

Planning Committee

29 June 2022



Application No.	22/00591/FUL
Site Address	Renshaw Industrial Estate Mill Mead Staines-upon-Thames TW18 4UQ
Applicant	Dandara Ltd
Proposal	Demolition and redevelopment to provide 2 new buildings (5 -11 storeys) comprising build-to-rent residential apartments (Use Class C3) including affordable housing, alongside ancillary residential areas (flexible gym, activity space, concierge and residents lounge) and landscaping, public realm, children's play area, bin storage, plant areas and car and cycle parking.
Case Officer	Russ Mouny
Ward	Staines
Called-in	N/A

Application Dates	Valid: 06/01/2021	Expiry: 22/07/2022	Target: 22/07/2022
Executive Summary	<p>This planning application seeks full planning consent for the redevelopment of the Renshaw Industrial Estate in Staines-upon-Thames and proposes 391 Build-to-Rent residential units, ancillary facilities, 215 parking spaces, landscaping and a children's play space.</p> <p>The proposal is for a Build-to-Rent scheme which means that the development is designed with the sole intention of appealing to the rental market as opposed to long-term home ownership.</p> <p>The site has outline (17/01365/OUT) and reserved matters (21/01200/RMA) planning approval for 275 residential units set over two buildings with 248 parking spaces that were approved on 27/07/2018 and 4/10/2021 respectively.</p> <p>An application for the redevelopment of the site for 2 buildings comprising 397 build-to-rent residential units with 197 parking spaces was refused by Planning Committee in 2021.</p> <p>The new buildings would be constructed following the demolition of the existing commercial buildings on the site. The provision of 391 new</p>		

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 National Planning Policy Framework (2021) states that a tilted balance approach must be adopted, whereby developments must be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole.

The application proposes 40 affordable housing units in an affordable rented tenure (10%), which would consist of 19 x 1 bedroom units, 17 x 2 bedroom units and 4 x 3 bedroom units.

The development would incorporate both private amenity space and private communal space, whilst also creating landscaped 'streets' around and through the development.

The proposal is considered to be commensurate with the design and scale of the surrounding multi-residential developments that have been constructed to the south and east of the site.

The proposal would provide 215 parking spaces (0.54 ratio) which is below the level of surrounding development. However, the application site is situated within a reasonable walking distance of Staines Railway Station and Staines Bus Station. The submission provided information on the take up rate of parking spaces in other Build-to-Rent schemes that indicates a lower level compared to market housing and it is considered that the level provided would not give rise to harm on the local road network that would outweigh the benefits of the provision of 391 new units in this location.

The scheme at the Elmsleigh Road and Masonic Hall site that provided 0.23 car spaces per unit was allowed at appeal, by the Planning Inspectorate. The Inspector noted that the appeal site was very accessible and shops, services and public transport options were within easy walking distance and considered the proposal would fall into the categories of schemes where standards could be reduced in accordance with the Council's Parking Standards SPG. He also noted that it would fall within criterion (b) of Policy CC3 of the Core Strategy where the level of car parking provision can be considered having regard to the scope for encouraging alternative means of travel to the development that would reduce the need for on-site car parking, particularly relevant in areas well-served by public transport.

In this case, the Inspector concluded that the level of parking provision was appropriate for the proposed development and that Policy CC3 of the Core Strategy was met, with no harm to the living conditions of the

	occupants of nearby properties with regard to potential car parking that may occur as a result of the proposed development.
Recommended Decision	Approve the application subject to a legal agreement and conditions as set out at Paragraph 8 of the Report.

MAIN REPORT

1. Development Plan

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

- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO3 (Affordable Housing)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- EM1 (Employment Development)
- CO2 (Provision of Infrastructure for New Development)
- CO3 (Provision of Open Space for New Development)
- SP5 (Meeting Community Needs)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN4 (Provision of Open Space and Sport and Recreation Facilities)
- EN8 (Protecting and Improving the landscape and Biodiversity)
- EN11 (Development and Noise)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

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

- BE26 (Archaeology)

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

- SPD on Design of Residential Extensions and New Residential development

- SPG on Parking Standards

- 1.4 The guidance set out in the National Planning Policy Framework 2021 (NPPF) and Planning Practice Guidance (PPG) is relevant to the consideration of this proposal
- 1.5 On 19 May 2022, Council agreed that the draft Staines Development Framework be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). It was also agreed that the draft Staines Development Framework be published for public consultation. The public consultation for both the Pre-Submission Publication version of the Local Plan and draft Staines Development Framework will run from 15 June 2022 to 5 September 2022.
- 1.6 The following policies of the Draft Spelthorne Local Plan 2022 – 2037 are of relevance:
- ST1: Presumption in Favour of Sustainable Development
 - ST2: Planning for the Borough
 - SP1: Staines-upon-Thames
 - H1: Homes for All
 - H2: Affordable Housing
 - E2: Managing Flood Risk
 - E3: Environmental Protection
 - E4: Green and Blue Infrastructure
 - E5: Open Space and Recreation
 - E6: Biodiversity
 - DS1: Place shaping
 - DS2: Responding to the climate emergency
 - ID1: Infrastructure and Delivery
 - ID2: Sustainable Transport for New Developments
- 1.7 At the current time, the draft local plan has been agreed by Council and the Pre-Submission Publication Version of the Local Plan to be published for public consultation under Regulation 19 consultation commenced on 15 June 2022 and will run to 5 September 2022. Therefore, the policies carry very limited weight in the decision making process of this current planning application.

2. Relevant Planning History

2.1 The site has the following planning history:

Ref. No.	Proposal	Decision and Date
21/00010/FUL	Demolition of existing industrial buildings and redevelopment to provide 2 new buildings (5-13 storeys) comprising 397 build-to-rent residential apartments (Use Class C3) including affordable housing, ancillary residential areas (flexible gym, activity space, concierge and residents lounge), landscaping, children's play area and car and cycle parking.	Refused 02/08/2021
21/01200/RMA	Reserved Matters application for appearance and landscaping relating to planning permission 17/01365/OUT - for the erection of up to 275 units in 2 buildings, 248 car parking spaces and publicly accessible green space.	Granted 4/10/2021
17/01365/OUT	Erection of up to 275 units in 2 buildings, 248 car parking spaces and publicly accessible green space. Outline application determining access, scale and layout only.	Granted 27/07/2018
00/00421/FUL	Change of use of unit from B8 to B1	Approved 26/07/2000
STAINES/FUL/P507/9/2	Extension to factory	Approved 21/12/1960

3. Description of Current Proposal

- 3.1 The site is located to the north of the A308 London Road within Staines and comprises an area of 0.86 hectares (\pm 2.13 acres) and is known as the Renshaw Industrial Estate.
- 3.2 There is existing vehicular and pedestrian access from Mill Mead adjacent to the Iron Bridge that incorporates a public right of way through to the Moormede residential development to the north. This is to be closed to vehicular traffic as part of the adjacent Charter Square development with vehicular traffic using the recently constructed Furlong Road to access to both Charter Square and the Renshaw Industrial Estate. This is to be adopted by the County Highway Authority and will allow Mill Mead to be closed to vehicular traffic adjacent to the Iron Bridge because of its narrow width and substandard junction with A308 London Road.
- 3.3 The site currently comprises two storey commercial buildings used for various warehousing and office functions, although approximately half of the site was destroyed by fire in 2014. The fire damaged buildings were

demolished and the area is now fenced to prevent unauthorised access. However, this area was used for construction storage during the Charter Square development.

- 3.4 To the north of the site are residential properties within the Moormede Estate, with those immediately north of the site being flats in 3 storey blocks. To the east is the telephone exchange building. To the south is Charter Square (formerly Majestic House), a mixed residential and commercial development. To the west, the site is bounded by an elevated railway embankment of the Windsor line.
- 3.5 The proposal is for two residential blocks with a total of 391 dwellings, consisting of 49 studios (12.5%), 136 one bedroom (35%), 162 two bedroom (41%), 38 three bedroom (10%) and 6 family townhouses (1.5%)
- 3.6 A basement would extend the full width of the site, connecting Block A and B providing 215 car parking spaces (55%). There would be secure storage for 391 secure cycle spaces giving a 1:1 provision and waste and recycling storage.
- 3.7 The proposed layout retains the central courtyard from the Reserved Matters approval with the two Blocks on the same axis to create a street frontage on Mill Mead and activated with residential terraces. A children's play space would be provided on Mill Mead, adjacent to one provided in connection with the Charter Square proposal.
- 3.8 The zone between the railway embankment and Block B would have a landscaped area and service element at grade to provide a buffer and amenity space for the residents. Entrances to both Blocks are located such that they would be directly visible on arrival to the site, with Furlong Road providing vehicular access for residents to the basement parking, and for servicing.

