

Planning Committee

26 June 2019



Application Nos.	19/00290/FUL		
Site Address	17 -51 London Road, Staines-upon-Thames		
Proposal	Erection of six buildings to provide 467 residential homes (Use class C3) and flexible commercial space at ground and first floors (Use Classes A1-A3, B1a, D1 or D2), car parking, pedestrian and vehicle access, landscaping and associated works		
Applicant	Berkeley Homes (West London) Ltd		
Ward	Staines		
Call in details	N/A		
Case Officer	Russ Mouny / Matthew Churchill		
Application Dates	Valid: 07.03.2019	Expiry: 06.06.2019	Target: Under 13 weeks (Extension of Time agreed until 31.01.2019)
Executive Summary	<p>This planning application seeks to redevelop the former Centrica site to provide six buildings containing 467 residential units and 2,397m² of commercial floorspace.</p> <p>The principle of high density residential development has been set by the previous planning approval (16/01158/FUL), however a previous application (18/01101/FUL) was refused by the Planning Committee on 14 November 2018.</p> <p>This application seeks to address the reasons for refusal by reducing the height of Block A, moving Block B away from Ash House, increasing the amount of open space and increasing the parking provision. This has led to a reduction in the number of units from 474 to 467.</p> <p>In comparison to the 2016 planning permission a greater number of residential units are proposed, although the scale of the commercial development has been significantly reduced because of current demand and viability. As a result there is no material change to the overall impact of traffic movements on the surrounding road network, in comparison to the 2016 scheme.</p> <p>The proposed buildings are taller than those previously approved under planning approval 16/01158/FUL, ranging from 10 to 14 storeys, whilst the refused application sought to construct the tallest building, Block A at 16 storeys. The proposed heights are within the safeguarding zone required by the Heathrow flight safety area. The development is</p>		

	<p>considered to be an acceptable height and represent an efficient use of brownfield land in a sustainable location close to facilities, where alternative transport options are available.</p> <p>The proposal has increased the distance of built development from Ash House to the west (which is a residential development) in comparison to the refused scheme (18/01101/FUL), and this would now exceed the distance from the approved and implemented proposal (16/01158/FUL).</p> <p>The Council has negotiated the provision of 41 affordable rented residential units with 27 parking spaces. Although this represents a 9% provision, it meets the viability requirements of the policy and addresses the Borough's specific housing needs. It is also considered to be more beneficial than the £2.5 million financial contribution associated with the approved and implemented proposal (16/01158/FUL).</p> <p>The proposal is considered to have overcome the previous reasons for refusal and would be appropriate in design terms. In addition, the development would not increase the traffic movements above that of the approved proposal (16/01158/FUL).</p>
Recommended Decision	<p>This application is recommended for approval subject to conditions and a legal agreement.</p>

BACKGROUND

The previous planning application (18/01101/FUL) was refused by the Planning Committee on 14 November 2018, against the advice of the Planning Officer, on the following grounds:

- 1. The proposed development, by reason of the height, bulk and location does not make a positive contribution to and would have an overbearing impact on the street scene and would be out of character with the surrounding area, contrary to policy EN1 (a) of the Spelthorne Core Strategy and Policies Development Plan Document, 2009.*
- 2. The proposed development, by reason of its height, bulk and location, would have an overbearing impact on, and fail to achieve a satisfactory relationship to the adjoining properties, particularly Ash House, resulting in a significant harmful impact in terms of loss of privacy and light, contrary to policy EN1 (b) of the Spelthorne Core Strategy and Policies Development Plan Document, 2009.*
- 3. The proposed development would provide insufficient affordable housing, contrary to policy HO3 of the Spelthorne Core Strategy and Policies Development Plan Document, 2009.*
- 4. The proposed development would provide inadequate open space, contrary to policy CO3 of the Spelthorne Core Strategy and Policies Development Plan Document, 2009.*
- 5. The proposed development provides inadequate parking provision, resulting in on street parking in the surrounding roads with associated traffic congestion, contrary to policy CC3 of the Spelthorne Core Strategy and Policies Development Plan Document, 2009.*

The applicant submitted an appeal against the refusal to the Planning Inspectorate, and a Public Inquiry has been scheduled for November 2019.

The Planning Committee has since considered advice from Officers, the Council's consultants and legal advisors and having regard to all material considerations including the appeal documentation and up to date Government policy in the form of the 2019 National Planning Policy Framework, has determined that the reasons for refusal for the purposes of the Public Inquiry will be:

- 1. The proposed development, by reason of the height, bulk and location does not make a positive contribution to and would have an overbearing impact on the street scene and would be out of character with the surrounding area, contrary to policy EN1 (a) of the Spelthorne Core Strategy and Policies Development Plan Document, 2009.*
- 2. The proposed development, by reason of its height, bulk and location, would have an overbearing impact on, and fail to achieve a satisfactory relationship to the adjoining properties, particularly Ash House, contrary to policy EN1 (b) of the Spelthorne Core Strategy and Policies Development Plan Document, 2009.*

MAIN REPORT

1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies Development Plan Document (CS&P 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
- EM1 - Employment Development
- 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
- EN11 - Development and Noise
- EN15 - Development on Land Affected by Contamination
- CC1 - Renewable Energy, Energy Conservation and Sustainable Construction
- CC2 - Sustainable Travel
- CC3 - Parking Provision

1.2 Also relevant is the Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development, 2011, and the National Planning Policy Framework (NPPF), 2019

2. Relevant Planning History

18/01101/FUL	Erection of six buildings to provide 474 residential homes (Class C3) and flexible commercial space at ground and first floors (Class A1, A2, A3, B1, D1 or D2) car parking,	Refused 14.11.18
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	pedestrian and vehicular access, landscaping and associated works.	
16/01158/FUL	Redevelopment of the site to provide 5 buildings of varying height comprising 12,787 square metres of office floor space (Use Class B1a) and 253 residential units (Class C3), provision of a new landscaped area, vehicular access, car parking, cycle storage and energy centre.	Grant Conditional 30.10.17
10/00556/RMA	Reserved Matters for the erection of Building A, underground parking areas and piazza deck over, pursuant to planning permission 06/00887/OUT for the development of either Class B1 offices (with ground floor retail and restaurant uses within Classes A1/A3); or a mix of Class B1 offices and Class C1 hotel and Associated uses (with ground floor retail and restaurant uses within Classes A1/A3); associated servicing, access, parking to include underground parking and landscaping including public piazza..	Grant Conditional 18.10.10
07/00754/FUL	Erection of a two storey Class A3 (Restaurant/Cafe) building.	12.10.07
07/00744/FUL	Erection of hotel building with floorspace of 6700m2 & an office building with floorspace of 10,970m2, together with ground floor retail/restaurant uses within Classes A1/A3, associated servicing, drop off & access arrangements, landscaping & a reconfigured piazza (as a revision to that approved under permission 06/00887/OUT)	Grant Conditional 19.3.08

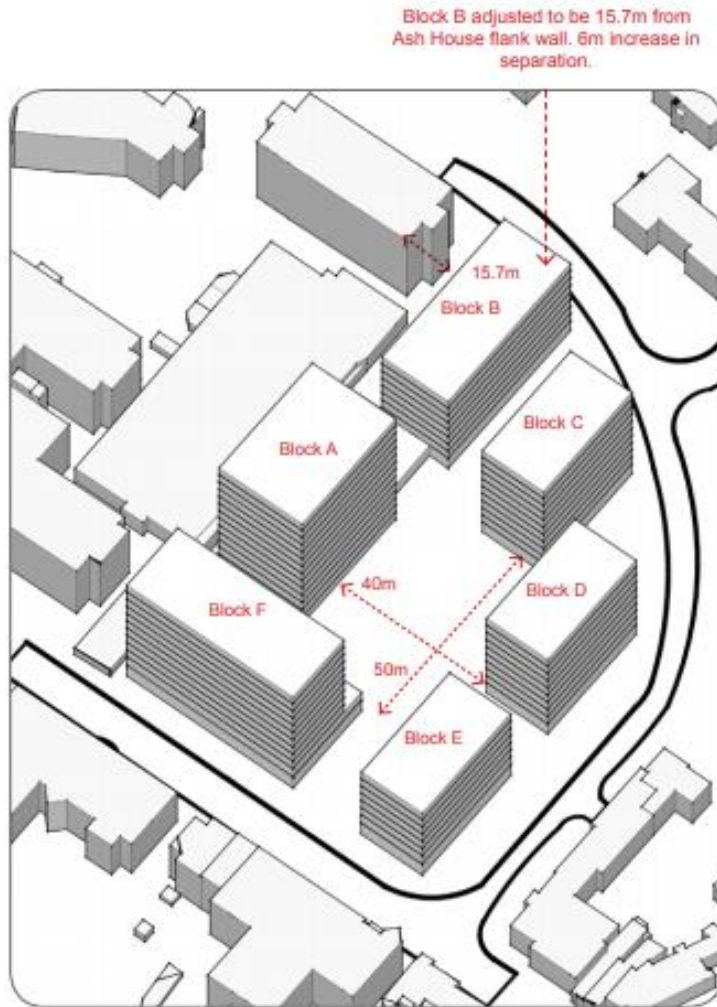
07/00639/RMA	Reserved Matters - erection of Building A, underground parking areas and piazza deck, pursuant to planning permission 06/00887/OUT for the development of either Class B1 offices (with ground floor retail and restaurant uses within Classes A1/A3); or a mix of Class B1 offices and Class C1 hotel and Associated uses (with ground floor retail and restaurant uses within Classes A1/A3); associated servicing, access, parking to include underground parking and landscaping including public piazza.	Grant Conditional 12.10.07
07/00637/RMA	Reserved Matters - erection of Buildings B and C, underground parking areas and piazza deck, pursuant to planning permission 06/00887/OUT (office option) for the development of Class B1 offices (with ground floor retail and restaurant uses within Classes A1/A3); associated servicing, access, parking to include underground parking and landscaping including public piazza.	Grant Conditional 12.10.07
06/00887/OUT	Development of either Class B1 Offices (with ground floor retail and restaurant uses within Classes A1/A3); or a mix of Class B1 Offices and Class C1 Hotel and associated uses (with ground floor retail and restaurant uses within Classes A1/A3); associated servicing, access, parking and landscaping including public piazza.	Grant Conditional 10/07/2007

3. Description of Current Proposal

- 3.1 The site is located at 17-51 London Road, Staines-upon-Thames and was formerly known as the Gas Board site and more recently Centrica. It comprises an area of 1.092 hectares (± 2.7 acres). The approved development (16/01158/FUL) has been commenced with basement

excavations, but works ceased when application 18/01101/FUL was refused in November 2018, as the intention had been to switch construction to this mixed use scheme.

