

# Planning Committee

21 July 2021



<b>Application No.</b>	21/00010/FUL
<b>Site Address</b>	Renshaw Industrial Estate Mill Mead Staines-upon-Thames TW18 4UQ
<b>Applicant</b>	Dandara Ltd
<b>Proposal</b>	Demolition of existing industrial buildings and redevelopment to provide 2 new buildings (5-13 storeys) comprising 397 build-to-rent residential apartments (Use Class C3) including affordable housing, ancillary residential areas (flexible gym, activity space, concierge and residents lounge), landscaping, children's play area and car and cycle parking.
<b>Case Officer</b>	Russ Mounty
<b>Ward</b>	Staines
<b>Called-in</b>	N/A

<b>Application Dates</b>	Valid: 06/01/2021	Expiry: 07/04/2021	Target: Extension of Time Agreed
<b>Executive Summary</b>	<p>This planning application seeks full planning consent for the redevelopment of the Renshaw Industrial Estate in Staines-upon-Thames and proposes 397 residential units, ancillary facilities, a café, 192 parking spaces, landscaping and a children's play space.</p> <p>The proposal is for a Build-to-Rent scheme which means the development is designed with the sole intention of appealing to the rental market as opposed to long-term home ownership.</p> <p>The site has an outline planning approval for 275 residential units set over two buildings and 248 parking spaces. The means of access, layout and scale were considered, with appearance and landscaping comprising reserved matters.</p> <p>The application proposes a similar layout and scale reflecting the outline approval set between the Charter Square development and the Moormede Estate.</p> <p>The new buildings would be constructed following the demolition of the existing commercial buildings on the site. The provision of 397 new residential dwellings would make a significant contribution to the</p>		

	<p>Council's 5-year housing supply, and the site is situated in a sustainable transport location, being within reasonable walking distance of Staines Railway Station, local bus services, and various amenities in Staines High Street.</p> <p>As the LPA cannot demonstrate a 5-year housing supply, the NPPF states that a tilted balance approach must be adopted, whereby developments must be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole. The principle of the redevelopment of the site has already been considered and approved.</p> <p>The application proposes 40 affordable housing units in an affordable rented tenure (10%), which would consist of 19 x 1 bedroom units, 17 x 2 bedroom units and 4 x 3 bedroom units.</p> <p>The development would incorporate both private amenity space and private communal space, whilst also creating landscaped 'streets' around and through the development.</p> <p>The proposal is considered to be commensurate with the design and scale of the surrounding multi-residential developments that have been and are being constructed to the south and east of the site.</p> <p>The proposal would provide 192 parking spaces (0.48 ratio) which is below the level of surrounding development. However, the application site is situated in close proximity to and within a reasonable walking distance of Staines Railway Station and Staines Bus Station. The submission provided information on the take up rate of parking spaces in other Build-to-Rent schemes that indicates a lower level compared to market housing and it is considered that the level provided would not give rise to harm on the local road network that would outweigh the benefits of the provision of 397 new units in this location.</p> <p>The proposal would comply with the relevant policies of the Core Strategy and Policies Development Plan Document and would provide appropriate mitigation for the increased density and reduced parking provision.</p>
<p><b>Recommended Decision</b></p>	<p>Approve the application subject to a legal agreement and conditions as set out at Paragraph 8 of the Report.</p>

## 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:

- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO3 (Affordable Housing)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- EM1 (Employment Development)
- CO2 (Provision of Infrastructure for New Development)
- CO3 (Provision of Open Space for New Development)
- SP5 (Meeting Community Needs)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN4 (Provision of Open Space and Sport and Recreation Facilities)
- EN8 (Protecting and Improving the landscape and Biodiversity)
- EN11 (Development and Noise)
- 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 Policy is relevant to this proposal: - BE26 (Archaeology)

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

- SPD on Design of Residential Extensions and New Residential development
- SPG on Parking Standards

- 1.4 The guidance set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) is relevant to the consideration of this proposal.

## 2. Relevant Planning History

- 2.1 The site has the following planning history:

Ref. No.	Proposal	Decision and Date
17/01365/OUT	Erection of up to 275 units in 2 buildings, 248 car parking spaces and publicly accessible green space. Outline application determining access, scale and layout only.	Granted 27/07/2018
00/00421/FUL	Change of use of unit from B8 to B1	Approved 26/07/2000
STAINES/FUL/P507/9/2	Extension to factory	Approved 21/12/1960

## 3. Description of Current Proposal

- 3.1 The site is located to the north of the A308 London Road within Staines and comprises an area of 0.86 hectares ( $\pm$  2.13 acres) and is known as the Renshaw Industrial Estate.
- 3.2 There is existing vehicular and pedestrian access from Mill Mead adjacent to the Iron Bridge that incorporates a public right of way through to the Moormede residential development to the north. This is to be closed to vehicular traffic as part of the Charter Square development with vehicular traffic using the newly constructed Link Road to access to both Charter Square and the Renshaw Industrial Estate. This is to be adopted by the County Highway Authority and will allow Mill Mead to be closed to vehicular traffic adjacent to the Iron Bridge because of its narrow width and substandard junction with A308 London Road.
- 3.3 The site currently comprises two storey commercial buildings used for various warehousing and office functions, although approximately half of the site was destroyed by fire in 2014. The fire damaged buildings were demolished and the area is now fenced to prevent unauthorised access. However, this area has been used for construction storage during the Charter Square development.
- 3.4 To the north of the site are residential properties within the Moormede Estate, with those immediately north of the site being flats in 3 storey blocks. To the east is the telephone exchange building. To the south is Charter Square (formerly Majestic House), a mixed residential and commercial development that is currently nearing completion. To the west, the site is bounded by an elevated railway embankment.

- 3.5 The proposal is for two residential blocks with a total of 397 dwellings, consisting of 48 studios (12%), 141 one bedroom (35.5%), 162 two bedroom (41%), 40 three bedroom (10%) and 6 family townhouses (1.5%)
- 3.6 A basement would extend the full width of the site, connecting Block A and B and providing 192 car parking spaces (48%). There would be storage for 397 secure cycle spaces giving a 1:1 provision and waste and recycling stored in designated zones to avoid impacting on the new public realm.
- 3.7 The proposed layout retains the central courtyard from the approved outline approval with the two Blocks on the same axis to create a linear street along Mill Mead, activated with residential terraces. Children's play space is provided to Mill Mead, expanding on the Charter Square proposal and creating a green link from the residential area in the North to High Street in the South.
- 3.8 The zone between the railway and Block B would be landscaped to provide a green buffer and amenity space for the residents. Entrances to both Blocks are located such that they would be directly visible on arrival to the site, with the new link road constructed as part of the charter Square development providing vehicular access for residents and for servicing.

#### 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	
Group Head-Neighbourhood Services	No objection subject to condition
Valuation Advisor	No objection
Council's Housing Strategy and Policy Manager	No objection subject to s106 agreement
County Archaeological Officer	No response received
Sustainability Officer	No objection
Thames Water	No response received
Tree officer	No objection
Secure by Design	No objection subject to informative
Environmental Health (noise)	No objection subject to condition
Environmental Health (Air Quality)	No objection subject to condition
Environmental Health (Contaminated land)	No objection subject to condition

Heathrow Safeguarding	No objection
Lead Local Flood Authority	No objection subject to condition

## 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. This took the form of public consultation through a community leaflet delivered to 700 residents providing a simple summary of the proposal, a location plan, key images of the proposal showing the intended design and appearance, as well as a summary of frequently asked questions. Stakeholders were directed to the applicant’s website and provided with a QR code to allow access using a mobile device. The leaflet also offered access to an information pack by post.
- 5.3 The applicant has advised that the consultation website attracted over 400 unique viewers, with 186 of those reviewing the proposals page. They indicated that the vast majority of visitors chose not to express an opinion on the proposal. However, those in opposition to the proposal mainly did so with genuine concern about the scale of existing development in the town centre, the impact on local services, such as education, healthcare, and the local highway network.

