

Planning Committee

23 June 2021



Application No.	20/01199/FUL		
Site Address	Old Telephone Exchange, Masonic Lodge and adjoining land, Elmsleigh Road, Staines-upon-Thames.		
Applicant	Inland Homes Ltd		
Proposal	Demolition of the former Masonic Hall and redevelopment of site to provide 206 dwellings together with car and cycle parking, hard and soft landscaping and other associated works.		
Officers	Paul Tomson/Kelly Walker		
Ward	Staines		
Call in details	N/A		
Application Dates	Valid: 14/10/2020	Expiry: 13/01/2021	Target: Extension of time agreed
Executive Summary	<p>This planning application proposes the redevelopment of the site to provide 206 dwellings in the form of 2 towers, together with car and cycle parking, hard and soft landscaping and other associated works, following the demolition of the existing buildings.</p> <p>Whilst the site is located within a planning policy Allocation Site allocated mainly for retail development, it is not considered there are sufficient reasons to justify a refusal on planning policy/principle grounds. The 'Tilted Balance' is applicable in this particular case. It is considered that the proposed design and appearance is acceptable in this town centre location set back from the Thames Street frontage. The proposed changes to the highway land, the provision of pedestrian linkages connecting with the High Street and Thames Street, and associated landscaping measures, are considered to make a positive contribution to the area.</p> <p>The development will make a significant contribution to the Borough housing delivery, including a 46% provision of affordable housing. The impact on the neighbouring properties and character of the area is considered acceptable. Moreover, it is not considered that an objection could be raised to the level of on-site parking provision in this town centre location where there is no scope to park in the vicinity of the site due the existing on-street parking restrictions and reduced parking is acceptable in Staines town centre as set out in the Council's Supplementary Planning Guidance on parking. The impact on flooding is considered acceptable. In support of the scheme, the development will</p>		

	<p>generate 39% of its on-site energy demand by renewable energy.</p> <p>It is considered that all of the reasons for refusal associated with the previous planning application 14/01377/FUL have been overcome.</p>
Recommended Decision	The application is recommended for approval subject to the prior completion of a Section 106 agreement.

MAIN REPORT

1. Development Plan

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

- Site Allocation A10 for the redevelopment and extension of the Elmsleigh Centre
- 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)
- TC1 (Staines Town Centre)
- TC2 (Staines Town Centre Shopping Frontage)
- CO1 Providing Community Facilities
- CO3 (Provision of Open Space for New Development)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN6 (Conservation Areas, Historic Landscapes, Parks and Gardens)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN9 (River Thames and its Tributaries)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)

- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

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

- BE25 (Archaeology)

1.3 Also relevant are the following Supplementary Planning Documents/Guidance:

- SPG on Parking Standards Updated 2011
- SPD on Housing Size and Type 2012.
- SPD on Flooding 2012

1.4 The advice contained within the National Planning Policy Framework (NPPF) 2019 is also relevant.

2. Relevant Planning History

Ref. No.	Proposal	Decision and Date
FUL/77/25	Erection of a covered shopping area comprising 23,430 sqm of shopping and ancillary accommodation, 120 sqm of management offices and public conveniences, erection of a multi-storey car park on 3 floors providing parking for 525 cars and construction of an access ramp service road <i>[Officer note: this application relates to the original Elmsleigh Centre Phase 1 development]</i>	Approved 09/03/1977
N/80/563	Erection of 5,574 sqm office building with Surface car park, 1,858 sqm retail floorspace, 1,207 sqm library and civic facilities, and multi-storey car park containing 609 spaces with management offices	Approved 27/08/1980
N/80/1012	Erection of building complex to provide a library of 1,120 sqm floor area, a Citizens' Advice bureau of 70.5 sqm floor area, offices of 73.5 sqm floor area, retail of 2,145 sqm floor area, a multi-storey car park for approximately 610 cars together with an ancillary service area and construction of an associated pedestrian mall <i>[Officer note: the above permissions (Outline and</i>	Approved 20/01/1981

	<i>Reserved Matters) relate to the 'Phase II' extension to the Elmsleigh Centre, now Friends Walk, Tothill Car Park and Library]</i>	
13/01030/FUL	Change of use of land adjoining former telephone exchange to hand car wash and erection of a cabin	Approved 13/02/2014
14/01377/FUL	Demolition of existing Masonic Hall and Old Telephone Exchange and redevelopment of the site to create a mixed-use scheme comprising 140 residential units (48 no. 1-bed and 92 no. 2-bed units), a 102 bedroom hotel, up to 1507 sqm of mixed commercial spaces (Classes A1, A2, A3,A4, D2 and B1), and up to 1408 sqm of masonic lodge (Class D1), together with means of access, landscaping and other associated works.	Refused 16/02/2015

2.1 With regard to planning application 14/01377/FUL, this was refused for the following reasons:

1. The proposal is considered to represent a piecemeal form of development that would preclude the future comprehensive development to extend the Elmsleigh Shopping Centre to provide at least 18,000 square metres of retail floorspace and other associated development. The proposal is therefore contrary to Site Allocation Policy A10 of the Allocation Development Plan Document 2009, and Policies SP4 and TC1 of the Core Strategy and Policies DPD 2009.
2. The proposed development in terms of its design, scale and location, is considered to have insufficient regard to the character of the surrounding area and will be visually obtrusive. It is therefore contrary to Policy EN1 of the Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.
3. The proposal is considered to provide a unacceptable standard of amenity for the future occupiers of the residential units in terms of poor outlook, insufficient levels of sunlight/daylight, and inadequate internal floorspace. The proposal is therefore contrary to Policy EN1 of the Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.
4. The proposals would provide inadequate affordable housing to contribute towards meeting the needs of the Borough and the applicants have failed to adequately justify why 50% of affordable housing cannot be provided on site. The proposal is, therefore, contrary to Policy HO3 of the Core Strategy and Policies DPD 2009.
5. The site is located within Flood Zone 3a and will result in an overall decrease in flood storage capacity. The applicant has not proposed any

mitigation measures to alleviate the increase in built footprint on the site and the development will therefore lead to an unacceptable increase in flood risk elsewhere. It also fails to secure required flood storage betterment of 20%. Furthermore, the applicant has failed to demonstrate that a satisfactory safe means of escape can be provided in the event of a flood from the site to an area outside the flood plain. The development is therefore contrary to Policy LO1 of the Core Strategy and Policies DPD 2009, the Supplementary Planning Document on Flooding 2012, and Section 10 of the National Planning Policy Framework 2012.

6. The applicant has failed to demonstrate to the satisfaction of the County Highway Authority that the proposed development is compatible, or could be compatible with suitable mitigation measures, with the surrounding highway infrastructure resulting in potential conflict between pedestrians, cyclists and vehicle movements contrary to Policies SP7 and CC2 of the Spelthorne Core Strategy and Policies DPD 2009.
7. The applicant has failed to demonstrate that at least 10% of the development's energy demand can be achieved from on-site renewable energy sources, contrary to Policy CC1 of the Core Strategy and Policies DPD 2009.
8. The proposals would place additional pressures on educational needs within the area, which have not been adequately mitigated. As such, the development is contrary to Policies SP5 and CO2 of the Core Strategy and Policies DPD. 2009.
9. The proposals would result in a more intensive use of the nearby public open space of the Memorial Gardens and the applicant has not proposed a financial contribution towards improving the existing recreational facilities, contrary to Policy CO3 of the Core Strategy and Policies DPD. 2009.
10. The applicant has not agreed to provide a financial contribution towards the Council's Air Quality Action Plan as a result of the increased vehicles movements generated by the proposed development, contrary to Policy EN3 of the Core Strategy and Policies DPD 2009.

3. Description of Current Proposal

- 3.1 The application relates to the "island site" surrounded by the loop of Elmsleigh Road in Staines. The site is 0.53 hectares and currently comprises the Masonic Hall which is vacant and the site of the Old Telephone Exchange building having been demolished some 4 years ago. The applicant has advised that the Masonic Hall was vacated in March 2020 and its functions have been relocated to Twickenham. It also includes some highway land around the site, in particular adjacent to Thames Street, where highway improvements and landscaping are proposed. Whilst the site is located behind the High Street and the Elmsleigh Centre, it is visible from the west where Elmsleigh Road meets Thames Street. To the south, on the other side of Elmsleigh Road is the Tothill multi-storey car park. The Elmsleigh Centre

service ramp immediately adjoins the northern boundary of the site. To the west is Staines Community Centre and Debenhams store (which has now ceased trading). To the south-west is Staines Library and the Spelthorne Museum. Further to the south, across the opposite side of Thames Street is the Memorial Gardens, a public area of open land, along with the surface car park. Further to the south is the tow path and The River Thames, with Runnymede Borough Council, located across the other side of the river.

- 3.2 The site is located within the designated Allocations A10 site (The Elmsleigh Centre and adjoining land) in the Council's Allocations Development Plan Document December 2009. This requires a comprehensive redevelopment would complete the redevelopment of Staines south of the High Street and provide a completed and attractive frontage to the whole of Thames Street on its east side. In addition to the designated Allocations area, the site is located within the primary Staines town centre shopping area. It is also within a designated Employment Area, a Site of High Archaeological Potential, and an area liable to flood (Flood Zone 3a – between 1 in 20 year and 1 in 100 year chance of flooding).
- 3.3 The Council's new Local Plan is in its early stages (Regulation 18). The Council published its Preferred Options Consultation Policies and Site Allocations documents (November 2019), but these may be subject to change. The Local Plan is at an early stage and the Regulation 19 has not yet been issued and consequently has not yet to be considered at the Examination stage by an external Inspector. In addition, the Council is in the early stages of preparing a Staines Development Framework (formerly known as the Staines Masterplan). The consultation on this commenced on 18 May 2021 and will run for 6 weeks until 29 June 2021.
- 3.4 The Local Plan production timetable will be revised in due course to enable it to feature as a key document at the time of the next Local Plan consultation. This will be the consultation on the final version of the Staines Development Framework prior to submission for examination (known as Regulation 19).
- 3.5 The proposal involves the demolition of the existing Masonic hall and the redevelopment of the site to create two residential towers, one 13 and one 15 storeys tall, with a total of 206 dwellings together with car and cycle parking, hard and soft landscaping and other associated works. The proposed towers will be linked at ground floor level, which will have car parking and the entrance to the flats above. The smaller tower, Block B, which is 13 storeys in height, will provide 94 affordable units. Block A, the larger tower at 15 storeys will provide 112 private units. The 206 flats will comprise 105 no. 1-bedroom and 101 no. 2-bedroom units. A refuse storage area is to be provided at the rear of the building at road level. The proposed mix and tenure are as follows:

	PRIVATE	AFFORDABLE (shared ownership)	AFFORDABLE (affordable rent)	TOTAL
One bed	57	17	31	105
Two bed	55	18	28	101
Total	112	33	61	206

- 3.6 The proposed building will have a ground floor element across the site containing the car and cycle parking provision, refuse storage and plant equipment. A landscaped podium containing a variety of planting and play space provision for use by the future occupants will be located on the top and will be accessed via each block. All units will have private amenity space in the form of a terrace or balcony
- 3.7 In height, the towers will measure 48.85m (including set back plant 51.4m) (Tower A), and Tower B, 41,95m (including set-back plant 44.5m). The smaller tower of Block B, at 13 storeys, will be located in the northern part of the site and the taller tower of Block A, at 15 storeys will be located in the southern part of the site. The towers are positioned to the north east and south west corner of the site to maximise the central amenity space with space between the towers. The proposed materials are red brick for the tower closest to the Debenhams site and a buff lighter colour brick, adjacent to the car park. It will also include white glazed brick, with metal windows frames and balustrades.
- 3.8 The ground floor level would contain an external landscape link around the site to improve pedestrian access. Pedestrian access to the site would be via Elmsleigh Road to the north from the High Street with another residential entrance located on the northern side of Block B and a secondary residential entrance located to the west of the site for Block A. Improvements to Elmsleigh Road are proposed to enhance the pedestrian provision and public realm in the vicinity of the site. The road will be reduced in width to allow for widened footways and loading bays, and a road crossing will be provided. It also includes improvements to the existing Elmsleigh Road / Thames Street junction to provide improved pedestrian connections around the site and to the riverside. This is achieved through the removal of the Elmsleigh Road roundabout with associated changes to the signalised junction. Planting is proposed around the ground floor including climbers on the proposed car park, leading up to the podium above.
- 3.9 The proposal will provide 48 car parking spaces (including 10 accessible spaces) 220 cycle parking spaces (including 12 short stay cycle spaces for public use within the public realm) 6 motor cycle spaces and 2 car club spaces. This will be provided at ground level beneath the 2 towers.
- 3.10 Copies of the proposed site layout and elevations are provided as an Appendix.

