

# Planning Committee

21 July 2021



<b>Application No.</b>	20/01112/FUL
<b>Site Address</b>	Phase 1C Charter Square, High Street, Staines-upon-Thames, TW18 4BY
<b>Applicant</b>	London Square Developments Ltd
<b>Proposal</b>	Redevelopment of the site to provide 64 new residential units (Use Class C3) with flexible commercial business and service floor space (Use Class E) and drinking establishment (Sui Generis) at ground floor, rooftop amenity space, associated highway works, and other ancillary and enabling works.
<b>Case Officer</b>	Matthew Churchill
<b>Ward</b>	Staines
<b>Called-in</b>	N/A

<b>Application Dates</b>	Valid: 18.09.2020	Expiry:18.12.2020	Target: Extension of time agreed.
<b>Executive Summary</b>	<p>This planning application seeks the construction of what is referred to by the applicant as Phase 1C of the Charter Square development in Staines-upon-Thames and proposes 64 residential units and 216m<sup>2</sup> flexible floor space on the ground floor, to be used as either commercial, business and service floorspace (Use Class E) or drinking establishment floor space (Sui Generis).</p> <p>The application originally proposed 66 units, However, following negotiations with the Local Planning Authority (LPA) the applicant revised the layout of the affordable rented units, which reduced the total number of units to 64.</p> <p>The application proposes an 'L' shaped building that would comprise 6, 7 and 9 storey sections. The proposed building would adjoin the southern elevation of Phase 1B of the Charter Square development and would be situated on the northern side of Staines High Street. The scheme would also be situated to the west of Phase 1A which is in occupation by residents, to the south of Phase 1B and to the east of Mill Mead and the Iron Bridge.</p> <p>The new units would be constructed following the demolition of the existing two and three storey buildings at the site, two of which, nos.116 and no.118 Staines High Street, are Locally Listed. Whilst the Local Planning Authority encourages the retention of Locally Listed Buildings,</p>		

	<p>there is no statutory protection for Locally Listed Buildings in same the way that Grade I*, Grade I and Grade II Buildings are statutorily protected from demolition. The provision of 64 new residential dwellings would make a significant contribution to the 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. 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. Therefore, whilst the proposal would result in the loss of two Locally Listed Buildings, this considered to be outweighed by the benefits of the provision of 64 new residential units in this sustainable transport location.</p> <p>The application proposes 6 affordable housing units in an affordable rented tenure (12%), which would consist of 2 x 3 bedroom units and 4 x 2 bedroom units. The applicant has confirmed that the remaining 58 units will also be offered as affordable housing, although they would be offered in a shared ownership tenure. As such all of the units in the development would be affordable.</p> <p>The development would incorporate a landscaped roof terrace on the seventh floor and each of the units would be served by a balcony. The application also proposes a landscaped area at ground level.</p> <p>The proposal is considered to be commensurate with the design and scale of Phase 1A &amp; 1B of the Charter Square development, which have been constructed to the north and east of the site.</p> <p>With the exception of a disabled parking bay on the link road, the application does not propose any parking spaces that could be secured through planning obligations and the planning process. However, the application site is situated in in close proximity to and within a reasonable walking distance of Staines Railway Station and Staines Bus Station. Through the submission of parking surveys, an occupancy parking survey of the Phase 1A basement car park, together with the comments of the County Highway Authority, it is not considered that the parking shortfall would give rise to harm that would outweigh the benefits of the provision of 64 new units in this location.</p> <p>The applicant has also offered to provide 20 parking spaces to the occupants of Phase 1C in the basement of Phase 1A, although as this would have a material impact upon the Phase 1A planning permission, officers understand that this could not be secured through a planning obligation or agreement and should not be attributed weight in the determination of the current application.</p>
<p><b>Recommended Decision</b></p>	<p>Approve the application subject to a legal agreement and the 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
- TC1 – Staines Town Centre
- TC2 – Staines Town Centre Shopping Frontage
- EM1 – Employment Development
- CO2 – Provision of Infrastructure for New Development
- CO3 – Open Space for New Development
- SP6 – Maintaining and Improving the Environment
- EN1 – Design of New Development
- EN4 – Provision of Open Space and Sport and Recreation Facilities.
- EN11 – Development of Noise
- EN15 – Development on Land Affected by Contamination
- CC1 – Renewable Energy
- CC2 – Sustainable Travel.
- CC3 – Parking Provision
- Saved Policy BE25 – Archaeology, Ancient Monuments and Historic Landscapes

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

- SPD on Design or Residential Extensions and New Residential Development
- SPD on Parking Standards
- SPD on Flooding

1.3 The guidance set out in the National Planning Policy Framework (NPPF) is also relevant to the consideration of this proposal.

## 2. Relevant Planning History

2.1 The site and adjoining land comprising phases 1A and 1B have the following planning history:

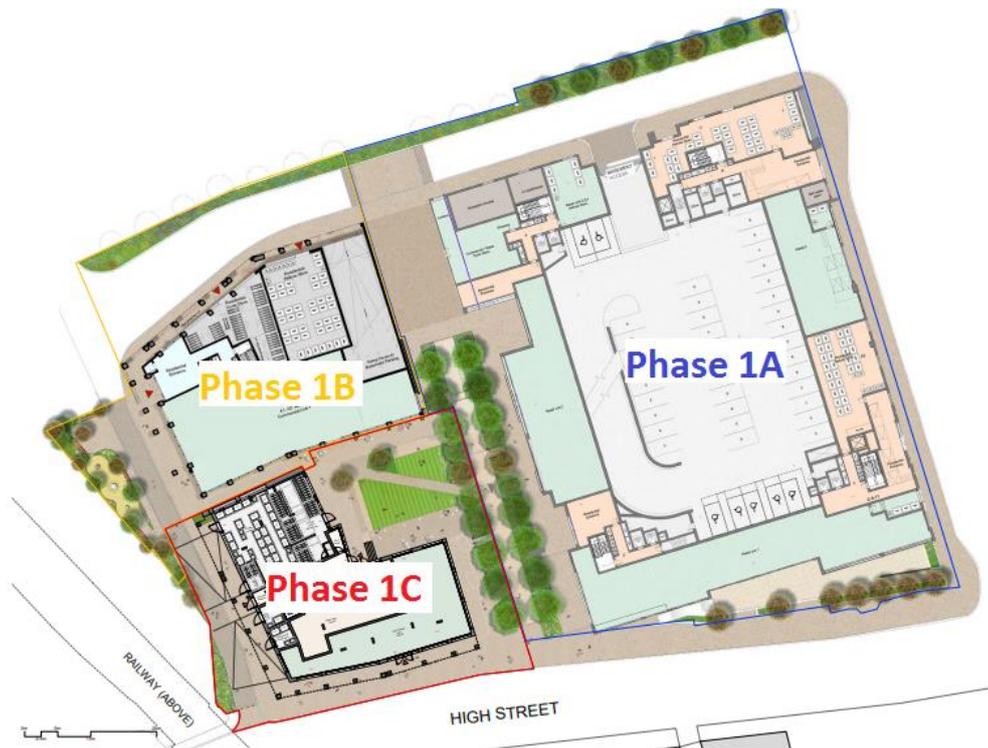
17/01923/FUL	Redevelopment of the site to provide 104 new residential units with flexible commercial floorspace (flexible A1, A2, A3 and B1 Class uses) at ground and first floor; the creation of pocket park and landscaped areas; with associated parking and highway works.	Granted 15.02.2019	Phase 1B
16/00179/RMA	Reserved Matters application (in respect of appearance, landscaping, layout and scale) pursuant to outline planning permission granted under 09/00566/OUT and as amended under 15/00738/RVC, 15/00739/RVC, 15/00753/RVC, 15/00754/RVC, 15/00755/RVC and 15/00756/RVC for the development of the site to provide up to 39,750sqm of floor space to comprise residential (Class C3), office (Class B1a), Class C1, Class D2, Class A1, Class A2, Class A3, Class A4 and Class A5 as well as the provision of a new link road and pedestrian routes, car and cycle parking, highways and transport facilities, public open space, landscaping and other associated works.	Grant Conditional 13.05.2016	Phase 1A
15/00738/RVC	Variation of condition 5 imposed on outline approval reference 09/00566/OUT allowed on appeal in 2011 for the redevelopment of the Majestic House site to alter the form and height of the approved building envelope (S73 Application).	Grant Conditional 13.07.2015	Phase 1A
15/00739/RVC	Variation of condition 6 imposed on outline approval reference 09/00566/OUT allowed on appeal in 2011 for the redevelopment of the Majestic House site to provide a greater amount of residential floor space up to 24,000 square metres (S73 Application).	Grant Conditional 13.07.2015	Phase 1A

