



Appeal Decision

Inquiry Held on 30 November, 1-3 December and 9 December 2021

Site Visits made on 29 and 30 November and 2 December 2021.

by Mike Worden BA (Hons) DipTP MTRPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2022

Appeal Ref: APP/Z3635/W/21/3280090

The Old Telephone Exchange, Masonic Hall and Adjoining Land, Elmsleigh Road, Staines upon Thames, TW18 4PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Inland Limited against the decision of Spelthorne Borough Council.
 - The application Ref 20/01199/FUL, dated 14 October 2020, was refused by notice dated 24 June 2021.
 - The development proposed is the 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.
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Decision

1. The appeal is allowed and planning permission is granted for the 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 at The Old Telephone Exchange, Masonic Hall and adjoining Land, Staines upon Thames, TW18 4PH in accordance with the terms of the application, Ref 20/01199/FUL, dated 14 October 2020, subject to the conditions set out on the attached schedule.
2. I visited the appeal site and surrounding area unaccompanied on 29 November prior to the opening of the Inquiry. I followed an itinerary agreed by the two main parties, which took in a number of the key viewpoints on both sides of the River Thames and the residential streets to the south of the town centre. I also visited the appeal site and areas within and outside of the town centre unaccompanied on two other occasions, at different times of the day.
3. The Inquiry was held virtually on 3 and 9 December and held physically on all other days.
4. During the Inquiry, the Council and the appellant agreed a revised level of affordable housing provision based upon a revision of viability. This is set out in the Statement of Common Ground on Viability SoCGV. It has the effect of agreeing to provide 34% affordable housing as part of the proposal rather than the 46% considered by the Council when it determined the planning application. I have considered the proposal on this basis.
5. The 2021 Housing Delivery Test (HDT) results were published on 14 January 2022, after the close of the Inquiry. I did not need to refer back to the parties

as the HDT score for the authority would not materially alter the position as presented to the Inquiry.

Main Issues

6. The main issues are the effect of the proposal on:

- the character and appearance of the area, and
- the living conditions of the occupants of nearby properties with regard to car parking.

Reasons

Character and appearance

7. The appeal site lies in Staines town centre. It comprises the former Masonic Hall which is now unused, and the site of a former telephone exchange which has been demolished. The former Masonic Hall is a pitched roof building.
8. The site lies between a closed multi storey car park and a ramped access to the Elmsleigh shopping centre. On the other side of this ramped access lie buildings which face on to the main Staines high street beyond. The rear wall of part of the Elmsleigh Centre also adjoins the appeal site. The former Debenhams building lies close to the appeal site on Thames Street. The appeal site is partly fenced off and currently detracts from the appearance of the local area.
9. Opposite the appeal site, across Thames Street lies an area of open space, the Memorial Gardens and a car park. The Memorial Gardens have public access and overlook the River Thames.
10. There are buildings of varying height, scale and mass surrounding the appeal site and close by. The Tothill multi-storey car park stands as a dominant block structure adjacent to the site and its six storey concrete layered form is prominent in views across Thames Street from the Memorial Gardens. The officer's report to Planning Committee refers to the appeal site as an 'island site' and it certainly has that characteristic, surrounded on most sides by development. Elmsleigh Road loops around the appeal site. On the opposite side of the Tothill multi-storey car park lie office blocks on either side of South Street.
11. The buildings which border and lie close to the appeal site are also prominent in views across the Thames from the footpath which runs along the opposite bank. They present a commercial and town centre character which contrasts with the primarily residential character of the opposite side of the river.
12. Beyond the High Street there is the expanse of the Two Rivers shopping centre and cinema with a surface level car park. However, there is a cluster of more dense, bulkier and taller buildings to the other side of the railway line, the Charter Square area. This development comprises residential development with some commercial uses. Construction is currently taking place on a site called Eden Grove, adjacent to Charter Square on London Road heading away from the town centre.