- 3.2 The site is bounded by London Road to the south, Fairfield Avenue to the east and north and existing commercial premises, a multi storey car park and a converted office building to residential use (Ash House) to the west.
- 3.3 The Centrica building, demolished in 2008, comprised a 10 storey rectangular shaped building on a raised podium, located on the western side of the site, with a three storey, linked octagonal building on the eastern side. This building was constructed as an office, where storey heights are typically taller than residential storeys. Access to the site was via Fairfield Avenue and parking was provided in a rear deck undercroft as well as surface car parking areas.
- 3.4 The site occupies a prominent position close to Staines Town Centre, with views west to the pedestrianised centre of Staines-upon-Thames and views east to the Crooked Billet roundabout. The site is located within a designated Employment Area under policy EM1 of the Core Strategy and Policies Development Plan Document (CS & P DPD).
- 3.5 The Environment Agency's Flood Map indicates that the site is located in Flood Zone 2 which represents land having between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% - 0.1%). In addition, the southern area of the site is recorded as having archaeological potential.
- 3.6 The surrounding area is of a mixed character with office buildings located to the south and west of London Road, residential properties situated to the north, east and west in 2 and 3 storey blocks located in Moormede Crescent, Linden Place. Ash House to the immediate west of the site is a 6 storey former office block, now converted to residential. To the north-east of the site is Birch Green, which is designated Common Land and is located within the defined Green Belt.
- 3.7 The current application relates to the redevelopment of the site to provide a mixed use, primarily residential development in six blocks, comprising 467 residential units and 2,397 square metres of commercial space.
- 3.8 The commercial space would be located on the ground and first floor of Blocks E and F, with residential units above.
- 3.9 The Blocks are shown on the illustration below:



Block A

- 3.10 This building would be 14 storeys and approximately 44.2 metres tall and contain 96 units (16 Studio, 2 x 1 bed, 65 x 2 bed and 13 x 3 bed). At ground level would be a separate residential access to the building, together with a reception and fitness centre. The floor plate provides for a mix of unit sizes on all floors of the building, with inset balconies on the corner units. The roof would utilise a central plant enclosure that would also accommodate the lift overrun (taking the total building height to approximately 46 metres), and include a brown roof.

- 3.11 Brown roofs are where the substrate surface is left to self-vegetate from both windblown and bird lime seed dispersal. They are generally considered to be a more natural, rugged urban feature and can offer a greater diversity of species. They are very low maintenance and no irrigation is required, however they offer acoustic and temperature insulation and will attenuate water run-off.

Block B

- 3.12 This building would be 10 storeys and approximately 31.9 metres tall containing 94 units (39 studio, 19 x 1 bed and 36 x 2 bed). At ground level there would be the residential access for the block, and single aspect units looking east into the landscaped space. The northern end would contain a bin

store and substation. The residential units above the ground floor would be single aspect facing either east or west and accessed from a central spine corridor, although corner units would be dual aspect. The roof would contain a lift overrun and be constructed with a brown roof.

Block C

- 3.13 This building would be 11 storeys and approximately 35 metres tall containing 66 units (11 studio, 23 x 1 bed and 32 x 2 bed). At ground level there would be the residential access for the block on the eastern side with the units looking into the landscaped spaces. Balconies have been located to minimise overlooking of neighbouring units and maximise surveillance of footpaths through the site and landscaped areas. The roof would utilise a small lift overrun and comprise a brown roof.

Block D

- 3.14 This building would be 10 storeys and approximately 31.9 metres tall containing 60 units (10 studio, 21 x 1 bed and 29 x 2 bed). At ground level there would be the residential access for the block fronting the central open space. The roof would utilise a small lift overrun and comprise a brown roof.

Block E

- 3.15 This building would be 8 storeys and approximately 27 metres tall, containing 41 units (6 studio, 16 x 1 bed and 19 x 2 bed). At ground level there would be the residential access for the block on the north elevation, a proposed commercial space of approximately 195 m² (2,094 ft²), bin store with access to Fairfield Avenue, substation and secure bicycle store. The residential units would start on the first floor and be accessed from a central spine corridor. There would be an additional 66 m² of commercial space on the first floor. The roof would contain a small lift overrun and comprise a brown roof.

Block F

- 3.16 This building would be 12 storeys and approximately 39.3 metres tall containing 110 units (20 studio, 70 x 1 bed and 20 x 2 bed). The residential access for the block would be within the central courtyard space. There would be a commercial entrance on London road with access to two proposed commercial spaces of approximately 599 m² (6,451 ft²) and 254 m² (2,737 ft²) with dual aspect to both London Road and the central courtyard space, and both stair and elevator access to a commercial space on the first floor of approximately 840 m² (9,045 ft²)
- 3.17 The residential units would start on level 02 (3rd floor) and provide a mix of unit types on each floor accessed from a central spine corridor. There would be a pedestrian gap between building's E and F of approximately 17.8 metres, which would provide a landscaped access to the central courtyard, commercial 'spill-out' opportunities and a visual break of the built form on the London Road elevation. The roof would contain a small lift overrun and comprise a brown roof.
- 3.18 The unit mix within each Block is set out in the table below:

Unit Mix					
Block	Studio	1 Bed	2 Bed	3Bed	Total
A	16	2	65	13	96
B	39	19	36	0	94
C	11	23	32	0	66
D	10	21	29	0	60
E	6	16	19	0	41
F	20	70	20	0	110
	102	151	201	13	467

- 3.19 A central courtyard space is proposed, with a lawn area located close to the pedestrian access between Blocks E and F at London Road. The lawn abuts a central pond with proposed marginal planting and the primary route through the site, which would then run out to Fairfield Avenue and a raised table crossing point to Birch Green. Secondary routes run from the primary route and Fairfield Road to the individual buildings, which would be surrounded by residential scale planting. The landscaped areas would also contain children's play space and informal seating.
- 3.20 A total of 346 car parking spaces would be provided for the occupiers of the residential and commercial accommodation. There would be 255 spaces within the basement level, accessed via a ramp at the north-west edge of the site, 86 in the adjoining multi-storey car park to the west of the site and 5 club car/visitor spaces in a new lay-by on Fairfield Avenue.

4. Consultations

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

Consultee	Comment
BAA	Aerodrome Compliance has assessed the proposal against safeguarding criteria and can confirm that there are no safeguarding objections.
CADENT GAS	Cadent Gas have no objection as the HP gas pipeline in the vicinity will not be affected.
County Highway Authority	No objection subject to conditions and legal agreement.
County Archaeological Officer	No Objections.
Highways England	No objection on the basis that the proposal will generate minimum additional traffic on the Strategic Road Network in peak hours.
Environment Agency	No objection.
Environmental Health (Contaminated Land and Dust)	No objection subject to conditions.
Environmental Health (Air Quality)	No objection subject to conditions.
Environmental Health (Noise)	No objection.
Environmental Services (Renewable Energy)	No objection.
Housing Strategy	Supports the proposal which will provide 41 units for Affordable Rent, which is greatly needed in the local area.
National Air Traffic Services	NATS did not respond to this proposal, but previously commented that they had examined the proposal from a technical safeguarding aspect and determined that it did not conflict with safeguarding criteria. Accordingly, NATS had no safeguarding objection.
Natural England	No objection subject to Habitat Regulations Assessment screening.
Neighbourhood Services (Waste Collection)	No objection.
Crime Prevention Officer	A Secure by Design review was undertaken with the developers and the proposals were discussed in detail. The key aspects of the design were

	noted as being compatible with the principles of Secured by Design.
Fire and Rescue	No comments received, however the proposal would be reviewed through the Building Regulations process.
Thames Water	No objection with regard to Foul Water sewage network infrastructure capacity. The application also indicates that surface waters will not be discharged to the public network and as such Thames Water has no objection.
Lead Local Flood Authority (SUDS)	No objection subject to conditions.
SCAN	No comments received, however the proposal would be required to meet Building regulations.
Surrey Wildlife Trust	Recommend that the actions contained in the Ecological Appraisal are undertaken.
Staines Town Society	No objection in principle and recognise that this proposal is better than both the approved and refused proposals. However STC regret the size and height of the blocks and the excessive number of small 'studio' flats.
Valuation Advisor	Considers the proposal to provide 41 affordable rented houses units to be acceptable in terms of viability.

