

**Planning Appeal: Former
Masonic Hall and Old
Telephone Exchange,
Elmsleigh Road, Staines-upon-
Thames**

Appellant's Statement of Case

In relation to Planning Application 20/01199/FUL

Prepared on behalf of Inland Limited

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LICHFIELDS

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1.0 Introduction

- 1.1 An application for full planning permission (ref. 20/01199/FUL) was submitted to Spelthorne Borough Council (SBC) on 14 October 2020 and validated on 14 October 2020. The application proposed the following:

Demolition of the former Masonic Hall and redevelopment of site to provide 206 dwellings together with car and cycle parking, hard and soft landscaping and other associated works.

- 1.2 On 23rd June 2021, the application was reported to the SBC Planning Committee with a recommendation that the application be approved. The Committee however resolved to refuse permission for the application and the decision notice was issued on 24th June 2021.

- 1.3 This appeal is submitted against the refusal of planning application ref. 20/01199/FUL. The reason for refusal is as follows:

The proposals, by virtue of the height of the two towers and inadequate car parking, represent an unacceptable overdevelopment of the site resulting in a development which is:

- i) out of character with the surroundings and fails to have due regard to the height of adjoining buildings and land, resulting in a development which would not make a positive contribution to the street scene and would have a detrimental impact on the character of the area and the street scene, and*
- ii) 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.*

- 1.4 The reasons for refusal are wide ranging and potentially give rise to a range of issues. In addition the Council purported to adopt a non-statutory Framework to guide development within Staines town centre prior to the determination of the application which was subject to threatened high court proceedings. Given the breadth and complexity of the issues arising from the reasons for refusal and the amount of local opposition, the Appellant considers that the appeal can only properly be dealt with by way of an Inquiry and the reasons for this are set out in the Procedural Note submitted with the appeal notification. As required, this Statement of Case has been submitted to set out the Appellant's case.

- 1.5 A draft Statement of Common and Uncommon Ground ("SoCUG") has also been drafted by the Appellant and has been submitted with the appeal. This has not been as yet agreed with SBC, but this is the intention through this appeal, but their feedback has been sought.

- 1.6 This Statement sets out the Appellant's case for why the appeal should be allowed and planning permission should be granted for the development. It has been drafted in accordance with the guidance at Annex J of the Planning Inspectorate's Procedural Guide for Planning Appeals in England (2 July 2020).

2.0 Key Background Information

Site and Surroundings

The Site

- 2.1 The site is located in the centre of Staines-upon-Thames Town Centre, to the south of the High Street and to the east of Thames Street. The River Thames is to the west of the site, beyond the Memorial Gardens.
- 2.2 The 0.53 ha site comprises the former Masonic Hall, a low two-storey structure, and an area of cleared land which previously the Telephone Exchange, a 4/5 storey building. This building was demolished in 2016. The Masonic Hall building, which is located in the western part of the site, was vacated in March 2020, with its functions having been relocated to Twickenham. The site contains car parking spaces and some overgrown shrubs. The application site also includes highway land for proposed public realm improvements.
- 2.3 The site is bound by Elmsleigh Road on all sides. Beyond this the site is adjacent to the rear of properties which front onto the High Street to the north, Elmsleigh Shopping Centre, and its associated servicing ramp to the east, Tothill Multi Storey Car Park to the south and the Staines Community Centre and Thames Street to the west.

Figure 2.1 Site Location Plan



- 2.4 The site is not within a Conservation Area, nor does it contain any Listed Buildings. It is located approximately 150m west of Staines Conservation Area, which incorporates the area of Staines next to the River Thames and a number of listed buildings. The site is located within an area of high archaeological potential, 'Staines Historic Core and Site of Roman Town'.
- 2.5 The site is in Flood Zone 3, which means it has a 1 in 100 or greater annual probability of flooding. It is also located within the Spelthorne Air Quality Management Area ('AQMA'), which is focused on emissions of nitrogen dioxide.

- 2.6 The site is located within an employment area on the adopted Policy Map (2009) but it is also located in Phase 4 of Site Allocation A10 (The Elmsleigh Shopping Centre and adjoining land) in the Allocations Development Plan Document (2009). Phase 4 of Allocation A10 is for the extension of the Elmsleigh Centre to the west to include at least 18,000sqm of retail floorspace, a mix of related non-retail uses and approximately 65 flats.
- 2.7 The same wider site is also included in the emerging Draft Allocations Development Plan (2019) (ref. ST4/009). However, in response to the changing market and needs, the focus is now on residential development including the provision of 650 dwellings and the maintenance and potential extension of retail use on the site. The site is also located in the Staines Town Centre Masterplan area, which is in the early stages of preparation.

The Surroundings

- 2.8 The surrounding area is predominately commercial, with the Elmsleigh Shopping Centre on the eastern side, and further retail units to the north along the High Street. Elmsleigh multi-storey car park and Tothill multi-storey car park are also located to the south and east of the site, with Tothill multi-storey car park and the service area of the Elmsleigh Centre accessed from Elmsleigh Road.
- 2.9 To the west of the site are a number of community facilities located along Thames Street, including the Staines Community Centre, Staines Library and Spelthorne Museum. To the west of Thames Street and the site are the Memorial Gardens with the River Thames beyond this.
- 2.10 Staines train station is located approximately 500m to the southeast (c.10 minutes walking distance from the site), providing direct services to London Waterloo, Reading and Weybridge. The nearest bus stops to the site are located approximately 150m walking distance north-west of the site along the A308 providing regular services to Slough, Heathrow Airport, and Woking. Further to this, Elmsleigh bus station is located approximately 300m walking distance to the south of the site.
- 2.11 The Staines Memorial Gardens are located approximately 280m to the west of the site. There is also existing public open space, known as Lammas Recreation Ground, within 800m distance of the site which is well maintained and includes a range of play amenities for all ages.

Planning History

- 2.12 A planning application (ref. 14/01377/FUL) for the site, comprising the demolition of the Masonic Hall and Old Telephone Exchange and redevelopment of the site to create 140 residential units, a 102-bedroom hotel, mixed use commercial floorspace and the re-provision of a masonic lodge was refused planning permission in February 2015. In summary, the reasons for refusal were as follows:
- 1 The proposal was considered to represent a piecemeal form of development that would preclude the future comprehensive development to extend the Elmsleigh Shopping Centre to provide at least 18,000sqm of retail floorspace and other associated development.
 - 2 The proposed development in terms of its design, scale and location, is considered to have insufficient regard to the character of the surrounding area and will be visually obtrusive.
 - 3 The proposal is considered to provide an unacceptable standard of amenity for the future occupiers of the residential units in terms of poor outlook insufficient levels of daylight/sunlight, and inadequate internal floorspace.
 - 4 The proposal would provide inadequate affordable housing.

- 5 The site is located within Flood Zone 3a and will result in an overall decrease in flood storage capacity. The applicant has not proposed any mitigation measures to alleviate the increase in built footprint on the site and the development will therefore lead to an unacceptable increase in flood risk elsewhere.
- 6 The proposal did not demonstrate to the satisfaction of the County Highway Authority that the proposed development is compatible, or could be compatible, with suitable mitigation measures.
- 7 The proposal failed to demonstrate that at least 10% of the development's energy demand could be achieved from on-site renewable energy sources.
- 8 The proposal would result in a more intensive use of the nearby public open space of the Memorial Gardens and the applicant has not proposed financial contribution towards improving the existing recreational facilities.

2.13 Through extensive pre-application discussions with SBC officers and the preparation of the planning application, it is considered by the Appellant that all of the reasons for refusal relating to the previous refusal have been addressed. The Case Officer's Report to Committee also supports the opinion that all the reasons for refusal associated with application 14/01377/FUL have been overcome, by the present scheme.

