood mitigation measures to include lowering of the existing ground level to increase flood storage capacity and the provision of a sustainable drainage system. Consequently, the scheme will not increase flood risk elsewhere. Furthermore, there is a dry route from the site for the new residents in the event of a flood to an area outside the flood zone. The Environment Agency and the Local Lead Flood Authority have raised no objection to the proposal.</p>
Recommended Decisions	This planning application is recommended for approval. The Listed Building Consent application is also recommended for approval.

MAIN REPORT

1. Introduction/Decision Making Context

- 1.1 Whilst this planning application has been submitted by Belway the site is owned by Spelthorne Borough Council. Subject to planning permission being granted there is an agreement that the Council will then sell the site to Bellway.
- 1.2 The Planning Committee's role is to determine planning applications on behalf of the Council under its statutory duties as the 'local planning authority'. The Council's Planning Code (part of the Council's Constitution) requires it to exercise these duties in relation to planning and development proposals so as to ensure openness, transparency and consistency of decision making.

- 1.3 The Committee must therefore approach this planning application in the same manner as is required to deal with any other application – that is to do so having regard to the ‘development plan’ unless material planning considerations indicate otherwise.

2. Development Plan

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

- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO3 (Affordable Housing)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- TC1 (Staines Town Centre)
- CO2 (Provision of Infrastructure for New Development)
- CO3 (Provision of Open Space for New Development)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN4 (Provision of Open Space and Sport and Recreation Facilities)
- EN5 (Buildings of Architectural and Historic Interest)
- EN6 (Conservation Areas, Historic Landscapes, Parks and Gardens)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN9 (River Thames and its Tributaries)
- EN11 (Development and Noise)
- EN13 (Light Pollution)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

- 2.2 The following policy of the Allocations Development Plan Document December 2009 is considered relevant to this application:

- Site Allocation A9 for the redevelopment the Bridge Street Car Park – see paragraph 7.1

2.3 It is also considered that the following Saved Local Plan Policies are relevant to this proposal:

- RU11 (Site of Nature Conservation Importance)
- BE26 (Archaeology)

3. **Relevant Planning History**

W/85/607	Erection of a three-storey headquarters office building with basement car park, two-storey car park, residential development comprising 20 units adjoining Church Street, erection of two-storey replacement building for the Sea Cadets, relocation of existing access to Bridge Street, and construction of pedestrian link between new car park and Bridge Street.	Approved 04/04/1986
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(Officer note: this application covers both the current planning application site and land to the north)

08/00762/FUL	Erection of 143 No. residential units, new Sea Cadets' facility and café with associated parking, access and landscaping, following the demolition of the existing car park and sea cadets building.	Resolved to Approve 07/01/2009
08/00763/CAC	Conservation Area Consent application for the demolition of the existing multi-storey car park and Sea Cadet building	Approved 12/01/2009

Officer note: The above planning application (08/00762/FUL 08/00763/CAC) was reported to the Planning Committee on the 07/01/2009. It was resolved to approve the planning application subject to the completion of a legal agreement. The legal agreement was never completed and consequently the planning permission was not issued and has since been lapsed.

3.1 The following applications, whilst not on the application site, are of relevance since they provided alternative accommodation for the Sea Cadets at the Lammas Park:

08/00761/FUL	Erection of a modular building raised above a boat storage area for the Staines Sea Cadets, with associated construction of boat ramp to the River Thames, for a temporary period of 3 years [The Lammas Park, Wraysbury Road, Staines]	Approved 20/10/2008
12/00426/FUL	Retention of temporary two-storey modular building and temporary use of the building	Approved 07/06/2012

for the Staines area Sea Cadets and boat ramp to the River Thames for a further period of five years

- 3.2 The Sea Cadets occupy a site owned by the Council and there were never plans for them to return to the Bridge Street site and necessity for them to be accommodated within this new development.

4. Description of Current Proposal

- 4.1 This planning application seeks permission for the demolition of existing unlisted car park, sea cadet building, access ramp, deck and steps in Staines Conservation Area and redevelopment of the site to provide buildings ranging from 4 to 12 storeys in height comprising 358 sqm (GIA) ground floor commercial floorspace (Use Class A1/A2/A3) and 205 residential units (Use Class C3), together with ancillary residents' gym, associated car parking, open space, landscaping and infrastructure.
- 4.2 Application 15/01718/LBC seeks Listed Building Consent for minor alterations and works to the Grade II Listed Staines Bridge in association with the redevelopment of the adjacent Bridge Street Car Park.

Car park history

- 4.3 The site lies in the urban area. It is occupied by the Bridge Street Car Park and the former Staines and Egham Group Sea Cadets building, which was originally built in the 1980s as part of a comprehensive redevelopment in association with the former Courage Brewery Offices (now Strata) which is located to the north. It comprises two levels of parking, of which the first floor deck is broadly level with the adjacent Staines Bridge approach road. It provides a total of 275 parking spaces, 86 of which were licenced to a local business Monday to Friday until the end of October 2015. As part of the original redevelopment, the Courage Brewery offices were given a licence to use 100 of the 275 spaces on weekdays. These spaces have only ever been available to the public during weekends (regardless of whether the building has been occupied or not). The number of weekday spaces available to the public has fluctuated over the years, between a maximum of 175 and a minimum of 89 space (until September 2014).
- 4.4 The site is currently owned by Spelthorne Borough Council and, with the exception of the office parking provision, is used for public parking purposes. The site also includes the former Staines and Egham Group Sea Cadets' building, which is a two storey building that was erected at the same time as the car park. The building is located to the west of the car park and faces River Thames and has not been used for its original purpose since around 2009. The application site also incorporates Bridge Close and the footpath along the eastern side of the car park. The site area is 0.67 hectares.

Surrounding area

- 4.5 To the north are Bridge Close and the 3-storey Strata office building which was built in the 1980s and has recently been refurbished with a modern

appearance. To the south is River Thames. To the south-east is Staines Bridge, which is a Grade II Listed Building erected in 1832. On the eastern side of the bridge's approach road and facing onto the river is Thames Edge Court which is a part 4-5 storey building that comprises a mixture of commercial units at ground levels and flats above. At the site's eastern boundary are Bridge Street (B rated classified road) and the Staines Bridge/Clarence Street junction which forms part of the A308. There are several commercial properties on the east side of Bridge Street. Immediately to the west of the application site, and facing the river, is Hanover House, which is a two storey office building with a traditional pitched roof design and brick built elevations and parking to the rear. Further to the west is Island Close with two and three storey terraced dwellinghouses facing onto the river.

- 4.6 The site lies at the edge of Staines upon Thames Town Centre and is characterised by a mixture of residential and commercial properties. There are 14 trees within the site and none of them are subject to a Tree Preservation Order.

Planning constraints

- 4.7 The site has a number of planning constraints reflected in policies in the Development Plan. It is included in the Spelthorne Allocations Development Plan Document 2009 as a specific site allocation (Allocation A9) for housing. The document states that:

Residential development of approximately 75 dwellings is proposed including retention of an element of public car parking beneath. (...) Redevelopment would provide an opportunity to create a high quality development that makes the most of this visually important site, offering the potential to enhance both the town centre and the setting of the river.

- 4.8 The site is located within the Staines Conservation area and is situated close to several Listed Building including Staines Bridge and 41 Clarence Street. The Hythe Conservation Area (in the administrative area of Runnymede Borough Council) is located on the south-west bank of the river, downstream of Staines Bridge.
- 4.9 The site is also within an area liable to flood (part Zone 3a and 3b) and the River Thames and its riverbank in the vicinity of the site are a designated Site of Nature Conservation Importance.

Proposal

Block A

- 4.10 A twelve storey building with an elliptical footprint is positioned in the south-eastern corner of the site, closest to Staines Bridge (Block A). The building will measure up to 29m in length and 18m in width. The building will have a maximum height of 42.4m from the ground level at the riverside and 39.6m from the bridge approach.
- 4.11 The ground/lower ground floor space will be commercial and can be accessed from Bridge Street and from the public space within the site. There will be residential use above.

- 4.12 Block A will be constructed with a pre-cast Portland stone framework with bronze coloured concrete panels. The light coloured Portland stone will contain mica chips and be polished to have a slight sparkle when sun-lit and the contrasting bronze coloured panels will be polished to have a light sheen. The 11th and 12th floors will be recessed and clad in bronze anodised aluminium to match the bronze concrete panels and anodised aluminium handrails and balusters on the balconies on the floors below.

Block B

- 4.13 Block B is located to the north of Block A. It will be broadly L-shaped with a frontage along Bridge Street and towards Block A to create a public thoroughfare between the two buildings. Its southern extent is positioned to appear as a continuation of the Clarence Street frontage. It will have a maximum width of 40.2m and depth of 15.8m. There will be a 97 sqm gym at ground floor level at the southwestern end of the building, enclosed waste storage and residential flats on the remainder of the ground floor and on upper floors. Block B will be 4-5 storeys in height along Bridge Street, with the fifth floor set back from the street. The building then rises to six storeys towards the centre of the site and up to eight storeys where it meets Block C. The seventh and eight floors will be set back and Block B will have a minimum height of 12m (four storeys) and maximum height of 25.2m (eight storeys).
- 4.14 Block B will be constructed of brick-clad pre-cast concrete panels with sections of slate-coloured zinc panels and oiled western red cedar panels. The set-back fifth storey along Bridge Street and sixth to eighth set-back floors in the centre of the site will be clad in a mixture of brick, zinc and wood panels.

Block C

- 4.15 Block C is located along the western and northern edges of the site and will be solely residential. The northern elevation will face onto Strata and will be separated by Bridge Close. The western elevation will face Hanover House and will be separated by a landscaped cycle path. The block will have a maximum length of 54.4m and depth of 8.8m along Bridge Close and maximum length of approximately 54m and depth of 15.8m adjacent to Hanover House.
- 4.16 The northern arm of the block will be 6-7 storeys and will have a height of 18.2 - 21.2m as measured from Bridge Close. The western arm of Block C will be 5-6 storeys in height and will have a height of up to 25.2m measured from the public space within the site, and 18.2m closest to the river.
- 4.17 Block C have the same design characteristics as Block B and will be constructed of brick-clad pre-cast concrete panels with sections of slate-coloured zinc panels and oiled western red cedar panels. The set back sixth and seventh floors will be clad in a mixture of brick, zinc and wood panels.

Use

4.18 A summary of the different uses and their size/floorspace is set out below:

Residential

4.19 A total of 205 flats are to be provided comprising 23 studio units, 49 1-bedroom, 100 2-bedroom, and 33 3-bedroom units. The flats will be situated on all floors except the ground floor of Block A. A total of three enclosed refuse storage areas are provided in Block B and C along with an enclosed refuse holding area in Block C. The proposed mix and tenure is as follows:

	PRIVATE	AFFORDABLE		TOTAL
		Rented	Shared	
Studio unit	23	0	0	23
One bed	49	0	0	49
Two bed	100	0	0	100
Three bed	33	0	0	33
				205

4.20 23 (11%) of the units have been designed to be wheelchair adaptable.

Commercial space

4.21 The scheme includes a commercial unit with a Gross Internal Area (GIA) of 358 sqm in the ground floor of Block A. The unit will face Staines Bridge and the River Thames and a range of use classes are at this stage proposed (Use Class A1/A2/A3).

Residents' only gym

4.22 There will be a 97 sqm gym at ground floor level at the southwestern end of Block B to be used by the residents of the development.

Private/public amenity space

4.23 Private amenity spaces will be provided in the form of balconies. In addition, units on the top floor will have private terraces. The combined area of the balconies and terraces is 1316 sqm. There will also be a communal garden located in the courtyard created by Block B and C that measures approximately 528 sqm. The total area of private floorspace is therefore 1844 sqm.

4.24 Public amenity space will be provided in the form of a public walkway between Block A and B that leads to the riverbank with shallow steps, trees and planters with perimeter seating along the route. It is proposed to resurface the river path with compacted gravel to match the path to the west. There will also be a landscaped cycle and footpath that runs along the western boundary of the site, connecting the river path with Bridge Close.

4.25 There are 14 trees on site which will all be removed. The landscape plan includes substantial tree planting both within the site and along the boundary to compensate for the loss of the existing trees.

Parking

- 4.26 A total of 134 parking spaces will be provided in an underground car park accessed from Bridge Close. There will also be 16 motorcycle and 205 secure bicycle spaces in the car park.
- 4.27 Site layout and elevation plans are provided as an Appendix.

5. Consultations

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

Consultee	Comment
County Highway Authority	Raises an objection in relation to the proposed service bay adjacent to the restaurant and the highway safety and congestion impacts of this.
Historic England	No objection. The proposal would cause some harm to the significance of the Staines and Egham Hythe Conservation Areas. It is for the Council to determine if the harm has been both minimised and justified and to carry out the weighing exercise to balance residual harm and public benefit, required under the terms of the NPPF.
Environment Agency	No objection subject to conditions
Head of Street Scene	No objection
Crime Prevention Officer	No objection. Requests a condition to be imposed to require the development to achieve the Secured by Design award.
Valuation Advisor	Comments will be reported orally at the meeting.
Head of Asset Management	No objection
Sustainability Officer	No objection. Is satisfied that 10% renewable energy can be achieved on site.
Local Lead Flood Authority (Surrey County Council)	No objection. Is satisfied that the proposed drainage scheme meets their requirements. Requests that conditions are attached to ensure that the SuDS Scheme is properly implemented and maintained.
County Archaeologist	No objection subject to a condition
Spelthorne Museum	This is an important archaeological area

	probably covering the Roman wharf and possibly much earlier settlement. Requests that all relevant guidelines regarding archaeological sites are in place.
Surrey County Council (Planning)	Requests a financial contribution of £674,608 towards Early Years, Primary and Secondary education infrastructure.
BAA	No objection. Provides comments regarding cranes during construction which will be attached as an informative to the decision notice.
SCAN	Raises several concerns regarding disabled access. A copy of the response was forwarded to the applicant.
Urban Design Consultant (Design South East)	Made various comments on the impact on Staines and Egham Hythe Conservation Area, effect on adjacent listed buildings, and general design comments. Considers the proportions and design of the tower is not slender enough which will have an adverse impact on long distance views in both conservation areas. Requests further detailing be submitted regarding public and private realms, changes to the materials and detailing and other design matters. (<i>Officer note: following their comments the scheme has been further amended to address the points.</i>)
Spelthorne Borough Council Conservation Officer	No objection.
Natural England	No objection. Does not consider that this application poses any likely or significant risk to features of the natural environment but that it is important that the Thames Path is not obstructed during the course of the development of this site.
Surrey Wildlife Trust	No objection. The applicant should be required to ensure that no activities are carried out immediately adjacent to the River Thames and Towpath Site of Nature Conservation Importance (SNCI). The river should be protected from accidental pollution from, for example, waste water. Recommends that removal of any dense shrubbery is undertaken outside the main bird nesting season (March to August inclusive).

Runnymede Borough Council	<p>No objection and comment that: -</p> <p><i>“The conclusions of the Heritage Statement are considered acceptable, and that the limited harm to heritage assets in Runnymede would be outweighed by public benefit of redevelopment subject to the transport impacts being fully addressed. Therefore a holding objection is raised to give the applicant an opportunity to consider the wider highway implications of the proposal. Further consultation with Runnymede BC will be required when a revised Transport Assessment has been carried out.”</i></p> <p>Following receipt of the consultation response from the County Highway Authority confirming that the development will not have a material impact on traffic generation, Runnymede Borough Council have removed a holding objection on this matter.</p>
Tree Officer	<p>No objection. The existing trees have been graded in line with BS5837:2012 with 11 classed as C grade and 3 classed as B grade. Most of the trees only have a limited useful life and replacement planting can adequately compensate for their removal.</p> <p>The landscaping offers a reasonable mix of species and heights giving colour and interest and will be an improvement to the existing streetscene. The trees can be adequately managed by a proactive pruning regime to ensure they are in keeping with their surroundings. Subject to the landscaping scheme being fully implicated the proposal will lead to the enhanced long-term tree cover of the area.</p>
Thames Water	<p>Requests a ‘Grampian style’ condition to be imposed in relation to drainage works. Advises that no ‘impact piling’ shall take place until a piling method statement is submitted for approval. An impact study should be undertaken to ascertain the impact on local sewer infrastructure. Also requests that informatives are attached</p>

	regarding trade effluent, petrol/oil interceptors, fat traps on catering facilities and measures to minimise groundwater discharges into the public sewers.
National Grid	No objection. Has identified that it has apparatus in the vicinity of the proposed development and will comment further once a recommendation is made.
Environmental Health (Pollution Control)	<p>With regard to contaminated land, no objection subject to the imposition of conditions.</p> <p>With regard to air quality, recommends a condition in relation to mechanical ventilation to the residential units, emission rates of the communal combined heat and power boiler, and a revised demolition method statement to be submitted. Supports the implementation of a travel plan and other sustainable transport measures recommended by the County Highway Authority. Raises some concern that the proposed development could impede the widening of Staines Bridge at some point in the future.</p> <p>Raises concern about the lack of information regarding the kitchen extraction scheme submitted with the application and that cooking odours from a possible restaurant use could have a significant impact on surrounding residential properties.</p>
Environmental Health (Noise)	<p>No objection subject to conditions. Strongly advises that fencing with acoustic properties of a suitable height is provided around the site boundary during construction to minimise noise impact.</p> <p>Strongly advises against hardcore crushing on site due to the proximity of noise sensitive premises.</p>

6. **Public Consultation**

- 6.1 1333 neighbouring properties were notified of the planning application, including within the Borough of Runnymede on the south side of the river. Furthermore, statutory site notices were displayed and the application was advertised in the local press. 177 people have written in regarding the proposal, as well as representatives from Staines Town Society, Staines Village Residents and Traders Association Committee, Hanover Housing Association, the Friends of the Hythe, and the Strata building.

6.2 Reasons for objecting include:

- Overdevelopment of the site.
- The development is too tall and out of scale with adjacent properties. It does not respect local context, street pattern, building heights and density.
- Impact on Staines Bridge, Bridge Street Conservation Area and Hythe Conservation Area.
- Development is not sympathetic to the Green Belt (*Officer note: Site is not in the Green Belt*).
- Does not enhance River Thames and will dominate the riverside and dwarf Staines Bridge.
- Poor design and quality of materials.
- More public open space is required.
- Poor standard of amenity. Some of the flats do not meet minimum floor areas.
- Loss of light and privacy to properties on Church Street and Thames Edge Court.
- Overbearing impact on Thames Edge Court.
- Loss of light to dwellings on south side of the river.
- Light, noise and CO2 pollution.
- Tall buildings may cause wind tunnels.
- There is no demand for another restaurant.
- Commercial premises would increase litter and antisocial activities in the area.
- Lack of parking and concern that the development will lead to people parking in nearby residential roads and put a strain on existing car parks.
- The current car park is not heavily utilised so the development would increase traffic and cause congestion and reduce air quality.
- Concerns regarding the loss of the public car park.
- Concerns regarding access to the site for delivery vans and rubbish collection.
- Poor disabled access to public spaces, central courtyard and flats as well as lack of disabled parking on site.
- Gravel is not a suitable material for the footpath – poor disabled access.
- Concern about the impact on flooding and sewage system.
- Impact of the development on the adjacent Strata building in terms of loss of visual amenity and outlook, overall scale, loss of sunlight and daylight, and potential conflict/management of Bridge Close.

6.3 The representations above also include three letters in support of the proposal. The main comments made were:

- The current development is an eye sore.
- Development would bring life and vitality to a prime riverside location and would help support local retail and catering.
- The development, including the landscaping, pathways and cycleways would have a positive visual impact.
-

6.4 135 of the letters were received from Spelthorne residents, 31 from people resident outside of Spelthorne and a further 10 from people at unknown

addresses. Of the representations received from outside the borough, 16 (52%) of them live less than 500m from Bridge Street Car Park, with the remaining 15 (48%) living further away. Of the representations received from Spelthorne residents, 88 (65%) are from less than 500m from the site, with the remaining 47 (35%) living further away but within the borough, see table below.

Distance*	Less than 100m	100-249m	250-499m	500-1000m	More than 1000m	Total
Spelthorne	12	44	32	19	28	135
Outside of the borough	0	0	16	3	12	31
Unknown address	-	-	-	-	-	10
Total	12	44	48	22	40	176
*Approximate distance as measured from the centre of the site						

7. Planning Issues

- Principle of the development
- Loss of existing car park
- Housing density
- Design and appearance, and the effect on the Staines Conservation Area and The Hythe Conservation Area (Runnymede).
- Effect on the setting of nearby Listed Buildings
- Residential amenity
- Highway issues
- Parking provision
- Affordable housing
- Flooding
- Renewable energy
- Ecology
- River Thames
- Open space
- Dwelling mix
- Loss of trees
- Archaeology
- Air quality
- Kitchen extraction system
- Listed Building Consent

8. Planning Considerations

Principle of the development

- 8.1 Site Allocation Policy A9 (Bridge Street Car Park) of the Council's Allocations Development Plan Document 2009 allocates the site for residential development of approximately 75 dwellings including retention of an element of public car parking beneath. The justification for the Site Allocation (paragraphs 6.71 and 6.72 of the DPD) states:

“Redevelopment would provide an opportunity to create a high quality development that makes the most of this visually important site, offering the potential to enhance both the town centre and the setting of the river

Housing is considered the most appropriate use for the site in view of the need for housing, reflected in Core Strategy priorities, and other housing development along the river frontage”

- 8.2 In addition to the site’s ‘allocation’ for development, the Council has previously agreed in January 2009 to demolish the current buildings and redevelop the site for housing (planning application and conservation area consent 08/00762/FUL & 08/00763/CAC). Whilst the allocation suggests residential development of approximately 75 dwellings, this is only a guide and reflected a cautious assessment of the site’s capacity in the absence of a detailed design. The allocation does not preclude a greater number of dwellings, provided other aspects of the scheme are acceptable.
- 8.3 Allocation A9 also requires the retention of an element of public car parking to meet the needs identified in 2009. The Council has subsequently reassessed the need for public parking provision in the town centre as a whole and has concluded that there is sufficient public parking spaces on alternative sites to meet the town’s need and public parking on this site does not need to be retained. This issue is explained in more detail in the following paragraphs.

Approach to the Development

- 8.4 The site is at a key ‘gateway’ point into the town centre, of which it is functionally an integral part of, and is also close to a wide range of town centre uses. It is adjoined by modern office development on its west and north side with the Strata office development to the north representing a high density use. The Thames Edge Court development to the east is a relatively high density with commercial uses at ground floor and residential above. The street pattern was created in the 1830s reflecting the location of the then new Staines Bridge and this has determined the layout of development in the immediate locality.
- 8.5 In terms of overall urban design the scheme has been conceived as an integral part of the street scene coming to the back of the pavement on the Bridge Street/Staines Bridge approach. It also creates a new pedestrian route/open space through the scheme to the river Thames in a way that the buildings on the north side of the scheme (block B) intentionally ‘read’ as a continuation of the Clarence Street frontage.
- 8.6 The buildings to the north of the site (blocks B & C) reduce in height toward Bridge Street so that from the perspective of ground level views westward along Clarence Street the change in scale of the existing buildings on the north side of Clarence Street are contained to reduce an otherwise more abrupt perception of the difference in heights.
- 8.7 The elliptical tower adjacent to Staines Bridge has been designed in a manner to emphasise this ‘gateway’ point into the town centre. Its detailed design is in the projecting vertical elements of its frame and recessed horizontal element

and wall panels/windows achieves, with appropriate use of materials, a slender appearance. This is accentuated by the elliptical form of its footprint. The top two floors have an open frame/recessed facade to further accentuate the intended slender form. Only once on Staines Bridge or at the western end of Clarence Street is a full view of the building achievable. At all distant views it remains partly/substantially obscured by buildings in the foreground. From the Thames many distant views are filtered by trees on the riverbank.

8.8 Considerable attention has been given to the layout and design with extensive evolution of this through pre-application discussion and two pre-application public consultations to optimise the key design elements to genuinely complement and enhance this varied part of the town centre. The aim has been to achieve an 'exceptional' design and it is believed this has been achieved.

8.9 The scheme involves a high density development and, apart from the tower whose scale intentionally acts as a 'gateway' marker to the town, the remaining buildings are of a scale closer to other more modern developments in its vicinity including Thames Edge, on the downstream side of Staines Bridge.

8.10 The principle of a high density development is consistent with the Government's core planning principles are set out in paragraph 17 of the National Planning Policy Framework 2012 (NPPF). There are 12 core planning principles, which the NPPF states should underpin both plan making and decision-making. One of these principles (8th bullet point) is:

"Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value"

8.11 This is further reflected in paragraph 58 (3rd bullet point) which emphasises the importance of optimising the potential of sites to accommodate development. This principle is echoed in Policy HO1 (g) of the Council's Core Strategy:

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

8.12 The NPPF provides further relevant context at paragraph 23, 9th bullet point:

"recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites"

8.13 At paragraph 47 the NPPF emphasises the government's overall housing objective to *"boost significantly the supply of housing"*.

8.14 Policy HO5 in the Core Strategy deals specifically with density. It sets out density ranges for particular context but prefaces this at paragraph 6:25 by stating:

“Making efficient use of potential housing land is an important aspect in ensuring housing delivery. Higher densities mean more units can be provided on housing land but a balance needs to be struck to ensure the character of areas is not damaged by over-development.”

- 8.15 Paragraph 6:28 makes clear the density ranges are “broad guidelines”. The last paragraph of Policy H05 is particularly pertinent in this instance:

“Higher density development may be acceptable where it is demonstrated that the development complies with Policy EN1 on design, particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non-car-based modes of travel.”

Loss of existing car park

- 8.16 The proposal involves the loss of the existing public car park, which comprises 275 car parking spaces. Up until recently, 86 of those parking spaces were licenced by the Council to the BUPA offices in The Causeway in Runnymede (weekdays). However, this was terminated in October 2015. Furthermore, there is a Licence in place to provide for the Strata Building (formerly Courage) during weekdays (day time only). The original requirement of 100 spaces was revised downwards in 2014, and prior to redevelopment those reduced number of spaces will be permanently relocated to one of the Council's remaining town centre car parks. With the various licences that have been in place over the years, the number of weekday spaces available to the public has fluctuated between a maximum of 175 and a minimum of 89 spaces (until September 2014).
- 8.17 The principle of the loss of much of the public parking provision was accepted in Allocation A9. The Allocation does states that an element of public car parking should be provided in the new development, whilst the proposed parking provision is entirely private serving the new residential units. However, it is not considered that an objection could be raised to the lack of any replacement public parking in the scheme. A car park study (2015) has confirmed the town's parking needs can be met without this site. There are several other existing public car parks within the town centre that are located closer to the main shopping area and are better utilised by the public and have spare capacity overall. Riverside Car Park is only 300m away and the Two Rivers shopping centre car park approximately 200m away. Other town centre car parks include Tothill and the Elmsleigh surface and multi-storey car park. The County Highway Authority has not raised an objection to the loss of the existing public car park. Accordingly, the loss of the existing public car park is considered acceptable.

Housing density

- 8.18 Policy HO5(d) of the Core Strategy and Policies DPD 2009 (CS & P DPD) states that within Staines upon Thames town centre development should generally be at or above 75 dwellings per hectare. I have already referred in para 8.15 above to the further references in the Policy to higher density development. The supporting text to Policy HO5 states that Staines upon

Thames town centre 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 located just outside the Staines designated Employment Area which abuts the east and north of the site, but its current use is functionally an integral part of the town centre and the proposed development is designed to be a part of it. It is located a short walking distance away from the High Street and the rest of the town centre. It is surrounded by typical town centre commercial development to the north and east, and is adjacent to the relatively high density mixed use development of Thames Edge. It is also within walking distance of the railway station, which has a fast and frequent service, and a short distance away from Staines upon Thames Bus Station. For this reason Policy HO5(d) can be applied to this site.

- 8.19 The proposal involves the creation of 205 residential flats and the proposed housing density is 306 dwellings per hectare (dph). It is important to note that any mathematical density figure is in part a product of the mix of units proposed. In this case some 84% of the units are either studio, 1 bed or 2 bed and accordingly it is possible to accommodate many more small units within a given floorspace and an acceptable numerical density can be much higher. Therefore, whilst the development is substantially above 75 dph, it is considered that the proposed density is acceptable in this particular location given my conclusions on the acceptability of the scheme in design terms.

Design and appearance, and effect on the Staines Conservation Area and The Hythe Conservation Area (Runnymede)

- 8.20 Policy EN1a of the CS & P DPD states that *“the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.”*
- 8.21 Policy EN6 of the CS & P DPD states that the Council will seek to preserve and enhance the character of conservation areas by requiring the retention of buildings, trees and other features, including open spaces, views and vistas, which are important to the character of the area. Where new development affecting a conservation area is proposed, the Council will ensure that it contributes to its preservation or enhancement by:
- e) requiring proposals for new development to be submitted as full planning applications, including details of materials and full elevational drawings, showing where appropriate the relationship with adjoining buildings,*
 - f) requiring any proposal for demolition to be accompanied by detailed plans for the future for the site showing how the area will be preserved or enhanced, and controlling by legal agreements the timing of demolition and commencement of construction of the replacement building.*

- 8.22 Paragraph 129 of the National Planning Policy Framework (NPPF) states that:

“Local Planning Authorities should identify and assess the particular significance of any heritage asset [Officer note: a conservation area is a heritage asset] that may be affected by the proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.”

