

Proof of Evidence of Simon Slatford BA (Hons), MRTPI, BPI

Elmsleigh Road, Staines - Planning Appeal

Appellant: Inland Ltd

Planning Inspectorate No. Appeal: APP/Z365/W/21/3280090

Spelthorne Borough Council Application No. 20/01199/FUL

November 2021

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1.0 Qualifications

1.1 My name is Simon John Slatford. I am a Town Planner and hold a BA (Hons) Degree in Town and Country Planning. I am a Member of the Royal Town Planning Institute.

1.2 I am a Senior Director at Lichfields (formerly Nathaniel Lichfield & Partners). I have been engaged in town and country planning for 30 years, the last 26 of which have been in the private sector dealing with residential, commercial and retail developments throughout the UK.

1.3 Lichfields has extensive experience with housing and regeneration projects. The company deals with all aspects of Town Planning and related development matters throughout the UK including residential, commercial and retail development.

1.4 I was instructed by Inland Ltd to become involved on this project in 2016. Following extensive pre-application engagement with Spelthorne Borough Council, a planning application was submitted in October 2020. In June 2021, notwithstanding an unequivocal recommendation from officers to grant planning permission for the proposed development, the Planning Committee resolved to refuse planning permission for one reason, comprising two parts, namely that: 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 out of character with the surroundings and is likely to result in unacceptable parking stress on residential roads in the locality.

1.5 I am very familiar with the appeal site, the proposals that are the subject of the appeal, and the relevant planning policy documents.

1.6 I understand my duty to the Inquiry to help the Inspector on matters within my expertise and that this duty overrides any obligation to the person from whom I have received instructions or by whom I am paid. I confirm that the

evidence in this note identifies all facts which I regard as being relevant to the opinion that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion. I believe that the facts stated within this proof are true and that the opinions expressed are correct.

2.0 Introduction

- 2.1 The Appellant (Inland Ltd) submitted a full planning application (“Application”) to Spelthorne Borough Council (SBC) on 14 October 2020; the application was made valid from this date (ref. 20/01199/FUL). 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.

- 2.2 On 23rd June 2021, the application was reported to the SBC Planning Committee with a recommendation that the application be approved (CD 3.1). No technical objections were received from any consultees, including the County Highways Authority, on the application.

- 2.3 The Committee however resolved to refuse permission for the application and the decision notice (CD 3.2) was issued on 24th June 2021. 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.*

- 2.4 This appeal is submitted against the refusal of the planning application.

- 2.5 My proof addresses the planning issues arising from the sole reason for refusal relating to conflict with policies EN1(a) and CC3 of the development plan, together with other matters raised by third parties. In preparing my evidence, I have had regard to the assessments undertaken and submitted with the application and the evidence prepared by the appellant's consultant team – Mr Pullan on design matters and Mr Jones on highway/parking matters. I rely upon their conclusions in forming my own views.

3.0 Appeal Site Description

Appeal Site and Surroundings

- 3.1 The 0.53 ha site comprises the former Masonic Hall, a low two-storey structure, and an area of cleared land on which was 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.
- 3.2 The site is located in the heart 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.
- 3.3 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.
- 3.4 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 appeal 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 north east of the site, providing sustainable access to a wide range of destinations. In terms of existing Car Clubs in the area, there is one existing car club vehicle in the town centre which is operated by Enterprise and based at the Charter Square development.

3.5 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.

3.6 A detailed description of the site and surroundings is provided within the application documents and the Committee Report (CD 3.1).

Designations and Site Allocation

3.7 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'. No heritage impacts are alleged as a result of the appeal proposals

3.8 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. Neither flood risk nor air quality impacts are part of the Council's reasons for withholding consent.

3.9 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, CD 5.3). 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.

3.10 The same wider site is also included in the emerging Draft Allocations Development Plan (2019) (ref. ST4/009) (CD 5.10). However, in response to the policy to increase urban densities in accessible locations as well as to changing market and needs, the focus for the site in the draft Plan is for

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.

Planning History

3.11 A planning application (ref. 14/O1377/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.

3.12 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 application have been robustly addressed. The Case Officer's Report to Committee (CD 3.1) also supports the opinion, in paragraph 7.125, that all the reasons for refusal associated with application 14/01377/FUL have been overcome, by the present scheme and recommended approval.

4.0 The Appeal Scheme

- 4.1 Details of the proposed scheme are included in the DAS (CD 1.16) submitted with the application and are also provided in the proof of evidence of Mr Pullan. A summary is set out below.
- 4.2 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.
- 4.3 The scheme would appropriately optimise the provision of residential development on the site, providing high quality accommodation in this location consistent with national policy. The two buildings step up from their surrounds and provide markers for the town centre. As the other approvals for tall buildings are built and emerging schemes developed, the proposed building will appear as part of a wider townscape. The taller (15 storey) building is closer to the river, and the shorter (13 storey) building is closer to the high street, responding to the scale of the local context and aiding users in wayfinding across the town, as well as adding to the interest of the wider townscape.
- 4.4 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. The development will be marketed as an essentially car-free development for the reasons explained by Mr Jones.
- 4.5 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 appropriate pedestrian desire lines.

- 4.6 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.

5.0 Planning Policy Position

Statutory Development Plan

5.1 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.

5.2 The statutory development plan for SBC comprises:

- 1 Saved Policies of the Local Plan (2001) (CD 5.1)
- 2 Core Strategy and Policies DPD (2009) (CD 5.2)
- 3 Allocations DPD (2009) (CD 5.3)
- 4 Proposals Map (2009)

Adopted Local Plan

5.3 I set out below the full range of relevant policies for the appeal from the adopted Local Plan, as a decision should be made on the appeal in light of the development plan as a whole. However, it should be noted that only Policies EN1(a) and CC3 are alleged to be breached in the reasons for refusal. This would indicate compliance of the appeal scheme against all other relevant policies of the development plan. I briefly summarise the relevant policies below.

Saved Policies of the Local Plan (2001)

BE25 - 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.

Core Strategy and Policies Development Plan Document (2009)

SP1 - sets out that all new development will be made within the existing urban area.

SP2 - 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. 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).

HO1 - 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 including poorly located employment land.

HO3 – seeks 40% of all net additional dwellings to be affordable, and up to 50% where the development comprises 15 or more dwellings or the site is 0.5ha or larger. Mix of affordable units should comprise intermediate and social rented, with intermediate not exceeding 35% of the total affordable housing component.

HO4 – states that developments will be required to include at least 80% one and two bed units.

HO5 – sets out that within Staines town centre development should be at or above 75 dwellings per hectare, and a higher density may be suitable subject to compliance with design policies.

SP4 - 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.

EM1 - 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.

TC1 - 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.

CO3 - 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.

SP6 - 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.

EN1 - states that the Council will require a high standard in the design and layout of new development and requires dwellings to be designed to be accessible to all members of the community, encourage sustainable means of travel, incorporate landscaping and create a safe and secure environment.

LO1 - ensures that developments seek to reduce flood risk and its adverse effects on people and property in Spelthorne.

EN8 - 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.

EN6 - states that the Council will seek to preserve and enhance the character of conservation areas.