5. Public Consultation

- 5.1 A total number of 349 properties were notified of the application, statutory site notices were displayed on site and statutory notices were placed in the local press.
- 5.2 A total of 14 letters of representation has been received commenting on the proposal on the following grounds:
- Increased traffic and congestion
 - Inadequate infrastructure
 - Inadequate parking provision
 - Inadequate drainage

- Impact on existing residents
 - Overdevelopment
 - Traffic impact
 - Inadequate community facilities (doctors/schools)
 - Impact on air quality
 - Lack of green walls
 - Insufficient Electric Vehicle (EV) charging points
 - Loss of privacy
 - Loss of sunlight and daylight
 - Overbearing nature of the development
 - Loss of outlook
 - Fire risk
 - Impact on highway and pedestrian safety
-
- The proposal would completely transform and dramatically improve the area
 - Represents investment and a thriving community
 - Supports the Council's focus on rejuvenation and increased housing delivery

5.3 The applicant has advised that prior to the submission of the previous planning application (18/01101/FUL), the applicant undertook a public consultation exercise comprising a letter drop to 1,395 residents and holding public drop-in events on 16 and 17 May 2018, which were attended by 30 local residents.

5.4 Following the refusal of the application November 2018, the applicant undertook further consultation with residents of Ash House which has included:

- A briefing for residents of Ash House on 13 March 2019
- A drop-in event held on 28 March 2019; and
- A meeting on 11 June 2019 attended by 8 residents

6. Planning Issues

Principle of Development

Need for Housing

Housing Type, Size and Density

Design, Height and Appearance

Amenity Space for Residents

Landscape

Open Space

Daylight and Sunlight Assessment
Contaminated Land
Impact on Existing Residential Dwellings
Parking
Transportation Issues
Waste and Recycling
Air Quality
Archaeology
Flooding
Renewable Energy
Biodiversity
Microclimate Study
Sites of Special Scientific Interest
Local Finance Considerations

7. Planning Considerations

Principle of Development

- 7.1 Policy H01 encourages the redevelopment of poorly located employment land for housing and seeks to ensure the effective use of urban land through the application of Policy HO5 on density.
- 7.2 This is also reflected in the NPPF paragraph 117 which emphasises the need for the effective use of land in meeting the need for homes, whilst safeguarding the environment and provides further relevant context at paragraph 122 in respect of achieving appropriate densities.
- 7.3 The principle of residential development on the site was considered in the determination of application 16/01158/FUL and found to be acceptable, being within the urban area and well located for facilities. The incorporation of an office building fronting the London Road, created a mixed use development and retained employment on-site.
- 7.4 The applicant has submitted a Commercial Market Assessment which indicates that in current conditions, with the prevailing economic factors and commercial occupier demand, there has been no interest in a substantial pre-let which would make an office use, of any significant size, viable.
- 7.5 The assessment determined that a reduced quantum of office development on the site would be deliverable and viable, appealing to the occupiers in the sub 500 m² range who face difficulties finding quality space in the larger buildings.
- 7.6 The current proposal seeks to offer a mix of commercial uses, including retail, services and office, in a range of space options fronting London Road. The

site would therefore remain a mixed use development, with the potential for a range of uses.

- 7.7 On the basis that the site is not located in a high flood risk area or the Green Belt, and that permission has been granted for residential use on the land, it is considered that the principle of optimising the potential of the site for residential accommodation would be in accordance with national and local policy.

Need for Housing

- 7.8 The Council has embarked on a review of its Local Plan and accepts that the housing target in its Core Strategy and Policies DPD-Feb 2009 of 166 dwellings per annum is significantly short of its latest objectively assessed need of 552-757 dwellings per annum (Para 10.42 – Strategic Housing Market Assessment (SHMA) – Runnymede and Spelthorne – Nov 2015). On 20th February 2019, the government updated its guidance in respect of Housing and Economic needs assessment which included proposals for a standard method for calculating local authorities' housing need. A figure of 590 dwellings per annum for Spelthorne was proposed by the application of this new approach. This figure of 590 based on the 2014 household formation projections has also been suggested by the Government in its latest consultation (Oct – Dec 2018). Following recent analysis, the figure has been revised to 603. Despite recent uncertainties, the standard methodology provides the most recent calculation of local housing need in the Borough and is consistent with the range of need identified by the Council in their SHMA. It is therefore appropriate for the Council to use the 603 dwellings per annum figure as their local housing need figure that comprises the basis for calculating the five-year supply of deliverable sites.
- 7.9 The sites identified in the SLAA as being deliverable within the first five years have been used as the basis for a revised 5-year housing land supply figure. Whilst this has shown that notionally we have identified sufficient sites to demonstrate that we have a five year supply of housing sites we have recently been advised that we need to apply an additional 20% buffer rather than the previously used 5%. This is because Government guidance (NPPF para 74) requires the application of a 20% buffer "where there has been significant under delivery of housing over the previous three years". It therefore has no choice now but to apply the additional buffer for the five year period from 1 April 2019 to 31 March 2024. A 20% buffer applied to 603 results in a figure of 724 dwellings per annum which is our current figures. The effect of this increased requirement is that the identified sites only represent a 4.4 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites.
- 7.10 In using the new objectively assessed need figure of 724 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review, the Borough's housing supply will be assessed in light of the Borough's constraints, which will be used to consider options for meeting need. The Council has now published its Strategic Land Availability

Assessment (SLAA) which identifies potential sites for future housing development over the plan period.

- 7.11 As a result, current decisions on planning applications for housing development need to be based on the ‘tilted balance’ approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless *‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole’*. This will be assessed below.

Housing Type, Size and Density

- 7.12 Policy H04 of the CS&P DPD and the Council’s Supplementary Planning Document (SPD) on Housing Size and Type, seek to secure 80% of dwellings in developments of 4 or more units to be 1 or 2 bed in size. This is to ensure that the overall dwelling stock meets the demand that exists within the Borough, including a greater demand for smaller dwellings.
- 7.13 The proposed unit layout seeks to provide 102 x Studio (22%), 151 x one bed (32%), 201 x two bed (43%), 13 x three bed (3%) units. This housing mix would provide 75% one and two bed units, with 97% smaller unit sizes overall.
- 7.14 The proposed housing mix is considered appropriate for this location, close to facilities, and offers a wider choice of housing type close to the town centre area. It also allows for smaller, more affordable units with easy access to public transport options.
- 7.15 The Council’s Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development (2011) sets out minimum floor space standards for new dwellings.
- 7.16 The Government has also published national minimum dwelling size standards in their “Technical Housing Standards – nationally described space standard” document (2015). These largely reflect the London Housing Design Guide on which the Spelthorne standards were also based and are arranged in a similar manner to those in the Council’s SPD and are shown in the table below.

	Studio	1 Bed	2 Bed	3 Bed
National Space Standard	39m ²	50m ²	70m ²	86m ²
Space Proposed	42m ²	51m ²	73m ²	96m ²

- 7.17 The studio units are proposed at a size that exceeds the national standard. This allows the bedroom to be separated from the living accommodation, but does not meet a one bed requirement. Berkeley Homes consider this to be a successful model, bridging the gap between a traditional studio and a one bed unit.

- 7.18 The three bed units are located in the tallest block (block A) and would be 101m², which is above the national standard, and allows for a greater sense of space within the accommodation.
- 7.19 The proposed units comply with the minimum standards contained in the Council's SPD and the national technical housing standards and are therefore considered to be acceptable and appropriate for future occupiers.
- 7.20 The NPPF identifies that planning policies and decisions should promote an effective use of land in meeting the need for homes and that substantial weight should be given to the value of using suitable brownfield land within settlements.
- 7.21 Policy HO5 of the CS&P DPD sets out guidance on density of housing developments. It recognises that higher densities may be appropriate in suitable areas where non-car based modes of travel are accessible.
- 7.22 In this case, the scheme proposes a density of 429 dwellings per hectare, which is higher than the previously approved scheme (16/01158/FUL) and the adjoining developments at London Square and Renshaw Industrial Estate, although a slight reduction over the proposal refused in November 2018. As an apartment development, higher numerical densities can be achieved through a more efficient use of the land, and since the site is close to Staines Town Centre and public transport options this is considered to be sustainable and would help reduce pressure on the Green Belt.
- 7.23 In this particular case, 429 dwellings per hectare is considered to be an appropriate density in accordance with policy HO5, notwithstanding that the proposal must also comply with policy EN1 on design.

Affordable Housing

- 7.24 The NPPF seeks to deliver a sufficient supply of homes that meet the needs of the population. Paragraph 62 of the NPPF states that:

'Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site...'

- 7.25 Policy HO3 of the CS&P DPD states:

'The Council's target for affordable housing is that 40% of all net additional dwellings completed over the plan period, 2006-2026, should be affordable.'

Having regard to specific site circumstances the LPA will negotiate for 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, with negotiations conducted on an 'open book' basis.

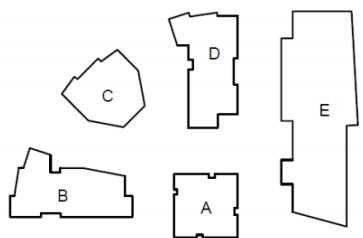
- 7.26 The policy also states that the provision within any one scheme may include social rented and intermediate units, subject to the proportion of intermediate units not exceeding 35% of the total affordable housing component. However, there is a recognised need for affordable rented properties in Spelthorne Borough.
- 7.27 The approved application (16/01158/FUL), which has been implemented, provided for a financial contribution of £2.55 million, to provide affordable housing off site, but no on-site provision.
- 7.28 In the refused application (18/01101/FUL), the applicant initially proposed a 15% provision based on their Viability Report, which would have provided 71 affordable housing units. However, these were proposed to be shared equity units, which whilst addressing a need, would not address the Borough's current need identified by the Council's Housing Strategy and Policy Manager, which is for affordable rented housing.
- 7.29 Notwithstanding that the provision of 71 affordable units on site was considered an improvement on the previously approved scheme that provided a financial contribution, negotiations were undertaken to secure affordable rented units on site.
- 7.30 As a result, the applicant agreed to provide the 41 units (9%) in Block E as affordable rented accommodation, providing 6 Studio units, 16 x one bed and 19 x two bed units in a self-contained block on the corner of Fairfield Avenue and London Road. Although this reduced the provision to 9%, the tenure was considered to be more appropriate and to meet the borough's need.
- 7.31 The applicant has made the same offer for 41 affordable rented units in Block E. The revised Viability Report has been reviewed by the Council's Financial Advisor, who has confirmed that with the provision of the 41 affordable rented units the scheme would be in deficit. However, LPA is satisfied that the overall development would return a reasonable level of profit and whilst it would not be viable for the developer to provide any additional affordable units, the offer does retain a viable development.
- 7.32 The Council's Viability Advisor is satisfied with the level of affordable housing proposed. It should also be noted that the same level of affordable housing was proposed with the application that was refused in November which was for 7 more units.
- 7.33 The previous application (18/01101/FUL) was refused on the ground that '*The proposed development would provide insufficient affordable housing contrary to policy HO3...*' However, the Council has agreed that this will not form part of the reasons for refusal that will be defended at the forthcoming Public Inquiry.
- 7.34 On the basis of the professional advice received in terms of the viability and the Borough's identified need, it is considered that the affordable rented housing provision is acceptable and in accordance with policy HO3.