4 Consultations

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

Consultee	Comment
County Highway Authority	No objection subject to conditions and a Section 106 Agreement to secure the highway works and sustainable travel measures.
Environment Agency	No objection – recommend conditions
Group Head- Neighbourhood Services	No objection
Surrey Fire and Rescue	No objection, subject to Building Regulations
Valuation Advisor	No objection
Council's Housing Strategy and Policy Manager	No objection, subject to S106 agreement
Sustainability Officer	No objection to renewable energy proposals – recommends a condition
Local Lead Flood Authority (Surrey County Council)	No objection – recommend condition
County Archaeologist	No objection – recommend condition
Crime Prevention Officer	No objection – recommend condition
BAA	No objection – recommend condition
Natural England	No objection
Surrey Wildlife Trust	No objection
Runnymede Borough Council	No objection
Tree Officer	No objection
Thames Water	No objection
National Grid	No objection
Environmental Health (noise)	No objection – recommend condition re plant equipment
Environmental Health (Contaminated land)	No objection – recommend condition
Environmental Health (Air Quality)	No objection – recommend condition
Conservation Officer	No objection

5. Public Consultation

Community Engagement

- 5.1 The NPPF seeks to encourage pre-application engagement and front loading and advises that “early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community”. The Council’s own Statement of Community Involvement states that the *Council will encourage applicants and developers to undertake pre-application consultation and discuss their proposals with their neighbours or the community before submitting their formal application.*
- 5.2 In addition to pre-application discussions which took place between the applicant and the Planning Officers, the applicant also undertook pre-application engagement with the public. The applicant a undertook public consultation, including two stakeholder previews on Friday 13th and Saturday 14th March, and a public consultation event which took place on Friday 13th March in the evening and on Sunday 15th March 2020, just before the National Covid 19 lockdown.
- 5.3 The applicant has advised that *“Across the consultation period, a total of 13 people (including two councillors) attended the event and eight feedback forms were collected during the event, no further forms were received by post after the event. Overall, there was a strong recognition among stakeholders and residents that the proposals represented an improvement on existing site.”*

Planning Application - Consulting the Neighbours

- 5.4 Following receipt of the planning application, 90 properties were notified of the planning application. Furthermore, a statutory site notice was displayed and the application was advertised in the local press. A total of 82 letters of representation were received objecting to the application, including one from Staines Town Society.

One letter of support was received, as well as an additional one from Visit Staines BID and an affordable housing registered company. In addition, 17 support cards were received.

- 5.5 Reasons for objecting include:-
- Too tall/small footprint
 - Out of character
 - Poor design, incongruous
 - Overdevelopment
 - Size of units – no family units
 - Mental & physical wellbeing of occupants due to size of units and lack of garden
 - Lack of parking
 - Lack of infrastructure
 - Spoiling Staines Town Centre/historical market town

- Spoil Riverside views/setting
- Impact on Staines Conservation Area
- Overlooking/loss of privacy
- Overbearing
- Overshadowing
- Flooding
- Lack of open space and children's play area
- Concerns about view from street level of raised section containing parking with garden on top
- Set a precedent (Officer note: each application is considered on its planning merits)
- Cumulative impact of other schemes
- Fire Safety
- Worsen existing unsocial behaviour in this part of Staines
- Increase pollution
- No policy for tall buildings in Local Plan
- No EIA
- Concerns regarding ownership
- Should wait for Covid restrictions to be lifted, to see what office space/retail is left
- The Prime minister wrote to Hillingdon LPA regarding a planning application for a tall building and it was refused as out of character.
- The Government Policy is moving away from tall buildings and towards gentle densification. (Officer note: this is not current Government planning policy)

5.6 In addition, the Council's moratorium was noted in a number of the letters. However, it is important to note that this relates only to Council schemes in Staines-Upon-Thames and has been self-imposed by the Council as the applicant and cannot legally be imposed on other non-council planning applications. This is not a material planning consideration in this application and so not a reason for permission to be refused. All planning applications must be assessed on their planning merits in accordance with the development plan, unless there are material considerations that indicate otherwise.(This is discussed further below in paragraph 7.10 onwards).

5.7 A letter was also received from SCAN noting that the applicant has indicated that 100% of the flats will comply with Part M (Building Regulations) Category 2 (M4(2)) and will therefore be 'accessible and adaptable'. However, he has requested that a condition is imposed. They note that the lack of parking is in consistent with Part M (2), as well as queries about disabled parking spaces, access, drop off provision and the car park level. The applicant has responded to this and this matter is covered in more detail in a later section of the report.

5.8 Reasons for supporting the scheme include:-

- Brownfield site
- Affordable housing provision
- Regenerate part of the town centre/looking tired
- Economic benefits and investment to the town
- Site in need of redevelopment

- Currently a concrete eyesore
- Plans prioritise pedestrian routes
- Landscaping and road traffic improvements will help to improve links and visual amenity.

6. Planning Issues

- Principle/impact on future retail development in Staines town centre and the further extension of the Elmsleigh Centre
- Housing density
- Design and appearance
- Historic Environment
- Residential amenity
- Parking/Highway issues
- Affordable housing
- Flooding
- Renewable energy
- Ecology
- Open space
- Dwelling mix
- Archaeology
- Air quality
- Loss of Community Facility

7. Planning Considerations

Principle/Impact on the potential redevelopment of the Elmsleigh Centre

- 7.1 The site is located within the designated Staines town centre primary shopping area. Strategic Policy SP4 of the Core Strategy and Policies DPD 2009 (CS & P DPD) states that the Council will seek the continued improvement of Staines as the principal town centre serving north Surrey. It will make provision for further retailing and related services, and support employment development. Improvements in access to the town centre, particularly by non-car-based modes will be encouraged. Policy TC1 of the CS & P DPD states that the Council will encourage developments that contribute to the vitality and viability of the town centre and are of a scale and character appropriate to its role. In particular it will make provision for a further 32,000 sqm of retail development to meet the needs of its catchment area. The site is also allocated in the Employment Area of the CS & P DPD 2009 where policy EM1 applies which seeks to maintain employment development.
- 7.2 Site Allocation Policy A10 (The Elmsleigh Centre and adjoining land) of the Council's Allocations Development Plan Document 2009 is relevant to this planning application. Indeed, it formed the first reason for refusal on the previous application: 14/01377/FUL. The site allocation states that development will take place at the western and southern parts of this overall

site of 6.62 hectares. It is proposed that the development would take place in two Allocation phases:

Phase 3 – Redevelopment within the Elmsleigh Centre and extension to the south to provide approximately 2,500 sqm of retail floorspace, at least 30 flats and improvements to the bus station. This phase represents the last of three phases in a programme of refurbishment and redevelopment to enhance the existing Elmsleigh Centre.

Phase 4 – Extension of the Elmsleigh Centre to the west to provide a comprehensive development including at least 18,000 sqm of retail floorspace, a mix of related non retail uses, approximately 65 flats, additional parking and revised access and servicing arrangements. This phase will enable the Elmsleigh Centre to grow to meet the retail needs of the Staines catchment area. It will create a better balance between shopping on the north and south side of the High Street and provide the opportunity for links with Debenhams and the western end of the High Street. It also makes better use of an under-used and unattractive site immediately adjoining the main part of the shopping centre.

- 7.3 With regard to the “western part” (i.e. the Phase 4 area), the Site Allocation includes the application site, the roads around it, the Tothill car park, Elmsleigh Centre service road/ramp, Staines Community Centre, the library, museum and other land. Also included are 47 – 63 High Street.
- 7.4 The proposal involves the demolition of the Masonic Lodge and the creation of a residential development comprising 206 units together with associated car parking, cycle parking, landscaping and public realm enhancements. The proposal does not involve any retail development, nor does it involve an extension to the existing Elmsleigh Shopping Centre.
- 7.5 Policy A10 of the Allocations DPD 2009 continues to be the relevant policy for the site and, like the previous planning application, the proposal will fail to comply with the requirements of the policy. The planning application has been advertised as a ‘departure from the Development Plan’. As mentioned above, the new Local Plan is at an early stage and the Regulation 19 has not yet been issued, and consequently is yet to be considered at the Examination stage by an external Inspector. In addition, the Council is in the early stages of preparing a Staines Development Framework (formerly known as the Staines Masterplan).
- 7.6 Whilst the proposal does not accord with the requirements of Site Allocation Policy A10, it is recognised there have been some changes in circumstance since the policy was adopted in 2009. There has been a significant shift in people’s shopping patterns since 2009 with an increase in online shopping. This shift has accelerated over the last year. The Council’s Retail and Town Centre Study Update report was published in March 2018. This report has been written in conjunction with the earlier 2015 Retail Study and is being used as evidence base for the emerging new Local Plan. It is relevant to note that the 2015 Retail Study was published in May 2015, which was several months after the refusal of the previous planning permission for the site. It is noted that the new Local Plan is in its very early stages and has negligible

weight in the consideration of this proposal. However, it is considered that the evidence-based documents that the Council has produced over the last few years in support of the new Local Plan provide useful factual information which can be taken into account. The 2018 Update report states that there has been little new retail development within Staines town centre since the original 2015 study was carried out. The Conclusions section of the Update report has made the following comments:

“Since the 2015 Study, there has been relatively minimal change in regards to retail provision within the Borough. Staines-upon-Thames has experienced the loss of the Waitrose supermarket store at Two Rivers, and the BHS store within the Elmsleigh Centre. The BHS store has been replaced by a new Primark store, which occupies the same amount of floor space, however there has been no straight replacement in convenience goods resulting in a reduction of some 4,000 sqm of floor space following the closure of the Waitrose store. The opening of a larger Waitrose store in nearby Egham presents a challenge in terms of competition and the lack of a dedicated supermarket within Staines-upon-Thames town centre is a cause for concern. Whilst the impact of the loss of the Waitrose is yet to be fully felt due to the relatively short period of time the store has been closed, as a key anchor store in the centre this will almost certainly result in a loss of footfall. The 2015 RTCS [Retail Town Centre Study] identified that there was scope for an increase in convenience goods.

The 2015 Study identified that the Elmsleigh Centre remained the most suitable location for large scale retail-led development within Staines-upon-Thames. Since the study, the Elmsleigh Centre extension (Phase 3) as contained within Allocation A10 of the Allocations Development Plan Document (DPD) has not been delivered within the prescribed timescale. The Study has identified that there is scope for increases in retail provision to cater for a more luxury need as Staines-upon-Thames at present generally serves a mid/mass market. Given the limited retail developments that have taken place since the 2015 Study, this update finds that such an approach is still relevant. However, in terms of wide scale retail floor space provision, the revised economic figures which suggest lower growth than was previously forecast in the 2015 Study.”

- 7.7 Whilst it is important to stress that the weight given to the new Local Plan at this stage is negligible, it is relevant to note the new draft Site Allocation Policy ST4/009 – The Elmsleigh Centre and adjoining land, South Street, Staines. This draft policy is simply referred to here to illustrate the change in the retail trend and the lack of need for substantial retail expansion in the town centre after taking into the account the findings of the 2015 and 2018 evidence-based retail studies. The red line boundary of this draft Site Allocation is similar to that in the adopted 2009 Site Allocation policy. The draft policy states that the site could accommodate mixed commercial and residential uses and could potentially achieve 650 residential units across the whole site, with the retention of, and possibly extension of, retail uses on site. This represents a significant change from the adopted 2009 policy which stipulates a comprehensive development including at least 18,000 sq. m of retail floorspace, a mix of related non retail uses and approximately 65 flats (Phase 4).

- 7.8 Since the 2018 Update Retail Study, there have been further changes to the town centre. The Debenhams store has closed and is unlikely to be redeveloped to provide a like-for-like retail replacement. The Marks and Spencer store has also closed, although a smaller convenience M & S store now occupies part of the former Waitrose store. The existing empty retail space on the ground floor of the Premier Inn development continues to be unoccupied. The Covid-19 lockdowns over the last year have accelerated the trend towards more online shopping on a national level. In contrast, the need for housing in the Borough has increased, particularly as Spelthorne does not have a 5-year housing land supply and achieved just 50% in the Housing Delivery Test result in February 2021. Taking into account the above matters, and that fact that the 'tilted-balance' needs to be applied in favour of new housing development (see the Housing Land Supply section below), it is considered that a refusal of planning permission on retail policy grounds could not be justified in this particular case. Accordingly, unlike the previous 2014 planning application (14/01377/FUL), the current application is not recommended for refusal on policy/principle grounds. In addition, in terms of employment and policy EM1, the Exchange nightclub which previously occupied the site was demolished 4 years ago. The Masonic Lodge was vacated in March 2020 and the applicant has advised that its functions have been relocated to Twickenham. Given this and the conclusions above in respect of the retail allocation plus the fact that the previous application was not refused on employment grounds when the Masonic Lodge was still active and the Exchange nightclub building had not been demolished, it is considered that the proposal could not be refused in EM1 grounds.
- 7.9 As referred to in 2.1 above, the 2014 application had ten reasons for refusal. Reason 1 is dealt with in the preceding paragraphs. Reasons for refusal 2 – 10 are addressed as follows.