- 5.4 CC3 - 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)

- 5.5 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 places 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.

Emerging Policy

Draft Local Plan - Preferred Options (2019)

- 5.6 SBC is currently preparing a new Local Plan and a Regulation 18 consultation on Preferred Options took place between November 2019 and January 2020. The appellant made comments on the document. 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).

5.7 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 appeal. 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.

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 its identified 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.

H1 – States that the Council will make provision for at least an additional 603 homes per annum in Spelthorne Borough for the period 2020 to 2035. It 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. Developments should provide a housing mix as set out in the Strategic Housing Market Assessment or any similar evidence for market and affordable units. 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.

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.

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".

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) (CD 5.10)

- 5.8 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 with a reduced need for retail provision overall for the wider site to reflect the changing market and local needs. The allocation, of which the appeal site is a central part, is 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. The appellant made comments on this document, which were in part strongly supportive of the increased yield of proposed residential units from the area.

Staines Town Centre Development Framework

- 5.9 SBC are currently preparing a Development Framework for Staines which will be formally prepared as a Supplementary Planning Document. An Objectives and Options Consultation ran from 18th May to 29th June 2021. The appellant made comments on this document. The appellant supported the principle of higher density development within the town centre including the delivery of both market and affordable homes, noting that the Appeal Site should be considered suitable for high density residential development and tall buildings. The Appellant was also supportive of the principle of reducing carbon emissions through encouraging a mix of uses including residential development in the town centre, encouraging sustainable transport options and low parking provision in highly accessible locations. Finally, the Appellant supported the principle of creating a safe and connected public realm, noting that the development of the Appeal site could allow linkages between the town centre and Memorial Gardens.
- 5.10 This document is at a very early stage in the process and cannot be given any material weight, but confirms a direction of policy travel which is broadly consistent with the emerging development plan.

Material Considerations

- 5.11 Documents that are regarded as material considerations relevant to this application include:
- 1 National Planning Policy
 - a National Planning Policy Framework (2021) (CD 4.1)
 - b Planning Practice Guidance ('PPG') (CLG; 2014, 2017, 2018 and 2019) (CD 4.2)
 - c Nationally Described Standards (CD 4.4)
 - d National Design Guide (CD 4.3)
 - 2 Local Guidance (LBS)
 - a Design of Residential Extensions and New Residential Development SPG (2011) (CD 5.4)
 - b Spelthorne Parking Standards (2011) (CD 5.6)
 - c Surrey County Council - Vehicular and Cycle Parking Guidance (2018) (CD 5.7)
 - d Flooding SPD (2012) (CD 5.8)
 - e Housing Size and Type SPD (2012) (CD 5.5)
- 5.12 I summarise the key issues from the planning documents, as far as they are relevant to my evidence below. Colin Pullan provides further detail on the design documents and Phil Jones covers the transport documents in their evidence.
- National Planning Policy Framework (NPPF, 2021)**
- 5.13 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.
- 5.14 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.

- 5.15 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....”

- 5.16 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.

- 5.17 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’.

- 5.18 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.

5.19 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'.

5.20 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)).

- 5.21 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

- 5.22 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

- 5.23 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.
- 5.24 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.

Spelthorne Parking Standards 2011

- 5.25 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 lesser provision and which still meets the other requirements of Policy CC3. Mr Jones explains the rather unorthodox position which has been taken to this document by the Council, which I understand will need to be the subject of legal submissions in due course.

Table 5.1 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

Surrey County Council - Vehicular and Cycle Parking Guidance (2018)

- 5.26 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.

6.0 Assessment of the Appeal Scheme: Main Issues

Matters Agreed and Benefits of the Scheme

- 6.1 It is agreed by the parties in the SoCUG (CD 6.4 para 7.3) that the site constitutes previously developed land within an urban area in a sustainable location in Staines Town Centre. The site is allocated as part of the wider Elmsleigh Centre and adjoining land allocation in the emerging Local Plan, which includes approximately 650 residential units.
- 6.2 The Council cannot demonstrate a five-year housing land supply. Therefore, the planning policies most important for determining the application are deemed out of date, and substantial weight should be afforded to the delivery of market housing and weight should be given to the delivery of affordable housing. There is a presumption in favour of sustainable development.
- 6.3 The proposed access to and within the site is acceptable. There are no objections on highway capacity and safety grounds, subject to conditions and a s106 agreement to secure the proposed highway/public realm works and sustainable travel incentives.
- 6.4 The proposed residential units are in compliance with all the applicable space standards with a good level of privacy and private amenity space. The proposed dwelling mix is appropriate. Weight should be attached to the provision of affordable housing.
- 6.5 The site is in a highly accessible location in Staines Town Centre. The development will be highly sustainable and energy efficient, in excess of policy requirements. It is precisely the sort of site that Government is looking to be used to increase urban densities to assist in the addressing the national housing crisis.

- 6.6 There would be no unacceptable impact on the amenity of neighbours to the Site by way of noise, daylight/sunlight and/or privacy as a result of the Development.
- 6.7 The Site comprises land with habitats of relatively low ecological interest for which appropriate mitigation to ensure no adverse effects occur will be utilised. The proposed development would result in a Biodiversity Net Gain.
- 6.8 There is no objection to the proposals in relation to impact on trees and vegetation. There is no unacceptable adverse impact on heritage assets.
- 6.9 The Development is acceptable in terms of flood risk subject to conditions. The impact on archaeology is acceptable.
- 6.10 There is no objection to the proposals in relation to air quality. Subject to conditions, the Development is considered acceptable in terms of contaminated land. The Development is acceptable with regard to fire safety.
- 6.11 The design of the scheme is acceptable in relation to all aspects save those which arise from the reason for refusal, in particular:
- a The design detailing of the proposed buildings in terms of fenestration and materials;
 - b The provision of a podium level; The public realm including the landscape link from east side of Thames Street to the car park and service area rear of High Street via the application site, underside of the service ramp and Elmsleigh Road;
 - c The footprint of development;
 - d The highway proposals;
 - e The existence of buildings which are taller than those presently on site (noting the proposed height is not agreed); and
 - f The sustainable elements of the design.

6.12 Through the development proposals there would a clear enhancement to the public realm and permeability in this part of the town centre.

6.13 Overall, I conclude that the development results in significant benefits and represents sustainable development and appropriately optimises previously developed land with a high quality development for a land use which is much needed. Each dimension of sustainable development is discussed below in the context of this appeal.

Economic

6.14 The proposed development would create 206 new households which would, in turn, generate demand for local shops and services utilising public transport. Construction of the proposed development would generate additional expenditure in the local economy. The economic benefits of the scheme include:

- 1 CIL contributions of c. £500,000;
- 2 Total local spend by new residents of c. £1.80m per year;
- 3 New Homes Bonus of £1.65m; and
- 4 Council Tax payments of c. £451,000 per year.

Social

6.15 The proposed development would deliver 206 high quality new homes in a location which is highly accessible to a range of modes of transport, 46% of which would be affordable.

6.16 The proposed development would improve the residential environment of Staines by delivering a high-quality residential scheme on a disused urban site.

6.17 The design proposals adhere to established principles of place making and urban design which are fundamental in creating good places to live, as explained in the evidence of Mr Pullan.