13. The proposed development would involve the demolition of the former Masonic Hall building and the erection of two new buildings, one of 15 storeys and one of 13 storeys. These would provide a total of 206 residential units and be linked by a landscaped podium. There would be 48 car parking spaces. A number of improvements to the access from Thames Street are proposed along with other improvements to pedestrian access and circulation through and around the site.
14. The proposed buildings are in slightly elongated hexagonal form. The taller building (Building A) is at the southern part of the site, the smaller building (Building B) at the northern side. The landscaped podium would lie between them providing amenity space. The proposed materials for the towers are brick, buff for Building A and red for Building B.
15. The appeal site lies within Allocation Policy A10 of the Spelthorne Allocations Development Plan Document 2009 (Allocations Plan). This allocation relates to the existing Elmsleigh Centre and the area around it. The policy provides for extensions to the Elmsleigh Centre. The appeal site lies within that part of the allocation which the policy seeks a comprehensive development of retail and non-retail uses including flats. The parties agree that the proposed development does not accord with Policy A10 of the Allocations Plan. However, I place limited weight upon this policy given that both parties recognise that there have been considerable changes in retail demand and patterns since 2009. This is a matter both parties agree on.
16. Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document 2009 (the Core Strategy) seeks to secure a high standard of design in new development. The Decision Notice issued by the Council refers to part (a) of that policy only. Part (a) is concerned about the creation of buildings and places that are attractive with their own distinct identity, and lists a number of matters to which regard must be had, including scale, height and proportions and characteristics of adjoining buildings and land.
17. The reason for refusal in respect of character and appearance only refers to height and the Council's planning witness confirmed that this is the only matter between the parties on the first reason for refusal. This is also confirmed in the Statement of Common Ground (SoCG) between the Council and the appellant. The Council does not object to the design of the proposed buildings, apart from their height. The Council does not object to buildings on the site which would be taller than surrounding buildings per se, but considers that the buildings in this proposal are too tall and harmful.
18. The proposed development would be higher than the surrounding buildings and would be of a different form. The development would represent a significant change to the townscape in this part of Staines.
19. The appellant's Townscape Heritage and Visual Appraisal (TVA) sets out the impact of the proposal on the townscape, from a number of different viewpoints. The submitted evidence of both main parties made significant reference to the visual impact from each of the viewpoints.
20. Viewpoint 1 (VP1) is on the opposite bank of the Thames looking towards the appeal site across the Memorial Gardens. From this viewpoint the appeal site sits in the gap between the Tothill multistorey car park and the buildings on Thames Street including the Debenhams building and Forum House. From this

viewpoint the character across the river appears as one of a town centre nature with the block form of the Debenhams building, Forum House, Tothill multi-storey and Thames House all visible.

21. The taller buildings of Charter Square can also be seen in this view although they are clearly further away. Following my site visit I consider that the contrast between the residential and low-rise development on the Runnymede bank and the commercial, taller and bulkier nature of the Staines side is part of the character of this part of the Thames.
22. The proposed development would appear as significantly taller than the buildings either side. Walking along the towpath between Staines Bridge and the Boat Club, the view of the proposed buildings would alter as they would be obscured at their lower level by other buildings including the Tothill multi-storey car park and Forum house. This kinetic or dynamic view was referred to by both main parties. I consider this to be an important point as the leisure user of the bankside footpath would experience changing views of the opposite bank with different buildings coming into view, angles altering and perspectives of buildings including the proposed development, changing on the walk between Staines Bridge and the Boat Club. In Summer, the trees between Thames Street and the riverside would also help to frame the proposed buildings.
23. The proposed buildings would nonetheless appear as two towers taller than their surroundings and would undoubtedly draw the eye. However, I consider that this would not appear as out of context in a town centre townscape consisting of a collection of large buildings of various styles and form. I consider that this would not be harmful to the overall view of the townscape of the town centre from the opposite bank.
24. Viewpoint 2 in the TVA is from the Memorial Gardens. The proposed buildings, and Building A in particular as it is taller and closer, would appear large and more dominant from here. From my observations though so do the existing buildings, especially the Tothill multi-storey car park which presents a solid block form and has a strong presence.
25. I consider that for many users of the Memorial Gardens, their focus may very well be in the opposite direction, to and across the Thames and the view towards the proposed buildings would be more of a backdrop. I agree with the appellant's witness that the proposed buildings would break the skyline when seen from Memorial Gardens but I do not consider that they would be over dominant. They are not of outstanding architectural merit but they would appear as slim structures compared to the existing buildings. Although they would be close to the Memorial Gardens I consider that they would only have a minor adverse harmful effect on the character and appearance of the area as experienced from the Memorial Gardens.
26. There are a number of other viewpoints which are assessed in the TVA. The Council does not consider that any harm relating to viewpoints 4, 6, 8 or 10 of the TVA would be sufficient to justify refusal of planning permission. From the evidence before me and from my observations from those viewpoints I would agree.
27. Viewpoint 3 of the TVA is from the junction of Thames Street and South Street. The office building of Communications House and the Tothill multi-storey car

park are dominant in views towards the appeal site from this location. The side elevation of one of the proposed buildings would appear above and behind the Tothill multi-storey car park with the second building obscured by the other one. I consider that there would not be harm to the character and appearance of the area from this viewpoint.