Reason 2 - the design, scale and location of the current proposal, in the form of the two relatively slim towers, as viewed from the south, and the pedestrian and public realm improvements, provides a completely different and acceptable approach to the large scale, visually obtrusive, previous scheme.

Reason 3 – The refused scheme provided an unacceptable standard of amenity for the future occupiers of the flats. The amended scheme proposes a completely different form. Each flat has its own terrace or balcony. There will also be a communal amenity area in the podium garden with landscaping. All of the flats meet or exceed the minimum dwelling sizes in the *Technical Housing Standards – nationally described space standard, 2015*. In terms of outlook, 50% of the flats are dual aspect. There are no single aspect north facing units, none at ground level and 98% of the units meet the requirements set out in the BRE guidelines.

Reason 4 – This reason related to affordable housing being provided. The revised proposal provides 46% affordable housing of which 65% will be for affordable rent. The Council's Affordable Housing advisor is content with this provision. Therefore, this reason for refusal is no longer relevant.

Reason 5 – This related to a flooding objection from the Environment Agency on the decrease in flood storage capacity and the failure to provide a safe means of escape in times of flood. This reason is no longer relevant as the Environment Agency has raised no objection and a safe means of escape has been demonstrated.

Reason 6 – The County Highway Authority raised an objection to the refused scheme because the development was incompatible with the surrounding highway infrastructure resulting in potential conflict between pedestrians, cyclists and vehicles. The proposal involves substantial works to the highway land to ensure that the development links up with the existing footways and improvements to the public realm, and the County Highway Authority has raised no objections to the proposals.

Reason 7 – The refused scheme did not provide at least 10% of the development's energy demand from on-site renewable energy resources. The current proposal provides 39% and therefore this reason has been addressed.

Reason 8 – This related to concerns over additional pressures on educational needs in the area without adequate mitigation. This was before the change in policy with the introduction of the community Infrastructure Levy (CIL) which came into effect on 01/04/2015, after the application was refused on 16/02/2015. CIL payments can be used towards infrastructure to support growth which can include schools and educational facilities but also other infrastructure including medical facilities, open spaces, recreational and sporting facilities, roads and flood defences. Consequently this reason for refusal is no longer relevant as the current application will be subject to CIL payments.

Reason 9 – This reason concerned a more intensive use of the Memorial Gardens and the failure of the applicant to propose a financial contribution towards improving the existing recreational facilities. However, the applicant has provided sufficient amenity space in the current application in accordance with the Council's SPD and has agreed an off-site financial contribution of £70,000 towards improving the Lammas Park. As a consequence, this reason no longer applies.

Reason 10 – This reason concerns the failure to provide a financial contribution towards the Air Quality Action Plan as a result of the increased vehicle movements. However, with the revised application and the reduced number of vehicles to the site, there is no objection on air quality grounds from the Council's Environmental Health Officer. Consequently, this reason is no longer relevant.

These issues will be examined in greater detail below.

Moratorium

- 7.10 On 10 December 2020, Council agreed a Motion that Cabinet consider a Moratorium on development in Staines-upon-Thames. Cabinet was asked to make a decision on:

1. Whether any proposed development of Staines Town Centre by Spelthorne Borough Council should be kept on hold until the Staines Development Framework has been adopted; and
2. Whether Developers of Major applications proposed in the Staines Town Centre should be requested to defer their applications until the Staines Development Framework is adopted.

7.11 In respect of the second matter, Cabinet noted that the Council had no power to direct Developers to defer their applications and that the Council had already written to some and had received negative responses. Indeed, the planning officer raised this issue with the applicants of this application and wrote to them and the applicants advised they wished the application to be determined.

7.12 Cabinet resolved the following:

That a Moratorium on Council schemes in Staines-Upon-Thames should take place until such time as three things take place, with the intention that these will be completed prior to the Annual Council meeting in May 2021;

1. That the Strategic Planning team undertake an Issues and Options consultation exercise for the Staines Development Framework.
2. That a sub-committee, which was agreed at Extraordinary Council on 21 January 2021, is included in the recommendations of the Committee System Working Group to be reported to Extraordinary Council, currently scheduled for 25 March 2021.
3. That the viability of all the developments is reviewed by the assets team.

7.13 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, the determination of an application must be made in accordance with the plan unless material considerations indicate otherwise. The fact that there is a moratorium on Council schemes in Staines-Upon-Thames is a matter for the Council only as the applicant. It has no relevance to the determination of this current planning application or indeed any others submitted to the Local Planning Authority by non-Council applicants. There is no basis in law or under the NPPF for imposing a moratorium in relation to individual applications or a particular class of application and there is no basis for refusing to entertain this planning application.

Prematurity

7.14 A number of representations have raised concerns that this application should not be determined until the Local Plan and Staines Development Framework (formerly known as the Staines Masterplan) have been adopted. Reference is also given to the Moratorium which is currently in place for all Council planning applications as agreed by the Cabinet on 25/01/2021. It should be noted that the decision on the moratorium is not a planning one.

- 7.15 The NPPF 2019 at paragraphs 47 – 50, provides advice to on determining planning applications. Para. 47 advises that Local Planning Authorities are required to determine planning applications “*in accordance with the development plan, unless material considerations indicate otherwise*”... and decisions should be made “*as quickly as possible*”.
- 7.16 Para. 48 advises that LPAs may give weight to relevant policies in emerging plans according to:
- “a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*
- 7.17 However, the NPPF advises at para. 49 that in the context of the Framework, and especially the presumption in favour of sustainable development, “*arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*
- a) *the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) *the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”*
- 7.18 The NPPF advises that the “*refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination.*” If planning permission is refused on grounds of prematurity, the LPA “*will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process*”.
- 7.19 It is clear from these paragraphs that there is there is no part of the NPPF which provides a basis for refusing to entertain or determine a validly made planning application. Applications should be determined within the specified time limits (8 weeks for most applications, 13 weeks for major applications) unless an extension of time has been agreed. Consequently, this planning application which was properly submitted in accordance with the Council’s procedures and has been fully assessed should be considered and determined solely on its planning merits. The question of prematurity is potentially relevant to that question.
- 7.20 The current development plan is the Core Strategy and Policies DPD, Allocations DPD and the Adopted Proposals Map 2009. There are also a

number of saved policies from the 2001 Spelthorne Local Plan which form part of the current development plan.

- 7.21 The current Local Development Scheme shows that the replacement local plan (the emerging local plan), was originally proposed to be adopted in March 2022. However, this timescale is on the basis that the local plan and Staines Masterplan (now called the Staines Development Framework) were completed by December 2020 and the local plan submitted to the Secretary of State in April 2021 and adopted in March 2022. However, the timescales have been put back as the Members of the Local Plan Task Group review the results of the preferred options consultation and consider the local plan strategy moving forward. The consultation on the publication of the local plan is now estimated to be mid 2021 rather than January/February 2021.
- 7.22 Therefore, it is clear that the local plan is at an early stage of its preparation and carries negligible weight in decision making. Consequently, the limited circumstance under para 49 (b) of the NPPF does not apply. It is clear from the wording of para 49 that both conditions need to be satisfied for para 49 to apply.
- 7.23 The first condition, contained in para 49 (a), concerns cases where a development is so substantial or its cumulative effect would be so significant, the plan making process would be undermined. This application is for 206 new dwellings within the town centre of Staines. It is a large development proposal but smaller than other fairly recent developments including Majestic House site (364 Dwellings), 17-51 London Road (489 dwellings) and a similar size to the development at Bridge Street (205 dwellings – recently expired but still a material consideration) It is not considered to be a substantial development for these purposes (i.e. for considering whether it would undermine the plan making process). In terms of cumulative effect, each planning application is required to demonstrate that it is capable of providing the necessary infrastructure to ensure it complies with our policies or alternatively that there are other sufficient material planning considerations to overcome any such failure. In terms of this application the infrastructure provision is provided in the form of a CIL payment of approx. £934,662. and a financial contribution for improvement to off-site recreation improvements of £70 000.
- 7.24 Given the above and the advice in the NPPF that the refusal of permission on grounds of prematurity “*will seldom be justified where a draft plan has yet to be submitted for examination*”, it is not considered that this application can be refused on prematurity grounds. Officers can see no good reason for departing from the clear advice in para 49 in these circumstances. There is no exceptional reason for the concept of prematurity to apply notwithstanding the failure to meet the conditions in para 49.

Housing Land supply

- 7.25 When considering planning applications for housing, local planning authorities should have regard to the government’s requirement that they boost significantly the supply of housing and meet the full objectively assessed need

for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF) 2019.

- 7.26 The Council has embarked on a review of its Local Plan and acknowledges that the housing target in its Core Strategy and Policies DPD February 2009 of 166 dwellings per annum is more than five years old and therefore the five year housing land supply should be measured against the area's local housing need calculated using the Government's standard method¹. The standard method for calculating housing need is based on the 2014 household growth projections and local affordability. This equates to a need of 611 dwellings per annum in Spelthorne. This figure forms the basis for calculating the five-year supply of deliverable sites.
- 7.27 The NPPF requires a local authority to demonstrate a full five year supply of deliverable sites at all times. For this reason, the base date for this assessment is the start of the current year 1 April 2021, but the full five year time period runs from the end of the current year, that is, 1 April 2022 to 31 March 2027. The 20% buffer will therefore be applied to this full period. National guidance sets out that the buffer should comprise sites moved forward from later in the plan period. A 20% buffer applied to 611 results in a figure of 733 dwellings per annum, or 3666 over five years.
- 7.28 In using the objectively assessed need figure of 733 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.
- 7.29 The sites identified in the SLAA as being deliverable within the first five years have been used as the basis for a revised five year housing land supply figure. Spelthorne has identified sites to deliver approximately 3513 dwellings in the five year period.
- 7.30 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.79 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites. There is, therefore, a presumption in favour of sustainable development.
- 7.31 Government guidance (NPPF para 73) requires the application of a 20% buffer "where there has been significant under delivery of housing over the previous three years". In addition, guidance on the Housing Delivery Test indicates that where housing delivery falls below 85%, a buffer of 20% should be applied to the local authority's five year land supply and a presumption in favour of sustainable development if the figure is below 75%. The Housing Delivery Test result for Spelthorne Borough Council was published by the Secretary of State in January 2021, with a score of 50%. This means that less

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

housing has been delivered when compared to need over the previous three years. As a consequence, there is a presumption in favour of sustainable development because the test score of 50% is less than the 75% specified in the regulations. The figure of 50% compares with 60% last year and 63% in 2019. The Council's Housing Delivery Test Action Plan will be updated to reflect this. The current action plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough.

- 7.32 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'.

Principle of the development for housing

- 7.33 In this report, it has already been considered a refusal of planning permission on retail policy grounds could not be justified in this particular case and unlike the previous 2014 planning application (14/01377/FUL), the current application is not recommended for refusal on policy/principle grounds. Policy HO1 of the Local Plan is concerned with new housing development in the Borough. HO1 (c) encourages housing development on all sustainable sites, taking into account policy objectives and HO1 (g) states that this should be done by:

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

- 7.34 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.
- 7.35 The site is located within Staines town centre, in the urban area on a previously developed site, within walking distance of Staines train and bus station. As such the site is within an accessible location close to facilities and public transport links. Therefore the principle of creating 206 new residential flats is considered acceptable. Furthermore, the proposal is considered to comply with the aims of National Planning Policy Framework (NPPF) and makes efficient use of urban land. The principle of the development is, therefore, acceptable, provided other policies requirements are met as discussed further below.

Housing density

- 7.36 As referred to above, when considering the principle of housing, the NPPF and Policy HO1 requires new housing development to be sustainable and to be located in the urban area. This scheme meets both of these requirements.

Notwithstanding this, Policy HO5 in the Core Strategy Policies DPD 2009 (CS & P DPD) sets out density ranges for particular contexts but prefaces this at paragraph 6:25 by stating:

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

- 7.37 Policy HO5 specifies densities for sites within Staines town centre development should generally be at or above 75 dwellings per hectare. It is important to emphasise that the density ranges are intended to represent broad guidelines and development will also be considered against the requirements of Policy EN1 on design.
- 7.38 The principle of a high density development on urban land is the focus of the NPPF and Policy HO1 in order to make efficient use of land of previously developed and brownfield land, in sustainable locations.
- 7.39 The proposal is for 206 units. The site area is some 0.53 hectares and will therefore result in a density of 389 dwellings per hectare. Although well above the recommended maximum density of 75 dwellings per hectare in policy HO5, the policy also notes that higher density development may be acceptable where it is demonstrated that the development complies with Policy EN1 on design, particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non-car-based modes of travel.
- 7.40 In addition, the NPPF in para 123 states that, *‘where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.’* Therefore, the density is considered to be acceptable provided it complies with Policy HO1 and Policy EN1 on design which is explained in the following paragraphs.