### Planning application consulting the neighbours

- 5.4 Neighbouring properties were notified of the planning application, statutory site notices were displayed and the application was advertised in the local press. A total of 24 letters of representation were received objecting to the application, including one from Staines Town Society and one letter of support was received.
- 5.5 Representations include objections on the following grounds:
- Inappropriate design
  - Too tall
  - Overbearing
  - Overlooking
  - Insufficient green space
  - No quality of living
  - Units below minimum size

- Insufficient affordable housing
  - Lack of open space and play areas
  - The design does not satisfy the Equality Act 2010 and therefore does not comply with the Council's policies.
  - Offers no benefits to Staines
  - Loss of commercial space
  - Insufficient infrastructure and services
  - Too many people
  - Staines has enough flats
  - No private gardens
- Perfect location away from the river

## 6. Planning Issues

- Principle
- Housing Land Supply
- Build to Rent
- Size, Type and Density
- Design and layout
- Affordable Housing
- Access and the Link Road
- Highway Issues
- Parking
- Travel Plan
- Impact on Residential Amenity
- Daylight and Sunlight Assessment
- Amenity Space
- Open Space
- Waste and Recycling
- Air Quality
- Arboricultural Issues
- Ecology
- Archaeology
- Drainage Strategy
- Flooding
- Renewable Energy
- Noise
- Contaminated Land
- Other Issues

## 7. Planning Considerations

### Moratorium

7.1 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.
- 7.2 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. 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.
- 7.3 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.
- 7.4 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

- 7.5 In respect of any 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. The National Planning Policy Framework (NPPF) 2019 at paragraphs 47 – 50, provides advice 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 that decisions should be made “*as quickly as possible*”.
- 7.6 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)."*

- 7.7 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."*
- 7.8 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"*.
- 7.9 It is clear from these paragraphs that 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, and should be considered and determined, solely on its planning merits. The question of prematurity is potentially relevant to that question.
- 7.10 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.
- 7.11 The current Local Development Scheme shows that the replacement local plan (the emerging local plan), will be subject to a consultation under Regulation 19 in February – March 2022, submitted to the Planning Inspectorate in June 2022 and is proposed to be adopted in June 2023.. The Staines Development Framework SPD (formerly known as the Staines Masterplan which includes this site, was subject to a consultation on the Issues and Options which ended on 29/06/2021. The Consultation on the

Preferred Options (Regulation 18), i.e., the draft Framework consultation, is expected to take place in November – December 2021. The SPD will thereafter follow the Local Plan timetable, although a Regulation 19 consultation is not required.

- 7.12 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.
- 7.13 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 397 new dwellings within Staines and is comparable to other developments, including Majestic House site (364 Dwellings), 17-51 London Road (489 dwellings). 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 the Council's policies or alternatively that there are other sufficient material planning considerations to overcome any such failure. In terms of this application the infrastructure provision would be provided in the form of a CIL payment and financial contributions listed in Section 8.
- 7.14 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 appropriate or reasonable to consider prematurity in respect of this planning application.

#### Principle of Development

- 7.15 Outline planning permission was granted at the Planning Committee on 27 July 2018 for the erection of up to 275 units in 2 buildings, 248 car parking spaces. The reserved matters agreed at this stage were access, scale and layout, with appearance and landscaping to be considered as reserved matters.
- 7.16 The Planning Committee considered the relevant policies of the Core Strategy and Policies Development Plan Document (CS&P DPD), together with the National Planning Policy Framework 2012 (NPPF).
- 7.17 The site has an existing substandard access via Mill Mead which is narrow for two-way traffic and has a poorly located junction with the A308 London Road, adjacent to the Iron Bridge. Pedestrian access is also poor with a single, narrow footpath on the east side of Mill Mead.
- 7.18 The Link Road constructed in connection with the Charter Square development to the south of the Renshaw Industrial Estate improves access for vehicles. It should be noted that the existing commercial uses are, by definition, appropriate in a residential area. The site was considered to be

more appropriate for residential development due the backland location, surrounding residential development and its proximity to services and a variety of transportation options.

- 7.19 The Planning Committee considered that the principle of the loss of employment land and the provision of a high-density residential development on the site was acceptable, provided all other policy requirements were met. There has been no material change in policy and it is considered that the principle of residential development at this site remains acceptable.

### Housing Land Supply

- 7.20 When considering planning applications for housing, local planning authorities should have regard to the government's requirement that they significantly boost the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF) 2019.
- 7.21 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 method<sup>1</sup>. 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.
- 7.22 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.
- 7.23 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.
- 7.24 The sites identified in the SLAA as being deliverable within the first five years and subsequent updates from landowners have been used as the basis for a

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<sup>1</sup> Planning Practice Guidance Reference ID: 68-005-20190722

revised five year housing land supply figure. Spelthorne has identified sites to deliver approximately 3513 dwellings in the five year period.

- 7.25 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.
- 7.26 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 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.
- 7.27 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’

### Build to Rent

- 7.28 Build-to-Rent is a particular type of development within the private rented sector and has been defined in the NPPF glossary. It comprises a residential development that is designed with the sole intention of appealing to the rental market as opposed to long-term home ownership.

*‘Build to Rent: Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.’*

- 7.29 The applicant states that discounted Market Rent (affordable housing) and Private Rent offers flexible, affordable, good quality homes to groups who are often under-served including graduates, young professionals and front-line key workers. The proposed Build-to-Rent units would also include a

number of living costs as part of the rent, such as furniture packages, service charges, Wi-Fi/phone lines, gym membership, credit checks and inventory.

- 7.30 However, the benefits that the extra facilities and services Build-to-Rent schemes provide mean that the average rent on these developments is higher than normal private rental. Jones Lang Lasalle is a global commercial real estate services company and their Build to Rent Report 2018 found that the average rent on a Build-to-Rent home was 9.3% higher than the average rent for the local area and that the average income across the schemes reviewed was £37,312, 30% above the UK median full time salary.
- 7.31 In this particular case the development would offer communal areas comprising lounge, kitchen, work-stations, office provision and a gym. It also incorporates a café fronting Mill Mead, that would be available to both residents and the public.
- 7.32 The construction of Build to Rent is a valid housing type and falls within the C3 Residential Use Class. It would provide an extended range of housing options and choices for residents of the Borough. The Build-to-Rent typology would be secured through the s106 Legal Agreement.

#### Size, Type and Density

- 7.33 The applicant has submitted a Design and Access Statement which states that all apartments have been designed to meet the Nationally Described Space Standards and the requirements set out in Appendix 4 of the Council's Design of Residential Extensions and New Residential Development SPD (2011).
- 7.34 The Design and Access statement also states that the proposal seeks to provide accessible homes and as such all of the units would be designed to meet Part M4(2) of the Building Regulations. This optional requirement is for accessible and adaptable dwellings which make reasonable provision for most people to access the dwelling and incorporates features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users.
- 7.35 Policy H04 and the Council's Supplementary Planning Document (SPD) on Housing Size and Type seeks the provision of 80% of dwellings, in developments of 4 or more units, to be 1 or 2 bed units to ensure that the overall dwelling stock meets the Borough's identified demands.
- 7.36 The submitted layout provides for 397 units - 189 x one bed (47%), 162 x two bed (41%) and 46 x three bed units (12%). Whilst one bed units are generally considered less flexible, this is a specific Build-to-Rent scheme focusing on rental rather than ownership and the proposed housing mix, providing 88% one and two bed units, would meet the requirements of the policy and thereby assist in meeting the Borough's identified needs.

1B1P	1B2P	2B3P	2B4P	3B4P	3B 4P Townhouse	Total
48	141	127	35	40	6	397
12%	35%	32%	9%	10%	2%	100%

- 7.37 The Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development (2011) sets out minimum floor space standards for new dwellings.
- 7.38 The Government has also published national minimum dwelling size standards in their "Technical Housing Standards – nationally described space standard" document (2015). These largely reflect the London Housing Design Guide on which the Spelthorne standards were based and are arranged in a similar manner to those in the SPD.
- 7.39 Although the applicant's Design and Access statement indicated that all the proposed units would meet the minimum standards, this was challenged by officers based on the information submitted in other application documents, however this has since been revised and the information confirmed by the applicant. Whilst this is acknowledged to be a minimum standard, the LPA is satisfied that the technical guidance has been met.
- 7.40 Policy HO5 of the CS&P DPD sets out general guidance on density although this must be interpreted in the context of the particular mix of dwellings proposed. The policy indicates a guide density range of 40 to 75 dwellings per hectare for this location, acknowledging that higher densities may be acceptable where the design is appropriate and the location is accessible by non-car based modes. The policy further states that higher density development may be acceptable where it is demonstrated that a development complies with policy EN1 on design, particularly in terms of its compatibility with the character of the area and where the development is in an area that is accessible by non-car-based modes of travel.
- 7.41 The NPPF encourages the optimisation of densities and states that Local Planning Authorities should refuse planning applications, which they consider fail to make efficient use of land.
- 7.42 The principle of a high-density development has been accepted through the outline approval and is consistent with the Government's focus on sustainable development and the efficient use of land. The development proposes 397 units (122 more than that proposed in the outline application) providing a density of approximately 461 dwellings per hectare. Which would be comparable with the Berkley Homes development to the east, which across planning permissions 19/00290/FUL and 19/01051/FUL, has a density of approximately 445 dwellings per hectare.
- 7.43 Given that it is designed as a high-density apartment development, where higher numerical densities can be achieved and is in a sustainable location, adjacent to the Staines Town Centre and public transport options. The density is considered to be appropriate in accordance with policy HO5,