28. Viewpoint 5 is from the junction of Church Street and Clarence Street where the four storey Debenhams building is prominent in views. One of the proposed buildings would appear over the top and behind the Debenhams building at this point, but would not appear at odds with the urban and commercial character of this part of the town centre. The proposal would introduce a change and may well draw a pedestrian's eye but this would not be harmful to the overall character and appearance of the area.
29. Viewpoint 7 is further along Clarence Street towards Staines Bridge. One of the proposed buildings would be visible above the Debenhams building looking along Clarence Street and the other proposed building will be partly visible above the extended Swanside building. Again the proposed buildings may well draw the eye to the motorist or pedestrian on Clarence Street but they would be seen behind existing buildings and I do not consider this would be harmful. In reaching this view I have taken into account that the TVA in respect of Viewpoint 7 shows the proposed buildings as wire structures.
30. Viewpoint 9 is from the road junction with The Hythe. The proposed buildings would be visible above existing buildings but I consider that the impact would not be harmful.
31. In addition to observing the impact of the proposal from the viewpoints set out in the TVA, I visited other viewpoints to assess the potential impact of the proposal. I was invited by Mr Rowe to view the appeal site from a boat on the River Thames, but I decided that was not necessary since the view from the water would be from a lower point than the footpath on either bank and would not add anything of merit which I could not assess from the river bank.
32. I was referred to a number of proposals for development in and around the town centre including the redevelopment of the Debenhams building. I have placed little weight upon these proposals given their planning status.
33. I have placed weight on the existence of the Charter Square cluster. Although on the other side of the railway line to the appeal scheme, it nonetheless is a development that incorporates reasonably tall buildings. It is connected to the town centre, located close to the High Street, and is visible from a number of town centre locations. It is confirmation that tall buildings, albeit not as tall as the proposal, exist in the town centre, and contribute to the townscape.
34. The appellant considers that the proposal could form a landmark in the town centre. That may well be the case but there is no policy basis for such feature and I have given little weight to that consideration in arriving at my decision. I have also given little weight to the Tower Hamlets ratio which was referred to me by the appellant. This is not guidance which applies to Spelthorne and I am not convinced of its relevance to the proposal before me.
35. I was referred to the Council's work on producing a master plan for Staines and its approach to other potential schemes within the town centre. However, I have based my decision on the merits of this proposal and on the evidence

before me. I have taken into account the 950 postcards which were submitted during the Inquiry by the Riverside Residents Coalition and placed weight upon them in reaching my conclusions. There is clearly a very strong concern from the local community about the impact of the proposed development on the townscape of Staines.

36. The appeal site is not within a conservation area and neither main party consider that there would be any harm to a conservation area or any heritage asset designated or not. I have taken into account the derelict and underused nature of the site which I consider does not currently make a positive contribution to the character and appearance of the town centre.
37. I consider that that the greatest impact of the proposal on the character and appearance of the area would be when seen from Memorial Gardens and from a specific point on the opposite bank of the river. This is mainly because of the generally open nature of the Thames Street side of the site and the location of the Memorial Gardens between the appeal site and the river. However, I consider that taken collectively, there would be no overall harm to the character and appearance of the area and that the proposal would meet paragraph 130 of the National Planning Policy Framework (the Framework).
38. Policy EN1 of the Core Strategy has seven elements, only one of which is disputed by the parties and then that only relates to height. Overall I consider that the proposal would make a positive contribution to the street scene and the area in which it is located. Paying due regard to height and other characteristics of adjoining land and buildings does not mean that their height cannot be exceeded. Nor does it mean that the bulk and form of the immediately adjacent Tothill multi-storey car park or other nearby buildings need to be replicated. The proposal would present something distinctively different to other buildings in this part of the town centre, but one which is not harmful overall. I find no conflict with the National Design Guide which seeks to promote good design.
39. I consider therefore that the proposal accords with Policy EN1 of the Core Strategy.