4. Consultations

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

Consultee	Comment
County Highway Authority	No response received, however the CHA raised no objection to the previous application 21/00010/FUL
Environment Agency	No response received, however conditions and informatives recommended in connection with the outline application have been added.
Group Head-Neighbourhood Services	No objection
County Archaeological Officer	No response received, however conditions recommended in connection with the outline application have been added.
Sustainability Officer	No objection subject to condition
Thames Water	No objection subject to condition

Tree officer	No objection
Health & Safety Executive	No response received – verbal update will be provided at planning committee
Surrey Police Secure by Design Officer	Recommends that the proposal meets secure by design
Network Rail	No objections
Environmental Health (noise)	No objection subject to conditions
Environmental Health (Air Quality)	No objection subject to conditions
Environmental Health (Contaminated land)	No objection subject to conditions
Heathrow Safeguarding	No response received, however informatives recommended in connection with the outline application have been added.
Lead Local Flood Authority	No objections subject to conditions

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 Members, including a presentation, and with the public and stakeholders. This took the form of a community leaflet delivered to 1000 residential and commercial addresses in the vicinity of the proposed development hand delivered on 5 April 2022 providing a simple summary of the proposal, a location plan, the intended design and appearance, as well as a summary of the Build to Rent product.
- 5.3 The applicant has advised that the current round of engagement has demonstrated limited interest in the proposal, with only two formal responses received and the matters raised by the elected members are consistent with those expressed during the promotion of the initial Dandara Living scheme.

Planning application consulting the neighbours

- 5.4 Neighbouring properties were notified of the planning application, statutory site notices were displayed and the application was advertised in the local press. A total of 14 letters of representation were received objecting to the application.

- 5.5 Representations include objections on the following grounds:
- Too many new developments
 - Loss of property value
 - Close proximity
 - Inappropriate tenure
 - Increased traffic
 - Narrow roads
 - Increased pollution
 - Deterioration of air quality
 - Loss of view
 - Increase in noise levels
 - Too big
 - Too high
 - Loss of light
 - Overlooking
 - Insufficient green space
 - Children's play area will cause anti-social behaviour
 - Town houses not disabled accessible
 - Unreasonable to expect disabled persons to dispose of their rubbish in the basement locations
 - A condition is required for the development to meet Part M4(2)

Staines Town Society note that: *'This proposal is a little less tall than the previous one 21/00010/FUL and has a little more parking. Otherwise, it is very similar and has all the same faults'*

6. Planning Issues

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

- Other Issues

7. Planning Considerations

Background

- 7.1 Outline planning consent (17/01365/OUT) for 275 residential units set over two buildings with 248 parking spaces was approved by the Planning Committee on 27 July 2018, with the reserved matters application (21/01200/RMA) approved on 4 October 2021.
- 7.2 Planning application 21/00010/FUL for the demolition of the existing industrial buildings and the redevelopment to provide 2 new buildings (5-13 storeys) comprising 397 build-to-rent residential apartments (Use Class C3) including affordable housing, ancillary residential areas (flexible gym, activity space, concierge and residents lounge), landscaping, children's play area and car and cycle parking was made valid on 06 January 2021 and refused by the Planning Committee 27 July 2021 for the following reason:
- 'The proposal, by virtue of the variation in scale, height and bulk, the increase in density and the inadequate justification to support the reduction in car parking, represent an unacceptable overdevelopment of the site resulting in a development which is likely to result in unacceptable parking stress on residential roads in the locality which would be detrimental to the amenity of residential properties, contrary to Policies EN1(a) and CC3 of the Spelthorne Borough Core Strategy and Policies Development Plan Document, 2009, and the Parking Standards Supplementary Planning Guidance, 2011.'*
- 7.3 At the Planning Committee of 10 November 2021 and subsequently reconvened meeting of 17 November 2021 at which the Press and the Public were excluded due to confidential nature of the advice, members considered a report from Officers containing advice from the Council's consultants and legal advisors about matters arising from an appeal against refusal of permission. In the light of this information and also to minimise any risk of a costs award being made against the Council, the Committee agreed not to defend that part of the reason for refusal referring to the scale, height, bulk, density and over-development insofar as it related to scale, height, bulk and density of the proposed buildings and reference to policy EN1(a) of the Spelthorne Borough Core Strategy and Policies Development Plan Document, 2009.
- 7.4 The Council would continue to defend the appeal based on the unacceptable parking stress on residential roads in the locality which would be detrimental to the amenity of residential properties, contrary to Policy CC3 of the Spelthorne Borough Core Strategy and Policies Development Plan Document, 2009.
- 7.5 This appeal will be heard by the Planning Inspectorate by way of an informal hearing on 2 August 2022.

- 7.6 This current application 22/00591/FUL seeks to address the Planning Committee's concerns in respect of the parking provision at the site and thereby the parking stress on residential roads in the locality.
- 7.7 The proposal has revised the basement parking layout to provide an additional 23 parking spaces, increasing the total to 215 parking space (a ratio of 0.54). In addition, the south east corner of Block A would be reduced from 13 to 11 storeys and the number of units proposed would be reduced from 397 to 391.

Emerging Local Plan and Staines Development Framework

- 7.8 The emerging local plan to replace the 2009 Local Plan is being progressed. The draft Local Plan was considered and agreed by the Environment and Sustainability Committee on 26 April 22 and Council on 19 May 22. The Draft Staines Development Framework (SDF) Supplementary Planning Document (SPD) was also be considered at these meetings. These two documents have been agreed for a period of public consultation for the pre-submission publication of the Local Plan under Regulation 19 of the Town and Country Planning General Regulations. This will run from 15 June to 5 September 2022 and thereafter, the draft Local Plan will be submitted to the Planning Inspectorate for an Examination to be held, after which it is expected that the Council can adopt the Local Plan. There will also be consultation on the draft SDF after which the feedback will inform the final version that will be submitted to the Planning Inspectorate with the Local Plan.
- 7.9 The statutory test for determination provided by s38(6) PCPA is reflected in paragraph 47 of the NPPF which states that:
"planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise".

Para 48 advises that:

"Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

- 7.10 At this stage the emerging local plan is at an early stage and has very limited weight in decision-making. As the emerging plan progresses, it will gather weight subject to the extent of unresolved objections to relevant policies and to the degree of consistency between those policies and the policies in the Framework. The SDF, which relates to draft policy SP1, also carries very limited weight at this stage.

- 7.11 The SDF as an SDP requires a policy hook within an existing or imminently to be adopted local plan. The SDF will hang off policy SP1 in the publication version of the Local Plan. The SDF, as an SPD is not part of the development plan and would not, by itself, benefit from the application of para 48 NPPF 2021, which allows “*relevant policies in emerging plans*” to be given weight in accordance with the three criteria set out above. It is possible that there will be a lot of comment on this policy and the SDF up to and during the Examination and unresolved objections would indicate that less weight should be given to the SPD. At the present very early stage in the process, it is considered that the SDF will carry very limited weight in the decision making of this application.

Principle of Development

- 7.12 Outline planning permission was granted at the Planning Committee on 27 July 2018 for the erection of up to 275 units in 2 buildings, 248 car parking spaces. The reserved matters were subsequently agreed on 14 October 2021.
- 7.13 The Planning Committee considered the relevant policies of the Core Strategy and Policies Development Plan Document (CS&P DPD), together with the National Planning Policy Framework 2021 (NPPF).
- 7.14 Policy HO1 of the Local Plan is concerned with new housing development in the Borough. HO1(c) encourages housing development on all sustainable sites, taking into account other policy objectives and HO1(g) states that this should be done by:
- “Ensuring effective use is made of urban land for housing by applying Policy HO5 on density of development and opposing proposals that would impede development of suitable sites for housing.”*
- 7.15 This is also reflected in the NPPF paragraph 119 which emphasises the need for the effective use of land in meeting the need for homes, whilst safeguarding the environment and provides further relevant context at paragraph 124-125 in respect of achieving appropriate densities.
- 7.16 The site is located within Staines town centre, in the urban area on a previously developed site, within walking distance of Staines train and bus station. As such the site is within an accessible location close to facilities and public transport links
- 7.17 The Planning Committee considered that the principle of the loss of employment land and the provision of a high-density residential development on the site was acceptable, provided all other policy requirements were met. There has been no material change in policy and it is considered that the principle of residential development at this site remains acceptable.

Housing Land Supply

- 7.18 When considering planning applications for housing, local planning authorities should have regard to the government's requirement that they significantly boost the supply of housing and meet the full objectively assessed need for market and affordable housing in their housing area so far as is consistent policies set out in the National Planning Policy Framework (NPPF) 2021.
- 7.19 The Council has embarked on a review of its Local Plan and acknowledges that the housing target in its Core Strategy and Policies DPD February 2009 of 166 dwellings per annum is more than five years old and therefore the five year housing land supply should be measured against the area's local housing need calculated using the Government's standard method¹. The standard method for calculating housing need is based on the 2014 household growth projections and local affordability. This equates to a need of 618 dwellings per annum in Spelthorne. This figure forms the basis for calculating the five-year supply of deliverable sites.
- 7.20 The base date for this assessment is the start of the current year 1 April 2022 to 31 March 2027. The 20% buffer will therefore be applied to this full period. National guidance sets out that the buffer should comprise sites moved forward from later in the plan period. A 20% buffer applied to 618 results in a figure of 742 dwellings per annum, or 3,708 over five years.
- 7.21 In using the objectively assessed need figure of 742 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.
- 7.22 The sites identified in the SLAA as being deliverable within the first five years and subsequent updates from landowners have been used as the basis for a revised five year housing land supply figure. Spelthorne has identified sites to deliver approximately 3,286 dwellings in the five year period.
- 7.23 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.43 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.
- 7.24 Government guidance (NPPF para 74) requires the application of a 20% buffer "where there has been significant under delivery of housing over the previous three years". In addition, guidance on the Housing Delivery Test indicates that where housing delivery falls below 85%, a buffer of 20% should be applied to the local authority's five year land supply and a presumption in favour of sustainable development if the figure is below 75%. The Housing Delivery Test result for Spelthorne Borough Council was

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

published by the Secretary of State in January 2022, with a score of 69%. This means that less housing has been delivered when compared to need over the previous three years. As a consequence, there is a presumption in favour of sustainable development because the test score of 69% is less than the 75% specified in the regulations. The figure of 69% compares with 50% last year and 60% in 2020. 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.