3.0 Proposed Development

- 3.1 The proposed scheme would result in the demolition of the Former Masonic Hall and the provision of 206 residential units across two buildings of 15 and 13 storeys respectively, joined by a landscaped podium. All units are provided with private amenity space in the form of balconies and terraces. Within the proposed residential area, a pocket park, podium garden and children's play space are proposed.
- 3.2 A unit mix of 51% 1 bed units and 49% 2 bed units is proposed. A mix of tenures was proposed at the point of determination, with an overall provision of up to 46% affordable housing, split by 65% affordable rent and 35% shared ownership. Given the delay arising from the necessity to appeal, the viability of this provision may need to be revisited. The Appellant had offered 46%, which is well in excess of the maximum reasonable viable contribution. Inevitably the Appellant will now need to re-evaluate that offer in order to determine the maximum viable contribution at the time of determination of the Appeal. This has arisen as a result of the unreasonable refusal of planning consent.
- 3.3 Any planning obligation which is presented to the inquiry which includes a figure which is in excess of the maximum reasonable viability contribution will include a blue pencil clause to enable the Inspector to determine whether or not such an exceedance is necessary to make the development acceptable in planning terms.
- 3.4 The proposal includes 48 parking spaces (including 8 wheelchair accessible spaces), 220 cycle spaces (including 12 short stay spaces for visitors within the public realm), 6 motorcycle spaces and 2 car club spaces.
- 3.5 Improvements to Elmsleigh Road are proposed to enhance the pedestrian provision and public realm in the vicinity of the site. The road width will be reduced to allow for widened footways and loading bays, and informal crossings will be provided at pedestrian desire lines.
- 3.6 The improvements also include proposed alterations to the existing Elmsleigh Road / A308 Thames Street junction to provide improved pedestrian connections around the site and to Riverside. This will be achieved through the removal of the Elmsleigh Road roundabout, with associated changes to the signalised junction.
- 3.7 Further details of the proposed scheme are included in the DAS and Planning Statement submitted with the application.

4.0 **Planning Policy and Guidance**

Statutory Development Plan

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts and that the determination should be made in accordance with the Development Plan unless material considerations indicate otherwise.

4.2 The statutory development plan for SBC comprises:

- 1 Saved Policies of the Local Plan (2001)
- 2 Core Strategy and Policies DPD (2009)
- 3 Allocations DPD (2009)
- 4 Proposals Map (2009)

Other Material Considerations

4.3 In addition to the Statutory Development Plan and emerging draft policy, the following documents are considered relevant and material in determining its application:

- 1 National Planning Policy
 - a National Planning Policy Framework (2021)
 - b Planning Practice Guidance ('PPG') (CLG; 2014, 2017, 2018 and 2019)
 - c Nationally Described Standards
 - d National Design Guide
- 2 Local Guidance (LBS)
 - a Design of Residential Extensions and New Residential Development SPG (2011)
 - b Spelthorne Parking Standards (2011)
 - c Surrey County Council - Vehicular and Cycle Parking Guidance (2018)
 - d Flooding SPD (2012)
 - e Housing Size and Type SPD (2012)

Saved Policies of the Local Plan (2001)

4.4 Most of the policies within the Local Plan 2001 have been superseded. However Saved Policy BE25 requires that development within areas of high archaeological potential will require an initial assessment of the archaeological value of the site to be submitted as part of any planning application. As a result of this a number of works such as field evaluation may be required to ensure any remains of value are identified and preserved as appropriate. This is a matter which can be addressed by condition.

Core Strategy and Policies Development Plan Document (2009)

4.5 The Core Strategy and Policies Development Plan Document (CS sets out the Council's overall approach to future development in Spelthorne). The vision in the CS states that by 2026 Spelthorne will have become a more sustainable place to live and work, the economic and social needs of all residents will be met and the environment will have been successfully protected and where possible enhanced.

- 4.6 As the Council does not currently have a five-year housing land supply, the relevant policies of the Development Plan are considered to be out of date and the tilted balance would apply with a presumption in favour of sustainable development. Nevertheless, these are set out below to provide a comprehensive overview of the policies in the development plan that could be applied to development on this site.
- 4.7 Strategic Policy 1 (Location of Development) sets out that all new development will be made within the existing urban area. It is noted that the focus on urban areas means making effective use of land within urban areas for development. Therefore 100% of new housing should be on previously developed land.
- 4.8 Strategic Policy 2 (Housing Provision) sets out that within the overall total of housing delivered the Council will require a mix of tenure, size and type to meet identified housing needs, including provision to meet the needs of vulnerable groups. It will seek to ensure that 40% of the total housing provision is in the form of affordable housing. This policy's requirement to meet the housing requirement set out in the Regional Spatial Strategy is now out-of-date, with the introduction of the standard method for calculating housing need introduced by the NPPF (2019).
- 4.9 Policy HO1 (Providing for New Housing Development) states that the Council will ensure provision is made by promoting the development of specific sites for housing through documents including Allocations DPDs, and encouraging housing development, including for redevelopment and infill on all sites suitable for that purpose taking into account other policy objectives and encouraging the redevelopment for housing of poorly located employment land provided the site is suitable for housing.
- 4.10 Policy HO3 (Affordable Housing) sets out that 40% of all net additional dwellings completed over the plan period should be affordable. The Council will seek to maximise the contribution to affordable housing provision from each site having regard to the individual circumstances and viability, including the availability of any housing grant or other subsidy, of development on the site. The Council will seek up to 50% of housing on sites to be affordable where the development comprises 15 or more dwellings (gross) or the site is 0.5 hectares or larger irrespective of the number of dwellings.
- 4.11 Policy HO3 also notes that provision within any one scheme may include social rented and intermediate units, subject to the proportion of intermediate units not exceeding 35% of the total affordable housing component. Meanwhile, Policy HO4 (Housing Size and Types) states that developments will be required to include at least 80% of their total as one or two bedroom units, encouraging the provision of housing designed to meet the needs of older people and encouraging the inclusion within housing schemes of a proportion of dwellings that are capable of meeting the needs, as occupiers, of people with disabilities.
- 4.12 Policy HO5 (Density of Housing Development) states that within Staines town centre development should generally be at or above 75 dwellings per hectare. SBC also note that higher density development may be acceptable where it is demonstrated that the development complies with design policies.
- 4.13 Strategic Policy SP4 (Town Centres and Retail Development) states the Council will ensure that town centres and local centres remain the focus for retailing in the Borough. Improvements in access to the town centre, particularly by non-car-based modes will be encouraged.
- 4.14 Policy EM1 (Employment Development) states that the Council will maintain employment development by retaining designated Employment Areas and supporting in principle proposals in these areas for employment development such as, Staines town centre.

- 4.15 Policy TC1 (Staines Town Centre) states that the Council will maintain the role of Staines as the principal town centre serving north Surrey by encouraging developments that contribute to the vitality and viability of the centre and are of a scale and character appropriate to its role.
- 4.16 Policy CO3 (Provision of Open Space for New Development) requires any new housing proposed in areas of the Borough with inadequate public open space, or where provision would become inadequate because of the development, to include the provision of new on-site open space or a financial contribution towards the cost of new off-site provision. In new housing developments of 30 or more family dwellings the Council will require a minimum of 0.1ha of open space to provide for a children's play area.
- 4.17 Strategic Policy 6 (Maintaining and Improving the Environment) states that the Council will seek to maintain and improve the quality of the environment by ensuring the design and layout of the new development incorporates principles of sustainable development and creates an environment that is inclusive safe and secure, is attractive within its own distinct identity and respects the environment of the area in which it is situated.
- 4.18 Policy EN1 (Design of New Development) states that the Council will require a high standard in the 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.
- 4.19 Policy EN1s also requires dwellings to be designed so that they are accessible to all members of the community regardless of any disability and to encourage sustainable means of travel, incorporate landscaping to enhance the setting of the development and create a safe and secure environment in which the opportunities for crime are minimized.
- 4.20 Policy LO1 (Flooding) ensures that developments seek to reduce flood risk and its adverse effects on people and property in Spelthorne. This will be achieved by incorporating a number of measures such as:
- 1 Requiring all development proposals within Zones 2, 3a and 3b to be supported by an appropriate Flood Risk Assessment;
 - 2 Reducing the risk of flooding from surface water and its contribution to fluvial flooding by requiring appropriate sustainable drainage schemes;
 - 3 Maintaining flood storage capacity within Flood Zone 3 by refusing any form of development on undeveloped sites which reduces flood storage capacity or impedes the flow of flood water; and
 - 4 Requiring any development in Zones 2, 3a and 3b to be designed to be flood resilient/resistant.
- 4.21 Policy EN8 (Protecting and Improving and Landscape and Biodiversity) sets out the Council's policy on protecting and improving landscape and biodiversity which they will seek to do by ensuring new development, wherever possible, contributes to an improvement in the landscape and biodiversity and also avoids harm to features of significance in the landscape or of nature conservation interest. Policy EN6 (Conservation Areas, Historic Landscapes, Parks) states that the Council will seek to preserve and enhance the character of conservation areas.
- 4.22 Policy CC3 (Parking Provision) states that Council will have regard to the anticipated demand for parking arising from the use proposed, or other uses to which the development may be put without needing planning permission and the scope for encouraging alternative means of travel

to the development that would reduce the need for on-site parking. This will be particularly relevant in areas well-served by public transport.