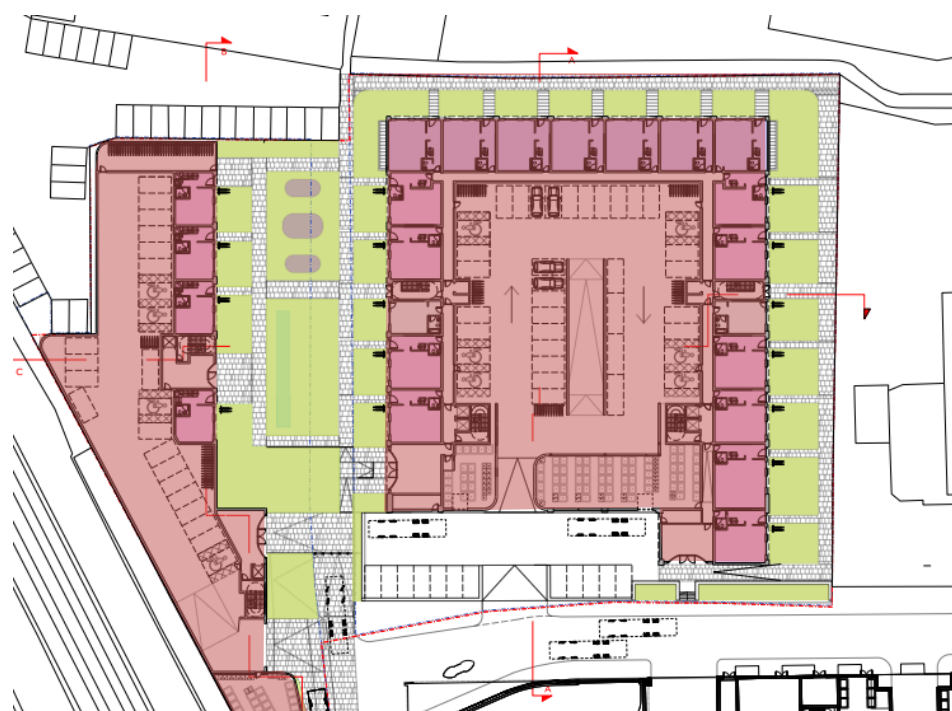
notwithstanding that it must also comply with policy EN1 on design which is considered below.

### Design and Layout

- 7.44 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.
- 7.45 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 users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*
- 7.46 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.*

- 7.47 The scale of the proposal must be considered in terms of the surrounding development which varies from 3 storey flatted development to the north, 7 storey commercial development to the east and 12 storey multi-residential apartment blocks to the south.
- 7.48 The Outline Approval (17/01365/OUT) set a number of parameters for the development based on the submitted layout and this full application broadly follows those parameters.



- 7.49 Like the Outline proposal, this proposal is for a podium style development with a stepped form, increasing in height from north to south to provide a transition from the Moormede residential development to the north to the taller Charter Square multi residential development to the south.
- 7.50 Building A would step from approximately 15m (5 storeys) in height at the north boundary to 40m (13 storeys) and would be approx. 2m taller than the outline parameters and 2 storeys taller on both the north and south boundaries.
- 7.51 Block B would step up from 17m (6 storeys) to 32m in height (11 storeys). Which would be 6m and 3 storeys taller than the parameters at the northern boundary, adjacent to the garage court and 2m and 2 storeys at the southern boundary adjacent to Charter Square.



- 7.52 The ground floor of the development would contain 38 units, including the entrance to the 3 storey townhouses, all with terraces and front doors facing to pedestrianised areas or the private courtyard. In addition, the ground floor of Block A would contain 796m<sup>2</sup> of resident's amenity space fronting the Link Road and a café fronting Mill Mead. The ground floor of Block B would contain an entrance / concierge space measuring 67m<sup>2</sup> and also space for plant / cycle / refuse storage measuring 289 m<sup>2</sup>.
- 7.53 The proposal remains on the same axis as the outline approval to create a linear street that would create an activate space with residential terraces. The zone between the railway and Block B is proposed to be landscaped to provide a green buffer and amenity space for the residents, with a 2m maintenance strip also being provided. Children's play space would be provided on Mill Mead, expanding on that provided in the Charter Square development. The Mill Mead route would be landscaped to provide a green link from the Moormede residential area in the North to High Street in the South.
- 7.54 The East and North elevations of both blocks would contain ground floor apartments, each with front door entrances and private terraces facing on to the pedestrian routes. Although these entrances would be raised from the public realm to address flooding and provide defensible space, level access is provided to all of them through the block cores. To the east elevation the proposal would create a landscaped pedestrian 'street' to 6 three storey family townhouses, with private terraces and front door entrances to activate the space and private terraces to the courtyard side.
- 7.55 The main entrance for Block B would be provided at the end of Link Road, facing Mill Mead, providing a direct link off the public realm. A secondary entrance would be available to the North end of Mill Mead, serving the secondary stair core. Ground floor apartments with front door entrances and terraces would be provided to the remaining elevations

#### Block A:

- 7.56 Circulation to the upper floors would be via the main core located at the south east corner of the block, although there is also a secondary core to the North East, both cores contain lifts, stairs and vertical service risers. Additional stairs are located to the North West and South West, providing vertical circulation as well as four separate escape stairs.
- 7.57 A mix of apartment sizes are arranged off a central corridor and each apartment has a private balcony space recessed into the facade to provide protection from the elements or projecting in those apartments with a north aspect to allow for additional daylight given their orientation. The 3 bedroom apartments are located on the corners to take advantage of corner windows and the dual aspect.

#### Block B

- 7.58 Circulation to the upper floors of Block B is via the main core situated at southern entrance. An additional stair is located to the north of the Block, providing vertical circulation as well as a secondary escape. Apartments are again arranged off a central corridor with private balcony space. The roof of

the bin and bike store creates two large private roof terraces for the two apartments overlooking it.

### Elevations

- 7.59 The elevations reflect the style of the Charter Square development with defined bottom, middle and top to the architectural form.
- 7.60 At level 3 the elevational treatment of the northern elevation of Block A changes to form articulated boxes, to breakdown the massing as the form steps towards the South East. At this point, the projecting balconies facing the residential development become inset, increasing privacy to the Moormead Estate as the building height increases, whilst emphasising the boxes. The roof of the townhouses would have green roofs to increase water attenuation and promote habitat creation. As the townhouses drop away, the escape stairs become articulated between the blocks.
- 7.61 At level 4 the elevational treatment of the northern end of Block B follows the form of Block A
- 7.62 At level 5 the massing of Block A steps towards the South East leaving a green roof, providing water attenuation and habitat creation. As the blocks fall away, additional windows are introduced to create further dual aspect apartments which also benefits from a private roof terrace. This is echoes by Block B at level 6.
- 7.63 The final two levels Block A, 11 and 12, create a pinnacle to the development, forming a cluster with the adjacent developments.

### Affordable Housing

- 7.64 Policy HO3 of the CS&P DPD requires up to 50% of housing to be affordable where the development comprises 15 or more dwellings. The Council seeks to maximise the contribution of affordable housing from each site having regard to the individual circumstances and viability, with negotiation conducted on an 'open book' basis.
- 7.65 The applicant has proposed a Build-to-Rent scheme which is a distinct asset class within the private rented sector and has been defined in the NPPF glossary to simplify its treatment within the planning system.
- 7.66 The NPPF states that affordable housing within Build-to-Rent schemes should be provided in the form of affordable private rent, a class of affordable housing that is specifically designed for Build-to-Rent and should be managed collectively by a single build to rent landlord.
- 7.67 The NPPF further states that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided and maintained in perpetuity in Build-to-Rent schemes. It is acknowledged that this is significantly less than the Council's policy requirement, but the LPA recognises the Government advice in relation to this specific type of residential accommodation.

7.68 The applicant's Viability Assessment submitted with the application concludes that the scheme is unable to provide any affordable housing. However, the applicant recognises the need to provide affordable housing as part of the proposal and has offered 10% affordable rented housing as Discounted Market Rent (DMR) at 20% below the market, in accordance with the NPPF and would prioritise lettings to the Council's housing waiting list

7.69 The proposed affordable housing units would be a mix of sizes and 'pepper potted' throughout the scheme, which the applicant states would ensure all residents have access to the same high-quality management and services to facilitate social cohesion and equality.

1B1P	1B2P	2B3P	2B4P	3B4P	Total
5	14	13	4	4	40
12.5%	35%	32.5%	10%	10%	100%

7.70 The Council's independent financial advisor reviewed the viability assessment and challenged the build costs, CIL value and the benchmark land value, concluding that even with a private rented scheme intended for long term investment it appeared unlikely that a developer would be willing to accept such a low level of profit and questioned the deliverability of the proposal.

7.71 Further discussions resulted in the submission of a revised build cost setting out the estimated costs in the detailed and traditional manner that would normally be expected with the submission of a viability appraisal to justify the level of build cost being adopted. The other viability inputs, in line with the independent financial advisor's Viability Review of 16th March 2021, were also agreed.

7.72 The application of the revised build costs results in the scheme creating a significantly reduced deficit with an adjusted Developer's Profit of 4.56% and demonstrating that it is not currently viable for the proposed development to provide any additional affordable housing above the 40 affordable rented units currently offered.

7.73 Although this is significantly lower than the 50% sought through the Council's policy, the applicant's Viability Report has been independently reviewed by the Council's financial advisor, in accordance with Government advice and guidance, and it has been concluded that the proposal does not meet the viability requirements and cannot provide additional affordable housing units without affecting the viability of the development.

7.74 The percentage of affordable housing proposed (10%) is comparable to that secured in the outline approval (9%) but would be entirely affordable rented accommodation and is therefore considered acceptable and appropriate.