Car Parking

40. The proposal provides 48 car parking spaces. In accordance with the Council's Parking Standards Supplementary Planning Guidance 2011 (Parking Standards SPG), the development should provide 260 spaces, or 266 spaces given the agreed reduction in affordable housing provision. These parking standards date from an original document from 2001. They are rather elderly and pre-date the publication of the Framework and the process of preparing supplementary planning documents through the planning system. I attach some weight to them. They are a starting point.
41. The Parking Standards SPG states that reduction of parking requirements will normally only be allowed in certain situations, which are set out in section 5. This includes town centre locations where factors such as distance from public transport nodes, frequency and bus and train services and the range of supporting facilities which are within walking distance.
42. Policy CC3 of the Core Strategy sets out policy provision requirements for car parking and states that appropriate provision should be made for off street

parking in accordance with the council's maximum parking standards. It also sets out a number of considerations which the Council will have regard to in considering the level of provision. This includes criterion (c) the impact on highway safety from potential on street parking and the measures to overcome any problems. The word 'maximum' in the policy is out of step with the Framework.

43. The Council's case on the level of parking provision in the scheme is not one of highway safety. No evidence in relation to highway safety has been submitted. The decision notice refers to an unacceptable impact on parking stress in residential roads in the locality.
44. The appeal site is within the town centre, very close to the bus station. It is adjacent to the High Street and within close proximity to a range of shops and services. The parties argue whether the appeal site is in an accessible location or a very accessible location. The railway station may be an 11 minute walk away but the route is pedestrian friendly having walked it, and I consider overall that the appeal site is in a very accessible location.
45. The Council's case is based upon an argument that residents of the proposed development will have cars and not being able to park them at the development since there are only 48 spaces, they would potentially look to park in the street, principally in the residential streets to the south of the railway line, in the Richmond and Gresham Road areas.
46. The Council's witness produced evidence based upon 2011 Census data that 37% of households in the Staines Central Ward do not have a car. This would be around 21% for properties owned outright and around 43% for rented or shared ownership tenures.
47. The scheme is essentially a car free development since around 77% of the apartments would not have car parking spaces. According to the appellant, it is promoted as such. I have placed little weight on the PJA car free survey information submitted to me of schemes elsewhere, primarily due to the low response rate.
48. Provision is made for a car club scheme to be introduced. It would aid travel choices although it would only make a modest impact as it would involve only two club cars and would not be for exclusive use of the residents of the proposed development. It may expand in the future or it may not, but this is not a requirement of any agreement.
49. There are very few on-street parking opportunities within the immediate vicinity of the site. Both parties agree that there are no available or unrestricted spaces within a two-minute walk of the appeal site. The Richmond Road and Gresham Road areas are some distance away from the appeal site beyond the railway line. People would have to follow a similar route that they would follow to the train station but the time taken and distance would be less. I consider that it would be unlikely to be an attractive option for a resident of the scheme to use those residential roads to park their cars.
50. The Richmond Road and Gresham Road areas are characterised by properties of different styles and sizes along the principal roads and some courtyard type schemes off them. Many of the properties do not appear to have off street parking. There are parking restrictions in place on some of the roads but no

resident's only parking scheme. My observations from visiting these roads during daytime and evening concur with the findings of the Council's surveys, that these residential roads are generally heavily parked.

51. The statement of common ground between the appellant and Surrey County Council (SoCGSCC), the highway authority, clearly states that it is agreed that it is unlikely that that a prospective resident with a car would move into the development when the only opportunity to park is at least a 300m walk away from the site and they are not guaranteed to find a space. I do not share the view of the Council that this is it not a matter for the highway authority to comment on. In my view it would be likely to be a consideration for prospective occupiers and on the basis of the evidence before me I consider it would not in general harm their living conditions.
52. The SoCGSCC also states that developments with limited or no car parking are appropriate for the centre of Staines. I place significant weight on this position from the highway authority.
53. However, even if some of the residents from the proposed development did park in the residential roads, it is not clear what harm would ensue. These are spaces on the highway and as long as traffic regulations and parking restrictions were met, the only impact would be likely to be that more local residents might find it harder to find spaces outside or close to their home. There is no evidence of any impact on highway safety, directly or indirectly and that is not part of the Council's case.
54. If it was found, post development, that the local residents were having difficulties parking locally, then there is the option for the highway authority to introduce a residents parking scheme in accordance with the Surrey Parking Strategy. Provision is made within the Section 106 agreement for the appellant to help fund a residents' parking permit scheme, should that prove to be a necessary intervention sought by the County Council as part of the travel plan monitoring process. I give considerable weight to this.
55. The proposed development would provide significantly fewer car parking spaces than the adopted car parking standards set out in the Parking Standards SPG. However, it is a car free type development which would be supported by the highway authority in this location and would have the characteristics of developments where section 5 of the Parking Standards SPG provides opportunities for reduced requirements.
56. The appeal site is very accessible and shops, services and public transport options are within easy walking distance. The proposal would fall into the categories of schemes where standards could be reduced in accordance with the Parking Standards SPG. It would also fall within criterion (b) of Policy CC3 of the Core Strategy where the level of car parking provision can be considered having regard to the scope for encouraging alternative means of travel to the development that would reduce the need for on-site car parking, particularly relevant in areas well-served by public transport. I have placed some weight on the Council's stated position that a breach of Policy CC3 would not in isolation be sufficient to justify refusal of consent.
57. Paragraph 111 of the Framework makes it clear 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 of