Allocations Development Plan (2009)

- 4.23 The site is currently included within Allocation A10 for the Elmsleigh Centre and adjoining land in the Allocations DPD (2009). The Allocations DPD proposes that development takes place in two phases. The site is located in Phase 4 (2019-2024), which is for the extension of the Elmsleigh Centre to the west to include at least 18,000sqm of retail floorspace, a mix of related non-retail uses, approximately 65 flats, additional parking and revised access and servicing arrangements.

Parking Requirements

- 4.24 The car parking standards for residential developments required in the Spelthorne Parking standards (2011) are set out in Table 5.1. The SPD sets out that exceptions are permissible in town centre locations where, for reasons of good access to public transport, there is a genuine and convincing case to make a letter provision and which still meets the other requirements of Policy CC3.

Table 4.1 Residential Parking Requirements

Type of Dwelling		Car Parking Spaces per dwelling	Cycle Parking Per Dwelling
Private	1 bed	1.25	1
	2 bed	1.5	1
Affordable	1 bed	1	1
	2 bed	1.25	1

- 4.25 The Surrey County Council parking requirements (2018) require electric vehicle charging points. For residential development of flats, the requirement is to have 20% of available spaces fitted with a fast charge socket and a further 20% of available spaces to be provided with power supply to provide additional fast charge socket.

Emerging Policy

Draft Local Plan - Issues and Options (2019)

- 4.26 SBC is currently preparing a new Local Plan and a Regulation 18 consultation on Issues and Options took place between November 2019 and January 2020. The next stage of consultation (Regulation 19) has been delayed and is now anticipated to take place in later in 2021. Once finalised and adopted, this will replace the current Local Plan, comprising the Saved Local Plan policies (2001) and the Core Strategy and Development Management Policies (2009) and the Allocations Development Plan (2009).
- 4.27 Due to the draft Plan being in the early stages of preparation, the policies can only be given limited weight in the consideration of this application. However, it does provide a clear indication of the direction of travel that SBC are seeking to achieve in terms of the spatial strategy, housing growth and the role of the town centre. The key policies are therefore outlined below.
- 4.28 Draft Policy SP1 identifies Staines-upon-Thames as a key location for housing growth, recognising its sustainable location in close proximity to London and Heathrow Airport. The policy states that guidance for how the town grows sustainably and coherently will be provided within a new Masterplan for Staines to deliver development to meet need. This policy also sets

out that tall buildings will be designed to reflect the redefined character of Staines. Design should be of high standard and it is also recognised that there are opportunities for attractive riverside development and public realm enhancement. Improved access will be encouraged in order to maximise the asset that is the River Thames location.

- 4.29 Draft Policy H1 requires new residential development to deliver a wide choice of homes to meet a range of accommodation needs. New development should provide a mix of housing tenures, types and sizes appropriate to the size, characteristics and location. SBC will expect development proposals to contribute to meeting identified housing needs by providing a housing mix as set out in the Strategic Housing Market Assessment or any similar evidence for market and affordable units. All new residential development across all tenures will be expected to meet with the minimum space standards.
- 4.30 Draft Policy H1 also sets out that all new build dwellings will, as a minimum, be constructed in accordance with the requirements of Building Regulations Part M4 (2) and any subsequent updates, unless it can be demonstrated that it is unfeasible to do so. Unless it can be demonstrated that it is unfeasible to do so, in major residential schemes, at least 10% of dwellings will be constructed in accordance with the requirements of Building Regulations Part M4 (3) and any subsequent updates.
- 4.31 Draft Policy H2 requires at least 40% affordable housing units on all schemes of 10 units or more. The tenure and number of bedrooms of the affordable homes provided on each qualifying site must contribute towards meeting the mix of affordable housing needs identified in the Strategic Housing Market Assessment or subsequent affordable housing needs evidence. This currently includes a tenure split of 75% affordable/social rent, with the remainder being other forms of affordable housing. A minimum of 10% of the homes provided on each site must be available for affordable home ownership, except where an exemption applies in the NPPF.
- 4.32 Draft Policy ID2 identifies that the Council will expect development proposals to facilitate sustainable and active modes of travel. This will be achieved by provision of, or contributions towards, the improvement of public and community transport, provision of vehicle parking standards, as set out in the Council's latest Parking SPD, and the provision of electric vehicle charging points which are set out in the latest Surrey County Council guidance (replicated below). SBC will also require provision of secure, accessible and convenient on-site cycle parking on site. As stated within the reasoned justification for ID2 the draft policy does "*not preclude developers from bringing forward proposals for new development that is car-free*".
- 4.33 Draft Policy DS1 details how the Council will require a high standard in the 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, respect and make a positive contribution to the street scene and the character of the area in which they are situated and pay due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.

Draft Site Allocations (2019)

- 4.34 The site is allocated as part of the wider Elmsleigh Centre and adjoining land allocation (Site ID ST4/009). The draft allocation has significantly increased the amount of residential development for the area and reduced need for retail provision overall for the wider site to reflect the changing market and local needs. The site is now proposed to be allocated for mixed commercial and residential uses including 650 residential units, with the retention of, and possibly extension of retail uses on the site.

Staines Town Centre Development Framework

- 4.35 SBC are currently preparing a Staines Town Centre Development Framework which will be formally prepared as a Supplementary Planning Document. An Objectives and Options Consultation ran from 18th May to 29th June 2021.

National Planning Policy Framework (NPPF, 2021)

- 4.36 The National Planning Policy Framework (NPPF, 2021) sets out the Government's planning policies for England. It is a material planning consideration in decision making. The NPPF requires Local Planning Authorities (LPAs) to adopt a positive approach to decision taking and to apply a presumption in favour of sustainable development.
- 4.37 The aim of the NPPF is to proactively deliver sustainable development to support the Government's housing and economic growth objectives and meet the needs of the country. Paragraph 8 sets out the three dimensions of sustainable development: 'economic' to help build a strong and competitive economy; 'social' to support strong communities and ensuring that a sufficient number and range of homes to meet the needs of present and future generations; and 'environmental' in protecting and enhancing the environment.
- 4.38 Paragraph 11 of the NPPF requires LPAs to apply a presumption in favour of sustainable development, and to approve sustainable developments without delay. It states:
- "For decision-taking this means:*
- approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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...."*
- 4.39 Paragraph 60 supports the objective of significantly boosting the supply of homes and for a sufficient and variety of land comes forward where it is needed. The size, type and tenure of housing needed for different housing groups should be assessed and reflected in policy as well as the need for affordable housing. Paragraph 63 goes on to support the re-use of brownfield land.
- 4.40 Chapter 9 of the NPPF promotes sustainable transport. In paragraph 105, it is stated that 'significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes'.
- 4.41 Paragraph 126 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"*. Paragraph 130 identifies several key principles for achieving good design, including:
- to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - to be sympathetic to local character and history, including the surrounding built environmental and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

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

4.42 In paragraph 179 of the NPPF, it states that LPAs should aim to conserve and enhance biodiversity when determining applications. Paragraph 180 sets out several principles that should be applied. One of the principles is that ‘opportunities to incorporate biodiversity improvements in and around developments should be encouraged’.