#### Access and the Link Road

7.75 Vehicle access to the basement car park would be at the eastern end of the site, directly from the Link Road that has been constructed as part of the

Charter Square development. The pedestrian access to Block A would be from a footpath on the northern side of the Link Road, with Block B accessed from a shared surface at the western end of the Link Road. This configuration would minimise pedestrian and vehicle conflict at Mill Mead.

- 7.76 Pedestrian access to the Moormede Estate would remain between Blocks A and B, as approved in the Outline application, and with a significant reduction in vehicle movements on Mill Mead would represent a improvement to the public realm and pedestrian movement along Mill Mead.
- 7.77 The proposal would be required to use only the Link Road for vehicular in connection with this development. For this reason, and to ensure adequate highway and pedestrian safety, a “Grampian” style condition (i.e. a condition to control development under a planning permission that prevents the start of a development until works are carried out off-site on land not controlled by the applicant) would be required to preclude the implementation of the development until the Link Road has been constructed to a satisfactory standard.

### Highways Issues

- 7.78 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 reduces the need to travel and encourages alternatives to car use. It will also support initiatives, including travel plans, to encourage non car-based travel.
- 7.79 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.
- 7.80 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.
- 7.81 The Transport Assessment (TA) examines the existing travel characteristics and local highway network, transport policy considerations and traffic generation from the development. The TA uses TRICS to model the anticipated trip generation from the development. This shows that the site is forecast to generate 52 two-way vehicle trips in the am peak and 60 in the pm peak, although the applicant believes this to be an overestimation based on the proposed parking levels. This was shown as forecast to generate 76 two-way vehicle trips in the am peak and 82 in the pm peak in the scoping

note, which formed the applicant's initial discussions with the County Highway Authority.

- 7.82 TRICS (Trip Rate Information Computer System) is a database of trip rates for developments used in the United Kingdom for transport planning purposes, specifically to quantify the trip generation of new developments.
- 7.83 The TA also identifies that the junction assessments, undertaken as part of the TA for the consented outline application, identified that the traffic impact would be negligible and therefore with fewer parking spaces and an identified reduction in trip generation, the current proposal would result in less impact compared to the existing situation in respect of the commercial operation of the site and a positive impact compared to the outline approval.
- 7.84 The submitted TA also reviewed the personal injury collisions, which indicated a range of road user and collision types with no specific collision hotspots. The TA therefore concludes that there are no highway safety issues in the vicinity that the proposal would exacerbate.
- 7.85 The County Highway Authority has reviewed the TA and is satisfied with the conclusion that the proposal would have no material impact on the local highway network and makes the following comments:

*'The impact of the vehicular trips generated by the proposal have been considered against the predicted impact of the previously approved scheme. The Transport Assessment has sought to estimate the likely trip generation of this development using the TRICS database. The CHA is satisfied that this assessment represents a robust estimate of the likely traffic demand. The assessment has resulted in an estimate of 72 two-way vehicle trips in the AM peak and 82 two-way trips in the PM peak. It is feasible that the actual trip generation will be lower than this given the limited parking provision and the effect this will have on discouraging occupants who have high car dependency.'*

*The peak hour trip generation estimates set out above are lower than the figures set out in the Transport Assessment for the scheme approved under application ref 17/01365/OUT. In part this is due to the lower parking ratio proposed, as the TRICS assessment for this application has searched the database of survey data for comparable sites with lower parking ratios. The other key factor in the reduced trip rate estimate is that the assessment methodology has considered the impact of property type on likely trip generation.*

*The previous application considered the impact of the higher trip generation estimates (127 two-way trips in the AM peak and 159 in the PM peak) on the highway network and concluded that the impact on the network would not be severe. Whilst the network itself and the flows of traffic on it have changed since the initial assessment was carried out, the proposed development is not likely to have a significant detriment over the scheme which already benefits from planning permission.'*

- 7.86 The previous modelling for the approved outline proposal showed that queue lengths would increase at the London Road / Mustard Mill Road traffic lights and mitigation was proposed through revisions to the timing of the lights.
- 7.87 Whilst it is acknowledged that the current modelling and reduced on-site parking levels would result in less traffic movements, the requirement for mitigation remains and revisions to the timing of the lights would improve pedestrian and cycle movements in addition to vehicular movements and improve the quality of the environment.

### Parking

- 7.88 Policy CC3 requires appropriate provision for off-street parking in development proposals, having regard to a number of defined criteria. The NPPF states that the planning system should actively manage patterns of growth to support sustainable transport objectives, focusing significant developments in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 7.89 Under the requirements of the Council's Parking Standards SPD (2011) the proposed development would require 572 parking spaces, based on the following standards:

Unit Type	1 bed unit	2 bed unit	3 bed unit
General Housing	1.25	1.5	2
Affordable Housing	1	1.25	1.75

- 7.86 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.”*

7.90 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.

7.91 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.

7.92 The proposal includes a single level of basement parking for 192 vehicles including 13 accessible bays. Of these a minimum of 20% would be provided with EV fast charge facilities, with an additional 20% future provision.

7.93 The submitted Transport Assessment (TA) indicates that spaces within the car park would be controlled by the building management company and leased to residents, rather than allocated to specific units. This not only means that electric vehicles can be allocated to EV charging spaces but also that the additional cost would represent a deterrent to car ownership and encourage alternative modes. Access to the car park would be gated, with allocated residents having access via a fob system or Automatic Number Plate Recognition (ANPR). The applicant also proposes to provide 3 car club spaces on the Link Road.

7.94 Cycle parking at a ratio of 1 space per unit would be provided at ground floor level in dedicated cycle store for Block B and within the basement for Block A with hatched markings on the access ramp to delineate cycle access.

7.95 The applicant's submitted TA is based on the development providing relatively low levels of car parking – 192 spaces - (0.48 spaces per unit) and suggests that this would minimise the use of private cars amongst residents

and encourage alternative modes of transport. The TA refers to the proximity of public car parks, the parking restrictions in the vicinity of the development, the sustainability of the location, census data and the anticipated age profile of residents as justifying the proposed level.

- 7.96 However, whilst public car parks may offer a potential to address visitor parking, they cannot reasonably justify a reduction of on-site parking for residents. Indeed, 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.
- 7.97 Whilst there are parking restrictions in the immediate vicinity of the site, there are roads within an acceptable walking distance without such restrictions where parking stress could occur.
- 7.98 It is acknowledged that the site is in a sustainable location and this does justify consideration of a reduction in parking levels. However, it does not address the level of the reduction proposed.
- 7.99 The Census data provides a baseline to support a parking reduction and has been accepted to support reduced parking on other sites in Staines. However, the reduction proposed does not relate to the Census data and cannot reasonably justify the parking level proposed.
- 7.100 In respect of the age profile of residents the TA suggests that approximately 70% would be under 30 and that this age group is showing a decrease in car use. However, the age profile is unsubstantiated and a decrease in car use does not necessarily equate to reduction in car ownership or provide evidence for the parking levels proposed.
- 7.101 For the reasons stated above, whilst the LPA acknowledged the potential for a reduction in car parking on-site, the TA failed to justify the ratio proposed.
- 7.102 The applicant subsequently provided additional information stating that the applicant, Dandara, are one of the largest developers and operators of Build-to-Rent developments in the UK with 5,300 homes currently under their management.
- 7.103 The table below provides data on three of Dandara's developments which indicate the parking levels provided and the relative take up rates:

	Birmingham	Leeds	Manchester
Dwellings	324	744	995
Car Parking Spaces	150	263	375
Parking Ratio	46%	35%	38%
Units let (May'21)	280	526	214
Spaces let (May'21)	84	180	68
Current take-up of spaces	30%	34%	32%



Spaces required at 100% occupancy	97	254	363
Surplus spaces at 100% occupancy	53	9	57

- 7.104 Dandara note that each of the sites is located in an area where on-street parking restrictions apply and that, by the nature of rental developments of the scale proposed, it is not assumed that all the apartments would be occupied, with some voids as tenants change.
- 7.105 Notwithstanding that the three developments provided are located in the central core of major cities, which means that extensive public transport is available, facilities would be more numerous and that the availability of parking in the local area is significantly more restricted, the figures show a noticeable reduction in the take-up of parking spaces within these Build-to-Rent developments.
- 7.106 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.
- 7.107 On this basis, the LPA is satisfied that the reduction of parking levels to 0.48 spaces per unit represents a reasonable parking reduction for the type of development proposed in this particular location. 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.

### Travel Plan

- 7.108 The applicant's submitted Travel Plan (TP) states that it focusses on measures that will be delivered upon occupation of the development to inform residents of their travel options and encourage sustainable patterns of travel from the outset and does not include targets or monitoring. The TP states that fundamental to the success of the Travel Plan is that sufficient resources are allocated to develop and implement the measures proposed and this will be the responsibility of the Travel Plan coordinator.
- 7.109 The sustainable transport opportunities and measures identified in TP comprise:
- Providing information about the local transport network, particularly sustainable travel options, to all prospective renters;
  - Providing each household, on first occupation, with a Welcome Pack detailing sustainable travel options upon first occupation;
  - Providing 397 cycle parking spaces;
  - The Travel Plan Coordinator will seek to negotiate discounts at local cycle shops for residents;

- Provision of up to 3 Car Club cars. One Car Club vehicle to be provided from the outset, with up to two additional vehicles provided as demand increases;
- Encouraging residents to car share; and
- Providing a minimum of 20% of the parking spaces provided with a fast charge socket for electric vehicle charging, with a further 20% of spaces provided with power supply and a feeder pillar permitting future connection.