- 6.18 Subject to planning permission being granted, the Site is immediately available, and housing would be delivered within the short term, thereby contributing to the Council's five year supply of housing.
- 6.19 As detailed in Section 2.0 and set out in the evidence of Mr Jones, the site is highly accessible by a range of transport modes, including walking, cycling, public transport and private vehicle.
- 6.20 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.
- 6.21 The Site would provide new high-quality amenity space for the enjoyment of future residents.
- 6.22 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.

Environmental

- 6.23 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).
- 6.24 There is a significant enhancement in the proposed public realm and the landscape proposals will allow for the creation of new and enhanced habitats and will achieve a biodiversity net gain.
- 6.25 The proposed development would incorporate a variety of energy reducing measures and take a fabric first approach.

Delivery of New Homes

- 6.26 There is an urgent need to deliver new homes in the Borough. SBC has under delivered when compared against its housing requirement. The Housing

Delivery Test results published in 2021 stated SBC had only delivered 50% of its identified housing need.

6.27 As a result, the HDT requires the Council to add an additional buffer of 20% to the local housing need for persistent under delivery, as delivery has fallen well below 85% of housing requirement. The presumption in favour of sustainable development is also applicable as housing delivery has fallen well below 75% of the requirement.

6.28 It is agreed that the Council cannot currently demonstrate a five-year housing land supply. The Council's Statement of Case states in paragraph 4.9 that the Council can presently demonstrate only 4.5 years. I have not sought to interrogate this figure further, albeit there are issues with the way it has been calculated, but note that it is significantly below the minimum requirement of Government and that therefore substantial weight ought to be afforded to the delivery of general market housing. Affordable Housing would also be provided within the scheme, which is a benefit that should be given weight.

6.29 It is agreed that the site is vacant and that it should be developed to help regenerate the area. If this appeal was allowed, there are no impediments to delivery, and as such, it is the Appellant's intention to commence the development as soon as practicable, once pre-commencement conditions have been discharged.

6.30 In my view, there is a great deal to commend in the appeal proposals, and with this in mind, I set out each reason for refusal and consider these in the context of planning policy.

Weight to be Given to the Development Plan

6.31 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, whereas the Council consider that it conflicts with Policies EN1 (a) and CC3.

- 6.32 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.
- 6.33 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:
- a 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
 - b 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.
- 6.34 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 paragraph 4.11 of the Council’s Statement of Case, 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, and not then disengaged for any reason.
- 6.35 The adopted Plan is out of date on this basis, but weight should of course be given to the other relevant policies of the adopted Plan, according to their degree of consistency with the NPPF. 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.
- 6.36 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. Nonetheless there is a good deal of synchronicity with the policies of the emerging development plan which weigh in favour of the scheme and underscore the direction of travel of policy.

The Main Issues

6.37 In the letter from the Inspector following the Case Management Conference, the Inspector has identified that, based on the material submitted and the representations made, the main issues are likely to relate to:

- i The effect of the proposal on the character and appearance of the area; and
- ii The effect of the proposal on the living conditions of the occupants of nearby properties with regard to car parking.

6.38 It is added that the Inquiry will also examine any benefits to be weighed in the planning balance in respect of both proposals. I address each of these below and they are also addressed in detail in the evidence prepared by Mr Pullan (on design) and Mr Jones (on parking). Later in this proof, I address other issues raised by local residents.

Main Issue 1: Design

6.39 The reason for refusal states:

‘The proposals, by virtue of the height of the two towers [...] represent an unacceptable overdevelopment of the site resulting in a development which is:

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’

6.40 Officers concluded, in paragraph 7.62 of the Committee Report (CD 3.1) that:

‘Although tall, the design of the building has an articulation with chamfered edges, giving the towers a slender form. In addition, the site is set back from the street frontage of Thames Street, and the towers are set back from the edges of the site. The towers are offset from one another, one taller than the other, and the gap between them helps to reduce their impact, as it provides a view and space between the built form. It is considered that the design is acceptable and will integrate into the existing street scene and wider town centre built form, in what is currently an unattractive town centre site.’

- 6.41 The Council’s Statement of Case states that, having regard to the local context and in particular the scale of commercial buildings in this part of Staines that comprise the context for the appeal site, the Council will adduce evidence to demonstrate that the proposed development will be out of character with the prevailing height of existing development, and the degree of difference with the buildings comprising the context within which the development is to be experienced would harm the character and appearance of the area.

Design Quality – Appellant’s Assessment

- 6.42 The NPPF seeks to make efficient use of urban land and to boost the supply of housing, but also recognises 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.
- 6.43 It adds that, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Furthermore, there is a clear policy at every

level to make efficient use of land, especially in highly accessible locations provided that it is consistent with other planning objectives.

- 6.44 To accompany the application, a full Design and Access Statement (CD 1.16) was prepared that fully sets out the justification and rationale of the proposed development for the Site. The Design and Access Statement clearly indicates that this is a high-quality scheme that has been well considered and designed to optimise the use of this previously developed site but with height, scale, proportions and design that appropriately respect the character of the area and make a positive contribution to the street scene and the surrounding area.
- 6.45 The buildings and spaces are visually attractive and provide the proposed development with a strong and appropriate identity. The built form and scale of the proposed development responds to the broader character of the surrounding pattern of development.
- 6.46 Officers were of the view that the proposed development, in terms of its design, scale and location, has sufficient regard to the character of the surrounding area and would not appear visually obtrusive in the street scene. The proposal is considered by officers to comply with Policy EN1 on design and appearance and the guidance in the NPPF and National Design Guide (para 7.62, Officer's Report CD 3.1).
- 6.47 In addition to the DAS, Urban Design evidence is provided by Mr Pullan to review the appeal scheme against the relevant design policy and guidance. Mr Pullan was engaged by the Appellant after the refusal in order to 'sense-check' the scheme and to audit the concerns of members in order to assess whether their concerns were warranted. He has robustly concluded that members concerns were misplaced. He explains fully and clearly why the proposed development represents good quality design and appropriately responds to the character of the surrounding pattern of development.

- 6.48 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 site's 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.
- 6.49 There has been no objection raised with regard to the effects the Appeal Scheme may have upon the framework. Given the modest size of the application site within the wider town centre, and that in preparing the framework the masterplanners are demonstrably aware of the Appeal Scheme, the scheme is rightly not considered to be likely to prejudice the emerging masterplan which remains at this time at a stage of identifying issues
- 6.50 The proposals in no way prejudice development aspirations nearby, to the contrary, inward investment of this type will have a catalytic effect on investment into a centre which is in need of the same.
- 6.51 With regard to the alleged conflict with Policy EN1 on design and appearance, I summarise all of the criteria below, with responses based upon consultee responses, technical assessments submitted with the application or evidence from the appellant's team. In this regard, I would note that the reason for refusal only identifies a conflict with criterion (a).