15/00753/RVC	Variation of condition 14 imposed on outline approval reference 09/00566/OUT allowed on appeal in 2011 for the redevelopment of the Majestic House site to provide a new access from the link road for car parking rather than the approved access from Mill Mead. (S73 Application)	Grant Conditional 13.07.2015	Phase 1A
15/00754/RVC	Variation of condition 25 imposed on outline approval reference 09/00566/OUT allowed on appeal in 2011 for the redevelopment of the Majestic House site to provide retail and restaurant uses on the High Street frontage (S73 Application).	Grant Conditional 13.07.2015	Phase 1A
15/00755/RVC	Removal of condition 18 imposed on outline approval reference 09/00566/OUT allowed on appeal in 2011 for the redevelopment of the Majestic House site relating to visibility splays required in connection with the approved access from Mill Mead (S73 Application).	Grant Conditional 13.07.2015	Phase 1A
15/00756/RVC	Removal of condition 24 imposed on outline approval reference 09/00566/OUT allowed on appeal in 2011 for the redevelopment of the Majestic House site concerned with providing Public Art. (S73 Application).	Grant Conditional 13.07.2015	Phase 1A
09/00566/OUT	Outline planning application with all matters reserved except for means of access to the development comprising, or to provide up to, 39,750 sq. m gross external area of built floorspace (in total) for: Class B1(a); Class C1; Class C3; Class D2; Class A1, A2, A3, A4, A5. Such development to include: Highways and public transport facilities; Pedestrian, cyclist and vehicular ways; vehicle parking; laying out open space; landscaping; ground works; drainage works; provision and/or upgrade of services and	Allowed on appeal February 2011	Phase 1A

	related media and apparatus; miscellaneous ancillary and associated engineering and other operations.		
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### 3. Description of Current Proposal

- 3.1 The application is seeking the construction of 64 residential units and flexible commercial floor space and is referred to by the applicant as Phase 1C of the Charter Square development in Staines-upon-Thames. The site is situated to the south of Phase 1B and to the west of Phase 1A as illustrated in the plan below. The proposed development would be located on the northern side of Staines High Street and would be set on a plot of approximately 0.172 hectares. The application site is wholly situated in the 1 in 1000-year flood event area (Flood Zone 2). It is relevant to note that a cabinet meeting on 20 June 2018, the Council agreed the principle of its willingness to use compulsory purchase powers over no.'s 116, 118 and 120 Staines High Street, subject to amongst other things, approval by Planning Committee of comprehensive development of this site and no.'s 116, 118 and 120 Staines High Street.



- 3.2 The site is currently occupied by no.'s 116-120 Staines High Street, which comprise 2-3 storey buildings, two of which, no.116 and no.118, are Locally Listed. Whilst the Local Listing does afford both buildings an additional level of planning protection, it should be noted that a Local Listing is not a statutory listing and does not hold the same weight as a Grade I\*, Grade I or Grade II Listing. There is also no statutory protection against demolition of Locally Listed Buildings.

- 3.3 The site also encompasses a section of Mill Mead to the west, which will be pedestrianised as part of the wider Charter Square development. To enable this, a new link Road has been constructed to the north of Phase 1A & 1B, which provides access to the Renshaw Industrial Estate from Fairfield Avenue. At the time of the site visit, the link road was operational and in use.
- 3.4 The site is bounded by Staines High Street to the south and by the railway line to the west that runs over the Iron Bridge, which is also a Locally Listed Building. As noted above, the northern and eastern site boundary's adjoin Phase 1A and 1B of the Charter Square development. Phase 1A is currently occupied by residents and Phase 1B is nearing completion.
- 3.5 The Renshaw Industrial Estate is located to the north of Phase 1B and is also currently subject to a planning application relating to the construction of 397 residential units (21/00010/FUL).
- 3.6 The buildings situated opposite the site on the southern side of Staines High Street are generally set over 1 to 3 storeys and contain commercial units on the ground floor.
- 3.7 To the east and north of the application site, development in buildings ranging up to 13 storeys in height have recently been built in Phase 1A and 1B. Further to the east at 15-71 London Road, buildings up to 14 storeys are under construction. It is also relevant to note that in 2018, outline planning permission was granted at the Renshaw site for 275 residential units (17/01365/OUT), although to date a reserved matters application has not been received and this outline permission expires on 27 July 2021.
- 3.8 The current application proposes the construction of 64 residential units, in a 'L shaped' building that would comprise 6, 7 and 9 storey sections, and would adjoin the existing 6 storey element of Phase 1B. The unit mix would consist of 10 x studio apartments, 27 x 1-bedroom units, 25 x 2-bedroom units and 2 x 3 bedroom apartments. The ground floor would contain a commercial unit of some 216m<sup>2</sup>, which would have flexible use within either the commercial, business or service use class (Class E) or the drinking establishment use class (Sui Generis). The ground floor would also contain 84 cycle spaces as well as the waste and refuse store. The building would have two residential entrances, which would be located in the eastern and western elevations. It would also incorporate materials that are similar to the remainder of the Charter Square development, although brick detailing would give Phase 1C its own identity.
- 3.9 A shared amenity area would be available to residents on the 7<sup>th</sup> floor terraced garden, which would contain landscaping. Each of the units would also be served by an external balcony. The development would incorporate 7 (11.4%) wheelchair adaptable units. The scheme also proposes 6 affordable housing units (12%), which would be available in an affordable rented tenure. The applicant has also confirmed that the remaining 58 units would also be offered as affordable housing, although would be in a shared ownership tenure.

#### 4. Consultations

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

<b>Consultee</b>	<b>Comment</b>
<b>Affordable Housing Advisor</b>	The applicant should be willing to provide 8 affordable housing units in an affordable rented tenure.
<b>Highways England</b>	No objections.
<b>County Highway Authority</b>	No objections.
<b>County Archaeological Officer</b>	No objections.
<b>Crime Prevention Officer</b>	Recommends the applicant achieves a Secure by Design award.
<b>Environment Agency</b>	No objections.
<b>Environmental Health (Air Quality)</b>	Requests conditions
<b>Environmental Health (Contamination)</b>	Requests conditions
<b>Environmental Health (Noise)</b>	Requests conditions
<b>Heritage Advisor</b>	Raises concerns over the loss of two Locally Listed Buildings.
<b>Head of Neighbourhood Services</b>	Requests conditions.
<b>Thames Water</b>	Requests conditions
<b>Natural England</b>	No objections.
<b>Heathrow Safeguarding</b>	Recommends informatives.
<b>Surrey Wildlife Trust</b>	No objections.
<b>Sustainability Officer</b>	The Council's renewable energy requirements would be met.
<b>Network Rail</b>	No objections.
<b>SUDs</b>	Requests conditions.
<b>Tree Officer</b>	No objections.

#### 5. Public Consultation

##### Community Engagement

5.1 The NPPF seeks to encourage pre-application engagement and front loading and advises that "early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between

public and private resources and improved outcomes for the community". The Council's own Statement of Community Involvement states that the *Council will encourage applicants and developers to undertake pre-application consultation and discuss their proposals with their neighbours or the community before submitting their formal application.*

- 5.2 In addition to pre-application discussions which took place between the applicant and the Planning Officers, the applicant also undertook pre-application engagement with the public. The applicant also undertook public consultation, which included the distribution of a newsletter and survey, the launching of a website, online presentations and the display of information in the existing marketing suite.
- 5.3 The applicant has advised that the main areas of discussion with the local community and stakeholders included the principle of redeveloping the site, the height and massing of the buildings, and interest in the overall development of the site and the potential for a public square, the pedestrianisation of Mill Mead, the quantum of development in the town centre, the impact upon infrastructure, maintenance and upkeep of the public courtyard, and the application timescales.

#### **Planning application consulting the neighbours**

- 5.4 The proposed development was statutorily publicised by a planning site notice adjacent to the site and in the local newspaper. Neighbour notification letters were also posted to properties in close proximity to the site. A total of 7 letters of representation have been received, including one containing 20 signatories, one from the Staines Town Society, and one from SCAN which object to the proposal on the following grounds:
- Views from neighbouring properties will be blocked.
  - There will be noise and pollution during the construction process.
  - Concerns over the increase in density.
  - This area of the site was supposed to be a green area.
  - There will be pressure on local roads.
  - Neighbouring property prices will be devalued (Officer note: this is not a planning matter).
  - Pressure will be placed on the existing gym and concierge service.
  - Concerns over anti-social behaviour.
  - The scheme would impact mental health and emotional well-being.
  - Along with the Berkley development, this area will have a high density.
  - Road noise in the area is loud.
  - This would add to a development, which is oversized for Staines Town Centre.
  - Concerns of the level of amenity space and the absence of children's play equipment.
  - Trees will be lost at the rear of one of the existing buildings, which is to be demolished.
  - The flats will be just larger than the legally minimum requirements but should be provided with more green space.

- The occupiers of the affordable units should not be separated from the rest of the building.
- Outlook will be gloomy and there are concerns over the colours of the buildings.
- Parking for the disabled residents will be too far from the building and does not comply with the Equality Act.
- Concerns as the green area will be open 24/7 as other parks in the area close in the evenings.
- The proposal is not in keeping with phases 1A and 1B.
- The development would impact privacy.
- The proposal is inconsistent with Staines Town Centre and is too close to the train line.
- The existing building work creates noise problems for existing residents.
- Staines will become overcrowded as a result of the development.