Design and appearance

- 7.41 Policy EN1(a) of the CS & P DPD states that the Council will require a high standard of design and layout of new development. Proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines layout, materials and other characteristics of adjoining buildings and land.
- 7.42 Section 12 of the NPPF refers to design - Achieving well-designed places and in particular that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development

acceptable to communities. It states in paragraph 124 that, '*Planning policies and decisions should ensure that developments:-*

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

7.43 In paragraph 130 the NPPF states that, '*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.'*

7.44 Policy HO5 is concerned with density of housing development. It states at d) that, '*...within Staines town centre development should generally be at or above 75 dwellings per hectare Higher density development may be acceptable where it is demonstrated that the development complies with Policy EN1 on design, particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non car-based modes of travel.'* Therefore, it is clear that policy HO5 and HO1 do not impose a limit on tall buildings within Staines. In addition, more recent guidance in the NPPF places an enhanced role on the use of higher density developments in appropriate locations.

7.45 This part of the town centre is characterised by a number of relatively large buildings. However, they are all substantially lower in height compared to the proposed development. As the application site is located behind the Thames Street and High Street frontages, many of the rear elevations of surrounding buildings face towards the site and there is a "back of house" appearance to

the area. To the south, is the Tothill car park which comprises 5 levels including the roof level parking (the ground floor is mainly occupied by shops fronting Friends Walk). Further to the south is the 5-storey office building of Communications House. Debenhams store to the north-west is 4/5 storeys, although its ground floor is the equivalent of 2-storeys, and the building is effectively 5-6 residential storeys in scale. On the western side of Thames street is the office building of 14 Thames Street, which is part 4-storeys, part 5-storeys, and is currently being extended with 2 additional floors added. Further to the west, Spelthorne House is 6-storeys in height. Immediately to the east of the application site is the back of the Elmsleigh Centre which is part 2-storey part 3 commercial storeys in scale. The Staines Community Centre on the corner of Thames Street and Elmsleigh Road is 2-storey in height. With regard to the buildings on the application site, the Masonic Hall is 2-storey in scale, whilst the Old Telephone Exchange (which has previously been demolished) was part 2-storeys and part 3-storeys. There are however a number of other sites in the town centre, some under construction which are taller than this and also some with similar heights to that proposed with this application, including the London Square development and the former Centrica site.

7.46 The proposal is for 2 residential towers, with the smaller tower of Block B, at 13 storeys, located in the northern part of the site and the taller tower of Block A, at 15 storeys, located in the southern part of the site, closest to the Thames Street and the river. The towers will be linked at ground level by a car park podium with amenity space on top and the provision of landscaping to provide an improved pedestrian link from the river to the High street.

7.47 The National Design Guide, Planning practice guidance for beautiful, enduring and successful places, produced by the MHCLG in 2021, addresses how we recognise well design places by outlining ten characteristics; context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and life span. The Built Form characteristic is identified as the *“three dimensional pattern or arrangement of development blocks, streets, buildings and open spaces. It is the interrelationship between all these elements that creates and attractive place to live, work and visit rather than their individual characteristics.”* *“Well designed places are considered to have:*

compact forms of development that are walkable, contributing positively to well-being and placemaking;

accessible local public transport, services and facilities, to ensure sustainable development; recognisable streets and other spaces with their edges defined by buildings, making it easy for anyone to find their way around, and promoting safety and accessibility; and

memorable features or groupings of buildings, spaces, uses or activities that create a sense of place, promoting inclusion and cohesion.”

7.48 Paragraph 70 refers to the use of tall buildings playing a positive urban design role and acting as landmarks:-

‘ Well-designed tall buildings play a positive urban design role in the built form. They act as landmarks, emphasising important places and making a positive contribution to views and the skyline.’

- 7.49 Paragraph 71 states further that proposals for tall buildings require special consideration, including, *‘... their location and siting; relationship to context; impact on local character, views and sight lines; composition - how they meet the ground and the sky; and environmental impacts, such as sunlight, daylight, overshadowing and wind. These need to be resolved satisfactorily in relation to the context and local character’*.
- 7.50 The proposed towers, although tall, are set back from the main street frontage of Thames Street and in addition, are set back from the site boundaries and buildings adjoining Elmsleigh Road, including the service ramp, Tothill carpark and Elmsleigh shopping centre. This allows for the provision of soft and hard landscaping, improving the route around the site, linking the High Street and the Memorial Gardens for the benefit of all pedestrians. The towers themselves are slender in their design, with chamfered corners and are offset from one another with a gap in between. The provision of 2 towers at different levels, one 2 storeys lower, provides a ‘stepping down’ towards the High Street. and this along with the materials used and landscaping around the building, helps to integrate the buildings into the street scene and the wider town centre townscape.
- 7.51 The proposed materials display those of existing buildings in the surrounding area, with the red brick of Building B reflecting some of the historic buildings in the High Street and more recent shopping centre building materials, as well as the Debenhams building adjacent. While the lighter, buff brick of Building A makes reference to buildings such as the Town Hall, Staines Bridge and listed buildings on the High Street, as well as the adjacent Tothill car park. It will also include white glazed brick, with metal windows frames and balustrades. There will be screen patterned metal panels below windows and also for the balconies adding design features and articulation to the buildings. It is considered that the proposal would have an acceptable design and appearance and achieves the high standard of design required by Policy EN1.
- 7.52 The National Design Guidance, sets out what makes well designed places and paragraph 43 and 44 below, note that well designed buildings do not need to copy what is already in existence but do need to integrate with the surroundings in a number of ways including physically, socially and visually.

43. Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including:

- *the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it;*
- *patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, grain, form and scale – see Built form;*

- *the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development – see Identity.*
- *uses and facilities, including identifying local needs and demands that well-located new facilities may satisfy; and*
- *public spaces, including their characteristic landscape design and details, both hard and soft.*

44. However, well-designed places do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities, and to incorporate new sustainable features or systems.

- 7.53 The proposed scheme is considered to integrate well with its surroundings, in particular from a visual perspective given the site location, improvements to the public realm and linking the site to the High street. Due to the position of the site, which is surrounded by other buildings, the full height of the towers, including the ground floor, will be visible from the south only, (from the Memorial Gardens, across the River Thames and from Runnymede borough). Tower A, to the front of the site, is located approximately 150m from the bank of the River Thames, which is approximately 60m wide at this point. As such, the proposal will be located approximately 180m (at its closest point) from Runnymede itself, given the middle of the river is the borough boundary. Residential properties in Runnymede are located the other side of the river and set back further from the bank at a distance of approximately 15m and further to the south west is the Egham Hythe Conservation Area within Runnymede. The proposal is considered to have an acceptable visual impact when viewed from Runnymede and from the River Thames itself and would conserve and enhance the conservation area.
- 7.54 Other views of the site, from the west, north and east, are partly screened by existing buildings adjoining Elmsleigh Road and surrounding the application site, which would obstruct views of much of the building. However, the tops of the towers will be visible in wider views and would be seen behind and protruding above the existing built form, from many of these locations appearing as part of the townscape and is considered to be acceptable.
- 7.55 The proposed building will have a ground floor element across the site linking the 2 towers, containing the car park and plant, with amenity space on top. There will also be entrances to the building from the ground floor. Planting is proposed around the ground floor including climbers on the external walls of the car park, leading up to the podium above. The current environment along Elmsleigh Road is dominated by hardstanding with no green space, appearing hostile. It is difficult to navigate, in particular for pedestrians. Improvements to Elmsleigh Road are proposed to enhance the pedestrian provision and public realm in the vicinity of the site, as well as changes to the road layout. This would provide additional space for significant improvements to the public realm for pedestrians and nature, while increasing the amount of landscaping to this area.

- 7.56 Paragraph 44 of the NPPF, noted above, not only refers to the fact that well-designed places do not need to copy their surroundings in every way, but they should also reflect today's way of living and '*...include innovation or change such as increased densities, and to incorporate new sustainable features or systems*'.
- 7.57 Paragraph 131 of the NPPF states that, '*In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*' In addition, the National Design Guide advises that "*well designed places and buildings conserve natural resources including land, water, energy and materials*" Sustainable features/systems are provided within the scheme over and above what is required by our planning policy. The proposal includes 100% of the car parking spaces provided to have EV charging points and in addition, the installation of Air Source Heat Pumps (ASHP) in order to meet the renewable energy requirement stipulated in Policy CC1. However, these will provide 39% of the total energy demand on the site, which is substantially above the policy requirement of 10%. It is therefore considered that the environmental credentials of the proposals will be significantly more innovative than the policy requirements.
- 7.58 The National Design Guide also refers to the life span. In response to this, the applicant has advised that the development has been designed so that all of the flats are accessible and adaptable for disabled people (i.e. M4(2) of the Building Regulations). This refers to Accessible and adaptable dwellings. This requirement is achieved when a new dwelling provides reasonable provisions for a wheelchair user to live in the dwelling and have the ability to use any outdoor space, parking and communal facilities. In addition, 10 of the 48 car parking spaces are for disabled users. The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long term adverse effects on their ability to carry out normal day-to-day activities. This can include but is not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. It is considered that it would be possible for individuals with disabilities, including the elderly, to access the development.
- 7.59 The importance of good design, with buildings which relate well with public spaces and having good linkages for occupants and pedestrians is emphasised in paragraph 133 in the National Design Guide below:-
- 'Well-designed buildings relate well to the public spaces around them. The interface between building and public space is carefully designed so that it is positive and appropriate to its context and to the occupants and passers-by who use them.'*
- 7.60 The proposal accords with the above paragraph of the design guide, (paragraph 133), in that it will enhance the site making it attractive and easy to navigate, providing an attractive landscape link, with paths and planting from the public space of the River Thames and Memorial Gardens, with the High Street, via the application site. This improvement to the public realm has an effect in softening the visual impact and scale of the development and is

beneficial to the design and appearance of the scheme and the wider area, including the public realm. As such the proposal is considered to be acceptable provided the planting and landscaping is maintained for the lifetime of the scheme, which will be subject to conditions and a legal agreement.

- 7.61 Paragraph 124 of the NPPF relates to optimising the site. The scheme is considered to optimise the use of the site by providing a residential use in a sustainable location on a previously developed site and will provide this alongside creating public open space integrating well with its surroundings.
- 7.62 Although tall, the design of the building has an articulation with chamfered edges, giving the towers a slender form. In addition, the site is set back from the street frontage of Thames Street, and the towers are set back from the edges of the site. The towers are offset from one another, one taller than the other, and the gap between them helps to reduce their impact, as it provides a view and space between the built form. It is considered that the design is acceptable and will integrate into the existing street scene and wider town centre built form, in what is currently an unattractive town centre site. It is considered that the proposed development in terms of its design, scale and location, has sufficient regard to the character of the surrounding area and would not appear visually obtrusive in the street scene. The proposal is considered to comply with Policy EN1 on design and appearance and the guidance in the NPPF and the National Design Guide.

Historic environment and setting of the River Thames

- 7.63 Policy EN6 (Conservation Areas, Historic Landscapes, Parks and Gardens) of the CS & P DPD states that the Council will require the retention of buildings, trees and other features, including open spaces, views and vistas, which are important to the character of the area. Policy EN5 (Buildings of Architectural and Historic Interest) of the CS & P DPD states that the Council will require that development proposals for any sites affecting the setting of a listed building to have special regard to the need to preserve its setting.
- 7.64 There is a statutory duty of the Local Planning Authority (Listed Buildings Act 1990 Section 72) when dealing with a planning application to give “*special attention to the desirability of preserving or enhancing the character or appearance of a conservation area*”. In addition, Section 66 of the Act states that “*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*”.
- 7.65 Paragraph 192 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.66 The applicant has submitted a Townscape, Heritage and Visual Appraisal. This assess the impact of the proposed scheme on the wider heritage assets, including listed and locally listed buildings and the Conservation Areas in

Staines and Egham Hythe, in Runnymede, on the opposite side of the river, from which the proposed development will be visible. It concludes that the setting, significance and special interest will be preserved in nearly all cases. There would be minimal harm to the setting of the locally listed 65-67 High Street which is balanced against its low significance and the minimum amount of harm it is anticipated the high quality design of the proposal and it would enhance the setting of 52-62 High Street (which the existing site detracts from). In addition, the setting, character and appearance of the Staines and Egham Hythe Conservation Areas will be preserved. It should be noted that the adjoining authority, Runnymede Borough Council, has raised no objection to this application.

- 7.67 In addition, the Council's Conservation Officer has been consulted and raises no objection to the scheme, noting that, '*...the 15 storey twin tower approach is a vast improvement on the refused scheme which was incoherent and entirely the wrong shape and mass for this site. The footprint shape of each block with the subtle taper each side, and the disposition of one behind the other produces a rather elegant form.*'

I think the current proposal would have a minimal adverse effect on the scale of the surrounding area. The balcony concept is good and would lighten the effective mass of the towers, the fronts appear to be formed of perforated metal.'