- 8.23 There is a statutory duty of the Local Planning Authority (Listed Buildings Act 1990 Section 72) when dealing with a planning application to give:

“special attention to the desirability of preserving or enhancing the character or appearance of a conservation area”.

- 8.24 The Staines Conservation Area was designated in September 1975. It comprises the old village area around the church and western end of Church Street, the riverside including Island Close and Church Island, part of the town centre around Market Square, Clarence Street and the eastern end of Church Street, as well as the area along Bridge Street. The applicant has submitted a Heritage Statement which includes an extensive appraisal of the Staines Conservation Area. The Appraisal concludes that there are four very different character areas within the Conservation Area:

- Character Area 1 – Riverside Residential
- Character Area 2 – Town Centre
- Character Area 3 – Church Street Residential
- Character Area 4 – Commercial/Industrial

The Appraisal states that the application site is located with Character Area 4. This also comprises the Strata Building to the north, the industrial buildings to the rear of 96 – 104 Church Street, and the other commercial buildings within Bridge Street. The Appraisal does however state that the proposed redevelopment also will impact upon Character Area 1 and Character Area 2.

- 8.25 Whilst I am generally in agreement with the applicant’s Conservation Area Appraisal, a large part of the proposed development will face onto the river and will be viewed in context with the riverside properties. It is recognised that most of the surrounding buildings are relatively large scale on large plots. This includes the office building of Hanover House, which acts a buffer between the application site and the residential properties in Island Close. The development will also be seen in context with the Thames Edge, again a relatively large building, but one that comprises commercial and residential use and largely faces onto the river. The highest building is Thames Edge which is 5-storeys. Many of the other buildings surrounding the site are only 2/3-storey in scale, although some are 3/4 storey (it needs to be remembered however, that when making such comparisons floor to ceiling heights in commercial buildings are much greater than in residential buildings). The buildings immediately opposite the site on the other side of the river within Runnymede Borough are in commercial use and are relatively large in scale and generally 2 storey (commercial floor to ceiling).

- 8.26 It is considered that there can be no objection to the demolition of the existing car park structure. Although the structure is relatively low in height, it is not considered to make any positive contribution to the Staines Conservation Area. Indeed, I consider that the car park currently has a negative impact on the Conservation Area, particularly alongside the riverside footpath where the dark lower ground floor parking area is uninviting for passers-by, especially at night. Furthermore, the projecting columns partly conceal the view through and of the historic pedestrian archway on the riverside walk that passes under Staines Bridge, which is part of the Listed Building. The car park was built in the 1980's and has no historic or architectural value.
- 8.27 The proposed development is substantial overall and the height of the 12 storeys tower will be much greater in height compared to the surrounding buildings. It is considered that the proposed development will have a significant impact on 3 main views in the area. These key views are highlighted in Historic England's consultation response and refer to:
- (a) Views westward along Clarence Street
 - (b) Looking north across Staines Bridge
 - (c) Views towards the bridge from the Egham Hythe Conservation Area
- 8.28 Historic England have commented on the design and scale of the proposed development and its impact on each of these key views. However, it is relevant to note they do not raise objection overall to the proposal. They consider that the proposal will cause some harm to these views and both the Staines and Egham Hythe Conservation Areas. These comments are set out below:

"In views along Clarence Street, the proposed development would be highly visible as the tower along with blocks on the north of the site would be very prominent. The sharp transition in the scale of the townscape would cause some harm to the significance of the conservation area as it would overwhelm the much more intimately scaled three storey development along Clarence Street. The intense urban nature of the proposed development would also be at odds with the modest development currently on the site that more closely reflects the historic townscape towards the western end of the conservation area.

The tower would also feature prominently in views north across the bridge. While we do not think this would impact to any great degree on the bridge's historic significance, which is primarily derived from its value as a high quality piece of early 19th century engineering and from an understanding of its primary function as a crossing point on the river, we do nonetheless think the development would harm an understanding of the modest origins of the western edge of Staines Conservation Areas which is appreciable in this view.

It is also likely the tower and to an extent the adjacent riverside block would be visible from the Egham Hythe Conservation Area rising up behind the bridge. In this view the proposed development has the potential to be a dominant skyline feature that causes some harm to an appreciation of the

bridge, (possible from many riverside properties in the conservation area) which forms the foreground of the view and is currently the most prominent feature in this view."

- 8.29 The Local Planning Authority has received a consultation 'Advice Note' from Design South East (DSE), who have been employed by the Council to advise them on conservation and design matters in relation to this planning application and who have been involved in the pre-application discussions on the form and design of the scheme. DSE do not object to the principle of a tall building on the site. Indeed, they state that they consider the proposed siting of the 12-storey tower in the south-eastern corner of the site is an appropriate location for a tall building, sitting next to the bridge and making the riverside gateway to Staines upon Thames. However, they have advised that the proportions of the tower element (as submitted) are not slender enough, and that it lacks the elegance necessary to create an exceptional building. They state that this will have an adverse impact on the long distance views in the Staines Conservation Area, particularly those where the wider side of the tower are seen. With regard to the Egham Hythe Conservation Area, DSE state that the proposed development will not affect its historic significance as the settlement relates more to the location of the original bridge, which was further downstream. The present form of the tower will not, however, enhance views from this Conservation Area.
- 8.30 The proposed development due to its substantial height will also be visible from the part of the Staines Conservation Area around the church. It will also be seen from along Bridge Street, Island Close, and the western and eastern stretches of the Staines riverside. However, given distances involved and the existing buildings located in between, I do not consider that views from these parts of the Staines Conservation Area will be adversely affected.
- 8.31 With regard to the 12-storey tower and the design concerns raised by Design South East, amended plans have since been submitted showing an increase in the vertical emphasis of the design. In particular, the vertical reconstituted stone piers that run up the tower have been increase in depth by 200mm and the horizontal floor plates are consequently more recessed. Other changes have been made to the detailing to improve its vertical emphasis and increase its contrast with the rest of the development. It is considered that these amendments help to address Design South East's concerns and improve the design of the development.
- 8.32 The Council's Conservation Officer was also consulted on the planning application and agrees that the amendments to the design address DSE's concerns. He has made the following comments:

"I have seen and agree with the advice from Design: South East and note that they confirm that "the development will not affect the historic significance of nearby Heritage Assets". They did consider the slenderness of the tower should be enhanced, this has been achieved by careful adjustment of architectural detail and the double storey height of the ground floor riverside proportion; this is emphasised by the prominence of the vertical members which are carried up the full height of the tower. They take visual prominence over the horizontal elements of the building at floor

levels and in so doing emphasize the slenderness of the block. I consider the detail amendments satisfy D:SE's comments.

Historic England, (HE), note that "some harm" will occur to the conservation but also comment that this part of the conservation area has "limited importance" due to many recent examples of re-development.

All interventions of change to historic areas will have some effect - this is obvious, some will cause gross harm, some little harm and others might be 'neutral' in their effect.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'special regard' is given to the effects of development which could affect the special character of such areas, case law also requires that 'considerable weight' is given to any such effects when carrying out the balancing exercise.

In the light of this and the advice provided by other consultees, I consider that on balance the amended scheme would have a broadly neutral effect on the character of two conservation areas and on the setting of nearby listed buildings.

However I also agree with H E 's views that the scheme "forms a new gateway to the town" and that it has "some heritage benefits".

- 8.33 The comments from Historic England and DSE need now to be considered in the context of the further improvements to the design made by the applicant in response. Whilst Historic England identify some harm they do not raise objection overall (they do in fact state some heritage benefits, particularly opening up views of the bridge's flank elevation which is currently obscured by the car park). The detailed design points made by DSE in relation to the tower and materials generally in my view overcomes their initial concerns. There is some residual harm to both the Staines and Egham Hythe Conservation Areas. It is necessary to weigh up the public benefits the development will bring against the harm to the Conservation Areas. Indeed, paragraph 134 of the NPPF states that:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

- 8.34 The proposal will bring some significant public benefits. These are:

- The creation of a public landscaped walkway and steps down to the riverside. This is clearly a substantial improvement on the rather negative environment that the car park creates adjacent the riverside. It will bring more activity, create improved landscaping and generally make a very positive contribution to this part of the riverside and its contribution to the Conservation Area.

- Setting the riverside building line back improves the setting of the pedestrian archway on the Listed Staines Bridge.
- Creation of a new public walkway alongside the western side of the development linking Bridge Close with the riverside walk. This provides a much more attractive landscaped route with natural surveillance for cyclists and disabled people to access the riverside from Staines Bridge and Bridge Street.
- New commercial unit will bring more vitality to the bridge approach and riverside area.

8.35 In my view, substantial weight can be attached to these enhancement to the Conservation Area and other public benefits and they outweigh the limited harm caused to the Conservation Areas. On balance, it is considered that the overall impact on the character and appearance of the Conservation Areas will be positive and the development accords with Policy EN6 of the CS & P DPD and Section 12 of the NPPF.

Effect on the setting of nearby Listed Buildings

8.36 Policy EN5 of the CS & P DPD states that the Council will require that development proposals for any sites affecting the setting of a listed building to have special regard to the need to preserve its setting. In addition, Section 66 of the Listed Buildings Act 1990 states that:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

8.37 There are two statutory listed buildings located in closed proximity to the development, both of which are Grade II Listed. These are Staines Bridge and 41 Clarence Street, which is the 2-storey building located on the corner of Clarence Street and Bridge Street. There are some additional Grade II Listed buildings further down Clarence Street including Nos. 35, 33, 31, 29, 25 and 27, 15 and 17, and the Bridge over the River Colne. With regard to Staines Bridge, it is not considered the proposed development will harm its setting and historical significance. Views of the main structure on both sides of the river will remain unimpeded. By setting the proposed riverside building line further back, the setting of the existing pedestrian archway will be improved. With regard to 41 Clarence Street, the proposed development attempts to echo the corner setting of this property by providing a similar corner of built development on the other side of Bridge Street. Furthermore, the proposed building line and public walkway into the site from Bridge Street continues the existing building line and highway of Clarence Street. This corner element steps down in height from the rest of the development. It is therefore considered that sufficient regard has been given to the setting No. 41 and other Listed buildings in Clarence Street and is acceptable. It is also considered that the setting of other listed buildings further away from the site including the old Town Hall to the south-east, the church and the listed

buildings in Church Street, and the listed buildings within the Egham Hythe Conservation Area will not be adversely affected. Indeed, Design South East state explicitly that the main historic parts of the Conservation Area, around the church and the town hall will not be significantly compromised by the development. Both Historic England and Design South East have raised no objection to the impact of the development on the setting of Listed Buildings.

Impact on neighbouring residential properties and other buildings

8.38 Policy EN1b of the CS & P DPD states that:

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

8.39 With any town centre there will be an interface at the edges between town centre uses and larger scale buildings generally and the more suburban scale of development that surrounds them. This is particularly the case with Staines upon Thames. There are already large commercial buildings (e.g. Strata) close to residential development. At its western side, in particular closest to the existing residential property in Island Close, the scheme is contained to between 6 – 8 floors. At this point the existing office building of Hanover House sits in the approximate 43m gap between the new development and the first houses in Island Close. I am satisfied this distance, the in-between building, and the design of the new building avoids any ‘significant’ harmful impact in terms of scale.

8.40 With regard to daylight, the Council’s Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011 (SPD) states that no extension (or new dwelling) should break a 25° line as measured from the centre of the main window to a habitable room at a point 2 metres above ground level. The SPD states that the purpose of the 25° guide is to ensure that in the area to the front or rear of a property no extension (or new dwelling) is so close that a significant view of the sky is lost. Importantly the introduction to the SPD sets out the approach to applying the document’s requirements:

“Meeting the minimum requirements set out in this document will not guarantee that a scheme will automatically be acceptable. The acceptability of a scheme can only be judged by careful assessment of how it fits in with the immediate area. Often several issues will need to be carefully weighed which will dictate design solutions well above the minimum requirements. Occasionally there may be good reason why a particular requirement can be relaxed but this will need to be carefully justified.”

8.41 There are no existing residential properties that immediately adjoin the application site. However, there are a number of flats on the upper floors of Thames Edge, which is located on the eastern side of the approach to Staines Bridge. In particular, there are 4 floors of flats on the western wing of Thames Edge, some of which have windows facing directly across to the existing car park beyond. Some of these flats are single aspect. The proposed

development, and in particular, the new 12-storey tower in the south-eastern corner will have some impact on the outlook and light levels of the neighbouring flats. The Council has received letters of objection from the owners of some of the units in Thames Edge on the loss of amenity as a result of the development.

- 8.42 The proposed 12-storey tower will break the 25° guide in the SPD when measured from all of the windows of Thames Edge that directly face onto it. This measure is used to assess daylight. Consequently, there will be some loss of daylight compared to the existing situation. This 25° guide is normally used assuming a wide obstructing structure and a 'sky view' is only obtained over the top of that structure. This guide figure is taken from the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' 2011. At paragraph 2.1.4 it states:

"Good daylighting may still be achievable with a tall obstruction, provided it is not continuous and is narrow enough to allow adequate daylight around its sides."

This is an important consideration in this case. The 'tower' is located some 26 metres from the flats at Thames Edge and is 29 metres in length when viewed from this point and curves away at each side because it is elliptical. Consequently, at its edges it is approximately 36 metres distance from Thames Edge when measured square to Thames Edge. The tower is clearly relatively narrow and allows daylight to come round it to windows on to those elevations on Thames Edge facing it.

- 8.43 In terms of impacts on sunlight the tower element lies to the north east of Thames Edge and would not cast a shadow across Thames Edge at either the spring or autumn equinox at which time such measurements should be taken as they represent average sunlight conditions. There would be a slight impact on part of Thames Edge late in the evening in the height of summer. I am satisfied there would be no significant sunlight impact of the tower on any nearby residential properties.
- 8.44 The applicant has submitted a Daylight and Sunlight Report which assesses the impact of the development on the Thames Edge flats using more detailed measures (also commended in the BRE document referred to). The Report states that 29 (45%) of the 64 windows overlooking the proposal will retain at least 0.8 times their former Vertical Sky Component (VSC) value. There are therefore 35 windows that retain less than 0.8 times their former VSC value with the proposed development in place. The units in the central part of the western elevation that have a sole western outlook will be particularly affected with a 0.6 times their former VSC value. Other measures of calculating daylight and sunlight (e.g. No Skyline Contour – NSC) also show a reduction in the Report. These measures provide a relative assessment of light levels. Currently the views across from Thames Edge are uninterrupted with high levels of natural light. The narrowness of the Tower is such that good levels of daylight will still be achieved and I do not consider the light impacts are significant overall.

- 8.45 It is noted that Provident House in Bridge Street is currently being converted into flats with the addition of a new top floor to provide further residential accommodation. Whilst a small part of the proposed eastern flank elevation of the northern wing would break a 25° line in relation to the windows in the neighbouring building's western elevation (when measured 'head on'), the majority of Provident House's front elevation faces onto Bridge Close and I consider the relationship to the new development to be acceptable in this town centre location with good daylight coming around the side of the new building.
- 8.46 It is recognised that the proposed development will have an impact in relation to the neighbouring building of the Hanover House, which is an office building, in that the buildings are much larger. It is noted that a letter of objection has been received from this property. However, as this building is in commercial use with its main elevations facing north-east and south-west (i.e. not directly facing the development) I consider the relationship in terms of daylight and sunlight to be acceptable. With regard to the commercial Strata building, there will be a separation distance between its southern elevation and the proposed northern elevation of 22.8 metres. It is relevant to note that the Strata building is raised up so that its ground floor is approximately 2 metres above the ground. Furthermore, the length of its southern elevation is 87 metres, which is substantially greater than the length of the proposed northern elevation (54.4 metres) on the new development. Consequently, the proposal will not create a continuous barrier of built form in relation to Strata's southern elevation. Strata's orientation is arranged so that it will also receive good daylighting and also some morning and evening sunlight on its eastern and western elevations. Whilst the Strata building currently has uninterrupted views south westward across the single decked Bridge Street car park the scale and proximity of the new development are in my view such that Strata will continue to receive acceptable levels of light appropriate to a town centre site. I also consider the impact on and the other adjacent properties in Bridge Street to the east, to be acceptable.

Amenity Space

- 8.47 The Council's SPD on Residential Extension and New Residential Development 2011 provides general guidance on minimum garden sizes (Table 2 and paragraph 3.30). In the case of flats it requires 35 sqm per unit for the first 5 units, 10 sqm for the next 5, and 5 sqm per unit thereafter and allows useable balcony space to be counted. On this basis some 1200 sqm would be required for the 205 units. These requirements are however, generally applicable to suburban sites. In the case of higher density town centre residential development and mixed use schemes paragraphs 4.46 – 4.47 states:

“Such schemes will usually involve high density flatted development. Mixed use schemes will only be appropriate on sites in town or local centres which are already identified for employment or retail use. The opportunities for on-site open space provision will be limited, particularly where ground floor non-residential uses and access/delivery areas occupy most of the site area. Family accommodation is therefore unlikely to be appropriate.

Some amenity space can be provided in the form of large balconies as well as at roof level, subject to design and safety considerations.”

- 8.48 Nevertheless, in this case the proposal involves the provision of a communal courtyard garden located towards the northern part of the site. Unlike the landscaped open space around the public walkway, steps and riverside area, the communal garden will be used solely by the residents. It comprises some 528 sqm in size.
- 8.49 The proposal involves the provision of a relatively high number of balconies and roof terraces, all of which are capable of being used as a sitting out area. The combined area of all the balconies and terraces is 1,316 sqm. When this is added to the size of the communal garden, the total amenity space provision is 1,844 sqm. This is substantially above the minimum SPD standard of 1200 sqm and is therefore acceptable. It is relevant to note that many of the proposed balconies/terraces face towards (or have an oblique view of) the river and they consequently have a high visual amenity value and some weight also needs to be given to this.

Proposed dwelling sizes and outlook

- 8.50 The proposed dwelling mix for the site in terms of bedroom numbers and tenure is set out in table below.

	PRIVATE	AFFORDABLE		TOTAL
		Rented	Shared	
Studio	23	0	0	23
One bed	49	0	0	49
Two bed	100	0	0	100
Three bed	33	0	0	33
Total	205	0	0	205

- 8.51 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 sqm.
- 8.52 The Government has since published national minimum dwelling size standards in their “*Technical Housing Standards – nationally described space standard*” document dated March 2015. These largely reflect the London Housing Design Guide on which the Spelthorne standards are also based. The standards are arranged in a similar manner to those in the SPD. However, they do provide smaller minimum standards specifically for a 1-bedroom, 1-person dwelling of 39 sqm (or 37 sqm if the property includes a shower room rather than a bathroom). This national document must be given

substantial weight in consideration of the current application in that it adds this additional category of small dwellings not included in the Council's Standards.

- 8.53 The vast majority of the proposed dwelling sizes comply with the minimum standards stipulated in the national technical housing standards. Even the proposed studio flats, which comprise shower rooms and a bedroom area suitable in size for 1 person (i.e. less than 11.5 sqm), comply with the minimum standard of 37 sqm. A few of the proposed 2-bedroom 2-person flats are slightly below the minimum standard of 70 sqm. However, given the high quality of the development and good outlook that these particular flats will enjoy I consider their standard of amenity overall to be acceptable.
- 8.54 It is noted that some of the proposed studio flats that face onto the communal courtyard garden are single aspect and northward facing. Whilst this is not ideal, given the high quality of the development and that these flats will face directly onto the private landscaped amenity space, on balance I do not consider that an objection could be sustained on this particular issue.

Highway/Servicing issues

- 8.55 Strategic Policy SP7 of the CS & P DPD states that:

"The Council will reduce the impact of development in contributing to climate change by ensuring development is located in a way that reduced the need to travel and encourages alternatives to car use. It will also support initiatives, including travel plans, to encourage non car-based travel."

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

"The Council will seek to secure more sustainable travel patterns by: ...(d) only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account: (i) number and nature of additional traffic movements, including servicing needs; (ii) capacity of the local transport network; (iii) cumulative impact including other proposed development; (iv) access and egress to the public highway; and (v) highway safety."

- 8.57 The proposal itself has less parking than currently exists (134 proposed, 275 existing) and the traffic impact of the site itself would be less overall. Nevertheless, the existing public parking use will be displaced to other car parks and the impact of those movements need to be considered. Surrey County Council agrees with the applicant's assessments that there will be no material impact on existing traffic flows in this part of Staines/Staines Bridge and have verified this by reference to their own traffic modelling. The County Council has recommended that if the proposal is to be approved the following should be required by legal agreement:

- A contribution of £6150 for auditing the travel plan
- Provision of two car club vehicles

- Provision of 25 miles worth of free travel for residential users of the proposed development using the car club vehicles.
- Provision of public transport vouchers.
- Provision of vouchers for purchasing a bicycle.

8.58 The County Council has only one point of objection to the proposal which is the servicing bay for the commercial unit at the base of the tower and is proposed adjacent to the north bound carriageway on the tower side of Staines Bridge and close to the traffic signals controlling the Clarence Street/Bridge Street junction. Whilst the applicant has sought to define a space large enough to accommodate a lorry with associated manoeuvring space and are prepared to accept it is not used between 07.00 - 10.00 and 16.00 – 19.00, Surrey County Council consider the issues enforcing the hours of use, unauthorised use, risks to highway safety of poor manoeuvring mean than it is inappropriate. There is a second service bay for the development off Bridge Close. Discussions are continuing with the developer on how to ensure the development has safe and appropriate servicing facilities but in my view this requires detailed consideration of effective management measures for the development as a whole. I am satisfied appropriate provision can be made one way or another and the matter can be safely covered by a planning condition (Condition no. 41) requiring a Servicing Management Strategy. This avoids delaying the determination of the proposal which would otherwise be required.

8.59 The agents acting for the owners of the Strata building have brought to our attention that the layby on the north side of Bridge Close is in their direct ownership and they raise concerns about servicing. The proposed Servicing Management Strategy (Condition 41) will be required to ensure the effective and appropriate use of the new development's servicing facilities

8.60 Subject to this condition, other standard highway related conditions, and the matters proposed for the legal agreement, I am satisfied the highway and access arrangements will be acceptable.

Parking provision

8.61 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.

8.62 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum (maximum parking standards continue to be applicable in relation to commercial development). The supporting text to the Parking Standards 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. Another exceptional situation is in Conservation Areas, where the character or appearance of the Conservation Area would be harmed by the impact of parked cars.

- 8.63 The proposed parking provision is 134 spaces, of which 15 spaces are to be for disabled users. This represents a parking ratio of 0.65 spaces per unit (i.e. significantly below 1 space per flat). Whilst the proposed parking provision is well below the Council's residential Parking Standards of 315, it is considered that there are sufficient grounds for justifying a shortfall of this level in this particular case. The site adjoins the town centre and is a very short walk from the shops and services on the High Street and the Two Rivers Shopping Centre. It is also within walking distance of Staines Railway Station, which has a fast and frequent service. Moreover, the bus station is a short walk away. There are several bus services in the vicinity. These include the bus routes on both sides of the river. The County Highway Authority was consulted on the planning application and has raised no objection to the proposed parking provision. They have made the following comments on this issue:

"The developer is providing 134 car parking spaces as shown on the planning application drawings. According to Spelthorne Parking Standards the type and mix of residential development proposed requires a minimum of 315 parking spaces. The proposed number of parking spaces is equivalent to 0.66 parking spaces per residential unit, none of which is proposed to be allocated. A turning overlay within the Transport Assessment accompanying the application shows there is adequate space to park and turn within the site.

If demand for parking is higher such that people would have to seek on street parking, there is an appropriate mix and extent of parking restrictions to prevent inappropriate parking. The extent of area with parking restrictions would also mean residents would have to walk further than the 200 metres, which is the maximum walking distance that drivers would be prepared to walk to a parking space according to the Lambeth Parking Survey Methodology report.

Furthermore a lower level of parking is permitted in town centre locations which have good access to public transport, leisure, retail, employment and education land uses within and out side town centres and further afield. This is the case with the location of the proposed development.

Having assessed the above issues, the proposed car parking provision of 0.66 spaces per unit is considered adequate."

- 8.64 As mentioned above, it is relevant to note that the roads in the surrounding area are subject to on-street parking restrictions (i.e. single and double yellow lines), which limit the scope for on-street parking demand. A material consideration in this report is the provision of 206 secure cycle parking spaces to be provided on the site (at least 1 space per unit), which will facilitate some non-car based journeys and those who choose not to have a car.

- 8.65 No parking spaces are to be provided for the proposed ground floor commercial unit. Given the town centre character of the site and surrounding area and other nearby restaurants do not have dedicated parking, I consider that no parking provision for this unit to be acceptable. There are public car parks at Two Rivers and Thames Street.

Affordable housing

- 8.66 Policy HO3 of the CS & P DPD requires up to 50% of housing to be affordable where the development comprises 15 or more dwellings. The Council seeks to maximise the contribution to affordable housing provision from each site having regard to the individual circumstances and viability, including the availability of any housing grant or other subsidy, of development on the site. Negotiation is conducted on an 'open book' basis. The policy also states that in proposals for housing development a financial contribution in lieu of provision for affordable housing will only be acceptable where on-site provision is not achievable and where equivalent provision cannot readily be provided by the developer on an alternative site.
- 8.67 It can be seen in the accommodation schedule in paragraph 8.50 above that there will be no affordable housing provided on the site. All of the units will be privately owned.
- 8.68 By way of background the Committee should note that, prior to the potential sale of the site being advertised, the Council's Cabinet agreed on 26 November 2013 to the principle of not providing on-site affordable housing on this particular site, and accepting a financial contribution in lieu to provide affordable housing elsewhere in the Borough.
- 8.69 Nevertheless, it is the duty of the Planning Committee in making a decision on behalf of the Council in its statutory role as the Local Planning Authority to consider this application in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Material considerations must be relevant planning considerations.

- 8.70 The applicant has not proposed any on-site affordable housing provision because in their view it would be unviable to do so. They have instead offered a cash sum in lieu of £5 million. Depending on the mix of social housing tenure (rent or shared ownership) the sum is capable of delivering between 40 and 107 units. 107 units would represent the equivalent of a 52% affordable housing provision and which is more than could be insisted on-site even if it were a viable option.
- 8.71 In support of their proposed off-site cash sum they provide the following justification:

1. The requirement for an exceptional design quality due to the site's location in a Conservation Area, close to listed buildings, frontage to the River Thames and enhancement requirements imposes additional costs due to a) high quality design and quality materials, and b) exceptional public realm with superior communal areas and distinguished landscaping.
 2. Any on-site provision of affordable housing would require the additional costs of further entrances and lift/stair cores to secure mortgage funding and reduce the number of units achieved in the floorspace and further impact on viability.
 3. Unsustainable service charges for on-site affordable housing arising from management costs of a) maintaining the high quality public realm: c) managing services and occupiers' cars in the basement/lower ground floor level in terms of flood risk, and b) managing waste storage and collection.
 4. Costs of providing a resident only gym and which would be expected in a scheme of this stature.
 5. On site provision of affordable housing is not feasible.
- 8.72 Some of the points made are agreed as genuinely exceptional to this site but others are not.

Point 1 – Agree. Whilst any scheme is expected to achieve a high standard of design, there are particular cost implications of the scheme arising from the combination of the Conservation Area, Listed Building and River Thames setting.

Point 2 – Agree the provision of affordable housing would add to construction costs and reduce the number of units overall but of itself this would not prevent *some* affordable housing provision.

Point 3 – Agree service charges would be higher on this site because of points (a) and (b) but point (c) is not accepted as all large sites wherever they are require appropriate arrangements to manage their waste.

Point 4 – Cost of residents' only gym – whilst this may be desirable no evidence has been provided to demonstrate it is essential to make the scheme work in commercial terms or its costs would not otherwise be covered by enhanced sales prices.

Point 5 – Because of the above reservations on certain points it is not conclusive that *any* on-site provision is unviable.

- 8.73 It is clear in this case that there are unique design and associated cost implications of this development due to its location and which would not ordinarily apply to other developments. Arguably the offer of £5 million could be used to make some on-site provision but it is accepted this would be limited due to the scheme's costs and associated service charges would need

to be borne largely by the private units and impact on viability. Also the net residential floorspace (and number of units) would be less given the need for separate accesses.

- 8.74 In the particular circumstances of this case the choice is between a cash in lieu sum which is capable of providing off-site an equivalent of up to a 52% affordable housing provision or very limited on-site provision the viability of which for a Registered Provider to operate is in doubt. In my view the issues need to be carefully balanced. Overall I consider the balance just falls in favour of accepting the cash in lieu sum. This conclusion recognises the unique circumstances of this development in planning terms and which by definition are not generally applicable elsewhere.