Design, Height and Appearance

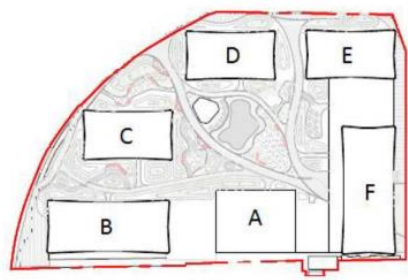
- 7.35 Policy EN1 of the CS&P DPD, which is supported by the Supplementary Planning Document on the ‘Design of Residential Extensions and New Residential Development’, requires a high standard of design. Sub point (a) requires new development to demonstrate that it will:

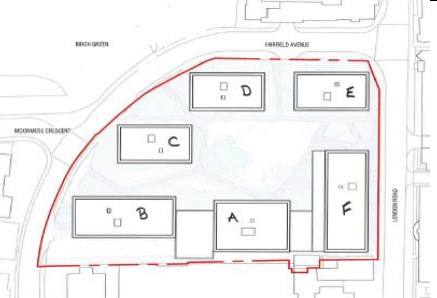
“create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated”

- 7.36 Policy EN1 (b) requires that new development ‘achieves a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight, sunlight, or overbearing effect due to bulk, proximity or outlook’.
- 7.37 In respect of the previous application (18/01101/FUL) the applicant undertook 2 design reviews with Design South East (d:se) which is an independent, not-for-profit organisation providing built environment design support.
- 7.38 The d:se review panel applauded the applicant’s engagement with the review process, and appreciated the description of context and significant views.
- 7.39 Whilst the panel were concerned that there was little differentiation between the architecture of the blocks, the applicant had taken a deliberate design approach to provide a consistent architecture such that from the views into the site, the overall composition would remain legible as part of a coherent scheme and this is considered to be a reasonable architectural approach.
- 7.40 The d:se panel raised no issue with the principle of the height of the proposed blocks or their proximity to each other or the adjoining development considering them to be comparable to the surrounding new developments, Charter Square and Renshaw Industrial Estate, and the previously approved proposal on this site (16/01158/FUL). The three tables below show a comparison between the approved scheme (16/01158/FUL), the refused scheme (18/01101/FUL) and the current scheme:

Approved Scheme			
Block	Storeys	Height (m)	
A	12	43	
B	8	30.2	
C	8	31	
D	8	28	
E	6	28.4	

Proposed Scheme			
Block	Storeys	Height (m)	
A	16	50	
B	10	31.6	
C	11	34.7	
D	10	31.6	
E	8	26.7	

F	12	39	
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Proposed Scheme			
Block	Storeys	Height (m)	
A	14	44.2	
B	10	31.9	
C	11	35.0	
D	10	31.9	
E	8	27.0	
F	12	39.3	

- 7.41 As indicated earlier, the current appeal proposal was refused because it was considered that the *'proposed development by reason of the height, bulk and location does not make a positive contribution to and would have an overbearing impact on the street scene and would be out of character with the surrounding area, contrary policy EN1(a)...'*.
- 7.42 The design of the buildings has been revised to address the Planning Committee's reasons for refusal in connection with 18/01101/FUL with the main changes as follows:
- The maximum height of the proposal (Block A) has been reduced from 16 to 14 storeys, a reduction of 6.1 metres;
 - The proposal (Block B) has been moved further from the adjoining Ash House, an increase of 6.3 metres;
 - The proposal has provided more usable public open space, an increase of 935 m²;
 - The massing of the London Road frontage has a clear, landscaped break; and
 - The car parking level has been increased; and the number of units has been reduced
- 7.43 The applicant submitted an Aviation Impact Assessment which considered the obstacle limitation surfaces (OLS) for London Heathrow (LHR) and RAF Northolt.
- 7.44 With the height of Block A reduced, the applicant's assessment demonstrates that London Heathrow Airport (LHR) Instrument Flight Procedure (IFP) analysis conclusions indicate that the development will not impact any of the published procedures for the airport.

- 7.45 RAF Northolt is located approximately 14 kilometres to the north east of the development area. The OLS for RAF Northolt has a base height of 91.4 metres and the proposal would therefore have no impact on this surface.
- 7.46 The design of the proposal is considered to create an attractive place with its own distinct identity, with well-designed buildings around the landscaped courtyard. The provision of an active frontage to London Road and the landscaped access point would make a positive contribution to the street scene, together with the mix of landscape and built form around Fairfield Avenue. The proposal is therefore considered to comply with Policy EN1 of the CS&P DPD.

Amenity Space for Residents

- 7.47 The Council's SPD, Design of Residential Extension and New Residential Development (2011) provides general guidance on minimum garden sizes (Paragraph 4.20). In the case of flats it requires 35 square metres per unit for the first 5 units, 10 square metres for the next 5 units, and 5 square metres per unit thereafter. On this basis 2545 m² of private amenity space would be required for the 467 units.
- 7.48 The design of the individual blocks shows that inset balconies would be provided for some of the units. In addition there would be residential amenity space around each of the blocks and roof terraces between Blocks A, B and F on the west side of the site. Internal amenity space would be provided through a lounge, gym within Block A. The amount of private amenity space provided on site would total approximately 2,400m² which would be below the policy requirements. However, the proposal also provides the central courtyard and space around the buildings for residents, amounting to 4,975m², although this would be publicly accessible open space.
- 7.49 In the case of higher density town centre residential development and mixed use schemes paragraphs 4.46 – 4.47 of the SPD states:
- “Such schemes will usually involve high density flatted development... 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.”*
- 7.50 Given the amount of both private and public amenity space contained within the proposed development, it is considered that the proposal complies with the aims of the Council's SPD and policy EN1 in respect of requiring a high standard of design and layout.

Landscape

- 7.51 The proposal seeks to provide an interesting, cohesive and attractive landscape for residents and visitors, ensuring a fully inclusive, tenure blind approach to the outside space.
- 7.52 Compared to the refused proposal (18/01101/FUL) the key changes to the landscape proposal are:
- The provision of an additional 935m² of publicly accessible open space
 - An increase in the level of tree planting along Fairfield Avenue and the provision of trees in containers along London Road
 - The removal of the café in the central courtyard, 336% increase in the size of the lawn area and reduction in the size of the water feature
 - The simplification of routes through the development
 - The creation of a more defined access from London Road, with soft landscaping and active building facades
- 7.53 By re-ordering the space within the central courtyard the provision of open space has been increased from 4040m² to 4,975m². Within the central courtyard there would be a lawn area capable of staging events and a central pond with marginal planting. The primary route runs from the commercial space on London Road through the site, adjacent to Blocks D and E, to Fairfield Avenue and includes secondary routes to the residential blocks.
- 7.54 There was previously no planting proposed on the London Road to avoid conflict with underground utilities and reflect the existing streetscape. However, to enhance the streetscape and the proposed pedestrian access in particular, and to diffuse the massing of Block F, tree planting is proposed in containers along the London Road frontage.
- 7.55 The residential gardens around the blocks are designed to be more private than the central courtyard space. They would be protected through the use of narrower paths in a different material to the primary route and more densely planted. A variety of tree sizes would be planted with mounding providing adequate soil depth to accommodate larger trees.
- 7.56 The play strategy consists of dedicated play area for children up to the age of 11 and wider opportunities for informal play for all ages. It is intended to provide a play trail, creating a series of 'playrooms', each with distinct play elements surrounded by sensory planting to encourage exploration and creative play. The central lawn would provide space for informal play for all ages.
- 7.57 The primary route through the site would lead to a raised table crossing in Fairfield Avenue to Birch Green. This is aimed at providing better public access and helping to reduce traffic speeds in Fairfield Avenue.
- 7.58 The proposal demonstrates that sufficient residential amenity space would be provided in the layout to accord with the policy requirements and the SPD. The detailed design of the landscape would be secured through the proposed s106 legal agreement and condition 03.