- 7.25 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 (2021). This requires that planning permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole'

Build to Rent

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

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

- 7.27 The applicant states that discounted Market Rent (affordable housing) and Private Rent offers flexible, affordable, good quality homes to groups who are often under-served including graduates, young professionals and front-line key workers. The proposed BtR units would also include a number of living costs as part of the rent, such as furniture packages, service charges, Wi-Fi/phone lines, gym membership, credit checks and inventory.
- 7.28 However, the benefits that the extra facilities and services BtR schemes provide mean that the average rent on these developments is higher than normal private rental. Jones Lang Lasalle is a global commercial real estate services company and their Build to Rent Report 2018 found that the average rent on a Build-to-Rent home was 9.3% higher than the average rent for the local area and that the average income across the schemes reviewed was £37,312, 30% above the UK median full-time salary.
- 7.29 In this particular case the development would offer communal areas comprising lounge, kitchen, work-stations, office provision and a gym.
- 7.30 The construction of BtR is a valid housing type and falls within the C3 Residential Use Class. It would provide an extended range of housing options and choices for residents of the Borough. The BtR typology would be

secured through the s106 Legal Agreement and this would incorporate a review mechanism were the tenure to change in the future.

Size, Type and Density

- 7.31 The applicant has submitted a Design and Access Statement (DAS) which states that all apartments have been designed to meet the Government's Technical Housing Standards - nationally described space standards and the requirements set out in Appendix 4 of the Council's Design of Residential Extensions and New Residential Development SPD (2011).

1B1P	1B2P	2B3P	3B4P	3B4P Townhouse	Total
49	136	162	38	6	391
12%	35%	41%	10%	2%	100%

- 7.32 The DAS also states that the proposal seeks to provide accessible and adaptable dwellings and as such all of the units would be designed to meet the optional Part M4(2) of the Building Regulations. This optional requirement is for accessible and adaptable dwellings which make reasonable provision for most people to access the dwelling and incorporates features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users.
- 7.33 Policy H04 and the Council's Supplementary Planning Document (SPD) on Housing Size and Type under policy HO4 seeks the provision of 80% of dwellings, in developments of 4 or more units, to be 1 or 2 bed units to ensure that the overall dwelling stock meets the Borough's identified demands.
- 7.34 The submitted layout provides for 391 units - 185 x 1 bed units (47%), 162 x 2 bed units (41%) 38 x 3 bed unit (10%) and 6 x 3 bed 4 person (2%). Whilst one bed units are generally considered less flexible, this is a specific Build-to-Rent scheme focusing on rental rather than ownership and the proposed housing mix, providing 88% one and two bed units, would meet the requirements of the policy and thereby assist in meeting the Borough's identified needs.
- 7.35 The Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development (2011) sets out minimum floor space standards for new dwellings.
- 7.36 The Government has also published national minimum dwelling size standards in their "Technical Housing Standards – nationally described space standard" document (2015). These largely reflect the London Housing Design Guide on which the Spelthorne standards were based and are arranged in a similar manner to those in the housing SPD.
- 7.37 Policy HO5 of the CS&P DPD sets out general guidance on density although this must be interpreted in the context of the particular mix of dwellings proposed. The policy indicates a guide density range of 40 to 75 dwellings per hectare for this location, acknowledging that higher densities may be

acceptable where the design is appropriate and the location is accessible by non-car based modes. The policy further states that higher density development may be acceptable where it is demonstrated that a development complies with policy EN1 on design, particularly in terms of its compatibility with the character of the area and where the development is in an area that is accessible by non-car-based modes of travel.

- 7.38 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.
- 7.39 The principle of a high-density development has been accepted through the outline approval and is consistent with the Government's focus on sustainable development and the efficient use of land. The development proposes 391 units (116 more than that proposed in the outline application) providing a density of approximately 454 dwellings per hectare. Which would be comparable with the Berkley Homes development to the east, which has a density of approximately 445 dwellings per hectare.
- 7.40 Given that it is designed as a high-density apartment development, where higher numerical densities can be achieved, is in a sustainable location, adjacent to the Staines Town Centre and public transport options and is within the parameters set by the approved and extant Reserved Matters application, the density is considered to be appropriate in accordance with policy HO5, notwithstanding that it must also comply with policy EN1 on design which is considered below.

Design, Massing and Layout

- 7.41 The Planning Committee agreed, at the meeting held on 10 November 2021, not to defend that part of the reason for refusal referring to the scale, height, bulk, density and over-development insofar as it related to scale, height, bulk and density of the proposed buildings and reference to policy EN1(a) of the CS&P DPD, based on advice from the Council's consultants and legal advisors.
- 7.42 The current application does however, reduce the height of Block A at the south-east corner from 13 to 11 storeys in height.
- 7.43 The number of units has been reduced from 397 to 391 and the housing mix has been altered as set out in the table below.

	21/00010/FUL	22/00591/FUL
1B1P	48	49
1B2P	141	136
2B3P	127	162
2B4P	35	0
3B4P	40	38
Townhouse	6	6
TOTAL	397	391

- 7.44 Policy EN1 of the Core Strategy and Policies Development Plan Document (CS&P DPD) states that the Council will require a high standard of design and layout of new development. Proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines layout, materials and other characteristics of adjoining buildings and land and achieving a satisfactory relationship to adjoining properties.
- 7.45 Section 12 of the NPPF: Achieving well-designed places, refers to design and in particular that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.46 It states in paragraph 130 that:
'Planning policies and decisions should ensure that developments:-
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*
- 7.47 The National Design Guide (NDG), Planning practice guidance for beautiful, enduring and successful places, produced by the former Ministry of Housing, Communities and Local Government (MHCLG) in 2021, sets out what makes well designed places. Paragraphs 43 and 44, note that well designed buildings do not need to copy what is already in existence but do need to integrate with the surroundings in a number of ways including physically, socially and visually.

7.48 The NDG also addresses how we recognise well design places by outlining ten characteristics; context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and life span. The Built Form characteristic is identified as the “*three dimensional pattern or arrangement of development blocks, streets, buildings and open spaces. It is the interrelationship between all these elements that creates and attractive place to live, work and visit rather than their individual characteristics.*”

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

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

7.50 Paragraph 71 states that proposals for tall buildings require special consideration, including that:

‘... their location and siting; relationship to context; impact on local character, views and sight lines; composition - how they meet the ground and the sky; and environmental impacts, such as sunlight, daylight, overshadowing and wind. These need to be resolved satisfactorily in relation to the context and local character.’

7.51 The scale of the proposal must be considered in terms of the surrounding development which varies from 3 storey flatted development to the north, 7 storey commercial development to the east and 12 storey multi-residential apartment blocks to the south.

7.52 The Outline Approval (17/01365/OUT) set a number of parameters for the development based on the submitted layout and this full application broadly follows those parameters.

7.53 Like the Outline proposal, this proposal is for a podium style development with a stepped form, increasing in height from north to south to provide a transition from the Moormede residential development to the north to the taller Charter Square multi residential development to the south.

7.54 Building A would step from approximately 15m (5 storeys) in height at the north boundary to 33m (11 storeys), 2 storeys taller at the northern boundary, adjacent to Moormede, than the reserved matters approval and the same number of storeys at the southern boundary.

7.55 Block B would step up from 18m (6 storeys) to 33m in height (11 storeys). Which would be 7m and 3 storeys taller than the reserved matters approval at the northern boundary, adjacent to the garage court and 3m and 2 storeys at the southern boundary adjacent to Charter Square.

7.56 The ground floor of the development would contain 37 units, including the 3 storey townhouses on Mill Mead, all with terraces and front doors facing to pedestrianised areas or the private courtyard. In addition, the ground floor of

Block A would contain a private landscaped courtyard (approx. 775m²) for residents and an internal communal area (approx. 515 m²). The ground floor of Block B would contain an entrance / concierge space and also space for plant / cycle / refuse storage.

- 7.57 The proposal remains on the same axis as the reserved matters approval to create a linear street that would activate the space and provide surveillance with residential terraces. The zone between the railway and Block B would be landscaped to provide a green buffer and amenity space for the residents. Children's play space would be provided on Mill Mead, expanding on that provided in the Charter Square development. The Mill Mead route through the site, would be landscaped to provide a green link from the Moormede residential area in the North to High Street in the South.
- 7.58 Both blocks would contain ground floor apartments, each with front door entrances and private terraces facing on to the pedestrian routes. Although these entrances would be raised from the public realm to address flooding and provide defensible space, level access is provided to all of the units through the blocks. To the east boundary of the site, a landscaped pedestrian 'street' would be provided giving approximately 11.5m to the boundary with the telephone exchange..
- 7.59 The main entrance for Block B would be provided at the end of Furlong Road, providing a direct link off the public realm. A secondary entrance would be available to the North end of Mill Mead, serving the secondary stair core.