4.43 The effect of development on heritage assets is considered in Chapter 16 of the NPPF. Local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness of the historic environment and the desirability of putting heritage assets to viable use (para 197 (c)).

4.44 Paragraph 159 of the NPPF states that development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

National Planning Practice Guidance

4.45 The National Planning Practice Guidance was initially published in March 2014 and provides detailed guidance on how to apply the policies contained within the NPPF, with reference to relevant legislation and other guidance. Relevant sections will be referred to in evidence.

National Design Guide

4.46 This document illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It confirms in paragraph 8 that the underlying purpose for design quality of new development at all scales is to create well-designed and well-built places that benefit people and communities. As stated in paragraph 9, the NDG addresses the question of how we recognise well-designed places, by outlining and illustrating the Government’s priorities for well-designed places in the form of ten characteristics.

4.47 It is confirmed in paragraph 16 that well-designed places and buildings come about when there is a clearly expressed story for the design concept and how it has evolved into a design proposal. In paragraph 21 it is noted that a well-designed place comes about through making the right choices at all levels, including: layout; form and scale; appearance; landscape; materials and detailing. It is added in paragraph 64 that well-designed new development makes efficient use of land with an amount and mix of development and open spaces that optimises density. It also relates well to and enhances the existing character and context. Built form is determined by good urban design principles that combine layout, form and scale in a way that responds positively to the context.

Weight to be given to the Development Plan

- 4.48 The NPPF is clear that an application/appeal should be determined in accordance with the Development Plan. The appellant maintains that the application proposals accord with the development plan as a whole. However, the Council consider that it conflicts with Policies EN1 (a) and CC3.
- 4.49 However, if this is not agreed, the NPPF states that where an application conflicts with an up-to-date development plan, permission should not usually be granted – unless material considerations in a particular case indicate that the plan should not be followed.
- 4.50 Further, it is also stated that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - 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.
- 4.51 To be 'out of date' applies to applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, as noted in the Committee Report, the Council currently accept that there is not a five-year housing land supply and, as such, the tilted balance in paragraph 11d is engaged. This position will need to be assessed at the time of the Inquiry.
- 4.52 The adopted Plan is out of date on this basis, but due weight should be given to the other policies of the adopted Plan, according to their degree of consistency with the NPPF. In particular, careful consideration should be given to the housing policies (HO1-HO5) and the degree of difference between these adopted policies and the emerging housing policies in determining the weight to be applied.
- 4.53 It should be noted that while design policy as a whole may not be considered out of date, as it is broadly in line with the NPPF, how design is considered in relation to the site (due largely to the updated allocation in the emerging Local Plan) has changed since those policies were adopted should be examined.
- 4.54 The emerging Plan is at a relatively early stage. At the current time, policies in the draft Local Plan can only be given limited weight, subject to which policy and the degree of objection. Nevertheless, the Plan could be further advanced by the time of an appeal, in which case it could be given greater weight. This will be explored further at the Inquiry.

Policy Compliance:

- 4.55 When considering the principle of housing, the NPPF and Policy HO1 requires new housing development to be sustainable and to be located in the urban area. This scheme meets both of these requirements.
- 4.56 The Officer's report also makes reference to Policy HO5 which specifies that densities for sites within Staines town centre and states that, although the site is above the recommended maximum density of 75 dwellings per hectare in policy HO5, the policy adds that higher density development may be acceptable where it is demonstrated that the development complies with Policy EN1 on design, particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non-car-based modes of travel. On this basis the Officer's considered that the scheme was in accordance with the Development Plan.

- 4.57 In terms of the principle of development on this site, the proposal does not fully accord with the requirements of Site Allocation Policy A10, but it is recognised by the Council that there have been some changes in circumstance since the policy was adopted in 2009. There has been a significant shift in people's shopping patterns since 2009 with an increase in online shopping. This shift has accelerated over the last year. While the new Local Plan is in its very early stages and has limited weight in the consideration of this proposal. it is considered that the evidence-based documents that the Council has produced over the last few years in support of the new Local Plan provide useful factual information which can be taken into account. As such the principle of residential development on the site is accepted by the Council.
- 4.58 It should be noted that while design policy as a whole may not be considered out of date, as it is broadly in line with the NPPF, how design is considered in relation to the site (due largely to the updated allocation in the emerging Local Plan) has changed since those policies were adopted should be examined.
- 4.59 Policy EN1(a) states that *"the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: a) 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"*.
- 4.60 The appellant is of the view that the proposed scheme accords with this policy. The detailed design has been developed considerably throughout the pre-application process with SBC and has been designed to make optimum use of this central town centre site without giving rise to harm.
- 4.61 The scheme will create an attractive and inclusive public realm that provides opportunities for people to meet within an attractive public space.
- 4.62 The height and legibility of the buildings provides a way-finding function for the town centre and is considered appropriate, given the site's central location. The landscaped public realm surrounding these two buildings would also soften their impact on the surrounding area and ensure that the character of the area is enhanced in accordance with Core Strategy Policy EN1a. Further details are provided in the next Section.
- 4.63 Policy CC3 Policy CC3 (Parking Provision) states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.
- 4.64 The appellant is of the view that the parking provision on site is acceptable for the site which located in the Staines Town Centre and has high levels of accessibility being located close to buses and the station and with many facilities within walking distance.
- 4.65 The parking provision on the site has been developed through extensive engagement with Surrey County Council Highways team and with regard to local and national policy and guidance, and the site context, location and constraints. The site is situated in a highly accessible location in Staines Town Centre and as such, a reduced provision of parking is considered desirable. Furthermore, the Officer's Report to Committee states that:
- 'it is not considered that an objection could be raised to the level of on-site parking provision in this town centre location where there is no scope to park in the vicinity of the site due the existing on-street parking restrictions and reduced parking is acceptable in Staines town centre as set out in the Council's Supplementary Planning Guidance on parking'*

- 4.66 It is therefore considered that the appeal proposals are not contrary to these policies, which are the only policies where the Council argue there is conflict.

5.0

Merits of the Development

5.1

The development has significant merits and represents sustainable development. Each dimension of sustainable development is set out below in the context of this appeal:

Economic

- 1 During the construction period, the proposed development would create 275 direct construction jobs and 410 supply chain jobs per annum. During this period the economic output of the site would be £47m.
- 2 The proposed development would create 206 new households which would, in turn, generate demand for local shops and services utilising public transport. Resident expenditure is estimated at £3.7m per annum, with an additional £1.1m first occupation expenditure.
- 3 The residents of the proposed development would contribute £434,700 in council tax per annum to Spelthorne Borough Council.
- 4 The site is in a highly accessible location in the Town Centre of Staines. Therefore, the new development would result in an addition 206 households visiting and spending in the town centre which is a key priority of the Government as set out in chapter 7 of the NPPF (2019).

Social

- 5 The proposed development would deliver 206 new homes, up to 46% of which would be affordable. This is a significant benefit.
- 6 The proposed development would improve the residential environment of Staines by delivering a high-quality residential scheme on a disused urban site.
- 7 The design proposals adhere to established principles of place making and urban design which are fundamental in creating good places to live.
- 8 Subject to planning permission being granted, the Site is available, and housing could be delivered within the short term.
- 9 As detailed in Section 2.0 the site is accessible by a range of transport modes, including walking, cycling, public transport and private vehicle.
- 10 There are a number of local services provided in Staines. The Site is well served by existing amenities, including schools, doctors/hospital, shops and community centres.
- 11 The Site would provide new high-quality amenity space for the enjoyment of future residents.
- 12 The development will secure significant public benefits by creating new pedestrian links and landscape works making a more attractive route from the High Street to the Memorial Gardens.
- 13 The proposed development includes a £70,000 contribution to improvements to children's play at Lammas Park.