Flooding

- 8.75 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by not permitting residential development or other 'more vulnerable' uses within Zone 3a where flood risks cannot be overcome. The policy also states that the Council will support the redevelopment of existing developed sites in the urban area in Zones 3a and 3b for 'less vulnerable' uses [e.g. commercial] where a minimum increase of flood storage capacity of 20% can be secured, and it reduces impedance to the flow of flood water where there would be flowing flood water.
- 8.76 The Council's Supplementary Planning Document (SPD) on Flooding 2012 provides further guidance regarding the Council's policy on flooding. Paragraph 4.36 of the SPD states that circumstances can arise where a site straddles Flood Zone 3a and Zone 2 or immediately abuts Zone 2. In such cases a 'dry route' of escape in a 1 in 100 year event may exist or can be created without adding to flood risk to allow people to leave the building safely. The precise extent of flood risk for the site must be demonstrated with information based on a detailed topographical survey of existing ground levels and modelled flood levels provided by the Environment Agency. Neither the development nor means of ensuring a 'dry escape' in a 1 in 100 year event must involve either the impedance of the flow of flood water, loss of flood storage capacity or in any way add to the risk of flooding elsewhere.
- 8.77 The site is mainly located within Flood Zone 3a, which has between a 1 in 20 year and 1 in 100 year chance of flooding. There is a relatively small area of the site close to the river that is located within Flood Zone 3b, which has a greater than 1 in 20 year chance of flooding. The applicant has submitted a Flood Risk Assessment & Surface Water Drainage Strategy, as is required by Policy LO1 of the CS & P DPD.
- 8.78 In terms of flood risk the development is on piers and the lowest occupied floor levels are above the 1:100 year flood level plus an allowance for climate change and further 300mm for freeboard. The ground floor level is at the street level of the top end of Bridge Street and Clarence Street which sits above the flood risk level. In terms of flood storage capacity, the ground floor of the existing car park is mostly open in nature with relatively small areas of solid built form (or footprint) at ground level comprising piers/stairs to the

upper parking deck. There is, however, the existing Sea Cadets building with a footprint of 131 sqm which has some existing impact on flood storage capacity. The proposal involves the lowering of the existing ground level by approximately 1 metre to reduce the level of the basement car park. Whilst the basement will accommodate some new built footprint in the form of staircase cores, the Combined Heat and Power boiler room and other facilities and supporting piers to the development above, the proposed lowering of ground level will overall provide a net increase in flood storage capacity on the site in lower order flood events. Consequently, the proposal will not increase flood risk elsewhere in the area. The new development will be set back further from the riverside walk than the existing Sea Cadet building and car park by some 1.2 metres to 4.6 metres thereby reducing the impedance to the flow of flood water in its approach to Staines Bridge.

- 8.79 Whilst the proposal will introduce new residential development into Flood Zone 3a, there exists an established dry means of escape that avoids the higher risk flood areas and leads to an area entirely outside the flood plain. This is identified in the Council's Strategic Flood Risk Assessment 2006 and runs from Bridge Street, over Staines Bridge, along The Causeway.
- 8.80 In terms of surface water drainage, the applicant is proposing an underground attenuation tank comprising geocellular storage crates as a suitable sustainable drainage system. The purpose of this is to hold large quantities of surface water in the event of short spells of very heavy rain, rather than it being discharged immediately into the river, which could impact on flooding in the area.
- 8.81 The Environment Agency (EA) were consulted and have raised no objection on flooding subject to the imposition of a condition requiring the proposed flood mitigation measures to be carried out in accordance with the submitted FRA. Furthermore, the Lead Local Flood Authority at Surrey County Council has raised no objection to the proposed sustainable drainage scheme, subject to conditions. Accordingly, the application complies with the requirements of Policy LO1 of the CS & P DPD.

Renewable Energy

- 8.82 Policy CC1 of the CS & P DPD states that the Council will require residential development of one or more dwellings and other development involving new building or extensions exceeding 100 sqm to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources unless it can be shown that it would seriously threaten the viability of the development. It is relevant to note that Combined Heat and Power (CHP) is recognised by the Council as an acceptable type of renewable energy for the purposes of Policy CC1 and the 10% renewable energy requirement.
- 8.83 The applicant has submitted an Energy Statement, which considers various renewable energy options for the site. The report concludes that the proposed development is sufficiently large and has sufficient heat density to make CHP an efficient method of providing heat and electricity to the scheme. Moreover, the report confirms that a total energy reduction of at least 10% (10.17%) can

be achieved through the use of a CHP system on the development. The proposed CHP plant will be located within the basement area. The Council's Sustainability Officer was consulted on the application and has confirmed that he is satisfied that the 10% renewable energy requirement can be met by the proposed CHP. Accordingly, the renewable energy proposals are acceptable.

Ecology

- 8.84 Policy EN8 of the CS and P DPD states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by ensuring that new development, wherever possible, contributes to an improvement in the landscape and biodiversity and also avoids harm to features of significance in the landscape or of nature conservation interest. It is also important to note the guidance regarding protected species in Circular 06/2005. This states that *"it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*
- 8.85 The application site is almost entirely built upon and has little ecological value. There are however, a number of existing trees to be removed to make way for the new development. Furthermore, the site is located adjacent to the River Thames and its banks, which is a Site of Nature Conservation Importance (SNCI) as designated by Saved Local Plan Policy RU11. The Appendix attached to the Policy states that the entire length of the River Thames through Spelthorne was selected as a SNCI (ref. N26) due to number of macroinvertebrates species present, that the fringing habitats provide a corridor for species migration and act as a buffer zone to protect the riverine environment. It also states that the Thames provides an important highway for migratory fish as well as an important corridor for migratory birds. It is important to note that there are no statutory designations (e.g. Sites of Special Scientific Interest - SSSI, or Special Protection Areas) affecting the site. Indeed the nearest SSSI is Staines Moor/King George VI Reservoir which is located some 750m away. The Council issued a Screening Opinion prior to the submission of the planning application which confirms that an Environmental Impact Assessment is not required for the proposed development. Natural England were consulted on the planning application and have raised no objection on ecological grounds.
- 8.86 A "Phase 1 Habitats Survey (extended) with Biodiversity Report" has been submitted with the application. The report concludes that the site is of low nature conservation importance. The site is poor in biodiversity and there would be no loss of habitat with the proposed development. Furthermore, internal and external surveys of the existing buildings and trees were carried out to ascertain the presence or otherwise of bats. The survey provided no evidence of bats (protected species) on the site and concluded that the site is regarded as having a low potential for roosting bats. The survey did not reveal any other protected species on the site. The report does, however, recommend biodiversity enhancement measures through the implementation of appropriate landscaping, installation of bird and bat boxes, and other measures, which can be secured through conditions. The report confirms that the proposed landscape scheme will be sympathetic to boosting biodiversity.

The Surrey Wildlife Trust were consulted and have responded by raising no objection. Subject to the imposition of the conditions to enhance wildlife, the proposed development is considered acceptable on ecological grounds. I am satisfied that the presence or otherwise of protected species in line with Circular 06/2005 has been fully investigated prior to a decision and there will be no adverse impact on protected species.

River Thames

8.87 Policy EN9 of the CS & P DPD states that:

“The Council will seek to maintain and look for opportunities to enhance the setting of the River Thames and its tributaries. In considering development proposals it will:

(b) seek to protect and enhance existing views of the rivers.

(c) pay special attention to the design of development located in riverside settings to ensure that it respects and makes a positive contribution to the setting of the rivers.

(e) seek opportunities to improve public access to and alongside the rivers and ensure that existing public access is maintained.”

8.88 The proposal involves the removal of the unattractive existing car park, which has an adverse impact on the setting of the River Thames. It provides an opportunity to enhance the riverside walk at this point by setting development further back and making long views along the path possible and thereby adding to the amenity value of the walk. The development also provides a much improved pedestrian and cycle access to the riverside. Whilst the proposal introduces buildings of a large scale they are not in principle inappropriate for a town centre including one on the Thames. Overall it is considered the proposal has a positive benefit on the setting of the River Thames.

Open space

8.89 Policy CO3 of the CS & P DPD requires the provision of public open space for residential developments where existing provision in the locality is inadequate or would become inadequate because of the development. A financial contribution towards the cost of new off-site provision can be made in lieu. In addition, new housing development of 30 or more family dwellings (i.e. 2-bed or greater units) the Council requires 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 and in this case some 0.4 ha. would normally be required.

8.90 To the west of the site the Lammas Recreation Ground is only 400m away. This park has a substantial children's play area and other family friendly facilities, and extensive open space. This nearby facility is such that on-site provision of a children's equipped play area is not justified, neither is other on-site open space. The proposed development nevertheless has a small area of

public open space in the form of a landscaped 'public thoroughfare' from Bridge Street, and the terraced landscaped space and steps down to the riverside. This area is rather elongated and difficult to measure precisely, but is broadly some 0.1 hectares. The site adjoins part of the existing riverside towpath, which I regard as form of public open space of high amenity value. The towpath area in front of the new development will be widened, following the demolition of the former Sea Cadets building and car park. The proposed public steps and public landscaped space will have a southerly orientation overlooking the river and be of high amenity value. The river itself and its landscaped banks also has a very high visual amenity value. The new residents will have easy access to the adjacent stretches of the towpath, including the open space in front of Thames Edge and the Memorial Gardens further to the east. Taking into account what is provided on site, the proximity of the nearby Lammas Recreation Ground and other forms of nearby open space, I consider that good open space provision is available for this edge of town centre site.

Dwelling mix

- 8.91 Policy HO4 of the CS & P DPD (Housing Size and Type) states that the Council will ensure that the size and type of housing reflects the needs of the community by requiring developments that propose four or more dwellings to include at least 80% of their total as one or two bedroom units.
- 8.92 The proposal complies with the requirements of Policy HO4. In particular, the number of proposed 1-bed (including studio) and 2-bed flats is 172, which represents 83.9% of the total units.

Archaeology

- 8.93 Whilst the site is not located within an Area of High Archaeological Potential it is more than 0.4 hectares in size and consequently the applicant has submitted an Archaeological Desk-Based Assessment as is required by Saved Local Plan Policy BE26. The Assessment states that the site has been previously developed (to create the existing car park) which is considered to have had a severe negative archaeological impact. However, the site is considered likely to have potential for the Neolithic, Bronze Age, Roman, Anglo Saxon and Medieval remains and it is recommended that further investigation in the form of trial trench evaluation across the site is carried out, with the scope and nature of further works dependent upon the outcome of the evaluation.
- 8.94 The County Archaeologist was consulted on the application and agrees with the submitted Assessment. He has recommended a condition is imposed to secure the proposed archaeological works. Subject to the imposition of the condition the impact of the development on archaeology is considered acceptable.

Loss of Trees/Landscaping

- 8.95 The proposal involves the removal of all the existing trees on the site (14 in total). The applicant has submitted a tree survey which grades the value of

these trees in line with the advice in BS [British Standard] 5837:2012. 11 of the trees are classed as 'C grade' (low quality and value) and 3 are classed as 'B grade' (moderate quality and value). The 3 no. 'B grade' trees are the 2 no. Horse Chestnuts and 1 no. Ash, all located in the north-eastern corner of the site. The Council's Tree Officer was consulted and has raised no objection to the removal of the existing trees. He considers that most of the trees only have a limited useful life and that the replacement planting can adequately compensate for their removal and in the longer term provide a better treed setting to the development with trees of individual high quality/value.

- 8.96 A full landscape plan has been submitted with the application and includes some substantial tree planting within the site and on the riverside footpath. This includes landscaping within the public walkway and steps, and the private courtyard. The Council's Tree Officer considers the proposed landscape scheme to be acceptable and compensates for the loss of the existing trees. He states that:

"The new scheme proposes some substantially sized new planting especially on the river frontage and on Bridge Street and I consider this to be an improvement to the existing street scene. The landscaping in general is quite comprehensive and offers a reasonable mix of species and heights giving colour and interest."

- 8.97 Staines Town Society has raised concerns about the proposed evergreen tree adjacent to the public walkway (*Metasequoia glyptostroboides* – Dawn Redwood) and that it is fast growing and may outgrow the site. The Tree Officer has commented on this point and does not consider the proposed tree is an inappropriate species in this location. He states that the tree can be adequately managed by a proactive pruning regime and that an ongoing programme of management can suitably control the tree (and other trees on the site) so that it is in keeping with the surroundings.
- 8.98 Agents acting for the Strata building consider that environmental improvements be made to Bridge Close. The layout plans show new landscaping will be provided on the north elevation and to include trees. Details of this are required by a planning condition on hard and soft landscaping (Condition 10).
- 8.99 The loss of the existing trees and the proposed replacement planting is considered acceptable.

Contaminated Land

- 8.100 The applicant has submitted a contamination assessment report to ascertain the level of contamination of the existing ground conditions and proposed remediation measures. This is particularly important as the proposal introduces new residential development onto the site and reflects our standard precautionary approach to contamination risk. The Council's Pollution Control Officer has raised no objection but requested standard conditions to be imposed requiring a further investigation to be carried out to refine risks and remediation measures. Subject to these conditions, the proposal is considered acceptable.

Noise

- 8.101 Policy EN11 (Development and Noise) of the CS & P DPD states that the Council will seek to minimise the adverse impact of noise by a) requiring developments that generate unacceptable noise levels to include measures to reduce noise to an acceptable level, and b) requiring appropriate noise attenuation measures where this can overcome unacceptable impacts on residential and other noise sensitive development proposed in areas with high noise levels.
- 8.102 The Council's Environmental Health section were consulted and have raised no objection on noise grounds subject to the imposition of conditions. With regard to the demolition of the existing car park, the applicant has submitted a Demolition Method Statement. Whilst the statement is relatively detailed, the Environmental Health Officer has raised concerns about the lack of an acoustic fence around the site during construction to minimise noise impact to nearby noise sensitive premises. The Officer strongly advises against any hardcore crushing (Condition 31) taking place on the site. Consequently, it is considered necessary to require a revised Demolition Method Statement to be submitted, which can be covered by imposing a suitable condition. With regard to the new development, the Officer has requested conditions to control the hours of construction, hours of operation of the commercial unit, noise from associated plant, and noise attenuation measures to protect the new flats from external noise, including noise from the proposed commercial unit. Subject to these conditions, the impact of noise is considered acceptable.

Air quality

- 8.103 The applicant has submitted an Air Quality Assessment (AQA), as is required by Policy EN3 of the CS & P DPD. With regard to the demolition and construction phase, the AQA recommends that a site specific Construction Environmental Management Plan (CEMP) is implemented to minimise the impact on air quality, particularly dust. With regard to the completed development, the AQA concludes that the proposal will result in a negligible increase in daily traffic flows overall. Therefore no significant operational traffic air pollution impacts are anticipated as a result of the development. The AQA does however, state that the site is located in an area which consistently exceeds the annual mean objective for Nitrogen Dioxide and that it is recommended that mitigation measures to protect the new residents from poor air quality (e.g. mechanical ventilation) is implemented into the development.
- 8.104 The Council's Pollution Control section were consulted on the application and has raised no objection subject to a condition relating to the installation of mechanical ventilation (Condition 43). The Pollution Control Officer supports the Travel Plan and other sustainable transport measures recommended by the County Highway Authority (e.g. funding of two cars for a 'car club'). She also concurs with the County Highway Authority's concern regarding the development's impact on precluding the potential future widening of Staines Bridge. However, there are no developed proposals for this by the County

Council to establish what it would entail or exactly what is feasible or necessary. This is not an issue that could justify the refusal of planning permission and indeed, the County Highway Authority has not recommended refusal on this issue in their formal consultation response.

- 8.105 The Pollution Control Officer has recommended the imposition of a condition to control the emission levels of the Combined Heat and Power boiler. (Condition 33).
- 8.106 The Pollution Control Officer has also made comments regarding the submitted Demolition Method Statement. The Officer has requested some additional detail to be provided. For example, more substantial boundary fencing is required to minimise the impact of dust (the acoustic fence will double up as a dust and screen as well). Consequently, it is considered necessary to impose a condition requiring a more detailed Demolition Method Statement to be submitted for approval to address these issues (in addition to the noise issues) (Condition 30).

Kitchen Extraction System

- 8.107 The planning application proposes that the new commercial unit be approved to enable it to be used for a purpose within either Use Class A1 (retail), A2 (financial and professional services) or A3 (Restaurant or cafes). As there is a possibility that it could be occupied by a restaurant some form of kitchen extraction system would need to be installed. The applicant has stated that in this event, the proposed ductwork would run through the basement car park. However, no plans or other details have been submitted of the ductwork. The Council's Pollution Control Officer was consulted and has raised strong concerns about this issue and has advised that full details of the proposed kitchen extraction system should be submitted. She has advised that the combination of the proximity of the residential units to the restaurant, the discharge of the ducting (and therefore the cooking odours) into the basement car park and not at a high level (which would not be feasible), the size of the kitchen, and the fact that the type of cooking is unknown at this stage. She has therefore as a precaution assumed the worst case scenario that it is likely to have an impact on the amenity of the area.
- 8.108 Whilst the concerns from the Pollution Control Officer are noted, it is not known at this stage how the commercial unit will be used (it may not even be occupied by a restaurant) and it is therefore difficult to see what scale of kitchen extraction system (if any) would be required. However, because of the scope for only a low level extraction system and the concerns raised by the Pollution Control Officer, a restaurant that generates a high level of cooking odours is not likely to be acceptable in this location. Only a café or restaurant with a relatively low intensity of cooking is likely to be acceptable. Consequently, I propose attach an informative to the decision notice informing the applicant of this situation. A condition is to be imposed (Condition 26) requiring full details of any kitchen extraction system to be submitted for approval.

Refuse Storage and Collection

- 8.109 Three main storage areas are to be provided on the ground floor of the development to accommodate the communal waste bins. The proposed plans show that the storage areas are capable of accommodating a total of 99 'Euro Bin' type communal bins (1100 litre sized), which is sufficient capacity for Spelthorne Council's general waste, recycling, and kitchen waste requirements. In terms of collection, this will take place from Bridge Close, adjacent to the access to the car park. A 'Refuse Holding Store' is to be provided in the basement which will store the bins on collection day. As the collection of general and recycling waste is carried out on alternate weeks, the holding store's capacity is half that of the main refuse storage areas. The applicant confirms that a management strategy will be put in place requiring the bins to be moved to the holding area and back again when required. The Council's Head of Street Scene has been involved at the design stage and has raised no objection to the arrangement now proposed. Furthermore, the County Highway Authority has raised no objection on this particular issue. Accordingly, the proposed refuse store and collection facilities are considered acceptable.
- 8.110 Agents acting for the owners of the Strata building raise concerns about the location and design of the refuse storage in terms of visual amenity on the street scene – Bridge Close. The function of Bridge Close is that of an access point for reaching the application site, Strata and Hanover House including servicing of the premises. The access to the basement parking and refuse storage area represent only a small element of the ground floor frontage to Bridge Close and will be partly obscured by new planting. I am satisfied in design terms this aspect of the proposal is appropriate and will not lead to any significant adverse impact on the street scene.

Listed Building Consent

- 8.111 The applicant has separately submitted an application for Listed Building Consent (15/01718/LBC), as the proposal will involve some relatively minor works to the northern approach of Staines Bridge, which is Grade II Listed. The Statutory Listing describes Staines Bridge as follows:

"Opened and dated 1832 (Engineer-architects: George Rennie and John Rennie). Built of rusticated granite ashler. Three segmental arches with side pylons, which have roll-mould cornice and parapet, and which contain arched footway. Rounded breakwaters. Modern railings to parapet above roll-mould cornice. To north are 4 modern approach arches in brick and 2 to south. Opened by William IV and Queen Adelaide."

- 8.112 Currently there is a gap of 4.2 metres between the side of the Bridge's northern approach and the existing car park. The new scheme will provide a paved deck between the new buildings and Bridge Street/approach to Staines Bridge. This deck will provide a widened footway/sitting out area for the commercial unit and a service bay, and new tree planting. The deck will join up with the pavement of the existing bridge. The existing modern railings will be removed, together with the modern plinth in which they are located. Other works include replacement paving, and the installation of a glass balustrade

supported by anodized aluminium balusters, and associated plinth, to protect the drop to the riverside footpath. Beneath the deck, the ground level of the basement car park is to be lowered by 1.34 metres and a concrete retaining wall installed alongside the foundations of the bridge approach. In addition, the existing concrete blockwork that fills the western elevation of three of the arches under the approach road is to be removed and replaced with new blockwork and metal gates.

- 8.113 This abutting of the new structure to the side of the bridge approach and new block work to the existing areas, although minor, requires listed building consent. It must be considered in accordance with Policy EN5 of the CS & P DPD. In making the decision on this Listed Building application the Council must have regard to the duty in Section 66(2) of the Listed Building Act 1990:

“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

It is important to note that whilst the main part of Staines Bridge is constructed of granite (as described in the listing) the bridge approach is on a series of 4 brick built arches. The view of them is very limited and 3 of them have been infilled with modern block work for many years and the addition of a modern cantilevered pavement either side of the bridge in the 1950's has added further structure over/in front of parts of the brick arches. The arches of themselves are of limited inherent architectural merit or of historic merit relative to the main bridge. Their infilling and cantilevered concrete footways have further detracted from their appearance.

- 8.114 There will be no direct connection/damage to the arches by the new deck, as it will be joined to the bridge by “compressible fill material”. Indeed the proposed redevelopment will improve the visibility of Staines Bridge from the north side by moving the existing building line back from the river and thereby providing a full view of the western elevation of the pedestrian granite ashlar faced archway (see above).
- 8.115 Historic England has raised no objection to the Listed Building works, subject to the imposition of a condition requiring the submission of a method statement for the excavation of the car park to ensure that the structural integrity of the bridge is safeguarded during construction.

Other Matters

- 8.116 With regard to the Crime Prevention Officer's comments, I do not consider it is appropriate to impose a condition, as requested, relating to “Secured by Design”. Many of the requirements are very detailed (e.g. standards of windows, doors and locks), elements which are not normally covered and enforced under the planning regulations. Conditions are to be imposed requiring an external lighting scheme to be implemented and full details of cycle parking facilities to be submitted, partly for security purposes. However, a copy of the officer's response has been forwarded to the applicant and it is

proposed to add a relevant informative to the decision notice (see below – Informative No. 5).

- 8.117 With regard to the third party representation regarding wind turbulence, the applicant addresses this issue in the Design and Access Statement:

“The prevailing (average direction of) wind in Staines upon Thames is south westerly, but common with most locations in the UK there are many seasonal variations both in direction and speed. Whilst the effects of wind on the local environment caused by development are difficult to predict, there are generally accepted principles for designing out the risk of gusts posed during high-wind situations.

As there are clear benefits in opening up public space to the south-west for aspect and sunlight, the development proposals will include light tree planting along the river path and within the public space to break up air currents. The opening up of the same public space at its north-eastern side will provide a release for the wind to prevent it having to flow over the top of any barrier blocks and dropping down the other side, which causes gusts. Most trees will be placed on Bridge Street, again to break up air currents that pass through the site.

The shape of buildings can also have an effect on the wind. Flat-sided buildings facing the prevailing wind can cause high-velocity air to drop down the building’s elevation to find a path around the barrier, again causing gusts. Previously discussed opportunities to curve the buildings’ plan can allow air currents to move around the buildings more easily.”

- 8.118 With regard to the response from the Surrey County Council (Planning), since the introduction of the Community Infrastructure Levy (CIL), it is no longer legally possible to require a financial contribution towards education places as part of a Section 106 agreement. The developers are required to pay a Community Infrastructure Levy, and it would be for the Council to direct those monies to appropriate infrastructure (which does include education facilities) in due course through yet to be agreed governance arrangements.
- 8.119 It is not considered that the proposal will cause any adverse impact on the Green Belt. The application site and the surrounding area (including the River Thames) is not located within the Green Belt. The nearest part of designated Green Belt is Church Island, which is located some 180 metres to the north-west.
- 8.120 Whilst Thames Water has raised no objection to the proposal, they have requested that the applicant carries an impact study to ascertain whether the proposed development will lead to overloading of existing infrastructure. A copy of the Thames Water response has been forwarded to the applicant and they have been requested to investigate this issue. However, it is relevant to note that Thames Water have not provided any evidence to demonstrate that the development will indeed overload the existing infrastructure. Thames Water’s requirement of an assessment is a standard and sensible practice for larger developments.

- 8.121 No public right of way or public footpath will be affected by the development. The Thames Path trail runs past the site and the existing route down adjacent to the western side of the bridge will be filled-in by the new deck. The national cycle network is also accessed through the site. However, there will continue to be access via the steps and walkway on the eastern side of the bridge. Once the development is completed, there will be two routes down to the trail/route: one via the new 'public thoroughfare' and a second route avoiding any steps through Bridge Close (and therefore suitable for cycles) and along the new path on the western side of the development. Overall, public access to the riverside from Bridge Street/Clarence Street and vice versa will be significantly improved.
- 8.122 With regard to disabled access, a new public level access route will be provided linking Bridge Street and the riverside path. Furthermore, the scheme has been designed to provide level access to the residential units and commercial unit from Bridge Street via the new public thoroughfare. 23 of the proposed dwellings (11%) are designed to be wheelchair adaptable. The majority of the units are located within Block A1 (the tower) with direct access to the car park from within a short distance. A large proportion of the disabled parking spaces are located close to the lift in Core A1.
- 8.123 The agents for the owners of the Strata building wish to be fully engaged on the demolition/construction method statements and transport management plan. The agents can be consulted on these proposals required by Conditions 30, 32 and 38

Conclusion

- 8.124 With most complex planning applications such as this there are a range of issues which have to be weighed up in the overall consideration of the proposal. There will be some which add weight in favour of the scheme and some weigh to some degree against it and some may be neutral. It is unusual in schemes of this nature for every aspect of the Council's standards/policies to be fully complied with.
- 8.125 In this case, the residual harm to the Staines and Egham Hythe Conservation Areas, the reduction in daylight and outlook in relation to a few flats at Thames Edge weigh to some extent against the development. However, each of these issues are not considered to cause sufficient harm to recommend refusal of planning permission for the reasons given in the report.
- 8.126 These factors need to be considered alongside those elements that weigh strongly in favour of the development. The proposal will secure the redevelopment of a site allocated for housing, make effective use of urban land and meet a need for housing. The development will secure substantial public benefits by creating a public open space/walkway and a much more attractive environment along this part of the riverside. Moreover, the development will improve the setting of the pedestrian archway on the western approach to the listed Staines Bridge and enhance this site in the Conservation Area. The proposal will secure a substantial financial sum to be used to provide affordable housing elsewhere in the Borough.

- 8.127 In my view, this is a high quality development in design terms and will make a positive contribution overall to its immediate locality and at this important 'gateway' into Staines-upon-Thames. The application is recommended for approval.

9. Legal Agreement

- 9.1 There are highway and affordable housing matters which need to be secured by way of a legal agreement pursuant to Section 106 which are to be delivered as part of the development. It is important that any legal agreement runs with the land and therefore ensuring that the obligations are enforceable under the terms of Section 106 and are also enforceable against any successors in title (if any). As the Council has agreed Bellway will not purchase the site until planning permission is granted they will be unable to enter into a legal agreement as landowner in advance of permission being issued – as is the usual procedure. The Council, will still be landowner at the time of permission being granted and as such land owner, cannot enter into a legal agreement between itself as land owner and as the Local Planning Authority. Therefore without the proposed condition the Section 106 agreement will not bind the land. For this procedural reason it is proposed instead that what is called a 'Grampian' condition is imposed requiring that the developer has entered into a Section 106 agreement once ownership of the land has transferred to secure the required highway and affordable housing matters before construction work commences.

10. Recommendation

15/01718/FUL

- 10.1 GRANT subject to the following conditions:-

1. Excepting demolition works; site clearance; ground investigations; site survey works; temporary access construction works; access and highway works; construction of any landfill gas works; archaeological investigation; and erection of any fences and hoardings around the development, no development shall take place until a Section 106 Agreement is entered into so as to bind the land as shown edged in red ink on drawing number A10875/F 0002 Rev. P2 received 22 December 2015 and to secure: -
 - (a) Payment of an affordable housing contribution of £5,000,000 (£5 million)
 - (b) Payment of a travel plan audit fee of £6,150
 - (c) Provision of two cars for an on-site 'car club'
 - (d) Provision of 25 miles worth of free travel for residential users of the proposed development using the car club vehicles.
 - (e) Provision of public transport vouchers for the residential users
 - (f) Provision of vouchers for purchasing a bicycle for the residential users

Reason: The above condition is required to secure the off-site affordable housing contribution and sustainable travel measures.

2. 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.

3. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

A10875/D0099 Rev. P1; /D0100 Rev. P1; /D010 Rev. P1; /D0102 Rev. P1; /D0103 Rev. P1; /D0104 Rev. P1; /D0105 Rev. P1; /D0106 Rev. P1; /D0107 Rev. P1; /D0108 Rev. P1; /D0109 Rev. P1; /D0110 Rev. P1; /D0111 Rev. P1; /D0112 Rev. P1; /D0300 Rev. P1; /D0302 Rev. P1; /D0303 Rev. P1; /D0304 Rev. P1; /D0501 Rev. P1; /D0503 Rev. P1 received 22nd December 2015

A10875/F0001 Rev. P2; /F0002 Rev. P2; /F0200 Rev. P1; /F0201 Rev. P1; /F0202 Rev. P1; /F0203 Rev. P1 received 22nd December 2015

A10875/D0200 Rev. P2; /D0201 Rev. P2; /D0202 Rev. P2; /D0203 Rev. P2; /D0301 Rev. P2; /S0305 Rev. P2; /D0502 Rev. P2 received 15th February 2016.