Table 6.1 – Criteria of Policy EN1

<i>Policy EN1 Criteria</i>	<i>Response</i>
<i>Proposals for new development should demonstrate that they will:</i>	
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	<i>This is addressed fully in the DAS and the evidence of Mr Pullan who concludes that there would be no detrimental impact on visual amenity or the character and appearance of the area. The Council's Officer agreed.</i>

scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land	
b) achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook	<i>This was fully assessed as part of the application, with a number of technical assessments submitted. These were scrutinised by consultees and they concluded that the results of the assessments demonstrated that the appeal scheme would not have an unacceptable detrimental impact on the general amenities of nearby or future occupiers (para 7.76 of Officer's Report).</i>
c) be designed in an inclusive way to be accessible to all members of the community regardless of any disability and to encourage sustainable means of travel	<i>As set out in paragraph 7.119 of the Committee Report, the development has been designed so that all the flats are accessible and adaptable for disabled people (i.e. M4(2) of the Building Regulations). Furthermore, 10 of the 48 car parking spaces are for disabled users. Officers were satisfied that the proposed development is inclusive. As confirmed in the SoCUG and para 7.82 of the Committee Report, the site is in a sustainable location and will encourage sustainable means of travel.</i>
d) incorporate landscaping to enhance the setting of the development, including the retention of any trees of amenity value and other significant landscape features that are of merit, and provide for suitable boundary treatment	<i>The development incorporates a large central landscaped podium space accessible to all residents, alongside new areas of public realm and landscaped amenity space. It is agreed that the development will secure significant public benefits by creating new pedestrian links and landscape works from the High Street to Memorial Gardens. The Tree Officer had no objection to the proposals.</i>
e) create a safe and secure environment in which the opportunities for crime are minimized	<i>The Committee Report confirms that the Crime Prevention Officer had no objection to the application.</i>
f) incorporate measures to minimise energy consumption, conserve water resources and provide for renewable energy generation in accordance with Policy CC1	<i>It is agreed in the SoCUG that the proposed development will be highly sustainable and energy efficient, in excess of policy requirements.</i>
g) incorporate provision for the storage of waste and recyclable materials and make provision for sustainable drainage systems (SUDS).	<i>The scheme incorporates provision for the storage of waste and recyclable materials, as set out in the Design and Access Statement, and the details of the SuDS scheme will be secured by condition.</i>

- 6.52 Overall, therefore, I am satisfied that all these criteria have been met or satisfied and that the development is not contrary to Policy EN1 in any way. The policy in criteria (a) is clear that proposed new buildings should ‘respect’ the local area, ‘pay due regard to’ adjoining buildings and have ‘their own distinct identity’ and does not require exact replicas of the area. The proposed development does this.
- 6.53 Based on the rationale in the DAS, submitted with the application, the views of council officers and the evidence of Mr Pullan, I do not agree with the view of Councillors that the proposed development is out of character with the surroundings or that it would not make a positive contribution to the street scene. Indeed, it would very much enhance the street scene at this location.

Overdevelopment and Height – Appellant’s Assessment

- 6.54 On the issue of the quantum of new homes proposed, it is recognised within the NPPF that new homes are needed, and that effective use should be made of previously developed land in sustainable locations.
- 6.55 Within the context of national planning policy, the scope to make efficient use of previously developed land within urban areas to deliver more new homes should be positively considered. Failure to do so would be inconsistent with national policy. In this context, this is a highly accessible location where, in line with the NPPF, development should be optimised. In order to determine the optimum development potential for the Site, the Appellant undertook a number of technical appraisals, including a transport assessment (CD 1.4), flooding (CD 1.15 and 1.28) parking (CD 1.29, 1.30 and 1.31), existing, surrounding and proposed uses, and heights and character of the locality.
- 6.56 There have been positive comments received from the Council’s internal consultees on the landscape and urban design of the proposed scheme, as addressed in the Committee Report (CD 3.1) and as covered in the evidence of Mr Pullan.

- 6.57 In terms of density, this is not a driver for development on a site, but a product of it. The appeal development is considered to be entirely appropriate for the site and gives rise to no harm.
- 6.58 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 throughout the pre-application process with SBC.
- 6.59 This scheme has been designed to make optimum use of this highly accessible central town centre site, in line with national policy guidance, 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.
- 6.60 The Local Plan Preferred Options document (CD 5.9) SP1 confirms that, recognising its size, location and significant opportunity for further regeneration, Staines-upon-Thames will be a key focus for housing, which the proposed development would deliver. It indicates that tall buildings will be acceptable in the town centre provided they are designed to reflect the redefined character of Staines and the design is to be of high standard. It acknowledges that there are opportunities for attractive riverside development and public realm enhancement.
- 6.61 Focusing growth in the main town centre, is very much in accord with national policy in the NPPF and, indeed, in paragraph 6.3 of the Council's Statement of Case it is confirmed that "The Council will explain that they have no in principle objection to buildings that are taller than neighbouring buildings on the appeal site...". 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 sustainable location, but doing so in a manner which is consistent with other adjacent land uses.

6.62 Further, 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 two schemes which have recently been granted planning approval:

- Charter House: currently nearing completion, 260 homes in buildings up to 13 storeys; and
- Eden Grove: construction commenced on site, 476 homes in buildings up to 15 storeys.

Taller buildings within the centre are, therefore, part of the existing and emerging character and have been considered to be acceptable by the Council. Furthermore it is difficult to see how local and national ambitions will be secured without schemes of the type proposed here are not brought forward.

6.63 The evidence provided by Mr Pullan demonstrates that the layout of the proposals 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. 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 immediate surrounding townscape.

6.64 The proposed building heights of 13 and 15 storeys are not considered at all unusual or out of place 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. Colin Pullan's evidence concurs with the support of the scheme within the Officer's report.

- 6.65 The surrounding character, as described by the DAS, is presently of mixed and somewhat indifferent 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, change is not, in itself, harmful and taller buildings are, in principle, consistent with central town centre locations. Indeed the proposal will in the view of Mr Pullan positively add to the interest of the townscape.
- 6.66 The site is not within a conservation area and, the THVA concluded (CD 1.18 paragraphs 6.13 and 6.14) that while the proposed development would appear as an increase in scale in the setting, it would sit comfortably 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.
- 6.67 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).
- 6.68 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 given the support of the Conservation Officer and the findings of the THVA, cannot be supported.
- 6.69 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 out of character with the surroundings and does have due regard to adjoining buildings and land. It would result in a development which would make an attractive and positive contribution to the street scene

and would not have a detrimental impact on the character of the area and the street scene.

- 6.70 I am therefore of the view that the proposed development is entirely appropriate for this Site, including in relation to the height of the proposed buildings, and is not overdevelopment, but rather that it will comprise a positive element in the townscape.

Main Issue 2: Parking

- 6.71 The reason for refusal states:

The proposals, by virtue of [...] inadequate 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.

Parking – Appellant’s Assessment

- 6.72 Paragraph 111 of the NPPF (2021) states that 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. A severe impact is not alleged by the Council or the highway authority in this case and the Transport Assessment and the evidence of Mr Jones demonstrates that such an impact will not arise.
- 6.73 CS Policy CC2 sets out that the Council will seek more sustainable travel patterns including supporting measures to improve non-car based travel and in paragraph 6.14 of the Statement of Case the Council acknowledge that they welcome the proposed mitigation features such as the travel plan and car club

proposals. Following this, CS Policy CC3 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. In other words, there is no specific parking requirement that the appeal scheme can be in breach of. Indeed, in paragraph 6.17 of the Council's Statement of Case, the Council confirms support for the flexible application of standards.