Open Space

- 7.59 Policy SP5 of the CS&P DPD indicates that new developments that individually or cumulatively add to the requirements for infrastructure and services will be expected to contribute to the provision of necessary improvements.
- 7.60 Policy CO3 requires that where new housing development of 30 or more family dwellings is proposed in areas of the borough with inadequate public open space or where provision would become inadequate because of the development, the Council will require new on-site public open space or a financial contribution to new off-site provision. Family dwellings are defined as any housing with two or more bedrooms. There should be a minimum of 0.1ha of open space for a children's play area and this should be increased proportionally according to the size of the development.
- 7.61 The proposal indicates 201 two bed units and 13 three bed units which would generate a requirement for 0.71 ha. However, with the proposed multi-residential type of development in this urban location, such a provision would be unrealistic and unviable.
- 7.62 The development is located across from Birch Green and within 800m of nine other open spaces of vary types that offer a range of recreational opportunities.
- 7.63 The proposal indicates that approximately 4,975 m² of publically accessible open space would be provided and would provide a range of open spaces.
- 7.64 Tree planting would be provided along Fairfield Avenue and along London Road in planters, due to the underground services, which would break up the visual scale of the and enhance the character and appearance of the public realm.
- 7.65 There would be a large grassed courtyard with a water feature, and a treed access to London Road, with potential for a restaurant/café located within Block F. There would also be three under 11 play spaces connected by a play trail to encourage exploration and creative play.
- 7.66 Details of the provision of equipment within the play spaces would be secured through legal agreement.
- 7.67 Both the publically accessible space and the play spaces would be overlooked by the adjoining units and the commercial units, thereby providing surveillance and creating a safe environment..
- 7.68 There are a number of recent planning permissions for high density residential development, including those on neighbouring sites within urban, accessible locations that have a shortfall in open space provision against the Council's standards. In addition, there are public open spaces in close proximity to the site and there is no evidence to substantiate that these areas are currently overused or would become so as a result of the approval of the proposal. In addition, there is no up to date evidence which demonstrates that there is a shortfall in public open space in the locality as referred to in policy CO3.

- 7.69 The previous application (18/01101/FUL) was refused on the ground that *'The proposed development would provide inadequate open space contrary to policy CO3...'*. However, the Council has agreed that this will not form part of the reasons for refusal that will be defended at the forthcoming Public Inquiry.
- 7.70 The proposal provides for the on-site provision of play space and is close to the Birch Green, the Moormede play area and Staines Moor. On balance, given the location, it is considered that the proposal provides an adequate level of open space.

Daylight and Sunlight Assessment

- 7.71 The applicant has submitted a revised daylight and sunlight assessment in accordance with the guidance set out in the British Research Establishment (BRE) Report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice - Second Edition, 2011 (BR209) and BS8206-2 Code of Practice for Daylighting. This compares the effects of the proposal with the consented, now implemented, scheme. This assessment indicates that based on the scale and massing proposed, there is no significant adverse impact on the surrounding properties.

- 7.72 The assessment has been made having regard to the BR209, which states that for large residential developments:

'The aim should be to minimise the number of dwellings whose living rooms face solely north, northwest or north east.'

It also states:

'Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development.'

- 7.73 BR209 paragraph 1.6 states;

'The guide (BR209) is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and the guide should not be taken as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.'

- 7.74 The daylight amenity levels for all of the units within the development meet the BRE recommendations. The analysis indicates that all rooms on the lowest residential levels would meet the Average daylight Factor (ADF) daylight adequacy targets and those located on the upper levels would improve from this situation.

- 7.75 The overshadowing analysis demonstrates that all existing and proposed amenity areas satisfy the BRE guidelines in terms of available sunlight hours, with the proposed central space exceeding the approved permission, which has been implemented.
- 7.76 In respect of the neighbouring sunlight amenity, the report demonstrates that all predominantly south facing windows meet the BRE guidelines. However, it is acknowledged for neighbouring daylight amenity, windows and rooms within Linden Place, Ash House and The Oaks would experience material alterations beyond the current levels afforded by the vacant site. The report indicates that there would be minor variations compared to the approved consent, which has been implemented, but that where these occur they would have a negligible impact on amenity.
- 7.77 The applicant acknowledges that the Vertical Sky Component (VSC) results produce a number of daylight reductions, but that these are at a scale unlikely to be noticeable and consideration has also been given to the No Sky Line (NSL) and ADF results.
- 7.78 When compared against the 2017 residential consent the VSC results demonstrate that there would be daylight reductions to the secondary windows located in the east flank elevation of Ash House. However, when considered in association with the NSL and ADF results, there would be no material change to daylight distribution in the majority of rooms and where a change does occur the overall change beyond the 2017 residential consent would be negligible.
- 7.79 The previous application (18/01101/FUL) was refused on the ground that *'The proposed development, by reason of its height, bulk and location, would have an overbearing impact on, and fail to achieve a satisfactory relationship to the adjoining properties, particularly Ash House, resulting in a significant harmful impact in terms of loss of privacy and light, contrary to policy EN1(b...'*. However, the Council has agreed that this will not form part of the reasons for refusal that will be defended at the forthcoming Public Inquiry.
- 7.80 In terms of daylight and sunlight, the layout it is considered to be an improvement over the scheme refused by the Planning Committee (18/01101/FUL) on 14 November 2018, comparable to other similar schemes in the vicinity, satisfactory in respect of the level of amenity to occupiers and users of the open spaces and would not have a materially adverse impact on the neighbouring properties.

Contaminated Land

- 7.81 The applicant submitted a Ground Investigation Report based on that approved in connection with the contaminated land condition attached to the previous planning approval 16/01158/FUL, which has been agreed and discharged.
- 7.82 A Remediation Strategy was also submitted to address the potentially unacceptable risks identified in the context of the proposed redevelopment, taking into account all previous ground investigation findings. This strategy

has been agreed, and condition 10 ensures works are carried out in accordance with it whilst condition 11 requires a validation report prior to occupation in accordance with Environmental Health's recommendations

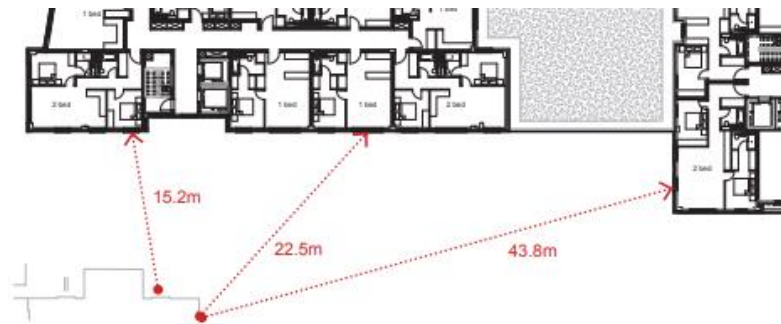
- 7.83 Neither the Council's Pollution Control Officer nor the Environment Agency have raised objections, but have requested conditions.

Impact on Existing Residential Dwellings

- 7.84 Policy EN1 (b) requires that new development '*achieves a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight, sunlight, or overbearing effect due to bulk, proximity or outlook.*'
- 7.85 The Supplementary Planning Document (SPD) on the 'Design of Residential Extensions and New Residential Development' sets out various distance criteria to assess the impact on privacy and daylight of surrounding residential properties, although it should be noted that these relate to a maximum of three storeys and do not specifically address multi-residential developments in the town centres. The SPD does however, state at para.3.6 that:
- '...most developments will have some impact on neighbours. The aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed...'*
- 7.86 As indicated earlier, the current appeal scheme was refused on the ground that '*The proposed development, by reason of its height, bulk and location, would have an overbearing impact on, and fail to achieve a satisfactory relationship to the adjoining properties, particularly Ash House, contrary to policy EN1 (b)...*'. Compared with the refused scheme the applicant has proposed to move Block B further away from Ash House and reduce the height of Block A.
- 7.87 The applicant's Daylight and Sunlight Report includes a shadow study for the proposal that also compared the impact of the consented scheme. This demonstrates that both schemes would cast a shadow across the adjoining properties at Ash House, The Oaks and Linden Place during the day. However, there is no materially adverse impact resulting from the proposed scheme.
- 7.88 Due to the height and proximity of Block B, the 45 degree vertical guideline of the secondary windows of the eastern units in Ash House would be impacted. However the primary windows of the units in Ash House face either north or south, depending on the particular unit. Therefore the impact on the individual units as a whole would be mitigated.
- 7.89 There would be no impact on the vertical 45 degree line to the properties at Linden Place because of the distance between the buildings and the location of the units starting at first floor above the undercroft parking.
- 7.90 The applicant submitted an addendum to the Daylight and Sunlight Report to reflect the revisions included in the current application. The overshadowing

analysis demonstrates existing and proposed amenity areas satisfy the BRE guidelines for available sunlight hours.

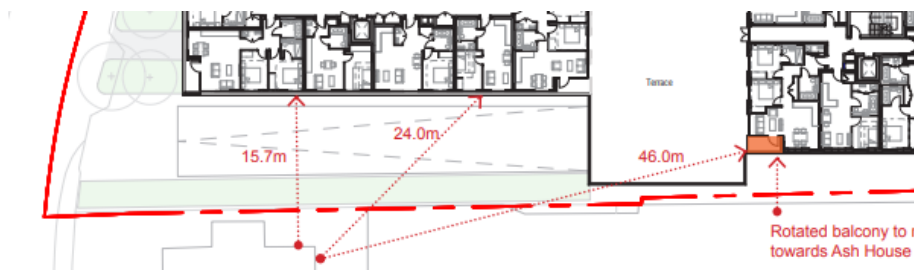
- 7.91 Block B is proposed at approximately 15.7 metres from the flank (west) elevation of Ash House. Although the windows in block B would be primary windows, those in Ash House are secondary windows. This distance exceeds the approved scheme (16/01158/FUL) and is considered acceptable in this particular situation. On the southern elevation of Ash House the primary windows would be approximately 24 metres apart, on an oblique angle, from Block B and approximately 46 metres from the balconies on Block A. This distance is considered to be appropriate in this particular context.



2017 Consented Scheme



2018 Submitted Scheme (Refused)



2019 Proposed Adjusted Scheme

- 7.92 Blocks D and E are in excess of 20 metres from Linden Pace at the closest points. Although both blocks are residential above the first floor and primarily single aspect, it is not considered that there would be a material loss of privacy as a result of the proposed development
- 7.93 Block B is 25m from The Oaks in Moormede Crescent and Block C is over 37 metres. Although both blocks are residential, their north south axis limits the number of units with a potential of overlooking. Due to the duel-aspect nature of the end units, it is considered that there would not be a material loss of privacy as a result of the proposed development.
- 7.94 The distance between Block B and the eastern façade of Ash House exceeds the approved scheme, Block A has been reduced in height and the balconies on the north west of the building have been rotated to mitigate overlooking. It is considered that these revisions to the proposal would mitigate the concerns regarding height, bulk and location that led the planning committee to refuse the previous application.