Environmental

- 14 The Site is Previously Developed Land and comprises the vacant Staines Masonic Hall, associated car parking spaces and cleared land which previously included the Former Telephone Exchange (demolished 2016). The landscape proposals will allow for the creation of new and enhanced habitats and will achieve a biodiversity net gain.

- 15 51 trees will be planted between ground and podium.
- 16 The proposed development would incorporate a variety of energy reducing measures and take a fabric first approach. Rainwater attenuation, green roofs and air source heat pumps have been incorporated into the design.
- 17 100% electric vehicle charging spaces, 2 car club spaces, and 220 cycle spaces will be provided to encourage sustainable travel. The overwhelming majority of homes will be car free.

Delivery of New Homes

- 5.2 There is a pressing need to deliver new homes in the Borough. SDC has seriously under delivered when compared against its housing requirement; the Housing Delivery Test (HDT) results published by the Secretary of State in January 2021 stated SDC had only delivered 50% of its identified housing need. As a consequence, there is a presumption in favour of sustainable development as the score is less than 75%.
- 5.3 As a result, current decisions on planning applications for housing development need to be based on the 'tilted balance' approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole'.
- 5.4 The Committee Report for this application (paragraph 7.30) states that SBC cannot demonstrate a five-year housing land supply, only 4.79 years.
- 5.5 In any event, this site is allocated for housing in both the adopted and emerging Local Plan therefore according with the Development Plan. The site could assist in meeting the housing requirement for the Borough. If this appeal was allowed, it is the Appellant's intention to commence the development as soon as practicable, once pre-commencement conditions have been discharged.

6.0 **Response to Reasons for Refusal: Height**

6.1 SBC's reason for refusal states:

The proposals, by virtue of the height of the two towers and inadequate car parking, represent an unacceptable overdevelopment of the site resulting in a development which is:

- i) out of character with the surroundings and fails to have due regard to the height of adjoining buildings and land, resulting in a development which would not make a positive contribution to the street scene and would have a detrimental impact on the character of the area and the street scene*

Proposed Scheme

6.2 Prior to submitting the application, the Appellant undertook extensive pre-application engagement with planning officers at SBC. The scheme developed through a number of formal discussions which are detailed in the Planning Statement. This has resulted in a scheme comprising of two blocks of 13 and 15 storeys in height.

6.3 The 13-storey tower is located in more northern part of site (Block B) and the 15-storey block is located in the southern part of the site (Block A). The blocks are positioned to the north-east and south-west corners of the site to maximise central amenity space and ensure good residential amenity and outlook.

6.4 The proposed height of the two buildings does not exceed 68m (15 storeys). An Aviation Impact Assessment has been completed which concluded that the proposed development would not infringe the OLS at Heathrow Airport.

6.5 The height and massing of the development has been informed by a detailed review of the site's context and setting. The form of the two proposed buildings (style, proportion, elevation and material) relates well to the civic buildings in the immediate context and the scheme is considered to enhance the immediate surrounding townscape. The buildings have a clearly defined 'base, middle and crown' expressed by material and detailing which make for attractive elevations.

Policy Assessment

6.6 Policy at all levels requires high quality design and the protection of amenity. Paragraph 124 of the NPPF sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. 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.

6.7 CS Policy EN1 confirms that developments should have consideration for height, scale, massing, local distinctiveness, urban grain, high quality public realm and respond positively to townscape. The detailed design has been developed considerably throughout the pre-application process with SBC.

6.8 This scheme has been designed to make optimum use of this central town centre site and actively enhance the townscape with two well considered buildings without giving rise to harm. This is through the provision of one 13-storey building and one 15-storey building connected by a ground floor level which includes car and cycle parking as well as residential entrances. A landscaped podium would be provided on the first floor for use by residents, with extensive public realm enhancement at ground floor level.

- 6.9 The Local Plan Preferred Options document identifies the town centre for high density, high rise development, which the proposed development would deliver. The massing of the scheme is considered to be acceptable and appropriate for the emerging Staines town centre both in terms of contributing high quality, appropriately scaled development in a highly sustainable location, but doing so in a manner which is consistent with other adjacent land uses.
- 6.10 In terms of the surrounding area and context, there are several developments for taller buildings in Staines at different stages of planning and construction. Approximately 300m to the north of the site on London Road there are three schemes which have recently been granted planning approval:
- Charter House: currently nearing completion, 260 homes in buildings up to 13 storeys
 - Eden Grove: construction commenced on site, 476 homes in buildings up to 15 storeys; and
 - Mill Mead: outline approval with detailed application currently being determined; 275 homes in buildings up to 11 storeys.
- 6.11 Once it became clear that councillors were concerned with the scale of the development, the Appellant sought to provide reassurance by commissioning an independent review of the proposals. To that end, an independent design audit was conducted by Colin Pullan of Lambert Smith Hampton was submitted in support of the application. This document considers that the layout of the proposals is relates successfully to the wider street pattern, knitting Elmsleigh Road into the fabric of the town centre and integrating into the existing street pattern, including the historic lanes. Building entrances are sensibly aligned with wider desire lines via the two lanes to the High Street and connections are made to Thames Street, Spelthorne Museum, Memorial Gardens, and the river and its associated riverside path and National Cycle Route 4.
- 6.12 The design audit also considers that the form of the two proposed buildings relates well to the civic building forms in the immediate context and the scheme is considered to enhance the otherwise nondescript immediate surrounding townscape. The proposed building heights of 13 and 15 storeys are not considered at all unusual or out of plan in the context of a town centre location and the three approvals to the north of the site, which feature buildings of 11-15 storeys. The proposed materials and palette of colours are considered to relate well to the context, reinforcing the existing character in the wider locality. The conclusions of the design audit of February 2021 concur with the support of the scheme within the Officer's report.
- 6.13 The surrounding character, as described by the DAS, is of mixed quality and subject to change as a result of approved developments; pending developments currently being determined (one of which has outline consent), and a masterplan. The proposed tall buildings will be a change to the existing character. However, this must be considered in the context of emerging consented schemes for which no harm has been identified with tall buildings. Taller buildings are consistent with town centre locations.
- 6.14 The site is not within a conservation area and, the THVA concluded (paragraphs 6.13 and 6.14) that while the proposed development would appear as an increase in scale in the setting, it would sit alongside other tall and modern development. As such, the character and appearance of the Conservation Area would not be affected, and significance and setting would be preserved.
- 6.15 The THVA concludes at paragraph 7.14 the scheme is acceptable in townscape, heritage and visual terms. The harm identified to local, lower buildings at 65-67 High Street is minimal (paragraph 7.11 and 7.13).
- 6.16 There is no harm identified with regard to the amenity of adjacent occupiers that may arise from a building being too tall relative to its neighbours, such as loss of amenity, sunlight and daylight or adjacent land (overshadowing and loss of amenity). The 'harm' is therefore considered to

relate to townscape matters which in the context of emerging tall buildings, the support of the Conservation Officer and the findings of the THVA cannot be supported.

- 6.17 The scheme will make a positive contribution to the street scene, a judgment which is reached having regard also to the existing contribution of the car park and Masonic Hall and the immediate context. It is considered that there is not particular architectural merit or contribution to the street scene that the Masonic Hall provides; and that the car park is a detractor from the public realm. Notwithstanding the wider development potential, the proposed scheme positively adds to the existing townscape and street scene and the links into and through the site
- 6.18 The design, and specifically the height of the buildings has been informed by considerations of local and national policy, detailed discussions with SBC and the site context. It is considered by the Appellant that the proposed development is not at all out of character with the surroundings and does have due regard to the height of adjoining buildings and land. It would result in a development which would make an attractive and clearly positive contribution to the street scene and emphatically would not have a detrimental impact on the character of the area and the street scene. On this basis, the scheme accords with Policy EN1(a). Therefore, the refusal of the application is not justified.

7.0 **Response to Reasons for Refusal: Parking**

7.1 SBC's reason for refusal states:

The proposals, by virtue of the height of the two towers and inadequate car parking, represent an unacceptable overdevelopment of the site resulting in a development which is:

ii) 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.