He considers that the scheme could be successful in this part of the town

- 7.68 He also considers that the scheme would have an acceptable impact on both the Staines Conservation Area and the Conservation Area within Runnymede, at Egham Hythe and also in consideration to the setting of listed buildings. Therefore, the scheme is considered to have an acceptable impact on heritage assets, will preserve and enhance the character and appearance of the Staines and Egham Hythe Conservation Areas, and will preserve the listed buildings and their settings, in accordance with sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the guidance in the NPPF and PPG and also local plan policies EN5 and EN6.
- 7.69 Policy EN9 refers to the River Thames and its tributaries. The policy requires the Council to seek to maintain and look for opportunities to enhance the setting of the River Thames and its tributaries. In considering proposals it will ensure the protection of landscape features that contribute to the setting of the rivers, seek to protect and enhance existing views of the rivers and pay special attention to the design of development located in riverside settings to ensure that it respects and makes a positive contribution to the setting of the rivers. There are no landscape features on the application site which contribute to the setting of the River Thames. The proposed buildings are set some 150m away from the bank of the River Thames, which is a significant distance. Between the site and the River is a four-lane road and a surface car park. It is not considered that the proposals would adversely impact on the existing views of the River and it is considered the development will make a positive contribution to its setting.

Residential Amenity

- 7.70 The Council's SPD on Residential Extension and New Residential Development 2011 provides general guidance on minimum garden sizes (Table 2 and paragraph 3.30). In the case of flats, it requires 35 sq. m for the first 5 units, 10 sq. m for the next 5 each and 5 sq. m for each other flat. This would equate to some 1205 sq. m required. The proposal provides a communal amenity area in the podium garden with landscaping, above the car park, for the occupants of the flats of some 965sqm of amenity area, including 271sqm of playable landscape. In addition, each flat also has its own terrace or balcony, providing an additional small but private outside space, of some 1257 sq. m in total. This amounts to a total of over 2200sq m of amenity space and is well above the minimum requirement, for this number of flats. The site is located within a town centre location where land is at a premium and the provision of gardens is unusual. In addition, the proposal is located in close proximity to the Memorial Gardens and the tow-path of the River Thames, which will provide additional valuable amenity to the occupants. Therefore, the provision of amenity space is considered acceptable and a benefit to the scheme.
- 7.71 In regard to dwelling sizes, the SPD on the Design of Residential Extensions and New Residential Development 2011 sets out minimum floorspace standards for new dwellings. These standards relate to single storey dwellings including flats.
- 7.72 The Government has since published national minimum dwelling size standards in their "*Technical Housing Standards – nationally described space standard*" document dated March 2015. These largely reflect the London Housing Design Guide on which the Spelthorne standards are also based. The standards are arranged in a similar manner to those in the SPD and includes minimum sizes for studio flats. This national document must be given substantial weight in consideration of the current application in that it adds this additional category of small dwellings not included in the Council's Standards.
- 7.73 All of the proposed dwelling sizes comply with or exceed the minimum standards stipulated in the national technical housing standards and the SPD. The requirement is 39 sq. m for 1 bed 1 person, 50 sq. m for 1 bed 2 person, 61 sq. m for 2 bed 3 person and 70 sq. m for 2 bed 4 person flat. The proposed 1 bed flats are some 51 sq. m and 2 bed flats are 71 sq. m, which exceeds the minimum requirement. They also each have a private terrace or balcony area. Therefore, it is considered their size of the units is acceptable.
- 7.74 In regard to light and outlook, 50% of the flats are dual aspect, with windows facing in two directions, including all of the 2-bedroomed units. The buildings have been staggered to allow for high levels of natural light to reach each apartment and are laid east-west so that there is no single aspect north facing units and to maximises sunlight to the units. In addition, 98% of the units meet the requirements set out in the BRE Guidelines as set out in the sunlight daylight report submitted with the application. Although a very small percentage fall below this, the proposal, as a whole provides a high level of amenity for future occupants.

- 7.75 It should also be noted that there are no flats located at ground floor level and the first floor part of Tower A, which faces towards the ramp, will also not contain residential units, it will be used for plant. The balconies are inset for solar shading to ensure that they don't overheat. In addition, the balconies on the single aspect units are angled to widen the views and to optimise the outlook. As such it is considered the outlook and light levels will be good for future occupants, in particular with many of the unit having a view of the Memorial Gardens and River Thames. Therefore, it is considered that the standard of amenity for future occupants, overall to be acceptable, in accordance with Policy EN1 and the SPD.
- 7.76 There are very few neighbouring residential properties that could be affected by the development. The nearest properties are the upper floor flats at 57 and 59 High Street. These are situated at least 42m away from the proposed towers. The proposed towers, in terms of their height and scale will have some impact on the outlook of the neighbouring flats. It is likely that the towers will cause some loss of sunlight and over-shadowing, particularly during the winter months. However, the towers are slim with a gap between them and given the separation distances involved in this town centre location the impact would not be significant. The distance to properties from the other side of the River Thames to properties in Runnymede is approximately 225m. As such, the proposal is considered to have an acceptable relationship and therefore impact, on the amenity of properties within Runnymede in particular in regard to overlooking. Therefore, the proposal is considered to have an acceptable impact on the amenity of neighbouring residential properties in accordance with Policy EN1.

Parking

- 7.77 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.
- 7.78 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's then recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum standards (maximum parking standards continue to be applicable in relation to commercial development). The supporting text to the Council's Parking Standards Supplementary Planning Guidance (SPG) stipulates a number of important exceptional situations where a reduction in parking will be allowed. One of these situations includes town centre locations:

"Within the Borough's 4 town centres defined in the Core Strategy and Policies DPD where public transport accessibility is generally high. Any reduction will be assessed against the following relevant factors:

- a. Distance from public transport node i.e. main railway station, bus station, main bus stop;*

b. Frequency and quality of train service;

c. Frequency and quality of bus service;

d. Availability and quality of pedestrian and cycle routes;

e. Range and quality of facilities supportive of residential development within a reasonable walking distance (or well served by public transport) e.g. retail, leisure, educational, and possibly employment.”

7.79 The National Design Guide states that patterns of movement for people are integral to well designed places. They include walking and cycling, access to facilities, employment and servicing, parking and the convenience of public transport. They contribute to making high quality places for people to enjoy. They also form a crucial component of urban character. Their success is measured by how they contribute to the quality and character of the place, not only how well they function.

7.80 The NPPF advises at paras 108 and 109 that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- Safe and suitable access to the site can be achieved for all users; and
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

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.

7.81 The proposed parking provision is 48 spaces. This represents a parking ratio of 0.23 spaces per unit. This is well below the Council's Residential Parking Standards of 260 spaces for a scheme of this size.

7.82 The site is located within the town centre and within an easy walking distance of the bus station and train station and is therefore in a relatively sustainable location. Consequently, it is considered that a substantial reduction in the parking requirements can be justified in this particular case. However, it is recognised that the proposed parking provision of 0.23 spaces per unit is particularly low for a scheme of this size (even in this location) and the potential effect of parking overspill, and its possible impact on highway safety and parking stress, needs to be considered.

7.83 The officers have raised concerns with the applicant regarding the low level of parking spaces on the site and have asked for evidence to be provided to justify it. In particular, the officers advised that there are a number of local

streets within walking distance of the site where new residents could potentially park their car. The nearest streets where parking is not restricted are Richmond Road and Gresham Road (approximately 250 – 300m away). Also, the proposed parking level of 0.23 spaces per unit is substantially lower compared to the existing car ownership figures provided in the 2011 Census for this particular area of the Borough (the Census states that in this town centre area of Staines there was a car/van ownership ratio of 0.54 vehicles per household).

7.84 The applicant has responded to the Council's requests by making the following comments on car parking:

“National policy seeks to make efficient use of urban land particularly when it has good access to public transport. This inevitably means higher density and lower parking. In this regard, paragraph 103 of the NPPF states that:

The planning system should actively manage patterns of growth in support of these objectives. 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. This can help to reduce congestion and emissions and improve air quality and public health.”

7.85 The applicant further states:

“These are key policy objectives that the Council are also pursuing and, to achieve this, there should be lower levels of parking provided to discourage the use of the car (car ownership). Given the location of the proposed development - close to shops, services, employment, the train and buses, with enhanced pedestrian links, there is no need for residents of this development to own a car. With no immediate on street parking spaces available, there is very little real likelihood that people looking to buy or rent a flat at this site will also own a car. In other words, we are ‘managing’ the demand for parking.”

7.86 On the issue of anticipated demand for parking, the applicant states:

“The applicant’s transport consultant anticipates that the demand will be low due to location, mix, limited number of parking spaces available and an overall change in residents’ aspirations for car ownership, which is reducing. These matters must be taken into account when considering this matter as they are highly relevant. It is not appropriate to just consider Borough wide car ownership levels at the current time.”

7.87 It is important to note that the applicant has carried a parking survey of the nearby residential streets at the planning officer's request. The survey provides useful factual information regarding the number of available on-street parking spaces in the local area and gives an indication of the likelihood of potential parking taking place on these streets from the proposed residents of the Elmsleigh Road development. The scope of the parking survey and its findings are summarised below:

- Survey covered an area of up to approximately 1.1 km walking distance north-east of the application site and approximately 900m walking distance south of the site.
- The surveys were undertaken on two weekday nights (02/03/21 and 03/03/21) between 00.30 and 05.30.
- The survey showed a total of 958 car parking spaces within the study area (occupied and unoccupied). These included a large proportion of spaces on single yellow lines.
- The majority of available spaces during the survey period were located on single yellow lines. Parking on these spaces would be a very unlikely proposition to any residents in the proposed development looking to park off-site.
- Richmond Road, Gresham Road and Laleham Road, which are the closest roads to the site where parking can take place, are all subject to single yellow line restrictions in part.
- Edgell Road, Langley Road, Budebury Road, Wyatt Road and Beehive Road are all located to the south of the development and allow unrestricted parking. The parking survey has demonstrated that these locations are all subject to very high parking levels.
- The survey has identified that there were in excess of 160 unrestricted spaces available within the survey area on both days. The majority of these spaces were located on Greenlands Road, Rosefield Road and Sidney Road to the north-east of the application site. These spaces are located in-excess of a 10 minute walk from the site.
- The nearest on-street parking opportunities are either covered by effective parking restrictions or experience very high level of parking demand and will therefore not be attractive options to any future resident wishing to park off-site, as they would be very unlikely to regularly find an available space.

7.88 It is relevant to note that the Council appointed a highway consultant (independent to the County Highway Authority) to consider the proposed parking provision and possible traffic congestion in relation to the planning application. The consultant was made aware of the applicant's parking survey of the local area. The consultant's conclusions on car parking are summarised below:

- The proposed parking rate of 0.23 spaces per unit is much lower than any other similar proposals nearby and it is likely to result in spill-over parking. Consideration should be given to either increasing the parking provision on the site or demonstrating with some scientific underpinning that spill-over parking will not occur.

- Based on the results of the parking beat survey [i.e. the applicant's parking survey], the applicant states that roads with currently high parking stress are unlikely to be attractive to residents of the proposed development. If these roads are within a reasonable walking distance of the development site then spill-over parking could actually increase parking stress.
- The applicant also states that roads more than 800 metres walking distance from the proposed site are unlikely to be attractive for parking (specifically Sidney Road, Rosefield Road, Greenlands Road). Given that they are accessible using the same walking routes as the town centre and railway station, we suggest they are possible locations for spill-over parking.

7.89 The County Highway Authority has raised no objection to the proposed level of car parking on the site. The County has made the following comments on this particular issue:

“Notwithstanding the fact that site is accessible by modes other than the private car, it is still important to assess the likely parking demand generated by the development, and where any overspill parking might occur in the event that demand exceeds the supply of on-site spaces.

The Transport Assessment includes an assessment of the availability of unrestricted parking spaces within a reasonable walking distance of the development. A further technical note dated 10th March 2021 was issued which included parking survey data from roads in the vicinity of the site. The parking surveys were conducted on a weekday evening during the Covid-19 pandemic and associated travel restrictions. The CHA is satisfied that the survey results are suitably robust given that residential parking demand peaks overnight, and the impact of travel restrictions is, if anything, likely to result in an increase in domestic parking demand. The parking survey has assessed all roads within a 900m walking distance of the site and has demonstrated that the majority of the local roads are covered by parking restrictions.

There are very limited numbers of uncontrolled kerbside parking opportunities to the south of the site, and the majority of these are in excess of ten minutes' walk from the development. The closest roads with uncontrolled parking areas are the residential roads approximately 250-300m to the south of the site – Richmond Road, and Gresham Crescent. Both roads have restrictions on one side to ensure passable width for vehicles is maintained. The parking survey data has demonstrated that these roads, and the other roads within the survey area, experience high parking stress overnight.

High competition for spaces in the small areas without parking restrictions would mean that any parking from the development that were displaced to these roads could cause a material inconvenience to existing residents. This would generally be an amenity issue and not one that would be considered by the CHA. The CHA would only be in a position to object where it is likely that the competition for spaces becomes so great that vehicles are pushed

into unsafe locations. Although high parking stress on these roads in the existing situation means that any uplift in parking demand could cause issues, it is also likely to discourage prospective buyers of the proposed units from moving into the development. The CHA considers it unlikely that a prospective resident who intended to own a vehicle would move in to the development where the only opportunity to park was some 300 metre walk from the site, and where they were not guaranteed to find a space.