Parking

- 7.95 Under the requirements of the Councils Parking Standards SPD (2011) the proposed residential development would require 637 parking spaces based on the following standards:

Unit Type	General Needs Housing	Affordable Housing
1 bed unit	1.25	1
2 bed unit	1.5	1.25
3 bed unit (over 80 m ²)	2.25	1.75

- 7.96 The development would contain 346 off-street car parking spaces, 341 of which would serve the residential units. This equates to a parking ratio of 0.73 spaces per residential unit, an increase from 0.66 space per unit in the refused scheme (18/01101/FUL). The majority of the spaces would be contained at basement level (255) and would be accessed via a ramp at the north-west of the site. Consistent with the previous scheme, 86 of the car parking spaces would be contained in the adjacent multi-storey car park. A total of 68 spaces would provide electric vehicle charging points fitted with 'fast chargers' (7 kW), which equates to 20% of the total parking spaces. Additionally, 15 of the parking spaces at basement level would be allocated to disabled users. The development would also include 5 car club/visitor spaces at surface level. There would be 468 cycle spaces in the basement, which would serve the residential units, and 10 cycle spaces would be located at surface level serving the commercial use.
- 7.97 The below table provides a comparison between the off-street parking provision proposed in the refused scheme and the parking proposed in the present application:

	Refused Scheme (18/01101/FUL)	Present Application (19/00290/FUL)
Residential units	474	467
	100 x Studio 179 x 1 Bedroom 180 x 2 bedroom 15 x 3 bedroom	102 x Studio 151 x 1 bedroom 201 x 2 bedroom 13 x 3 bedroom
Parking Spaces	317 (Including 5 Commercial)	346 (Including 5 Commercial)
	226 Basement 86 Multi-Storey 5 Club	255 Basement 86 Multi-Storey 5 Car Club/Visitor
Residential Parking Ratio	0.66 spaces per unit	0.73 spaces per unit

- 7.98 It should be noted that whilst planning application 18/01101/FUL, was recommend for refusal on the grounds of inappropriate parking provision, the Council is not defending this reason for refusal in the ongoing appeal against this decision (APP/Z3635/W/18/3219226).

7.99 The commercial proportion of the development would be served by 5 car parking spaces located at basement level. The applicant's submission documents state that 1 car parking space would be provided per 221 m² for the B1 use and that the retail element of the development would be 'car free'. The application also proposes two service bays that would be located at the north and east of the site.

7.100 The table below demonstrates how the development would compare to other residential developments that have previously been granted planning consent in and around Staines Town Centre:

Planning App. No.	Site	No. of units	No. of Parking Spaces	Parking Provision per dwelling
15/01718/FUL	Bridge Street Car Park, Staines upon Thames	205	135	0.65 Per /unit
16/00179/RMA	Charter Square (formerly known as Majestic House), High Street, Staines, TW18 4AH	260	217	0.83 per unit
16/01158/FUL	17-51 London Road, Staines Upon Thames	253	211	0.81 per unit
17/01365/OUT	Renshaw Industrial Estate, 28 Mill Mead, Staines-upon-Thames	275	225	0.91 per unit
17/01923/FUL	Charter Square, High Street, Staines-upon-Thames	104	27 (Phase 1B) (218 in Phase 1A)	0.67 per unit across phase 1A & 1B (0.25 across phase 1B alone)
Present Application	17-51 London Road, Staines Upon Thames	467	346	0.73 per unit

7.101 Policy CC3 states that the Council will require appropriate provision to be made for off street parking in new developments. The policy further states that development proposals should be in accordance with the Council's maximum parking standards

7.102 As highlighted above, the development proposes a total of 341 residential parking spaces at a ratio of 0.73 spaces per dwelling. Whilst this is below the Council's normal parking standards, the applicants submission documents indicate that 36% of household flats in Central Staines are car free on the basis of the most recent 2011 Census data. In addition, as previously indicated, the ratio of 0.73 spaces per dwelling would be broadly in line with other residential developments that have recently been granted planning consent in and around Staines Town Centre and all of these planning permissions have been approved against the same adopted Core Strategy and Parking Standards.

- 7.103 The Council's Parking Standards SPD states that in certain circumstances there will be an exemption to the minimum parking requirements and a reduction in parking provision will normally be allowed. This includes proposals for development within the borough's 4 town centres, as defined within the Core Strategy, where public transport accessibility is generally high. Any reduction will be assessed against the distance from public transport nodes (e.g. railway stations & bus stops), the frequency and quality of train and bus services, the range and quality of facilities supportive to the residential development and the availability of pedestrian and cycle routes. The NPPF also states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 7.104 Whilst located outside of Staines Town Centre, the application site is located approximately 500 metres from Staines Railway Station which has regular train services to London Waterloo and Clapham Junction, as well as regular services to Reading, Weybridge and Windsor & Eton. London Road (A380) situated to the south of the site is also well served by buses, with eastbound and westbound bus stops located within 100 metres of the development site. The site is also situated some 280 metres from the pedestrianised section of Staines High Street, with numerous facilities and amenities available to future residents. Additionally, a number of public car parks are within a short walking distance from the site including the, The Elmsleigh Centre Car Park, and the Two Rivers Car Park.
- 7.105 It is accepted that the parking provision would be below the Council's normal parking standards. However, given the sustainable transport location of the site, and the level of facilities and amenities within a short walking distance of the site, the parking ratio of 0.73 parking spaces per unit is considered to be acceptable in this location.
- 7.106 The roads immediately adjoining the site including London Road and Fairfield Avenue have parking restrictions; Fairfield Avenue has single yellow lines with no parking between 7am and 7pm Monday to Saturday and there are double yellow lines on London Road. Further afield in the nearby residential roads, on street parking takes place at present. Even if overflow parking took place as a result of this development, there is no evidence that there would be unacceptable congestion and in any event, this could be controlled by further on street parking restrictions if required. Para 109 of the NPPF 2018 advises:

'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

- 7.107 The Council has consulted the County Highway Authority (CHA). The CHA reviewed the application and raised no objections, commenting that the proximity of the site to a range of local amenities in Staines Town Centre, as well as the accessibility of both good bus and train services, means reduced parking provision is acceptable in this location. The CHA also commented that in the event that parking demand exceeds the provision on site, it is unlikely that this would cause a highway safety issue, as the existing car

parking restrictions in the vicinity of the site should prevent indiscriminate parking.

- 7.108 It is recommended that the Council enters into a legal Agreement with the developer to secure, a club car scheme, a travel plan and a financial contribution of £20,000 to review parking in the area, as outlined in the recommendation section of this report.

Transportation Issues

- 7.109 The site is located in close proximity to Staines Town Centre and to existing public transport provision. The NPPF encourages sustainable travel choices and promotes opportunities for the use of public transport, walking and cycling. The NPPF also encourages the focus of significant development to locations which are or can be sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The applicants have also submitted a Transport Assessment and a Residential Travel Plan in support of the application.
- 7.110 The Transport Assessment examines the differences between the present proposal and the previous application. The Transport Assessment has also undertaken a trip generation exercise and has compared the trip generations of the proposed development against the refused scheme (18/01101/FUL). It concluded that the present proposal would result in a reduction of 2 two way vehicle movements against the refused scheme during the AM peak (08.00 – 09.00) and a further reduction of 2 two way vehicle movements in the peak PM (17.00 – 18.00).
- 7.111 The County Highway Authority has reviewed the Transport Assessment submitted by the applicant and has raised no objections subject to conditions. The CHA commented that the changes between the present proposal and the approved scheme (16/01158/FUL) are unlikely to material alter the impact of the development on the local highway network.
- 7.112 Highways England has also raised no objections to the scheme on the grounds of impact on the strategic road network.
- 7.113 The developer is also seeking to provide a raised table crossing to Birch Green, to benefit pedestrian safety and reduce traffic speeds through Fairfield Avenue, although this falls outside of the application site and will require a separate highways agreement with the Highway Authority.
- 7.114 It is recommended that the Council enters into a Legal Agreement (Section 106) with the developer to provide a travel plan that would include measures including the provision of five club car vehicles, and the provision of a £50 sustainable travel voucher per household, as outlined in the recommendation section of this report.
- 7.115 In conclusion, the proposal is considered to have an acceptable impact on the surrounding road network.

Waste & Recycling

- 7.116 The proposal would provide 102 x 1100 litre bins for residential refuse, 102 x 1100 litre bins for recycling and 27 x 240 litre bins for food waste to address the Council's requirements. Residents would access the bin stores located in the basement service core of each block, with the estate management team routinely inspecting the areas to ensure an efficient operation.
- 7.117 The proposal also incorporates a separate commercial bin store with space for 13 x 1100 litre bins
- 7.118 The development's estate management team would be responsible for transporting the bins from each individual block's waste collection area to the basement collection point and from there to the ground floor transfer area at the lay-by on Fairfield Avenue. The basement collection point incorporates a dedicated service lift allowing 6 bins at a time to be transported to the ground floor collection point. Empty bins would then be transported back to their original locations via a dedicated electric buggy.
- 7.119 The Council's Group Head Neighbourhood Services has been consulted and is satisfied that the operational aspects for waste and recycling for the proposal can be adequately accommodated.