## **6. Planning Issues**

- Principle of Development
- Need for Housing
- Housing Type, Size
- Affordable Housing
- Design, Height and Appearance
- Density
- Amenity Space for Residents
- Flooding
- Landscape
- Open Space
- Contaminated Land
- Impact on Existing Residential Dwellings
- Parking provision
- Transportation Issues
- Waste and Recycling
- Air Quality
- Archaeology
- Renewable Energy
- Biodiversity
- Equality Act
- Human Rights Act
- Local Finance Considerations
- Historic Environment

## 7. Planning Considerations

### Principle of Development

- 7.1 Policy HO1 of the CS & P DPD states that the Council will ensure that provision is made for housing by encouraging housing development on all sites suitable for that purpose taking into account other policy objectives. The policy further encourages that effect use is made of urban land for housing by applying policy HO5 on density and opposing proposals that would impede development of sites suitable for housing.
- 7.2 This is also reflected in the NPPF at paragraph 117, which emphasises the need for the effective use of land in meeting the need for homes, whilst safeguarding the environment, and provides further relevant context at paragraphs 122 in respect of achieving appropriate densities.
- 7.3 The application proposes the redevelopment of an urban site, which is located within a reasonable walking distance of public transport nodes including Staines Railway Station and Staines Bus Station. The development would also be situated in close proximity to various facilities and amenities that are supportive to residential accommodation in Staines High Street.
- 7.4 The development would comprise 64 residential units and would make a significant contribution to the Council's 5-year housing supply. The scheme would also include 216m<sup>2</sup> of commercial space on the ground floor.
- 7.5 The site is surrounded by higher density residential housing in Phase 1A and Phase 1B of the Charter Square development and the proposal would reflect the design and scale of both previous phases. The application site is not located in the Green Belt and the principle of optimising its potential is considered to be in accordance with national planning policy.
- 7.6 The principle of the redevelopment of a site in the urban area, close to public transport nodes and facilities supportive of residential development is therefore considered to be acceptable, subject to assessment against local and national planning policies and guidance, as well as any other material planning considerations, which are considered below.

### Moratorium

- 7.7 On 10 December 2020, The 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 in Staines Town Centre should be requested to defer their applications until the Staines Development Framework is adopted.

7.8 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.

7.9 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 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 developments is reviewed by the assets team.

7.10 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 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 applicants or a particular class of application and there is no basis for refusing to entertain this planning application.

#### Prematurity

7.11 The 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 decisions should be made "*as quickly as possible*".

7.12 Para.48 advises that LPAs may give relevant weight of policies in emerging plans according to:

*"a) the state of preparation of the emerging local 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 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 weight they may be given.)”*

7.13 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 limited circumstances where both:*

- a) The development is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining 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 adopted as part of the development plan for the area”.*

7.14 The NPPF advises that the *“refusal of permission on the grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination”*. If planning permission is refused on the 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”*.

7.15 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 has been properly submitted in accordance with the Council’s procedures and has been fully assessed, should be considered and determined solely on its planning merits. The question of prematurity is potentially relevant to that question.

7.16 The current development plan is the Core Strategy and Policies DPD, Allocations DPD and 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.

7.17 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.

- 7.18 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.
- 7.19 The first condition contained in para.49 (a), concerns cases where a development is so substantial its cumulative effect would be so significant that the plan making process would be undermined. This application is for 64 units in close proximity to Staines Town Centre. The site adjoins Phases 1A and 1B of the Charter Square development (364 dwellings) and is close to the development at 15-51 London Road (489 dwellings). The proposal (64 units) is a large development but is not considered to be substantial development for these purposes (i.e. for considering whether it would undermine the plan making process).
- 7.20 Given the above, and the advice in the NPPF that the refusal of permission on the grounds of prematurity “*will seldom be justified where a draft plan has yet to be submitted for examination*”, it is not considered that this application can be refused on prematurity grounds. Officers can see no good reason for departing from the clear advice in para. 49 in these circumstances. There is no exception reason for the concept of prematurity to apply notwithstanding the failure to meet the conditions in para. 49.

#### Housing Supply

- 7.21 When considering planning applications for housing, local planning authorities should have regard to the government’s requirement that they boost significantly the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF) 2019.
- 7.22 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. The standard method for calculating housing need is based on the 2014 household growth projections and local affordability. This equates to a need of 606 dwellings per annum in Spelthorne. This figure forms the basis for calculating the five-year supply of deliverable sites.
- 7.23 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 2020, but the full five year time period runs from the end of the current year, that is, 1 April 2021 to 31 March 2026. 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 606 results in a figure of 727 dwellings per annum, or 3636 over five years.

- 7.24 In using the objectively assessed need figure of 727 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
- 7.25 The sites identified in the SLAA as being deliverable within the first five years have been used as the basis for a revised five-year housing land supply figure. Spelthorne has identified sites to deliver approximately 3518 dwellings in the five-year period.
- 7.26 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.8 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.
- 7.27 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. 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 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.
- 7.28 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'.

#### Housing Type and Size

- 7.29 Policy HO4 of the CS&P DPD and the Council's Supplementary Planning Document (SPD) on Housing Size and Type, seeks to secure 80% of dwellings in developments of 4 or more units, to be 1 or 2 bedrooms in size. This is to ensure that the overall dwelling stock meets the demand that exists within the Borough, including a greater demand for smaller dwellings.

- 7.30 The application proposes 10 x studio flats, 27 x 1 bedroom units, 25 x 2 bedroom units and 2 x 3 bedroom units. As 62 of the of the proposed units (97%) would contain 1 or 2 bedrooms, the development would meet the requirements of Policy HO4. As such, the unit mix is considered to be acceptable.
- 7.31 The Council’s Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development (2011) sets out minimum floor spaces standards for new dwellings.
- 7.32 The Government has also published national minimum dwelling size standards in their “Technical Housing Standards – nationally described standard” document (2015). These largely reflect the London Housing Design Guide on which the Spelthorne Standards were also based and are arranged in a similar manner to those in the SPD. A summary of the relevant minimum standards set out in the Technical Housing Standards is illustrated in the table below:

Dwelling Size (Single Storey)	Minimum Floor Space Requirement
1 bed x 1 person	39m <sup>2</sup>
1 bed x 2 person	50m <sup>2</sup>
2 bed x 3 person	61m <sup>2</sup>
2 bed x 4 person	70m <sup>2</sup>

- 7.33 All of the units proposed in Phase 1C would meet the minimum internal floor space requirements outlined above. The proposed housing mix, dwelling type and internal floor space for future occupants, is therefore considered to be acceptable.

#### Affordable Housing

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

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

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

*‘The Councils target for affordable housing is that 40% of all net additional dwellings completed over the plan period 2006-2021, should be affordable’*

- 7.36 Policy HO3 further states that this will be achieved by having regard to the circumstances of each site and negotiating a proportion of up to 50% of housing on sites to be affordable, where the development comprises 15 or more dwellings. The LPA seeks to maximise the contribution to affordable housing provision from each site, having regard to the individual circumstances and viability, with negotiations conducted on an ‘open book’ basis.

- 7.37 The NPPF (paragraph 57) states that viability assessments should reflect the approach recommended by national planning guidance, including standardised inputs. The planning practice guidance (PPG) states that assessment of costs in viability proposals should be based upon evidence that is reflective of local market conditions. The PPG further states that a 15-20% return on the gross development value may be considered as a suitable return to the developer in order to establish the viability of the development.
- 7.38 The applicant has submitted a viability assessment, prepared by their advisors. The assessment concludes that based upon current costs and values, it would be viable for the applicant to provide 4 affordable units (6% of 66) in an affordable rented tenure. The plans showed that these would each be located on the first floor and would consist of 1 x studio unit, 1 x 1 bedroom unit, 2 x 2 bedroom units.
- 7.39 Planning Officers instructed an independent viability advisor to conduct a review of the applicant's viability statement. The advisor studied the inputs of the applicant's appraisal and conducted their own research into benchmark values and build costs. The independent advisor concluded that it would be viable for the applicant to provide 8 units in an affordable rented tenure (12% of 66 units).
- 7.40 The 8 affordable units suggested by the LPA's independent advisor in their calculations consisted of:
- 2 x studio units
  - 4 x 1-bedroom units
  - 2 x 2-bedroom units.
- 7.41 Following internal discussions with the Council's Housing Team, planning officer's understood that there is a greater need for 2 and 3-bedroom affordable housing units, rather than the studio and 1-bedroom units suggested by the independent financial advisor.
- 7.42 The LPA therefore negotiated a revised layout with the applicant, which reduced the number of affordable units from 8 to 6, and also reduced the overall number of units provided in the scheme from 66 to 64. However, the revised layout negotiated by the LPA would include the following affordable housing mix:
- 4 x 2-bedroom units
  - 2 x 3 bedroom units
- 7.43 This revised affordable housing unit mix including 2 and 3 bedroom units is considered to serve the Council's need to a greater extent than the 8 units recommended by the LPA's independent financial advisor, which included 2 x studio units and 4 x 1-bedroom units. The revised unit mix with 6 affordable rented units, whilst lesser in terms number of units, also incorporates a greater combined internal floor area (510m<sup>2</sup> approx.) than the combined floor area of the 8 units suggested by the independent viability advisor (442m<sup>2</sup> approx.).

- 7.44 As the application process has progressed, the applicant has confirmed that that they will offering the remaining 58 units as affordable housing, in a shared ownership tenure. To this effect, they have submitted additional floor plans containing annotations which notwithstanding the affordable rented units, contain an annotation stating that the remaining units would be offered as shared ownership. As such, all of the units proposed in the development would be affordable housing units and the development would be 100% affordable.
- 7.45 The applicant has agreed to provide 6 affordable rented units consisting of 2 x 3 bedroom units and 4 x 2 bedroom units. The remaining 58 units would also be provided as affordable housing in a shared ownership tenure. On this basis the proposal is considered to be in adherence to the objectives of policy HO3.