7.110 In reviewing the opportunities and measures of the TP, the LPA considers that:

- the provision of information at the initial stage, whilst welcome, offers little tangible benefit to securing the use of alternative modes of transport.
- The Welcome Pack is a simplistic measure, out of touch with modern communication advancements and only offers third party information. Whilst it offers the potential for the consideration of alternative modes of transport, it does little else.
- The provision of cycle parking is a requirement of the Council's SPD: Parking Standards and the proposal would only provide the minimum. Whilst it is acknowledged that the applicant is seeking to provide supporting facilities to encourage cycle use, there is no justification that this measure would provide any additional support for the aims and objectives of the TP or anything beyond basic requirements.
- There are three local bike shops, two national outlets and one independent, seeking to negotiate discounts is not a guarantee and offers nothing tangible to support the aims and objectives of the TP. Without monitoring and alternative options this would achieve nothing tangible.
- The provision of a club car scheme would provide some mitigation in respect of the reduction of parking levels and would offer an additional alternative to car ownership for some residents. There is evidence that providing access to a car club at an early stage has the potential to change people's attitudes to car ownership and alternative modal choices.
- Encouraging those residents who do own cars and have paid for space within the development to carshare is entirely reliant on third parties and there is no justification that this measure would provide any additional support for the aims and objectives of the TP or any tangible benefit to sustainable travel choices.
- The provision of EV charging is expected in all residential developments in the Borough and the proposal would only provide the minimum. Given the reduce parking levels, the provision of EV charging points offers little tangible benefit to sustainable travel options beyond that expected from new developments.

7.111 Following the LPA review of the TP content, the applicant submitted a Technical Note stating:

*'By providing space for up to two Car Club vehicles, there is therefore potential for a significant modal shift among residents, as well as a reduction*

*in private car ownership. This benefit will also be available to residents in surrounding areas contributing to a wider shift to more sustainable patterns of travel and encouraging a continuation of the evidenced trend for reduced car ownership in Staines.'*

- 7.112 Notwithstanding that the TA refers to three Club Car vehicles, given the level of reduced parking proposed, the potential for a significant modal shift and the benefit to the wider community, it is recommended that the 3 club cars should be provide at the outset of this development.
- 7.113 The Technical Note also committed to additional measures to further encourage sustainable patterns of travel in the form of offering membership of the Easit Sustainable Travel Scheme to residents for an initial one year period. The easit NETWORK was set up to make commuting easier, greener and healthier. It is a small social enterprise with the aim of encouraging commuters to use sustainable ways to get to work - reducing congestion and pollution and making life better for all!
- 7.114 However, the Easit Sustainable Travel Scheme is a workplace travel scheme and currently unavailable in this area and whilst the applicant may be liaising with Easit, cannot commit to the scheme for this development.
- 7.115 If the Travel Plan provides no targets and is not monitored, it would offer no evidence towards whether the reduction of parking levels is mitigated through alternate modes of transport nor any assessment to the value of proposed measures. Given the limited value of the Travel Plan measures proposed and the need to ensure that the reduced parking level does not create parking stress within the vicinity of the site a travel Plan condition is recommended.

#### Impact on Residential Amenity

- 7.116 Policy EN1 (b) requires that new development '*achieves a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight, or overbearing effect due to bulk, proximity or outlook*'.
- 7.117 The nearest residential properties would be in Swallow Close to the north, approximately 19m from Block A and, in Kingfisher Drive approximately 23.5m away from Block B. The south east corner of the Block A comprising three bed, dual aspect units would be approximately 13m at its closest point from the Charter Square development and 15m where the main south façade of residential units would front it. The southern end of Block B would be approximately 24m from the Charter Square development.
- 7.118 These distances are comparable to those approved under the Outline application (17/01365/OUT). The Council's SPD 'Design of Residential Extensions and New Residential Development' does not address the relationship of buildings of this multi-residential type or height. It provides for back-to-back distances of 21m to avoid overlooking and loss of privacy and 13.5m for back to side, although these are increased for 3 storey development.

- 7.119 The residential properties in Swallow Close comprise 3 floor flatted units with the flank elevation, with no windows, facing the front elevations of the units in Block A, separated by an existing tree belt. Set in an open grassed area, the proposed development would not have a materially adverse impact on the residential amenity of these properties.
- 7.120 The properties in Kingfisher Drive are the same style, but the rear elevation of these units would be facing the front elevation of the units in Block B. Whilst Block B would be 6 storeys, the distance between the buildings is comparable to the existing layout in Kingfisher Drive and it is not considered that any materially adverse impact would result to the residential amenity these properties might reasonably expect to enjoy.
- 7.121 Block A would be closer, than the Outline proposal, to the Charter Square development for much of its façade, however this is considered appropriate given the orientation of Block A to the north of the Character Square development and the character and appearance of these developments.
- 7.122 Within the urban area and in respect of higher density development the proximity of development must be more flexible to optimise development in accordance with Government aims. In terms of the relationship with the Charter Square development, this is considered to be acceptable and appropriate for high density development.
- 7.123 Given the orientation of buildings facing Block A, along with the existing tree belt and the distance between buildings in relation to Block B, together with the type of development at this point in Moormead and the relative heights of the buildings, the impact on the surrounding development in Moormede is considered to be acceptable.
- 7.124 The relationship of Block with the Charter Square development is considered to be acceptable for high density residential development.

#### Daylight and Sunlight Assessment

- 7.125 The Building Research Establishment (BRE) good practice guide 'Site Layout Planning for Daylight and Sunlight' states that for large residential developments: *'The aim should be to minimise the number of dwellings whose living rooms face solely north, northwest or north east.'* It also states: *'Sunlight in the spaces between buildings has an important impact on the overall appearance and ambiance of a development.'*
- 7.126 The NPPF states that Local Planning Authorities should refuse applications which they considered fail to make efficient use of land, taking into account policies in the framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies and guidance relating to daylight and sunlight, where they would otherwise inhibit making effective use of a site (as long as the resulting scheme would provide acceptable living standards).

- 7.127 The applicant submitted a daylight and sunlight assessment concludes that the development demonstrates good compliance with the recommendations contained within the BRE Guidance for Daylight and Sunlight assessment, and where transgressions are present, they are generally acceptable and appropriate with the local urban environment pertinent to the context of the site.
- 7.128 The properties in Swallow Close in close proximity to the proposed development all experience fully BRE compliant alterations of daylight. The closest building in Kingfisher Drive would have a minority of windows which do not meet the default BRE guidelines with noticeable reductions, however these rooms experience high levels of retained daylight.
- 7.129 The Charter Square development was considered to performed well versus the mirror analysis, with a clear majority of rooms experiencing better daylight levels than the mirror baseline. Of those that fell below the recommendation, approximately half demonstrated that they retained daylight levels above the baseline figure.
- 7.130 The layout and massing of the proposal is similar to that approved under the Outline application and notwithstanding the constraints created by the proposed development, it is a high density proposal close to the town centre and it is considered that, on balance, the benefits of the proposal in this particular location outweigh the restricted daylight and sunlight

#### Amenity Space

- 7.131 The Council's SPD, Design of Residential Extension and New Residential Development (2011) provides general guidance on minimum garden sizes (Paragraph 4.20). In the case of flats it requires 35 square metres per unit for the first 5 units, 10 square metres for the next 5 units, and 5 square metres per unit thereafter. On this basis 2,160 square metres would be required for the 397 flats.
- 7.132 The proposal includes a variety of private open spaces for the residents of the building which comprises;
- A balcony or terrace to the majority of units (93% have a balcony or terrace and 7% having a Juliette balcony). The average size of the balconies being 5sqm.
  - Three resident's roof terraces equating to 121sqm.
  - A central courtyard to Building A which would be 570sqm.
- 7.133 The layout also shows 130 square metres in the nature retreat to the west of the site, not including circulation space from the cycle store and barrier planting adjacent to the residential units. The development also includes a range of private gardens, terraces and balconies. In the case of higher density town centre residential development paragraphs 4.46 – 4.47 of the SPD states:

*“Such schemes will usually involve high density flatted development... The opportunities for on-site open space provision will be limited, particularly*

*where ground floor non-residential uses and access/delivery areas occupy most of the site area. Family accommodation is therefore unlikely to be appropriate. Some amenity space can be provided in the form of large balconies as well as at roof level, subject to design and safety considerations.”*

- 7.134 The application indicates that it would provide approximately 700 square metres of landscaped public space between the two buildings, however this includes the existing public right-of-way. The amount of private open space provided within the development comprises a total of approximately 2,371 sqm of individual external private space, 821 sqm of communal external private space and 560 sqm of communal internal private space, which exceeds the policy requirement of 2,160 sq m

### Open Space

- 7.135 Policy CO3 of the CS&P DPD requires new housing developments of 30 or more family dwellings, to provide a minimum of 0.1 hectares of open space for a children’s play area, with the size increasing proportionally according to the size of the development.
- 7.136 The guidance on Policy CO3, indicates that for the purposes of this policy, family housing is considered to be any housing with two or more bedrooms, although this excludes accommodation specifically designed for older people.
- 7.137 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 208 dwellings acknowledged as family sized units and accordingly, Policy CO3 would require 0.69 hectares open space to provide a children’s play area on the site.
- 7.138 The proposed development is located on a relatively small urban site and a publicly accessible children’s playground is being provided in Mill Mead to complement that provided by the Charter Square development. However, in accordance with Policy CO3, an off-site contribution to improve play space provision in the Moormede Park is considered to be appropriate. The Group Head of Neighbourhood Services has requested a sum of £85,000 which would allow for improvements and the provision of inclusive play equipment and it is considered that the requirements of Policy CO3 have therefore been addressed.