Air Quality

- 7.120 Policy EN3 of the CS&P DPD seeks to improve air quality within the Borough and minimise harm from poor air quality.
- 7.121 The applicant's Air Quality Assessment has been carried out to assess both construction and operational impacts of the proposed development.
- 7.122 The risks associated with the construction phase are considered to be high because of the proximity of nearby sensitive receptors. However, this risk can be mitigated using appropriate measures and the resultant impact during construction would not be significant.
- 7.123 The suggested mitigation measures include the development of a Dust Management Plan and have been addressed in the Construction Environmental Management Plan included in the approved application (16/01158/DC2). The continued adherence to this document is recommended as condition 12 of this application.
- 7.124 Post construction, the applicant's Air Quality Assessment indicates that the predicted NO₂ concentrations would be below the objective at all locations across the development. Air quality impacts as a result of the operation of the development were considered negligible in accordance with IAQM guidance.
- 7.125 However, the Council's Pollution Control Officer has assessed the proposal in light of the NPPF paragraph 152 and has considered that a financial contribution of £8,250 would assist in mitigating the additional degradation of the air quality as result of the proposal.

- 7.126 This contribution would be used to ensure that public rapid charging infrastructure would be provided within the local area.
- 7.127 On this basis, the Council's Pollution Control Officer has raised no objection on grounds of air quality and the proposal is considered to comply with policy EN3 of the CS&P DPD.

Archaeology

- 7.128 The site is located within an area designated as being of High Archaeological Potential in association with the Roman road from London to Silchester. Archaeological investigations have recorded significant evidence from the prehistoric period onwards.
- 7.129 An archaeological desk based assessment has been submitted and concludes that previous impacts within the site reach a depth of approximately 3m, and that the former basement construction is likely to have created a very low potential for evidence of significant activity dating from all periods.
- 7.130 The County Archaeologist was consulted and the following comment was made reflecting previous advice:

'Given the likelihood that any archaeological deposits that may have been present have been destroyed, or could not be accessed if present at depth, I have no archaeological concerns. No further archaeological work is required in relation to this application.'

- 7.131 On the basis that the applicant has commenced the below grade works in accordance with the previous planning approval (16/01158/FUL), there is no justified planning reason to object on archaeological grounds.

Flooding

- 7.132 The site is located in flood zone 2 which represents land having between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% - 0.1%).
- 7.133 The applicant's Flood Risk Assessment (FRA) states that detailed modelling indicates that using a maximum flood level of 15.207m AOD for the 1 in 100 year event, with a 35% allowance for future climate change, flood waters would not reach the development.
- 7.134 Notwithstanding this modelling, the applicant proposes mitigation measures including the provision of a finished floor level constructed at 15.6m AOD.
- 7.135 Surface water attenuation would be provided on site to accommodate a 1 in 100 year event with a 40% allowance to account for future climate change.
- 7.136 The FRA assessed other flood risks as low and concluded the overall flood risk to be low on this site. The Environment Agency, Thames Water and the Lead Local Flood Authority were consulted on the proposal and raised no objection to the proposal, subject to conditions and informatives.

Renewable Energy

- 7.137 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 square metres, 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.
- 7.138 The applicant has submitted an Energy Strategy which proposes enhanced passive and active design measures to reduce energy consumption and CO² emissions. This includes enhanced efficiency for the building envelope, improved air tightness compared to the building regulations and high efficiency lighting and plant.
- 7.139 In terms of low carbon technologies, the Energy Statement states that combined heat and power and air source heat pumps were considered the most appropriate.
- 7.140 The report concludes that the proposed development would exceed a 10% reduction against Part L of the 2013 Building Regulations, and the use of low carbon technologies would meet the requirement for 10% of the development's energy requirement being from on-site renewable energy sources.
- 7.141 The Council's Sustainability Officer has been consulted and is satisfied that the renewable requirement would be met. The proposal is therefore considered to comply with policy CC1 of the CS&P DPD.

Biodiversity

- 7.142 The applicant has undertaken a Phase 1 habitat survey which determined that the site is not subject to any statutory or non-statutory nature conservation designations and all habitats on the existing site are of low ecological value.
- 7.143 The survey provides recommendations to enhance the biodiversity value of the site, in accordance with national and local planning policies, including the use of brown roofs, a pond, native tree planting and the provision of bat roosting opportunities which should be incorporated into the landscape details.
- 7.144 Surrey Wildlife Trust was consulted and has recommended that the biodiversity actions set out in the submitted document are implemented. This has been addressed in condition 17.

Other Matters

Microclimate Study

- 7.145 The applicant undertook a microclimate desk study based on the revisions to the proposal and concluded that pedestrian safety and comfort would be acceptable, with some exceptions in pedestrian comfort in localised areas.
- The removal of undercroft at Block F – wind conditions at the ground levels of Block F is relatively calm and expected to be remain unchanged;
 - The removal of the 2-storey of commercial buildings between Block E and Block F – This revision creates a gap or pathway at ground level between Blocks E and F and the wind conditions within this area is expected to be suitable for thoroughfares;
 - The Block B plan is slightly moved to the northeast – the impact of the block relocation is relatively minor with respect to wind conditions; therefore, it is expected that the wind conditions around Block B remain unchanged;
 - The Block C plan is slightly moved to the southeast – Block C is relatively shielded from the south-westerly prevailing winds; hence the relocation of Block C would not materially alter the wind conditions around Block C.
- 7.146 The microclimate study concludes that the introduction of wind mitigation measures through hard and soft landscaping and design features would be expected to alleviate these exceptions. However the applicant intends to develop and validate appropriate measures through boundary layer wind tunnel testing through the detailed design process.

Sites of Special Scientific Interest

- 7.147 The site is located approximately 415 metres from the Shortwood Common SSSI to the east, 670 metres from Staines Moor, 450 metres from King George VI Reservoir and 690 metres from Staines Reservoir.
- 7.148 The site lies within the Impact Risk Zone for Sites of Special Scientific Interest (SSSI) which is intended to assist the LPA to determine whether they need to seek advice from Natural England on the nature of any potential SSSI impacts and how they might be avoided or mitigated.
- 7.149 The South-West London Water Bodies Special Protection Area (SPA) comprises a series of embanked water supply reservoirs and former gravel pits that support a range of man-made and semi-natural open water habitats. The reservoirs and gravel pits function as important feeding and roosting sites for wintering wildfowl.
- 7.150 The Staines Moor SSSI comprises the largest area of alluvial meadows in Surrey and supports a rich flora.
- 7.151 An appropriate assessment will only affect a project if it would have a significant impact on the site integrity. The Local Planning Authority has

considered the potential impact on the site integrity and determined that in light of existing development and the approved proposal on the site there would be no significant impact resulting from this proposal.

- 7.152 Natural England was consulted on the approved application (16/01158/FUL) and commented that the redevelopment would not have a significant effect on, damage or destroy the features of interest of the South-West London Water Bodies SPA.
- 7.153 However, Natural England's response to this application has been no objection subject to a Habitat Regulations Assessment Screening being undertaken in respect of the South West London Waterbodies SPA.
- 7.154 The Local Planning Authority has undertaken a Habitat Regulations Assessment Screening Report considering all 4 European Sites in the vicinity, but with particular regard to the South West London Waterbodies SPA.
- 7.155 The screening assessment considered the conservation objectives and the key pressures and threats and concluded that the proposed development was not likely to have a significant effect on the ecological integrity of the South West London Waterbodies SPA alone, or in combination with other plans or projects.

Finance Considerations

- 7.156 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.
- 7.157 In consideration of S155 of the Housing and Planning Act 2016, the proposal would result in the following financial contributions:
- £20,000 to be used as a contribution towards the review of parking restrictions in the area.
 - £6,150 to be used to review the Travel Plan submitted as part of the justification for reducing the parking provision on the site and promoting alternative modes of transport.
 - £8,250 to be used as a contribution towards the provision of public electric vehicle (EV) charging infrastructure.
 - The Community Infrastructure Levy for Zone 2 (£140) will be payable on this site, with a reduction for the affordable housing provision.

These are considered to be a material considerations in the determination of this planning application. The proposal will also generate a New Homes Bonus Business Rates and Council Tax payments which are not material considerations in the determination of this proposal.

8. Conclusions

- 8.1 It is considered that the proposal makes effective use of urban land in a sustainable location. It would not create an additional impact on the highway network over and above the previously approved, now implemented proposal and the level of parking is considered to be appropriate for this location close to the town centre. It meets the Borough's recognised need for housing and provides units with a good standard of amenity. Therefore, the application is recommended for approval.

9. Recommendation

(A) To GRANT planning permission subject to the applicant first entering into an appropriate legal agreement in respect of the following:

1. To provide at least 41 affordable rented housing units on site:
 - Prior to the sales completions of 50% of the residential units (not being the affordable units) to build and complete the affordable rented units and transfer these to an entity nominated by the Council or in the absence of such nomination a Registered Provider.
 - Prior to occupation of the affordable rented housing units the transferee shall enter into a Nominations Agreement in respect of the affordable rented housing (in order that the affordable housing meets local needs).
 - To provide 27 parking spaces for use in connection with the affordable rented housing units.
2. To provide a Travel Plan to include, but not restricted to, the following:
 - A financial contribution of £6,150 towards the cost of auditing the Travel Plan
 - Provision of five club vehicles with phased introductions according to demand, with all costs associated with the provision of the vehicles including provision of parking space being met by the developer
 - Provision of 25 miles worth of free travel for residential users of the proposed development using the car club vehicles.
 - Provision of one year free membership of the car club for the first occupants of each of the proposed residential units
 - Provision of one £50 sustainable travel voucher per household (equates to £23,350) for the 467 proposed residential units) which can be spent on either public transport tickets or towards a bicycle. If part or all of the £23,350 is not spent within one year of sales completion then the remaining value should be used for other sustainable transport measures as agreed with the County Council.
3. To provide public access to the central courtyard and play areas.
4. To provide a financial contribution of £8,250 towards the provision of electric vehicle charging infrastructure in the local area.