6.74 By way of clarification, the Policy adds 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. These were all considered by the appellant team, the planning officers of the Council and the highway officers of the County Council in coming to a balanced judgment on the 'appropriate' level of parking for this highly accessible town centre site. There is no reference here to parking stress and, in particular, detrimental impact on the amenity of residential properties.

6.75 Moreover it is difficult to understand what land use concern is being relied upon in this regard. There is no allegation of safety or impact on highway capacity, no allegation of additional noise and amenity. Accordingly, what appears to be contended is that some new residents might compete with existing residents for some car parking spaces at a distance from the appeal site.

6.76 The Appellant's evidence demonstrates that there remains ample road space available in any event. However, even if there were not then the Council's position appears to be that car free development within a centre cannot work because of the availability of on street parking 300 or more metres away. In my view, such an approach is not in line with government policy. Whilst there may be a handful of future residents who would park their vehicles nearby, the overwhelming majority of residents can be expected to 'buy into' the proposed car free lifestyle, which is in accord with national policy.

6.77 The SBC Parking Requirements SPD (2011, CD 5.6) sets out the parking requirements for residential developments. This SPD, which is now ten years old and the Surrey County Council SPD (2018) is much more recent, does not require residential parking standards to be applied as a ‘maximum’ – and to that extent it is significantly out of step with national guidance. More significantly for this case, paragraph 1.8 of the Parking SPD states:

‘The Council will give little weight to the word ‘maximum’ when applying Policy CC3 and its residential parking standards except in town centre location where, for reasons of good access to public transport, there is a genuine and convincing case to make a lesser provision and which still meets the other requirements of Policy CC3’

6.78 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 (CD 5.7) require the provision of at least 20% of spaces to be fitted with a fast charge socket for electric vehicles.

6.79 However, the parking provision on the site has been developed through extensive engagement with Surrey County Council Highways team, having regard to local and national policy and guidance, the site context and location. The site is situated in a highly accessible location in Staines Town Centre and as such, a reduced provision of parking is considered desirable. The Parking SPD (CD 5.6) sets out in paragraph 5 that:

‘Reduction of parking requirements will normally only be allowed in the following situations:

i. 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.'

6.80 Furthermore, the Officer's Report to Committee (CD 3.1) 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'.

6.81 This opinion is supported by Surrey County Council's response (CD 8.1) 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'.

6.82 Spelthorne Borough Council also appointed Peter Davidson Consultancy Ltd to carry out a third party review of the parking (CD 8.2); this was broadly positive, but suggested that the applicant should demonstrate that spill-over parking to nearby roads would not occur.

6.83 In response to the third-party review, an independent parking survey (CD 1.29) 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 many residents at the proposed development looking to park off-site for any sustained period of time.

Parking Justification

- 6.84 Precedent has already been established for the principle of lower parking provision within Staines. As set out within the Transport Assessment (CD 1.4), 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.
- 6.85 In line with the Parking SPD (CD 5.6, para 5) 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:
- a The site is located in Staines Town Centre with a large number of local amenities are readily accessible within a 20 minute walk distance, including schools, doctors surgeries and convenience/comparison retail stores.
 - b Staines railway station is an easy 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.
 - c 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.

- 6.86 The site is in a highly sustainable location and this 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.”*

Alternative Means of Travel

- 6.87 In terms of the scope to encourage alternative means of travel, it is proposed that 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.
- 6.88 Further a Travel Plan (CD 1.13) was prepared as part of the planning application and would be implemented at the development.
- 6.89 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.

Conclusions on Parking

- 6.90 The proposed level of car parking at the development is considered to be acceptable and not in conflict with Policy CC3 for the following reasons:
- a The policy seeks ‘appropriate’ parking on a site by site basis and that development proposals should be in accordance with its ‘maximum’ parking standards;

- b There are an existing and growing number of households within Staines for whom car ownership is not necessary;
- c 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;
- d 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;
- e 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;
- f 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;
- g 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;
- h The low parking provision will support SBC and SCC in achieving their stated ambitions in reducing carbon emissions and addressing the Climate Emergency.

6.91 On the basis of the above, I am satisfied that the appeal development accords with the relevant transport policies of the Local Plan and the NPPF. Furthermore, to the extent that new residents would otherwise be likely to be accommodated in locations which would facilitate car use – the appeal scheme provides a clear benefit by meeting needs whilst also encouraging new residents to divest themselves of car ownership in favour of less environmentally damaging forms of travel.

6.92 Overall, from the evidence of Mr Jones I do not considered that the appeal proposal would create parking stress in the local area and there is no evidence to support this. In any event, it is by no means clear how this would be detrimental to the amenity of residential properties so as to give rise to meaningful land use harm. As such, the appeal proposal will not adversely impact on the amenity of occupiers of the residential roads to the detriment of their amenity and will not, therefore, be contrary to Policies E1 and CC3 of the Core Strategy.

7.0 Other Issues

7.1 There were no objections from the main statutory consultees, subject to some suggested conditions.

7.2 However, there were a number of letters of objection to the application and, as noted in the Inspector's Case Management Notes, although not informing the reason for refusal, there are other matters raised by interested parties for the appeal that also need addressing by the Appellant. Some of the issues raised by third parties are covered above and, in the evidence submitted with the appeal, but I address below other matters raised and listed by the Inspector.

(Include as listed by Inspector)

Public Comments

7.3 Table 7.1 below outlines the objections made in public comments, and the Appellant's response to these.

Table 7.1 - Public Comments

Comment	Appellant's Response
Too tall/small footprint	As set out earlier in this proof, and in Colin Pullan's evidence, 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.
Out of character	
Poor design, incongruous	
Spoil riverside views/setting	
No policy for tall buildings in Local Plan	
Concerns about view from street level of raised section containing parking with garden on top	
Cumulative impact of other schemes	
The Prime Minister wrote to Hillingdon LPA regarding a planning application for a tall building and it was refused as out of character	
Impact on Staines Town Centre/historical market town	The location of the Staines Conservation Area approximately 150m from the site has been considered in the proposals by way of the proposed height and townscape visual impact. As the site is separated from the conservation area by built development and cannot be seen from ground floor level it is considered that it would have no additional impacts beyond this.
Impact on Staines Conservation Area	
Size of units – no family units	The mix of units is policy compliant (CS Policy HO4) and considered suitable given the site's town