### Waste and recycling

- 7.139 The applicant submitted a waste and recycling strategy with the initial submission with bin stores for Block A within the basement and at grade on the rear of the entrance, adjacent to the railway embankment for Block B. The Group Head of Neighbourhood Services raised concern regarding the operational aspects of the strategy during collections and sought further clarifications.

- 7.140 The applicant's revised proposal indicates that 44 x 1100 litre general waste or recycle bins would be presented on street on the relevant bin collection day on the area north of the Link Road adjacent to Block A with the bins being moved by the on-site operational staff who would manage the scheme as a Build to Rent development.
- 7.141 The applicant states that the concerns in respect of the potential conflict between the refuse lorry and the entrance to Building B and pedestrian movement and the bins waiting to be collected has been addressed by moving the loading bay eastwards to move the bin lorry away from the entrance to Building B. The on-site team will put out a temporary hoarding on bin collection day to provide pedestrians with a safe 1200mm passage to the face of the building, which is then removed once the bin collection is collected. This will also allow safe movement of the bins by the Master Mover electric tugs which can move up to 4 bins at a time. The attached plans show details of the storage locations, hoarding and space for pedestrians to move. The strategy is reliant on the on-site management of the bins during collection to ensure that the initial bins are emptied and returned to storage allowing others to be brought to the collection point.
- 7.142 The Group Head of Neighbourhood Services is satisfied with the revisions to the waste and recycling layout and has raised no objections.

#### Air Quality

- 7.143 The applicant's Air Quality Assessment recognises that the development may lead to the exposure of future occupants to elevated pollution levels, as well as adverse air quality effects at sensitive locations. Therefore, the Air Quality Assessment was undertaken to determine baseline conditions, consider site suitability for the proposed end-use and assess potential impacts as a result of the scheme.
- 7.144 Potential construction phase air quality impacts from fugitive dust emissions were assessed - resulting from demolition, earthworks, construction and trackout activities. The Assessment considered that the use of good practice control measures would provide suitable mitigation and would reduce potential impacts to an acceptable level. A condition relating to a dust and construction management is recommended.
- 7.145 The Assessment also considered the potential impacts that might occur during the operational phase due to road traffic exhaust emissions associated with vehicles travelling to and from the site. Dispersion modelling was undertaken to predict pollutant concentrations at sensitive locations both with and without the development in place.
- 7.146 The dispersion modelling assessment indicated that predicted air quality impacts resulting from traffic generated by the development were not significant. It also demonstrated that predicted pollution levels were below the relevant air quality standards across the development.

- 7.147 Based on the assessment results, the applicant's air Quality Assessment concludes that air quality issues are not a constraint to planning consent for the proposals.
- 7.148 The construction phase would be similar to the Outline approval, generally working to the accepted parameters, and the operational phase would represent a reduction of available parking spaces and therefore vehicle movements from the site, notwithstanding any potential off-site movements. The overall impact of the proposal on air quality is therefore unlikely to be materially different from the Outline approval.
- 7.149 The Council's Environment Health team has recommended both conditions and informatives be attached.

### Arboricultural Issues

- 7.150 The applicant's Arboricultural Assessment indicates that there are no trees within the site, although there are trees along the northern and western boundaries which would represent above and below ground constraints in terms of canopies and root systems. Eleven individual trees were identified behind a 3m high brick wall beyond the northern boundary of the site, with the majority of these trees are covered by a tree preservation order. A single category A specimen was also identified in this location and represents the dominant arboricultural feature, easily distinguishable from all other trees along the northern boundary of the site and representing a high quality specimen that provides arboricultural value to the immediate area.
- 7.151 In the north western corner of the site is a group of three false acacias of an early mature age and in fair condition. A group of Leyland Cypress is located along the north eastern boundary of the site and form a screen between the site and the residential gardens to the north. A group of densely set specimens, including ash, sycamore, English elm, elder Sambucus nigra and hazel Corylus avellana are located on the railway embankment. Due to their proximity to each other, their crowns are interlocking, and branches crossed and rubbed, providing a good level of screening between the site and railway line.
- 7.152 The Arboricultural Assessment indicates that all of the surrounding trees are in good condition and can be retained and protected throughout the construction works. It further states that overall, from an arboricultural perspective, the proposal causes little conflict with the existing offsite tree cover, whilst adding to the areas canopy cover by providing new planting opportunities. However, it does recognise that pruning of adjacent trees will be required prior to construction and likely in the future to ensure adequate clearance.
- 7.153 The Council's Tree Officer has reviewed the Arboricultural Assessment and raises no objection.

### Ecology

- 7.154 The applicant has submitted a Preliminary Ecological Appraisal (PEA) with the objective of providing the baseline ecology of the application site and



immediate surrounding area. The PEA concludes that overall, the site has limited ecological value, and although further surveys are needed to clarify any bat roosting opportunities, the site is of very limited biodiversity value due to the types of habitat present and its isolation within an urbanised area. The PEA suggests that the site can be enhanced with the addition of planting regimes that will provide aesthetically pleasing flowering species, which will also provide opportunities for nectar feeding invertebrates. It also indicates that the provision of flowering and fruiting trees will provide foraging and refuge potential for bird species.

- 7.155 The LPA acknowledges that these measures would increase the biodiversity value of the site, which would be in line with national (NPPF) and local policies within the CS&P DPD and would represent an overall benefit to the site.
- 7.156 The Surrey Wildlife Trust was consulted but has not responded, however it raised no objection to the outline application on ecological grounds.
- 7.157 A condition has been recommended to secure biodiversity enhancements prior to occupation of the development and an informative has been recommended in connection with the potential for birds and bats at the site.

#### Archaeology

- 7.158 An Archaeological Assessment was submitted by the applicant which identified high potential for archaeology dating to the Neolithic and Bronze periods on the site, which would be of regional significance. Although the proposed development would have an adverse impact on any surviving archaeological deposits, there is no evidence of archaeological remains of national significance.
- 7.159 The County Archaeologist was consulted but has not responded to this application. However, the submitted Archaeological Assessment comes to the same conclusion as that submitted with the outline application. The LPA has therefore recommended that the same condition is attached to ensure that further evaluation is undertaken, prior to construction, which would enable informed decisions on the likely archaeological implications of the proposed development and allow suitable mitigation measures to be developed.

#### Drainage Strategy

- 7.160 The applicant's Flood Risk Assessment incorporates a drainage strategy that indicates that surface water could be attenuated using on site storage. Foul water would be discharged to the existing Thames Water sewer located in Mill Mead and Thames Water has raised no objection to the proposal.
- 7.161 The Lead Local Flood Authority has reviewed the surface water drainage strategy for the proposed development and is satisfied that it meets their requirements, subject to conditions to ensure the sustainable urban drainage system is properly implemented and maintained.

## Flooding

- 7.162 Policy LO1 of the CS&P DPD seeks to reduce flood risk and its adverse effects on people and property. The NPPF states that Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 7.163 The site is located in flood zone 2 which represents land having between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% - 0.1%).
- 7.164 The applicant's Flood Risk Assessment (FRA) has confirmed that the site is associated with a fluvial risk from the River Thames and also identified risks from groundwater flooding within the superficial deposits below the site and a residual risk from reservoir failure.
- 7.165 All other sources of flooding were concluded to be 'low'. The FRA proposes that residential finished floor levels (FFLs) are raised to a minimum of 15.95m AOD, which provides 300mm freeboard on the 1 in 100 year plus 70% climate change event. It is also recommended that floor levels are raised a minimum of 150mm above surrounding adjacent ground levels to address any residual risks of surface water flooding in an event of exceedance of the drainage system capacity.
- 7.166 The FRA further proposes that the basement be tanked, with a raised threshold at a minimum crest level of 15.90m AOD which is 300mm freeboard above the 1 in 100 year + 35% event. The FRA assessed other flood risks as low and concluded the overall flood risk to be low on this site.
- 7.167 The Environment Agency has not responded to the consultation for this application, but on the previous outline application raised no objection subject to conditions relating to site investigation, remediation and verification. These conditions have also been recommended in respect of this application.