5. To provide a financial contribution of £20,000 towards the review and implementation of parking restrictions in the area following the occupation of the buildings on the site.
6. To enter into a S278/S38 Agreement with Surrey County Council (SCC) for the dedication as highway and adoption of part of the application site to form a widened footpath along London Road, the construction of a crossing point at Birch Green and two lay-bys on Fairfield Avenue in accordance with details submitted to and approved by SCC.

Stopping up highway within the application site and dedicating land as part of the highway in accordance with the plan numbered 183887B/A/01.

In the event that the Section 106 Agreement is not completed

In the event that the Section 106 agreement is not completed to the satisfaction of the Local Planning Authority and/or the applicant does not agree an extension of time for the determination of the planning application, delegate to the Planning Development Manager in consultation with the Chairman of the Planning Committee the following:

REFUSE the planning application for the following reasons:

1. The development fails to provide a satisfactory provision of affordable housing to meet the Borough's housing needs, contrary to Policy HO3 of the Core Strategy and Policies DPD 2009 and the principles set out in the National Planning Policy Framework.
2. The development fails to provide adequate measures to mitigate the level of reduced parking provision proposed and increased traffic movements on the A308 London Road, contrary to Policies SP7, CC2 and CC3 of the Core Strategy and Policies DPD 2009 and the principles set out in the National Planning Policy Framework.
3. The development fails to make adequate provision for public open space and play equipment within the development and to mitigate the increased density proposed. The proposal thereby creates additional, unnecessary pressure on the existing public open space in the immediate vicinity and would adversely affect the amenities that the wider community might reasonably expect to enjoy, contrary to Policies SP5 and CO3 of the Core Strategy and Policies DPD 2009 and the requirements of the National Planning Policy Framework.

(B) In the event that the Section 106 agreement is completed to the satisfaction of the Local Planning Authority; 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 permission.

Reason: This condition is required by Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 17660 U078 B1 GA(10)003, GA(10)001-02, GA(10)002, GA(10)001-01, GA(10)015, GA(11)002, GA(11)003, GA(12)002, GA(11)001, GA(12)001, GA(11)004, B2 GA(10)002-02, GA(10)001-02, GA(10)002-01, GA(10)002-01, GA(10)011-02, GA(10)011-01, GA(11)002, GA(11)003, GA(12)002, GA(11)001, GA(12)001, GA(11)004, B3 GA(10)002, GA(10)001, GA(10)012, GA(11)002, GA(11)003, GA(12)002, GA(11)001, GA(11)004, B4 GA(10)002, GA(10)001 GA(10)011, GA(11)002, GA(11)003, GA(12)002, GA(11)001, GA(12)001, GA(11)004, B5 GA(10)002, GA(10)003, GA(10)001, GA(10)009, GA(11)002, GA(11)003, GA(12)002, GA(11)001, GA(12)001, GA(11)004, B6 GA(10)002-02, GA(10)003-01, GA(10)001-02, GA(10)002-01, GA(10)001-01, GA(10)003-02, GA(10)013-02, GA(10)013-01, GA(11)002, GA(11)003, GA(12)002, GA(11)001, GA(12)001, GA(11)004, Z TP(00)001, Z TP(11)102, Z TP(11)002, Z TP(11)103, Z TP(10)004, Z TP(10)005, Z TP(10)002, Z TP(10)003, Z TP(10)001, Z TP(10)010, Z TP(10)008, Z TP(10)009, Z TP(10)006, Z TP(10)007, Z TP(10)000, Z TP(10)012, Z TP(10)011, Z TP(10)014, Z TP(10)013, Z TP(00)000, Z TP(11)001, Z TP(11)101, Z TP(00)002, Z TP(10)015, Z TP(12)002, Z TP(12)003, Z TP(12)001, Z TP(11)104.

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

- 3 Details of a scheme of both soft and hard landscaping works shall be submitted to and approved by the Local Planning Authority prior to first occupation of any part of the development hereby approved. This shall include a programme for the implementation of the landscaping works. The approved scheme of tree and shrub planting shall be carried out in accordance with the approved implementation programme.. The planting so provided shall be maintained as approved for a minimum period of 5 years, such maintenance to include the replacement in the current or next planting season, whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

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

- 4 The parking spaces for motor vehicles and bicycles shown on the approved plans shall be constructed and laid out prior to the occupation of the development and shall be retained thereafter for the benefit of the occupiers of the development as approved and shall not be used for any other purpose without the express written consent of the Local Planning Authority

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highways and to ensure that the cycle parking spaces are provided are reserved for the benefit of the development for which they are specifically required, in accordance with policy CC3 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 5 No development above damp course level shall take place until details of the materials to be used for the external surfaces of the building(s) and surface material for the courtyard open space are submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved materials and detailing.

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

- 6 The development hereby approved shall not be occupied until details of the play equipment to be installed and the layout of the Play Areas have been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved materials and detailing.

Reason: To ensure that the proposed development complies with policy C03 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009 and section 8 (promoting healthy and safe communities) of the National Planning Policy Framework.

- 7 Prior to the occupation of any part of the development hereby approved, the applicant shall enter into a s278 agreement with Surrey County Council to provide the pedestrian footway, crossing and laybys, together with associated works, as illustrated on drawing 183887B/A/01 contained in the Transport Assessment Addendum dated March 2019.

Reason: To ensure 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.

- 8 The last building to be constructed on the development hereby approved shall not be occupied until a minimum of sixty eight (68) 7kW (fast charge) charge points for electric vehicles have been laid out within the site. The charging points shall be retained exclusively for their designated purpose, unless agreed in writing with the Local Planning Authority.

Reason: To ensure that the development complies with policies CC2 and EN3 of the Core Strategy and Policies DPD and section 9 (Promoting Sustainable Transport) of the National Planning Policy Framework.

- 9 All construction work shall be undertaken in accordance with the Construction Transport Management Plan approved under 16/01158/DC2 unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development does 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

- 10 Prior to the occupation of any of the buildings hereby approved 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". 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: To ensure that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 11 The site shall be remediated in accordance with the approved remediation strategy, unless otherwise 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 in accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009

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

- 13 All of the construction work shall be undertaken in accordance with the Construction Environmental Management Plan approved under 16/01158/DC2 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that neighbouring residential occupiers do not suffer a loss of amenity by reason of excess noise, nuisance and pollution from the construction work and activity taking place on the site when implementing the decision in accordance with policy EN1 and EN11 and the National Planning Policy Framework 2019.

- 14 The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical

Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storage volumes shall be provided using a discharge rate to be agreed with SCC as LLFA.
- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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

- 15 Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the drainage system is constructed to the national Non-Statutory Technical Standards for SuDS.

- 16 The development shall be constructed in accordance with the details provided in the energy statement dated March 2019, submitted with the application, to deliver a minimum of 10% of the energy requirement generated by the development by renewable energy methods, unless otherwise agreed in writing by the Local Planning Authority.

Reason: .In the interest of sustainable development and in accordance with policies CC1, SP6 and EN1 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 17 That the development hereby approved shall be carried out in accordance with the mitigation and biodiversity recommendations as set out in paragraphs 4.13 to 4.21 of the Preliminary Ecological Appraisal (v.2 Final) dated March 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard and protect important species using the site in accordance with policies SP6 and EN8 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 18 Prior to the occupation of any part of the development permitted, details including a technical specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting on the site shall at all times accord with the approved details.

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.

- 19 The waste management strategy submitted with the application shall be in operation prior to occupation of any of the buildings hereby approved and shall be carried out in accordance with the approved details, unless expressly agreed in writing by the Local Planning Authority.

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.

- 20 The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:
Bedrooms - 35dB LAeq T *, 30 dB LAeq T † , 45dB LAFmax T *
Living rooms- 35dB LAeq T †
Dining room - 40 dB LAeq T † *
- Night-time - 8 hours between 23:00-07:00 †
- Daytime - 16 hours between 07:00-23:00 31.

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with policy.

- 21 The 86 car parking spaces within the multi storey car park as identified on plans L(LE)001 and L(LE)003 shall be retained in perpetuity for such use by the residential occupiers of the proposed development, unless otherwise agreed by the Local Planning Authority in writing.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highways and to ensure that the parking spaces are provided are reserved for the benefit of the development for which they are specifically required, in accordance with policy CC3 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 22 Notwithstanding the submitted plans the proposed development shall not be occupied until the vehicle access to Fairfield Avenue has been constructed with visibility splays in accordance with Drawing Number 183887B/A/03, and provided with tactile paving in accordance with a scheme to be submitted to

and approved in writing the Local Planning Authority, all to be permanently retained.

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 2019 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

INFORMATIVES TO APPLICANT

- 1 The Town and Country Planning (Development Management Procedure) (England) Order 2015
Working in a positive/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
 - c) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

- 2 Access by the Fire Brigade
Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings. There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).

- 3 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.

- 4 In order to protect groundwater quality from further deterioration: - No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution. - Piling or any other foundation designs using penetrative methods should not cause preferential pathways for

contaminants to migrate to groundwater and cause pollution. - Decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the NPPF.

- 5 If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website. If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards. If there are any further queries please contact the Sustainable Drainage and Consenting team via SUDS@surreycc.gov.uk. Please use our reference number in any future correspondence.
- 6 The applicant is advised to contact the Council's Environment Health department concerning the requirements for extraction facilities that may be required in connection with the flexible commercial spaces and the café prior to the commencement of development to ensure that adequate provision and/or future capacity is incorporated.
- 7 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/policy-campaigns/operations-safety/>) [NEW]
- 8 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.
- 9 When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highways Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces

at the developer's expense.

- 10 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).
- 11 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.