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

4. Before any work on the development hereby permitted is first commenced details of the materials and detailing to be used for the external surfaces of the building and other external surfaces of the development be submitted to and approved by the Local Planning Authority.

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.

5. No development shall take place until:-

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

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

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

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

Reason:-

- (a) To protect the amenities of future residents and the environment from the effects of potentially harmful substances.

NOTE

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences. An information sheet entitled "Land Affected by Contamination: Guidance to Help Developers Meet Planning Requirements" providing guidance can also be downloaded from Spelthorne's website at www.spelthorne.gov.uk.

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

6. 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.

7. No construction on the buildings shall commence 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 and maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

Reason:- To ensure that the development is sustainable and complies with Policy SP7 and CC1 of the Spelthorne Development Plan Core Strategy and Policies DPD.

8. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community

9. 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 in consultation with Thames Water. 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.

10. No construction shall take place until full details of both soft and hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The trees and shrubs shall be planted on the site within a period of 12 months from the date on which development hereby permitted is first commenced, or such longer period as may be approved by the Local Planning Authority, and that 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.

11. No construction shall commence until the developer:-
 - i) Obtains written consent from Spelthorne Borough Council Asset Management that they have consent to carry out tree planting on the adjacent riverside footpath

ii) Sends a copy of Spelthorne Borough Council Asset Management's written consent to the Local Planning Authority,

iii) Submits full details of a tree planting scheme on the riverside footpath to be approved in writing by the Local Planning Authority

The development shall not be occupied until the tree planting scheme has been carried out in accordance with the approved details and have been certified in writing as complete by the Local Planning Authority.

12. 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.

13. Demolition works and construction of the development hereby approved must only be carried out on site between 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturday and none at all on Sunday, Public Holidays or Bank Holidays.

Reason:- In the interest of amenity

14. That within 3 months of the commencement of any part of the development permitted, or such longer period as may be approved by the Local Planning Authority, facilities shall be provided within the curtilage of the site for the storage of refuse and waste materials in accordance with the approved plans, and thereafter the approved facilities shall be maintained as approved.

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.

15. Before any construction commences, details including a technical specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting on the site shall at all times accord with the approved details.

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

16. Prior to the commencement of construction, a scheme to provide bird, bat and insect boxes on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be

implemented before the buildings are occupied and thereafter maintained.

Reason:- To encourage wildlife on the site.

17. Prior to construction of the development hereby approved the following drawings need to be supplied:

- Long or cross sections of each Sustainable Drainage System (SuDS) Element including the associated elements such as manholes, hydrobrake, pumping station, and other associated works

These must be submitted to and approved by the local planning authority.

Reason: To ensure the drainage design meets the technical standards

18. Before the commencement of the construction of the buildings hereby approved details of how the Sustainable Drainage System will cater for system failure or exceedance events, both on and offsite, must be submitted to and approved by the local planning authority.

Reason: To ensure that the proposal has fully considered flood events exceeding design capacity.

19. Prior to construction of the development, details of the proposed maintenance regimes for each of the Sustainable Drainage System (SuDS) elements and confirmation of who will own and maintain these features must be submitted to and approved by the local planning authority.

Reason: To ensure the drainage system is maintained throughout its life time to an acceptable standard.

20. Before the commencement of the construction of the buildings hereby approved, details of how the Sustainable Drainage System will be protected and maintained during the construction of the development shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with those approved details.

Reason: To ensure that the construction works do not compromise the functioning of the agreed Sustainable Drainage System.

21. Prior to operation, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the Sustainable Drainage System is built to the approved designs.

22. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is capable of containing archaeological remains and it is important that the archaeological information should be preserved as a record before it is destroyed by the development.

23. No development shall take place until a method statement detailing the excavation and lowering of the ground level of the car park has been submitted to an approved in writing by the Local Planning Authority. The method statement shall demonstrate that the proposed works will not adversely affect the structural integrity of the Grade II Listed Staines Bridge. The excavation/ground lowering works shall be carried out in accordance with the approved method statement.

Reason: To safeguard the structural integrity of the Grade II Listed Staines Bridge.

24. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) and Surface Water Drainage Strategy reference number 3869-FR0001, revision B, dated November 2015, prepared by Structa LLP and the following mitigation measures detailed within the FRA:

1. Compensatory flood plain storage to be provided as shown in Appendix C, drawing number 3869-1600 of the Flood Risk Assessment;

2. With the exception of the basement carpark, all finished flood levels will be set no lower than 16.31 metres Above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: This condition is sought in accordance with paragraph 103 of the National Planning Policy Framework (NPPF). It seeks to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, that flood water flows will not be impeded and where possible seeks to reduce the risk of flooding to the proposed development and future occupants.

25. Any plant installed in association with the proposed development shall be at least 5dB(A) below the background noise at the nearest noise sensitive property as assessed using the guidance contained within BS 4142 (1997).

Reason:- To safeguard the amenity of neighbouring properties

26. 1) Prior to the occupation of the commercial unit hereby permitted:
- a) Details of suitable ventilation and filtration equipment to be installed shall be submitted to and approved by the Local Planning Authority. This should comprise odour abatement and sound attenuation measures (so that the noise levels are 5 dBA below background).
 - b) The specific maintenance schedule for the approved abatement system shall be submitted to and approved by the Local Planning Authority. This must be based on the manufacturer's recommendations, taking food type and hours of cooking into account.
 - c) The approved details shall be installed prior to the occupation of the premises for the use hereby permitted. Proof of correct installation and correct function shall be submitted.
- 2) The installed ventilation and filtration equipment shall thereafter be operated and maintained to the satisfaction of the Local Planning Authority. Maintenance records should be kept for a period of two years. These should include receipts for consumables, certificates of cleaning, and staff records of cleaning and changing filters.

Reason:- In the interests of the amenities of the area and the amenities of the occupiers of nearby premises.

27. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking and re-enacting that Order), the commercial premises shall be used only for purposes within Use Class A1, A2 or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason:- To safeguard the amenity of neighbouring properties.

28. That the commercial premises 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.

29. Prior to the commencement of construction, details shall be submitted and approved in writing to demonstrate that the chosen construction materials will achieve the required sound insulation performance to ensure that acceptable internal noise levels in all habitable rooms of the new development are achieved, that is:
- 30dB LAeq at night (between 23.00 and 07.00 hours) in bedrooms;
 - 35dB LAeq daytime (between 07.00 and 23.00 hours) in bedrooms;

- 35dB LAeq in living rooms daytime (between 07.00 and 23.00 hours)
- 40dB LAeq in dining rooms daytime (between 07.00 and 23.00 hours)

The development shall be constructed in accordance with the agreed details.

30. No demolition, site clearance or building operations shall commence until a demolition method statement has been submitted to and approved in writing by the Local Planning Authority. The demolition works shall be carried out strictly in accordance with the approved method statement.

To safeguard the amenity of neighbouring properties and in the interest of highway safety.

31. There shall be no crushing of concrete and other materials on the site, unless otherwise agreed in writing by the Local Planning Authority.

To safeguard the amenity of neighbouring properties.

32. No building operations shall commence until a method statement detailing dust suppression, measures to minimise noise, and mitigation measures during construction shall be submitted to and approved by the Local Planning Authority. The agreed measures shall be implemented in accordance with the approved details and thereafter maintained.

Reason:- To safeguard the amenity of adjoining neighbouring properties against noise and dust nuisance.

33. Prior to commencement of construction details of the specification of the Combined Heat and Power (CHP) unit to include details of emission performance of the proposed plant, of any necessary abatement equipment, and of chimney height calculations, shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that the unit will achieve a NO_x rating of less than 40 mgNO_x/kWh. The Combined Heat and Power unit and associated equipment shall be implemented in accordance with the approved details

Reason:- To protect local air quality within an air quality management area.

34. Before the first occupation of any part of the development, a waste management strategy shall be submitted to and approved in writing by the Local Planning Authority. The waste management strategy shall be carried out as approved.

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.

35. Details of demolition of Staines bridge car park abutting the bridge and construction of the proposed development abutting the bridge shall be submitted to and approved in writing by the local planning authority before commencement of demolition of Staines bridge car park. The demolition of the car park and the construction of the proposed development shall be carried out next to the bridge in accordance with the approved details.

Reason:- The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

36. Details of the concrete slab between the eastern elevation of the proposed development and Staines Bridge and associated supporting structures shall be submitted to and approved in writing by the local planning authority before commencement of the construction. The construction of the slab and supporting structures shall be carried out in accordance with the approved details.

Reason:- The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

37. Notwithstanding the submitted plans, the development hereby approved shall not be first occupied until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for a minimum of 205 bicycles to be stored in a secure, covered and accessible location. Thereafter the bicycle storage area shall be retained and maintained for its designated purpose.

Reason:- The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

38. No demolition shall commence until a Construction Transport 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 and hours of operation
- (h) measures to prevent the deposit of materials on the highway
- (k) on-site turning for construction vehicles

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

Reason:- The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009

39. Prior to the occupation of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, and Surrey County Council's "Travel Plans Good Practice Guide".

Reason:- The above condition is required in recognition of Section 4 (Promoting Sustainable Transport) of the NPPF.

40. The development shall not be occupied until the proposed cycle route along the Bridge Street site frontage to its junction with Bridge Close has been provided in accordance with the approved plans including the "I Transport Plan" numbered IBT11172 GA 012.

Reason:- The above condition is required in recognition of Section 4 (Promoting Sustainable Transport) of the NPPF.

41. The development shall not be occupied and no service bays laid out at the site until a Servicing Management Strategy with associated plans for both the commercial and residential (including the gym) uses is submitted to and approved in writing by the Local Planning Authority. The Service Management Strategy shall demonstrate that there will be no adverse impact on highway and pedestrian safety, that there is adequate capacity, and include measures to prevent unauthorised use of such service bays and any unauthorised use of service/delivery vehicles outside of agreed bays. The Servicing Management Strategy shall include:

- (a) Appropriate location, size, design of servicing bays
- (b) Hours of use of the service bays
- (c) Management of such provision having regard to competing service requirements from local authority and other refuse collection.

The development shall not be occupied until the agreed measures in the Service Management Strategy have been fully implemented, and shall be permanently maintained as approved.

42. The proposed public thoroughfare, riverside steps, widened riverside walkway, and the cycle path adjacent to the western boundary, as shown on the approved plans shall be permanently available and accessible as public open space and there shall be no installation of gates or other means of enclosure within these areas, unless otherwise agreed in writing by the Local Planning Authority.

To ensure that the public thoroughfare, riverside steps, widened riverside walkway, and cycle path are accessible at all times for the public.

43. Prior to the commencement of construction of the buildings hereby approved a detailed air quality assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall identify the need for mechanical ventilation which is required to protect the occupiers of the development from poor air quality. The development shall not be occupied until the agreed mechanical ventilation measures have been provided and they shall thereafter be retained and maintained in accordance with the approved details

Reason:- The site is situated within an Air Quality Management Area and these measures are required to protect future occupiers of the development from the effect of poor air quality.

Listed Building Consent Application 15/01718/LBC

8.1 GRANT subject to the following conditions:-

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

Reason:- This condition is required by Section 18 of the Planning (Listed Building and Conservation Areas) 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:

A10875/D0099 Rev. P1; /D0100 Rev. P1; /D010 Rev. P1; /D0102 Rev. P1; /D0103 Rev. P1; /D0104 Rev. P1; /D0105 Rev. P1; /D0106 Rev. P1; /D0107 Rev. P1; /D0108 Rev. P1; /D0109 Rev. P1; /D0110 Rev. P1; /D0111 Rev. P1; /D0112 Rev. P1; /D0300 Rev. P1; /D0302 Rev. P1; /D0303 Rev. P1; /D0304 Rev. P1; /D0501 Rev. P1; /D0503 Rev. P1 received 22nd December 2015

A10875/F0001 Rev. P2; /F0002 Rev. P2; /F0200 Rev. P1; /F0201 Rev. P1; /F0202 Rev. P1; /F0203 Rev. P1 received 22nd December 2015

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

3. No development shall take place until a method statement detailing the excavation and lowering of the ground level of the car park has been submitted to an approved in writing by the Local Planning Authority. The method statement shall demonstrate that the proposed works will not adversely affect the structural integrity of the Grade II Listed Staines Bridge. The excavation/ground lowering works shall be carried out in accordance with the approved method statement.

Reason: To safeguard the structural integrity of the Grade II Listed Staines Bridge.

Informatives to be attached to the planning permission

1. A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc., may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.
2. 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.
3. Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.
4. Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site

dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A 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. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

5. The applicant's attention is drawn to the ACPO/Home Office Secured by Design (SBD) award scheme, details of which can be viewed at www.securedbydesign.com.
6. Please note that this application is subject to the payment of Community Infrastructure Levy (CIL). Full details of the charge, how it has been calculated and what happens next are set out in the CIL Liability Notice which will be sent separately.

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

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

7. The applicant is advised that any removal of dense shrubbery is undertaken outside the main bird nesting season (March to August inclusive).
8. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policysafeguarding.htm>
9. 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.

10. 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.
11. 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/floodingadvice.
12. 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).
13. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
14. 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.
15. The applicant is advised that a restaurant that generates a high level/intensity of cooking and consequent cooking odours is not considered suitable in this location due to the proposed kitchen extraction system discharging within the basement car park and the proximity of it to the proposed residential units. The installation of a high level external flue is not likely to be acceptable due to it detracting from the design of the development in this sensitive location within the Staines Conservation Area. Only a restaurant or café that has a low level/intensity of cooking is likely to be able to function appropriately with the scale and position of the extraction equipment that could be installed.

Decision Making: Working in a Positive and Proactive Manner

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:-

- a) Provided pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered;
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

**Minutes of the Planning Committee
9 March 2016**

Present:

Councillor R.A. Smith-Ainsley (Chairman)
Councillor C.M. Frazer (Vice-Chairman)

Councillors:

R.O. Barratt	A.L. Griffiths	O. Rybinski
I.J. Beardsmore	A.T. Jones	R.W. Sider BEM
S.J. Burkmar	A. Neale	H.A. Thomson

Apologies: Apologies were received from Councillor Q.R. Edgington, Councillor N.J. Gething and Councillor V.J. Leighton

In Attendance:

Councillors who are not members of the Committee, but attended the meeting and spoke on an application in or affecting their ward, are set out below in relation to the relevant application.

Councillor C.A. Davis	15/01718/FUL and 15/01718/LBC Bridge Street Car Park, Bridge Street, Staines-upon-Thames
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Councillor I.T.E. Harvey	Observed proceedings
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47/16 Minutes

The minutes of the meeting held on 10 February 2016 were approved as a correct record.

48/16 Disclosures of Interest

a) Disclosures of interest under the Members' Code of Conduct

There were none.

b) Declarations of interest under the Council's Planning Code

Councillors R.A. Smith Ainsley, C.M. Frazer, R.O. Barratt, S.J. Burkmar, A.L. Griffiths, A. Neale, O. Rybinski, R.W. Sider BEM and H.A. Thomson reported that they had received correspondence in relation to applications 15/01718/FUL and 15/01718/LBC Bridge Street Car Park, Bridge Street,

Staines-upon-Thames but had maintained an impartial role, had not expressed any views and had kept an open mind.

49/16 15/01718/FUL - Bridge Street Car Park, Bridge Street, Staines-upon-Thames

Description:

Planning application for demolition of existing unlisted car park, sea cadet building, access ramp, deck and steps in Staines Conservation Area and redevelopment of the site to provide buildings ranging from 4 to 12 storeys in height comprising 358 sqm (GIA) ground floor commercial floorspace (Use Class A1/A2/A3) and 205 residential units (Use Class C3), together with ancillary residents gym, associated car parking, open space, landscaping and infrastructure works (15/01718/FUL).

Additional Information:

The Assistant Head of Planning advised the committee of the following additional information:

With reference to paragraphs 8.20 – 8.37 of the Planning Committee report, Section 66 of the 1990 Listed Buildings Act imposes a general duty in the exercise of planning functions that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have “special regard” to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses. Section 72 of the Act has a general duty for conservation areas in the exercise of planning functions in respect of buildings or other land to pay “special attention” to the desirability of preserving or enhancing the character or appearance of that area. Paragraphs 8.20 to 8.37 of the officer report identifies these duties and explains how the ‘special regard’ and ‘special attention’ have been given and it is confirmed that these requirements have been given the due and proper weight in the assessment and balancing of the issues in this application and in the conclusions and recommendation of the report.

The Assistant Head Planning outlined the following amendments to the Committee Report:

Paragraph 8.112

Fifth line down reference to “new tree planting” to be removed.

Last sentence: to continue as – “...*and metal gates*. Whilst the most northerly fourth arch is currently open, it is proposed that this would be sealed at both ends in the same way (the sealing of the eastern end of that archway is not included within the current applications and would be subject of separate applications).”

The Assistant Head of Planning explained that two additional late letters of representation had been received which raised the following points:

- Should be designed to be sympathetic to Thames Edge, including height.
- Daylight and Sunlight assessment of the adjacent Strata building needed.
- Servicing concerns
- Loss of trees

Furthermore, in response to the daylight/sunlight issue raised on behalf of the Strata building, the applicants' consultants advised that there was no numerical guidance expressly for offices. Nevertheless, in this instance they explained that *"there is excellent separation of c.23 m to Strata which is heavily glazed along its very long (54.4m) northern elevation. Given the high level of glazing, separation to Strata and the fact that the proposal does not present a continuous obstruction along the boundary there is not considered to be such specific sensitivity. The space has undergone significant recent refurbishment [and] will be primarily lit by high specification artificial lighting although the perception of daylight and daylight penetration will remain excellent given the very high levels of glazing"*.

In addition she notified the Committee of the serious concerns arising from an expectation that the servicing would be wholly focussed on Bridge Close which had been partly addressed by Surrey County Council now agreeing to a controlled service facility on the north western side of the Staines Bridge approach.

Consultation Responses

A consultation response was received from the Council's Valuation Advisor which raised no objection. The advisor considered that an off-site payment of £5 million would enable Spelthorne Borough Council to achieve a higher level of affordable housing on a separate site which is more appropriate and economical for the type of housing required, i.e. an area of lower value on a scheme with lower build and service charge costs.

The Assistant Head of Planning also explained that a further consultation response had been received from the County Highway Authority which raised no objection to the scheme subject to a number of conditions to be imposed if planning permission was granted

The Head of Planning and Housing Strategy advised the following to the Planning Committee including the context of the Committee's consideration of this item:

"This is a Council owned site - but the role of the Planning Committee (acting on behalf of the Council in its role as LPA) is to approach this application as it would any other.

It is required to have regard to the 'development plan' unless material considerations indicate otherwise. This includes regard to statutory duties including toward listed buildings, conservation areas and protected species.

Such an approach requires:

- *an objective consideration of all the issues*
- *all of the issues for and against to be carefully weighed*
- *conclusions reached having regard to all the issues*

Our conclusions and recommendation follow that approach.

It is:

- *allocated for housing and provides that*
- *high quality development in design terms*
- *substantial positive contribution to its immediate locality and gateway to Staines town centre*

Having weighed all the issues both for and against the officer recommendation is to approve.”

Amended Conditions

The Assistant Head of Planning recommended the following amendments to conditions as follows:

Condition 1

Excepting demolition works; site clearance; ground investigations; site survey works; temporary access construction works; access and highway works; construction of any landfill gas works; archaeological investigation; and erection of any fences and hoardings around the development, no development shall take place until a Section 106 Agreement is entered into so as to bind the land as shown edged in red ink on drawing number A10875/F 0002 Rev. P2 received 22 December 2015 and to secure: -

- (a) Payment of an affordable housing contribution of £5,000,000 (£5 million).
- (b) Payment of a travel plan audit fee of £6,150.
- (c) Provision of two car club vehicles, with all costs associated with the provision of the vehicles including provision of parking space being met by the developer.
- (d) Provision of 25 miles worth of free travel for residential users of the proposed development using the car club vehicles.
- (e) Provision of one year free membership of the car club for the first occupants of each of the proposed residential units
- (f) Provision of one £50 sustainable travel voucher per household (equates to £10,250 for the 205 proposed residential units) which can be

spent on either public transport tickets or towards a bicycle. If part or all of the £10,250 is not spent within one year towards purchasing a public transport ticket or towards purchasing a bicycle, it shall be reinvested into other non-private vehicle modes of transport use.

Reason: The above condition is required to secure the off-site affordable housing contribution and sustainable travel measures.

Condition 3

The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

A10875/D0300 Rev. P1; /D0302 Rev. P1; /D0303 Rev. P1; /D0304 Rev. P1; /D0501 Rev. P1; /D0503 Rev. P1 received 22 December 2015.

A10875/F0001 Rev. P2; /F0002 Rev. P2; /F0200 Rev. P1; /F0201 Rev. P1; /F0202 Rev. P1; /F0203 Rev. P1 received 22 December 2015.

A10875/D0700 Rev. P1; /D0701 Rev. P1; /D0703 Rev. P2, and Proposed Sectional Elevation of A10875/D0702 Rev. P1 received 27 January 2016.

A10875/D0200 Rev. P2; /D0201 Rev. P2; /D0202 Rev. P2; /D0203 Rev. P2; /D0301 Rev. P2; /S0305 Rev. P2; /D0502 Rev. P2 received 15 February 2016.

A10875/D0099 Rev. P3; /D0100 Rev. P4; /D0101 Rev. P3; /D0102 Rev. P3; /D0103 Rev. P3; /D0104 Rev. P3; /D0105 Rev. P3; /D0106 Rev. P3; /D0107 Rev. P3; /D0108 Rev. P3; /D0109 Rev. P3; /D0110 Rev. P3; /D0111 Rev. P3; /D0112 Rev. P3 received 29 February 2016.

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

Condition 4

Before the commencement of the construction of the buildings hereby permitted is first commenced details of the materials and detailing to be used for the external surfaces of the building and other external surfaces of the development be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

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.

Condition 8

Before the commencement of the construction of the buildings hereby approved a drainage strategy detailing any on and/or off site drainage works, shall be submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. The drainage scheme shall be implemented in accordance with the agreed details.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

Condition 14

That within 3 months of the commencement of the construction of the buildings, or such longer period as may be approved by the Local Planning Authority, facilities shall be provided within the curtilage of the site for the storage of refuse and waste materials in accordance with the approved plans, and thereafter the approved facilities shall be maintained as approved.

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 Spelt Horne Borough Core Strategy and Policies Development Plan Document 2009.

Condition 19

Prior to the commencement of the construction of the development, details of the proposed maintenance regimes for each of the Sustainable Drainage System (SuDS) elements and confirmation of who will own and maintain these features must be submitted to and approved by the local planning authority and thereafter maintained in accordance with the approved details.

Reason: To ensure the drainage system is maintained throughout its life time to an acceptable standard.

Condition 25

Any plant installed in association with the proposed development shall be at least 5dB(A) below the background noise at the nearest noise sensitive property as assessed using the guidance contained within BS4142 (2014).

Reason:- To safeguard the amenity of neighbouring properties.

Condition 32

Before the commencement of the construction of the buildings a method statement detailing dust suppression, measures to minimise noise, and mitigation measures during construction shall be submitted to and approved by the Local Planning Authority. The agreed measures shall be implemented in accordance with the approved details and thereafter maintained.

Reason:- To safeguard the amenity of adjoining neighbouring properties against noise and dust nuisance.

Condition 39

Notwithstanding the submitted Travel Plan prior to the occupation of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, and Surrey County Council's "Travel Plans Good Practice Guide". And then the approved Travel Plan shall be implemented upon first occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

Condition 40

The development shall not be occupied until the proposed cycle route along the Bridge Street site frontage to its junction with Bridge Close has been provided in accordance with the approved plans.

Reason:- The above condition is required in recognition of Section 4 (Promoting Sustainable Transport) of the NPPF.

Condition 41

Notwithstanding the approved plans in Condition 3, the development shall not be occupied and no service bays laid out at the site until a Servicing Management Strategy with associated plans for both the commercial and residential (including the gym) uses is submitted to and approved in writing by the Local Planning Authority. The Service Management Strategy shall demonstrate that there will be no adverse impact on highway and pedestrian safety, that there is adequate capacity, and include measures to prevent unauthorised use of such service bays and any unauthorised use of service/delivery vehicles outside of agreed bays. The Servicing Management Strategy shall include:

- (a) Appropriate location, size, design of servicing bays
- (b) Hours of use of the service bays
- (c) Management of such provision having regard to competing service requirements from local authority and other refuse collection.

The development shall not be occupied until the agreed measures in the Service Management Strategy have been fully implemented, and shall be permanently maintained as approved.

Reason: To ensure that a satisfactory service management strategy is implemented on the site in the interest of highway safety.

Public Speaking:

In accordance with the Council's procedure for speaking at meetings, Anne Damerell spoke against the application raising the following key points:

- The proposal is too large and is out of scale.
- Adverse impact on the Conservation Area and conflicts with the Council's duty of care.
- Flats/ dwellings are small and not adequate for young families.
- Concern over materials.
- Design not of a high quality.
- No affordable housing on site – does not meet Council's housing needs.
- Inadequate parking provision.
- Noise concerns.
- Poor air quality.
- Overlooking issues.
- Concern over delivery vans to site and traffic concerns.
- Site should not be in Church Street CPZ.
- Existing disabled parking should be replaced.
- No children's play space provided and instead suggest conversion of resident's gym to play area.
- Lammas was no substitute for children play area.
- Suggested a number of conditions if the Committee was minded to approve:
 - Thames path not to have a gravel surface
 - Needs decent and adequate seating
 - existing disabled parking spaces on site should be provided elsewhere in the town to ensure disability needs are properly met

In accordance with the Council's procedure for speaking at meetings, James McConnell spoke for the proposal raising the following key points:

- Important scheme for the town.
- Will attract high level public transport.
- All technical details have been submitted.
- Tall building will provide a new gateway to the town centre.
- Have involved Historic England and Design South East and they have endorsed the proposal.
- Two public consultations have taken place to allow residents to provide comments on the design.
- The scheme has attracted a wide range of views.
- Will act as a catalyst for further development in Staines-upon-Thames Town Centre.

In accordance with the Council's procedure for speaking at meetings, Councillor Davis spoke as Ward Councillor and raised the following key points:

- This proposal is not the only solution for the site.
- The site needs an iconic/ landmark building which this scheme does not provide.

- Proposal is a disaster, especially in terms of car parking provision.
- Thames Edge provides a better solution and is an example of what can be done.
- The design is not aspirational. The fact it replaces an ugly car park does not make it acceptable.
- Something in keeping with the river would be preferable. This proposal ignores the presence of the river.
- Too many units are proposed.
- Value of the site has gone up (although this is not a planning consideration).
- Providing social housing elsewhere in the Borough is acceptable.

Debate:

During the debate the following key issues were raised:

- A large affordable housing sum of £5 million will deliver 40-107 housing units.
- Elliptical tower is slender, made from quality materials with fine details.
- The Council has sought expert advice and it will provide a landmark gateway.
- The proposal is the type of development seen in Paddington Basin.
- Need to be more realistic about car needs – need to encourage better provision of shared cars.
- Lack of evidence to justify the minimal parking provision.
- Building is too big.
- Inadequate open space for children.
- Is a “rubbish development”.
- The £5 million will not provide 107 affordable units; only 40 will be obtained.
- Impact on neighbouring developments and loss of sunlight.
- Size of development is out of character.
- Concerns over development in the flood zone.
- Lack of parking on site.
- Supports regeneration of town.
- Building is like the Shard in terms of size.
- Concerns that the dwellings could be below minimum standards.
- Does not enhance Staines Town Centre Conservation Area.
- Buildings are too close together.
- Incompatible with the area.
- Impact of tower on Thames Edge – loss of daylight.
- No amenity space.
- Tower will provide an unbalanced gateway.
- Concerns over adequate lighting, particularly on public walkways.
- Inadequate public transport to other parts of Surrey; provision only good to London and the South West.
- Will meet housing needs.
- Opens up the bridge.
- Transport links are good in the area.
- High quality development.

In accordance with Standing Order 22.2 there was an equal number of votes for and against the application and therefore the Chairman used his Casting Vote.

Decision:

The application was **approved** as set out in the report of the Head of Planning and Housing Strategy subject to the following amendments to conditions:

Condition 1

Excepting demolition works; site clearance; ground investigations; site survey works; temporary access construction works; access and highway works; construction of any landfill gas works; archaeological investigation; and erection of any fences and hoardings around the development, no development shall take place until a Section 106 Agreement is entered into so as to bind the land as shown edged in red ink on drawing number A10875/F 0002 Rev. P2 received 22 December 2015 and to secure: -

- (a) Payment of an affordable housing contribution of £5,000,000 (£5 million).
- (b) Payment of a travel plan audit fee of £6,150.
- (c) Provision of two car club vehicles, with all costs associated with the provision of the vehicles including provision of parking space being met by the developer.
- (d) Provision of 25 miles worth of free travel for residential users of the proposed development using the car club vehicles.
- (e) Provision of one year free membership of the car club for the first occupants of each of the proposed residential units
- (f) Provision of one £50 sustainable travel voucher per household (equates to £10,250 for the 205 proposed residential units) which can be spent on either public transport tickets or towards a bicycle. If part or all of the £10,250 is not spent within one year towards purchasing a public transport ticket or towards purchasing a bicycle, it shall be reinvested into other non-private vehicle modes of transport use.