on the road network would be severe. Either consideration do not apply here. I have placed significant weight on the Framework in this regard.

58. As set out above, I consider that the level of parking provision is appropriate for the proposed development and that Policy CC3 of the Core Strategy is met. On the basis of the evidence before me, I find that no harm to the living conditions of the occupants of nearby properties with regard to car parking would occur as a result of the proposed development.

Other considerations

59. The parties agree that the Council cannot demonstrate a five year supply of housing land. This and the provision of housing in an area where there has been an under-delivery of housing as shown by the Housing Delivery Test scores, attracts significant weight. Both main parties agree that the provision of housing should attract significant weight.
60. The proposal would bring an unused brownfield site in a prominent location into beneficial use. It would also provide more attractive and defined pedestrian routes through the immediate area towards the High Street and create a more attractive environment for the pedestrian generally around the site. These regenerative benefits attract significant weight. By providing high density housing, it would also make maximum use of a town centre site, which attracts moderate weight.
61. The proposal provides a policy compliant level of affordable housing of 34%, which attracts moderate weight, although slightly less weight than would be the case with the 46% affordable housing in the original appealed scheme.
62. A number of economic benefits would be associated with the proposal including increased local spend by new residents especially since they will reside right in the town centre where there are shops and services on the doorstep. I have placed moderate weight on the economic benefits. I agree with the Council however that CIL contributions and Council Tax payments are mitigation rather than benefits that should attract weight.
63. The provision of 39% renewable energy and the biodiversity gains attract moderate weight.

Other matters

64. A number of representations raised concerns about the internal space provision of the proposed apartments. However, as set out in the Statement of Common Ground, the proposal meets with the Nationally Described Space Standards, and I have no evidence to indicate that the living conditions of future residents would be harmed in respect of the level of indoor amenity space. Equally the proposed private and public amenity space meets required standards.
65. The Council's planning witness stated that the outlook from some of the units would be poor as they would look out onto the Tothill car park, service yards or ramps to the Elmsleigh centre. I have no evidence that this would be contrary to policy and indeed it was acknowledged by the Council that this was not a reason for refusal.

66. I have no evidence that the proposal would lead to an unacceptable risk of flooding and the imposition of relevant conditions will ensure details of appropriate floor levels and flood risk measures are secured.
67. Councillor Mooney drew my attention to a current inquiry into the award of a contract by Spelthorne Borough Council. This is not a planning inquiry, does not relate to this site and is not connected to this inquiry. I have not placed any weight on this reference.

Planning Obligations

68. A fully executed section 106 agreement has been submitted. It provides a number of planning obligations.
69. The S106 agreement secures provision for 34% of the total number of dwellings to be affordable housing, with 65% of the affordable units being affordable rent properties and 35% being intermediate housing. This reflects the updated viability agreement which is set out in the SoCGV.
70. Paragraph 7 of Section 2 of the S106 relates to a viability re-assessment. It requires a viability assessment to be undertaken if the development has not reached what is defined as golden brick stage within 18 months of the date of the planning permission. Paragraph 18 of the S106 states however that this would only apply should I determine unequivocally and in clear terms that it is necessary for the financial viability of the development to be reassessed and that the provisions of paragraph 7 of Section 2 should apply.
71. Detailed viability evidence is not before me. I only have the SoCGV and the letter from the appellant's consultant Montagu Evans appended to Mr Slatford's proof of evidence. There is no policy requirement for a review. However, given the change in factors which have occurred since the submission of the application as set out in that letter, and that the SoCGV references volatility in the market with material costs changing over the short term, and also states that an early review mechanism is proposed, I consider that a review of viability as set out in the S106 is appropriate.
72. The S106 also secures a number of provisions relating to highways and transport including a Car Club scheme for five years from first occupation including one year's free membership for occupiers, a travel plan including potential for a contribution towards a residents parking scheme and a traffic regulation order contribution. Provision is made for an offsite play area contribution.
73. The Council has submitted a CIL Compliance Statement setting out justification for the provisions. I have taken this into account in my decision.
74. Having regard to paragraph 57 of the Framework and planning practice guidance (PPG), I consider that all of the planning obligations are necessary to make the proposed development acceptable in planning terms, are reasonably related in scale and kind to the development and meet all the statutory requirements of Regulation 122 of the CIL regulations. I have taken the planning obligations into account in reaching my decision.