#### Locally Listed Building

- 7.46 Policy EN5 of the CS&P DPD states that the Council will seek to preserve its architectural and historic heritage by encouraging the retention of buildings of local architectural or historical interest and seeking to ensure that their character and setting is preserved in development proposals.
- 7.47 The application proposes the demolition of two Locally Listed Buildings, no.116 and no.118 Staines High Street. The LPA Listed both buildings in 2004, with no.116 described in the Local Listing as a small two-storey 'Tudorbeathan' pastiche, known as the Garibaldi Public House, which was thought to have been constructed in either the 17<sup>th</sup> Century or possibly rebuilt in the 1930s. The Local Listing also describes no.118 as originally being constructed in the 16<sup>th</sup> century although much altered in the 18<sup>th</sup> and 20<sup>th</sup> centuries. Whilst the demolition of both buildings would be contrary to the objectives of policy HO5, which encourages the retention of Locally Listed Buildings, there is no statutory protection in the same way that Grade I and Grade II Listed Buildings are statutorily protected. There are also no planning controls that could prevent their demolition.
- 7.48 The Council's Heritage advisor was notified and has expressed concern over the loss of two Locally Listed Buildings which the advisor considers have a large degree of interest and prominence in this area of the town, and which accord with the scale of the Locally Listed Iron Bridge. The advisor also raised concerns over the scale of the proposed development.
- 7.49 Whilst both Locally Listed buildings are prominent and contribute to the character of this area of the town, their loss must be weighed against the contribution of 64 additional residential units to the Council's 5-year housing supply, in a highly accessible part of Staines, which is within a short walking distance from Staines Railway and Bus Stations and amenities in Staines High Street.
- 7.50 Whilst the LPA is generally resistant to the loss of Locally Listed Buildings, in this instance, the provision of 64 additional units to the Council's 5-year housing supply in a highly accessible location, is considered to outweigh the

loss of two Locally Listed Buildings at no.116 and no.118 Staines High Street, which are not statutorily protected and could be demolished and it is considered that their loss is justified by the benefits provided by the proposed development.

### Design and Appearance

- 7.51 Policy EN1 of the CS&P DPD states that the Council will require a high standard in the design and layout of proposals for new development. The policy further states that proposals should respect and make a positive contribution to the street scene and character of the area in which they are situated, paying due regard to the layout, materials and other characteristics of adjoining buildings and land.
- 7.52 The NPPF states that the creation of high-quality buildings is fundamental to what the planning and development process should achieve. The framework further states that planning policies should ensure that developments will function well and add to the overall quality of an area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to the local character and history, whilst not preventing or discouraging appropriate innovation or change.
- 7.53 The application is seeking the construction of Phase 1C of the Charter Square development. The scheme proposes an 'L shaped' building adjoining the Phase 1B development, which would contain 6, 7 and 9 storey elements that would reflect the general design of Phase 1A and 1B, whilst also seeking its own identity through the incorporation of brick detailing.
- 7.54 The ground floor would incorporate active commercial frontage on Staines High Street and would contain 216m<sup>2</sup> of flexible floor space in either a commercial, business or service use (Class E) or drinking establishment use (Sui Generis). A plant room, waste and recycling facilities and cycle storage space would also be situated on the ground floor, which would be accessible would be accessible from the flank elevations. The residential units would be situated on the floors above.
- 7.55 The 6-storey element would be situated at the northern site boundary, and would be similar in height, mass, and design, to the southern element of Phase 1B, onto which it would adjoin.
- 7.56 The 9-storey section would be located at the south-western portion of the building and would front onto Staines High Street. It would measure approximately 30.5 metres in height and would be differentiated from the 6 and 7 storey elements through the incorporation of contrasting brick detailing.
- 7.57 The mass and scale of the 9-storey element considered to be acceptable, given that the existing element of Phase 1A, which fronts the High Street, ranges between 9-10 storeys in height.

- 7.58 The eastern portion of the building would contain the 7-storey section, which like the 9-storey element would front onto the High Street. It would also be clearly differentiated from the 9-storey section through the incorporation of contrasting brickwork. The contrasting height to 9-storey section of the building is considered to result in an acceptable mass and scale along the High Street.
- 7.59 The placement of windows and balconies, the use of materials and brick detailing help to relate to the surrounding development style and character and are considered to be acceptable.
- 7.60 The overall scale, massing and design of the building is considered to be in keeping with the character of the wider Charter Square development and is considered to complete the townscape up to the Iron Bridge. The proposal is considered to pay due regard to the characteristics of adjoining buildings and land in accordance with the objectives of policy EN1 and SP6 of the CS&P DPD and the NPPF.

### Density

- 7.61 Policy HO5 of the CS&P DPD states that in higher density residential areas, including those containing significant Employment Areas, development should generally be in the range of 40 to 75 dwellings per hectare. 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.
- 7.62 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.
- 7.63 The development proposes a density of approximately 368 dwellings per hectare. This would be higher than Phase 1B, which had a density of 297 dwellings per hectare, although is lower than the nearby Berkley Homes development, which across planning permissions 19/00290/FUL and 19/01051/FUL, has a density of approximately 445 dwellings per hectare.
- 7.64 As an apartment development, higher densities can be achieved through more efficient use of land. Since the application site is close to facilities in Staines Town Centre and nearby public transport nodes, the density of 368 dwellings per hectare is considered to be an appropriate density in this location. The increased density is therefore considered to be in accordance with the objectives policy HO5, as the proposal is also considered to be in accordance with the requirements of policy EN1 in design terms, and because the site is situated in a location that is accessible by non-car based modes of travel.

### Amenity Space for Residents

- 7.65 The Council's SPD on the Design of Residential Extensions and New Residential Development (April 2011) provides general guidance on minimum garden sizes (paragraph 4.20). In the case of flats, the guidance states that 35m<sup>2</sup> of amenity space should be provided per unit for the first 5 units, 10m<sup>2</sup> per unit should be provided for the next 5 units, and 5m<sup>2</sup> should be provided for each unit thereafter.
- 7.66 The above guidance would require the development to contain a minimum of 495m<sup>2</sup> of private amenity space. The LPA has calculated that balcony space across Phase 1C would amount to approximately 370m<sup>2</sup>. There would also be a shared amenity space situated on the 7<sup>th</sup> floor, which would measure approximately 235m<sup>2</sup>. The private balcony space and shared amenity space would amount to some 605m<sup>2</sup> exceeding the Council's minimum guidance and is considered to be acceptable.

### Landscaping

- 7.67 The application proposes a planted roof terrace on the 7<sup>th</sup> floor. This would contain planting around pathways and seating areas. The application also proposes a central amphitheatre at ground level with a sunken lawn, adjoined by tree planters. The applicant's Tree Survey also indicates that native tree species would be planted across the site including Alder, Birch, Elder and Cherry trees. It is recommended that landscaping details are secured by a condition.
- 7.68 It should be noted that the application also proposes the removal of trees and vegetation to the rear of the existing buildings, including the removal Ash, Pear and Apple trees, as well as Holly Buddleia and Ivy. Additionally, Silver Birch trees situated alongside the existing marketing suite would also be removed.
- 7.69 The trees and vegetation proposed for removal are not subject to a Tree Preservation Order or situated within a Conservation Area and as such could be removed without breaching planning control. The Council's Tree Officer was consulted and raised no objections as the trees were not considered to be of merit and could be replaced with new planting.

### Open Space

- 7.70 Policy CO3 of the CS&P DPD states where any new housing is proposed in areas of the borough with inadequate public open space, or where it would become inadequate because of the development, the Council will require either the provision of new on-site open space or a financial contribution towards the cost of off-site provision.
- 7.71 There is no shortfall in 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. Nevertheless, the application proposes a central landscaped

amphitheatre of some 124m<sup>2</sup> (0.0124 Hectares), which would provide an open area between Phases 1A, 1B and 1C.

- 7.72 Policy CO3 further 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.
- 7.73 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.
- 7.74 As only 27 of the proposed units would contain two or more bedrooms, the development would fall below the 30-unit threshold in Policy CO3, and there would be no requirements in the Council's policies for the scheme to provide any open space for a children's play area.

#### Impact on Existing Residential Dwellings

- 7.75 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*'.

#### Daylight & Sunlight

- 7.76 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).
- 7.77 The application proposes a higher density development in the urban area, at a site that is surrounded by existing higher density development in Phase 1A and Phase 1B.
- 7.78 The applicant has submitted a Daylight Sunlight and Overshadowing report prepared by their consultants Point 2. This uses BRE guidance to analyse the impacts of the development upon light serving neighbouring windows. This is assessed through 4 measures; (i) the Vertical Sky Component (VSC), (ii) the No-Sky Line (NSL), (iii) Annual Probable Sunlight Hours, and (iv) the Average Daylight Factor (ADF).
- 7.79 The report states that all surrounding neighbouring properties outside of the existing Charter Square development (Phase 1A & 1B) would fully satisfy BRE guidelines for daylight.
- 7.80 Across Phase 1A and 1B, 194 of the 243 habitable rooms (80%) would continue to exceed recommended ADF target levels or would experience no

alteration from the consented schemes. The report further indicates 147 out of the 243 habitable rooms (60%) would retain recommended APSP levels or experience no alteration from the consented schemes, and 176 of the habitable rooms would experience no alterations to the consented position.