Reason: The above condition is required to secure the off-site affordable housing contribution and sustainable travel measures.

Condition 3

The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

A10875/D0300 Rev. P1; /D0302 Rev. P1; /D0303 Rev. P1; /D0304 Rev. P1; /D0501 Rev. P1; /D0503 Rev. P1 received 22 December 2015.

A10875/F0001 Rev. P2; /F0002 Rev. P2; /F0200 Rev. P1; /F0201 Rev. P1; /F0202 Rev. P1; /F0203 Rev. P1 received 22 December 2015.

A10875/D0700 Rev. P1; /D0701 Rev. P1; /D0703 Rev. P2, and Proposed Sectional Elevation of A10875/D0702 Rev. P1 received 27 January 2016.

A10875/D0200 Rev. P2; /D0201 Rev. P2; /D0202 Rev. P2; /D0203 Rev. P2; /D0301 Rev. P2; /S0305 Rev. P2; /D0502 Rev. P2 received 15 February 2016.

A10875/D0099 Rev. P3; /D0100 Rev. P4; /D0101 Rev. P3; /D0102 Rev. P3; /D0103 Rev. P3; /D0104 Rev. P3; /D0105 Rev. P3; /D0106 Rev. P3; /D0107 Rev. P3; /D0108 Rev. P3; /D0109 Rev. P3; /D0110 Rev. P3; /D0111 Rev. P3; /D0112 Rev. P3 received 29 February 2016.

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

Condition 4

Before the commencement of the construction of the buildings hereby permitted is first commenced details of the materials and detailing to be used for the external surfaces of the building and other external surfaces of the development be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

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.

Condition 8

Before the commencement of the construction of the buildings hereby approved a drainage strategy detailing any on and/or off site drainage works, shall be submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. The drainage scheme shall be implemented in accordance with the agreed details.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

Condition 14

That within 3 months of the commencement of the construction of the buildings, or such longer period as may be approved by the Local Planning Authority, facilities shall be provided within the curtilage of the site for the storage of refuse and waste materials in accordance with the approved plans, and thereafter the approved facilities shall be maintained as approved.

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 Spelt Horne Borough Core Strategy and Policies Development Plan Document 2009.

Condition 19

Prior to the commencement of the construction of the development, details of the proposed maintenance regimes for each of the Sustainable Drainage System (SuDS) elements and confirmation of who will own and maintain these features must be submitted to and approved by the local planning authority and thereafter maintained in accordance with the approved details.

Reason: To ensure the drainage system is maintained throughout its life time to an acceptable standard.

Condition 25

Any plant installed in association with the proposed development shall be at least 5dB(A) below the background noise at the nearest noise sensitive property as assessed using the guidance contained within BS4142 (2014).

Reason:- To safeguard the amenity of neighbouring properties.

Condition 32

Before the commencement of the construction of the buildings a method statement detailing dust suppression, measures to minimise noise, and mitigation measures during construction shall be submitted to and approved by the Local Planning Authority. The agreed measures shall be implemented in accordance with the approved details and thereafter maintained.

Reason:- To safeguard the amenity of adjoining neighbouring properties against noise and dust nuisance.

Condition 39

Notwithstanding the submitted Travel Plan prior to the occupation of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, and Surrey County Council's "Travel Plans Good Practice Guide". And then the approved Travel Plan shall be implemented upon first occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

Condition 40

The development shall not be occupied until the proposed cycle route along the Bridge Street site frontage to its junction with Bridge Close has been provided in accordance with the approved plans.

Reason:- The above condition is required in recognition of Section 4 (Promoting Sustainable Transport) of the NPPF.

Condition 41

Notwithstanding the approved plans in Condition 3, the development shall not be occupied and no service bays laid out at the site until a Servicing Management Strategy with associated plans for both the commercial and residential (including the gym) uses is submitted to and approved in writing by the Local Planning Authority. The Service Management Strategy shall demonstrate that there will be no adverse impact on highway and pedestrian safety, that there is adequate capacity, and include measures to prevent unauthorised use of such service bays and any unauthorised use of service/delivery vehicles outside of agreed bays. The Servicing Management Strategy shall include:

- a) Appropriate location, size, design of servicing bays
- b) Hours of use of the service bays
- c) Management of such provision having regard to competing service requirements from local authority and other refuse collection.

The development shall not be occupied until the agreed measures in the Service Management Strategy have been fully implemented, and shall be permanently maintained as approved.

Reason: To ensure that a satisfactory service management strategy in implemented on the site in the interest of highway safety.

50/16 15/01718/LBC - Bridge Street Car Park, Bridge Street, Staines-upon-Thames

Description:

Listing Building Consent application for minor alterations and works to Grade II Listed Staines Bridge in association with the redevelopment of the adjacent Bridge Street Car Park (15/01718/LBC).

Additional Information:

The Assistant Head of Planning informed the committee of the following amendments to conditions:

Amended Condition

2. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

A10875/D0300 Rev. P1; /D0302 Rev. P1; /D0303 Rev. P1; /D0304 Rev. P1; /D0501 Rev. P1; /D0503 Rev. P1 received 22 December 2015.

A10875/F0001 Rev. P2; /F0002 Rev. P2; /F0200 Rev. P1; /F0201 Rev. P1; /F0202 Rev. P1; /F0203 Rev. P1 received 22 December 2015.

A10875/D0700 Rev. P1; /D0701 Rev. P1; /D0703 Rev. P2, and Proposed Sectional Elevation of A10875/D0702 Rev. P1 received 27 January 2016.

A10875/D0200 Rev. P2; /D0201 Rev. P2; /D0202 Rev. P2; /D0203 Rev. P2; /D0301 Rev. P2; /S0305 Rev. P2; /D0502 Rev. P2 received 15 February 2016.

A10875/D0099 Rev. P3; /D0100 Rev. P4; /D0101 Rev. P3; /D0102 Rev. P3; /D0103 Rev. P3; /D0104 Rev. P3; /D0105 Rev. P3; /D0106 Rev. P3; /D0107 Rev. P3; /D0108 Rev. P3; /D0109 Rev. P3; /D0110 Rev. P3; /D0111 Rev. P3; /D0112 Rev. P3 received 29 February 2016.

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

Public Speaking:

There was no public speaking in relation to this item.

Debate:

There was no debate on this item.

Decision:

The application was **approved** as set out in the report of the Head of Planning and Housing Strategy subject to the following amendment to condition:

Amended Condition

2. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

A10875/D0300 Rev. P1; /D0302 Rev. P1; /D0303 Rev. P1; /D0304 Rev. P1; /D0501 Rev. P1; /D0503 Rev. P1 received 22 December 2015.

A10875/F0001 Rev. P2; /F0002 Rev. P2; /F0200 Rev. P1; /F0201 Rev. P1; /F0202 Rev. P1; /F0203 Rev. P1 received 22 December 2015.

A10875/D0700 Rev. P1; /D0701 Rev. P1; /D0703 Rev. P2, and Proposed Sectional Elevation of A10875/D0702 Rev. P1 received 27 January 2016.

A10875/D0200 Rev. P2; /D0201 Rev. P2; /D0202 Rev. P2; /D0203 Rev. P2; /D0301 Rev. P2; /S0305 Rev. P2; /D0502 Rev. P2 received 15 February 2016.

A10875/D0099 Rev. P3; /D0100 Rev. P4; /D0101 Rev. P3; /D0102 Rev. P3; /D0103 Rev. P3; /D0104 Rev. P3; /D0105 Rev. P3; /D0106 Rev. P3; /D0107 Rev. P3; /D0108 Rev. P3; /D0109 Rev. P3; /D0110 Rev. P3; /D0111 Rev. P3; /D0112 Rev. P3 received 29 February 2016.

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

51/16 15/00173/FUL - Land adjacent to Revelstoke, Towpath, Shepperton, TW17 9LL

Description:

Change of use of part of land from vegetable / garden patch to a 16 space car park for residents of Pharaoh's Island with associated boundary treatment, landscaping and access.

Additional Information:

There was none.

Public Speaking:

There was none.

Debate:

During the debate the following key issues were raised:

- Very special circumstances apply; the cars will be removed from the road
- Proposal will be a positive enhancement and improvement to the towpath

Decision:

That the application be **approved**, subject to conditions as set out in the report of the Head of Planning and Housing Strategy.

52/16 16/00091/CPD - 44 Chaucer Road, Ashford, TW15 2QT

Description:

Certificate of Proposed Development for the creation of a rear dormer and installation of rooflights in front roof slope.

Additional Information:

There was none.

Public Speaking:

There was no public speaking.

Debate:

There was no debate.

Decision:

That the Lawful Development Certificate be **approved** subject to the conditions set out in the report of the Head of Planning and Housing Strategy.

53/16 Standard Appeals Report

The Chairman informed the Committee that if any Member had any detailed queries regarding the report on Appeals lodged and decisions received since the last meeting, they should contact the Head of Planning and Housing Strategy.

Resolved that the report of the Head of Planning and Housing Strategy be received and noted.

Minutes of Cabinet

16 December 2014

Present:

Councillor R.L. Watts, Leader of the Council, Chairman of the Cabinet and Cabinet Member for Strategy and Human Resources
Councillor P. Forbes-Forsyth, Deputy Leader and Cabinet Member for Community Safety, Young People, Leisure and Culture
Councillor T.J.M. Evans, Cabinet Member for Finance
Councillor N. Gething, Cabinet Member for Economic Development and Fixed Assets
Councillor V.J. Leighton, Cabinet Member for Planning and Corporate Development
Councillor T. Mitchell, Cabinet Member for Environment
Councillor D. Patel, Cabinet Member for Parking services and ICT
Councillor J.M. Pinkerton OBE, Cabinet Member for Housing, Health, Wellbeing and Independent Living
Councillor J. Sexton, Cabinet Member for Communications and Procurement

Councillors in attendance: Councillor F.A. Ayers, Leader, Spelthorne Independent Party

2119. Minutes

The minutes of the Cabinet meeting held on 18 November 2014 were agreed as correct.

2120. Disclosures of Interest

There were none.

2121. Bridge Street car park redevelopment – Key Decision

Cabinet received a report on the proposed sale and disposal of the Bridge Street car park site.

RESOLVED that Cabinet authorises the assistant Chief Executive for Assets and Finance:

- To proceed with the sale and disposal, and select the preferred bidder as advised in the Final Selection report of Cushman and Wakefield (confidential Appendix 3).
- To enter into a Conditional Sale and Development Agreement for the site.
- To dispose of the land on the best terms possible and provided that a certificate for best value has been received from the Council's professional advisors.
- To work with the preferred bidder to ensure a considered and well-designed scheme is brought forward, which meets the 6 development objectives in the Marketing brief, and for the Council to use external expert design and urban design advice to ensure these objectives are achieved.

Reason for the decision:

Cabinet noted the need to dispose of the land on the best possible terms for the Council and to ensure a well-designed housing scheme in the process.

2122. *The Crooked Billet – Key Decision

Cabinet received a report on a request for funding to develop the Crooked Billet site for affordable housing and to invest in future affordable housing opportunities.

RESOLVED TO RECOMMEND that Council:

- Agrees to a supplementary capital estimate of £500,000 for the above project.
- Agrees to setting up a £2 Million fund that can be drawn upon to be invested in affordable housing opportunities in advance of Section 106 funds being received.

Reason for the decision:

Cabinet noted that the provision of 29 properties on the Crooked Billet site would provide additional, permanent decent housing, reduce the overall reliance on bed and breakfast provision, and represents good value for the Council.

2123. Outline Budget 2015-16 to 2018-19

Cabinet received a report on the Outline Budget 2015-16 to 2018-19 and issues to be addressed as part of the first draft of the detailed Revenue Budget 2015-16.

RESOLVED that Cabinet agrees:

- That the net budgeted expenditure (before investment and use of reserves) for 2015-16 be set at a maximum level of £13.5m
- That the report be noted and that the Towards a Sustainable Future programme of savings and income generation continues to be progressed in order to enable the Management Team, the Leader and Cabinet, identify a package of options by which the budget can be balanced both in 2015-16 and over the following three years of the outline period.
- That the financial health indicators set out in paragraph 2.17 be agreed.

2124. Textiles collection service

Cabinet received a report on a proposal to set up a monthly kerbside collection of textiles and small waste electrical items to all houses in Spelthorne and provide textiles banks to flatted properties.

RESOLVED that Cabinet approves, in principle, Option 1 of the report, subject to the 2015-16 budget approval process.

Reason for the decision:

Cabinet noted that an additional collection service of textiles and small waste electrical items will generate income for the Council through Recycling Credit Claims (RCC).

2125. Land at Plots 12 and 13 tow path Shepperton (Revelstoke)

Cabinet received a report on a proposal to convert the land into a car park for the residents of Pharaohs Island.

RESOLVED that Cabinet agrees to:

- The proposals in principle.
- Authorise the Head of Asset Management to enter into lease negotiations with the Residents Association of Pharaoh's Island, subject to planning and valuation advice.
- A supplementary capital bid for the constructions and professional fees.

Reason for the decision:

Cabinet noted that the proposal represents a good use of the Council's assets.

2126. Vacant pavilion to the rear of Cedars recreation ground, Sunbury

Cabinet considered a report on a proposal to construct a new building in a more suitable location but still within the recreation ground.

RESOLVED that Cabinet accepts the tender from Sunshine Nursery.

Reason for the decision:

Cabinet noted that the proposal represents a good use of the Council's assets.

2127. Vacant commercial office, garages and service yards in Fordbridge park, Ashford

Cabinet considered a report on a proposal to refurbish the existing property and construct an extension to the front of the building, also adding soft play, all-weather play area and fencing.

RESOLVED that accept the tender from Sunshine Nursery.

Reason for the decision:

Cabinet noted that the proposal represents a good use of the Council's assets.

2128. *Community Infrastructure Levy (CIL) Charging Schedule implementation

Cabinet considered a report on the proposed implementation of the Community Infrastructure Charging schedule.

RESOLVED TO RECOMMEND that Council agrees to:

- Approve the CIL Charging Schedule.
- Adopt the proposed Instalment Policy.
- The proposed Regulation 123 List.
- The implementation of the CIL Charging Schedule with effect from 1 April 2015.

Reason for the decision:

Cabinet noted that CIL is a mechanism for collecting and pooling contributions from developers and will be the main source of funding for new or improved infrastructure.

2129. Leader's Announcements

The following are the latest service updates from various Council departments:

Councillor Robert Watts appeared before a special meeting held by the Airports Commission on Wednesday 3 December to hear the views of people around the Airport following the launch of a consultation in November inviting comments on the shortlisted runway options. Cllr Watts confirmed the Council's support for expansion at Heathrow and said: "The future of Heathrow is critical to both the local and national economy."

The new Spelthorne Enforcement Team has been launched with the aim of taking strong action against antisocial behaviour by making the most of the legal powers already held by the Council and Police. The team will tackle a range of problems including abandoned vehicles, dog fouling, fly posting and graffiti, fly tipping, litter and untaxed vehicles. Funding for the pilot project, which will run for two years, is being provided by the Police Commissioner's Office and the Council.

At the Partnership Action Day on 3 December, Enforcement officers from the Police, Borough Council, Trading Standards and DVLA worked throughout the day carrying out enforcement action including traffic speed checks; vehicle inspections; parking enforcement; and checks on taxi drivers, licensed premises and scrap metal dealers. The Spelthorne Enforcement Team focused on raising awareness of the enforcement pilot, visiting shops and speaking to residents about the work the team will be undertaking.

Housing Benefits have started a data matching exercise in conjunction with the DWP to help them ensure that claims are being assessed at the correct rate. This exercise involves comparing the earnings details given to the Council with the tax records held by HMRC. 163 cases are being examined.

Spelthorne residents are being encouraged to check the food hygiene ratings of restaurants before booking meals out with family and friends this Christmas. Currently in Spelthorne 93% of food businesses are rated satisfactory, good or very good. 55% of these businesses have achieved the top rating 'very good'.

The Bulletin magazine has been delivered to 42,000 homes in the Borough. This edition includes festive news and events, flood awareness information and updates on hot topics such as the sale of Bridge Street Car Park.

The Community Centres are holding Christmas parties for their members in the coming weeks. These are very much enjoyed by the older residents and guests.

A rest centre was opened at Fordbridge Centre on the night of 30 November following a fire at Renshaw Industrial Estate in Staines-upon-Thames. A total of 29 people, including six young children, were accommodated until it was safe for them to return to their homes. The Red Cross and clients commented on the excellent organisation at the Centre.

The IT Helpdesk received 351 helpdesk calls in the month of November. Of these calls, 26.7% were resolved within an hour, 20.2% within 2 hours and 10.2% within 24 hours (a total resolution rate of 57.1% within 24 hours).

The Mayor hosted a Charity Mauritian Evening on the evening of Friday 5 December in celebration of the 5th anniversary of Spelthorne's twinning with Grand Port, Mauritius. Over £2,000 was raised for the Mayor's Charities. London Irish Rugby Club provided the venue for the event and Barclays Bank matched the funding raised by the raffle and auction.

A number of plants have been stolen from the newly replanted Scott Freeman Garden located in Church Road, Ashford. An article has appeared in the local paper asking residents to contact the Council if they have any information about the theft.

Garden waste collections have now finished for the year and will resume in February.

Christmas lights have been installed in Staines-upon-Thames thanks to funding from British Gas.

2130. Issues for Future Meetings

There were none.

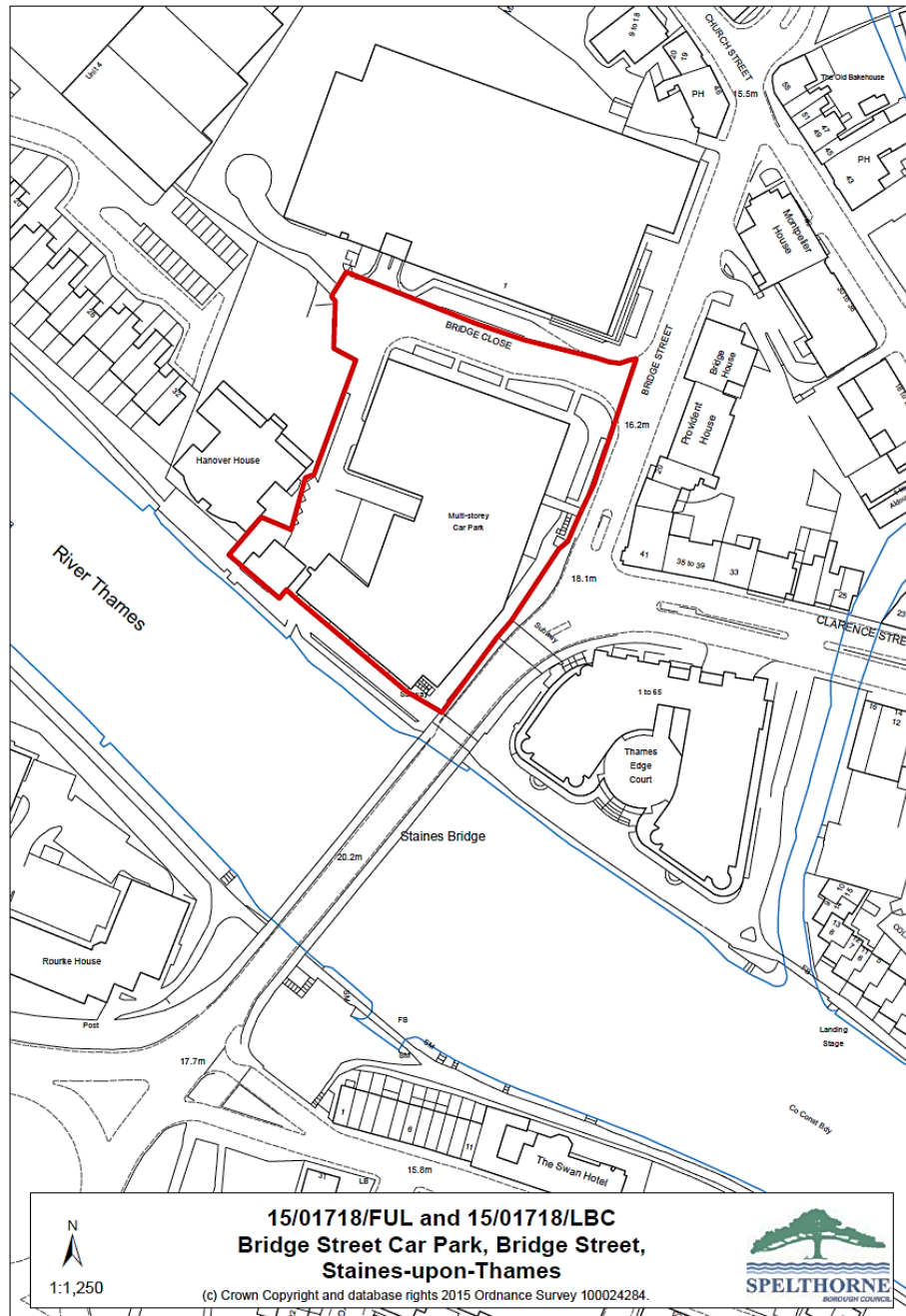
2131. Urgent items

There were none.

NOTES:-

- (1) Members of the Overview and Scrutiny Committee are reminded that under Overview and Scrutiny Procedure Rule, the “call-in” procedure shall not apply to recommendations the Cabinet makes to the Council. The matters on which recommendations have been made to the Council, if any, are identified with an asterisk [*] in the above Minutes.**
- (2) Members of the Overview and Scrutiny Committee are entitled to call in decisions taken by the Cabinet for scrutiny before they are implemented, other than any recommendations covered under (1) above.**
- (3) Within three working days of the date on which a decision of the Cabinet or a Cabinet Member is published, not less than three members [one of whom must be the Chairman] of the Overview and Scrutiny Committee are able to "call in" a decision;**
- (4) To avoid delay in considering an item "called in", an extraordinary meeting of the Overview and Scrutiny Committee will be convened within seven days of a "call in" being received if an ordinary meeting is not scheduled in that period;**
- (5) When calling in a Cabinet decision for review the members doing so should in their notice of "call in":-
Outline their reasons for requiring a review;**
 - Indicate any further information they consider the Overview and Scrutiny Committee needs to have before it in order to conduct a review in addition to the written report made by officers to the Cabinet;**
 - Indicate whether, where the decision was taken collectively by the Cabinet, they wish the Leader or his nominee (who should normally be the Cabinet Member) or where the decision was taken by a Cabinet Member, the member of the Cabinet making the decision, to attend the committee meeting; and**
 - Indicate whether the officer making the report to the Cabinet or the Cabinet Member taking the decision or his/her representative should attend the meeting.**
- (6) The deadline of three working days for "call in" by Members of the Overview and Scrutiny Committee in relation to the above decisions by the Cabinet is the close of business on 19 December 2014**

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The map illustrates the Staines Conservation Area, a designated zone for preserving the town's historical and architectural heritage. The River Thames is shown flowing through the area, with several bridges crossing it. The map highlights various buildings and structures in brown and orange, indicating their historical or architectural significance. A red line outlines the boundary of the conservation area. The map includes labels for 'Staines Conservation Area', 'River Thames', 'Two Rivers Shopping Centre', and 'STAINES-UPON-THE-THAMES'.

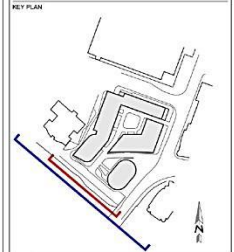


1 Topographic Elevation - South
1:100



2 Elevation - South
1:100

CLIENT
STRUCTURAL ENGINEER
SERVICES ENGINEER
CONSULTANT



NOTES:
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Rev. 12.02.15 Tower detail revised CT. RES
Rev. 10.12.15 Revised Site Plan and Elevation W. RES
Rev. 10.12.15 Revised Site Plan and Elevation W. RES
Rev. 10.12.15 Revised Site Plan and Elevation W. RES

PRELIMINARY

Project
Bridge Street
Staines-upon-Thames
Drawing Title
Proposed South Elevation

Client	Date	Drawn By	Checked By	Rev.
JAC	10.11.2015	VARIES	VARIES	1

Approved Project No. A10875 Drawing Number D 0201 Rev. P2



1 Topographic Elevation - East
1:500



2 Elevation - East
1:500

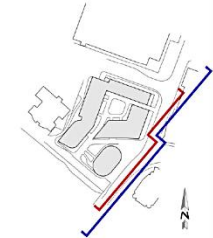
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STRUCTURAL ENGINEER

SERVICES ENGINEER

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KEY PLAN



NOTES:

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FD 12.02.18	Township detail reviewed	1:50	RB
FD 18.12.18	Issued for Planning	1:50	RB
No.	Date	Comments	Drawn
1	18.12.18	Issued for Planning	RB

PRELIMINARY

tp bennett
architecture
interiors
planning

One America Street, London SE11 0BC UK +44 (0)20 7908 0000 www.tpbenett.com

Project
Bridge Street
Staines-upon-Thames

Drawing title
Proposed East Elevation

Drawn	Date	Scale	Alt	Ref
JAC	18.12.18	1:500	1	1
Is issued/Project No.	Project No.	Drawing Number	Sheet	
A10875	D 0200	P2		



1 Topographic Elevation - West
1:500



2 Elevation - West
1:500

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KEY PLAN

NOTES:

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P2 - 12.02.15 - Tower Street revised	AK	HB		
P1 - 18.12.15 - Tower Street Planning	AK	HB		
No.	Date	Comment	Drawn	Check
Revisions				

Issue Date

PRELIMINARY

tp bennett

architecture
interiors
planning

One America Street, London SE1 0NE UK, +44 (0) 20 7296 5000 www.tp-bennett.com

Project

Bridge Street
Staines-upon-Thames

Drawing Title

Proposed West Elevation

Drawn	Rev	Scale	By	At	Ref
JAC	16.11.2016	1:500	JAC	JAC	HB

tp-bennett Project No.	Drawing Number	Rev
A10875	D 0202	P2



1 Topographic Elevation - North
1:500



2 Elevation - North
1:250

CLIENT

STRUCTURAL ENGINEER

SERVICES ENGINEER

CONSULTANT

KEY PLAN

NOTES

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P2 12.02.10 Tower detail revised CY RED
P2 18.02.10 Revised for Planning RWK RED
No Date Comment Drawn (DWG)

New 360A
PRELIMINARY
tp bennett
architecture
interiors
planning
One America Blvd London SE1 9NF UK +44 (0) 20 7300 0000 www.tpben.co.uk

Project
Bridge Street
Staines-upon-Thames

Drawing Title
Proposed North Elevation

Drawn	Check	Scale	Drawn by	Drawn for
JAC	15.11.2015	1:250	VARIES	VARIES

Drawn by	Drawn for	Rev
A10875	D 0203	P2











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[Print](#) [Close](#)**Section I: Contracting authority****I.1) Name, addresses and contact point(s)**

Official name:

Spelthorne Borough Council

National registration number:

Postal address:

Council Offices, Knowle Green

Town:

Staines-upon-Thames

NUTS Code:

Code	Description
UKJ25	West Surrey

Postal code:

TW18 1XB

Country:

United Kingdom

Contact person:

Victoria Statham

Telephone:

E-mail:

v.statham@spelthorne.gov.uk

Fax:

Internet address(es)

Main address: (URL)

https://www.spelthorne.gov.uk/

Address of the buyer profile: (URL)

https://www.spelthorne.gov.uk/

(example: http://www.example.com)

Please Note: Incorrectly formatted URL's may result in form submission failure

I.2) Joint procurement☐ The contract involves joint procurement

In the case of joint procurement involving different countries, state applicable national procurement law:

Joint Procurement Address:

☐ The contract is awarded by a central purchasing body

I.3) Communication

☒ The procurement documents are available for unrestricted and full direct access, free of charge at URL: ☐ Access to the procurement documents is restricted. Further information can be obtained at URL:

URL

(example: http://www.example.com)

Please Note: Incorrectly formatted URL's may result in form submission failure

Additional information can be obtained from

☒ the above mentioned address ☐ another address:

(please provide another address)

Tenders or requests to participate must be submitted

☒ electronically via: (URL)

(example: http://www.example.com)

Please Note: Incorrectly formatted URL's may result in form submission failure

☒ the above mentioned address ☐ to the following address:

(please provide another address)

☒ Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at: (URL)
URL

(example: http://www.example.com)

Please Note: Incorrectly formatted URL's may result in form submission failure

I.4) Type of the contracting authority

☐ Ministry or any other national or federal authority, including their regional or local sub-divisions ☐
National or federal agency/office ☒ Regional or local authority ☐ Regional or local agency/office ☐ Body governed by public law ☐ European institution/agency or international organisation ☐ Other type:

I.5) Main activity

☒ General public services
 ☐ Defence
 ☐ Public order and safety
 ☐ Environment
 ☐ Economic and financial affairs
 ☐ Health
 ☐ Housing and community amenities
 ☐ Social protection
 ☐ Recreation, culture and religion
 ☐ Education
 ☐ Other activity

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Development of Hanover House and Bridge Street Car Park Staines-upon-Thames for a hotel and other mixed uses

Reference number

SPBC - 026725

II.1.2) Common procurement vocabulary (CPV)

Code	Description	Supplementary Vocabulary
<input checked="" type="radio"/> 45212411-0	Hotel construction work	
<input type="radio"/> 45211360-0	Urban development construction work	
<input type="radio"/> 55100000-1	Hotel services	

II.1.3) Type of contract

☒ Works
 ☐ Supplies
 ☐ Services

II.1.4) Short description

Spelthorne Borough Council are currently advertising an opportunity for the appointment of a developer/operator to deliver a hotel led and mixed use development on a prime waterfront site in Staines-upon-Thames.