Planning Balance

75. Whilst I have found minor harm from the viewpoint of the Memorial Gardens, I have found that the proposal would not harm the character and appearance of the area overall, and that it would not harm the living conditions of occupants of nearby housing with regard to car parking. It would accord with Policy EN1 and CC3 of the Core Strategy, and with the Framework.
76. The benefit of providing homes in an area of under-delivery of housing and where there is not a five year supply of housing land, adds significant weight in favour of the scheme. Making beneficial use of a prominent town centre site which has been unused for a number of years and which detracts from the character and appearance of the area, also adds significantly to the case for the proposal. I have set out a number of other benefits of the proposal which add varying degrees of weight in the overall balance.

Conditions

77. The suggested conditions agreed by both main parties were the subject of discussion at the Inquiry. I have considered the suggested conditions in accordance with the relevant tests in the Framework and the PPG. Where necessary I have made some minor changes to the agreed list.
78. Condition 1 is the standard time condition. The conditions recommended to Planning Committee by officers included the standard three year period for commencement of the works. The parties have now suggested a two year period for the permission to be implemented. I have no demonstrable evidence before me to justify why there is a need to depart from the standard time period.
79. There is a need for a plans condition in the interests of certainty. Conditions are required to submit a contamination survey, take any necessary remediation, and undertake verification of works, given the nature of the site and in the interests of the environment. A demolition and construction management plan is required in the interests of highway safety and the amenity of the occupiers of nearby buildings.
80. Conditions are required to ensure that a surface water management scheme is submitted, approved and implemented and that the works are verified, in the interests of minimising flood risk. Additional detailed conditions are necessary to require appropriate finished floor levels also in the interests of minimising flood risk.
81. In order to ensure compliance with the energy policies of the Core Strategy and the submission details of the proposal, a scheme to show at least 39% of the energy requirements of the development will be met through renewable energy sources will need to be submitted and approved. Condition 9 secures this.
82. As a result of the sites proximity to Heathrow Airport and the height of the proposed buildings, two conditions are necessary, one to secure a bird hazard management plan and the other to require that any necessary mitigation is put in place to ensure there is no impact on the airport radar.
83. Conditions are required in the interests of sustainable transport. These will ensure secure cycle parking, the submission and implementation of a travel

plan and electric car charging points. A condition requiring the laying out of vehicular parking spaces is necessary in the interests of highway safety.

84. It is necessary for conditions to be imposed relating to limiting noise from plant and details of mechanical ventilation equipment, in the interests of the amenity of future occupants of the proposed buildings and those of nearby properties.
85. A condition is necessary to secure the agreed wildlife impact and ecological enhancement measures in the interests of ecology. Conditions are required to secure appropriate landscaping and ensure its long-term maintenance in the interests of the character and appearance of the area. A condition is necessary to secure approval of lighting schemes in the interests of residential amenity.
86. In order to secure the implementation of appropriate refuse and recycling facilities in the interests of amenity, a condition is required. A condition is necessary to ensure that the proposed public walkway is constructed and made permanently available in the interests of linking the development to the town centre and creating an attractive and safe route through the site.

Conclusion

87. For the reasons given I conclude that the appeal should succeed.

Mike Worden

INSPECTOR

APPEARANCES

FOR THE APPELLANT
Paul G Tucker QC

instructed by Mr Simon Slatford,
Lichfields

Piers Riley-Smith

of Counsel

They called:
Simon Slatford,

Senior Director, Lichfields

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Head of Design and Masterplanning,
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Chairman PJA

Paul Weeks

Senior Associate, Moore Barlow LLP
(for the round table session on S106)

FOR THE LOCAL PLANNING
AUTHORITY
Edward Grant

of Counsel instructed by Spelthorne
Borough Council

He called:
Phillip E Hughes BA (Hons)
MRTPI FRGS Dip Man MCIM,

Director, PHD Chartered Town Planners
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Paul Thomson BSc (Hons) Dip TP
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Principal Planning Officer SBC (for the
round table session on conditions)