Block A:

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

Block B

- 7.62 Circulation to the upper floors of Block B is via the main core situated at southern entrance. An additional stair is located to the north of the Block, providing vertical circulation as well as a secondary escape. Apartments are again arranged off a central corridor with private balcony space. The roof of the bin and bike store creates two large private roof terraces for the two apartments overlooking it.

Elevations

- 7.63 The elevations reflect the general style of the Charter Square development with a defined bottom, middle and top to the architectural form.

- 7.64 At level 3 the elevational treatment of the northern elevation of Block A changes to form articulated boxes, to breakdown the massing as the form steps towards the south east. At this point, the projecting balconies facing the residential development become inset, increasing privacy to the Moormede Estate as the building height increases, whilst emphasising the boxes. The roof of the townhouses would have green roofs to increase water attenuation and promote habitat creation. As the townhouses drop away, the escape stairs become articulated between the blocks.
- 7.65 At level 4 the elevational treatment of the northern end of Block B follows the form of Block A
- 7.66 At level 5 the massing of Block A steps towards the South East leaving a green roof, providing water attenuation and habitat creation. As the blocks fall away, additional windows are introduced to create further dual aspect apartments which also benefits from a private roof terrace. This is echoes by Block B at level 6.
- 7.67 The revised proposal has reduced the height of Block A at the south east corner and has reduced the overall number of units proposed. This would represent an improvement to the previously refused application in terms of its scale, height, bulk and density.

Affordable Housing

- 7.68 Policy HO3 of the CS&P DPD requires up to 50% of housing to be affordable where the development comprises 15 or more dwellings. The Council seeks to maximise the contribution of affordable housing from each site having regard to the individual circumstances and viability, with negotiation conducted on an 'open book' basis.
- 7.69 The applicant has proposed a Build-to-Rent scheme which is a distinct asset class within the private rented sector and has been defined in the NPPF glossary to simplify its treatment within the planning system.
- 7.70 The NPPF states that affordable housing within Build-to-Rent schemes should be provided in the form of affordable private rent, a class of affordable housing that is specifically designed for Build-to-Rent and should be managed collectively by a single build to rent landlord.
- 7.71 The NPPF further states that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided and maintained in perpetuity in Build-to-Rent schemes. It is acknowledged that this is significantly less than the Council's policy requirement, but the LPA recognises the Government advice in relation to this specific type of residential accommodation.
- 7.72 The applicant's Viability Assessment submitted with the application remains the same as that submitted with the previous application (21/00010/FUL) and concludes that the scheme is unable to provide any affordable housing. The applicant recognises the need to provide affordable housing as part of

the proposal and has retained the offer of 10% affordable rented housing as Discounted Market Rent (DMR) at 20% below the market, in accordance with the NPPF and would prioritise lettings to the Council's housing waiting list.

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

1B1P	1B2P	2B3P	3B4P	Total
5	14	17	4	40
12.5%	35%	32.5%	10%	100%

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

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

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

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

Access and Furlong Road

- 7.78 Vehicle access to the basement car park would be at the eastern end of the site, directly from Furlong Road that has been constructed as part of the Charter Square development. The pedestrian access to Block A would be from a footpath on the northern side of the Link Road, with Block B accessed from a shared surface at the western end of the Link Road. This configuration would minimise pedestrian and vehicle conflict at Mill Mead.
- 7.79 Pedestrian access to the Moormede Estate would remain between Bocks A and B, as approved in the outline and reserved matters application, and with

a significant reduction in vehicle movements on Mill Mead would represent a improvement to the public realm and pedestrian movement along Mill Mead.

- 7.80 Vehicle access to the existing industrial estate is located at the end of Furlong Road, although this is currently closed off and the units unoccupied. The access to the development approved under the outline and reserved matters applications for 248 parking spaces is at the further west than the proposal for Block A and at the end of Furlong Road or Block B.
- 7.81 The proposal would be required to use only Furlong Road (Link Road), accessed from Fairfield Avenue, for vehicular access in connection with this development. For this reason, and to ensure adequate highway and pedestrian safety, a condition concerning construction traffic is recommended.

Highways Issues

- 7.82 Strategic Policy SP7 of the CS&P DPD states that the Council will reduce the impact of development in contributing to climate change by ensuring development is located in a way that reduces the need to travel and encourages alternatives to car use. It will also support initiatives, including travel plans, to encourage non car-based travel.
- 7.83 Policy CC2 of the CS&P DPD states that the Council will seek to secure more sustainable travel patterns by only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account:
- (i) number and nature of additional traffic movements, including servicing needs;
 - (ii) capacity of the local transport network;
 - (iii) cumulative impact including other proposed development;
 - (iv) access and egress to the public highway; and
 - (v) highway safety.
- 7.84 Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.85 The Transport Assessment (TA) (April 22) considers the existing travel characteristics and local highway network, transport policy considerations and traffic generation from the development. The TA uses TRICS to model the anticipated trip generation from the development. This shows that the site is forecast to generate 52 two-way vehicle trips in the am peak and 59 in the pm peak, although the applicant believes this to be an overestimation based on the proposed parking levels. This was shown as forecast to generate 76 two-way vehicle trips in the am peak and 82 in the pm peak in the scoping note, which formed the applicant's initial discussions with the County Highway Authority. The applicant's assessment concludes that no highway mitigation required would be required to support the revised proposal for the site

- 7.86 TRICS (Trip Rate Information Computer System) is a database of trip rates for developments used in the United Kingdom for transport planning purposes, specifically to quantify the trip generation of new developments.
- 7.87 The TA also identifies that the junction assessments, undertaken as part of the TA for the consented outline application, identified that the traffic impact would be negligible and therefore with fewer parking spaces and an identified reduction in trip generation, the current proposal would result in less impact compared to the existing situation in respect of the commercial operation of the site and a positive impact compared to the outline approval.
- 7.88 The submitted TA also reviews the personal injury collisions, which indicated a range of road user and collision types with no specific collision hotspots. The TA therefore concludes that there are no highway safety issues in the vicinity that the proposal would exacerbate.
- 7.89 This revised proposal has sought to provide an additional 23 spaces above that of the refused application (21/00010/FUL) to address the reason for refusal. This represents a reduction of 30 spaces from the approved outline and reserved matters applications (17/01365/OUT & 21/01200/RMA).
- 7.90 The County Highway Authority reviewed the TA in connection with the previous application (21/00010/FUL) and was satisfied with the conclusion that the proposal would have no material impact on the local highway network and makes the following comments:

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

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

The previous application considered the impact of the higher trip generation estimates (127 two-way trips in the AM peak and 159 in the PM peak) on the highway network and concluded that the impact on the network would not be severe. Whilst the network itself and the flows of traffic on it have changed since the initial assessment was carried out, the proposed development is

not likely to have a significant detriment over the scheme which already benefits from planning permission.'

- 7.91 It should be noted that the County Highway Authority's guidance document: Vehicle, Cycle and Electric Vehicle Parking Guidance for New Developments (Nov 2021) recommends 1 EV charging space per flat.
- 7.92 Given that the approved outline and reserved matters applications require a 20% provision and the refused application 21/00010/FUL also sought to provide 20% provision, the 20% provision in this application is considered acceptable, in this specific case, although an informative is recommended to encourage that a greater level be provide.
- 7.93 The previous modelling for the approved outline proposal showed that queue lengths would increase at the London Road / Mustard Mill Road traffic lights and mitigation was proposed through revisions to the timing of the lights.
- 7.94 Whilst it is acknowledged that the current modelling and reduced on-site parking levels would result in less traffic movements, the requirement for mitigation remains and improvements to signals would improve pedestrian and cycle movements in addition to vehicular movements and improve the quality of the environment.

Parking

- 7.95 The previous application 21/00010/FUL refused at the Planning Committee on 27 July 2021 sought to provide 192 parking spaces and 397 residential units.
- 7.96 Policy CC3 requires appropriate provision for off-street parking in development proposals, having regard to a number of defined criteria. The NPPF states that the planning system should actively manage patterns of growth to support sustainable transport objectives, focusing significant developments in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 7.97 Under the requirements of the Council's Parking Standards SPD (2011) the proposed development would require 562 parking spaces, based on the following standards:

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

- 7.98 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should now be interpreted in the light of the Government's then recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum standards (maximum parking standards continue to be applicable in relation to commercial development). The supporting text to the Council's Parking

Standards Supplementary Planning Guidance (SPG) stipulates a number of important exceptional situations where a reduction in parking will be allowed. One of these situations includes town centre locations:

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

- a. *Distance from public transport node i.e. main railway station, bus station, main bus stop;*
- b. *Frequency and quality of train service;*
- c. *Frequency and quality of bus service;*
- d. *Availability and quality of pedestrian and cycle routes;*
- e. *Range and quality of facilities supportive of residential development within a reasonable walking distance (or well served by public transport) e.g. retail, leisure, educational, and possibly employment.”*

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

7.100 The NPPF advises at paras 110 that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users;
- the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