II.1.5) Estimated total value

Value excluding VAT:

GBP : British Pound

(for framework agreements or dynamic purchasing systems – estimated total maximum value for the entire duration of the framework agreement or dynamic purchasing system)

II.1.6) Information about lots

This contract is divided into lots:

☐ yes
 ☒ no

Tenders may be submitted for

☒ all lots
 ☐ maximum number of lots:
 ☐ one lot only

Max Lots

0

☐ Maximum number of lots that may be awarded to one tenderer:

☐ The contracting authority reserves the right to award contracts combining the following lots or groups of lots:

II.2) Description

UniqueID	Title	Lot No
✓ 527	The development of Hanover House and Bridge Street Car Park Staines-upon-Thames for a hotel and other mixed uses.	

Section III: Legal, economic, financial and technical information

III.1) Conditions for participation

III.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions:

Selection criteria as stated in the procurement documents

III.1.2) Economic and financial standing

☒ Selection criteria as stated in the procurement documents

List and brief description of selection criteria:

Minimum level(s) of standards possibly required:

III.1.3) Technical and professional ability

Selection criteria as stated in the procurement documents

☒ Selection criteria as stated in the procurement documents

List and brief description of selection criteria:

Minimum level(s) of standards possibly required:

III.1.5) Information about reserved contracts

☐ The contract is reserved to sheltered workshops and economic operators aiming at the social and professional integration of disabled or disadvantaged persons

☐ The execution of the contract is restricted to the framework of sheltered employment programme

III.2) Conditions related to the contract

III.2.1) Information about a particular profession (only for service contracts)

☐ Execution of the service is reserved to a particular profession

Reference to the relevant law, regulation or administrative provision:

III.2.2) Contract performance conditions:

III.2.3) Information about staff responsible for the performance of the contract

☐ Obligation to indicate the names and professional qualifications of the staff assigned to performing

the contract

Section IV: Procedure

IV.1) Description

IV.1.1) Type of procedure

☐ Open procedure ☐ Restricted procedure ☐ Competitive procedure with negotiation ☒ Competitive dialogue ☐ Innovation partnership

☐ Accelerated Procedure

Justification:

IV.1.3) Information about a framework agreement or a dynamic purchasing system

☐ The procurement involves the establishment of a framework agreement

☒ Framework agreement with a single operator ☐ Framework agreement with several operators

Envisaged maximum number of participants to the framework agreement:

☐ The procurement involves the setting up of a dynamic purchasing system

☐ The dynamic purchasing system might be used by additional purchasers

In the case of framework agreements, provide justification for any duration exceeding 4 years:

IV.1.4) Information about reduction of the number of solutions or tenders during negotiation or dialogue

☒ Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated

IV.1.5) Information about negotiation *(only for competitive procedures with negotiation)*

☐ The contracting authority reserves the right to award the contract on the basis of the initial tenders without conducting negotiations

IV.1.6) Information about electronic auction

☐ An electronic auction will be used

Additional information about electronic auction:

IV.1.8) Information about the Government Procurement Agreement (GPA)

☐ yes ☒ no

IV.2) Administrative information

IV.2.1) Previous publication concerning this procedure

Notice number in the OJ S:

(One of the following: Prior information notice; Notice on a buyer profile)

IV.2.2) Time limit for receipt of tenders or requests to participate

Date:

IV.2.3) Estimated date of dispatch of invitations to tender or to participate to selected candidates

Date:

IV.2.4) Languages in which tenders or requests to participate may be submitted:☐ ES☐ CS☐ DA☐ DE☐ ET☐ EL☒ EN☐ FR☐ IS☐ IT☐ LV☐ LT☐ HU☐ MT☐ NL☐ PL☐ PT☐ SK☐ SL☐ FI☐ SV**IV.2.6) Minimum time frame during which the tenderer must maintain the tender**

Tender must be valid until:

or Duration in months:

*(from the date stated for receipt of tender)***IV.2.7) Conditions for opening of tenders**

Place:

Information about authorised persons and opening procedure:

Section VI: Complementary information

VI.1) Information about recurrence

This is a recurrent procurement

☐yes ☒no

Estimated timing for further notices to be published:

VI.2) Information about electronic workflows

☐ Electronic ordering will be used

☐ Electronic invoicing will be accepted

☐ Electronic payment will be used

VI.3) Additional information:

VI.4) Procedures for review

VI.4.1) Review body

Official name:

High Court of England and Wales

Postal address:

Town:

London

Postal code:

Country:

United Kingdom

E-mail:

Telephone:

Internet address: (URL)

(example: <http://www.example.com>)

Please Note: Incorrectly formatted URL's may result in form submission failure

Fax:

VI.4.2) Body responsible for mediation procedure

Official name:

Postal address:

Town:

Postal code:

Country:

Afghanistan

E-mail:

Telephone:

Internet address: (URL)

Fax:

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures:

VI.4.4) Service from which information about the review procedure may be obtained

Official name:

Postal address:

Town:

Postal code:

Country:

Afghanistan

E-mail:

Telephone:

Internet address: (URL)

Fax:

VI.5) Date of dispatch of this notice:

18/06/2019

Print

Close

[Print](#) [Close](#)**II.2.1) Title:**

The development of Hanover House and Bridge Street Car Park Staines-upon-Thames for a hotel and other mixed uses.

Lot No:

II.2.2) Additional CPV code(s)

Code	Description	Supplementary Vocabulary
UKJ25	West Surrey	

II.2.3) Place of performance

Code	Description
UKJ25	West Surrey

Main site or place of performance:

II.2.4) Description of the procurement:

Spelthorne Borough Council are looking to appoint a developer/operator to deliver a hotel led and mixed use development on a prime waterfront site in Staines-upon-Thames

II.2.5) Award Criteria

☒ Criteria below ☒ Price is not the only award criteria and all criteria are stated only in procurement documents

☐ Quality criterion

Quality Name:

Quality Weighting:

☒ Cost criterion - ☐ Price -

Cost Name:

Cost Weighting:

Price Weighting:

II.2.6) Estimated value

Value excluding VAT:

GBP : British Pound

(for framework agreements or dynamic purchasing systems - estimated total maximum value of the entire duration of this lot)

II.2.7) Duration of the contract, framework agreement or dynamic purchasing system

Duration in months:

or Duration in days:

or

Start:

/ End:

This contract is subject to renewal

☐yes ☒no

Description of renewals:

II.2.9) Information about the limits on the number of candidates to be invited *(except in open procedures)*

Envisaged number of candidates:

or Envisaged minimum number:

/ Maximum number:

Objective criteria for choosing the limited number of candidates:

Please see the selection criteria in the procurement documents.

II.2.10) Information about variants

Variants will be accepted

☐yes ☒no

II.2.11) Information about options

Options

☐yes ☒no

Description of options:

II.2.12) Information about electronic catalogues

☐Tenders must be presented in the form of electronic catalogues or include an electronic catalogue

II.2.13) Information about European Union funds

The procurement is related to a project and/or programme financed by european Union funds

☐yes ☒no

Identification of the project

II.2.14) Additional information:

[Print](#) [Close](#)



WATERFRONT DEVELOPMENT PROJECT

**HANOVER HOUSE
AND BRIDGE STREET CAR PARK
STAINES-UPON-THAMES**

OUTSTANDING DEVELOPMENT OPPORTUNITY

- ❖ Premium Riverside location
- ❖ Superior Hotel-led mixed use development, with serviced apartments and residential units
- ❖ Landmark building with Banqueting and Conferencing facility
- ❖ Excellent transport links
- ❖ Corporate demand generators

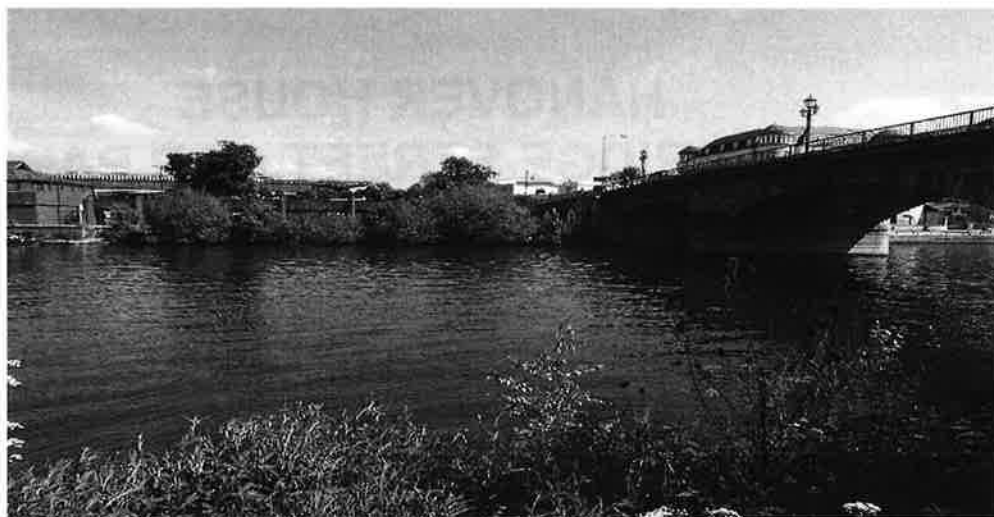
OUTLINE PROJECT BRIEF

1. INTRODUCTION

Spelthorne Borough Council wishes to develop the riverfront site of Hanover House and Bridge Street Car Park in Staines-upon-Thames.

The Council intends to grant a long lease to the successful Developer/Investor/Operator to enable the development of a mixed use hotel-led scheme, with serviced apartments and residential units on the site of the former Bridge Street Car Park and Hanover House. Other ancillary uses may also be appropriate.

The site would suit a strong national or international brand-name, upscale hotel with a mix of rooms and serviced apartments of high quality. It will offer superb banqueting, conferencing and meeting facilities, excellent restaurants, premium bar/lounge and leisure amenities, and in doing so will fully optimise the benefits of this prime riverside location.



This document provides a summary of the opportunity offered by the site's location, and the main ambition and objectives that the Council has for the site. It details the competitive tender process that Council will undertake.

2. THE SITE AND REQUIREMENTS FOR DEVELOPMENT

This section provides further key information about the benefits of this site, and the economic and commercial opportunity that this could

provide. It also expresses the Council's ambition for the site, that is, to provide:

- a landmark, high quality, upscale hotel, with conferencing and leisure facilities as well as serviced apartments;
- a minimum of 75 residential units, in compliance with the Supplementary Planning Document (SPD) requirements; and
- optionally, commercial uses.



Site, Location & Infrastructure

The Borough of Spelthorne offers 12 miles of river frontage and the proposed hotel will occupy a prime riverfront location, with a 90m riverside stretch, in the centre of Staines-upon-Thames. The site is approximately 0.926 Ha (2.30 acres), and access to the site is from Bridge Street.

There is no current planning consent on the site; however, the Bridge Street car park element alone of the site had benefitted from planning consent for a 205-unit residential scheme obtained in December 2015 which expired in March 2019. This larger site, therefore, represents much greater potential.

The site also benefits from excellent visibility and accessibility. This gateway location will offer an excellent opportunity for a landmark development at the western entrance point to the town, enhancing the attractive riverside approach.

The Council expects Developers/Investor/Operators' proposals to fully optimise the site's premium riverside location, including, where appropriate and feasible, high quality proposals for the use of the river itself.



The town benefits from the presence of a number of major multinational corporates including the national offices of Bupa, Samsung Electronics and VMware amongst others. BP, a major local employer, is headquartered within the Borough. The site's close proximity to these demand generators, to Windsor Castle and to famous leisure attractions, such as Thorpe Park and Legoland, offers a unique opportunity for a high quality hotel.

The site has excellent nearby air, rail and road transport connections. London Heathrow Airport is less than 10 minutes' drive away. Staines railway station, only a short walk away, provides direct access to London Waterloo and Reading, and the M25 motorway is less than 2 miles away, and less than a 5 minute drive.

The Council envisages the proposed placeshaping hotel development will be part of a wider regeneration of the local area, comprising both residential and commercial uses.

The Council is committed to investing in the regeneration of the Borough and has a significant development pipeline in its own right. Most notably this includes Thameside House in Staines-upon-Thames town centre, comprising a high quality 15-storey tower providing 140 premium apartments and 22,000 ft² of offices in a prime riverside location. The

Council is committed to building 650 homes, with a realisable ambition of 650-1000 within the next 5 years.

Overall, the site and location present a strong opportunity for an upscale hotel and residential development. The development of the Masterplan for Staines-upon-Thames town centre is underway, and this will inform and contribute to the Borough's Local Plan. This Masterplan will set a clear vision and strategy for the transformation and regeneration of the centre of Staines-upon-Thames by 2035, focusing on deliverable outcomes and policies.

The Council can be considered as a pro-active partner for regeneration of the town, given its ownership of significant strategic assets and its ability to realise opportunities.



Price competitiveness

The identified hotel market of relevance within a 3-mile radius is highly competitive, given that the majority of hotels in Staines-upon-Thames are positioned as limited-service hotels, whilst full-service hotels are largely of poorer quality, and therefore discount rates heavily to attract corporate demand.

There is an aspiration to enhance the town's night-time economy, which has not yet achieved its full potential. Additionally, there is a significant opportunity to attract more affluent clientele through the introduction of high end restaurants and other premium leisure offerings.

It is intended that the completed hotel will therefore include a strong, upscale bar/ lounge, restaurant and leisure offering for the town. The

extensive river frontage of this site would ideally suit the development of a hotel whose terraced bars and restaurants would offer sweeping views over the river.



Accommodation Demand Sources

The demand generated by nearby corporate businesses ensures high levels of midweek occupancy.

The development of a hotel on this site, and its proximity to London Heathrow Airport, for which further expansion is planned, would offer a genuine alternative for businesses and for airport-related uses.

The development of the site would not only create demand for its own high quality leisure attractions; it also offers accommodation for leisure-seekers visiting the many local attractions such as Windsor, Ascot racecourse, Thorpe Park and Legoland, within easy commuting distance from the site.



Staines-upon-Thames is a stable corporate-driven hotel market, with a relatively low share of branded hotel accommodation, and is a growth market opportunity. Demand for hotels locally has registered good growth. The number of rooms sold increased by 5.7% from 2014 to September 2018.

Throughout the year, hotel demand is relatively evenly spread; April typically sees a 70% occupancy and in July this rises to around 80%. The lower levels in December and January indicate the very clear need for premium banqueting and conference facilities which Developers/Investors/Operators shall incorporate into their offer for the hotel.

Business Environment

Staines-upon-Thames has a high number of medium and large enterprises (British Gas, Bupa, Ricoh, Samsung) and the wider Borough of Spelthorne also benefits from BP, Wood Group and dnata. The planned expansion of Shepperton Studios recognises the Borough's commercial opportunity. Overall, these thriving multinational corporations generate strong levels of midweek accommodation trade, reflecting the Borough's determined focus on business growth.

Staines-upon-Thames has 23% more business births than the rest of Surrey, and is an ideal location for new start-ups, where businesses flourish. There is a 95% first year survival rate for businesses. The town is also a popular retail destination, attracting a high number of day visitors during the weekend.



Hotel Characteristics

Developers/Investors/Operators will present a scheme which maximises the prime location of this hotel, reflects its importance as a gateway to the town and activates its river frontage. The Council is therefore expecting that Developers/Investors/Operators will propose a landmark facility offering an upscale guest experience, including high quality accommodation, and a wide range of other facilities such as bars, restaurants and leisure.

The design and quality of the hotel will reflect a high-star rating, as will the variety of services, aimed at consistently meeting the needs and expectations of discerning guests, and attracting business users, airport users, visitors and local residents.

The hotel will provide high quality flexible banqueting, conferencing and meeting facilities.

3. PROCUREMENT PROCESS & TENDER EVALUATION

Tender Process

The Council is inviting tenders through the OJEU Competitive Dialogue procurement process. The Competitive Dialogue process allows greater flexibility when engaging with the market in order to find successful outcomes for complex or unusual procurements. It allows organisations to discuss the requirement with interested parties before inviting the submission of the final tender.

The timetable for the process can be found at Appendix 1. However, the following headline activities should be noted:

03/07/2019	Publication of Contract Notice, Selection Questionnaire and high level briefing note. (This may take up to 3 days to become 'visible' to the market).
04/07/2019 - 05/08/2019	Period for expression of interest from Developers/Investors/Operators. Parties will express their interest in this scheme by submitting a fully-completed Selection Questionnaire by 24/07/2019. The Council will evaluate the Selection Questionnaires. A minimum of 3 (three) and a maximum of 8 (eight) participants will be Invited to Participate in Dialogue.
19/08/2019 - 18/10/2019	The Invitation to Participate in Dialogue (ITPD) will be issued to the (3-8) participating parties. The Invitation will include access to all relevant bid documents via a Data Room.

The Dialogue period will be held throughout August and October. This is subject to some variation, dependent upon the number of bidders and the number of dialogue stages needed.

It is anticipated that there will be one to two stages of dialogue, followed by the Developer/Investor/Operator's submission of an Outline Solution. There will then be a further stage of dialogue, followed by the submission of the Detailed Solution (in response to Invitation to Submit a Final Tender (ISFT)).

Detailed Solutions will be evaluated on the basis of the most economically advantageous tender submitted. The evaluation will be based on a Quality to Price (Commercial Offer) ratio:

- 70% Quality;
- 30% Price.

Quality Requirements

The Quality element of the Detailed Solution will be evaluated on the specific weighted headline requirements outlined in the Invitation to Participate in Dialogue (to be discussed during the dialogue process).

The Council has identified some key Quality outputs that this project must deliver, and the Invitation to Participate in Dialogue will detail these for discussion during the dialogue process. The Quality evaluation will consider a range of elements including, but not limited to, the proposed design, the hotel's facilities, and the benefits offered to the community.

Commercial Model

The Council is looking for a long-term rental stream to flow from the completed development, rather than a capital sum for the site.

This will be fully discussed during the competitive dialogue, but will broadly comprise:

A. Hotel & Serviced Apartments

The Developer/Investor/Operator's best annual rental offer against the long lease for its duration. Note that this will be subject to rent reviews (frequency to be defined during the dialogue process).

B. Residential properties

The Council will seek proposals for the sustained income offer for the Residential element of the site.

C. Commercial or other property (optional)

The Council will seek proposals for the income offer of any commercial element on the site, commensurate with and appropriate for the development.

The overall Commercial Offer will be evaluated on the basis of the best commercial offer for the site, comprising the two – three elements of 1) Hotel & Serviced Apartments, 2) Residential and 3) Other Commercial or other proposal (if applicable). Note that this third element is not essential, and that the best commercial offer may be achieved through the delivery of 1) and 2) alone or 1), 2) and 3).



4. OPERATING ARRANGEMENTS

The Council intends to grant a long lease to the successful Developer/Investor/Operator for the development of a mixed use hotel-led and residential scheme on the site. In addition to the hotel and residential units, the Council will consider any other proposed uses for the site.

Appendix 2 – Procurement process timeline

Event	Date
Cabinet approval for the purchase of Hanover House for redevelopment purposes	27 September 2017
Hanover Housing vacate premises	TBC
CBRE appointed by Assets to undertake feasibility study for hotel development	Summer 2018
Tender for hotel consultants issued	28 September 2018
Tender return for consultants	12 October 2018
Collier's appointed as advisors (delegated authority 5.3)	13 November 2018
Concerns re Colliers public sector procurement knowledge questioned	January 2019
Discussions over compliant and best procurement routes	February/March 2019
Working on scoping document and finalisation of procurement route. Further doubts on Collier's ability	April/May 2019
Internal scoping meeting with HG, RM, VS, DCM, TC, NC, IH, MG, HM & HW	13 June 2019
Soft Market supplier engagement event at Colliers offices	17 June 2019
Project brief issued to IH and HW	19 June 2019
Notice to terminate contract served on Colliers	26 June 2019
Sign off from Leader of project scoping document	2 July 2019
Appointment of Cushman & Wakefield as advisors. They requested holding the OJEU notice until 29 July to enable them to do their soft market engagement	3 July 2019
OJEU notice issued	29 July 2019

Qualification Questionnaire return (PQQ stage)	6 September 2019
Issued ITPD	6 November 2019
Qualified Bidders confirm Participation	7 November 2019
End of Dialogue phase and issue Invitation to Submit Final Tender (ISFT)	end February 2020
Deadline for return of Final Tenders	18 March 2020 Extended to 12 noon on the 20 March 2020
SBC evaluation of Final Tenders and Clarification meetings	w/c 23 March 2020
Internal approvals for Preferred Bidder appointment	8 April 2020
Notify Qualified Bidders of contract award decision commencing the 10-day period	14 April 2020
Mandatory standstill period	10 days
Award contract & OJEU contract award notice	May 2020

This matter has been reported to DIG throughout. The procedure has been undertaken in accordance with the requirements of Contract Standing Orders in terms of the procurement process that have been undertaken during this project.

Cllr Ian Harvey

From: ian@ian4sunbury.org
Sent: 07 April 2020 19:13
To: Amar Brar; Bob Noble; Clare Barratt; Colin Barnard; Dick Smith-Ainsley; Helen Harvey; Jim McIlroy; Jo Sexton; John Boughtflower; Mary Madams; Maureen Attewell; Michele Gibson; Naz Islam; Nick Gething ; Olivia Rybinski; Richard Barratt; Robin Sider; Rose Chandler; Satvinder Buttar; Tony Harman; Tony Mitchell; Vivienne Leighton
Subject: Waterfront Questions
Attachments: Waterfront Questions[52585].docx

Dear Group

Based on some reasonably asked questions I have put these to officers today and the Monitoring Officer has provided the attached "Questions and Answers" which I hope clarify matters.

A couple of other points that may be of interest:

- This process started in October 2017 when we agreed the purchase of Hanover House and our original consultants Colliers International started working on the "specification" in February 2019.
- The Specification was issued on 25th July 2019.
- The date of tomorrow's meeting was originally set on 28th February 2020.
- There is no "sale" or "purchase" so no significant financial implications until it opens / units are sold. Thereafter on the hotel, a sustainable index linked annual income is expected [REDACTED]
[REDACTED]
- Estimated Council Tax / Business Rates income (our share) on current levels is approximately [REDACTED]
[REDACTED] shown in the Cabinet financial reports.
- The completed development is estimated to represent a [REDACTED] into the Borough.
- Bidder B has stated that they would significantly enhance the river bank / quay heading, and build a jetty with maintained river path public access. Such matters are of course subject to final design detail and planning consent.

I hope this additional information is helpful.

Best wishes

Ian

Cllr Ian T E Harvey
Leader, Spelthorne Conservative Group
Leader Spelthorne Borough Council
Spelthorne Means Business

Questions relating to the procurement process for the proposed Waterfront development.

Why were only 4 Councillors used for the evaluation?

This was an officer-led project, and the evaluation panel was made up of both members and officers.

There were 5 sections the bid, and Members were asked to evaluate the section A, which addresses Bidders' proposed quality of hotel, serviced apartments and residential uses for the site in accordance with a specification of requirements.

The Councillors on the panel were the Leader and Deputy Leader, and the portfolio holders for Economic Development and Investment Portfolio Management & Regeneration respectively. Members were chosen based on their portfolio interest and / or professional background. The Group Head of Regeneration & Growth and the Assets Management Contractor were subject matter expert officers also evaluating this section.

A greater number of Councillors was initially proposed, but the Principal Solicitor advised that it would be very unusual to have such a larger number of evaluators on a procurement, and that it might be appropriate to have the Leader, Deputy Leader and the relevant Portfolio Holders.

The remaining sections of the tender documents were evaluated by officers and / or the appointed professional advisors.

What is the process and was there a requirement for consultation?

The Procurement was conducted in accordance with the Public Contracts Regulations 2015, on the open market. The market has responded in accordance with a specification and requirement already set out by the Authority that is to the minimum requirements for the proposed uses for the site. We approached the market to get the most economically advantageous outcome. Under the Public Contracts Regulations there is no requirement for consultation. The formal Competitive Dialogue is centred around the published criteria as required by the Regulations. There will be a public consultation process during the planning application.

What were the timescales for the procurement and have these been accelerated?

The Regulations require that the timetable be published in the formal documentation known as the Invitation to Participate in Dialogue and is as below, and we have adhered to the timetable throughout the competitive dialogue process, as tenders would expect. This is because they need to manage their tender teams, and submitting tenders of this nature is an expensive business.

Bidders were aware of the timetable, and the only extensions of time requested from them during the process was to move one of the dialogue sessions within the time window and to extend the submission deadline for 2 days.

Event	Date
Issue ITPD	6 November 2019
Qualified Bidders confirm Participation	7 November 2019
Dialogue phase (envisaged maximum time)	12 November 2019 – end February 2020
Issue Invitation to Submit Final Tender (ISFT)	4 March 2020
Qualified Bidders submit ISFT responses	18 March 2020
SBC evaluates ISFT responses	w/c 23 March 2020
Internal approvals	April 2020
Notify tenderers of contract award decision	End April 2020
"Standstill" period	10 days
Award contract & OJEU contract award notice	May

When was the 8 April Extraordinary Cabinet called?

The meeting date was originally set on the 28 February and published on the 10th March to fit with the procurement timetable and the key decision requirements of giving 28 days' notice.

What is the cost to the authority?

The funding of the development is by the bidder, and the Council is putting in the land. We will get a long term income stream from the development when completed.

What is the timetable for the project moving forward?

This is a quick guide to the milestone dates within the development agreement which has been negotiated during the Competitive Dialogue process.

DA Signed --- within 25 weeks planning application is made --- within 9 months vacant possession of the site is given and within --- 18 months planning permission is obtained.

Once planning permission is obtained and vacant possession given within 10 working days the agreement is unconditional and the lease is granted. Within 6 months of the unconditional date development must commence. There is an initial target of 49 months for the build with extension provisions for a further 12 months.

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Calendar of Meetings May 2020 to May 2021

Meeting	2020 Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	2021 1 Jan	Feb	Mar	Apr
Cabinet Briefing		5 <small>(not held)</small>	29	9		7	19	16		11	8	8	
Group	20	11	8	6		14	26	23		18	15	15	
Cabinet	Ex 8 x2	20 <small>(not held)</small>	17 <small>(not held)</small>	15 Ex 22		23		4	3	Ex 25 27	24	24 Ex 29	
Council	30	Ex 21	18ACM Ex 25	Ex 2 30		Ex 10 Ex 24	22 Recon 29		10	Ex 21	25	Ex 4 Ex 25	22
Cabinet Budget Briefings				15 <small>(not held)</small>			19			21			
O&S Committee				7		Ex 22 29		3		19	Ex 9	23	
Audit				23				Ex 12 26				18	
Planning	1, 29	27 <small>(not held)</small>	24 <small>(not held)</small>	14	19	16	14	11	9	6	3	3 / 31	28
Licensing	22	13 <small>(not held)</small>	10 <small>(not held)</small>	22 Ex 30		9 <small>(not held)</small>	7 <small>(not held)</small>	18	16	13	40	40	21

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Spelthorne Borough Council – Forward Plan – 12 March 2020

Report title or issue	Officer	C/Member	Key	Exempt	MAT	Briefing	Cabinet	Licensing	O&S	Audit	Council
Riverside Arts Centre - lease	Jeremy Gidman	H. Harvey	No	Public			16-Mar PIC				
Asset Management Plan	Nick Cummings	H. Harvey	No	Public	03-Mar	09-Mar	25-Mar				
Corporate Project Management	Sandy Muirhead	J.R. Sexton	No		26-Feb	09-Mar			17-Mar		
Report from River Thames Task Group	Jackie Taylor		No		26-Feb				17-Mar		
Homelessness and Rough Sleeping Strategy 2020-2025	David Birley	A. Brar	No	Public	26-Feb	09-Mar	25-Mar				
Internal Audit Services Annual Plan 2020-21	Punita Talwar	A.C. Harman	No	Public	03-Mar					19-Mar	
Corporate Risk Management report	Punita Talwar	A.C. Harman	No	Public	03-Mar		20-May			19-Mar	
Anti-Fraud, Bribery and Corruption report	Punita Talwar	A.C. Harman	No	Public	09-Mar		20-May			19-Mar	
Exempt report - Acquisition Z - key decision	Nick Cummings	I.T.E. Harvey	Yes	Private			30-Mar PIC				
Exempt report - Acquisition AA - Key Decision	Nick Cummings	I.T.E. Harvey	Yes	Private			30-Mar PIC				
Annual review of recruitment and retention allowances	Debbie O'Sullivan	O. Rybinski	No	Private	25-Mar						
Income and Salary Monitoring	Anna Russell	A.C. Harman	No	Public	25-Mar						
Tender report on Staines Development	Richard Mortimer	I.T.E. Harvey	Yes	Private	25-Mar		08-Apr				

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Cllr Ian Harvey

From: ian@ian4sunbury.org
Sent: 07 April 2020 14:14
To: Amar Brar; Bob Noble; Clare Barratt; Colin Barnard; Dick Smith-Ainsley; Helen Harvey; Jim McIlroy; Jo Sexton; John Boughtflower; Mary Madams; Maureen Attewell; Michele Gibson; Naz Islam; Nick Gething ; Olivia Rybinski; Richard Barratt; Robin Sider; Rose Chandler; Satvinder Buttar; Tony Harman; Tony Mitchell; Vivienne Leighton
Subject: Waterfront Images
Attachments: Bidder A.pdf; Bidder B .pdf

Dear Group

Following yesterdays teleconference, and as agreed, I have now obtained agreement to release to Group the attached illustrations that were provided as part of the assessment process.