Although there is (very limited) precedent from the Planning Inspectorate demonstrating that an objection to a proposal can be based on parking even where comprehensive parking restrictions are in place in the vicinity of the site, this is not generally applicable to residential car parking. Whilst drivers intending to park for a very short amount of time (e.g. to drop off children at nursery; to attend an appointment etc) may be tempted to take a chance contravening parking restrictions, residents looking to park close to their home are less likely to take this approach. Given the timescales involved (e.g. 12 hours over night) it is unlikely residents would accept the risk of receiving a penalty notice and/or causing a nuisance to highway users.

Occasional parking associated with the development, for example resident visitors, would be possible in the local public car parks. SCC understands that these car parks have significant residual capacity for most of the year, and it is reasonable to assume that any guests to the development could be accommodated within these locations for short term stays. Whilst the residents of the development would have no automatic right to permits in these car parks to allow them to use them for residential parking, the operator of the car parks (currently SBC) would have discretion on whether they do sell them annual permits. SCC would recommend that that SBC do not issue permits to residents of the proposed development, on the basis that increased parking availability is likely to increase vehicle ownership amongst residents, which may potentially undermine the objectives of the development's Travel Plan and increase traffic in the Town Centre. [Officer note: - In response to this, the Council's Group Head Neighbourhood Services has advised that there is not a permit scheme for residents to park in the town centre car parks as this would displace the shoppers.]

On balance, the CHA considers that the proposed parking provision is unlikely to result in a severe impact on highway safety or capacity. It is also worth considering that a lower car ownership rate is likely to also reduce the number of trips undertaken to and from the site by private vehicles, which reduces the impact the development has on the local network."

- 7.90 Taking into account the site's location, the conclusions of the applicant's parking survey, the comments from the County Highway Authority and our own independent transportation advice sought, it is considered that an objection on parking grounds could not be justified in this particular case. While the proposed parking provision does not meet the requirements of the Council's minimum parking standards, it arguably meets the overarching policy and the guidance on parking reduction within the four town centres (including Staines upon Thames) set out in the Council's Parking Standards SPG and referred to above. There is no clear harm to warrant the conclusion that an under-provision of parking would give rise to land use concerns.

- 7.91 Whilst the proposed parking provision of 0.23 spaces per units (48 spaces in total) is low for a scheme of this size, the site is located in a central town centre positioned just off the High Street. The new residents will have easy access to the wide range of the shops and services of the town centre, and the public transport facilities, without the need to use a car. The proposed improvements to the pedestrian linkages associated with the scheme are an important element in this regard, as they will create a relatively attractive connection to the High Street, as well as the Memorial Gardens.
- 7.92 It is acknowledged that a resident in the new development could potentially park a car in the residential streets adjacent to the town centre and that there is likely to be some limited parking overspill in the area. However, the applicant's parking survey has shown that the scope to park in the nearest streets in Richmond Road and Gresham Road is very limited and largely only available for overnight parking on single yellow lines. The scope to park in the streets further away (e.g. Budebury Road, Edgell Road) is also very limited. There is more on-street parking availability in the streets to the north of Kingston Road (e.g. Sidney Road, Rosefield Road), but these are located approximately 800m away. Realistically, the residents of the new development would find it a very unattractive option to park their car more than 250m away (if they can indeed find a space) from the site on a regular basis. It is considered that a much more realistic and attractive option would be for the occupants to hire a car or make use of the proposed car club facility, if and when they do need to use a car on certain occasions. For other journeys the residents will have the choice of travelling by rail, bus and cycling (220 cycle parking spaces are to be provided, in addition to 6 motor cycle spaces).
- 7.93 The views of the applicant on the issue of parking are noted and it is indeed recognised that the occupants of the new development are not likely to be attracted to owning a car where there is no option of parking on the street in the immediate area. The conclusions of the Council's own independent highway consultant are also noted, and it is acknowledged that there is likely to be some limited parking overspill in the area. Indeed, there is no scientific evidence to demonstrate that some parking overspill will not occur and it is not considered that there is a need for further scientific underpinning to be carried out to further investigate this issue. It is relevant to note that Officers have been in dialogue with the applicant to obtain further details on car ownership of similar schemes in similar locations but they have been unable to provide this as this information is not readily available. The comments of the CHA as the Highway Authority carry significant weight. Like the applicant's comments, the CHA concludes that it is unlikely that a prospective resident owning a car would choose to move into a development of this nature where the nearest opportunity to park on-street was some 300m away from the site. This issue is a planning judgement balancing all the information, given that there is no highway safety objection from the CHA. Given this and the Council's own Parking Standards SPG which allows for a reduction in parking standards in the town centre, it is considered that the parking proposed is acceptable. It is also relevant to note that the limited car ownership that is likely to be associated with this development will be of benefit to the

environment by minimising carbon emissions and the impact on air quality in the area.

- 7.94 Consequently, it is considered that any parking overspill associated with the development would be limited and will not cause material parking stress or inconvenience for residents in the existing streets surrounding the town centre. As mentioned above, paragraph 109 of the NPPF states that 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.

Highway issues

- 7.95 Strategic Policy SP7 of the CS & P DPD states that the Council will reduce the impact of development in contributing to climate change by ensuring development is located in a way that reduced the need to travel and encourages alternatives to car use. It will also support initiatives, including travel plans, to encourage non car-based travel. Policy CC2 of the CS & P DPD states that the Council will seek to secure more sustainable travel patterns by only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account: (i) number and nature of additional traffic movements, including servicing needs; (ii) capacity of the local transport network; (iii) cumulative impact including other proposed development; (iv) access and egress to the public highway; and (v) highway safety.
- 7.96 Paragraph 109 of the NPPF states that 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.
- 7.97 The County Highway Authority (CHA) was consulted on the planning application and has responded by raising no objection subject to conditions and a Section 106 agreement to carry out the proposed highway/public realm works, and to secure the provision of the two car club vehicles and bays and other sustainable travel incentives. Unlike the previous 2014 refused application, the current proposal involves substantial highway and landscape improvements in the vicinity that will integrate the development into the existing highway/pedestrian infrastructure. The CHA comment that the proposed alterations around the junction with Thames Street have the potential to benefit pedestrians, particularly those using the footway on the east side of the A308. In terms of trip generation, the CHA comment that it is unlikely that the quantity of traffic that the development will generate (the Transport Assessment estimates 33 vehicle movements in the morning peak and 37 movement in the PM peak) would have a material impact on the operation of the highway. As mentioned above, CHA consider that the proposed parking provision is unlikely to result in a severe impact on highway safety or capacity. Accordingly, the impact on highways matters is considered acceptable and complies with Policy CC2.

Affordable housing

- 7.98 Policy HO3 of the CS & P DPD requires the Council to negotiate for a proportion of up to 50% of housing to be affordable where the development comprises 15 or more dwellings. The Council will seek to maximise the contribution to affordable housing provision from each site having regard to the individual circumstances and viability, including the availability of any housing grant or other subsidy, of development on the site. Negotiation should be conducted on an 'open book' basis. The policy also states that the provision may include social rented and intermediate units, subject to the proportion of intermediate units not exceeding 35% of the total affordable housing component.
- 7.99 The applicant is proposing to provide 94 affordable housing units (61 no. for affordable rent and 33 no. for shared ownership). These are to be accommodated in the north-eastern tower. The 94 units represent an affordable housing provision of 46%, slightly below the 50% requirement stipulated in Policy HO3. The Council's affordable housing advisor has been consulted and raised no objection to the provision and commented that it is not viable to provide more affordable housing units on the site than the 46% provision now proposed. Moreover, the proposal is to provide 33 out of 94 units for intermediate (shared ownership) and this equates to 35% and 61 units for affordable rent which equates to 65%. As such the proposal conforms to policy HO3's requirement of not exceeding 35% intermediate units of the total affordable housing component. Accordingly, the proposed affordable housing provision is considered acceptable.

Flooding

- 7.100 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by not permitting residential development or other 'more vulnerable' uses [e.g. residential] within Zone 3a where flood risks cannot be overcome. The policy also states that the Council will support the redevelopment of existing developed sites in the urban area in Zones 3a and 3b for 'less vulnerable' uses [e.g. commercial] where a minimum increase of flood storage capacity of 20% can be secured, and it reduces impedance to the flow of flood water where there would be flowing flood water.
- 7.101 The Council's Supplementary Planning Document (SPD) on Flooding 2012 provides further guidance regarding the Council's policy on flooding. Paragraph 4.36 of the SPD states that circumstances can arise where a site straddles Flood Zone 3a and Zone 2 or immediately abuts Zone 2. In such cases a 'dry route' of escape in a 1 in 100 year event may exist or can be created without adding to flood risk to allow people to leave the building safely. The precise extent of flood risk for the site must be demonstrated with information based on a detailed topographical survey of existing ground levels and modelled flood levels provided by the EA [Environment Agency]. Neither the development nor means of ensuring a 'dry escape' in a 1 in 100 year event must involve either the impedance of the flow of flood water, loss of flood storage capacity or in any way add to the risk of flooding elsewhere.
- 7.102 The EA was consulted and originally raised a number of concerns about the flood impact in terms of the flood storage capacity. Following the submission

of further information the EA has now removed their objection, subject to conditions. In addition, a dry means of escape has been demonstrated from the site over Staines Bridge via The High Street to an area outside of the flood zone. Therefore, the proposal is considered to be acceptable on flooding grounds and accords with Policy LO1 and the NPPF on flooding.

Renewable Energy

- 7.103 Policy CC1 of the CS & P DPD states that the Council will require residential development of one or more dwellings and other development involving new building or extensions exceeding 100 sqm to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources unless it can be shown that it would seriously threaten the viability of the development.
- 7.104 The applicant is proposing to install Air Source Heat Pumps (ASHP) in order to meet the renewable energy requirement stipulated in Policy CC1. The ASHPs will be located on the roofs of each block. The applicant's renewable energy report demonstrates that this type of facility will generate 39% of the total energy demand on the site, which is substantially above the requirement and therefore complies with the policy. The Council's Sustainability Officer was consulted and considers the proposals to be acceptable. Accordingly, the proposed renewable energy facilities are considered acceptable.

Ecology

- 7.105 Policy EN8 of the CS and P DPD states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by ensuring that new development, wherever possible, contributes to an improvement in the landscape and biodiversity and also avoids harm to features of significance in the landscape or of nature conservation interest. It is also important to note the guidance regarding protected species in Circular 06/2005. This states that *"it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*
- 7.106 The applicant has submitted an ecological appraisal, which includes a bat survey (bats are protected species) of Masonic Lodge building and existing trees on the site. The survey confirmed that there were no bats roosting on the site and that the demolition of the building can go ahead without any further surveys. The report does, however, recommend a number of ecological enhancement measures to including the provision of bird and bat boxes in the new development. The Surrey Wildlife Trust was consulted and has raised no objection subject to the imposition of a condition requiring the wildlife enhancement measures being implemented (Natural England also raise no objection). It is relevant to note that the proposal will involve a level of new landscaping which help to increase wildlife. Accordingly, the impact on biodiversity is considered acceptable.

Open space

- 7.107 Policy CO3 of the CS & P DPD requires the provision of public open space for residential developments. The policy states that where any new housing is proposed in areas of the Borough with inadequate public open space, or where provision would become inadequate because of the development, the Council will require either the provision of new on-site open space or a financial contribution towards the cost of new off-site provision. If on or off-site provision is not feasible, the Council will require a contribution in the form of a commuted sum to improve existing sites to enhance their recreational value and capacity. Policy CO3 also states that in new housing development of 30 or more family dwellings (i.e. 2-bed or greater units) the Council will require a minimum of 0.1ha of open space to provide for a children's play area. Such provision is to be increased proportionally according to the size of the scheme.
- 7.108 There is no shortage of public open space in this part of the Borough (Staines Ward). This is confirmed by the Council's Draft Open Space Assessment November 2019, which is one of the evidence based documents for the new Local Plan. However, the proposal includes some 101 no. 2-bedroom units (i.e. family sized dwellings) and accordingly, Policy CO3 would require 0.34 hectares open space to provide a children's play area on the site.
- 7.109 The proposed housing is located on a relatively small town centre site and a public accessible children's playground is not being provided in the scheme. However, the site is located next to the existing Memorial Gardens and riverside Towpath which are considered high quality public open spaces. The proposed landscaped works both within the site itself and the surrounding highway land will help connect the development with the Memorial Gardens and make an improvement to the surrounding area. Moreover, the site is a pleasant 800 metre walk away from the Lammas Recreation Ground with its range of facilities for both younger and older children (e.g. playgrounds, skatepark, tennis courts, playing field). It is relevant to note that the applicant is proposing a 'playable landscape' of some 271 sq. m within the podium garden which will be of some benefit for smaller children living in the development. Nevertheless, in accordance with Policy CO3, an off-site contribution to improve provision in the Lammas Park is considered to be appropriate. The Group Head of Neighbourhood Services has requested a sum of £70,000 for these purposes which the applicant has agreed to. Consequently, it is considered the requirements of Policy CO3 have been met.