Considerations

7.2 Parking and cycle stores are located at ground floor, beneath the podium. Primary vehicular access is via Thames Street with access into the car parking area via Elmsleigh Road on the eastern side of the site.

7.3 The proposal includes 48 parking spaces (including 8 wheelchair accessible spaces), 220 cycle spaces (including 12 short stay spaces for visitors within the public realm), 6 motorcycle spaces and 2 car club spaces.

7.4 The site is located in the Staines Town Centre and has high levels of accessibility being located close to buses and the station and with many facilities within walking distance. Further, in developing the proposals, car ownership in the area and parking restrictions, as well as the provision of Car Club cars has been considered. Having regard to this, the scheme proposes 48 car parking spaces which includes eight wheelchair accessible spaces. This level of provision was agreed through extensive discussions with Surrey County Council Highways team, who confirmed that this level of car parking was acceptable, considering the site's highly sustainable location, and national policy to seek to reduce reliance on the private car. Further, visitors to the site can readily use the nearby town centre car parks if they travel to the site by car. Two Car Club spaces are also proposed in the layby adjoining the site. Enterprise has confirmed they would be keen to provide cars in this location.

7.5 It is also proposed that 100% of car parking spaces will have electric vehicle charging points (of which 40% will be active and 60% will be passive). This and other initiatives as set out above will significantly assist in encouraging sustainable transport uses.

7.6 It has been proposed by the Appellant to include an offer to fund a consultation into a residents parking zone for the Richmond Road and Gresham Road area as this is an area close by which contains uncontrolled parking. This is solely in response to comments received from Councillors and would ensure that residents of the proposed development do not put pressure on the surrounding on street parking. In reality, as with other such schemes the proposals will overwhelmingly attract those who do not wish to own their own cars, but will instead use other means of travel

Policy Assessment

7.7 CS Policy CC2 sets out that the Council will seek more sustainable travel patterns including supporting measures to improve non-car based travel. Following this, CS Policy CC3 states that regard will be had to anticipated parking demand, the scope to encourage alternative means of travel (particularly in areas served well by public transport) and the impact on highway safety from potential on-street parking.

- 7.8 The SBC Parking Requirements SPD (2011) sets out the parking requirements for residential developments. This SPD is now ten years old and is based upon minima and not maxima – to that extent it is significantly out of step with national guidance. Based on the number of units and mix, the SPD would suggest that the scheme would be required to provide 260 parking spaces and 206 cycle parking spaces. In addition, Surrey CC standards require the provision of at least 20% of spaces to be fitted with a fast charge socket for electric vehicles.
- 7.9 However, the parking provision on the site has been developed through extensive engagement with Surrey County Council Highways team and with regard to local and national policy and guidance, and the site context, location and constraints. The site is situated in a highly accessible location in Staines Town Centre and as such, a reduced provision of parking is considered desirable. Furthermore, the Officer's Report to Committee states that:
- 'it is not considered that an objection could be raised to the level of on-site parking provision in this town centre location where there is no scope to park in the vicinity of the site due the existing on-street parking restrictions and reduced parking is acceptable in Staines town centre as set out in the Council's Supplementary Planning Guidance on parking'.*
- 7.10 This opinion is supported by Surrey County Council's response to the application, which states that *'the CHA considers that the proposed parking provision is unlikely to result in a severe impact on highway safety or capacity'* (Appendix 1).
- 7.11 Spelthorne Borough Council also appointed Peter Davidson Consultancy Ltd to carry out a third party review of the parking; this was broadly positive but suggested that the applicant should demonstrate that spill-over parking to nearby roads would not occur.
- 7.12 In response to the third-party review, an independent parking survey was therefore carried out by PJA on behalf of the Appellant and submitted to SBC. The parking survey found that the majority of available parking in proximity to the site is located in areas with single yellow line restrictions. Whilst the timings of the restrictions vary by location, all would require a future resident to move their car first thing in the morning with the majority of locations then prohibiting parking until 18:30. This is very unlikely to be an attractive or realistic proposition to any residents at the proposed development looking to park off-site.
- 7.13 Richmond Road, Gresham Road and Laleham Road, which are the closest roads to the site where parking can take place, are all subject to single yellow line restrictions in part. It is clear from the parking survey results that these restrictions are effective at controlling on-street parking given the very low uptake of these spaces. Therefore, there is unlikely to be parking stress on these residential roads.
- 7.14 Edgell Road, Langley Road, Budebury Road, Wyatt Road and Beehive Road are all located to the south of the development and allow un-restricted parking. The parking survey has demonstrated that these locations are all subject to very high parking levels with the number of vehicles recorded actually exceeding the number of spaces available, indicating that drivers are potentially parking in inappropriate locations. No personal injury collisions have been recorded on these road sections for the last five years which demonstrates that the existing high levels of parking does not result in a highway safety issue.
- 7.15 The levels of parking in these locations will mean that any residents from the proposed development who may wish to park a vehicle off-site would be very unlikely to regularly find an available space and therefore would choose to park in alternative locations, or more likely would be discouraged from car ownership in the first place. Therefore, the proposed development is unlikely to cause parking stress on residential roads to the south of the site.

- 7.16 Finally, locations to the southeast of the site have been shown to have limited opportunities for on-street parking. Furthermore, the walk distance to any available spaces would be in excess of 800 metres which is acknowledged as a preferred maximum walk distance in the CIHT Guidelines. The walk distance would therefore make these spaces unattractive to the majority of residents at the proposed development. Therefore, the proposed development is unlikely to cause parking stress on residential roads to the southeast.

Parking Justification

- 7.17 Precedent has already been established lower parking provision within Staines. As set out within the TA developments at Charter Square (17/01923/FUL ratio of 0.26 spaces per dwelling across Phase 1B and 0.67 spaces per dwelling across Phases 1a & 1B) and Bridge Street Car Park (15/01718/FUL ratio of 0.65 spaces per dwelling) already benefit from planning consent. Whilst the parking ratios are higher, cumulatively across the two sites 187 dwellings would not have access to parking, the impact of which was acceptable to SBC. There is therefore no justification for refusing a smaller number of car-free households on this site.
- 7.18 In line with the Parking SPD reductions in parking from the maximum levels will normally only be allowed within one of the Borough's four town centres with reductions assessed against the accessibility of local facilities and public transport services. Full details of the sustainability of the site are contained within the submitted Transport Assessment however in summary:
- The site is located in Staines Town Centre with a large number of local amenities are accessible within a 20 minute walk distance, including schools, doctors surgeries and convenience/comparison retail stores.
 - Staines railway station is an 11 minute walk from the site, which provides services to Waterloo, Windsor, Reading, Weybridge. These operate frequently, with up to 11 trains per hour running to London Waterloo at peak times.
 - It is 300m to Staines Bus Station (approximately four minutes' walk), where frequent bus services with long operational hours to local destinations can be accessed, as well as buses to Ashford Hospital and Heathrow.
- 7.19 The site is in a highly sustainable location was agreed by SCC during scoping correspondence: *"The site does have good links to public transport and a good range of local amenities within walk or cycle distance, and the site therefore does meet the criteria against which a reduction in parking may be acceptable."*
- 7.20 Two Car Club spaces would be provided on Elmsleigh Road as part of the development, and residents at the site will be provided with one year free Car Club membership and 25 miles free Car Club travel. The provision of Car Clubs is an effective measure in reducing car ownership.
- 7.21 A Travel Plan was prepared as part of the planning application and would be implemented at the development. In addition, the developer committed to offering membership of the Easit Sustainable Travel Scheme to residents for an initial one year period. This would provide the following benefits to residents: 15% Discount on Rail fares with South Western; discounts at Halfords; discounts with Enterprise Car Club; taster tickets for certain bus routes; discounts on electric bikes; discounts on eMopeds; and access to the Easit journey share site.
- 7.22 The proposed level of car parking at the development is acceptable for the following reasons:
- There are an existing and growing number of households within Staines for whom car ownership is not necessary;
 - Extensive parking restrictions on the surrounding roads will limit opportunities for off-site parking with distance to available parking acting as a significant deterrent to car ownership;

- The site is located in close proximity to a wide range of local facilities and high frequency public transport services which will support a car free lifestyle;
- The provision of two car club vehicles, which along with other sustainable travel incentives in the Travel Plan, will provide a viable alternative to private car ownership;
- There is no evidence to suggest that the development will result in any highway safety concerns which is a view shared by SCC as highway authority;
- The developer would fund a residents parking scheme should this be required, to provide reassurance that the development will not result in overspill parking in sensitive locations and address existing parking stress levels, improving residential amenity and highway safety;
- The low parking provision will support SBC and SCC in achieving their stated ambitions in reducing carbon emissions and addressing the Climate Emergency.