These have been released to us under the following caveats set by the Monitoring Officer:

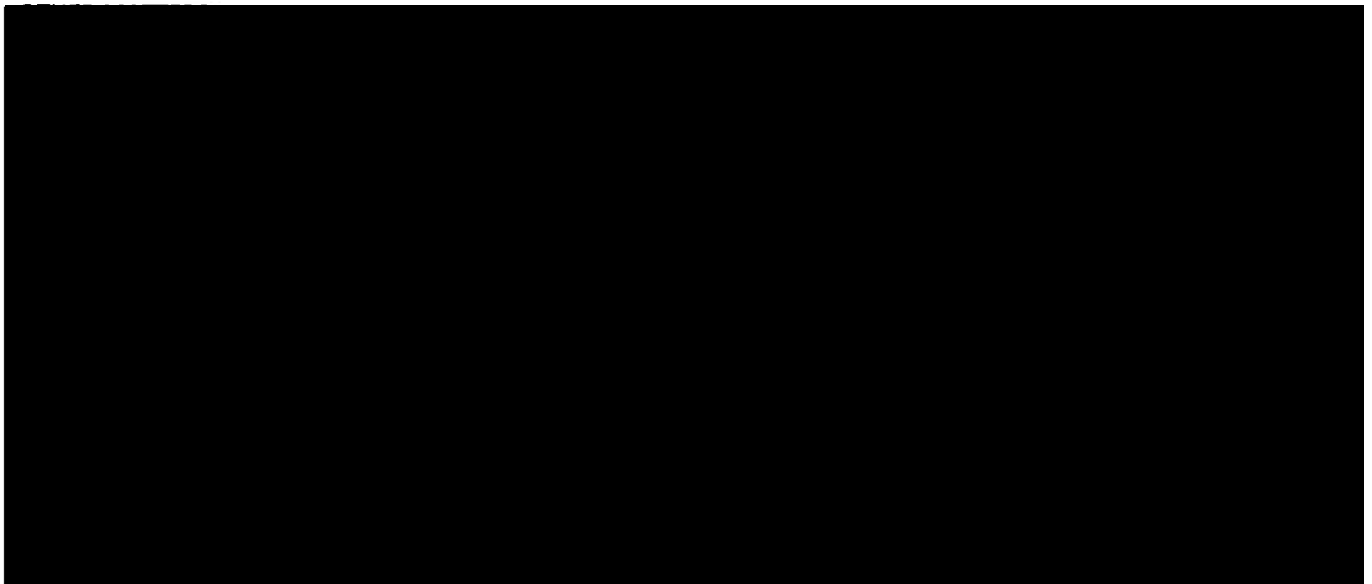
“THESE PLANS AND DRAWINGS ARE NOT FINAL DESIGNS.


As part of the tender submission bidders provided indicative plans/drawings of their proposals for the site and these are provided to you for information only.

These were provided as part of the tender purely for illustrative purposes only and were only to enable them to demonstrate in feasibility terms the mix of uses on the site. These proposals are subject to the pre-application, consultation and the full planning process and will be amended and developed both before and during that process.

Bidders were not required to produce fully detailed designed schemes or provide details of materials at tender submission stage as this would be cost prohibitive for them.

THESE PLANS ARE CONFIDENTIAL DO NOT PRINT OR REPRODUCE”





Take care

Ian

Cllr Ian T E Harvey

Leader, Spelthorne Conservative Group

Leader Spelthorne Borough Council

Spelthorne Means Business

Copy of Skype invite to all councillors for the Extraordinary Cabinets on 8 April 2020
Sent on 31 March 2020

Extraordinary Cabinets - Meeting

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⚠ We won't be able to deliver this message to **Doerfel, Jan (Councillor)** because the email address is no longer valid.
This email message will be sent to about 59 recipients.
Limmer, Karen : These recipients are sending automatic replies.

Attendee responses: 22 accepted, 0 tentatively accepted, 1 declined.

Send Update

Title **Extraordinary Cabinets**

Required **G.MaT; G.CabinetMembers; Statham, Victoria; Limmer, Karen; Gillies, Hilary; Mortimer, Richard; Curtis, Christine; Attewell, Maureen (Councillor); Barnard, Colin (Councillor); Barratt, Clare (Councillor); Bateson, Christopher (Councillor); Boughtflower, John (Councillor); Chandler, Rose (Councillor); Cornes, Nichola (Councillor); Doerfel, Jan (Councillor); Doran, John (Councillor); Doran, Susan (Councillor); Dunn, Richard (Councillor); Dunn, Sandra (Councillor); Fidler, Tom (Councillor); Gething, Nick (Councillor); Gibson, Michele (Councillor); Grant, Kathleen (Councillor); Islam, Naz (Councillor); Lagden, Thomas (Councillor); Leighton, Vivienne (Councillor); Madams, Mary (Councillor); McIlroy, James (Councillor); Mitchell, Tony (Councillor); Nichols, Lawrence (Councillor); Noble, Robert (Councillor); Saliagopoulos, Denise (Councillor); Sider, Robin (Councillor); Siva, Veena (Councillor); Smith-Ainsley, Richard (Councillor); Spoor, Bernie (Councillor); Vinson, Jennifer (Councillor); Morgan, Heather; 'cmeet@spelthorne.gov.uk'; Meetings_CX**

Optional **Harvey, Helen (Councillor); Harman, Tony (Councillor); Sexton, Joanne (Councillor); Buttar, Satvinder (Councillor); Barratt, Richard (Councillor); Rybinski, Olivia (Councillor); Harvey, Ian (Councillor); Collier, Terry; Brar, Amarjit (Councillor)**

Start time Wed 08/04/20 11:00 ☐ All day ☐ Time zones

End time Wed 08/04/20 12:00 [Make Recurring](#)

Location **Room 310A** [Room Finder](#)

Guidance for effective online meetings SBC v2.docx 54 KB

Dear all,

Two Extraordinary Cabinet meetings are scheduled to take place on 8 April 2020 starting at 11am with the second meeting commencing on the rising of the first. As the Regulations permitting virtual meetings have not yet been released we are required to hold a quorate Cabinet in the Council Chamber. However, only those Cabinet members required to be quorate and who are not self-isolating should attend the offices with all other Cabinet members and interested Councillors using Skype to access the meetings.

Please read the attached Guidance note for online meetings before you sign into the meeting. Detailed instructions on using Skype will follow soon.

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English (United Kingdom)

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From: Scott, Gillian <G.Scott@spelthorne.gov.uk>
Sent: 31 March 2020 18:16
Subject: Agenda for Cabinet, Wednesday, 8 April 2020, 11.00 am

Dear Councillor

The agenda for Cabinet, Wednesday, 8 April 2020, 11.00 am has just been published. Please download the papers on your iPad/Windows device at your earliest convenience and in any case, in advance of your attendance at the meeting. If you have any issues with the Modern.Gov app, please contact Committee Services on 01784 446240 or 444243

To see the publicly available information, follow the link: [Agenda details on public web site](#)

You can view any restricted information to which you have been given access, on the Modern.Gov Private App or when connected to the internal network on your computer, using the link: [Agenda details on intranet web site](#)

Meeting venue: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames

The following items are included in the agenda:

No. Item

- 1 Apologies for absence
- 2 Disclosures of Interest
- 3 Exempt Business
- 4 Exempt Item - Tender report on Staines Development - Key Decision

If you wish to give apologies for this meeting please email committeeservices@spelthorne.gov.uk

Please charge your iPad/Windows device before the meeting and remember to bring both the device and the charging cable with you to the meeting. For assistance please contact Committee Services on 01784 446240

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Please reply to:

Contact: Gillian Scott
Service: Committee Services
Direct line: 01784 444243
E-mail: g.scott@spelthorne.gov.uk
Date: 31 March 2020

Notice of meeting

Extraordinary Cabinet

Date: Wednesday, 8 April 2020

Time: 11.00 am

Place: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames for the purposes of a quorate meeting of Cabinet only. All other Cabinet members and councillors have been invited to join the meeting remotely.

The members of the Cabinet	Cabinet member areas of responsibility
I.T.E. Harvey (Leader)	Leader and Council Policy co-ordination
A.C. Harman (Deputy Leader)	Deputy Leader and Finance
R.O. Barratt	Environment and Compliance
I.J. Beardsmore	Strategic Planning - Local Plan
A. Brar	Portfolio Holder for Housing
S. Buttar	Community Wellbeing
H. Harvey	Portfolio Holder for Investment, Management and Regeneration
O. Rybinski	Economic Development, Customer Service, Estates and Transport
J.R. Sexton	Portfolio Holder for Corporate Management

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

www.spelthorne.gov.uk customer.services@spelthorne.gov.uk Telephone 01784 451499

AGENDA

Page nos.

1. Apologies for absence

To receive any apologies for non-attendance.

2. Disclosures of Interest

To receive any disclosures of interest from councillors in accordance with the Council's Code of Conduct for members.

3. Exempt Business

To move the exclusion of the Press/Public for the following item, in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.

4. Exempt Item - Tender report on Staines Development - Key Decision

To Follow

Councillor Helen Harvey

To consider an exempt report on tenders for a development in Staines-upon-Thames.

Reason for Exemption

This report contains exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006:

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because, disclosure to the public would prejudice the financial position of the authority in a competitive procurement process by allowing other bidders to know the financial position of the Council and other bidders. This in turn prejudices the Council by (i) distorting the procurement process and (ii) prejudicing the opportunity for the Council to achieve a competitive price and good value for money and (iii) might dissuade organisations bidding for the Council's tenders if their commercial information was put into the public domain.

From: Scott, Gillian <G.Scott@spelthorne.gov.uk>

Sent: 01 April 2020 16:09

Subject: Supplement: Extraordinary Cabinet report to the agenda for Cabinet, Wednesday, 8 April 2020, 11.00 am

The following document has just been published: supplement "Extraordinary Cabinet report" to the agenda for Cabinet, Wednesday, 8 April 2020, 11.00 am

The following items are included in the supplement:

No. Item

- 4 Exempt Item - Tender report on Staines Development - Key Decision

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To:
All members of the
Cabinet

Please reply to:
Contact: Gillian Scott
Service: Committee Services
Direct line: 01784 446240
E-mail: g.scott@spelthorne.gov.uk
Date: 1 April 2020

Supplementary Agenda

Extraordinary Cabinet - Wednesday, 8 April 2020

Dear Councillor

I enclose the following item which was marked 'to follow' on the agenda for the Extraordinary Cabinet meeting to be held on Wednesday, 8 April 2020:

4. Exempt Item - Tender report on Staines Development - Key Decision 3 - 26

Councillor Helen Harvey

To consider an exempt report on tenders for a development in Staines-upon-Thames.

Reason for Exemption

This report contains exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006:

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because, disclosure to the public would prejudice the financial position of the authority in a competitive procurement process by allowing other bidders to know the financial position of the Council and other bidders. This in turn prejudices the Council by (i) distorting the procurement process and (ii) prejudicing the opportunity for the Council to achieve a competitive price and good value for money and (iii) might dissuade organisations bidding for the Council's tenders if their commercial information was put into the public domain

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

www.spelthorne.gov.uk customer.services@spelthorne.gov.uk telephone 01784 451499

Yours sincerely

Gillian Scott
Committee Services

To the members of the Cabinet

Councillors:

I.T.E. Harvey (Leader)
A.C. Harman (Deputy Leader)
R.O. Barratt

I.J. Beardsmore
A. Brar
S. Buttar

H. Harvey
O. Rybinski
J.R. Sexton

Extraordinary Cabinet

08 April 2020




Title	Tender report for Staines Development		
Purpose of the report	To make a Key Decision		
Report Author	Richard Mortimer		
Cabinet Member	Councillor Helen Harvey	Confidential	Yes
Corporate Priority	Economic Development & Financial Sustainability		
Recommendations	<p>To award the tender and grant a long lease of the Hanover House and Bridge Street Car Park to Bidder B for the development of a hotel and mixed use scheme.</p> <p>To authorise the Group Head of Corporate Governance to finalise the terms and enter into all legal documents required for the transaction.</p>		
Reason for Recommendation	<p>The recommendation is based on the outcome of a full (Competitive Dialogue) procurement process to identify a Preferred Bidder for the development of the Hanover House and Bridge Street Car Park sites (the 'Waterfront' site).</p> <p>The recommended Preferred Bidder proposes a high quality upscale, [REDACTED] hotel-led design, and attractive commercial (income) arrangements in accordance with the detailed brief and procurement process.</p>		

This report contains exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006 Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because, disclosure to the public would prejudice the financial position of the authority in a competitive procurement process by allowing other bidders to know the financial position of the Council and other bidders. This in turn prejudices the Council by (i) distorting the procurement process and (ii) prejudicing the opportunity for the Council to achieve a competitive price and good value for money and (iii) might dissuade organisations bidding for the Council's tenders if their commercial information was put into the public domain

1. Background

- 1.1 Following a previous competitive procedure the Council entered into a Development Agreement for the freehold disposal of the Bridge Street Car Park site to Bellway Homes. The conditionality under the Development Agreement was not fulfilled and on the 21 December 2016 the transaction did not proceed
- 1.2 In September 2017 Cabinet approved the purchase of Hanover House for redevelopment purposes. This provided the Council with a much larger site and with the benefit of this marriage value enabled the Council to consider a much more ambitious and place-making development.

2. Vision

- 2.1 In summer 2018, the Council appointed CBRE Hotels to undertake an assessment of the hotel market and an appraisal of the financial opportunity for developing a hotel on the combined site.
- 2.2 It was established that the Borough does not have an upscale hotel with banqueting and conference facilities which meets the needs of the business community in the area.
- 2.3 The assessment identified the site as '...a prime strategic riverside location in the centre of Staines-upon-Thames, benefitting from good visibility and accessibility...the site and location present a strong opportunity for hotel development'.

- 2.4 Staines-upon-Thames has a high number of medium and large enterprises (British Gas, Bupa, Ricoh, Samsung) and the wider Borough of Spelthorne also benefits from BP, Wood Group and dnata. The planned expansion of Shepperton Studios recognises the Borough's commercial opportunity. The report states these thriving multinational corporations generate strong levels of midweek accommodation trade, reflecting the Borough's determined focus on business growth. Many such organisations use facilities in central London or around the airport due to a lack of a suitable offering in the Borough.

- 2.5 In addition to this business need the development of the site would not only create demand for its own high quality leisure attractions; it also offers accommodation for leisure-seekers visiting the many local attractions such as Windsor, Ascot racecourse, Thorpe Park and Legoland, all within easy commuting distance from the site.
- 2.6 Bringing this business into the Borough will help stimulate and grow the local economy and supports the corporate aim of Economic Development.
- 2.7 The Council has experience of developing residential properties, but the hotel industry is complex and after seeking advice from industry advisors including Colliers and Cushman & Wakefield it was clear that to bring forward this vision a hotel developer / operator was required. In order to develop and operate the site (be it through an owner/operator model or through a developer and licence arrangements) that the market would expect at least a long leasehold interest in the site so that they could put in place the relevant funding arrangements.

3. Objectives

- 3.1 The brief provided to bidders as part of the procurement process detailed the Council's objectives for the project based on the market intelligence of the commercial advisors:
 - (a) an upscale hotel with a minimum of 200 beds, The hotel brand of a good quality upscale standard offering as defined by Smith Travel Research (STR) or a 4-star hotel standard, as defined by the AA (or equivalent);
 - (b) the hotel is to provide Restaurant, Bar and Leisure facilities appropriate in size and quality with the standard of the hotel. In addition, the hotel will provide Meeting & Conference and Business Centre facilities capable of hosting corporate & leisure events with a minimum capacity of 200 persons;
 - (c) serviced apartments of a good quality upscale standard offering as defined by Smith Travel Research (STR) or a 4-star hotel standard, as defined by the AA (or equivalent) ;
 - (d) a minimum of 75 residential units (in line with the current Supplementary planning document (SPD) for the site);
 - (e) takes into account the challenges posed by the site location, the surrounding built environment (e.g. the conservation area) and natural barriers (the river; height restrictions), and proposes suitable arrangements for access; and
 - (f) the proposed design and layout maximise the potential of the river frontage and enhance the river and presents a credible solution for managing this challenge.

4. The Procurement Process

- 4.1 A project team was established to undertake a competitive tender exercise to bring forward a developer for the site in line with the Council's objectives.

- 4.2 Legal advice confirmed that this tender exercise had to be undertaken in accordance with the Public Contracts Regulations 2015 as under those regulations this is a works contract. In order that the Council obtains the best solution from the tender process, a Competitive Dialogue process has taken place.
- 4.3 To initiate interest in the site a soft-marketing event was held and invitation were issued to a range of organisations including developers, owners and operators within the hotel industry.
- 4.4 The formal process was initiated with the placing of an advert in the Official Journal of the European Union (OJEU) on the 29 July 2019.
- 4.5 Bidders were requested to express an interest in the opportunity and to respond to a selection questionnaire (pre-qualification). Nine bidders expressed an interest. Following the shortlisting process, four Qualified Bidders were selected, and were subsequently issued with the Invitation to Participate in Dialogue (ITPD).
- 4.6 Following the issue of the ITPD, dialogue sessions commenced in November 2019 and concluded in February 2020. During the dialogue process two of the four bidders de-selected themselves from the process, citing their own internal commercial reasons for doing so.
- 4.7 The Dialogue sessions were conducted by the project team, with support from external advisors for the sessions as necessary. The subject of each of the sessions reflected the qualitative and commercial questions outlined in the ITPD, to which Qualified Bidders would be required to respond in the Final Tenders.
- 4.8 The Qualitative element of the bid was weighted as 70% of the scores and each of the sub-sections carried its own weightings within each section. The qualitative elements reflected the objectives of the Council to ensure that the developments put forward would achieve the overall vision of a gateway development that generated economic growth. The Commercial Offer was weighted as 30% of the scores as it is imperative to also ensure that this development produced a sustainable income for the Council.
- 4.9 Cushman and Wakefield provided hotel and market intelligence throughout the process, and attended all dialogue sessions. Clyde & Co provided legal advice (both Property and Procurement) throughout the development of the competitive dialogue documents and led the third Dialogue session.
- 4.10 The two remaining Qualified Bidders were issued with Invitations to Submit Final Tender (ISFTs) on 4 March. The ISFTs required Qualified Bidders to submit their Final Tenders by 12 noon on 18 March 2020. One of the Qualified

Bidders requested an extension of time to submit and the tender return date was extended to 12 noon on 20 March.

- 4.11 Both Qualified Bidders submitted Final Tenders by the tender return deadline of 12 noon on 20 March 2020.

5. Evaluation

- 5.1 The ITPD published at the start of the procurement, set out the evaluation criteria along with the scoring guide and evaluation methodology as required under the Public Contracts Regulations (2015).
- 5.2 There was a split of 70% quality and 30% commercial for the evaluation.
- 5.3 The qualitative element was divided into criteria and then sub-criteria. The main criteria and weightings were as follows:

Qualitative Criteria	Section Weighting
Understanding the site and the requirement	30%
Funding and financial viability and commercial arrangements	25%
Structure of scheme delivery	25%
Planning and development of the public realm	10%
Working with the authority and delivering social value	10%

- 5.4 The bidders proposed the following mix of use on the site:

Use	Bidder A	Bidder B
Hotel rooms	■	■
Serviced apartments	■	■
Banqueting	■	■
Residential units	■	■

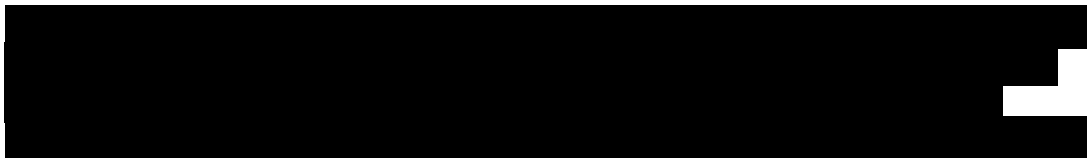
- 5.5 Bidder A proposed a mixed use scheme with ground floor conferencing facilities and a large publically accessible leisure centre. A bar/restaurant is included in the design which has a greater mass at the rear staggering downwards towards the river.

bidder will be notified of the decision and the mandatory 10 day standstill period will start in compliance with the Public Contracts Regulations 2015.

- 7.2 Subject to no objections, the development agreement and ancillary documents will be finalised.
- 7.3 Not to proceed with the tender process. The Council is able to stop this procurement and not to award the contract pursuant to this tender process. If this decision was taken, then the Council would need to undertake a similar tender process for the disposal and in uncertain times it is unlikely that the Council will receive a bid as commercial as that currently proposed. The site could for the foreseeable future remain in its current state as an underused car park and an empty office building and is a poor use of town centre brownfield land. It is also unlikely that the current bidders would undertake the procurement process again as it is a very expensive exercise for them. Furthermore, the proposed uses provide high quality facilities which are not currently available in the Borough. This kind of infrastructure would also make Staines-upon-Thames more attractive to businesses looking at relocating into the area thereby increasing local employment prospects. It would also pump prime the regeneration of the town centre.

8. Financial implications

8.1



9. Other considerations

- 9.1 Specialist advice has been obtained throughout the process to ensure the robustness of the process and to enable the Council to obtain the most economically advantageous tender. The Council has used specialist external lawyers to assist with the procurement process and the finalisation of the development agreement.
- 9.2 Any procurement process is subject to a risk of challenge from an unsuccessful bidder. Any challenge under the Public Contracts Regulations 2015 must be brought within 30 days of the date on which the unsuccessful bidder knew or ought to know that there was a breach of the regulations or the date of the decision. The Council has conducted the procurement in line with the 2015 regulations in order to minimise this risk.

10. Sustainability/Climate Change Implications

- 10.1 One of the evaluation criteria for this project was social value including how local labour would be engaged in the construction and operational aspects. The development itself will be subject to all environmental provisions within the planning regime.

11. Timetable for implementation

- 11.1 The Development Agreement and associated documents will be signed as soon as possible following the decision, following which a planning application will come forward.

Background papers: There are none

Appendices:

Waterfront Tender Evaluation report

Financial Analysis – TO FOLLOW



TENDER REPORT

Project Title	WATERFRONT SITE DEVELOPER /OPERATOR APPOINTMENT
Project Manager	Richard Mortimer
Decision level	Cabinet
Summary of Project	<p>This report summarises the procurement of a Developer / Operator to build and operate a hotel-led development scheme, comprising an upscale, quality hotel; serviced apartments; and residential units on the Bridge Street car park and Hanover House sites, collectively offered as the Waterfront Site, Staines-upon-Thames.</p> <p>The procurement was undertaken under the Competitive Dialogue (CD) process, in accordance and fully compliant with the Public Contracts Regulations 2015.</p> <p>This report provides details regarding the CD process, the bidder proposals and the evaluations, and makes recommendations to award the contract in accordance with the outcome of the process.</p>

1. BACKGROUND

- 1.1 In September 2017, Spelthorne Borough Council (SBC)'s Cabinet approved the purchase of Hanover House for redevelopment purposes, and in summer 2018, the Council appointed CBRE Hotels to undertake an assessment of the hotel market and an appraisal of the financial opportunity for developing a hotel on the combined site.
- 1.2 The assessment identified the site as '...a prime strategic riverside location in the centre of Staines-upon-Thames, benefitting from good visibility and accessibility...the site and location present a strong opportunity for hotel development'. [REDACTED]
- 1.3 CBRE's report concluded that, having spoken to a number of hotel brands,¹they believe that the site presented a good opportunity to act as a catalyst for further development in the town, and that a hotel developed on the site would become 'placemaking', filling a gap in current hotel supply for a full-service hotel.

¹ CBRE spoke with Hilton, Marriott and Village Hotels

- 1.4 A procurement exercise was undertaken for a hotel consultant and Colliers were duly appointed to advise SBC on the proposed approach to the market, and to assist in the procurement of the provider.
- 1.5 A soft market testing event was hosted by Colliers at their offices on 17 June 2019. Developers, operators, consultants and contractors from the industry were invited to attend, and there was attendance from these market sectors at the event.
- 1.6 [REDACTED] it was agreed to replace Colliers as the project consultants. Cushman and Wakefield, who had also bid for the consultancy work, were then asked to provide a revised proposal, and were duly appointed. They have advised the project team throughout the full process.
- 1.7 The project team consisted of Richard Mortimer, Asset Management Contractor, [REDACTED] Principal Solicitor, [REDACTED] Procurement Consultant, with external advice provided by [REDACTED] (Cushman and Wakefield), [REDACTED] and [REDACTED] (Clyde & Co, as Legal Advisors)

2. PROCUREMENT PROCESS

- 2.1 Advice from SBC's Legal and Procurement team confirmed that this project needed to be conducted in accordance with the Public Contracts Regulations 2015, rather than by the direct of award of a development agreement (to a developer). The advice was issued in light of the decision of the Court of Appeal in the case of *Faraday Development Ltd. vs. West Berkshire Council*. This case demonstrated that where a contracting authority (a council) enters into a Development Agreement which contained controls over how that land was developed, that constituted a works contract under the regulations and is not regarded as a purely property transaction which would sit outside of the regulations.
- 2.2 The Competitive Dialogue (CD) process was deemed to be the most suitable procurement process for the project. The CD process is most suited to complex, high value procurements, where there is a demonstrable requirement to develop the proposal in line with the client's requirements, thereby increasing the project value throughout the dialogue phase.
- 2.3 SBC published an OJEU (Contract) Notice on 29 July 2019, calling for the market to express an interest.
- 2.4 Nine bidders expressed an interest in bidding for the project by submitting a standard Selection Questionnaire (SQ). Following the shortlisting process, four Qualified Bidders were selected, and were subsequently issued with the Invitation to Participate in Dialogue (ITPD).
- 2.5 The Dialogue sessions commenced in November 2019 and concluded in February 2020. Details of the Qualified Bidders and the structure of the Dialogue meetings are attached at Appendix 1.
- 2.6 The Dialogue sessions were conducted by the project team, with support from external advisors for the sessions as necessary. The subject of each of the sessions reflected the qualitative and commercial questions outlined in the ITPD, to which Qualified Bidders would be required to respond in the Final Tenders.

- 2.7 The qualitative criteria and sub-criteria questions are at Appendix 2. The Qualitative element of the bid was weighted as 70% of the scores and each of the sub-sections carried its own weightings within each section as detailed at Appendix 2. The Commercial Offer weighted as 30% of the scores, as also indicated within Appendix 2.
- 2.8 Cushman and Wakefield provided hotel and market intelligence throughout the process, and attended all CD sessions. Clyde & Co provided legal advice (Property and Procurement) throughout the development of the CD documents and led the third Dialogue session.
- 2.9 Two Qualified Bidders self-deselected during the Dialogue process (see Appendix 1). The two remaining Qualified Bidders were issued with Invitations to Submit Final Tender (ISFTs) on 4 March. The ISFTs required Qualified Bidders to submit their Final Tenders by 12 noon on 18 March 2020. One of the Qualified Bidders requested an extension of time to submit and the tender return date was extended to 12 noon on 20 March.
- 2.10 Both Qualified Bidders submitted tenders by the tender return deadline of 12 noon on 20 March 2020.

3. EVALUATION & TENDER EVALUATION SCORES

- 3.1 Each of the Qualitative and Commercial responses were evaluated by the Evaluation Panels as outlined at Appendix 2.
- 3.2 Responses to question B (a Pass / Fail question whereby Bidders were required to accept the draft contract package without amendment to the non-negotiable provisions) were reviewed and evaluated by Clyde & Co. Clarifications were sought from both parties on some negotiated points. Both the Bidders scored a Pass on this requirement.
- 3.3 The Qualitative scores were marked in accordance with the scoring matrix below, which was also published in the ISFT:

Score	Description
0	Completely fails to meet required standard or does not provide a proposal.
1	Proposal significantly fails to meet the standards required, contains significant shortcomings or is inconsistent with other proposals.
2	Proposal falls short of achieving expected standard in a number of identifiable respects.
3	Proposal meets the required standard in most material respects, but is lacking or inconsistent in others.
4	Proposal meets the required standard in all material respects.
5	Proposal meets the required standard in all material respects and exceeds some or all of the major requirements.