Comment	Appellant's Response
	centre, highly accessible location. The mix was agreed with the planning and Housing Officer and no issues were raised regarding mix in the Committee Report.
Mental and physical wellbeing of occupants due to size of units and lack of garden	All flats meet or exceed the minimum dwelling sizes as set out in the Nationally Described Space Standards 2015. All units will have private amenity space in the form of a terrace or balcony, and further communal amenity space is provided in the form of a 965sqm podium garden, including 271sqm of playable landscape. The Committee Report confirms that sufficient amenity space is provided. The appellant has also agreed an off-site financial contribution of £70,000 towards improving Lammas Park. There will be a condition requiring details of the landscaped podium and play area.
Lack of open space and children's play area	
Lack of parking	As set out elsewhere in this proof and extensively in Phil Jones' evidence, the proposed level of car parking at the development is considered to be acceptable in relation to the site's town centre location. This is confirmed by the Committee Report
Lack of infrastructure	Infrastructure provision is provided in the form of a CIL payment of approx. £934,662, and a financial contribution for improvement to off-site recreation improvements of £70,000
Overlooking/loss of privacy	No dwellings are single aspect and north facing, while 49% of units are dual aspect. Due to the constrained nature of the site's location within the surrounding context, several design measures have been taken to reduce the effects of overlooking from both neighbouring properties and residential apartments within the development. Details of these are set out in the Planning Statement and DAS submitted with the application. The Daylight and Sunlight Assessment considers the daylight and sunlight implications of the proposed new development, including the impact to neighbouring properties and the provision of daylight and sunlight amenity within the proposed development in accordance with local policy. The assessment of daylight and sunlight demonstrates that 181 out of 186 windows (97%) would meet the strict application of the BRE Guidelines. In relation to the quality of light within the rooms that make up the proposed development, it can be seen that 203 out of 207 rooms tested (98%) will either meet or exceed the minimum ADF target values for the specific room use. The Proposed Development would perform well with the neighbouring buildings in terms of daylight and sunlight and will
Overbearing	
Overshadowing	

Comment	Appellant's Response
	fall within the practical application of the BRE Guidelines.
Flooding	<p>The design has the lowest residential accommodation at 19.50 AOD (well in excess of the proposed minimum in the emerging Local Plan). An emergency evacuation plan will be produced for future residents, this will advise evacuation before flooding takes place. A dry means of escape is also included from the northern residential entrance of the site, under the service ramp towards the High Street to ensure future residents can safely leave the building in the event of a flood.</p> <p>6Mitigation measures will be put in place to prevent cars in the under-croft parking floating away during flooding. The proposed scheme will not decrease the flood volume compensation previously provided onsite.</p> <p>A surface water drainage strategy has been developed and hydraulically modelled incorporating sustainable urban drainage systems (SuDS) in line with the NPPF and EA standing advice. The strategy is based on a reduction in the surface water runoff rates thus ensuring that the development does not increase the risk of flooding from the site during peak storm events.</p> <p>More details are set out in the Flood Risk Assessment submitted with the application, and the Committee Report confirms that the proposal is acceptable and policy compliant in relation to flooding.</p>
Set a precedent	As noted in the Officer's report, this is not a valid planning concern as each application is considered on its own planning merits.
Fire safety	The Committee Report notes that As part of the application process Surrey Fire and Rescue (SFR) was consulted as a precautionary measure. SFR raised no objection to the scheme and note that the scheme will be subject to Building Regulation Control. The appellant has also submitted a Fire Strategy, which involves a specialist company considering the fire safety aspects of the scheme, ensuring compliance with Part B (Fire Safety) of the Building Regulations, including means of warning and escape, fire spread, (internal and external) and access and facilities for the fire services.
Worsen existing unsocial behaviour in this part of Staines	The Crime Prevention Officer was consulted as part of the application proposals and raised no objection. The appellant is not aware of any reason that the proposals would cause or worsen unsocial behaviour.
Increased pollution	It is unclear which types of pollution this comment refers to. A number of conditions applied to the

Comment	Appellant's Response
	application secure measures to ensure the construction and operation of the scheme does not have any negative effect in terms of pollution.
No EIA	An EIA is not required for this application.
Should wait for Covid restrictions to be lifted, to see what office space/retail is left	The majority of Covid restrictions have now been lifted. It is unclear how this comment relates directly to the proposals.
The Government Policy is moving away from tall buildings and towards gentle densification	As noted in the Officer's report, this does not reflect current Government policy.

7.4 A number of comments were submitted supporting the scheme, including the provision of affordable housing, development of a brownfield site, regeneration of a 'tired' part of the town centre, the economic benefits of the scheme and the landscaping and provision of pedestrian routes.

Main Issues raised by Riverside Residents (Staines) Coalition

7.5 The Riverside Residents (Staines) Coalition (RRSC) submitted detailed representations to the Planning Inspectorate. I respond to those matters that they have raised that are not covered above under the reasons for refusal. I would add at this point that, when reading the RRSC comments, it should be noted that they are only based on the Statement of Case submitted with the appeal and not on the application documents that go behind this.

7.6 **Consultation on the application proposals** – The RRSC state that there was no pre-application consultation with the community. This is not correct. A Statement of Community Involvement was submitted with the application that set out the pre-application consultation that was undertaken. This included a public exhibition, that I attended, where I met a local councillor.

7.7 **Scale and Character** – A small point, but the RRSC refer to Policy TC1 and seem to refer to it stating 'appropriate scale and character'. However, the Policy actually says a scale and character 'appropriate to its role' which, the Policy states, is 'a principal town centre serving north Surrey'. These are, in my view, two very different judgements.

- 7.8 **Draft Site Allocations** – This is referenced in 5.4. We are not referring to the draft Masterplan. We are referring to the draft allocations document produced for consultation in 2019.
- 7.9 **Site Allocation Policy A10** – The reason why this Policy is no longer applicable is clearly explained in the Planning Statement submitted with the application. This is fully agreed by the Officers in the Committee Report and not raised as a matter of concern by the Committee.
- 7.10 **Heights** – In the first bullet of the final page, this is a misunderstanding by RRSC as we are not referring to the Masterplan but direction of travel in the draft Local Plan, planning permissions and planning applications for development.

8.o S106 Undertaking

8.1 The S106 Obligation submitted to the Inquiry is based on the draft Heads of Terms that were set out in the Committee Report (CD 3.1) as:

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

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

8.2 These primarily relate to the provision of affordable housing, highway and public realm improvement works, sustainable transport measures and children's play enhancements and are, therefore, considered to meet the tests in the NPPF as they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

8.3 A Community Infrastructure Levy (CIL) payment of approximately £934,662 is also identified in the Committee Report.

Affordable Housing

- 8.4 When submitted and considered by the committee the proposal from the appellant was to deliver 46% of the homes as affordable. This was notwithstanding that it was agreed with the Council's viability expert at the time that this would generate a viability deficit and, as such, 46% affordable housing provision was above the maximum viable. This is confirmed in the Technical Note on viability at Appendix 1 of my proof.
- 8.5 The appellant made this offer at the time, as it was considered that they could accept this deficit and reduction in profit on the basis that they would gain planning permission and be able to commence development. However, they now have to contend with the additional costs of this appeal in terms of both time delay and expenses. In addition, by way of an update to the viability calculations, there has been recognised increases in build costs.
- 8.6 In order to erode the viability deficit to zero, bringing the scheme to a viable position, 24 units of affordable housing would need to be converted to private housing. This would result in a reduced affordable provision of 34% by unit, while maintaining the previous tenure split of 65% affordable rent and 35% shared ownership.
- 8.7 The affordable housing policy in the adopted plan (Policy HO3) states that:
- "...having regard to the circumstances of each site, negotiating for a proportion of up to 50% of housing on sites to 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. Negotiation should be conducted on an 'open book' basis",*
- 8.8 On this basis, the appellant has submitted the S106 Obligation that would enable the Inspector, if the appeal were to be allowed, to put in place a policy

compliant level of affordable housing at 34%, based on agreed viability. However, if the Inspector considered it necessary to have a higher provision of affordable housing, in line with the original proposal, this could also be required through the S106.