7.23 On the basis of the above, it is considered that the parking provision accords with the requirements of Policy CC3.

8.0 **Planning Balance**

- 8.1 It is considered that the appeal proposals accord with the Development Plan as a whole and that the proposed development is a high-quality scheme, that is entirely appropriate for this site, which is an accessible brownfield site located within Staines Town Centre and allocated in both the adopted and draft Local Plans. In addition, it gives rise to no severe highway impacts or material harm to amenity..
- 8.2 Further, the Council does not currently have a five-year housing land supply (as confirmed in the Committee Report for this application) and has achieved only 50% in the Housing Delivery Test results published January 2021. As such, the tilted balance is engaged and there is a presumption in favour of sustainable development. There is no harm arising from the appeal scheme that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The need for new housing is acute and immediate.
- 8.3 If, contrary to the Appellant's case, it was determined that there was a five-year land supply and/or there was any conflict with the development plan or that any other harm would arise from the proposals, there are a number of material considerations in this particular case to indicate that that planning permission should nevertheless be granted.
- 1 This vacant, previously developed site is suitable for development and is in an accessible location for sustainable residential use;
 - 2 It is agreed that the proposed changes to the highway land, pedestrian linkages and associated landscaping measures will make a positive contribution to the area;
 - 3 The development will make a significant contribution to the Borough housing delivery including up to 46% provision of affordable housing and a proposed mix of dwellings appropriate for the location;
 - 4 The development will generate 39% of its on-site energy demand by renewable energy; and
 - 5 The opportunity exists to provide a number of biodiversity benefits, and net biodiversity gain, as part of the proposals.

9.0 Conclusion

- 9.1 This development proposes to redevelop the appeal site to create a new high-quality, residential development. The proposed development is for the construction of 206 new homes, including up to 46% affordable homes.
- 9.2 The proposed development is located on a redundant site which offers a significant opportunity to make efficient use of this brownfield land to provide much needed new homes, in line with the aspirations of the NPPF. It is identified in the emerging plan as a housing allocation. There are significant benefits arising from the appeal scheme.
- 9.3 The proposed development responds to the site constraints and is sensitive to the local context. The proposed development would provide a high-quality scheme, the principles of which are supported by the design.
- 9.4 It is considered that the appeal scheme accords with the Development Plan taken as a whole, as well as the emerging plan and should be allowed.
- 9.5 In any event, with a current shortfall in the five-year housing land supply, the relevant policies in the current adopted plan are considered to be out of date and, as such, the tilted balance applies in favour of sustainable development. The appeal scheme is sustainable development in an accessible location and, therefore, the appeal should be allowed as there are no adverse impacts that would significantly and demonstrably outweigh the benefits.
- 9.6 Notwithstanding this, if it is determined that or the development is contrary to the development plan, it is considered that there are powerful material considerations to outweigh the harm and, as such, the appeal should be allowed.

Appendix 1 Surrey County Council Highways Comments



E-mail: charlie.cruise@surreycc.gov.uk

Paul Tomson
SPELTHORNE BOROUGH COUNCIL
COUNCIL OFFICES
KNOWLE GREEN
STAINES
TW18 1XB

25 November 2020

Dear Paul,

APPLICATION NO. SP/20/1199

SITE: The Old Telephone Exchange, Masonic Hall And Adjoining Land, Elmsleigh Road,
Staines-upon-Thames, TW18 4PN

The County Highway Authority have considered the application at the above site and require additional information before a final response can be issued. Whilst no fundamental reasons to object to this proposal have been identified to date, there are several concerns that would need to be either rectified or clarified prior to any grant of planning permission on this site. The majority of these concerns relate to the proposed highway works and junction reconfiguration.

Additional information required:

- a) Any scheme that materially alters the layout of the highway should be accompanied by an independent Stage 1 Road Safety Audit.
- b) In order to verify the modelling outputs submitted by the applicant to demonstrate that the revised junction layout would operate within capacity, please provide the LinSig files and signal phasing diagram.
- c) A drawing clearly showing the existing highway boundary, and any areas to be dedicated as additional highway should be provided. In order to address some of the concerns below, it is likely that changes to the highway boundary will be required.
- d) Revised drawings and/or additional details to address the concerns below:

Comments on the proposed works:

1. Footway widths should not be compromised to accommodate loading bays. Current widths need to be maintained even if this means SCC adopting additional highway land. Where new footway is to be provided including at crossing points the width must be 2m.
2. The first uncontrolled crossing point will require the brick base around the signal pole to be removed for visibility reasons. Please add this to the drawing.
3. At this same location by building out the kerb on the nearside whilst not altering the offside hatching, what is the available lane width? Will this reduce to such a width that vehicles could collide with the new buildout or straddle the hatching?
4. How will the buildout on the east side of the crossing be protected given that there is a disabled parking bay immediately to the north. Surface water drainage will need to be considered given the buildout will cause an obstruction of the channel line.
5. Visibility requirements at the uncontrolled crossing points being proposed must comply with Section 15 of the Traffic Signs Manual Chapter 6. Please demonstrate the achievable visibility from each crossing point on a drawing, with a note to state that splays will not be obstructed in the future. Parking either side of crossing points is likely to cause a hazardous obstruction. Does the applicant have the required control over the parking spaces around the site to make the proposed crossing points safe?
6. Swept path analysis for all vehicles entering and exiting the new bellmouth access to the car parking area needs to be provided given that the car park exits onto a single carriageway lane.
7. Will the current parking bays under the bridge be removed given the proposal to install a pedestrian crossing point?
8. The loading bay on the eastern side of the new development when occupied will obstruct sightlines for vehicles exiting the new bellmouth. Please provide a visibility splay drawing.
9. Within the southeast corner of the development no pedestrian facilities are proposed. By providing a wide buildout on the east side this will be used by pedestrians yet they then have no available route to continue along the southern boundary of the site as a verge is proposed and there is no suitable footway on the opposite side of the road
10. On the southern side where the access is to be closed with kerbing installed is the public highway extents going to be altered to reflect the removal of the road?
11. Where the carriageway layout is changed on the south side/ entrance to the car park, the lane destination markings will need to be amended.
12. The swept path analysis provided does not cover all types of vehicles undertaking all possible turning movements at the new layout at the A308 junction/entrance into Elmsleigh Road. No tracking is shown of any vehicle turning right out of Elmsleigh Road, and many of the tracking drawings start after the turning manoeuvres into the site. It is therefore not possible to see whether the analysis begins at a natural point (i.e the vehicle starts square with the carriageway but in reality may still be turning at this point).
13. Is there a demand for traffic leaving the development or public car parking areas to turn right back into Elmsleigh Road just in front of where traffic will split to head up the ramped service road? The new layout looks to provide insufficient length for a vehicle to sit at the give-way line clear of the exit lane for the traffic lights.
14. The large area of landscaping created by the proposed alteration to the junction with A308 would likely be an inconvenience to pedestrians. The proposed footway is narrower than it need be given the space available, and does not follow the natural desire lines.
15. The lamp column on the traffic signal island at the junction with A308 is a combined CCTV and lamp column so its relocation will need consultation with the Borough Council.