- 3.4 The Commercial Offers were evaluated by the Evaluators outlined at Appendix 2, and in accordance with the following calculation, and the worked example provided within the ISFT, as below:

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

4. PREFERRED BIDDER

The Evaluation Process has identified Bidder B as the Preferred Bidder. In the opinion of the Evaluation Panel, this bidder has offered the most economically advantageous bid, i.e. the bid which offers the best combined qualitative and commercial proposal.

5. RECOMMENDATIONS

Cabinet is therefore recommended to agree to award the tender to and grant a long lease to Bidder B of the Hanover House and Bridge Street Car Park sites for the development of a hotel and mixed use development.

Appendix 1 – Competitive Dialogue Sessions and Process

Stage	Date	CD Session Topic	Qualified Bidder	Dialogue Leads (SBC and Advisors)
1	12/11/ 2019	Understanding the Site and the Requirement	Bidder A	Richard Mortimer, Assets Manager, SBC; ██████████ Principal Solicitor, SBC; ██████████ Procurement Consultant; ██████████ Hotels sector, Cushman & Wakefield; ██████████ Cushman & Wakefield (notetaker)
1	21/11/2019	Understanding the Site and the Requirement	Bidder B	Richard Mortimer, Assets Manager, SBC; ██████████ Principal Solicitor, SBC; ██████████ Procurement Consultant; ██████████, Hotels sector, Cushman & Wakefield; ██████████ Cushman & Wakefield (notetaker)
1	22/11/2019	Understanding the Site and the Requirement	Bidder C	Richard Mortimer, Assets Manager, SBC; ██████████ Principal Solicitor, SBC; ██████████ Procurement Consultant; ██████████ Hotels sector, Cushman & Wakefield; ██████████ Cushman & Wakefield (notetaker)
1	22/11/2019	Understanding the Site and the Requirement	Bidder D	Richard Mortimer, Assets Manager, SBC; ██████████ Principal Solicitor, SBC; ██████████ Procurement Consultant; ██████████, Hotels sector, Cushman & Wakefield; ██████████ Cushman & Wakefield (notetaker)
Site Visit	2/12/2019	London	Bidder A	Richard Mortimer, Assets Manager, SBC; ██████████ Principal Solicitor, SBC; ██████████ Procurement Consultant; ██████████, Hotels sector, Cushman & Wakefield;
Notification	3/12/2019	Notification from Bidder D of withdrawal from the process	Bidder D	

Site Visit	4/12/2019	South East	Bidder B	Richard Mortimer, Assets Manager, SBC; [REDACTED] Principal Solicitor, SBC; [REDACTED] Procurement Consultant; [REDACTED] Partner, Hotels sector, Cushman & Wakefield;
Site Visit	22/01/2020	Aberdeen	Bidder C	Richard Mortimer, Assets Manager, SBC; [REDACTED] Principal Solicitor, SBC; [REDACTED] Procurement Consultant;
2	27/01/2020	Structure of the Scheme Delivery; Planning & Development of the Public Realm; Working with the Authority & Delivering Social Value	Bidder B	Richard Mortimer, Assets Manager, SBC; [REDACTED] Principal Solicitor, SBC; [REDACTED] Procurement Consultant; [REDACTED], Hotels sector, Cushman & Wakefield; [REDACTED], Cushman & Wakefield (notetaker)
2	31/01/2020	Structure of the Scheme Delivery; Planning & Development of the Public Realm; Working with the Authority & Delivering Social Value	Bidder A	Richard Mortimer, Assets Manager, SBC; [REDACTED] Principal Solicitor, SBC; [REDACTED] Procurement Consultant; [REDACTED], Hotels sector, Cushman & Wakefield; [REDACTED], Cushman & Wakefield (notetaker)
2	5/02/2020	Structure of the Scheme Delivery; Planning & Development of the Public Realm; Working with the Authority & Delivering Social Value	Bidder C	Richard Mortimer, Assets Manager, SBC; [REDACTED] Principal Solicitor, SBC; [REDACTED] Procurement Consultant; [REDACTED], Hotels sector, Cushman & Wakefield; [REDACTED], Cushman & Wakefield (notetaker)
Site Visit	7/02/2020	South East	Bidder C	Richard Mortimer, Assets Manager, SBC; [REDACTED] Principal Solicitor, SBC; [REDACTED] Procurement Consultant; [REDACTED], Hotels sector, Cushman & Wakefield;
Notification	20/02/2020	Notification from Bidder C of withdrawal from the process	Bidder C	
3	26/02/2020	Funding & Financial Viability and Commercial Arrangements	Bidder A	Richard Mortimer, Assets Manager, SBC; [REDACTED] Principal Solicitor, SBC; [REDACTED] Procurement Consultant;

				<p>██████████ Partner, Hotels sector, Cushman & Wakefield;</p> <p>██████████ Clyde and Co;</p> <p>██████████ Clyde and Co;</p> <p>██████████ Clyde & Co (notetaker)</p>
3	27/02/2020	Funding & Financial Viability and Commercial Arrangements	Bidder B	<p>Richard Mortimer, Assets Manager, SBC;</p> <p>██████████ Principal Solicitor, SBC;</p> <p>██████████ Procurement Consultant;</p> <p>██████████ Hotels sector, Cushman & Wakefield;</p> <p>██████████ Clyde and Co;</p> <p>██████████ Clyde and Co;</p> <p>██████████ Clyde & Co (notetaker).</p>
	4/03/2020	Invitation to Submit Final Tender	1. Remaining 2 Qualified Bidders	
	12 noon 20/03/2020	Final Tenders submitted	1. Remaining 2 Qualified Bidders	
	23/03/2020 – 27/03/2020	Evaluation of submitted Tenders	<p>Review of the submission of compliant tenders:</p> <p>██████████, Principal Solicitor, SBC;</p> <p>██████████ Procurement Consultant;</p> <p>Quality Evaluations</p> <p>Evaluation of Section A (Understanding the Site and the Requirement):</p> <p>Heather Morgan, Group Head, Regeneration & Growth</p> <p>Richard Mortimer, Assets Management Contractor, SBC;</p> <p>██████████ Cushman & Wakefield;</p> <p>Cllr Ian Harvey – Leader of the Council</p> <p>Cllr Tony Harman – Deputy Leader</p> <p>Cllr Olivia Rybinski – Portfolio Holder, Economic Development, Customer Service, Estates & Transport</p> <p>Cllr Helen Harvey - Portfolio Holder, Investment Portfolio Management, and Regeneration;</p> <p>Evaluation of Contract Compliance:</p> <p>██████████ Clyde and Co;</p> <p>██████████ Clyde and Co;</p> <p>Evaluation of Sections B (Funding & Financial Viability and Commercial Arrangements); C (Structure of the Scheme Delivery); D (Planning &</p>	

			Development of the Public Realm); E (Working with the Authority & Delivering Social Value); Richard Mortimer, Assets Manager, SBC; [REDACTED] sector, Cushman & Wakefield; Commercial Evaluations Richard Mortimer [REDACTED]
	30/03/2020	Scores Evaluated and Preferred Bidder identified	

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[REDACTED]		
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]





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From: Scott, Gillian <G.Scott@spelthorne.gov.uk>

Sent: 06 April 2020 14:26

Subject: Supplement: Financial appendix to the agenda for Cabinet, Wednesday, 8 April 2020, 11.00 am

The following document has just been published: supplement "Financial appendix" to the agenda for Cabinet, Wednesday, 8 April 2020, 11.00 am

The following items are included in the supplement:

No. Item

- 4 Exempt Item - Tender report on Staines Development - Key Decision

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Private Agenda



To:
All members of the
Cabinet

Please reply to:
Contact: Gillian Scott
Service: Committee Services
Direct line: 01784 446240
E-mail: g.scott@spelthorne.gov.uk
Date: 6 April 2020

Supplementary Agenda

Extraordinary Cabinet - Wednesday, 8 April 2020

Dear Councillor

I enclose the financial appendix to the following item which was marked 'to follow' on the agenda for the Cabinet meeting to be held on Wednesday, 8 April 2020:

4. **Exempt Item - Tender report on Staines Development - Key Decision** **3 - 8**
Councillor Helen Harvey

To consider an exempt report on tenders for a development in Staines-upon-Thames.

Yours sincerely

Gillian Scott
Committee Services

To the members of the Cabinet

Councillors:

I.T.E. Harvey (Leader)
A.C. Harman (Deputy Leader)
R.O. Barratt

I.J. Beardsmore
A. Brar
S. Buttar

H. Harvey
O. Rybinski
J.R. Sexton

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

www.spelthorne.gov.uk customer.services@spelthorne.gov.uk telephone 01784 451499

CONFIDENTIAL**Waterfront Financial Proposition**

Bidders were requested to make offers to the Authority providing best bids based on three elements –

1. A nominal annual ground rent is assumed during the planning and construction phases. From practical completion, a fixed annual ground rent is payable to the Authority that is reviewable every five years to CPI throughout the term of the lease (250 years).
2. Turnover Rent – a percentage of annual turnover is to be paid to the Authority. In order to properly assess this, bidders were requested to provide trading forecasts for their proposals over a 10 year period. Bids were then scored based on the total rents received during this period. This approach has been adopted as hotels typically take 4-5 years for their income to stabilise. In the earlier years they often need to offer discounted rates and packages to generate new business and establish themselves in new market places. After this period of stabilisation turnover is assumed to grow in line with inflation. This is evidenced in the recommended Bidder's trading cashflow forecast.
3. Residential Offer – the bidders were invited to make best offers based on £x per square foot of residential sales area payable to the Authority.

The preferred Bidder B has responded as follows. Commentary on their bids is also included–

- a. An annual fixed ground rent of [REDACTED] during their 4 year planning and construction phases. Thereafter they will pay a commencing rent of [REDACTED] reviewable to CPI every 5 years. This is capped and collared at [REDACTED]. Therefore, if CPI is zero there will be no rent increase but if there is growth the increase in rent will be capped at [REDACTED]. This is higher than the other bidder. [REDACTED]

When compared to average inflation rates in recent decades this provides good inflation proofing of this element of the long term income stream.

- b. Turnover Rent – this is [REDACTED] in year 1, [REDACTED] in years 2 and 3 and [REDACTED] from year 4 onwards. Their turnover forecast has been reviewed by Cushman & Wakefield Hotel Advisory Team and they are satisfied this is reasonable in a normal market. As hotel room and function room prices rise over time with inflation so would the Council's turnover rent. Their turnover projections and their percentage of turnover bid were higher than those of the other bidder. The bids have been evaluated in the context of the possibility of Heathrow expansion not happening, Bidder B already have so much airport related business without reliance on the 3rd runway that its timing would not affect their business plan for the Waterfront. [REDACTED]

- c. Residential Offer - they have offered [REDACTED] of residential sales at [REDACTED] which equates to a payment to the Authority of [REDACTED] based on their [REDACTED] square feet scheme proposals. This represents a total payment of [REDACTED]. This is higher than the other bidder.

[REDACTED]

There is an option for SBC to buy the residential around the start of construction which would provide a rental stream rather than capital receipt which could be reinvested to earn interest. The potential value of such a rental stream will depend of the mix and exact number of units secured at planning. [REDACTED]

[REDACTED]

Assuming the option of receiving [REDACTED] is pursued resulting in a [REDACTED]

[REDACTED] this would generate an additional income stream of [REDACTED]. If this income stream is added to the ground rent and turnover rent it is projected that by 2028 the Council would be receiving in excess of [REDACTED]

[REDACTED]

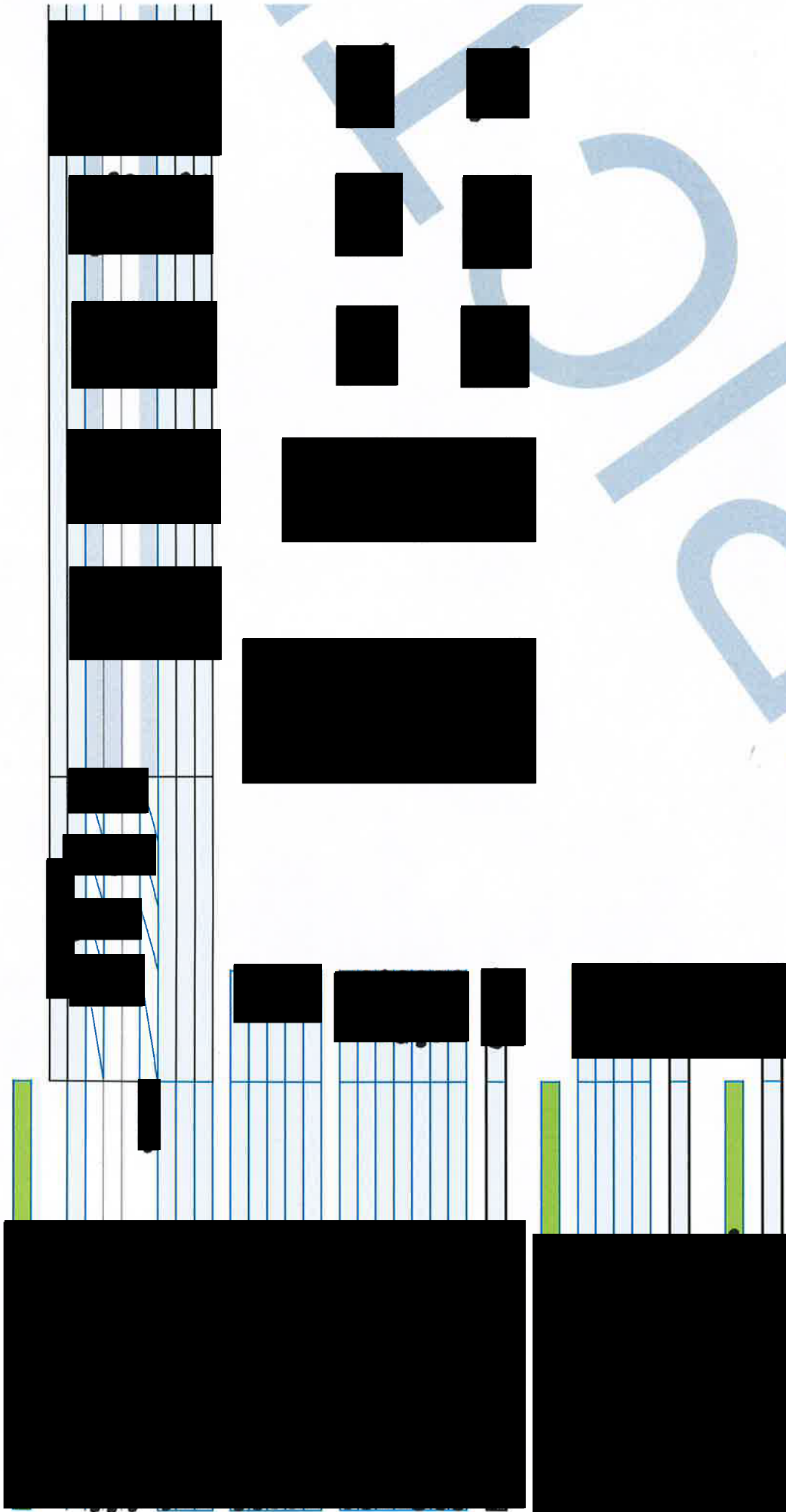
In collaboration with Cushman & Wakefield, an opinion of value for the ground rent interest in the hotel that the Authority will retain has been estimated at [REDACTED]. On a gross basis and after stabilisation of the hotel trading income, the value is estimated at [REDACTED]. Depending on residential sales income the total returns will vary. Assuming the figures in Bidder B's bid, the total would be [REDACTED] based on the net value and [REDACTED]. If higher residential sales are achieved [REDACTED]

[REDACTED]

[REDACTED] In the long term this represents a better return than a one off capital receipt where the value and that of interest earned on it would decline in real terms over time.

A cashflow statement that articulates the bidders' proposals and the valuation appraisal of the Authority's interest is attached.

One of the two alternative options to accepting either of the bids would be to continue operating the site as a car park. Gross income is approximately [REDACTED] and net income after business rates is [REDACTED]. This is before taking into account future maintenance liabilities. So accepting bid B is significantly better financially for the council than continuing on a long term basis to operate the site as a car park. The second option is to sell the site. This would deliver a future capital receipt in the order of [REDACTED] which if re-invested at say [REDACTED] could generate an income stream of [REDACTED] once a sale was completed and receipt received. However any return would be eroded by inflation over time whereas the capitalised value of our long leasehold interest would increase in line with the ground rent indexation and any increase in turnover. Furthermore, in the long term the site ultimately reverts to the Council on expiration of the lease or enfranchisement payments from tenants to the Authority start to become real prospects as the residential and commercial interests go below 70-90 years.



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Minutes of Extraordinary Cabinet

8 April 2020

11am

Present:

Councillor I.T.E. Harvey, Leader and Council Policy co-ordination
Councillor A.C. Harman, Deputy Leader and Finance
Councillor R.O. Barratt, Environment and Compliance
Councillor I.J. Beardsmore, Strategic Planning - Local Plan
Councillor A. Brar, Portfolio Holder for Housing
Councillor S. Buttar, Community Wellbeing
Councillor H. Harvey, Portfolio Holder for Investment, Management and
Regeneration
Councillor O. Rybinski, Economic Development, Customer Service, Estates
and Transport
Councillor J.R. Sexton, Portfolio Holder for Corporate Management

Councillors in attendance:

Councillor C. Bateson
Councillor C.F. Barnard
Councillor C.L. Barratt
Councillor K.M. Grant
Councillor V.J. Leighton
Councillor L. E. Nichols
Councillor R.A. Smith-Ainsley

2702 Disclosures of Interest

The Leader, Councillor I.T.E. Harvey, advised that he had taken legal advice about his position in relation to the substantive item on the agenda and confirmed that he had no disclosable pecuniary interest nor any conflict of interest to declare.

There were no disclosures of interest from any other Councillor.

2703 Exempt Business

Resolved to move the exclusion of the Press and Public for the following item in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.

2704 Exempt Item - Tender report on Staines Development - Key Decision

[Paragraph 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information)]

Cabinet considered an exempt report on tenders submitted for a development in Staines-upon-Thames.

The report detailed the Council's vision for the site, the brief provided to bidders to meet the Council's objectives for the project, the procurement process and the evaluation exercise which had led to the recommendation.

Alternative options considered and rejected by Cabinet:
Not to proceed with the tender process.

Resolved to:

- 1) award the tender and grant a long lease of the site in Staines-upon-Thames to Bidder B and
- 2) authorise the Group Head of Corporate Governance to finalise the terms and enter into all legal documents required for the transaction.

Reason for decision

The recommendation is based on the outcome of a full (Competitive Dialogue) procurement process to identify a Preferred Bidder for the development of the site.

Bidder B submitted the most economically advantageous offer for the development

NOTES:-

- (1) *Members of the Overview and Scrutiny Committee are reminded that under Overview and Scrutiny Procedure Rule 16, the "call-in" procedure shall not apply to recommendations the Cabinet makes to the Council. The matters on which recommendations have been made to the Council, if any, are identified with an asterisk [*] in the above Minutes.***
- (2) *Members of the Overview and Scrutiny Committee are entitled to call in decisions taken by the Cabinet for scrutiny before they are implemented, other than any recommendations covered under (1) above.***
- (3) *Within five working days of the date on which a decision of the Cabinet or a Cabinet Member is published, not less than three members [one of whom must be the Chairman] of the Overview and Scrutiny Committee are able to "call in" a decision;***

- (4) *To avoid delay in considering an item "called in", an extraordinary meeting of the Overview and Scrutiny Committee will be convened within seven days of a "call in" being received if an ordinary meeting is not scheduled in that period;*
- (5) *When calling in a Cabinet decision for review the members doing so should in their notice of "call in":-*
- *Outline their reasons for requiring a review;*
 - *Indicate any further information they consider the Overview and Scrutiny Committee needs to have before it in order to conduct a review in addition to the written report made by officers to the Cabinet;*
 - *Indicate whether, where the decision was taken collectively by the Cabinet, they wish the Leader or his nominee (who should normally be the Cabinet Member) or where the decision was taken by a Cabinet Member, the member of the Cabinet making the decision, to attend the committee meeting; and*
 - *Indicate whether the officer making the report to the Cabinet or the Cabinet Member taking the decision or his/her representative should attend the meeting.*
- (6) *The deadline of five working days for "call in" by Members of the Overview and Scrutiny Committee in relation to the above decisions by the Cabinet is the close of business on 17 April 2020.*

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Waterfront hotel development announced for Staines-upon-Thames

Spelthorne Borough Council is pleased to announce that following a competitive tender process and unanimous agreement of the Council's Cabinet, the Arora Group has been awarded the contract to develop Bridge Street Car Park and Hanover House in Staines-upon-Thames for a hotel-led mixed use development.

This landmark development is set to greatly enhance the river frontage at one of the main gateways into Staines-upon-Thames, providing an upscale (4 star) hotel with over 300 guest rooms, conferencing/banqueting facilities, spa, restaurants, bars, leisure and retail facilities together with serviced apartments and residential units.

The development will provide a massive economic boost for Spelthorne's main town and gives a strong signal that even in these challenging times, businesses like the Arora Group can see the untapped potential of the town and are keen to invest in Spelthorne. It is anticipated that over 350 new jobs will be created, providing new career opportunities for local residents.

The Arora Group is keen to gain the views of local residents and will be holding public consultation sessions before a planning application is submitted.

Cllr Ian Harvey, Leader of Spelthorne Council, said: "I am absolutely delighted that the Arora Group will be delivering this high-class riverside development which marks a key stage in our plans to regenerate the town. When the consultation phase begins, I think residents will be pleasantly surprised by the clever design features and range of the facilities being proposed by Arora.

"My aim has always been to find sustainable investment models for Spelthorne and the agreement with Arora ensures the land is being used in a way which continues to generate income for council services over the long-term rather than being sold for a one-off payment. Arora demonstrated a strong commitment to the project and desire to invest in the long-term success of the town."

Surinder Arora, Founder and Executive Chairman of Arora Group, commented: "We are incredibly proud to have been awarded this development opportunity and look forward to working with Spelthorne Council to kick start the regeneration of the town centre. We genuinely believe that the area needs the introduction of a new 4-star hotel development, not only to service existing business and leisure customers but also to attract new opportunities to the area."

Keep up to date with all Council news by signing up to our e-newsletter www.spelthorne.gov.uk/enews or register for My Alerts www.spelthorne.gov.uk/myalerts which will keep you informed on selected information by email.

Notes:

Arora Hotels is one of the UK's leading hotel owner-operators with expertise in airport and city centre hotel operations. Current hotels within the portfolio include Sofitel London Heathrow, Sofitel London Gatwick and Novotel London Stansted (under a franchise agreement with Accor), Renaissance London Heathrow (under a franchise agreement with Marriott), InterContinental® London – The O2, Holiday Inn Heathrow Terminal 5, Crowne Plaza London Heathrow Terminal 4, Holiday Inn Express® London Heathrow Terminal 4 (under a franchise agreement with IHG), Hilton London Gatwick and Hilton Garden Inn London Heathrow Terminals 2 & 3 (under a franchise agreement with Hilton Hotel and Resorts), and Arora Hotel Gatwick/Crawley. Under construction and due to open in early 2021 is the Fairmont Windsor Park Hotel. For more information please visit www.thearoragroup.com and due to open in early 2021 is the Fairmont Windsor Park Hotel. For more information please visit www.thearoragroup.com

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Residents Briefing

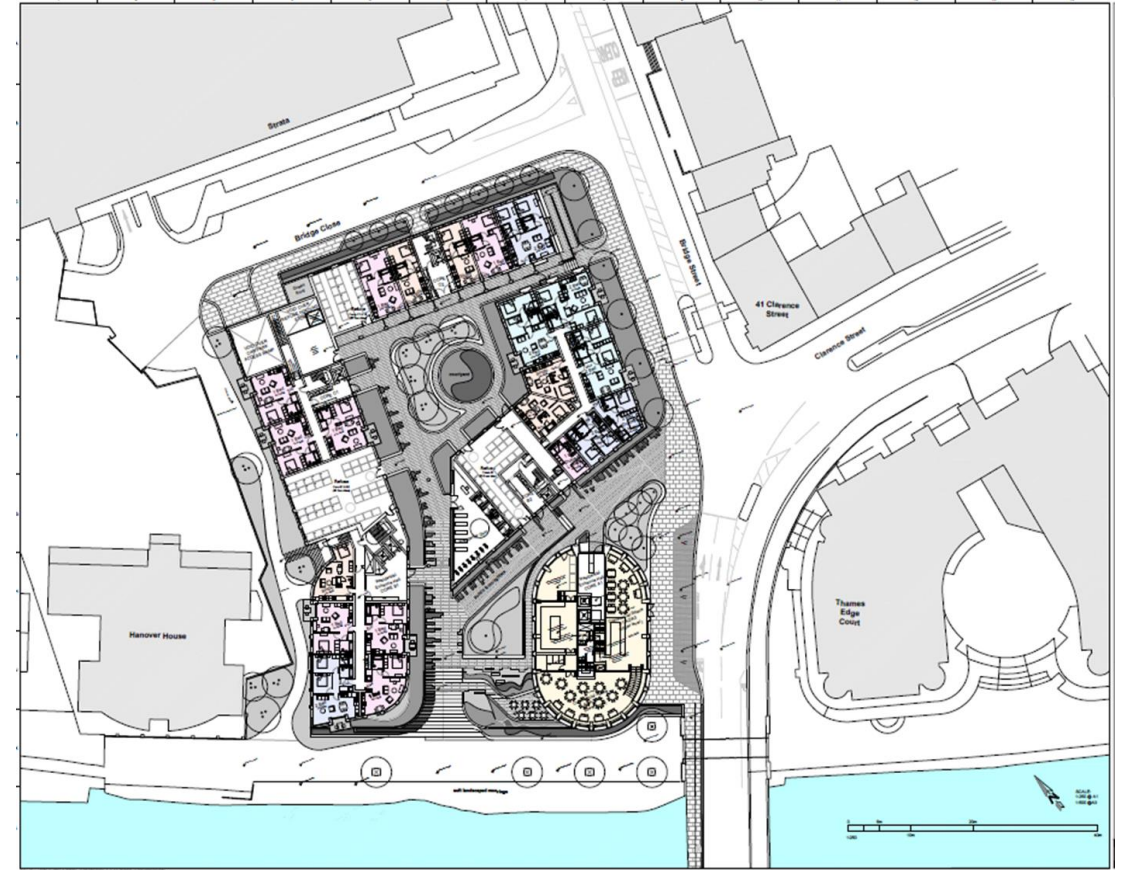
Waterfront
19 January 2021

Agenda



- Welcome
- Introductions
- Community issues / concerns
- Presentation on Waterfront
- Clarifying Questions
- Discussion

History - Bellway scheme



Waterfront – why?

Regeneration

Vitality

Landmark

Demand

4 star

Thames

Waterfront – Process



OJEU process

Due to the value of the contract



Competitive dialogue

Enables scheme development tight parameters



Market and legal expertise

On hotel market, procurement, legal

Waterfront – Process



Cabinet & Local Planning Authority



Cabinet

Executive decisions

Acting in capacity as landowner (duty to ensure value for money in decision making)



Local Planning Authority

Quasi judicial role (not influenced by Cabinet)

Applies national and local planning policy (planning considerations)

Waterfront – Cabinet

As per the tender timeframe so always known

Always been on the forward plan

Extraordinary Cabinet not emergency

Councillor involvement

**No cllrs 'called matter in' to
Overview and Scrutiny**

**Executive decision so ward
cllrs were not involved**

Councillors

**4 Cabinet cllrs involved in
evaluation panel**

**Not involved in drawing up
Development Agreement**

Local Planning Authority



National Planning Policy Framework

Adopted Local Plan 2009

Material considerations

Preserve and/or enhance character or appearance

DA not a material consideration

Development Agreement terms

Conditionality – vacant possession and satisfactory planning

Control by Council over the build and its quality

Strong Development Agreement

250 year lease not sale of freehold

Commitment to social value including local employment

Waterfront –timescales



How will the borough benefit



Value close to
£200m – c 250
bed hotel and
conference facility

Upscale (4*) hotel
with spa and
leisure

Largest current
hotel deal outside
London

Substantial
income to Council
with indexation
from hotel rental

c. 200 apartments
- substantial seven
figure sum

Open and trading
in 4 years

Community involvement



**Provide
comments at pre-
application stage
(Arora)**

**Comment on
planning
application when
submitted**

**Speak at planning
committee**

**Write to planning
committee**

**Not involved in
the DA**

Moratorium – Cabinet report



**Financial and
budgetary impacts**

**Affordable
housing impacts**

Local Plan impacts

Questions