- 7.81 The officers instructed an external advisor to review the applicant's Daylight Sunlight Report (Daylight and Sunlight Solutions). The advisor identified windows serving 34 rooms in Phase 1A and 12 rooms in Phase 1B, which was of most concern as a result of the impact of the construction of Phase 1C upon daylight. The advisor further listed 23 Living Room, Kitchen and Dining Room (LKD) windows in Phase 1A and 13 LKD rooms in Phase 1B which were of most concern in relation to sunlight, where there were shortfalls against BRE guidance and the construction of Phase 1C would impact the light entering these rooms.
- 7.82 The officers shared the findings of the Daylight Sunlight Solutions report with the applicant. In response, the applicant's consultant submitted a letter dated 22 March 2021. The consultant stated that there are naturally some daylight/sunlight reductions to some new apartments that directly overlook Phase 1C, which have limited obstruction of light at present. However, any development on this parcel of land will give rise to some reductions to the existing levels of daylight and sunlight currently enjoyed, although residual levels are still commensurate with what would reasonably be expected in high density development within an urban environment.
- 7.83 It is acknowledged that there would be some shortfalls against BRE guidelines at the existing units in Phase 1A and Phase 1B as a result of the construction of Phase 1C. The occupiers of the affected units would experience reductions to the levels of daylight and sunlight reaching the rooms outside of the minimum levels set in BRE guidelines and the level of natural light would be impacted in these rooms. However, the NPPF at para. 123 c) states that Local Planning Authorities should refuse applications which they consider fail to make efficient use of land and when considering applications for housing, the Framework states that authorities should '*take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of land (as long as the proposal would provide acceptable living standards)*'.
- 7.84 The Council is also currently unable to demonstrate a 5-year housing supply and can only demonstrate a supply of 4.79 years. Where a 5-year housing supply cannot be demonstrated, the NPPF states that for decision making, planning permission should be granted unless and adverse impacts of doing so would outweigh the benefits when assessed against the NPPF as a whole.
- 7.85 The application would make a significant contribution of 64 units to the Council's 5-year housing supply, in a sustainable location in close proximity to Staines Town Centre. It would make efficient use of an urban site close to public transport facilities and amenities and would be in keeping with the previous phases of the Charter Square Development. Whilst there would be some shortfalls against BRE guidelines in Phase 1A and Phase 1B and the occupiers of these units would experience a loss of daylight and sunlight, on

balance the impacts upon daylight and sunlight serving the existing units in the Character Square development are considered to be outweighed by the benefits of the scheme, namely the provision of 64 units in this location close to the town centre and public transport nodes. As the proposal would make efficient use of urban land, it is considered that in accordance with the NPPF a flexible approach should be applied to daylight and sunlight impacts.

### Impact on Surrounding Residential Properties

- 7.86 The LPA's SPD on the Design of Residential Extensions and New Residential Development (April 2011) states that an appropriate degree of separation must exist between properties to avoid overlooking and to avoid an overbearing impact. The SPD also provides for building separation distances that seek to avoid overlooking and a loss of privacy. These distances do not relate to buildings taller than 3 storey development. However, the immediate context of the proposal is multi residential development and the distances are considered to be appropriate in this instance.
- 7.87 There would be an approximate distance of 17.5 metres between the eastern elevation of Phase 1C and the western elevation of Phase 1A, which would be the closest point between the two phases. At this point Phase 1C would be set over 7 storeys, and the plans indicate that all upper floor windows in the eastern elevation of Phase 1C would incorporate obscure glazing. The SPD on design does not give minimum 'side-to-side' separation distances, and this level of separation is considered to be acceptable.
- 7.88 There would be an approximate distance of 17.2 metres between windows in the northern elevation of Phase 1C and windows in the southern elevation of Phase 1B at the closest point (on the seventh and eighth floors). This would fall short of the Council's guideline 21 metre 'back-to-back' guidance. However, given the sites location close to the town centre, it is considered that suburban standards must be more flexible to optimise development, and given the overall distance and orientation of the proposed buildings together with the unit types, it is considered that the impact upon overlooking and privacy would be acceptable. Furthermore, it is not considered that the construction of Phase 1C would lead to an overbearing impact upon the occupiers of Phase 1A and 1B.
- 7.89 It is also considered that the proposal has an acceptable relationship with properties located to the south of the site in Staines High Street, in terms of privacy and an overbearing impact.

### Noise

- 7.90 Policy EN11 states that the Council will seek to minimise the adverse impact of noise by:
- a) Requiring development that generate unacceptable noise levels to include measures to reduce noise to an acceptable level.

- b) Requiring appropriate noise attenuation measures where this can overcome unacceptable impacts on residential and other noise sensitive development proposed in areas with high noise levels.

- 7.91 The applicant has submitted a Noise Statement, which uses surveys and data collected for the Phase 1A development, as Covid19 restrictions at the time of submission meant that noise levels may have been lower than otherwise expected during more 'normal' times. The report identifies outline mitigation measures including building envelope sound mitigation performance and ventilation requirements.
- 7.92 The Council's Environmental Health Department reviewed the applicant's noise assessment and raised no objections on the grounds of noise or vibration subject to conditions.

### Employment Space

- 7.93 Policy EM1 of the CS&P DPD states that the Council will maintain employment development by refusing proposals that involve the net loss of employment land or floor space in Employment Areas, unless to the loss of floorspace forms part of a redevelopment that more effectively meets needs for an existing business operation from the site, or the loss of employment land is part of a mixed use development on the site which results in no net loss of employment space, or it can be demonstrated that the maintenance of existing employment floor space on the site is unsustainable in the long term.
- 7.94 The application site is situated within the Staines Employment Area. The existing buildings, namely no.116, no.118 and no.120 Staines High Street, currently provide employment floor space in the form of office space, retail space and pub/restaurant space. The existing buildings would be demolished to make way for the new development resulting in a loss of employment space. However, the proposed building would contain 216m<sup>2</sup> of commercial floor space on the ground floor partially mitigating this loss. Moreover, the application proposes 64 residential units and is considered to be a more efficient use of the site in a sustainable transport location.
- 7.95 The loss of the existing buildings, which contain employment spaces is therefore considered to be outweighed by the provision of 64 residential units and on balance is considered to be acceptable.

### Parking & Transport Issues

- 7.96 Policy CC3 of the CS&P DPD states that the Council will require appropriate provision to be made for off-street parking in accordance with its maximum parking standards.
- 7.97 On 20 September 2011, the Council's Cabinet agreed a 'Position Statement' on how policy CC3 is interpreted in the light of the Government's recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' when applying policy CC3, and its residential

parking standards will generally be applied as minimum standards, except in town centre locations where for reasons of good access to public transport, there is a genuine and convincing case to make a less provision.

7.98 The NPPF states that development should only be refused or prevented on highway grounds if there would be an unacceptable impact upon highway safety, or if the residual cumulative impacts on the road network would be severe. In this context the Framework states that applications for development should give priority first to pedestrian and cycle movements and should so far as possible facilitate access to high quality public transport, with layouts that maximise the catchment area for bus and other public services, and appropriate facilities that encourage public transport use.

7.99 Under the requirements of the Council's Parking Standards SPD (2011), and on the basis that all of the units would be offered as affordable housing a total of 71.75 (rounded up to 72) off-street car parking spaces would normally be required to serve a development of this size, based upon the following standards:

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

7.100 The Council's Parking Standards SPD states that a reduction in the minimum requirements will normally be acceptable in the borough's 4 town centres, where public transport accessibility is generally high. The SPD advises that any reduction will be assessed against:

- The distance from public transport nodes.
- The frequency and quality of bus and train services.
- The availability and quality of pedestrian and cycle routes.
- The range and quality of facilities supportive of residential development within a reasonable walking distance (e.g. retail, leisure, educational, and possibly employment).

7.101 The application site is situated approximately 480 metres from Staines Railway Station, which is within reasonable walking distance. The railway station is served by direct train services to London Waterloo, Reading, Weybridge and Eton & Riverside. The site is also located approximately 270 metres from Staines Bus Station and there are bus stops in both directions in close proximity to the site on the A308 (Staines High Street & London Road).

7.102 There are pedestrian and cycle routes away from the site, and Staines Town Centre is a short walking distance, which is occupied by numerous facilities that are supportive residential development. The site is therefore considered to be situated in a sustainable transport location and a reduction

against the minimum parking space requirements would be acceptable in this location.

- 7.103 The applicant has proposed that notwithstanding 3 disabled parking bays available in Phase 1A, and a further disabled parking on the link road, no parking spaces would have been provided to the occupants of Phase 1C. As such there would be a 68-parking space shortfall against the Council's minimum parking standards.
- 7.104 During the application process the applicant has submitted a Technical Note on parking provision prepared by their transport consultants. The note advises that because of the size of the development, site constraints, the necessity to incorporate back of house facilities, residential entrances and waste and refuse storage, there would not be sufficient space on the ground floor of the development to accommodate a car park.
- 7.105 If the applicant were to provide basement parking under Phase 1C, it would only be possible to provide a handful of off-street parking spaces. This is because a significant area of the basement would be required for up and down ramps. A further significant space would be required for a turning area for vehicles entering and exiting the ramps. Additionally, further space would be required for a parking aisle to provide access to the parking spaces, which must be at least 6 metres wide. This would then leave only a small area for a limited number of parking spaces.
- 7.106 The consultant further advises that the incorporation of a parking lift as an alternative to on and off ramps, would also require significant space to be operational, as two lifts would be required so that one lift is always available in the event of downtime or maintenance. As with the ramp option, this would only provide a small number of parking spaces owing to manoeuvrability space. The consultant therefore considers that a parking lift would not represent a viable alternative. The incorporation of basement parking under Phase 1C would also necessitate the use of Mill Mead for vehicular access, resulting in the loss of a pedestrianised route through the site. The applicant's assertion that parking cannot be provided on the site is therefore considered to be reasonable.
- 7.107 In seeking to mitigate the reduction in parking spaces against the Council's Parking Standards SPD, the applicant's Technical Note proposes a number of measures including:
- 5 years free Enterprise Car Club membership for the first occupiers of each household.
  - Free online grocery delivery slots for each household for one year.
  - An offer of a £10,000 contribution to consultations on Controlled Parking Zones and entering into an agreement to prevent future occupants from obtaining permits.
  - The fitting of charging sockets to allow individuals to charge e-bikes.
  - Installing additional networking facilities for homeworking.
- 7.108 The applicant has also undertaken a parking survey in the area surrounding the application site, which was conducted on two consecutive nights, on 27