9.0 **Planning Balance**

- 9.1 It is agreed that the Council does not have a five-year housing land supply. As such, it is agreed between the parties that the tilted balance is engaged and that there is a presumption in favour of sustainable development. From the evidence submitted by the appellant team, there are no harms arising from the appeal scheme that would significantly and demonstrably outweigh the benefits, when addressed against the policies in the Framework taken as a whole.
- 9.2 In any event, as stated throughout this proof, I am of the view that the appeal scheme is in accord with the development plan as a whole, as it proposes a high-quality scheme, that is entirely appropriate for this site, which is a highly accessible, brownfield site that is allocated for residential in a draft Local Plan. In addition, it gives rise to no severe highway impacts or material harm to amenity.
- 9.3 However, the Council and local residents maintain that there is harm arising from the appeal scheme, predominantly by way of impact on the character of the area and residential amenity in relation to parking. The Council and local residents maintain that the appeal scheme conflicts with the development plan and that the harm arising is so significant as to warrant a refusal of planning permission irrespective of the presumption in favour of development.
- 9.4 If the Inspector thought that there was any conflict with the development plan or that any other harm would arise from the proposals, I consider that there are a number of material considerations in this particular case to indicate that that planning permission should nevertheless be granted. I set these out below.
- i It is agreed that the site has been vacant for a number of years and that it should be developed to help regenerate the area; and

- ii This is a highly accessible site and development at the site can be sustainable; and
- iii this provides an opportunity to optimise development on the site to deliver new homes; and
- iv It will provide much needed housing including affordable homes and the proposed mix of dwellings is appropriate for the location; and
- v There is an acceptable amount of public open space and amenity space; and
- vi The opportunity exists to provide a number of biodiversity benefits as part of the proposals.

9.5 The housing supply is below the required 5 years. In those circumstances the Secretary of State should refuse a scheme only where there is such harm as to significantly and demonstrably outweigh the benefits. No such harm has been identified in this case and seeking to deliver new homes should be given significant weight.

10.0 Conclusions

10.1 The principle of residential development is agreed by all parties and the weight to be given to the development plan policies is limited. It is also agreed that the tilted balance under NPPF paragraph 11(d)(ii) applies where, planning 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.

In this case, there are no areas or assets of particular importance affected by the appeal development and, in my view, no adverse impacts that would significantly and demonstrably outweigh the benefits.

10.2 The NPPF requires local planning authorities to make optimum use of previously developed urban land and to boost the supply of housing. In this case, the Council does not have a five-year housing land supply and, therefore, the urgency to deliver much needed new homes is even greater.

10.3 This is a scheme of high-quality design and there is no harm arising from traffic, drainage or impact on residential amenity of neighbouring properties. There is no harmful impact on local schools and local shops and the economy will benefit from construction and the new residents.

10.4 Overall, the appeal scheme is in accordance with the Development Plan taken overall and, therefore, in accordance with paragraph 11 (c) of the NPPF, planning permission should be granted without delay.

10.5 If the Inspector was minded to agree with the Council that the appeal scheme conflicts in some way with the development plan, I consider that there are a number of material considerations to indicate that the plan should not be

followed. Even if any harm has been identified, contrary to my view, it does not significantly and demonstrably outweigh the benefits of the scheme.

- 10.6 I therefore respectfully request that the appeal be allowed with the agreed S106 Obligation and planning conditions.

11.0 Summary

Introduction

11.1 My name is Simon John Slatford. I am a Town Planner and a Member of the Royal Town Planning Institute. I am a Senior Director at Lichfields.

11.2 My proof sets out the planning case for why planning permission should be granted for this development, focusing on the main issues raised by the Secretary of State, the Inspector and Rule 6 Parties.

11.3 This development proposes a high-quality, residential development within an enhanced landscape. The proposals are for 206 new homes. The scheme is entirely appropriate for this site, which is a highly accessible, brownfield site that is allocated for residential in the draft Local Plan.

Main Issue 1: Design

11.4 The NPPF seeks to make efficient use of urban land and to boost the supply of housing, but also recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. The adopted and emerging Local Plan's support the need for new housing and growth in the town centre and seek high quality development.

11.5 Having considered the evidence of Mr Pullan, I conclude that the scheme is compliant with both national and local policies on design. 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 site's immediate context. It is considered 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. It in no way prejudices development aspirations nearby, to the contrary, inward investment of this

type will have a catalytic effect on investment into a centre which is in need of the same.

11.6 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.

11.7 I am therefore of the view that the proposed development is entirely appropriate for this Site, including in relation to the height of the proposed buildings, and is not overdevelopment and, as such, accords with the development plan.

Main Issue 2: Parking

11.8 Paragraph 111 of the NPPF (2021) states that 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. A severe impact is not alleged by the Council or the highway authority in this case and the Transport Assessment and the evidence of Mr Jones demonstrates that such an impact will not arise.

11.9 The parking provision on the site has been developed through extensive engagement with Surrey County Council Highways team, having regard to local and national policy and guidance, the site context and location. The site is situated in a highly accessible location in Staines Town Centre and as such, a reduced provision of parking is considered desirable. This opinion is supported by Surrey County Council's response to the application.

- 11.10 I am satisfied that the appeal development accords with the relevant transport policies of the Local Plan and the NPPF. Furthermore, to the extent that new residents would otherwise be likely to be accommodated in locations which would facilitate car use – the appeal scheme provides a clear benefit by meeting needs whilst also encouraging new residents to divest themselves of car ownership in favour of less environmentally damaging forms of travel.
- 11.11 Overall, having considered the evidence of Mr Jones, I do not consider that the appeal proposal would create parking stress in the local area and there is no evidence to support this. In any event, it is by no means clear how this would be detrimental to the amenity of residential properties. As such, the appeal proposal will not adversely impact on the amenity of occupiers of the residential roads to the detriment of their amenity and will not, therefore, be contrary to Policies E1 and CC3 of the Core Strategy.

Delivery of New Homes

- 11.12 There is an urgent need to deliver new homes in the Borough. SBC has under delivered when compared against its housing requirement. The Housing Delivery Test results published in 2021 stated SBC had only delivered 50% of its identified housing need.
- 11.13 As a result, the HDT requires the Council to add an additional buffer of 20% to the local housing need for persistent under delivery, as delivery has fallen well below 85% of housing requirement. The presumption in favour of sustainable development is also applicable as housing delivery has fallen well below 75% of the requirement.
- 11.14 It is agreed that the Council cannot currently demonstrate a five-year housing land supply. The Council's Statement of Case states in paragraph 4.9 that the Council can presently demonstrate only 4.5 years.

Sustainable Development

11.15 The appeal proposal is inherently sustainable as a brownfield site in a highly accessible location within the town centre. The proposed development would create 206 new households which would, in turn, generate demand for local shops and services utilising public transport. The economic benefits of the scheme include:

- 1 CIL contributions of c. £500,000;
- 2 Total local spend by new residents of c. £1.80m per year;
- 3 New Homes Bonus of £1.65m; and
- 4 Council Tax payments of c. £451,000 per year.