7.101 Paragraph 11 1 continues:

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

- 7.102 The proposal includes a single level of basement parking for 215 vehicles including 14 tandem bays (28 spaces) and 13 accessible bays. Of these a minimum of 20% would be provided with EV fast charge facilities, with an additional 20% future provision.
- 7.103 The submitted Transport Assessment (TA) indicates that spaces within the car park would be controlled by the building management company and leased to residents, rather than allocated to specific units. This, it argues, would not only mean that electric vehicles can be allocated to EV charging spaces but also that the additional cost would represent a deterrent to car ownership and encourage alternative modes. Access to the car park would be gated, with allocated residents having access via a fob system or Automatic Number Plate Recognition (ANPR). The applicant also proposes to provide 3 car club spaces on Furlong Road.
- 7.104 Cycle parking at a ratio of 1 space per unit would be provided at ground floor level in dedicated cycle store for Block B and within the basement for Block A with hatched markings on the access ramp to delineate cycle access.
- 7.105 The applicant's submitted TA is based on the development providing relatively low levels of car parking – 215 spaces - (0.54 spaces per unit overall) and suggests that this would minimise the use of private cars amongst residents and encourage alternative modes of transport. The TA refers to the proximity of public car parks, the parking restrictions in the vicinity of the development, the sustainability of the location, census data and the anticipated age profile of residents as justifying the proposed level.
- 7.106 However, whilst public car parks may offer a potential to address visitor parking, they cannot reasonably justify a reduction of on-site parking for residents. The Council's Group Head Neighbourhood Services has confirmed that there is not a permit scheme for residents to park in the town centre car parks as this would displace the shoppers.
- 7.107 Whilst there are parking restrictions in the immediate vicinity of the site, there are roads within an acceptable walking distance without such restrictions where parking stress could occur.
- 7.108 It is acknowledged that the site is in a sustainable location and this does justify consideration of a reduction in parking levels.
- 7.109 The Census data provides a baseline to support a parking reduction and has been accepted to support reduced parking on other sites in Staines. However, it should be noted that the reduction proposed does not relate to the Census data and cannot reasonably justify the parking level proposed.
- 7.110 In respect of the age profile of residents the TA suggests that approximately 70% would be under 30 and that this age group is showing a decrease in car use. However, the age profile is unsubstantiated and a decrease in car use does not necessarily equate to reduction in car ownership or provide evidence for the parking levels proposed.

7.111 The TA also includes information stating that the applicant, Dandara, are one of the largest developers and operators of Build-to-Rent developments in the UK with 5,300 homes currently under their management.

7.112 The table below provides data on three of Dandara's developments which indicate the parking levels provided and the relative take up rates:

	Birmingham	Leeds	Manchester
Dwellings	324	744	995
Car Parking Spaces	150	263	375
Parking Ratio	46%	35%	38%
Units let (May'21)	280	526	214
Spaces let (May'21)	84	180	68
Current take-up of spaces	30%	34%	32%
Spaces required at 100% occupancy	97	254	363
Surplus spaces at 100% occupancy	53	9	57

7.113 Dandara note that each of the sites is located in an area where on-street parking restrictions apply and that, by the nature of rental developments of the scale proposed, it is not assumed that all the apartments would be occupied, with some voids as tenants change.

7.114 The TA also provides a table of Build-to Rent developments throughout the country that, generally, have a lower ratio than that proposed in the current application. However, it should be noted that this only refers to what was approved through the planning process.

7.115 Notwithstanding that the three developments provided are located in the central core of major cities, which means that extensive public transport is available, facilities would be more numerous and that the availability of parking in the local area is significantly more restricted, the figures show a noticeable reduction in the take-up of parking spaces within these Build-to-Rent developments.

7.116 It is also important to note that a scheme providing only 0.23 car spaces per unit was allowed at appeal at the Elmsleigh Road and Masonic Hall site in Staines in January 2022. The Inspector noted that the appeal site was very accessible and shops, services and public transport options were within easy walking distance and considered that the proposal would fall into the categories of schemes where standards could be reduced in accordance with the Parking Standards SPG. This site would have a similar level of accessibility.

7.117 He also noted that it would fall within criterion (b) of Policy CC3 of the Core Strategy where the level of car parking provision can be considered having regard to the scope for encouraging alternative means of travel to the

development that would reduce the need for on-site car parking, particularly relevant in areas well-served by public transport.

7.118 The Inspector concluded that the level of parking provision was appropriate for the proposed development and that Policy CC3 of the Core Strategy was met, with no harm to the living conditions of the occupants of nearby properties with regard to potential car parking that may occur as a result of the proposed development

7.119 This issue is a planning judgement, balancing all the information, given that there is no highway safety objection from the CHA, that the Council's Parking Standards SPG allows for a reduction in parking standards in the town centre and that the Planning Inspectorate has recently considered the issue of parking stress, it is considered that the parking proposed is acceptable and represents a reasonable parking reduction for this particular development proposed in this location.

Travel Plan

7.120 The applicant's submitted Travel Plan (TP) states that it focusses on measures that will be delivered upon occupation of the development to inform residents of their travel options and encourage sustainable patterns of travel from the outset and does not include targets or monitoring. The TP states that fundamental to the success of the Travel Plan is that sufficient resources are allocated to develop and implement the measures proposed and this will be the responsibility of the Travel Plan coordinator.

7.121 The primary aim of the TP would be to minimise single occupancy car trips associated with the proposed development, by promoting and encouraging the use of more sustainable alternatives among residents and visitors:

- Providing information about the local transport network, particularly sustainable travel options, to all prospective renters;
- Providing each household, on first occupation, with a Welcome Pack detailing sustainable travel options upon first occupation;
- Providing 391 cycle parking spaces;
- The Travel Plan Coordinator will seek to negotiate discounts at local cycle shops for residents;
- Provision of up to 3 Car Club cars. One Car Club vehicle to be provided from the outset, with up to two additional vehicles provided as demand increases;
- Encouraging residents to car share; and
- Providing a minimum of 20% of the parking spaces provided with a fast charge socket for electric vehicle charging, with all other spaces future proofed with ductwork for future connection.
- Easit Membership

7.122 In reviewing the measures set out in the Travel Plan, the LPA considers that:

- the provision of information at the initial stage, whilst welcome, offers little tangible benefit to securing the use of alternative modes of transport.
- The Welcome Pack is a simplistic measure, out of touch with modern communication advancements and only offers third party

information. Whilst it offers the potential for the consideration of alternative modes of transport, it does little else.

- The provision of cycle parking is a requirement of the Council's SPD: Parking Standards and the proposal would only provide the minimum.
- There are three local bike shops, two national outlets and one independent, seeking to negotiate discounts is not a guarantee and offers nothing tangible to support the aims and objectives of the TP. Without monitoring and alternative options this would achieve no tangible benefits.
- The provision of a club car scheme would provide some mitigation in respect of the reduction of parking levels and would offer an additional alternative to car ownership for some residents. There is evidence that providing access to a car club at an early stage has the potential to change people's attitudes to car ownership and alternative modal choices.
- Encouraging those residents who do own cars and have paid for space within the development to carshare is entirely reliant on third parties and there is no justification that this measure would provide any additional support for the primary aim of the TP or any tangible benefit to sustainable travel choices.
- The provision of EV charging is expected in all residential developments in the Borough and the proposal does not accord with the current County Highway recommendation for EV charging.
- The Easit NETWORK was set up to make commuting easier, greener and healthier. It is a small social enterprise with the aim of encouraging commuters to use sustainable ways to get to work - reducing congestion and pollution and making life better for all. However, the Easit Sustainable Travel Scheme is a workplace travel scheme and currently unavailable in this area and whilst the applicant may be liaising with Easit, cannot commit to the scheme for this development

7.123 Given the minimal benefits within the TP, the level of reduced parking proposed, the potential for a significant modal shift and the benefit to the wider community, it is recommended that the 3 club cars should be provided at the outset for this development.

7.124 If the Travel Plan provides no targets and is not monitored, it would offer no evidence towards whether the reduction of parking levels is mitigated through alternate modes of transport nor any assessment to the value of proposed measures. Given the limited value of the Travel Plan measures proposed a Travel Plan condition is recommended.

Impact on Residential Amenity

7.125 Policy EN1(b) requires that new development '*achieves a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight, or overbearing effect due to bulk, proximity or outlook*'.

- 7.126 The nearest residential properties would be in Swallow Close to the north, approximately 19m from Block A and, in Kingfisher Drive approximately 23.5m away from Block B. The south east corner of the Block A comprising three bed, dual aspect units would be approximately 13m at its closest point from the Charter Square development and 15m where the main south façade of residential units would front it. It should be noted that the Charter Square development does incorporate balconies that over-sail the footpath.
- 7.127 Block B would be 11 storeys on the southern boundary opposite Ascot House (Charter Square Phase 1B) and would sit approximately 30m away at its closest point. The unit type at this location would be a 3 bed 4 person unit with a double bedroom occupying this corner space.
- 7.128 These distances are comparable to those approved under the outline and reserved matters applications (17/01365/OUT & 21/01200/RMA). The Council's SPD 'Design of Residential Extensions and New Residential Development' does not address the relationship of buildings of this multi-residential type or height. It provides for back-to-back distances of 21m to avoid overlooking and loss of privacy and 13.5m for back to side, although these are increased for 3 storey development.
- 7.129 The residential properties in Swallow Close comprise flats over 3 floors with the flank elevation, with no windows, facing the front elevations of the units in Block A, separated by an existing tree belt. The Swallow Close flats are set in an open grassed area and the proposed development is not considered to have a materially adverse impact on the residential amenity of these properties.
- 7.130 The properties in Kingfisher Drive are the same style, but the rear elevation of these units would be facing the front elevation of the units in Block B, over the intervening open area and garage court. Whilst Block B would be 6 storeys, the distance between the buildings is comparable to the existing layout in Kingfisher Drive and it is not considered that any materially adverse impact would result to the residential amenity these properties might reasonably expect to enjoy.
- 7.131 Given the orientation of buildings facing Block A, along with the existing tree belt and the distance between buildings in relation to Block B, together with the type of development at this point in Moormede and the relative heights of the buildings, the impact on the surrounding development in Moormede is considered to be acceptable.
- 7.132 Block A would be closer, than the outline and reserved matters proposals, to the Charter Square development for much of its façade, however this is considered appropriate given the orientation of Block A to the north of the Character Square development and the character and appearance of these developments.
- 7.133 Within the urban area and in respect of higher density development the proximity of development must be more flexible to optimise development in accordance with Government aims. In terms of the relationship with the

Charter Square development, this is considered to be acceptable and appropriate for high density development.