and 28 January 2021. The survey recorded parking space uptake, on-street parking restrictions, and parking capacity at various distance intervals away from the site at distances ranging up to 1500 metres. The survey found that in the immediate vicinity of the site (within 200 metres) there was very little in the way of parking capacity. Most of the streets in this area were subject to parking controls and of the spaces available, roughly 50% were occupied. However, between 200-400 metres distance away from the site, which the survey considers is reasonable walking distance, there was a significant amount of capacity in the form spaces on single yellow lines that are not restricted at night as well as unrestricted parking spaces. The survey states that these areas could present an opportunity of residents of Phase 1C to keep a car without having a noticeable impact upon parking stress. Beyond 400 metres away from the site, the survey found much greater capacity for on-street parking, although the survey acknowledges that this distance could act as a deterrent. The survey concludes that if residents were to park their cars on-street, this could be "*comfortably accommodated within 400 metres of the site, without having a significant noticeable impact upon parking stress*".

- 7.109 The applicant has also conducted a parking occupancy survey in the basement car park serving Phase 1A, and it is understood that all but 5 of the 260 existing units in this development have been sold. The occupancy survey involved two vehicular counts, which took place at 2pm on 11 May 2021, and 1am on 13 May 2021. It was observed that during the daytime survey (11 May 2021) 93 of the 217 parking spaces in the development were in use (43%). When the 5 unsold units are taken into account, the consultant considered 95 of the car spaces would have been expected to be in use, based upon the figures for the 255 sold units. This would leave 122 parking spaces unoccupied. The night survey (13 May 2021) observed that 122 of the spaces were occupied (56%), and when the 5 unsold units were factored in, 125 spaces (58%) would be expected to be occupied across the development as a whole.
- 7.110 As the majority of units in Phase 1A have been sold and the applicant has demonstrated that basement parking at the site (0.83 spaces per unit) is not fully occupied, this is considered to be indicative that it is possible to live in the Charter Square development, without a private vehicle.
- 7.111 Following conclusion of the occupancy survey, the applicant has stated their intention to make 21 parking spaces available to the occupiers of Phase 1C, which would comprise the 3 disabled parking bays initially proposed as being available in the Phase 1A basement, the 1 disabled parking bay proposed in the link road, and 17 additional spaces in the Phase 1A basement. The applicant considers that this would result in a ratio of 0.67 spaces per dwelling across Phases 1A & 1C. The LPA has sought advice on whether the spaces proposed to be made available in Phase 1A could be secured for the occupiers of 1C through planning obligations. As the reallocation of spaces in the basement of Phase 1A to the occupiers of Phase 1C would materially impact the parking ratio granted in the Phase 1A planning permission (16/00179/FUL) by reducing the number of spaces in that development available to its occupiers, officers currently understand that these spaces could not be secured through planning obligations.

However, further legal advice is being sought, and if it is possible to secure these spaces through the planning process, officers will update members of this at the Committee meeting. It is considered that whilst it would be the applicant's intention to offer these spaces to the occupants of Phase 1C, officers are of the view that this would not be secured by the planning process and no weight should be afforded to the provision of such spaces, when determining the application.

- 7.112 The application also proposes 216m<sup>2</sup> of commercial floor space on the ground floor, which would either be in a Class E use, which encompasses a variety of the former uses including A1 (retail), A2 (financial services) A3 (café or restaurant) B1a (offices) and parts of the former D1 use class including creches and day nursery's, or a Sui Generis (drinking establishment) use. The Council's Parking Standards do not contain a minimum requirement covering all of the uses in the new Class E use class. For a public house use, a maximum of 1 space per 2m<sup>2</sup> of bar floor area is stated and for a restaurant or café use, a maximum of 1 space per 4m<sup>2</sup> of net dining floor area is suggested. The application does not propose any parking spaces for the commercial element of the scheme. However, given that the site is a short walking distance from the town centre, which is served by various public car parks for individuals shopping or using amenities in the town centre, this level of provision is considered to be acceptable in this instance as public car parks are available within reasonable walking distances of the site.
- 7.113 The LPA has also consulted the County Highway Authority (CHA), who noted that the site is within walking distance of a significant range of local amenities in Staines Town Centre and is approximately 500 metres from Staines Railway Station. The CHA further commented that the site is suitably located to promote non-car trips and to enable residents of the site to occupy the development without vehicle ownership. Additionally, the CHA considered that car club membership would provide an alternative to vehicle ownership for individuals who would infrequently travel by private vehicle and noted that nearby car parks would be a viable option for visitors to the site.
- 7.114 The CHA further commented that in the immediate vicinity of the site where opportunities to park would be most attractive, there is very little scope for overnight parking as a result of existing parking restrictions. This assertion appears to be supported by the findings of the applicant's technical note, which states within the immediate vicinity of the site (within 200 metres) there is very little opportunity for parking and most of the streets are subject to parking controls.
- 7.115 The CHA consider that this is likely to mean that prospective residents considering moving to the site would not buy/rent one of the units with the expectation of parking on local roads. In terms of parking provision, the CHA considered that in the absence of on-site parking, the limited on-street parking availability in the vicinity of the site and the car club provision, it is unlikely that the development will generate significant parking demand. Where demand occurs, the CHA considers that this is unlikely to create

significant detriment to highway safety given surrounding parking restrictions.

- 7.116 In terms of trip generation, the CHA considered that owing to the absence of parking and therefore lack of vehicle ownership amongst residents, it is likely that vehicular trip generation will be relatively low for a development of this size. The CHA further commented that other trips, such as those for taxis or lift sharing, will account for some additional personal vehicular arrivals and departures from the site. The CHA further considered that visitors to the commercial premises on the site are likely to arrive on foot as part of a wider visit to the Town Centre, and parking for such individuals could be accommodated in the Town Centre car parks.
- 7.117 The CHA has recommended that obligations were secured by a Section 106 agreement including a £100,000 financial contribution towards improvements to the pedestrian facility improvements between the application site and Staines Railway Station and Staines High Street, as well as the provision of five years free membership to the first residents of each unit to the Car Club scheme. Additionally, the CHA recommended three conditions, relating to cycle storage facilities, a construction management plan, and the link road.
- 7.119 Taking into account the sites location and distance to public transport nodes including Staines Railway Station, Staines Bus Station and amenities in Staines High Street, together with the comments of the County Highway Authority and the results of the applicant's parking survey and Phase 1A occupancy survey, it is considered that an objection on parking grounds could not be justified in this particular instance. The comments of the CHA as Highway Authority carry significant weight. The CHA concludes that it is unlikely that a prospective resident owning a car would choose to move into a development of this nature where the nearest opportunity to park on-street was some distance from the site. This issue is a planning judgement balancing all the information, given that there is no highway safety objection from the CHA. Given this and the Council's own Parking Standards SPG which allows for a reduction in parking standards in the town centre and given the particular circumstances of this site referred to above, it is considered that the lack of parking proposed in this particular case is acceptable. It is also relevant to note that the lack of cars on site will be of benefit to the environment by minimising carbon emissions and the impact on air quality in the area.
- 7.120 Consequently, it is considered that any parking overspill associated with the development would be limited and will not cause material parking stress or inconvenience for residents in the existing streets surrounding the town centre. As mentioned above, paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Clearly this does not apply in this particular case and it is considered that a lack of parking in this sustainable location is acceptable.

## Waste & Recycling

- 7.121 Policy EN1 of the CS&P DPD states that proposals for new development will need to demonstrate that they will incorporate provision for the storage of waste and recyclable materials.
- 7.122 The Spelthorne document entitled 'Guidance on the Storage and Collection of Household Waste' states that for flats communal and wheeled bins should be provided for refuse and recycling and should have a total capacity based on 1 x 240 litres for refuse per unit and 1 x 240 litres for recycling per unit. On this basis a development for 66 units would normally be required to have a minimum storage capacity of 15,840 litres for refuse and 15,840 litres for recycling.
- 7.123 The applicant has submitted a Waste Management Strategy, which confirms that the development would incorporate:
- 15 x 1,100 litre 'Eurobins' for general waste (16,500 litres in total),
  - 15 x 1,100 litre 'Eurobins' for recycling (16,500 litres in total),
  - 8 x 140 litre food waste bins.
- 7.124 This would be in adherence to the guidance outlined within the Spelthorne Storage and Collection of Household Waste document and is considered to be acceptable.
- 7.125 In order to access the site, the refuse vehicle would need to reverse along Mill Mead. The Council's Head of neighbourhood Services has requested that a condition is attached to the decision notice, requiring alterations to the road surface to alert pedestrians of refuse vehicles reversing manoeuvres, and the installation of rising bollards. It is recommended that such a condition is attached to the decision notice.