## Renewable Energy

- 7.168 Policy CC1 of the CS&P DPD states that the Council will require residential development to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources. The NPPF states that the planning system should support the transition to a low carbon future in a changing climate.
- 7.169 The applicant has submitted an Energy Statement, which considers various aspects of sustainable construction for the site. The statement concludes that the proposed development would provide heat pumps to 35 of the 3-bed apartments and the 6 townhouses, facing Mill Mead, in Block A and 10 of the 3-bed apartments in Block B. The proposal would also incorporate 250m<sup>2</sup> of photovoltaic cells on the roof of Block A, together with 60m<sup>2</sup> on the 6 townhouses, and 200m<sup>2</sup> of PV on Block B.
- 7.170 The Council's Sustainability Officer has been consulted and raises no objection subject to a condition to secure on-site renewables.

## Noise

- 7.171 Policy EN11 of the CS&P DPD seeks to minimise the adverse impact of noise on residential and other noise sensitive development.
- 7.172 The applicant submitted a Noise and Vibration Impact Report which concluded that based on the submitted development layout and the measured noise and vibration levels the site is suitable for residential development. It also noted that subject to identified mitigation measures, appropriate internal noise levels can be achieved within habitable rooms.
- 7.173 The report also identified that the results of the vibration assessment indicated that both tactile and re-radiated noise due to ground borne vibration would fall below the suggested criteria.
- 7.174 The Council's Environment Health team has recommended conditions be attached.

## Contaminated Land

- 7.175 The applicant has reviewed the Phase 1 & 2 Contamination Assessments provided in connection with the outline approval (17/01365/OUT) that considered the level of contamination of the existing ground conditions and proposed remediation measures.
- 7.176 The review has assessed the likely risks in relation to the development, including the risk to future residents, which has been assessed as moderate to low. It acknowledges that whilst there is the potential for contamination to be present, the proposed basement will result in the removal of a large portion of the shallow, and potentially impacted, soils reducing the risk via 'source removal'. This will also reduce the risk to the incoming water supply.
- 7.177 It also assessed the risk to offsite properties as low-moderate recognising that there is potential for contamination to be present at the site and this could be spread via dust containing asbestos and/or odour nuisance during earthworks. However, it also notes that such risks can be mitigated with good construction site working practices.
- 7.178 The Council's Pollution Control Officer has raised no objection, but has recommended a condition be imposed to secure further investigation and ground gas monitoring, together with the provision of a formal Remediation Strategy.

## Equality Act 2010

- 7.179 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 for:
- (a) The elimination of discrimination, harassment and victimisation

- (b) The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
- (c) The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups

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.

- 7.180 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, 13 of the 192 car parking spaces have been designed to disabled standards. 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

- 7.181 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.182 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.
- 7.183 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.
- 7.184 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.
- 7.185 In terms of the built form, it is not considered that the proposal would result in a significant loss of outlook, loss of light/overshadowing, be overbearing or cause loss of privacy to neighbouring residential properties or cause noise or light nuisance issues that would justify refusal of the proposal. In addition, it is also considered that the proposal would have an acceptable impact on

uses and their users. It is acknowledged however, that the demolition of the existing commercial units and the construction of the new building, would have an impact on nearby properties and uses. The adjoining residential properties and the occupiers of the Telephone Exchange building, will be most affected by the demolition of the existing building. A Construction Environmental Management Plan (CEMP) is recommended by condition to ensure issues such as noise and dust are mitigated against to reduce the impacts. It is also noted that this will be for a limited period but would disrupt the pedestrian access from the Moormede estate,

### Financial Considerations

- 7.186 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.
- 7.187 In consideration of S155 of the Housing and Planning Act 2016, the proposal is a CIL chargeable development and will generate a CIL Payment. 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.

## **8. Recommendation**

- (A) To GRANT outline planning permission subject to the applicant first entering into an appropriate legal agreement in respect of the following:
1. To provide at least 40 affordable rented housing units on site to current Homes and Communities Agency Scheme Development Standards, the details of which shall be agreed with the Council's Planning Development Manager.
    - Prior to implementation the applicant 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 across Block A and Block B in accordance with a scheme submitted to approved by the Local Planning Authority.
    - 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
    - In the event that the site is to be sold off for private sales, a viability review will be required to be submitted and

agreed by the local planning authority and assessed in accordance with current policies.

2. To provide a Travel Plan to include, but not restricted to, the following:
  - A financial contribution of £6,150 towards the cost of auditing the Travel Plan
  - Provision of three club car vehicles, with all costs associated with the provision of the vehicles including provision of parking space being met by the developer
  - Provision of 25 miles of free travel, or equivalent financial credit, for residential users of the proposed development using the car club vehicles.
  - Provision of two years free membership of the car club for the first occupants of each of the proposed residential units
  - Provision of one £50 sustainable travel voucher per household (equates to £19,850) for the 397 proposed residential units, to be spent on either public transport tickets or towards a bicycle. If part or all of the £19,850 is not spent within the first year then the remaining value should be used for other sustainable transport measures as agreed with the County Council.
3. A financial contribution of £48,347 towards the site specific highway improvements on the south side of London Road which would mitigate the reduced parking levels and encourage modal alternatives to the private car.
4. A financial contribution of £85,000 towards the cost of upgrading the existing children's play area at Moormede Park, incorporating inclusive play equipment.
5. A financial contribution of £27,500 to be used to upgrade the signals at the A308 London Road / Mustard Mill road junction to improve the additional traffic movements created by the development.
6. The stopping up of Mill Mead to vehicular traffic within the site boundaries and the repaving and/or resurfacing of Mille Mead in accordance with details to be agreed by the Council, including the funding of the road closure order for vehicular traffic.
7. To pay the Council's reasonable costs for the preparation of the appropriate legal agreement.

### **In the event that the Section 106 Agreement is not completed**

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

- 1 The development fails to provide a satisfactory provision of affordable housing to meet the Borough's housing needs, contrary to Policy HO3 of the Core Strategy and Policies DPD 2009 and the principles set out in the National Planning Policy Framework.
- 2 The development fails to provide adequate measures to mitigate the level of reduced parking provision proposed and increased traffic movements on the A308 London Road, contrary to Policies SP7, CC2 and CC3 of the Core Strategy and Policies DPD 2009 and the principles set out in the National Planning Policy Framework.
- 3 The development fails to provide a satisfactory means of access to the development, contrary to the submitted application details, and will create an unnecessary highway danger to vehicles and pedestrians using the surrounding highway network. The proposal is thereby contrary to policy EN1 of the Core Strategy and Policies DPD 2009 and the principles of the National Planning Policy Framework.
- 4 The proposal fails to secure the upgrade to the existing children's play area at Moormede Park and is therefore be contrary to Policy CO3 of the Core Strategy and Policies DPD 2009 and Section 12 of the NPPF 2019.

(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 two 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: L(-)000 P6, L(-)001 P3, L(-)002 P3, L(-)003 P3, L(-)004 P3, L(-)005 P3, L(-)006 P3, L(-)007 P3, L(-)008 P3, L(-)009 P3, L(-)010 P3, L(-)011 P3, L(-)200 P1, L(-)201 P1, L(-)202 P1, L(-)203 P1, L(-)204 P1, L(-)205 P1, L(-)252 P2, L(-)223 P2, L(-)300 P1, L(-)301 P1, L(-)302 P1, L(-)303 P1, L(-)800 P3, L(-)902 P2

Reason:-.For the avoidance of doubt and to ensure the development is completed as approved.

3. Notwithstanding any demolition or site preparation works, the development hereby permitted shall not be commenced until a s278 and s38 Agreements have been entered into with the County Highway Authority to secure:
  - o a lay-by on the north side of the Link Road for the purposes of loading and unloading;
  - o three parking spaces for the use of car club vehicles, in association with the development, on the north side of the Link Road; and

- o the adoption of all necessary land to allow the highway to operate in a safe and efficient manner.

These elements shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason:-.In the interests of highway safety and the free flow of traffic on the High Street and London Road and the provision of suitable serving for the development and mitigation for the reduced on-site parking levels.

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

Reason:-.The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. N.B. The applicant is advised to contact: Thames Water Development Services on 0800 009 3921 to discuss the details of the piling method statement.

5. No development shall commence until a programme for the suppression of dust during the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction unless any variation has been approved in writing by the Local Planning Authority.

Reason:-.Details are required prior to commencement because insufficient information has been submitted with the application in this regard, in the interests of residential amenity and in accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

6. No demolition or site clearance shall take place until a demolition method statement (DMS) detailing the proposed methodology for demolishing the existing structures, and the mitigation measures, including dust suppression, to be implemented has been submitted to and approved in writing by the Local Planning Authority. The DMS shall include submission of a Pre-Demolition Asbestos Survey and mitigation measures. The demolition and site clearance shall then proceed in accordance with the approved details.



Reason:-.To prevent pollution in accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

7. No development shall take place until:-
- (i) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.
  - (ii) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.
  - (iii) 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:-.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" proving guidance can also be downloaded from Spelthorne's website at [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk).

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

8. 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.

9. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason:-.To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the National Planning Policy Framework.

10. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation, submitted to, and approved in writing by, the Local Planning Authority.

Reason:-.To ensure the evaluation and appropriate remediation of potential archaeological assets in accordance with Policy BE25 of the Core Strategy and Policies Development Plan Documents and the National Planning Policy Framework.