Sebastian Charles, Solicitor
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Aardvark Planning Law (for the round
table session on S106)

INTERESTED PARTIES
Nigel Rowe OBE

Staines Riverside Residents Coalition

Daniel Geraci
Councillor Malcolm Beecher

Local Resident
Local District Councillor

Councillor Sinead Mooney

Local District and County Councillor

DOCUMENTS

1	Appellant's opening statement
2	Council's opening statement
3	Statement of Mr Nigel Rowe OBE, Riverside Residents Coalition
4	Statement of Mr Daniel Geraci
5	Parking Strategy, Surrey Transport Plan, Surrey County Council
6	Young People's Travel report, UWE Bristol and University of Oxford.
7	950 postcards submitted by local residents
8	Children's play area refurbishment estimate
9	Section 106 agreement
10	Viability Statement of Common Ground
11	Summary of changes to S106 agreement
12	CIL Compliance Statement
13	Council's closing submission
14	Appellant's closing submission

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

ERS-ASA-ALL-00-DR-A-110 Rev. R1; /120 Rev. R1; /121 Rev. R1; 122 Rev. R1; /140 Rev. R1; /141 Rev. R1; /0200 Rev. R12; /300 Rev. R1; /301 Rev. R1; /0405 Rev. R1; /4100 Rev. R1; /4101 Rev. R1 received 14 October 2020.

ERS-ASA-ALL-01-DR-A-0201 Rev. R9; ERS-ASA-ALL-02-07-DR-A-0202 Rev. R9; ERS-ASA-ALL-08-DR-A-0208 Rev. R5; ERS-ASA-ALL-09-12-DR-A-0209 Rev. R5; ERS-ASA-ALL-13-14-DR-A-0213 Rev. R5; ERS-ASA-ALL-15-DR-A-0215 Rev. R6 Received 14 October 2020.

ERS-ASA-ALL-XX-DR-A-251 Rev. R4; /252 Rev. R4; /253 Rev. R4; /254 Rev. R4; /255 Rev. R4; /256 Rev. R4 Received 14 October 2020.

D2864-FAB-XX-00-DR-L-0200 Rev. PL04; /0210 Rev. PL04 received 14 October 2020.

ERS-ASA-ALL-00-DR-A-100 Rev. R2 received 06 January 2021.

INL/E4445/007B received 09 February 2021.

ERS-ASA-ALL-00-DR-A-0400 Rev. R5; /0401 Rev. R5; /0402 Rev. R5; /0403 Rev. R5; /0404 Rev. R2; and ERS-A-SK-210301MR01-R01 Rev. R3 received 19 April 2021.

04550-TR-0021-P2; 0032-P1; /0033-P2; /0033A received 01 June 2021.
- 3) No development shall take place until:-
 - (i) A site investigation fully characterising the nature and extent of any land and groundwater contamination and its implications, together with its extent and methodology, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) A written method statement for the remediation of land and/or groundwater contamination affecting the site, together with a timetable for implementation, shall be submitted to and agreed in writing by the Local Planning Authority

The site shall be remediated in accordance with the agreed method statement and timetable for implementation.
- 4) Prior to the first use or occupation of the development, and on completion of the agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and agreed in writing by the Local Planning Authority.
- 5) No development shall commence until a Demolition and Construction Transport/Environmental Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials

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

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

- 6) The construction of the development shall not commence until details of the design of a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. Those details shall include:
- a) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 21.1 l/s.
 - b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
 - c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
 - d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
 - e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
- The development shall be carried out in accordance with the agreed surface water drainage scheme.
- 7) Prior to first occupation, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

- 8) No development above damp-proof course level shall take place until details of the materials to be used for the external surfaces of the buildings and other external surfaces of the development are submitted to and approved by the Local Planning Authority. The development shall then be constructed in accordance with the approved materials and detailing.
- 9) Following construction of any groundwork and foundations, no construction of development above damp-proof course level shall take place until a report has been submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how at least 39% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of each building and thereafter retained.
- 10) No construction work above existing ground level shall take place until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-3-Wildlife-Hazards-2016.pdf>).
The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.
- 11) No construction work above existing ground level shall take place until mitigation has been agreed and put in place to ensure that the proposed development during the construction phase and thereafter will have no impact on the H10 Radar at Heathrow Airport.
- 12) The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the development sites have been provided in accordance with the approved plans. Thereafter the said approved facilities shall be retained and maintained to the satisfaction of the Local Planning Authority.
- 13) Prior to the first occupation of the buildings, a Travel Plan setting out sustainable transport measures and a timetable for implementation shall be submitted to, and approved on writing by, the Local Planning Authority. The sustainable transport measures shall be implemented in accordance with the agreed Travel Plan and timetable.
- 14) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking

and turning areas shall be retained and maintained for the designated purposes.