Dwelling mix

- 7.110 Policy HO4 of the CS & P DPD (Housing Size and Type) states that the Council will ensure that the size and type of housing reflects the needs of the community by requiring developments that propose four or more dwellings to include at least 80% of their total as one or two bedroom units. All of the proposed residential units will be either 1 or 2 bedroom in size (i.e. 100%). Consequently, the proposed dwelling mix complies with the requirements of Policy HO4 and is acceptable.

Archaeology

- 7.111 The site is located within a designated Area of High Archaeological Potential. The designated area covers the central part of Staines upon Thames, including the High Street. The applicant has submitted both a desk based assessment (DBA) and an Archaeological Impact Assessment (AIA).
- 7.112 The AIA concludes that the ground has been heavily disturbed in the past, particularly when the Old Telephone Exchange was demolished several years ago. Consequently, the report states that there are no significant archaeological remains. The County Archaeologist was consulted and has raised no objection. Accordingly, the impact on archaeology is considered acceptable.

Air quality

- 7.113 The applicant has submitted an Air Quality Assessment (AQA), as is required by Policy EN3 of the CS & P DPD. The Council's Environmental Health Officer (EHO) has been consulted and has raised no objection subject to the imposition of conditions. Therefore the proposal is considered to accord with Policy EN3 on air quality.

Contaminated land

- 7.114 The applicant has submitted a contaminated land assessment. The EHO has been consulted and notes that the site previously housed a telephone exchange and two factory/works buildings. There are various off-site sources for potential contamination too, including an electricity substation 15m away. Elevated levels of soil contaminants and ground gases have been found on site. Remediation has been recommended. As the application is for new dwellings, and in accordance with paras. 170, 178, 179, and 183 of the NPPF and Council Policy EN15 the EHO has recommended conditions as the proposal is for a development particularly sensitive to contamination.

Loss of Community Facility

- 7.115 Policy CO1 seeks to ensure community facilities are provided to meet local needs. The policy seeks to resist the loss of existing facilities except where it is demonstrated that the facility is no longer needed, or where the services provided by the facility can be provided in an alternative location or manner that is equally accessible to the community served. These proposals will result in the removal of the Masonic Hall. The applicant has advised that the Masonic Hall was vacated in March 2020 and its functions have been relocated to Twickenham. As a consequence, it is considered that the facility is no longer needed on this site and has been transferred to Twickenham. It should also be noted that the loss of this hall did not form a reason for refusal with the previous application 14/01377/FUL, and this was whilst the hall was still open. Consequently, it is considered the proposal is acceptable in terms of policy CO1.

Fire Safety

7.116 As part of the application process Surrey Fire and Rescue (SFR) was consulted as a precautionary measure. SFR raised no objection to the scheme and note that the scheme will be subject to Building Regulation Control. The applicant has also submitted a Fire Strategy, which involves a specialist company considering the fire safety aspects of the scheme, ensuring compliance with Part B (Fire Safety) of the Building Regulations, including means of warning and escape, fire spread, (internal and external) and access and facilities for the fire services.

Equalities Act 2010

7.117 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

7.118 The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means to have such regard as is appropriate in all the circumstances.

7.119 The development has been designed so that all of the flats are accessible and adaptable for disabled people (i.e. M4(2) of the Building Regulations). Furthermore, 10 of the 48 car parking spaces are for disabled users. The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long term adverse effects on their ability to carry out normal day-to-day activities. This can include but is not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. It is considered that it would be possible for individuals with disabilities to access the development.

Human Rights Act 1998

7.120 This planning application has been considered against the provisions of the Human Rights Act 1998.

7.121 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

7.122 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

7.123 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Financial Considerations

7.124 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. In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development and will generate a CIL Payment of approximately £934,662. This is a material consideration in the determination of this planning application. The proposal will also generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

Previous reasons for refusal

7.125 As noted above, planning application 14/01377/FUL, at the site, was refused for a number of reasons. In order for this current planning application to be considered acceptable, it will need to have addressed each of these reasons. Each reason is set out below and in addition, why/how this scheme has overcome the objection:-

1. The proposal is considered to represent a piecemeal form of development that would preclude the future comprehensive development to extend the Elmsleigh Shopping Centre to provide at least 18,000 square metres of retail floorspace and other associated development. The proposal is therefore contrary to Site Allocation Policy A10 of the Allocation Development Plan Document 2009, and Policies SP4 and TC1 of the Core Strategy and Policies DPD 2009.

Officer response: the change in the need for new retail development in Staines town centre since the adoption of the 2009 Development Plan, together with the requirement to take the Tilted Balance into account, means that it is not longer considered there are sufficient grounds to justify refusal on policy/principle grounds.

2. The proposed development in terms of its design, scale and location, is considered to have insufficient regard to the character of the surrounding area and will be visually obtrusive. It is therefore contrary to Policy EN1 of the Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.

Officer response - the design, scale and location of the current proposal, in the form of the two relatively slim towers as viewed from the south and the pedestrian and public realm improvements, provides a completely different and acceptable approach to the large scale visually obtrusive previous scheme.

3. The proposal is considered to provide a unacceptable standard of amenity for the future occupiers of the residential units in terms of poor outlook, insufficient levels of sunlight/daylight, and inadequate internal floorspace. The proposal is therefore contrary to Policy EN1 of the Core Strategy and Policies DPD 2009 and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.

Officer response: The amended scheme proposes a completely different form. Each flat has its own terrace or balcony. There will also be a communal amenity area in the podium garden with landscaping. All of the flats meet or exceed the minimum dwelling sizes in the *Technical Housing Standards – nationally described space standard, 2015*. In terms of outlook, 50% of the flats are dual aspect. There are no single aspect north facing units, none at ground level and 98% of the units meet the requirements set out in the BRE guidelines.

4. The proposals would provide inadequate affordable housing to contribute towards meeting the needs of the Borough and the applicants have failed to adequately justify why 50% of affordable housing cannot be provided on site. The proposal is, therefore, contrary to Policy HO3 of the Core Strategy and Policies DPD 2009.

Officer response: - The revised proposal provides 46% affordable housing of which 65% will be for affordable rent. The Council's Affordable Housing advisor is content with this provision. Therefore, this reason for refusal is no longer relevant.

5. The site is located within Flood Zone 3a and will result in an overall decrease in flood storage capacity. The applicant has not proposed any mitigation measures to alleviate the increase in built footprint on the site and the development will therefore lead to an unacceptable increase in flood risk elsewhere. It also fails to secure required flood storage betterment of 20%. Furthermore, the applicant has failed to demonstrate

that a satisfactory safe means of escape can be provided in the event of a flood from the site to an area outside the flood plain. The development is therefore contrary to Policy LO1 of the Core Strategy and Policies DPD 2009, the Supplementary Planning Document on Flooding 2012, and Section 10 of the National Planning Policy Framework 2012.

Officer response - This related to a flooding objection from the Environment Agency on the decrease in flood storage capacity and the failure to provide a safe means of escape in times of flood. This reason is no longer relevant as the Environment Agency has raised no objection and a safe means of escape has been demonstrated.

6. The applicant has failed to demonstrate to the satisfaction of the County Highway Authority that the proposed development is compatible, or could be compatible with suitable mitigation measures, with the surrounding highway infrastructure resulting in potential conflict between pedestrians, cyclists and vehicle movements contrary to Policies SP7 and CC2 of the Spelthorne Core Strategy and Policies DPD 2009.

Officer response - The County Highway Authority raised an objection to the refused scheme because the development was incompatible with the surrounding highway infrastructure resulting in potential conflict between pedestrians, cyclists and vehicles. The proposal involves substantial works to the highway land to ensure that the development links up with the existing footways and improvements to the public realm, and the County Highway Authority has raised no objections to the proposals.

7. The applicant has failed to demonstrate that at least 10% of the development's energy demand can be achieved from on-site renewable energy sources, contrary to Policy CC1 of the Core Strategy and Policies DPD 2009.

Officer response: - The refused scheme did not provide at least 10% of the development's energy demand from on-site renewable energy resources. The current proposal provides 39% and therefore this reason has been addressed.

8. The proposals would place additional pressures on educational needs within the area, which have not been adequately mitigated. As such, the development is contrary to Policies SP5 and CO2 of the Core Strategy and Policies DPD. 2009.

Officer response: – This related to concerns over additional pressures on educational needs in the area without adequate mitigation. This was before the change in policy with the introduction of the community Infrastructure Levy (CIL) which came into effect on 01/04/2015, after the application was refused on 16/02/2015. CIL payments can be used towards infrastructure to support growth which can include schools and educational facilities but also other infrastructure including medical facilities, open spaces, recreational and sporting facilities, roads and flood defences. Consequently, this reason for refusal is no longer relevant as the current application will be subject to CIL payments.

9. The proposals would result in a more intensive use of the nearby public open space of the Memorial Gardens and the applicant has not proposed a financial contribution towards improving the existing recreational facilities, contrary to Policy CO3 of the Core Strategy and Policies DPD. 2009.

Officer response - This reason concerned a more intensive use of the Memorial Gardens and the failure of the applicant to propose a financial contribution towards improving the existing recreational facilities. However, the applicant has provided sufficient amenity space in the current application in accordance with the Council's SPD and has agreed an off-site financial contribution of £70,000 towards improving the Lammas Park. As a consequence, this reason no longer applies.

10. The applicant has not agreed to provide a financial contribution towards the Council's Air Quality Action Plan as a result of the increased vehicles movements generated by the proposed development, contrary to Policy EN3 of the Core Strategy and Policies DPD 2009.

Officer reason - This reason concerns the failure to provide a financial contribution towards the Air Quality Action Plan as a result of the increased vehicle movements. However, with the revised application and the reduced number of vehicles to the site, there is no objection on air quality grounds from the Council's Environmental Health Officer. Consequently, this reason is no longer relevant.

Conclusion

- 7.126 With most complex planning applications such as this there are a range of issues which have to be weighed up in the overall consideration of the proposal. There will be some which add weight in favour of the scheme and some weigh to some degree against it and some may be neutral. It is unusual in schemes of this nature for every aspect of the Council's standards/policies to be fully complied with.
- 7.127 These factors need to be considered alongside those elements that weigh strongly in favour of the development. The proposal will secure the redevelopment of an unused site, make effective use of urban land in a sustainable location, meet a need for housing and provide a substantial level affordable housing. The development will secure significant public benefits by creating the new pedestrian links and landscape works making a more attractive route from the High Street to the Memorial Gardens.
- 7.128 The NPPF at para 11 requires permission for housing to be granted unless the impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. As the Council does not have a 5 year land supply of housing in the Borough the 'tilted balance' in para 11 is applicable in this particular case. Whilst the low parking provision for the site is acknowledged and weighs to some degree against the scheme, it is considered that the benefits of the scheme are substantial and by adding the 'tilted balance' as well, the scheme as a whole is considered acceptable

and complies with the NPPF. Accordingly, the application is recommended for approval.

8. Legal Agreement

- 8.1 There are highway, affordable housing, and open space matters which need to be secured by way of a legal agreement pursuant to Section 106 which are to be delivered as part of the development. It is important that any legal agreement runs with the land and therefore ensuring that the obligations are enforceable under the terms of Section 106 of the Town and Country Planning Act. In the event that the S106 agreement is not completed to the satisfaction of the Local Planning Authority, and in the event that the applicant does not agree a further extension of time for determination, the recommendation is to refuse planning permission.

9. Recommendation

- 9.1 APPROVE subject to the following:

- 9.2 (A) Subject to the applicant first entering into an appropriate legal agreement in respect of the following:

1. To provide at least 94 affordable housing units on site built in accordance with current Homes and Communities Agency Scheme Development Standards, the details of which shall be agreed with the Council's Planning Development Manager.
 - The split of the type of affordable housing shall be at least 61 for affordable rent and at least 33 dwellings for shared ownership.
 - Prior to implementation the Registered Social Landlord (RSL) shall enter into a Nominations Agreement in respect of the affordable housing (in order that the social housing meets local needs).
 - Build and complete the affordable units and hand over to the Registered Social Landlord for occupation before more than 50% of the open market units are sold or substantially completed, whichever is the sooner.
 - That the affordable housing viability assessment will be subject to a viability review mechanism to be reviewed on an open book basis to ascertain whether any further contribution can be made by way of an off-site contribution in lieu.
2. To cover the costs incurred by Surrey County Council associated with the drafting, advertising and making of the proposed amendments to Traffic Regulations Orders, up to the value of five thousand pounds (£5000).
3. To carry out the proposed highway works in full in accordance with the approved drawings and Drawing Number 04550-TR-0032-P1, including the reconfiguration of the junction of Elmsleigh Road and Thames

Street; all pedestrian facilities; and provision of the loading and car club bays.