16. Given the extensive alterations to the road layout through kerb lines, removal of road markings and likely drainage works we would expect that the entire carriageway and footways throughout this development work are resurfaced to avoid ghosting of removed road markings or surface damage from the road marking removal process and a patchwork quilt with extensive construction joints present. Please add a note to the drawings to this effect, and remove references to retaining existing tarmac.
17. The swept path analysis of a large articulated vehicle using the revised layout looks extremely tight on all routes shown, including the route up the ramp. It appears a vehicle would need to enter the proposed loading bay on the north-east boundary of the site to route around the one-way system, which would not be possible if the bay were occupied. Larger vehicles go right up to the edge of the proposed refuge island which may be used by pedestrians and are likely to come in to contact/ overrun this. There is also scope for large vehicles to overrun the inside radius where they turn left into Elmsleigh Road.

Notwithstanding the requirement for the additional information above to be submitted, the CHA has the following comments on the wider proposal:

Parking

The proposed development includes 48 car parking spaces, which is a significant shortfall when considered against the local car parking standards. Spelthorne's Parking Guidance sets out the following requirements for the units proposed as part of this development:

One-bedroom private dwelling	1.25
Two-bedroom private dwelling	1.5
One-bedroom affordable dwelling	1
Two-bedroom affordable dwelling	1.25

The Guidance sets out that relaxations may be applicable to these standards where the site is in a Town Centre location that has good links to public transport and good opportunities to make every-day journey's on foot or by cycle, with respect to the quality of the routes and proximity of amenities.

The County Highway Authority considers that the site does have good links to public transport and a good range of local amenities within walk or cycle distance, and the site therefore does meet the criteria against which a reduction in parking may be acceptable. The opportunities for sustainable travel are discussed in greater detail in the sections below.

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

The Transport Assessment includes an assessment of the availability of unrestricted parking spaces within a reasonable walking distance of the development. Parking restrictions are in place on almost all roads within a 400 metre radius of the site. The only area where parking is not restricted are the residential roads approximately 250-300m to the south of the site – Richmond Road, and Gresham Crescent. Both roads have restrictions on one side to ensure passable width for vehicles is maintained. The applicant has not provided details of the number of theoretical unrestricted spaces available on these roads or done any survey work to ascertain

the existing level of parking stress. The County Highway Authority have not carried out a night-time site visit and therefore, in the absence of a parking beat survey from the applicant, cannot be certain of the overnight parking demand on these roads. Residential parking demand tends to peak in the evening, so any excess demand from the development, and any residential parking demand from existing residents in Richmond Road and Gresham Road would likely coincide at this time. The CHA assumes that very little parking capacity is available on these roads in the evening. It is acknowledged that some other roads in the vicinity of the development have restrictions which allow parking in the evenings, even where parking is restricted during the day.

High competition for spaces in the small areas without parking restrictions would mean that any parking from the development that were displaced to these roads could cause a material inconvenience to existing residents. This would generally be an amenity issue and not one that would be considered by the CHA. The CHA would only be in a position to object where it is likely that the competition for spaces becomes so great that vehicles are pushed into unsafe locations. Although high parking stress on these roads in the existing situation means that any uplift in parking demand could cause issues, it is also likely to discourage prospective buyers of the proposed units from moving into the development. The CHA consider it unlikely that a prospective resident who intended to own a vehicle would move in to the development where the only opportunity to park was some 300 metre walk from the site, and where they were not guaranteed to find a space.

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

Occasional parking associated with the development, for example resident visitors, would be possible in the local public car parks. SCC understands that these car parks have significant residual capacity for most of the year, and it is reasonable to assume that any guests to the development could be accommodated within these locations for short term stays. Whilst the residents of the development would have no automatic right to permits in these car parks to allow them to use them for residential parking, the operator of the car parks (currently SBC) would have discretion on whether they do sell them annual permits. SCC would recommend that that SBC do not issue permits to residents of the proposed development, on the basis that increased parking availability is likely to increase vehicle ownership amongst residents, which may potentially undermine the objectives of the development's Travel Plan and increase traffic in the Town Centre.

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

Electric vehicle charging provision is proposed in accordance with SCC's Vehicular and Cycle Parking Guidance, with 40% of spaces to be provided with active charging provision. Two Car Club bays are also proposed. SCC supports the provision of car club bays and would also require that the developer commits a financial contribution to the set up and operational costs of a Car Club service to ensure that the proposed spaces are utilised. Cycle parking has been proposed in accordance with Surrey's guidance, with one space per unit provided. The location of the cycle parking is adequately accessible.

Alternatives to the Private Car

Staines Railway Station is located within walking and cycle distance of the site, although the Tothill Multi-storey car park and Elmsleigh Shopping Centre form a barrier between it and the site. For this reason, the walking route to the Station is considerably longer than the distance 'as the crow flies'. The shortest route from the site to the Railway Station is to the north of the site via Goodman Place, High Street, A308 and Station Path. This route is approximately 850m, which is very slightly over the best-practice maximum of 800m for a walkable neighbourhood. This is considered to be within the realms of an acceptable walking distance for most potential residents and visitors to the site for rail connection. The route is largely on pedestrian-only links, with the A308 crossing the only interaction with vehicular traffic. This crossing is signalised and provides suitable pedestrian crossing phases on demand. Whilst the two-phase layout of this crossing point does cause delay to pedestrians, it is unlikely to be a significant deterrent to pedestrian trips between the site and the rail station.

Staines Rail station itself is served by frequent services to range of destinations, including London Waterloo. The reasonably fast and frequent rail service on offer assists in making a walking distance of 850m acceptable to prospective residents of the site.

Bus stops are situated on Thames Street, where the southbound stop is approximately 150m walk from the site, and the northbound stop approximately 250m. These stops are served by a range of services, with reasonably frequent services to Kingston upon Thames, Hounslow, Twickenham and Heathrow. The southbound stop is not provided with a shelter, waiting facilities or real time passenger information. Addition of these facilities could improve passenger experience and encourage bus use, but it should be noted that this stop is at the end of most routes and it is unlikely many residents from the development would board a bus at this stop. The northbound stop does have an existing shelter and limited seating available, but could potentially be improved.

Trip Generation

The submitted Transport Assessment estimates that the development will generate 33 vehicle movements in the morning peak, and 37 movements in the PM peak, based on survey data of other sites extracted from the TRICS database. It is likely that this is a slight over-estimate given the low levels of parking proposed. It is difficult to quantify the impact that reduced car ownership would have on trip generation, and no evidence has been provided as part of this application. The numbers calculated from the TRICS assessment are therefore considered to be robust and appropriate estimates to assess the impact of the development with. From a wider network perspective, it is unlikely that this quantity of traffic would have a material impact on the operation of the highway. The impact of this traffic is likely to be most pronounced at the junction of Elmsleigh Road and Thames Street. As part of the application, a model has been

created of this junction to assess the impact of both the reconfiguration of the junction and the additional traffic generated by the development. The model output suggests that the overall impact on this junction will be negligible. However, as stated above, the CHA have not had the opportunity to audit the model that has been used as this file has not been submitted. The proposed signal phasing is also missing from the submitted details. Prior to a final response on this proposal, the CHA would need to assess this in further detail to ensure that the conclusions of the submitted TA are valid.

Proposed Highway Alterations and Public Realm

The proposed alterations around the junction with Thames Street have the potential to benefit pedestrians, particularly those using the footway on the east of A308. The existing two-phase pedestrian crossing would be replaced with a one-phase crossing, which would, in theory reduce the time required to cross the junction. The proposed signal specification has not been provided and SCC have not been able to audit the junction model as we have not been provided with the file. It is therefore not possible to ascertain exactly what benefit pedestrians would gain from this. Pedestrians would, however, benefit from additional footway and reduced carriageway widths, though this is somewhat undermined by the proposed soft landscaping which provides a barrier to pedestrian desire lines.

A number of concerns/ requests for more information have been raised above, and until these have been addressed it is not feasible to comment further on the effectiveness or acceptability of the proposed changes to the highway and wider public realm.

Yours Sincerely,

Charlie Cruise
Senior Transport Development Planning Officer