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

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

12. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 5 l/s.
- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) ) from the development site will be managed before the drainage system is operational.

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

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

Reason:-.Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

14. No infiltration of surface water drainage into the ground at the Renshaw Industrial Estate, Staines-upon-Thames is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:-.To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework. To prevent the

deterioration of a water element to a lower status class within the Lower Thames Gravels groundwater body.

15. Prior to the commencement of construction above grade level, a scheme for the detailed design, including street furniture, for Mill Mead shall be submitted to and approved in writing by the Local Planning Authority. The installation of the street furniture shall be carried out in accordance with the approved details and timetable.

Reason:-.To ensure that a satisfactory level and quality of street furniture is provided on the site.

16. 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.

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

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

18. No construction, demolition, excavation or delivery traffic shall use Mill Mead, via the junction with A308 London Road, for access to or from the application site.

Reason:-.In the interests of highway safety and the free flow of traffic on the surrounding road network.

19. The scheme shall provide a minimum of 397 cycle parking spaces in the locations shown on the approved plans and these shall be available prior to first occupation. These spaces together with the means of access thereto shall be kept free of obstacles, maintained as approved and be reserved for the benefit of the occupiers of the residential development hereby permitted.

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

20. The development hereby approved shall not be first occupied unless and until the 192 parking spaces have been laid out within the basement in accordance with the approved plans. Thereafter the parking, access and turning areas shall be retained and maintained for their designated purposes and managed in accordance with the Transport Assessment dated December 2020.

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

21. The development hereby permitted shall not commence until details of the proposed finished floor levels and flood mitigation works for the proposed basement carpark have been submitted to and approved in writing by the planning authority. Those details shall include:

- a) The ground finished floor levels should be set to a minimum level of 15.95mAOD as recommended in the Flood Risk Assessment (Revision 6).
- b) The basement car parking entrance should be protected by a ramp, with a minimum crest level of 15.95mAOD. The basement design should include either a pumped discharge system or a suitable sump to ensure flood water can be removed

Reason:-.To ensure occupiers are protected from fluvial flood risk

22. 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.

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

24. 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.

25. Prior to the commencement of construction, notwithstanding demolition and site preparation, the applicant shall submit a scheme for the storage, collection and operation of waste and recycling for the development to the Local Planning Authority for approval in writing. The waste and recycling scheme shall be implemented prior to the first occupation of the development hereby approved and retained thereafter and operated thereafter, unless agreed in writing with the Local Planning Authority.

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

26. Prior to commencement of construction, notwithstanding demolition and site preparation, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These scheme shall include, as appropriate, proposed finished levels or contours, means of enclosure, pedestrian access and circulation areas, location and design of play areas, hard surfacing materials and minor artefacts and structure (eg furniture, refuse or other storage units, signs, lighting, external services, etc). Soft landscape details shall include planting plan, specification (including

cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, as well as any works to enhance wildlife habitats where appropriate. In addition, implementation timetables and maintenance programmes detailing all operations to be carried out to allow successful establishment of soft landscaping.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be agreed in writing by the Local Planning Authority.

The development hereby permitted shall be begun before the expiration of two 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: L(-)000 P6, L(-)001 P3, L(-)002 P3, L(-)003 P3, L(-)004 P3, L(-)005 P3, L(-)006 P3, L(-)007 P3, L(-)008 P3, L(-)009 P3, L(-)010 P3, L(-)011 P3, L(-)200 P1, L(-)201 P1, L(-)202 P1, L(-)203 P1, L(-)204 P1, L(-)205 P1, L(-)252 P2, L(-)223 P2, L(-)300 P1, L(-)301 P1, L(-)302 P1, L(-)303 P1, L(-)800 P3, L(-)902 P2.

Reason:- For the avoidance of doubt and to ensure the development is completed as approved.

3. Notwithstanding any demolition or site preparation works, the development hereby permitted shall not be commenced until a s278 and s38 Agreements have been entered into with the County Highway Authority to secure:
  - o a lay-by on the north side of the Link Road for the purposes of loading and unloading;
  - o three parking spaces for the use of car club vehicles, in association with the development, on the north side of the Link Road; and
  - o the adoption of all necessary land to allow the highway to operate in a safe and efficient manner.

These elements shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason:- In the interests of highway safety and the free flow of traffic on the High Street and London Road and the provision of suitable

serving for the development and mitigation for the reduced on-site parking levels.

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

Reason:-.The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.  
N.B. The applicant is advised to contact: Thames Water Development Services on 0800 009 3921 to discuss the details of the piling method statement.

5. No development shall commence until a programme for the suppression of dust during the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction unless any variation has been approved in writing by the Local Planning Authority.

Reason:-.Details are required prior to commencement because insufficient information has been submitted with the application in this regard, in the interests of residential amenity and in accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

6. No demolition or site clearance shall take place until a demolition method statement (DMS) detailing the proposed methodology for demolishing the existing structures, and the mitigation measures, including dust suppression, to be implemented has been submitted to and approved in writing by the Local Planning Authority. The DMS shall include submission of a Pre-Demolition Asbestos Survey and mitigation measures. The demolition and site clearance shall then proceed in accordance with the approved details.

Reason:-.To prevent pollution in accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

7. No development shall take place until:-
  - (i) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been



submitted to and approved in writing by the Local Planning Authority.

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

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

- 8. 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.

- 9. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be

implemented prior to the occupation of any part of the permitted development.

Reason:-.To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the National Planning Policy Framework.

10. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation, submitted to, and approved in writing by, the Local Planning Authority.

Reason:-.To ensure the evaluation and appropriate remediation of potential archaeological assets in accordance with Policy BE25 of the Core Strategy and Policies Development Plan Documents and the National Planning Policy Framework.

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

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

12. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
  - a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 5 l/s.
  - b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage

elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

- c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) ) from the development site will be managed before the drainage system is operational.

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

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

Reason:-.Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

14. No infiltration of surface water drainage into the ground at the Renshaw Industrial Estate, Staines-upon-Thames is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:-.To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework. To prevent the deterioration of a water element to a lower status class within the Lower Thames Gravels groundwater body.

15. Prior to the commencement of construction above grade level, a scheme for the detailed design, including street furniture, for Mill Mead shall be submitted to and approved in writing by the Local Planning Authority. The installation of the street furniture shall be carried out in accordance with the approved details and timetable.

Reason:-.To ensure that a satisfactory level and quality of street furniture is provided on the site.

16. 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.

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

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

18. No construction, demolition, excavation or delivery traffic shall use Mill Mead, via the junction with A308 London Road, for access to or from the application site.

Reason:-.In the interests of highway safety and the free flow of traffic on the surrounding road network.

19. The scheme shall provide a minimum of 397 cycle parking spaces in the locations shown on the approved plans and these shall be available prior to first occupation. These spaces together with the means of access thereto shall be kept free of obstacles, maintained as approved and be reserved for the benefit of the occupiers of the residential development hereby permitted.

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

20. The development hereby approved shall not be first occupied unless and until the 192 parking spaces have been laid out within the basement in accordance with the approved plans. Thereafter the parking, access and turning areas shall be retained and maintained for their designated purposes and managed in accordance with the Transport Assessment dated December 2020.

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

21. The development hereby permitted shall not commence until details of the proposed finished floor levels and flood mitigation works for the proposed basement carpark have been submitted to and approved in writing by the planning authority. Those details shall include:

- a) The ground finished floor levels should be set to a minimum level of 15.95mAOD as recommended in the Flood Risk Assessment (Revision 6).
- b) The basement car parking entrance should be protected by a ramp, with a minimum crest level of 15.95mAOD. The basement design should include either a pumped discharge system or a suitable sump to ensure flood water can be removed

Reason:-.To ensure occupiers are protected from fluvial flood risk

22. 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.

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

24. 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.

25. Prior to the commencement of construction, notwithstanding demolition and site preparation, the applicant shall submit a scheme for the storage, collection and operation of waste and recycling for the development to the Local Planning Authority for approval in writing. The waste and recycling scheme shall be implemented prior to the first occupation of the development hereby approved and retained thereafter and operated thereafter, unless agreed in writing with the Local Planning Authority.

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

26. Prior to commencement of construction, notwithstanding demolition and site preparation, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These scheme shall include, as appropriate, proposed finished levels or contours, means of enclosure, pedestrian access and circulation areas, location and design of play areas, hard surfacing materials and minor artefacts and structure (eg furniture, refuse or other storage units, signs, lighting, external services, etc). Soft landscape details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, as well as any works to enhance wildlife habitats where appropriate. In addition, implementation timetables and maintenance programmes detailing all operations to be carried out to allow successful establishment of soft landscaping.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be agreed in writing by the Local Planning Authority.

## INFORMATIVES TO APPLICANT

- 1 Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)
- 2 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>).
- 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](http://www.ccscheme.org.uk/index.php/site-registration)).

- 8 The applicant should be mindful to follow best practice when selecting gas-fired boilers. A minimum standard of less than 40mgNO<sub>x</sub>/kWh should be met. All gas fired CHP plant should meet a minimum emissions standard of 250mgNO<sub>x</sub>/kWh for spark ignition engine.
- 9 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.

**Appendices:**