4. No above-ground works shall commence unless and until a phasing plan for the delivery of the highway and public realm improvements has been submitted and agreed in writing by the Local Planning Authority and Surrey County Council. Prior to the occupation of the development, the highway works as agreed in the phasing plan will be completed. The remaining highways works to be completed in accordance with the phasing plan.
5. To dedicate private land to Surrey County Council so that it may form part of the public highway, in accordance with Drawing Number 04550-TR-0021-P2.
6. To provide the following sustainable transport measures:
 - (a) Provision of two car club vehicles to be based in the proposed Car Club Parking Spaces, and to ensure that these vehicles are retained for a minimum of two years following first occupation of the site.
 - (b) Provide the first occupants of each residential unit with on year free Car Club membership and 25 miles of free travel, or an equivalent incentive to use the service.
7. To pay £70,000 towards the cost of upgrading the existing children's play area at Lammas Park.

In the event that the Section 106 Agreement is not completed

- 9.3 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: -
- 9.4 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 Section 5 of the NPPF 2019.
 - 2) The proposal will fail to secure the highway and landscape improvement works and the development will therefore not be compatible with existing highway infrastructure and not make a positive contribution to the character of the area, contrary to Policies EN1 and CC2 of the Core Strategy and Policies DPD 2009 and Sections 9 and 12 of the NPPF 2019.
 - 3) The proposal fails to provide sustainable transport measures and is therefore contrary to Policy CC2 of the Core Strategy and Policies DPD 2009 and Section 9 of the NPPF 2019.

4) The proposal will fail to secure the upgrade to the existing children's play area at Lammas Park and will therefore be contrary to Policy CO3 of the Core Strategy and Policies DPD 2009 and Section 12 of the NPPF 2019.

9.5 (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 and drawings:

ERS-ASA-ALL-00-DR-A-110 Rev. R1; /120 Rev. R1; /121 Rev. R1; 122 Rev. R1; /140 Rev. R1; /141 Rev. R1; /0200 Rev. R12; /300 Rev. R1; /301 Rev. R1; /0405 Rev. R1; /4100 Rev. R1; /4101 Rev. R1 received 14 October 2020.

ERS-ASA-ALL-01-DR-A-0201 Rev. R9; ERS-ASA-ALL-02-07-DR-A-0202 Rev. R9; ERS-ASA-ALL-08-DR-A-0209 Rev. R5; ERS-ASA-ALL-09-12-DR-A-0209 Rev. R5; ERS-ASA-ALL-13-14-DR-A-0213 Rev. R5; ERS-ASA-ALL-15-DR-A-0215 Rev. R6 Received 14 October 2020.

ERS-ASA-ALL-XX-DR-A-251 Rev. R4; /252 Rev. R4; /253 Rev. R4; /254 Rev. R4; /255 Rev. R4; /256 Rev. R4 Received 14 October 2020.

D2864-FAB-XX-00-DR-L-0200 Rev. PL04; /0210 Rev. PL04 received 14 October 2020.

ERS-ASA-ALL-00-DR-A-100 Rev. R2 received 06 January 2021.

INL/E4445/007B received 09 February 2021.

ERS-ASA-ALL-00-DR-A-0400 Rev. R5; /0401 Rev. R5; /0402 Rev. R5; /0403 Rev. R5; /0404 Rev. R2; and ERS-A-SK-210301MR01-R01 Rev. R3 received 19 April 2021.

04550-TR-0021-P2; 0032-P1; /0033-P2; /0033A received 01 June 2021.

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

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

shall then be constructed in accordance with the approved materials and detailing.

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

4. No development shall take place until:-

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

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

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

Reason:-

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

NOTE

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

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

5. Prior to the first use or occupation of the development, and on completion of the agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:- To protect the amenities of future residents and the environment from the effects of potentially harmful substances.

6. Following construction of any groundwork and foundations, no construction of development above damp proof course level shall take place until a report has been submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 39% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of each building and thereafter retained.

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

7. The trees and shrubs shall be planted on the site in accordance with the scheme hereby approved, within a period of 12 months from the date on which the development hereby permitted is first commenced, or such longer period as may be approved by the Local Planning Authority, and that the planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

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

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

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

9. The refuse and recycling facilities hereby approved shall be provided prior to the occupation of the development hereby approved and retained thereafter.

Reason:- To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality, in accordance with policies SP6 and EN1 of

the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

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

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

11. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. Those details shall include:

- a) A design that is compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS
- b) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+CC% allowance for climate change storm events, during all stages of the development (Pre, Post and during).
- c) Details of how the Sustainable Drainage System will cater for system failure or exceedance events, both on and offsite.
- d) Details of how the Sustainable Drainage System will be protected and maintained during the construction of the development, to include details on how the existing soakaways will be protected.
- e) Evidence that the permeable paving is protected against ingress of silt and debris and the methodology of inspection for maintenance of such measures.
- f) Finalised drawings ready for construction to include: a finalised drainage layout detailing the location of SUDs elements, pipe diameters and their respective levels and long and cross sections of each SuDS Element.
- g) Details of management and maintenance regimes and responsibilities.

Reason: To ensure the design meets the technical stands for SuDS and the final drainage design does not increase flood risk on or off site.

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

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

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

Reason:- To safeguard the amenity of nearby properties.

14. The wildlife impact avoidance measures and ecological enhancement measures shall be carried out strictly in accordance with the recommendations set out in Paragraphs 4.19, 4.20, 4.21, 4.26, 4.27, 5.2 and Appendices 1, 2 and 3 of the Environmental Dimension Partnership Ltd 'Ecological Appraisal' dated September 2020.

Reason:- To encourage wildlife on the site.

15. No construction work above existing ground level shall take place until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-3-Wildlife-Hazards-2016.pdf>).

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

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

16. No construction work above existing ground level shall take place until:

- Mitigation has been agreed and put in place to ensure that the proposed development will have no impact on the H10 Radar at Heathrow Airport.

Reason:-To ensure the development does not endanger the safe movement of aircraft or the operation of Heathrow Airport through interference with communication, navigational aids and surveillance equipment.

17. Before the development is occupied,

- Details shall be submitted for the approval of the Local Planning Authority of onsite mitigation measures (to include mechanical whole dwelling ventilation to all properties) with the air intakes located at high level away from the direction of adjacent sources of air pollution and with consideration of the prevailing wind direction from such sources, to protect the occupiers of the development from poor air quality. The mechanical ventilation system must incorporate adequate filtration/treatment to be effective against the ingress of roadside air pollutants to the dwellings. The development shall not be occupied until those mitigation measures have been provided and are operational.
- Details shall be submitted for the approval of the Local Planning Authority of the location of the air intakes and the complete specification and maintenance regime for the equipment, which must be established and in place before the development is occupied. The equipment shall thereafter be retained and maintained in accordance with the approved details.
- Full user packs will be provided to the occupants of the flats on occupation, including the full purpose of the mechanical ventilation (including local air quality) and how to use it.
- A Travel Information Welcome Pack must be provided on occupation to inform future residents of sustainable modes of transport.

Reason:- To protect the future occupants from poor air quality as the result of the ingress of air subject to emissions from the adjacent car parks and from HDV emissions from the access ramp to the Elmsleigh Centre.

18. The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the development site have been provided in accordance with the approved plans. Thereafter the said approved facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.

Reason: - The above condition is required in recognition of Section 9 (Promoting Sustainable Transport) of the NPPF.

19. The approved Travel Plan shall be implemented upon first occupation and for each and every subsequent occupation of the development. Thereafter the Travel Plan shall be maintained and developed to the satisfaction of the Local Planning Authority.

Reason: - The above condition is required in recognition of Section 9 (Promoting Sustainable Transport) of the NPPF.

20. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the

approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes and managed in accordance with Section 4.3 of the Transport Assessment dated September 2020.

Reason: - This condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2019 and Policies CC2 and CC3 of the Core Strategy and Policies Development Plan Document February 2009.

21. The development hereby approved shall not be occupied unless and until at least 20 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: - The above condition is required in recognition of Section 9 (Promoting Sustainable Transport) of the NPPF.

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

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

Reason: - This condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and accord with the National Planning Policy Framework 2019 and Policy CC2 of the Core Strategy and Policies Development Plan Document February 2009.

23. The development shall be carried out in accordance with the following mitigation measures:
- The non-floodable ground floor area of the building shall be no larger than 715 square meters, as shown in drawing number INL/E4445/007B (titled Flood Level Compensation Assessment,

dated 2 February 2021 and prepared by Rogers Cory Partnership)

- The floodable area as shown in drawing number INL/E4445/007B shall be implemented and made floodable as outlined in the letter from Rogers Cory Partnership (RCP) to Spelthorne Borough Council, dated 10 March 2021 (reference TS/INL/E4445/17820), including the following mitigation measures it details:
 - i) There shall be a minimum of one 1m wide opening in every 5m length of wall on all sides the building (including the car parking, bin and cycle stores) that are shown as floodable in drawing number INL/E4445/007B.
 - ii) The openings shall extend from ground level up to at least 15.8 metres AOD.
 - iii) Vertical bars within openings, if required, shall be spaced at least 150mm apart in accordance with drawing number ERS-A-SK-210301MR01-R01 (titled Car Park Openings Bay Study, revision R2, dated 9 March 2021 and prepared by Assael Architecture Limited).

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: - To prevent an increase in flood risk elsewhere in accordance with paragraphs 160 and 163 of the NPPF and policy LO1 of the Core Strategy and Policies Development Plan Document (adopted 26 February 2009).

24. Finished floor levels shall be set in accordance with drawing number ERS-A-SK-210301MR01-R01 (titled Car Park Openings Bay Study, revision R3 and dated 15 April 2021, such that:

- The residential entrance finished floor levels shall be set no lower than 15.8 metres above Ordnance Datum (AOD)
- All residential units shall be set above 15.8m AOD

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: - To reduce the risk of flooding to the proposed development and future occupants in accordance with paragraph 163 of the National Planning Policy Framework and policy LO1 of your Core Strategy and Policies Development Plan Document (adopted 26 February 2009).

25. There shall be no raising of existing ground levels on site within the 1% annual exceedance probability flood extent with an appropriate allowance for climate change throughout the lifetime of the development, other than with the written consent of the local planning authority.

Reason: - To prevent an increase in flood risk elsewhere in accordance with paragraphs 160 and 163 of the National Planning Policy Framework and policy LO1 of your Core Strategy and Policies Development Plan Document (adopted 26 February 2009).

26. No demolition or construction work shall take place until a Construction Environmental Management Plan incorporating a Demolition Method Statement, and a Dust Management Plan (DMS) has been submitted to and approved in writing by the Local Planning Authority. The agreed methodology and mitigation measures shall be implemented in accordance with the approved details.

Reason: -To protect local air quality and help prevent statutory nuisance.

Informatives

1. The development is close to the airport and the landscaping which it includes may attract birds which in turn may create an unacceptable increase in birdstrike hazard. Any such landscaping should, therefore, be carefully designed to minimise its attractiveness to hazardous species of birds. Your attention is drawn to Advice Note 3, 'Wildlife Hazards' (available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-3-Wildlife-Hazards-2016.pdf>).
2. 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' (available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-4-Cranes-2016.pdf>).
3. 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).
4. The applicant 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.
5. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle->

[infrastructure.html](#) for guidance and further information on charging modes and connector types.

6. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway. 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 (including Stats connections/diversions required by the development itself or the associated highway 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 Alterations to existing roads under S278 Highways Act 1980 - Surrey County Council ([surreycc.gov.uk](http://www.surreycc.gov.uk)) and <http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-managementpermit-scheme>.
7. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
 - a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
 - b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
 - c) Deliveries should only be received within the hours detailed in (a) above;
 - d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
 - e) There should be no burning on site;
 - f) Only minimal security lighting should be used outside the hours stated above; and
 - g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

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

8. The applicant is advised that the essential requirements for an acceptable communication plan forming part of a Method of Construction Statement are viewed as:
 - a. how those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme;
 - b. how neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them;
 - c. the arrangements that will be in place to ensure a reasonable telephone response during working hours;
 - d. the name and contact details of the site manager who will be able to deal with complaints; and
 - e. how those who are interested in or affected will be routinely advised regarding the progress of the work. Registration and operation of the site to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements.
9. The applicant should be mindful to follow best practice when selecting gas-fired boilers. A minimum standard of less than 40mgNOx/kWh should be met. All gas fired CHP plant should meet a minimum emissions standard of 250mgNOx/kWh for spark ignition engine.
10. The applicant should be mindful to follow best practice dust control measures during demolition, earthworks, and construction to prevent excessive dust emissions.
11. In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraphs 38-41 of the NPPF. This includes the following –
 - a). Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development
 - b). Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered
 - c). Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.