Social

11.16 The proposed development would deliver numerous social benefits including the delivery of 206 high quality new homes in a location which is highly accessible to a range of modes of transport, 46% of which would be affordable.

11.17 The proposed development would improve the residential environment of Staines by delivering a high-quality residential scheme on a disused urban site.

Environmental

11.18 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).

11.19 There is a significant enhancement in the proposed public realm and the landscape proposals will allow for the creation of new and enhanced habitats and will achieve a biodiversity net gain.

11.20 The proposed development would incorporate a variety of energy reducing measures and take a fabric first approach.

Planning Balance

- 11.21 It is agreed that the Council does not have a five-year housing land supply. As such, it is agreed between the parties that the tilted balance is engaged and that there is a presumption in favour of sustainable development. From the evidence submitted by the appellant team, there are no harms arising from the appeal scheme that would significantly and demonstrably outweigh the benefits, when addressed against the policies in the Framework taken as a whole.
- 11.22 In any event, as stated throughout this proof, I am of the view that the appeal scheme is in accord with the development plan as a whole, as it proposes a high-quality scheme, that is entirely appropriate for this site, which is a highly accessible, brownfield site that is allocated for residential in a draft Local Plan. In addition, it gives rise to no severe highway impacts or material harm to amenity.
- 11.23 If the Inspector thought that there was any conflict with the development plan or that any other harm would arise from the proposals, I consider that there are a number of material considerations in this particular case to indicate that that planning permission should nevertheless be granted. I set these out below.
- i It is agreed that the site has been vacant for a number of years and that it should be developed to help regenerate the area; and
 - ii This is a highly accessible site and development at the site can be sustainable; and
 - iii this provides an opportunity to optimise development on the site to deliver new homes; and
 - iv It will provide much needed housing including affordable homes and the proposed mix of dwellings is appropriate for the location; and

- v There is an acceptable amount of public open space and amenity space; and
- vi The opportunity exists to provide a number of biodiversity benefits as part of the proposals.

Appendix 1 Viability Technical Note



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1 November 2021

FORMER MASONIC HALL & OLD TELEPHONE EXCHANGE, ELMSLEIGH ROAD, STAINES-UPON-THAMES: VIABILITY TECHNICAL NOTE FOR PLANNING APPEAL

QUALIFICATIONS

I am the Appellant's viability advisor. I am a Partner at Montagu Evans LLP, specialising in the provision and agreement of Financial Viability Assessments in support of planning applications. Over the past year I have provided viability advice on schemes that will deliver over 15,000 new homes across the country. I hold an MSc in Real Estate from the University of Reading and am a Member of the Royal Institution of Chartered Surveyors (RICS) and an RICS Registered Valuer.

PURPOSE OF THIS NOTE

I reached agreement on the viability position for this scheme with the Council's independent viability advisors, Kempton Carr Croft (KCC), in November 2020. In the year since, the viability position has changed owing largely to market movements in sales values and construction costs. Therefore, whilst viability and affordable housing are not being considered in evidence at the upcoming planning appeal, over the past few weeks we have been trying to agree an updated viability position for the Statement of Common Ground. This note sets out the considerable progress made to date.

BACKGROUND

In support of the planning application I prepared a Financial Viability Assessment (FVA) dated 30.09.20. That FVA tested the viability of the scheme including the Appellant's proposed 46% affordable housing provision by unit (65% affordable rent 35% shared ownership).

The FVA was prepared in accordance with both the National Planning Practice Guidance for Viability and all RICS Guidance at that time. The benchmark land value was prepared on an EUV-plus basis. I note that the FVA remains in accordance with the more recent (March 2021) RICS Guidance Note for Viability.

At the time, I concluded that, when measured against market-normal profit margins, the proposals including 46% affordable housing were unviable, generating a viability deficit of £1,411,339.

My FVA was reviewed on behalf of the Council by KCC. Their report was dated 24.11.20. KCC made some changes to assumptions but ultimately agreed with my overall conclusion: namely that the proposals were unviable with the proposed 46% affordable housing. KCC arrived at a lower viability deficit of £511,410.

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As at November 2020, KCC and I therefore agreed that the Applicant's proposed 46% affordable housing provision was above the maximum viable provision. Despite the shared viability conclusion, in the interests of achieving a local consent the Appellant proceeded to Committee with the scheme including the assessed 46% affordable housing.

CURRENT VIABILITY POSITION

Since viability agreement was reached in November 2020:

- Actual figures for CIL and S106 financial liabilities are known, which are both higher than had been previously estimated.
- Land Registry Data for Spelthorne shows that residential sales values for apartments have increased.
- There has been well-publicised construction price increases, owing to a shortage of labour and materials, which is borne out in RICS Build Cost Information Services (BCIS) data.

On 18.10.21 I re-engaged with KCC, setting out the movement in the above items since November 2020, and my opinion of the updated viability position as at that date.

KCC provided a response on 26.10.21. They agreed with my updated figures for CIL and S106 (at £508,826 and £70,000 respectively). They concluded that, owing to significant construction cost inflation - which has more than outstripped modest increases in residential sales prices - the maximum viable provision of affordable housing at that date was 80 units (52 for affordable rent and 28 for shared ownership). This is a reduction of 14 units compared to the scheme as heard at Committee (which included 94 affordable units).

I provided a further response on 27.10.21 in which I agreed with KCC's adopted sales values of £598 per sq ft for private, £412 per sq ft for shared ownership, and £287 per sq ft for affordable rent. However I set out that construction costs were not agreed, which remains the only outstanding viability input that is not agreed.

Both KCC and I have sought to update the previously agreed construction costs (of £243 per sq ft) with reference to the BCIS All-In Tender Price Index (All-In TPI).

In their response of 26.10.21 KCC (like me) referred to the BCIS All-In TPI data which at that time was showing inflation of 5.18% since agreement was reached in November 2020. However, in my response of 27.10.21 I highlighted that the BCIS All-In TPI had been updated since KCC had drafted their 26.10.21 response, with the more recent inflation figure being 6.70%. (I can confirm that the BCIS data at the time of writing remains unchanged).

Amending only construction costs in KCC's own appraisal of 26.10.21, so that they align with the more recent BCIS data which was not available to KCC when they drafted their response, my response of 27.10.21 set out that the maximum viable provision of affordable housing today is 70 units (46, or 65%, for affordable rent, and 24, or 35%, for shared ownership). This is a reduction of 24 units compared to the scheme as heard at Committee.

CONCLUSION

KCC have not responded to my 27.10.21 response. Therefore construction costs remains the only viability input not agreed between us. However, since both KCC and I have sought to index construction costs with reference to the same data, I would hope that my response of 27.10.21 which merely relied on the latest data (as opposed to KCC's outdated data) is not contentious.

As such I am confident that my conclusion that the maximum viable provision of affordable housing as at today is 70 units (46, or 65%, for affordable rent, and 24, or 35%, for shared ownership) is sound, and would be shared by KCC.



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