- 15) The development hereby approved shall not be first occupied unless and until at least 20 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector – 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 16) The development shall be carried out in accordance with the following mitigation measures:
 - The non-floodable ground floor area of the building shall be no larger than 715 square meters, as shown in drawing number INL/E4445/007B (titled Flood Level Compensation Assessment, dated 2 February 2021 and prepared by Rogers Cory Partnership)
 - The floodable area as shown in drawing number INL/E4445/007B shall be implemented and made floodable as outlined in the letter from Rogers Cory Partnership (RCP) to Spelthorne Borough Council, dated 10 March 2021 (reference TS/INL/E4445/17820), including the following mitigation measures it details:
 - i) There shall be a minimum of one 1m wide opening in every 5m length of wall on all sides the building (including the car parking, bin and cycle stores) that are shown as floodable in drawing number INL/E4445/007B.
 - ii) The openings shall extend from ground level up to at least 15.8 metres AOD.
 - iii) Vertical bars within openings, if required, shall be spaced at least 150mm apart in accordance with drawing number ERS-A-SK-210301MR01-R01 (titled Car Park Openings Bay Study, revision R2, dated 9 March 2021 and prepared by Assael Architecture Limited).

These mitigation measures shall be fully implemented prior to first occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- 17) Finished floor levels shall be set in accordance with drawing number ERS-A-SK-210301MR01-R01 (titled Car Park Openings Bay Study, revision R3 and dated 15 April 2021, such that:
 - The residential entrance finished floor levels shall be set no lower than 15.8 metres above Ordnance Datum (AOD)
 - All residential units shall be set above 15.8m AOD

These mitigation measures shall be fully implemented prior to first occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- 18) There shall be no raising of existing ground levels on site within the 1% annual exceedance probability flood extent with an appropriate allowance for climate change throughout the lifetime of the development.
- 19) Prior to the first occupation of the development, details to demonstrate that the rated noise level from on-site plant shall be at least 5 dB(A) below the background noise level at the nearest noise sensitive property

as assessed using the guidance contained within the latest BS4142 (2014) shall be submitted to and approved in writing by the Local Planning Authority. The agreed on-site plant shall be installed prior to the first occupation of the development and thereafter maintained as approved.

- 20) The wildlife impact avoidance measures and ecological enhancement measures shall be carried out strictly in accordance with the recommendations set out in Paragraphs 4.19, 4.20, 4.21, 4.26, 4.27. 5.2 and Appendices 1, 2 and 3, of the Environmental Dimension Partnership Ltd ' Ecological Appraisal' dated September 2020.
- 21) Before the development is first occupied:
 - Details shall be submitted for the approval of the Local Planning Authority of on-site mitigation measures (to include mechanical whole dwelling ventilation to all properties) with the air intakes located at high level away from the direction of adjacent sources of air pollution and with consideration of the prevailing wind direction from such sources, to protect the occupiers of the development from poor air quality. The mechanical ventilation system must incorporate adequate filtration/treatment to be effective against the ingress of roadside air pollutants to the dwellings. The development shall not be first occupied until those mitigation measures have been provided and are operational.
 - Details shall be submitted for the approval of the Local Planning Authority of the location of the air intakes and the complete specification and maintenance regime for the equipment, which must be established and in place before the development is first occupied. The equipment shall thereafter be retained and maintained in accordance with the approved details.
- 22) Prior to the first occupation of both buildings hereby approved, the approved public walkway through the site shall be provided and thereafter be permanently made available and accessible for members of the public.
- 23) Details of a scheme of both soft and hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any part of the development hereby approved. The approved scheme of tree and shrub planting shall be carried out prior to the first occupation of the buildings. The planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species.
- 24) Before the first occupation of any part of the development, a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.
- 25) Before the first occupation of any part of the development, the refuse and recycling facilities shall be provided in accordance with the approved plans and retained thereafter.

- 26) Prior to the first occupation of the buildings hereby permitted, details including a technical specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The agreed external lighting shall be implemented prior to the first occupation of the buildings and shall at all times accord with approved details.

END OF CONDITIONS