- 7.134 Given the orientation of buildings facing Block A, along with the existing tree belt and the distance between buildings in relation to Block B, together with the type of development at this point in Moormede and the relative heights of the buildings, the impact on the surrounding development in Moormede is considered to be acceptable.

Daylight and Sunlight Assessment

- 7.135 The Building Research Establishment (BRE) good practice guide 'Site Layout Planning for Daylight and Sunlight' states that for large residential developments: *'The aim should be to minimise the number of dwellings whose living rooms face solely north, northwest or north east.'* It also states: *'Sunlight in the spaces between buildings has an important impact on the overall appearance and ambiance of a development.'*
- 7.136 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).
- 7.137 The applicant submitted a daylight and sunlight assessment which concludes that the development demonstrates good compliance with the recommendations contained within the BRE Guidance for Daylight and Sunlight assessment, and where transgressions are present, they are generally acceptable and appropriate with the local urban environment pertinent to the context of the site.
- 7.138 The properties in Swallow Close in close proximity to the proposed development all experience fully BRE compliant alterations of daylight. The closest building in Kingfisher Drive would have windows which do not meet the default BRE guidelines with noticeable reductions, however these rooms experience high levels of retained daylight.
- 7.139 The Charter Square development was considered to perform well versus the mirror analysis, – which the BRE guidelines to quantify an appropriate alternative value based on the context of an environment - with a clear majority of rooms experiencing better daylight levels than the mirror baseline. Of those that fell below the recommendation, approximately half demonstrated that they retained daylight levels above the baseline figure.
- 7.140 The layout and massing of the proposal is similar to that approved under the outline and reserved matters applications and it is considered that, on balance, the benefits of the proposal in this particular location outweigh the restricted daylight and sunlight.

Amenity Space

7.141 The Council's SPD, Design of Residential Extension and New Residential Development (2011) provides general guidance on minimum garden sizes (Paragraph 4.20). In the case of flats, it requires 35 square metres per unit for the first 5 units, 10 square metres for the next 5 units, and 5 square metres per unit thereafter. On this basis 2,130sqm would be required for the 391 flats.

7.142 The proposal includes a variety of private open spaces for the residents of the building which comprises;

- A balcony or terrace to all of the units (91% have a balcony or terrace and 7% having a Juliette balcony). The average size of the balconies being 5sqm.
- A central courtyard to Block A which would be 570sqm.

7.143 The layout also shows 180 square metres in the nature retreat to the west of the site, not including circulation space from the cycle store and barrier planting adjacent to the residential units. The development also includes a range of private gardens, terraces and balconies. In the case of higher density town centre residential development paragraphs 4.46 – 4.47 of the SPD states:

“Such schemes will usually involve high density flatted development... The opportunities for on-site open space provision will be limited, particularly where ground floor non-residential uses and access/delivery areas occupy most of the site area. Family accommodation is therefore unlikely to be appropriate. Some amenity space can be provided in the form of large balconies as well as at roof level, subject to design and safety considerations.”

7.144 The application indicates that it would provide a landscaped public space between the Blocks A and B, however this includes the existing public right-of-way. The amount of private open space provided within the development comprises a total of approximately 2,287sqm of individual external private space, 740 sqm of communal external private space and 648sqm of communal internal private space, which exceeds the policy requirement of 2,130 sqm,

Open Space

7.145 Policy CO3 of the CS&P DPD requires new housing developments of 30 or more family dwellings, to provide a minimum of 0.1 hectares of open space for a children's play area, with the size increasing proportionally according to the size of the development.

7.146 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.

- 7.147 There is no shortage of public open space in this part of the Borough (Staines Ward) according to the Open Space Assessment November 2019, which is one of the evidence base and supporting documents for the emerging Local Plan. However, the proposal includes 206 dwellings defined as family sized units and accordingly, Policy CO3 would require open space to provide a children's play area on the site.
- 7.148 The proposed development is located on a relatively small urban site and a publicly accessible children's playground is being provided in Mill Mead to complement that provided by the Charter Square development. However, in accordance with Policy CO3, an off-site contribution to improve play space provision in the Moormede Park is considered to be appropriate. The Group Head of Neighbourhood Services requested a sum of £85,000 which would allow for improvements and the provision of inclusive play equipment and it is considered that the requirements of Policy CO3 have therefore been addressed. This would be contained within a s106 agreement.

Waste and recycling

- 7.149 The applicant submitted an access and servicing strategy that identifies two locations for the bin stores in the basement of Block A and a single grade level area to the rear of the entrance, adjacent to the railway embankment, for Block B.
- 7.150 The applicant's revised proposal indicates that 44 x 1100 litre general waste or recycle bins would be presented on street on the relevant bin collection day on the area north of Furlong Road adjacent to Block A with the bins being moved by the on-site operational staff who would manage the scheme as a Build to Rent development.
- 7.151 The Group Head of Neighbourhood Services is satisfied with the strategy and has raised no objections.

Air Quality

- 7.152 The applicant's Air Quality Assessment recognises that the development may lead to the exposure of future occupants to elevated pollution levels, as well as adverse air quality effects at sensitive locations. Therefore, the Air Quality Assessment determines baseline conditions, considers the suitability of the site for the proposed end-use and assesses potential impacts as a result of the scheme.
- 7.153 The assessment has considered the potential construction phase air quality impacts from fugitive dust emissions - resulting from demolition, earthworks, construction and track-out activities – and concludes that the use of good practice control measures would provide suitable mitigation and would reduce potential impacts to an acceptable level. A condition relating to a dust and construction management is recommended.
- 7.154 The assessment also considered the potential impacts that may occur during the operational phase due to road traffic exhaust emissions associated with vehicles travelling to and from the site. Dispersion modelling was undertaken

to predict pollutant concentrations at sensitive locations both with and without the development in place.

- 7.155 The dispersion modelling assessment indicated that predicted air quality impacts resulting from traffic generated by the development were not significant. It also demonstrated that predicted pollution levels were below the relevant air quality standards across the development.
- 7.156 The assessment's overall conclusion is that air quality issues are not a constraint to the proposal.
- 7.157 The construction phase would be similar to the approved outline and reserved matters approval, generally working to the accepted parameters, and the operational phase would represent a reduction of parking spaces and therefore vehicle movements to and from the site. The overall impact of the proposal on air quality is therefore unlikely to be materially different from the outline and reserved matters approval.
- 7.158 The Council's Environment Health team has reviewed the assessment and has recommended both conditions and informatives.

Arboricultural Issues

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

- 7.162 The Council's Tree Officer has reviewed the Arboricultural Assessment and raises no objection.

Ecology

- 7.163 The applicant has submitted a Preliminary Ecological Appraisal (PEA) with the objective of providing the baseline ecology of the application site and immediate surrounding area. The PEA concludes that overall, the site has limited ecological value, and although further surveys are needed to clarify any bat roosting opportunities, the site is of very limited biodiversity value due to the types of habitat present and its isolation within an urbanised area. The PEA suggests that the site can be enhanced with the addition of planting regimes that will provide aesthetically pleasing flowering species, which will also provide opportunities for nectar feeding invertebrates. It also indicates that the provision of flowering and fruiting trees will provide foraging and refuge potential for bird species.
- 7.164 The LPA acknowledges that these measures would increase the biodiversity value of the site, which would be in line with national (NPPF) and local policies within the CS&P DPD and would represent an overall benefit to the site.
- 7.165 The Surrey Wildlife Trust was consulted but has not responded, however it raised no objection to the outline (17/01365/OUT) application on ecological grounds.
- 7.166 A condition has been recommended to secure biodiversity enhancements prior to occupation of the development and an informative has been recommended in connection with the potential for birds and bats at the site.

Archaeology

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

Drainage Strategy

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

Flooding

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

Renewable Energy

- 7.177 Policy CC1 of the CS&P DPD states that the Council will require residential development to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources. The NPPF states that the planning system should support the transition to a low carbon future in a changing climate.