## Air Quality

- 7.126 Policy EN3 of the CS&P DPD seeks to improve air quality within the Borough and minimise harm from poor air quality.
- 7.127 The Council's Pollution Control Officer has recommended that a Demolition Management Plan is secured by condition. As the application would result in the demolition of 3 existing buildings, it is considered that such a condition would meet the 6 conditions tests set out in the Planning Practice Guidance and NPPF and is recommended to be attached to the decision notice.
- 7.128 The Pollution Control Officer requested a further condition relating to gas boilers, which is recommended to be attached to the decision notice as an informative.

## Contaminated Land

- 7.129 The Council's Environmental Health Department has requested that a condition is attached to the decision notice requiring the applicant to submit

a contaminated land desk study to identify any sources of land/water contamination and where any sources are identified, a site investigation is required as well as a written statement outlining remediation measures.

- 7.130 A further condition has been requested, which would require the applicant to submit a full remediation report, which will be secured by conditions. Further information was also sought relating to odour abatement. It is recommended that this is attached to the decision notice as an informative.

#### Archaeology

- 7.131 The application site is situated within the Staines Historic Core Area of High Archaeological Potential. The County Archaeology Officer was consulted and commented that the development site has previously been fully investigated from an archaeological perspective under a condition attached to the outline consent of Phase 1A. The Officer therefore states that there is no requirement for any archaeological consideration in respect of the development. The proposal is therefore considered to be acceptable in this regard.

#### Flooding

- 7.132 As with Phases 1A and 1B, the application site is situated in the 1 in 1000 year flood event area (Flood Zone 2).
- 7.133 The application has been supported by a Flood Risk Assessment (FRA), which states that with the exception of the refuse store, the finished floor levels across Phase 1C would be situated above the 1 in 100 year Plus 35% flood levels (15.68 AOD). The FRA further states that temporary defences such as mounted barriers would be employed to protect the entrance to the refuse stores.
- 7.134 The FRA further states that the combined developments across Phase 1A, 1B and 1C would provide a betterment of 1,671m<sup>3</sup> in flood storage volume when compared to the existing scenario. The LPA has consulted the Environment Agency, which raised no objections and drew attention to Flood Risk Standing Advice.
- 7.135 The LPA also consulted the County Sustainable Urban Drainage Systems (Suds) Department, which was satisfied that the developments drainage scheme meets the requirements set out in the NPPF, PPG and Technical Standards for sustainable drainage systems subject to the imposition of two conditions, which are recommended to be attached to the decision notice.
- 7.136 Thames Water commented that the site is located within 15 metres of a strategic sewer. As such, a condition was recommended, requiring the applicant to submit a Piling Method Statement prior to any piling being undertaken so as to prevent and minimise any damage to sewage infrastructure.

## Renewable Energy

- 7.137 Policy CC1 of the CS&P DPD states that the Council will require residential development of one or more dwellings and other development including new buildings and extensions exceeding 100 square metres to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources unless it can be shown that this would seriously threaten the viability of the development.
- 7.138 The applicant as submitted a Sustainability Statement, which details various passive and active measures for the building. The statement further indicates that the development will be connected to the existing site wide heat network located within Phase 1A, which is served by a combined heat and power unit, which would provide approximately 21% of the total domestic energy demand exceeding the 10% target set out in Policy CC1.
- 7.139 The Council's Renewable Energy Officer has been notified and is satisfied the Council's Renewable Energy Requirements would be met. The proposal is therefore considered to comply with policy CC1 of the CS&P DPD.

## Biodiversity

- 7.140 Policy EN8 of the CS&P DPD states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by safeguarding sites of international importance, ensuring that new development wherever possible contributes to an improvement in biodiversity avoiding harm to features of nature conservation interest.
- 7.141 The applicant has submitted a Preliminary Ecological Appraisal and Bat Emergence Survey. The appraisal details a number of enhancement measures including integrated bird and bat boxes, invertebrate habitat features, and planting.
- 7.142 Two bat emergence surveys were also undertaken on 23 July and 6 August 2020 and confirmed the likely absence of roosting bats. Low levels of bat foraging and community activity were also recorded. As such no mitigation actions in relation to roosting bats were required. The survey recommends that lighting should follow guidance by the Institute of Lighting Professionals and Bat Conservation Trust. Additionally, wildlife friendly landscaping was recommended.
- 7.143 Natural England (NE) has raised no objections to the proposals and consider that the development would not have significant adverse impact upon designated nature sites, including the Staines Moor Site of Special Scientific Interest and the South West London Waterbodies Special Protection Area.
- 7.144 The Council also consulted the Surrey Wildlife Trust (SWT), which in relation to bats, recommended that a precautionary approach is taken to the works. The SWT also recommended that works take place avoiding the bat hibernation period and if a bat is observed work should cease immediately

and advice should be sought from Natural England or a qualified specialist. The SWT also recommended that works should be undertaken in accordance with the enhancements suggested in the Bat Emergence Survey.

### Other Matters

7.145 The LPA has notified Heathrow Safeguarding, which has stated that there are no objections to the proposal although has recommended that two informatives are attached to the decision notice.

7.146 The Surrey Crime Prevention Officer also recommended that the applicant achieves a Secure by Design award. It is also recommended that this is attached to the decision notice as an informative.

### Equality Act

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

7.148 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.

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

7.150 The development would provide 4 parking spaces for disabled individuals, although it is noted these would not be located directly at the proposed units. Additionally, 7 wheelchair user dwellings will be provided on the site (10.6%) which would be accessible by lift. The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has 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. It is further considered that apart from a direct impact this proposal will have, there is also going to be an indirect impact on number of people who share other protected characteristics. This impact will arise/derive mainly from construction works

and may affect to a various but not significant degree pedestrians or shoppers.

#### Human Rights Act 1998

- 7.151 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.152 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.
- 7.153 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.
- 7.154 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.

#### Planning Balance

- 7.155 This application proposes a development that would result in the loss of two Listed Buildings, namely no.116 and no.118 Staines High Street. There would also be shortfalls in BRE guidelines at a number of the existing units in Phase 1A and Phase 1B of the Charter Square Development, where the construction of Phase 1C would impact daylight and sunlight outside of BRE guidance. Furthermore, there would be shortfalls against the Council's minimum parking standards associated with the absence of parking spaces, and the loss of the existing buildings would result in a loss of existing employment space.
- 7.156 However, the application proposes 64 units, all of which would be affordable, and would make a considerable contribution to the Council's 5 year housing supply. The application site is within reasonable walking distance of Staines Railway Station and Staines Bus Station and is also a short walk from various amenity that are supportive to residential development in Staines Town Centre.
- 7.157 The NPPF at paragraph 11 states that where a Local Planning Authority is unable to demonstrate a 5-year housing supply, development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

7.158 In this particular instance, the efficient use of a site in close proximity to Staines Town Centre and nearby public transport nodes, that would make a significant contribution to the Council's 5-year housing supply, is considered to outweigh the loss of two Locally Listed Buildings, which are not statutorily protected from demolition, the impacts upon daylight and sunlight for the occupiers of Phase 1A and Phase 1B particularly where the NPPF advises a flexible approach, the shortfall in parking provision and the loss in employment spaces. The benefits of the scheme, namely the provision of 64 units in a sustainable location and 216m<sup>2</sup> of commercial floor space, are considered by Officer's to outweigh any adverse impacts of granting permission. The proposal is considered to be acceptable when assessed against the policies in the NPPF as a whole.

#### Finance Considerations

7.159 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure 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.

7.160 In consideration of S155 of the Housing and Planning Act 2016, the proposal would result in the following contributions:

- A financial contribution of £100,000 towards pedestrian facility improvements between the site and Staines Railway Station and Staines High Street.
- The Community Infrastructure Levy for Zone 2 (£140) will be payable on site This will be lower if the applicant subsequently makes a successful application for Social Housing Relief for the affordable housing).

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

## **8. Recommendation**

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

1. To provide at least 64 affordable housing units on site, comprising 6 affordable rented units on site to comprise 4 x 2 bedroom units and 2 x 3 bedroom units, and 58 affordable shared ownership units to comprise 10 x studio apartments, 27 x 1 bedroom units and 21 x 2 bedroom units, built in accordance with the current Homes and Communities Agency Scheme

Development Standards, the details of which shall be agreed with the Council's Planning Development Manager.

- The split and type of affordable housing shall be at least 6 affordable rent and at least 58 for shared ownership.
  - Prior to implementation the Registered Provider shall enter into a Nominations Agreement in respect of affordable housing (in order that affordable housing meets local needs).
  - Build and complete the affordable units and hand over to the Registered Social Landlord Registered Provider for occupation before the units are sold or substantially completed, whichever is the sooner.
2. A financial contribution of £100,000 towards pedestrian facility improvements between the site and Staines Railway Station and Staines High Street.
  3. To provide the first occupant of each unit with 5 years free car club membership and £50 free credit or an equivalent package to encourage residents to use the car club.
  4. The applicant to pay all reasonable legal costs for the preparation of the Section 106 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 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 contrary to policies CC2 and CC3 of the Core Strategy and Policies DPD 2009 and the principles set out in the National Planning Policy Framework.

**(B)** In the event that the section 106 agreement is completed to the satisfaction of the Local Planning authority; **GRANT** subject to the colling conditions: -

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:., CHAC-AA-ZZ-ZZ-ELE-A-0305 R2, CHAC-AA-ZZ-ZZ-ELE-A-0304 R4, CHAC-AA-ZZ-ZZ-ELE-A-0307 R2, CHAC-AA-ZZ-ZZ-ELE-A-0306 R2, CHAC-AA-ZZ-ZZ-ELE-A-301 R4, CHAC-AA-ZZ-ZZ-ELE-A-0300 R4, CHAC-AA-ZZ-ZZ-ELE-A-0303 R4, CHAC-AA-C-G-DR-A-101 R3, CHAC-AA-C-09-DR-A00209 R11, (Received 24.09.2020) CHAC-AA-C-01-DR-A-0200 R15, CHAC-AA-ZZ-ZZ-ELE-A-0302-R5 (Received 04.06.2021) CHAC-AA-C-01-DR-A-201 R13, CHAC-AA-C-01-DR-A-202 R13, CHAC-AA-C-03-DR-A-201 R12, CHAC-AA-C-01-DR-A-204 R12, CHAC-AA-C-05-DR-A-0205 R12, CHAC-AA-C-06-DR-A-0206 R12, CHAC-AA-C-07-DR-A-0207 R12, CHAC-AA0C-08-DR-A-0208 R11 (Received 02.07.2021) CHAC-AA-C-G-DR-A-0250 R2 (Received 08.07.2021).

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

3. The development hereby approved shall not be first occupied unless and until secure, covered cycle parking facilities have been provided in accordance with the approved plans. Thereafter the said approved facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.

**Reason:** In order that the development makes suitable provision for sustainable travel, in accordance with the sustainable objectives of Chapter 9 “Promoting sustainable transport” of the National Planning Policy Framework 2019, and policies CC2 and CC3 of Spelthorne Borough Council’s Core Strategy and Policies Development Plan Document February 2009.

4. 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:** 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 Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

5. No part of the development shall be first occupied unless and until the proposed Link Road running between Fairfield Avenue and Mill Mead has been constructed in accordance with the approved plans and made accessible to the public.

**Reason:** 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 Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

6. No demolition shall take place, including any works of demolition or site clearance until a demolition method statement detailing the proposed methodology for demolishing the existing structures and the mitigation measure to be implemented, has been submitted and approved by the Local Planning Authority. The agreed methodology and mitigation measures shall be implemented in accordance with the approved details.

**Reason:** To protect the amenity of the local area.

7. No development shall take place until:-
  - (i) A site investigation has been carried out to fully characterise the nature and extent of any land and/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.
  - (ii) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology. The site shall be remediated in accordance with the approved method statement, with no deviation from the statement without the express written agreement of the Local Planning Authority.

**Reason:** 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 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.

9. Prior to occupation of any part of the development permitted, or such longer period as may be approved by the Local Planning Authority, a biodiversity enhancement scheme shall be submitted and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved scheme and thereafter maintained.

**Reason:** In the interests of wildlife on site.

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

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

11. 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.

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

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

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

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

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

- a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, 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 **0.9l/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.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.

- e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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

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

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

16. If any bat is observed in any of the existing buildings during demolition, works should cease immediately and advice should be sought from Natural England or a qualified specialist.

**Reason:** In the interests of biodiversity.

17. The development shall be carried out in accordance with the measures outlined in the Energy Strategy and Sustainability Statement (Received 24.09.2020) or any subsequent document which is agreed by the Local Planning authority, demonstrating how a minimum of 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods, shall be implemented with the construction of the building and thereafter retained and maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

**Reason:** To ensure that the development is sustainable and complies with policies SP7 and CC1 of the Spelthorne Core Strategies and Policies Development Plan Document 2009.

18. Facilities within the curtilage of the site for the storage of refuse and recycling materials and access arrangements for refuse vehicles to access such storage areas shall be submitted to and approved by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the development hereby approved and retained thereafter.

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

19. Prior to the commencement of the development a scheme of access for vehicles onto Mill Mead is submitted and approved in writing by the Local Planning Authority. This shall include details of rising bollards and the

proposed surface materials in Mill Mead, and shall be implemented and maintained as approved unless otherwise 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.

20. The dwellings hereby permitted shall be designed to ensure that the following internal noise levels specified by BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings are not exceeded due to environmental noise:

Bedrooms - 35dB LAeq T †, 30 dB LAeq T \* , 45dB LAFmax T \*  
Living rooms- 35dB LAeq T † Dining room - 40 dB LAeq T † \* - Night-time 8 hours between 23:00-07:00 † - Daytime 16 hours between 07:00-23:00.

**Reason:** To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with the National Planning Policy Framework 2019.

21. Before the development commences a written scheme shall be submitted to and agreed in writing by the local planning authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. The scheme shall be implemented and maintained for the lifetime of the approved development and shall not be altered without the prior written approval of the local planning authority.

**Reason:** To protect the amenity of the locality, in terms of light pollution especially for people living and/or working nearby, in accordance with local planning policy

## **INFORMATIVES TO APPLICANT**

1. Access by the Fire Brigade  
Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings.  
There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).
2. 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 with consideration of the nearby hospital 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 covering stockpiles and exposed topsoil, 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. The applicant is encouraged to adopt the best practice mitigation measures for construction dust specified within the Institute of Air Quality Management Guidance on the Assessment of Dust from Demolition and Construction;
- (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.
- (h) The Pollution Control team should be consulted over placement of continuous PM10 monitoring and upon the methods of dust suppression and mitigation prior to the works.

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)

It should be noted that under the Environmental Protection Act 1990 Councils can serve an abatement notice on people responsible for statutory nuisances. This may require whoever's responsible to stop the activity or limit it to certain times to avoid causing a nuisance and can include specific actions to reduce the problem.

3. The applicant is advised that the essential requirements for an acceptable communication plan forming part of a Method of Construction Statement are viewed as:
  - (a) how those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme;
  - (b) how neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them;
  - (c) the arrangements that will be in place to ensure a reasonable telephone response during working hours;
  - (d) the name and contact details of the site manager who will be able to deal with complaints; and
  - (e) how those who are interested in or affected will be routinely advised regarding the progress of the work. Registration and operation of the site

to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements.

4. The applicant is advised that any additional external ventilation equipment is likely to require planning permission. The Council would expect the following to be included in any future submission:
  - a) Details of suitable ventilation and filtration equipment to be installed shall be submitted to and approved by the Local Planning Authority. This should comprise odour abatement and sound attenuation measures (so that the noise levels are 10 dBA below background).
  - b) The approved details shall be installed prior to the occupation of the premises for the use hereby permitted. Proof of correct installation and correct function shall be submitted.
5. The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.
6. 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).
7. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
8. The applicant is advised that the energy centre must meet the following standards in the context of the multiple phases of development sourcing energy from the Phase 1A energy centre. All gas fired boilers should meet a minimum standard of less than 40mgNO<sub>x</sub>/kWh. All gas fired CHP plant should meet a minimum emissions standard of 250mgNO<sub>x</sub>/kWh for spark ignition engine - note other limits apply for gas turbine or compression ignition engines.
9. The applicant's attention is drawn to the ACPO/Home Office Secured by Design (SBD) award scheme, details of which can be viewed at [www.securedbydesign.com](http://www.securedbydesign.com)

10. The rated noise level from any plant, together with any associated ducting should be 10 dB (A) or more below the lowest relevant measured LA<sub>90</sub> (15min) at the nearest noise sensitive premises.
11. The development should be designed to ensure that habitable rooms in the residential element of the development are not exposed to vibration dose values in excess of 0.13 m/s during the night-time period of 23.00 - 07.00hrs.
12. All developers and contractors working on this development are given notice that standard site hours are:  
  
Monday to Friday - 08.00 - 18.00hrs  
Saturday - 08.00 - 13.00hrs  
Sundays, Public and Bank Hols - no working
13. Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail requests the applicant / developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team via [AssetProtectionWessex@networkrail.co.uk](mailto:AssetProtectionWessex@networkrail.co.uk) prior to works commencing. Our ASPRO team will ensure that the works can be completed without posing a risk to the railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

The applicant will be required to complete / provide the following to our ASPRO team:

1. Confirm the boundary limits and fence line to ensure that Network Rail's land is not encroached on.
2. Sign asset protection agreement with Wessex ASPRO before proceeding with any design/construction works at the site;
3. Adopt ASPRO guidance and requirements and a list of NR deliverables that will be provided to the developer in kick-off meeting;
4. Submit for ASPRO acceptance design-if needed, risk assessment & method statement (RAMS) for any work -within Network (NR) zone of influence such as, but not limited to:
  - Detailed ground investigation to be carried out which should include the risk of ground stability of NR embankment and ground movement
  - RAMS for demolition and design for scaffolding if required.
  - Design and RAMS for substructure work.
  - Drawings/design & RAMS for foundation and ground works
  - Design for working platform (pile mat) for piling rig and bespoke RAMS for piling works.
  - Design & RAMS for any temporary works for buildings frame such as scaffolding, edge protection, etc
  - Drawings & RAMS for building construction
  - Design for Tower Crane base and piles and RAMS for erection and dismantle

- Design Form and RAMS for façade /cladding-only RAMS required in case of brickwork
  - RAMS for erection of roof
  - Lifting plan for all liftings associated with construction works, using plant, etc
  - Drawings & RAMS for roof works, drainage, landscaping works adjacent to NR boundary
  - NB: No soakaways should be installed within 20m from NR boundary, bridge, embankment toe.
  - Glare assessment to be completed if required
5. Proposer to confirm if any covenants are applied to the land and if so comply with them
  6. Proposer to apply for buried services report prior to any works on site.

**Appendices:**