- 7.178 The applicant has submitted a Sustainability Statement that recognises the requirement of Policy CC1, but also seeks to present an energy and sustainability strategy for a proposed scheme. It indicates that renewable and low carbon technologies have been considered as part of the design following the prioritisation of efficiency. Photovoltaic arrays for both blocks are proposed. Block A would require 240 kWh/annum per apartment and Block B, 260 kWh/annum per apartment, which would achieve 10% of energy from renewable technology
- 7.179 The Council's Sustainability Officer has been consulted and considers that further work should be considered to ensure that a minimum of 10% of the development's energy demand will be provided from on-site renewable energy sources. A condition is therefore recommended.

Fire Safety

- 7.180 Following the Grenfell Tower fire on 14 June 2017 the government commissioned the Independent Review of Building Regulations and Fire Safety. The report highlighted the need to transform the fire and building safety regime and recommended that some minimum requirements around fire safety would need to be addressed when local planning authorities are determining planning applications and would require input from those with the relevant expertise.
- 7.181 Three gateways have been established at key stages in design and construction that introduce new requirements:
- Planning Gateway one – at the planning application stage
 - Gateway two – before building work starts
 - Gateway three – when building work is completed
- 7.182 Gateways two and three are stop/go decision points that must be passed before a development can proceed to the next stage, strengthening regulatory oversight of design and construction.
- 7.183 The Building Safety Regulator within the Health and Safety Executive (HSE) oversees building work as the building control body for higher-risk buildings.. Only once Gateway three has been passed (either for partial or full completion) can the new building be registered with the Building Safety Regulator for occupation. It will be an offence to occupy a new higher-risk building that has not been registered.
- 7.184 The applicant's Fire Statement advises that the design has been amended to provide the required level of fire safety within the building. The proposal incorporates smoke shafts and code compliant travel distances, evacuation lifts adjacent to each core and sprinklers throughout. Access and facilities for the fire service, including three firefighting stairs and firefighting lifts, dry risers in all 6 stairs, vehicle access to within 18m of the dry riser inlets and adequate space to turn the fire appliance between the two buildings and along the elevation to the right hand side of the main entrance are incorporated.

- 7.185 The HSE has been consulted, but has advised that they have recently received a high number of consultations and re-consultations. Members will be updated at the Planning Committee

Noise

- 7.186 Policy EN11 of the CS&P DPD seeks to minimise the adverse impact of noise on residential and other noise sensitive development.
- 7.187 The applicant submitted a Noise and Vibration Impact Report which concluded that having undertaken a detailed environmental noise survey to establish the prevailing environmental noise climate around the site, appropriate target internal noise levels have been proposed. These are achievable using conventional mitigation measures.
- 7.188 Suitable vibration assessment criteria have been used to inform an assessment of relative vibration impacts. The results of which indicate that both tactile and re-radiated noise due to ground borne vibration fall below the suggested criteria and should be therefore deemed acceptable.
- 7.189 The assessment shows that subject to appropriate mitigation measures, the site is suitable for residential development in terms of noise.
- 7.190 The conditions recommended by the Council's Environmental Health Officer (Noise) have been recommended.

Contaminated Land

- 7.191 The applicant has submitted a revised Preliminary Risk Assessment having reviewed the Phase I and II Contamination Assessment Reports by MLM Group submitted in connection with the outline approval (17/01365/OUT) that considered the level of contamination of the existing ground conditions and proposed remediation measures.
- 7.192 The review has assessed the likely risks in relation to the development, including the risk to future residents, which has been assessed as moderate to low. It acknowledges that whilst there is the potential for contamination to be present, the proposed basement will result in the removal of a large portion of the shallow, and potentially impacted, soils reducing the risk via 'source removal', which would also reduce the risk to the incoming water supply.
- 7.193 The review also anticipates that the construction of the basement, which will require both ventilation and waterproofing measures would provide protection against any potential ground gas or indoor vapour inhalation risks.
- 7.194 The risk to groundwater has been assessed in the report as moderate. There is the potential for both on and offsite sources of contamination to migrate into groundwater, which is of moderate to high sensitivity being classified as a Principal Aquifer within a total catchment source protection zone (SPZ3). However, the removal of potentially impacted soils for the basement of the

proposal would reduce this risk. The risk to the River Colne has been assessed as low due to the distance to the receptor, which is some. 170m with engineered drainage located in between. The risk to the adjacent drainage ditch could be high, although it is understood that this feature is usually dry and would not therefore constitute a controlled waters feature.

- 7.195 The Council's Pollution Control Officer has raised no objection, but has recommended a condition be imposed to secure further investigation and ground gas monitoring, together with the provision of a formal Remediation Strategy.

Equality Act 2010

- 7.196 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- (a) The elimination of discrimination, harassment and victimisation
 - (b) The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
 - (c) The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups

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

- 7.197 The development has been designed so that all of the flats are accessible and adaptable for disabled people (i.e. M4(2) of the Building Regulations). Furthermore, 13 of the 215 car parking spaces have been designed to disabled standards. The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long term adverse effects on their ability to carry out normal day-to-day activities. This can include but is not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. It is considered that it would be possible for individuals with disabilities to access the development.

Human Rights Act 1998

- 7.198 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.199 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.
- 7.200 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.

- 7.201 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.
- 7.202 In terms of the built form, it is not considered that the proposal would result in a significant loss of outlook, loss of light/overshadowing, be overbearing or cause loss of privacy to neighbouring residential properties or cause noise or light nuisance issues that would justify refusal of the proposal. In addition, it is also considered that the proposal would have an acceptable impact on uses and their users. It is acknowledged however, that the demolition of the existing commercial units and the construction of the new building, would have an impact on nearby properties and uses. The adjoining residential properties and the occupiers of the Telephone Exchange building, will be most affected by the demolition of the existing building. A Construction Environmental Management Plan (CEMP) is recommended by condition to ensure issues such as noise and dust are mitigated against to reduce the impacts. It is also noted that this will be for a limited period but would disrupt the pedestrian access from the Moormede estate,

Financial Considerations

- 7.203 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.
- 7.204 In consideration of S155 of the Housing and Planning Act 2016, the proposal would generate a New Home Bonus which is an economic benefit. It is a CIL chargeable development and would generate a CIL payment of approximately £1,500,000. This is a mitigation against the development. The proposal would also generate Council Tax payments which is not material considerations in the determination of this proposal.

8. Recommendation

- (A) To GRANT full planning permission subject to the applicant first entering into an appropriate legal agreement in respect of the following:
1. To provide at least 40 affordable rented housing units on site to current Homes and Communities Agency Scheme Development Standards, the details of which shall be agreed with the Council's Planning Development Manager.
 - Prior to implementation the applicant shall enter into a Nominations Agreement in respect of the affordable housing (in order that the social housing meets local needs).
 - Build and complete the affordable units across Block A and Block B in accordance with a scheme submitted to approved by the Local Planning Authority.
 - That the affordable housing viability assessment will be subject to a viability review mechanism to be reviewed on an open book basis to ascertain whether any further contribution can be made by way of an off-site contribution in lieu
 - In the event that the site is to be sold off for private sales, a viability review will be required to be submitted and agreed by the local planning authority and assessed in accordance with current policies.
 2. To provide a Travel Plan to include, but not restricted to, the following:
 - A financial contribution of £6,150 towards the cost of auditing the Travel Plan
 - Provision of three club car vehicles, with all costs associated with the provision of the vehicles including provision of parking space being met by the developer
 - Provision of 25 miles of free travel, or equivalent financial credit, for residential users of the proposed development using the car club vehicles.
 - Provision of two years free membership of the car club for the first occupants of each of the proposed residential units
 - Provision of one £50 sustainable travel voucher per household (equates to £19,550) for the 391 proposed residential units, to be spent on either public transport tickets or towards a bicycle. If part or all of the £19,550 is not spent within the first year then the remaining value should be used for other sustainable transport measures as agreed with the County Council.
 3. A financial contribution of £48,347 towards the site specific highway improvements on the south side of London Road which would mitigate the reduced parking levels and encourage modal alternatives to the private car.

4. A financial contribution of £85,000 towards the cost of upgrading the existing children's play area at Moormede Park, incorporating inclusive play equipment.
5. A financial contribution of £27,500 to be used to upgrade the signals at the A308 London Road / Mustard Mill road junction to improve the additional traffic movements created by the development.
6. The stopping up of Mill Mead to vehicular traffic within the site boundaries and the repaving and/or resurfacing of Mill Mead in accordance with details to be agreed by the Council, including the funding of the road closure order for vehicular traffic.
7. To pay the Council's reasonable costs for the preparation of the appropriate legal agreement.

In the event that the Section 106 Agreement is not completed

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

REFUSE the planning application for the following reasons:

- 1 The development fails to provide a satisfactory provision of affordable housing to meet the Borough's housing needs, contrary to Policy HO3 of the Core Strategy and Policies DPD 2009 and the principles set out in the National Planning Policy Framework.
- 2 The development fails to provide a satisfactory means of access to the development, contrary to the submitted application details, and will create an unnecessary highway danger to vehicles and pedestrians using the surrounding highway network. The proposal is thereby contrary to policy EN1 of the Core Strategy and Policies DPD 2009 and the principles of the National Planning Policy Framework.
- 3 The proposal fails to secure the upgrade to the existing children's play area at Moormede Park and would be contrary to Policy CO3 of the Core Strategy and Policies DPD 2009 and Section 12 of the NPPF 2019.

(B) In the event that the Section 106 agreement is completed to the satisfaction of the Local Planning Authority; GRANT subject to the following conditions: -

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: L250 Rev P2 Façade Fragment Typical Bay Nov 2020; L251 Rev P2 Façade Fragment Typical Crown Nov 2020; L252 Rev P3 Façade Fragment Balcony Slot Nov 2020; L253 rev P3 Façade Fragment Balcony Slot Top Nov 2020; L254 Rev P2 Façade Fragment Block A Nov 2020; L255 Rev P2 Façade Fragment Block B Entrance Nov 2020; L256 Rev P2 Façade Fragment Typical Terrace Nov 2020; L257 Rev P2 Façade Fragment Juliet Balcony Slot Nov 2020 L258 Rev P2 Façade Fragment Townhouse Nov 2020; L200 Rev P2 South Elevation Block A & B May 2020; L201 Rev P2 North Elevation Block A & B May 2020; L202 rev P2 East Elevation Block A May 2020; L203 Rev P2 West Elevation Block B May 2020; L204 Rev P2 west Elevation Block A May 2020 L205 rev P2 East Elevation Block B May 2020; L300 Rev P2 Courtyard Section South May 2020; L301 Rev P2 Courtyard Section North May 2020; L303 rev P2 Courtyard Section West May 2020; L900 Rev P1 Site Plan Existing May 2020; L901 Rev P3 Site Plan Proposed May 2020; L902 Rev P4 Ground Floor Context May 2020; LB00 Rev P6 Basement Floor Plan May 2020; L000 Rev P9 Ground Floor Plan May 2020 L001 Rev P5 Level 01 Floor Plan May 2020 L002 Rev P6 Level 02 Floor Plan May 2020; L003 Rev P5 Level 03 Floor Plan May 2020; L004 Rev P5 Level 04 Floor Plan May 2020; L005 Rev P5 Level 05 Floor Plan May 2020; L006 Rev P5 Level 06 Floor Plan May 2020; L007 Rev P5 Level 07 Floor Plan May 2020; L008 Rev P5 Level 08 Floor Plan May 2020; L009 Rev P5 Level 09 Floor Plan May 2020; L010 Rev P5 Level 10 Floor Plan May 2020; L00R Rev P3 Roof Level May 2020

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

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

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

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

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

Reason:-.The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

N.B. The applicant is advised to contact: Thames Water Development Services on 0800 009 3921 to discuss the details of the piling method statement.

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

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

6. No demolition or construction work shall take place until a refurbishment and demolition asbestos survey has been submitted to and approved in writing by the Local Planning Authority.

For the removal of asbestos containing materials:

- a) A Risk Assessment and Method Statement is to be agreed in writing by the Local Planning Authority, so that the removal and disposal of asbestos containing materials is appropriately managed.
- b) The agreed methodology and mitigation measures shall be implemented in accordance with the approved details and a completion report (including waste disposal information) should be submitted for approval.

Reason: To protect the future site users and neighbours from harmful substances.

7. No demolition or site clearance shall take place until a demolition method statement (DMS) detailing the proposed methodology for demolishing the existing structures, and the mitigation measures, including dust suppression, to be implemented has been submitted to and approved in writing by the Local Planning Authority.

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

8. No development shall take place until:-
- (i) The potential risk from soil contamination and impacts that have been identified shall be subject to a site investigation 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" proving guidance can also be downloaded from Spelthorne's website at www.spelthorne.gov.uk.

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

9. 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.

10. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned

and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

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

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

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

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

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

13. 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 1.4 l/s for the 1 in 1 year rainfall event and 5.1 l/s for the 1 in 100 year rainfall event.

b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

d) Details of drainage management responsibilities and maintenance regimes for the drainage system.

e) Details of how the drainage system will be protected during construction and how runoff (including any pollutant

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.

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

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

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

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

16. The development shall not be occupied until confirmation has been provided, in writing to the Local Planning Authority, that either:-

(a) All foul water network upgrades required to accommodate the additional flows from the development have been completed;
or

(b) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

N.B. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.

17. The development shall not be occupied until confirmation has been provided, to the Local Planning Authority in writing, that either:

(a) All surface water network upgrades required to accommodate the additional flows from the development have been completed; or

(b) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

N.B The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.

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

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

19. The development hereby approved shall not be occupied unless and until at least 43 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2

connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

22. The scheme shall provide a minimum of 391 cycle parking spaces in the locations shown on the approved plans and these shall be available prior to first occupation. These spaces together with the means of access thereto shall be kept free of obstacles, maintained as approved and be reserved for the benefit of the occupiers of the residential development hereby permitted.

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

23. The development hereby approved shall not be first occupied unless and until the 215 parking spaces have been laid out within the basement in accordance with the approved plans. Thereafter the parking, access and turning areas shall be retained and maintained for their designated purposes and managed in accordance with the Transport Assessment dated December 2020.

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

24. The development hereby permitted shall not commence until details of the proposed finished floor levels and flood mitigation works for the proposed basement carpark have been submitted to and approved in writing by the planning authority. Those details shall include:
- a) The ground finished floor levels should be set to a minimum level of 15.95m AOD as recommended in the Flood Risk Assessment (Revision 6).
 - b) The basement car parking entrance should be protected by a ramp, with a minimum crest level of 15.95m AOD. The basement design should include either a pumped discharge system or a suitable sump to ensure flood water can be removed

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

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

Reason:-.To safeguard the amenity of nearby properties.

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

Reason:- To protect the future occupants from poor air quality as the result of the ingress of air subject to emissions from the adjacent railway line and London Road/High Street and Fairfield Avenue where the NO2 Air Quality Objective is known to have been exceeded.

27. 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) hours of work and hours of deliveries to site
 - (c) loading and unloading of plant and materials
 - (d) storage of plant and materials
 - (e) programme of works (including measures for traffic management)
 - (f) provision of boundary hoarding behind any visibility zones
 - (g) HGV deliveries and hours of operation
 - (h) measures to prevent the deposit of materials on the highway
 - (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - (j) on-site turning for construction vehicles

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

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

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

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants which, within a period of five

years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be agreed in writing by the Local Planning Authority.

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

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

29. Signage is required in all parking and set down areas including car club bays instructing drivers to switch off engines for the prevention of air pollution.

Reason:- In accordance with Spelthorne Borough Council Motion 5 (29/10/2020) declaring Spelthorne an anti-idling zone and to prevent new and existing development from contributing to unacceptable levels of air pollution and to help improve local environmental conditions in accordance with NPPF 170 paragraph e. The development is located within the Spelthorne Borough wide Air Quality Management Area.

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

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

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

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

31. The measures for the avoidance, mitigation and compensation contained in section 5 of the Preliminary Ecological Appraisal by FPCR Environment and Design Ltd shall be carried out in accordance with the recommendations unless otherwise agreed with the Local Planning Authority in writing.

Reason:- To encourage wildlife on the site.

INFORMATIVES TO APPLICANT

- 1 Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)
- 2 The development is close to the airport and the landscaping which it includes may attract birds which in turn may create an unacceptable increase in birdstrike hazard. Any such landscaping should, therefore, be carefully designed to minimise its attractiveness to hazardous species of birds. Your attention is drawn to Advice Note 3, 'Wildlife Hazards' (available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-3-Wildlife-Hazards-2016.pdf>).
- 3 The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- 4 The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- 5 It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types
- 6 The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of

the road. Please see Alterations to existing roads under S278 Highways Act 1980 - Surrey County Council ([surreycc.gov.uk](http://www.surreycc.gov.uk)) and <http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-managementpermit-scheme>.

- 7 You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
- a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
 - b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
 - c) Deliveries should only be received within the hours detailed in (a) above;
 - d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
 - e) There should be no burning on site;
 - f) Only minimal security lighting should be used outside the hours stated above; and
 - g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

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

- 8 The applicant should be mindful to follow best practice when selecting gas-fired boilers. A minimum standard of less than 40mgNO_x/kWh should be met. All gas fired CHP plant should meet a minimum emissions standard of 250mgNO_x/kWh for spark ignition engine.
- 9 The applicant should be mindful to follow best practice dust control measures during demolition, earthworks, and construction to prevent excessive dust emissions.
- 10 There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

- 11 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 12 The proposed development is located within 20m of a Thames Water Sewage Pumping Station and this is contrary to best practice set out in Codes for Adoption (<https://www.thameswater.co.uk/developers/larger-scale-developments/sewers-andwastewater/adopting-a-sewer>). Future occupiers of the development should be made aware that they could periodically experience adverse amenity impacts from the pumping station in the form of odour; light; vibration and/or noise.
- 13 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraphs 38-41 of the NPPF. This includes the following -
- a). Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development
 - b). Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered
 - c). Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.
- 14 The applicant should consider the NOx and Particulate Matter emissions of any backup generators that will be installed and the location of such equipment in relation to nearby receptors at height, the intakes for the mechanical ventilation system, and the frequency of testing. The applicant should be informed that some generators require permitting by the Environment Agency (see <https://www.gov.uk/guidance/specified-generator-when-you-need-a-permit>). Equipment that does not require a permit is still subject to restrictions on testing. For each backup generator, no more than 50 hours testing a year should be carried out and the number of hours tested during the year should be recorded. Temporary generators and mobile plant are also subject to controls where they meet specific criteria (see text given on mobile generators: <https://www.gov.uk/guidance/specified-generator-whenyou-need-a-permit#excluded-generators>).

Appendices:

