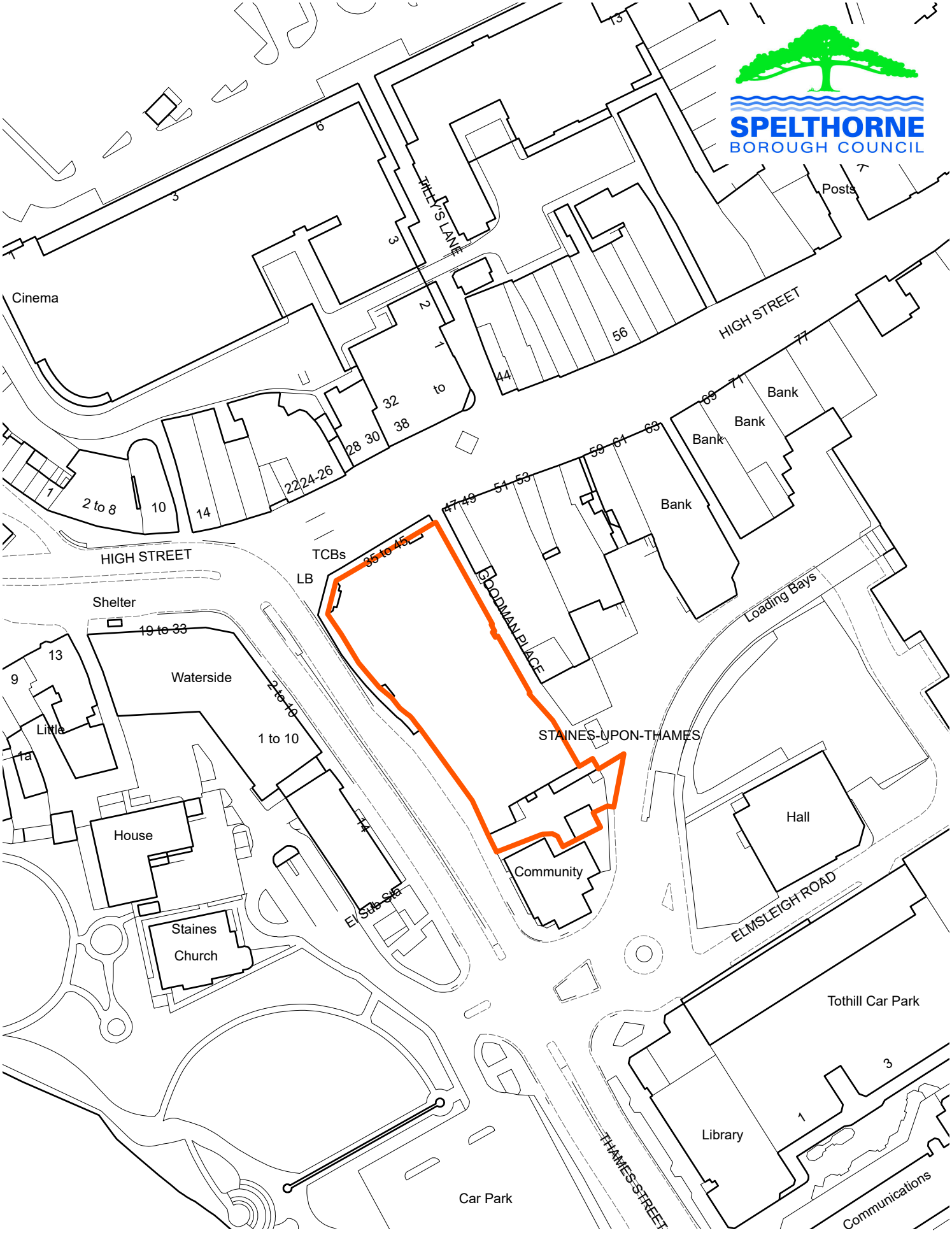


Former Debenhams Site, 37-45 High Street, Staines-upon-Thames. TW18 4QU

Scale: 1:1,250

Planning Committee

1 June 2022

Application No.	21/01772/FUL		
Site Address	Former Debenhams, 37 - 45 High Street, Staines-upon-Thames TW18 4QU		
Applicant	Future High Street Living (Staines) Ltd		
Proposal	Demolition of the former Debenhams Store and redevelopment of site to provide 226 Build-to-Rent dwellings (Use Class C3) and commercial units (Use Class E) together with car and cycle parking, hard and soft landscaping, amenity space and other associated infrastructure and works.		
Officers	Russ Mounty/Kelly Walker		
Ward	Staines		
Call in details	N/A		
Application Dates	Valid: 19.11.2021	Expiry: 18.02.2022	Target: Extension of time agreed
Executive Summary	This planning application proposes the redevelopment of the site to provide 226 Build-to-Rent dwellings in the form of 2 towers above a podium, with two commercial uses on the ground floor, together with car and cycle parking, hard and soft landscaping and other associated works, following the demolition of the existing building. The proposal would provide 226 new homes in an accessible location within Staines Town Centre, in accordance with a need for housing both locally and nationally. The proposal is also considered to be acceptable in relation to flooding, contaminated land, renewable energy, biodiversity, parking and highway grounds, drainage, impact on the amenity of future occupants and have an acceptable impact on the amenity of neighbouring properties. However, the proposal is considered to be unacceptable in regard to density, height, design and appearance, as it is does not relate to the local context or the local character and identity. It is not considered to be an appropriate building type for this particular site and does not offer a specific destination. In addition, the proposed development would adversely impact heritage assets, in particular the significance of a number of listed buildings and the character and setting of the Staines Conservation Area. In addition, it is considered to impact the Egham Hythe Conservation Area and the settings of locally listed buildings.		

	The south-east tower, because of its size and dominance in the street scene is considered to have an impact on the public use and enjoyment of the River Thames and the Memorial Gardens. In addition, the proposed development does not comply with the Council's Affordable Housing policy and the applicant has not satisfactorily justified the reduction they have sought. Finally, whilst there is a significant social benefit resulting from the provision of housing and some economic benefits of the proposal associated with the construction and provision of two commercial units, overall, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.
Recommended Decision	The application is recommended for refusal

MAIN REPORT

1. Development Plan

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

- Site Allocation A10 for the redevelopment and extension of the Elmsleigh Centre
- SP1 (Location of Development)
- LO1 (Flooding)
- SP2 (Housing Provision)
- HO1 (Providing for New Housing Development)
- HO3 (Affordable Housing)
- HO4 (Housing Size and Type)
- HO5 (Housing Density)
- EM1 (Employment Development)
- TC1 (Staines Town Centre)
- TC2 (Staines Town Centre Shopping Frontage)
- CO3 (Provision of Open Space for New Development)
- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN3 (Air Quality)
- EN5 (Buildings of Architectural or Historic Interest)

- EN6 (Conservation Areas, Historic Landscapes, Parks and Gardens)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN9 (River Thames and its Tributaries)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)

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

- BE25 (Archaeology)

1.3 Also relevant are the following Supplementary Planning Documents/Guidance: (SPD/G)

- SPG on Parking Standards Updated 2011
- SPD on Housing Size and Type 2012.
- SPD on Flooding 2012

1.4 The advice contained within the National Planning Policy Framework (NPPF) 2021 relating to Achieving sustainable development (s.2), Decision making (s.4),Delivering a sufficient supply of homes (s.5), Promoting sustainable transport (s.9), making effective use of land (s11),Achieving well-designed place (s12), Conserving and enhancing the historic environment (s16) and Planning Practice Guidance (PPG) is also relevant.

1.5 The Draft Spelthorne Local Plan 2022 – 2037 was considered by the Council's Environment and Sustainability Committee on 26 April 2022 where it was resolved to refer the draft Local Plan to Council for a final decision with a recommendation that the Pre-Submission Publication Version of the Local Plan be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). It was also agreed that the draft Staines Development Framework be published for public consultation. It is proposed that Council will consider this on 19 May 2022. If the matters are agreed, the public consultation for both the Pre-Submission Publication version of the Local Plan and draft Staines Development Framework will run from 15 June 2022 to 5 September 2022.

1.6 The following policies of the Draft Spelthorne Local Plan 2022 – 2037 are of relevance:

ST1: Presumption in Favour of Sustainable Development

ST2: Planning for the Borough

SP1: Staines-upon-Thames

SP5: River Thames and its Tributaries

H1: Homes for All

H2: Affordable Housing

E2: Managing Flood Risk

E3: Environmental Protection

E4: Green and Blue Infrastructure

E5: Open Space and Recreation

E6: Biodiversity

EC2: Retail

DS1: Place shaping

DS2: Responding to the climate emergency

DS3: Heritage, Conservation and Landscape

ID1: Infrastructure and Delivery

ID2: Sustainable Transport for New Developments

1.7 The site is allocated as ST4/019 (Forner Debenhames Site, High Street) in the Draft Spelthorne Local Plan, 2022 – 2037: Allocations. The proposed allocation is:

- Residential (C3): 150 units (approx.)
- Commercial (Class E): 500 sqm (approx.)

1.8 In addition to meeting the policies in the plan, the site specific allocations states that any developer of this site will be required to provide the following:

- A mixed residential and commercial development that provides an active frontage along the High Street.

- A well-designed scheme that has a positive relationship with the surrounding town centre uses.

- Include measures to mitigate the impact of development on the local road network and take account of impacts on the strategic road

network as identified through a site specific Travel Plan and Transport Assessment.

- Provide or contribute to any infrastructure identified at application stage which is necessary to make the site acceptable in planning terms.

- Maximise the use of Climate Change measures and renewable energy sources, in accordance with policy DS2.

1.9 The Infrastructure Delivery Plan (IDP) Part 2, March 2022 supplements the Infrastructure Delivery Plan (IDP) by analysing individual site allocations in greater detail. This involves highlighting specific infrastructure requirements that have been identified and that can be included as a means of securing these through developer contributions. March 2022, identifies the site as having the following Infrasrtructure requirements:

- Contribution through s106 towards healthcare - £500,000 – TBC

- Contribution through s106 towards identified Police needs - £168,300

- Potential education contribution to SCC as delivery body (no sum stated)

- Potential highways contribution to SCC (no sum stated)

1.10 At the current time, the draft local plan has not been agreed by Council and the Pre-Submission Publication Version of the Local Plan to be published for public consultation under Regulation 19 consultation has not commenced. Therefore the policies and allocation carry very limited weight in the decision making process of this current planning application. The weight given to the IDP at this stage is also very limited.

2. Relevant Planning History

Ref. No.	Proposal	Decision and Date
08/00294/ADV	Erection of (i) internally illuminated fascia sign on splay corner (ii) internally illuminated fascia sign (low level) on splay corner (iii) box sign on side elevation (iv) internally illuminated canopy fascia sign (v) internally illuminated box sign on Thames Street elevation (vi) internally illuminated fascia sign on rear elevation (vii) internally illuminated fascia sign on High Street elevation (viii) internally illuminated high level fascia sign on High Street elevation (i-viii retrospective) (ix) internally illuminated double sided projecting sign.	Grant 20.05.2008
02/00008/FUL	Erection of a canopy over the loading bay	Grant

	located in the service area to the rear.	01.03.2002
01/00270/FUL	rection of a transformer in rear service yard together with 3 metre high fence.	Grant 03.08.2001
01/00119/FUL	installation of new air conditioning condenser units on roof and sides of building	Grant 23.05.2001
01/00027/ADV	Display of illuminated and non signs	Grant 31.07.2001
00/00837/FUL	Erection of an enclosed fire escape	Grant 15.01.2001
PLAN N/FUL/74/738	Erection of a building measuring 110 sq. ft (10.23 sq. m) at 3rd floor level to house a stand-by generator.	Grant 13.01.1975
STAINES/FUL/P1942/10	Providing additional sales area to shop premises.	Grant 16.04.1964
STAINES/FUL/P1942/11	New Shop Front.	Grant 14.05.1964
STAINES/FUL/P1942/6	Erection of a four-storey extension to Department Store.	Grant 19.06.1961
STAINES/FUL/P1942/7	Rebuilding and extension of department store.	Grant 06.02.1963
STAINES/FUL/P1942/8	Complete erection of Department Store.	Grant 20.05.1963
STAINES/FUL/P1942/9	Providing canopy to windows.	Grant 06.04.1964
STAINES/OUT/P1942/4	Complete remodelling of store with 4 Storey Building & Basement.	Grant 21.03.1961
	Plus various other advertisement consents	

3 Description of Current Proposal

3.1 The application relates to the former Debenhams store site. The site is 0.28 hectares and is an irregular shaped plot located on a prominent corner, where the bend in Thames Street, (to the west) meets the pedestrianised High Street, to the north. Elmsleigh Road is located to the east and south and joins Thames Street to the south of the site, at a junction with a small roundabout and traffic lights. The western boundary adjoins the public footpath of Goodman Place The majority of the site is occupied by the existing purpose built retail building, with only part to the south with no building and access onto Elmsleigh Road. The store has been unoccupied since 2021 when Debenhams ceased trading at the site. The existing building is 4 commercial storeys in scale, although the building is effectively 5-6 residential storeys in scale in height and directly borders the footpath to the west and north.

3.2 Directly adjoining the site to the south-east is the Staines Community Centre building which is 2 storeys in height. Further to the south east is the Library

and the Spelthorne Museum, with Tothill multi-storey car park behind. Tothill carpark comprises 5 levels including the roof level parking (the ground floor is mainly occupied by shops fronting Friends Walk). Further to the south is the 5-storey office building of Communications House. To the south east, across Elmsleigh Road is an 'island site' which contains the 2 storey Masonic Hall which has been vacant for some time and an area of land formerly occupied by the Exchange Nightclub. On this unoccupied site planning permission was recently granted on appeal for its redevelopment for 2 towers providing 206 residential units (20/01199/FUL). These towers would measure 48.85m (including set back plant 51.4m) for Tower A, and 41,95m (including set-back plant 44.5m) for Tower B. The smaller Tower B, at 13 storeys, would be located in the northern part of the site and the taller Tower A, at 15 storeys would be located in the southern part of the site.

3.3 To the east beyond this site is the back of the Elmsleigh Centre which is part 2-storey part 3 commercial storeys in scale.To the west of the application site are properties on the opposite side of Thames Street which have more recently been extended at roof level to 6 storeys. These have commercial uses at ground floor with residential uses above. Further to the west, Spelthorne House is 6-storeys in height. To the north is the High Street which contains a mixture of 2 and 3 storey development. There is a variety of designs with many buildings of interest including Listed and Locally listed buildings. These have commercial uses at ground floor level and most have office or residential uses above. The adjacent building to the east is no. 47 High Street. It is located across the pedestrian footpath of Goodman Place. It has a retail use on the ground floor fronting the High Street and 4 no. residential flats above on the first and second floor (19/00367/PDR) It extends deep into the site, running parallel with the application site. Further to the south west, across the opposite side of Thames Street is the Memorial Gardens, a public area of open land, along with the surface car park. Further to the south and west is the tow path and the River Thames, with Runnymede Borough located across the other side of the river. There are a number of other sites in the town centre, some under construction which are taller than this and also some with similar heights to that proposed with this application, including the London Square's Charter Square development and Berkeley Homes Eden Grove development.

3.4 The site is located within the primary Staines town centre shopping area, defined in the 2009 Local Plan. It is also within a designated Employment Area, a Site of High Archaeological Potential, and an area liable to flood. The building itself has recently been added to the Local List of Buildings and Structures of Architectural or Histoirc Interest (on 30th March 2022).

3.5 Although the site is not located within a Conservation Area itself, Staines Conservation Area is located in close proximity, to the west of the application site and includes Church Street, Clarence Street and extends from the River Thames to the north. However, there is a current proposal, approved by the Councils Environment and Sustainability Committee on 10 May 2022, to amend the boundary as part of a new Conservation Area Appraisal,. The Staines Conservation Area would be subject to six changes (4 inclusions and 2 deletions) and would include the former Debenhams building (the site) and

buildings along the suth side of the High Street the Memorial Gardens. There are also a number of Listed Buildings in close proximity to the site, as well as locally listed buildings.

3.6 The proposal involves the demolition of the existing former Debenhams building and the redevelopment of the site to create a podium building with two residential towers, both ground floor, mezzanine plus 14 storeys (15 storeys tall), with a total of 226 dwellings together with commercial units, car and cycle parking, hard and soft landscaping and other associated works. The proposed towers comprise residential accommodation, linked at podium level, which would have two Class E uses (Commercial, Business and Servce) on the High Street. It is proposed that the scheme would provide a total of 12% of the units as affordable housing. The 226 flats would comprise 106 no. 1-bedroom and 120 no. 2-bedroom units. Refuse storage areas are proposed on the ground floor of the building at road level, with collection points within the site.

3.7 The proposed building would have a ground floor element across the site containing 501 sq m of commercial use fronting the High Street and also on the corner of Thames Street. It would also include some car and cycle parking provision, refuse storage areas and plant equipment. The entrance to the northern tower would be located on the High Street frontage and on Thames Street for the southern tower. There would also be a basement below which would provide further car parking spaces and a mezzanine above with more car parking spaces and plant rooms. A private communal garden would be located on the top of the podium, containing a variety of planting areas and a small play space, that would be accessed from each tower. There would also be an indoor amenity area on the podium level of each tower block, adjacent to the communal garden. The Design and Access Statement (DAS) does not explain what these areas would comprise, but the precedent images show seating and limited kitchenfacilities. Some units (131) would have private amenity space in the form of a terrace or balcony.

3.8 As noted above, the proposed towers would be15 storey. They are proposed to be positioned to the northwest and southeast corner of the site to provide the central private communal amenity space with space between the towers. The proposed materials proposed are red brick slips for the tower to the north (reflecting that of the existing Debenhams building) and a buff lighter colour brick for the southern tower. The podium includes a double height commercial frontage with framed openings, with the middle section providing a single order façade with wide brick piers and brick detailing providing horizontal grids.

3.9 The top element of each tower would include a crown feature with recessed cut outs on the side elevations. On the top there would be a set-back floor, topped with a cantilever canopy forming the top of the proposed towers.

3.10 The proposal would provide 151 car parking spaces (including 3 accessible spaces and 4 car club spaces) and 226 cycle parking spaces. These would be provided at ground level beneath the 2 towers and also at basement and mezzanine level, with vehicular access to and from the site from Elmsleigh Road and Thames Street.

3.11 Copies of the proposed site layout and elevations are provided as an Appendix.

4 Consultations

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

Consultee	Comment
County Highway Authority	No objection, recommends conditions
Environment Agency	Replied to say no comments to make
Group Head- Neighbourhood Services	No objection
SBC Strategic Planning	No objection
SCC Strategic Planning	Request S106 payment of £349, 000 for education
SCC Minerals and Waste	No objection, recommends condition
Surrey Fire and Rescue	No objection
Valuation Advisor	Objects, considers that a policy compliant scheme with 50% affordable units would be viable.
Council's Housing Strategy and Policy Manager	Objects to provision not being policy compliant
Sustainability Officer	No objection, recommends condition
Local Lead Flood Authority (Surrey County Council)	No objection, recommends condition
County Archaeologist	No objection, recommends condition
Crime Prevention Officer	Recommends use of Secure by Design
BAA	No objection, recommends informative
Natural England	No objection
Surrey Wildlife Trust	Raises queries and request more detail, however following dialogue with Councils Biodiversity Officer this was considered unnecessary
Council's Biodiversity Officer	No objection
Royal Borough of Windsor and Maidenhead	No comments received
Runnymede Borough Council	No objection

Tree Officer	No objection
Thames Water	No objection, recommends condition
National Grid	No comments received
Cadent	No objection
Environmental Health (noise)	No objection, recommends condition
Environmental Health (lighting)	No objection, recommends condition
Environmental Health (Contaminated land)	No objection, recommends condition
Environmental Health (Air Quality)	No objection, recommends condition
Conservation Officer	Objects
Historic England	Raises concerns about the impact on Staines and The Hythe CA and listed buildings nearby
Georgian Group	No comments received
Victorian Society	No comments received
20th Century Society	Objects on the basis that the proposal represents the total loss of what should be considered a non-designated heritage asset and positive contributor to the setting of the Staines Conservation Area. The Society does not believe the heritage harm is convincingly justified or outweighed by public benefits.
Heritage Advisor	Raises concerns with submitted Heritage Statement and objects to the harm caused the borough's heritage assets

5. Public Consultation

Community Engagement

5.1 The NPPF seeks to encourage pre-application engagement and front loading and advises that "early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community". The Council's own Statement of Community Involvement states that the '*Council will encourage applicants and developers to undertake pre-application consultation and discuss their proposals with their neighbours or the community before submitting their formal application.'.*

5.2 In addition to pre-application discussions which took place between the applicant and the Planning Officers, the applicant also undertook pre-application engagement with the public. The applicant engaged with the public consultation by way of a public exhibition held on 13th October 2021. This took place in Staines Methodist Church, close to the site and local residents were invited by a leaflet drop. At the event approx. 200 people attended and feedback forms were provided. In the submitted Community involvement statement, the applicant notes that supporting documentation has been submitted with the application in order to address the issues raised about the scheme.

Planning Application - Consulting the Neighbours

5.3 Following receipt of the planning application, 342 properties were notified of the planning application. Furthermore, statutory site notices were displayed and the application was advertised in the local press. A total of 268 letters of representation were received objecting to the application, including from the Staines Town Society, The Riverside Coalition (Staines), Surrey Historic Buildings Trust and SAVE Britain's Heritage. In addition, 183 petition style letters were received. Two letters of support were also received.

5.4 Reasons for objecting include: -

- out of character – height/too tall
- poor design
- loss of an iconic building – should be retained and converted
- bad for the environment to knock building down – carbon impact
- no net zero assessment
- loss of retail floorspace in town centre
- heritage impacts on nearby Conservation Areas and Listed building
- Impact on River Thames setting
- overdevelopment/overcrowding
- density too high/too many units
- do not need more flats
- overshadowing – Daylight/sunlight
- overbearing
- wind tunnel
- overlooking
- small size of units
- lack of outside amenity space
- lack of affordable housing
- impact on infrastructure including schools, doctors etc
- traffic generation
- highway safety
- lack of parking
- too much bike storage
- flats will be too expensive for local people to live in (officer note: this is not a planning matter)
- does not reflect issues raised in David Lock Associates Review for Staines Town Centre

The SCAN Officer has noted that there is a lack of detail in relation to accessibility.

5.5 Reasons for supporting include: -

- relevant and reasonable use of land
- the way we shop has changed
- need for the economic development of the town
- increased housing need
- Brownfield site, better for the environment
- Spelthorne/Staines needs to be progressive

6. Planning Issues

- Emerging Local Plan
- Principle
- Housing Need and Land Supply
- Height, Design and Appearance
- Housing Size and Type
- Housing Density
- River Thames and Memorial Gardens
- Heritage
- Affordable Housing
- Highway issues
- Parking
- Travel Plan
- Private and communal amenity space
- Parking
- Travel Plan
- Daylight and Sunlight
- Open space
- Fire Safety
- Flooding
- Renewable energy
- Ecology
- Microclimate
- Archaeology
- Lighting
- Waste & recycling
- Air quality
- Contaminated land

7. Planning Considerations

<u>Emerging Local Plan and Staines Development Framework</u>

7.1 The emerging local plan to replace the 2009 Local Plan is being progressed. The draft Local Plan was considered and agreed by the Environment and Sustainability Committee on 26/04/22 and will now proceed to the Council meeting on 19/05/22 for a final decision. The Draft Staines Development Framework (SDF) Supplementary Planning Document (SPD) will also be considered at these meetings. If these two documents are agreed, there will be a period of public consultation for the pre-submission publication of the Local Plan under Regulation 19 of the Town and Country Planning General Regulations. This will run from 15 June to 5 September 2022 and thereafter, the draft Local Plan will be submitted to the Planning Inspectorate for an Examination to be held, after which it is expected that the Council can adopt the Local Plan. There will also be consultation on the draft SDF after which the feedback will inform the final version that will be submitted to the Planning Inspectorate with the Local Plan. This is because both documents are intrinsically linked.

7.2 The statutory test for determination provided by s38(6) PCPA is reflected in paragraph 47 of the NPPF which states that:
"planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise".

Para 48 advises that:

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

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

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

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

considered that the SDF will carry very limited weight in the decision making of this application.

In terms of this proposal, the site was allocated in the Preferred Options (2019) Consultation at the Regulation 18 stage for 250 dwellings. This has now been superseded by the emerging Local Plan and this previous allocation carries no weight in decision making. The Emerging Plan identifies the site for Residential (C3): 150 units (approx.) and Commercial (Class E): 500 sqm (approx.). This currently carries very limited weight in decision making.

Principle of Development

7.5 Policy HO1 of the Ciore Strategy and Policies Development Plan Document (CS&P DPD) is concerned with new housing development in the Borough. HO1(c) encourages housing development on all sustainable sites, taking into account other policy objectives and HO1(g) states that this should be done by:

> *"Ensuring effective use is made of urban land for housing by applying Policy HO5 on density of development and opposing proposals that would impede development of suitable sites for housing."*

7.6 This is also reflected in the National Planning Policy Framework 2021 (NPPF) paragraph 117 which emphasises the need for the effective use of land in meeting the need for homes, whilst safeguarding the environment and provides further relevant context at paragraph 122 in respect of achieving appropriate densities. In addition, paragraph 60 refers to the government's objective of significantly boosting the supply of homes,

7.7 The site is located within Staines town centre, in the urban area on a previously developed site, within walking distance of Staines train and bus station. As such the site is within an accessible location close to facilities, services and public transport links.

7.8 However, paragraph 126 of the NPPF is clear that creating high quality buildings and places is fundamental to what planning and development should achieve and Policy EN1 of the CS&P DPD supports this aim.

7.9 In addition, Policy EN5 and EN6 seek to preserve the Borough's heritage assets and the paragraph 199 of the NPPF is clear that great weight should be given to the conservation of heritage assets when considering the impact of a proposed development on the significance of a designated heritage asset. Paragraph 203 identifies that the effect of new development on a non-designated heritage asset should be taken into account in determining applications.

7.10 It is considered that the principle of housing on this site with commercial use on the ground floor is acceptable. However, whether creating 226 Build-to-Rent residential units, as currently proposed, is acceptable will be determined by the ability of the proposal to meet the policy requirements discussed in this report.

Housing Need and Land Supply

7.11 When considering planning applications,as set out in paragraph 60 of the NPPF 2021, in order to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay having regard to local needs assessment as set out in paragraph 61..

7.12 The Council has embarked on a review of its Local Plan and acknowledges that the housing target in its Core Strategy and Policies DPD February 2009 of 166 dwellings per annum is more than five years old and therefore the five year housing land supply should be measured against the area's local housing need calculated using the Government's standard method[1]. The standard method for calculating housing need is based on the 2014 household growth projections and local affordability. This equates to a need of 618 dwellings per annum in Spelthorne. This figure forms the basis for calculating the five-year supply of deliverable sites.

7.13 The base date for this assessment is the start of the current year 1 April 2022 to 31 March 2027. The 20% buffer will therefore be applied to this full period. National guidance sets out that the buffer should comprise sites moved forward from later in the plan period. A 20% buffer applied to 618 results in a figure of 742 dwellings per annum, or 3,708 over five years.

7.14 In using the objectively assessed need figure of 742 as the starting point for the calculation of a five year supply it must be borne in mind that this does not represent a target as it is based on unconstrained need. Through the Local Plan review, the Borough's housing supply will be assessed in light of the Borough's constraints, which will be used to consider options for meeting need. The Council has now published its Strategic Land Availability Assessment (SLAA) 2021, which identifies potential sites for future housing development over the plan period.

7.15 The sites identified in the SLAA as being deliverable within the first five years and subsequent updates from landowners have been used as the basis for a revised five year housing land supply figure. Spelthorne has identified sites to deliver approximately 3,286 dwellings in the five year period.

7.16 The effect of this increased requirement with the application of a 20% buffer is that the identified sites only represent a 4.43 year supply and accordingly the Council cannot at present demonstrate a five year supply of deliverable housing sites. There is, therefore, a presumption in favour of sustainable development.

7.17 Government guidance (NPPF para 74) requires the application of a 20% buffer "where there has been significant under delivery of housing over the previous three years". In addition, guidance on the Housing Delivery Test indicates that where housing delivery falls below 85%, a buffer of 20% should

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

be applied to the local authority's five year land supply and a presumption in favour of sustainable development if the figure is below 75%. The Housing Delivery Test result for Spelthorne Borough Council was published by the Secretary of State in January 2022, with a score of 69%. This means that less housing has been delivered when compared to need over the previous three years. As a consequence, there is a presumption in favour of sustainable development because the test score of 69% is less than the 75% specified in the regulations. The figure of 69% compares with 50% last year and 60% in 2020. The Council's Housing Delivery Test Action Plan will be updated to reflect this. The current action plan positively responds to the challenge of increasing its housing delivery and sets out actions to improve delivery within the Borough.

7.18 Usually as a result of the above position in Spelthorne relating to the 5 year housing land supply and the recent Housing Delivery Test, current decisions on planning applications for housing development need to be based on the 'tilted balance' approach set out in paragraph 11 of the NPPF (2019). This requires that planning permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole'. However, the NPPF at para 11d) i) makes clear that the presumption in favour of development does not apply where, *'…: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed…'*
In footnote 7 to this section of the NPPF, assets which are excluded from the presumption in favour of development include "designated heritage assets"..

Height, Design and Appearance

7.19 Policy EN1 of the Core Strategy and Policies Development Plan Document (CS&P DPD) states that the Council will require a high standard of design and layout of new development. Proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines layout, materials and other characteristics of adjoining buildings and land and achieving a satisfactory relationship to adjoining properties.

7.20 Section 12 of the NPPF: Achieving well-designed places, refers to design and in particular that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.21 It states in paragraph 130 that:
'*Planning policies and decisions should ensure that developments:-*

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users46; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

7.22 The National Design Guide (NDG), Planning practice guidance for beautiful, enduring and successful places, produced by the former Ministry of Housing, Communities and Local Government (MHCLG) in 2021, sets out what makes well designed places. Paragraphs 43 and 44, note that well designed buildings do not need to copy what is already in existence but do need to integrate with the surroundings in a number of ways including physically, socially and visuall:.

"Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including:

- *the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it;*
- *patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, grain, form and scale – see Built form;*
- *the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development – see Identity.*
- *uses and facilities, including identifying local needs and demands that well-located new facilities may satisfy; and*
- *public spaces, including their characteristic landscape design and details, both hard and soft.*

However, well-designed places do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities, and to incorporate new sustainable features or systems.".

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

"*Well designed places are considered to have:*

- *compact forms of development that are walkable, contributing positively to well-being and placemaking;*

- *accessible local public transport, services and facilities, to ensure sustainable development; recognisable streets and other spaces with their edges defined by buildings, making it easy for anyone to find their way around, and promoting safety and accessibility; and*

- *memorable features or groupings of buildings, spaces, uses or activities that create a sense of place, promoting inclusion and cohesion.".*

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

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

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

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

7.26 The site lies very close to the Staines Conservation Area boundary which was approved in 1975. There is a current proposal to amend the boundary that would include the application site and the Memorial Gardens to the south, which was agreed by the Council's Environment and Sustainability Committee on 10 May 2022. This is currently part of a public consultation which started on 13 May 2022 and will finish on 24 June 2022. The weight afforded to the impact of the proposal on the character and appearance of the revised Conservation Area would be very limited.

7.27 Heritage England Advice Note 4: Tall Buildings provides advice on planning for tall buildings within the historic environment. This advice notes that in the right place, well-designed tall buildings can make a positive contribution to urban life. However, it also cautions that some sites may be inherently

unsuitable for tall buildings due to the harm they would cause to the significance of heritage assets.

7.28 The applicant's Design and Access Statement (DAS) indicates at Section 4.6: High Quality Design and Layout that the development would provide much needed housing on a site identified within the emerging local plan, in a sustainable location with excellent connections to public transport and would support the High Street economy and further regeneration of the town centre.

7.29 It indicates that the suitability of the site to accommodate a tall building has been rigorously tested, acknowledging that whilst it is inevitable that some adverse effects would occur to the townscape and visual amenity, caused by the height of the proposed development, the public benefits should be weighed agaiinst the harm.

7.30 The DAS also states that the design of the building has a strong architectural form, reflects the footprint of the existing building and incorporates the recognisable chamfered corner of the existing Debenhams building.

7.31 The DAS claims that the proposal is a unique development that responds specifically to the local character and history. The use of brick reflects the character of the local area with buff brick being the primary material of the conservation area and red brick closely matching that of the existing Debenhams building. It further asserts that the double step window head detail echoes the heritage aspects of the brick detail seen in other buildings in the nearby context, and the brick banding and detail adds architectural interest with inset balconies creating depth and shadow to the façade

7.32 The base of the building incorporates commercial units on the High Street and secure bicycle parking with a repair facility on Thames Street. This cycle store would accommodate 226 cycles (1 cycle per unit) and provide social and workshop space Each block would have a secure, level entrance that is defined in the building's façade by inverted, angled bays. The apartments would be a mixture of sizes, with many dual aspect apartments. All apartments have been designed to meet the national space standards with all being of an accessible and adaptable standard, as set out in Part M4(2) of the Building Regulations.

7.33 The DAS also states that the form of the building has been pulled apart to create a central external amenity area that introduces green space into the town centre and reduces the scale in the middle of the site, reducing the whole perception of height along this facade to create a welcoming scale and feel along Thames Street.

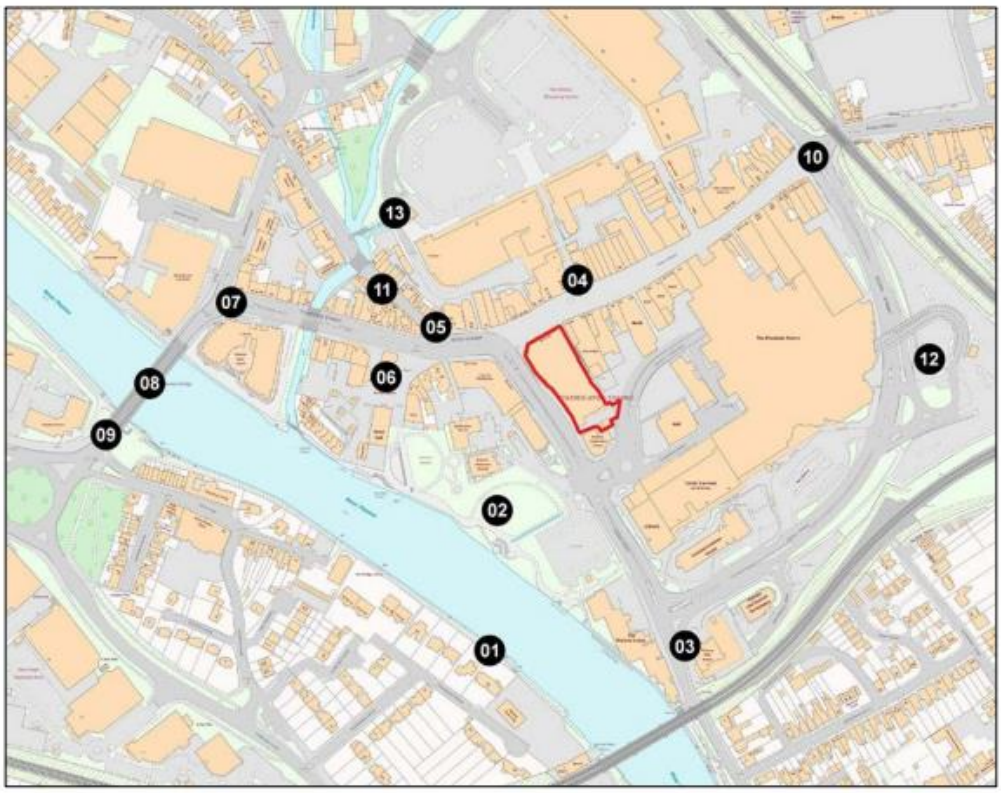
7.34 The DAS considers that the proposal establishes a strong sense of place by using height to create landmarks with the north-west block in particular, considered to create a landmark within the wider context.

7.35 In reviewing the proposal the LPA recognises that the town centre does incorporate relatively large and tall buildings that have increased the pattern and grain of development to the north, i.e., the Charter Square and Eden Grove developments on the London Road (latter currently under construction)

and east of the High Street. However, with the exception of the recently approved development at the former Masonic Hall to the east (20/01199/FUL) they are all substantially lower in height compared to the proposed development and in particular the buildings along the High Street to the Market Square where there is a consistent and cohesive character and pattern.

7.36 The applicant's Planning Statement includes the table form their Townscape Visual Impact Assessment (TVIA) which identifies the following impacts:

View No	View	Significance of Effect Applicant	Significance of Effect LPA
1	View looking northeast from the Thames Path, south of the river	negligible	minor adverse
2	View looking north from the Memorial Gardens.	moderate adverse	severe adverse
3	View looking south from the junction at Thames Street and South Street.	negligible	minor adverse
4	View looking west from Tilly's Lane.	moderate adverse	severe adverse
5	View looking east from the south end of Church Street	moderate adverse	severe adverse
6	View looking east from Market Square	moderate adverse	severe adverse
7	View looking east from the junction between Clarence Street and Staines Bridge	moderate adverse	moderate adverse
8	View looking east from Staines Bridge.	negligible	minor adverse
9	View looking east from The Hythe.	negligible	minor adverse
10	View looking west from High Street East.	moderate adverse	minor adverse
11	View looking south from Church Street	negligible	severe adverse
12	View looking west from Elmsleigh surface car park.	negligible	minor adverse
13	View looking south from Mustard Mill Road within the Staines Conservation Area.	negligible	moderate adverse



The Planning Statement continues that: *'…it is inevitable that some adverse effects would occur to the townscape and visual amenity of the proposed development site and its immediate environs. This adverse effect would be caused by the height of the proposed development, which would be greater than that of its surroundings.'*

7.37 The LPA sought specialist advice on the assessment that has concluded that the impact of the proposed building on the surrounding area and the heritage assets within it would be high to severe, with views 02, 04, 05, 06 and 11 having a severe impact and 07and 13 having a moderate adverse impact and 01, 03, 08, 09,10 and 12 having a low impact.

7.38 The CS&P DPD does not include a policy that restricts the height of development, although it is constrained by the Heathrow Airport flight safety surface. However, the height of the proposal creates an adverse impact on townscape and visual amenity, as accepted by the applicant. Whilst the applicant refers to the decision of the Planning Inspectorate with regard to the scheme at the former Masonic Hall, this proposal is considered to have a significantly different context.

7.39 The DAS indicates that the height of the proposed building both on the High Street and at the south-east of the site, together with the *'high quality design cues*' create landmark elements. The Heritage Statement acknowledges the site is located at a key focal point looking east along Clarence Street and whilst the proposed development may dominate this view, it has allowed for the creation of a 'landmark' building.

7.40 The existing Debenhams building has been referred to in representations received by the LPA as beng a landmark. However, the LPA consider that

George Coles designed a statement building to respond to the specific shopping experience that the department store offered, but that still responded to the local context and identity of Staines town centre. There is no landmark building policy within the existing CS&P DPD and none within the emerging Local Plan. Therefore, there is no policy basis for the proposal's claim that it would be creating a new or beneficial townscape element in terms of being a landmark. The deign cues are not considered to connect the new building to its surroundings, or its historic or local context. Its excessive height at 15 storeys, as an element of its design, does not emphasise the importance of the place or contribute positively to views or the skyline, indeed to the contrary, the height on this particular site has a negative impact on the skyline.

7.41 The proposed building comprises two towers at 15 storeys tall (48.7m) and with particular regard to the toweron the High Street, is not considered to respect the street scene, or make a positive contribution, as a direct result of the height in comparison to the buildings and spaces around it, appearing discordant.

7.42 In addition, as a direct result of the height, in close proximity to neighbouring buildings, and in this prominent location, the proposal does not achieve a satisfactory relationship creating an overbearing impact in both short and mid-range views.

7.43 The creation of a 'landmark' is therefore considered to carry no weight in the decision making process and the height of the proposal is considered to have an adverse impact on the townscape and the adjoining buildings.

7.44 The references to the proposal providing housing, being located in a sustainable location and directly supporting commercial and leisure regeneration are acknowledged, but are generic, would apply to any increase in population in the town centre and do not justify defining the proposal as being of high-quality design.

7.45 Reflecting the footprint of the existing Debenhams building, at ground floor, offers little relevance or response to the local character or history of the building or the local area. The incorporation of a chamfer corner offers no worthwhile reference to the existing Debenhams building, which would be replaced in its entirety, and is significantly diluted because both of the new towers have four chamfered corners. The reference to the double stepped window heads is noted, but the design aesthetic is significantly different to those traditional buildings in the High Street that contain this element of detailing and would not be noticeable as a common linking theme. The reference buildings are all defined by their vertical emphasis, whilst the proposed building is defined by a horizontal emphasis, the vertical emphasis juxtaposed by the height of the towers.

7.46 The proposed use of brick slips – a manufactured tile that has the appearance, colour and texture of brickwork – would reflect the existing buildings in the surrounding area in general terms, with the red palette reflecting some of the historic buildings in the High Street and a buff palette referencing the buildings such as the Town Hall, Staines Bridge and listed

buildings on Clarence Street. Whilst the use of specific materials can be secured through a planning condition, it is considered that the use of 'brick' creates a 'heaviness' to the building that is emphasised by its height and highlights the differences between the proposal and the surrounding buildings.

7.47 Whilst the DAS states that the proposal is specifically designed to respond to the character and history of the site, it is not considered that the design choices reflect this aim or that that they would successfully integrate the building into the townscape in this location.

7.48 The brick detailing between the windows does add architectural interest and the inset balconies would create an element of depth and shadow to the façade, yet overall it would be a heavy, relentless façade over 15 storeys with little relief and little to break down the overbearing impact.

7.49 The ventilation strategy states that there would be no flues, ducts or other services visible on the external facades of the building and this has been included in the architectural design by the architect. The ventilation ducting for both the supply and exhaust would be located within the building structure with a louvre grill located on the underside of the window head and therefore obscured from view. This design solution would remove the visual impact of vents across the building façade which can have a significantly adverse impact on the appearance of the façade on this type of development.

7.50 The building layout provides units that would meet Council's identified need and all units are intended to meet Part M4(2) of the Building Regulations, addressing accessibility and adaptability of dwellings. It also provides internal communal amenity spaces at the podium level of each tower of 68m² and 64m² respectively. However, in terms of the layout it is not innovative, reflecting many other similar multi residential developments.

7.51 The provision of a communal private amenity space between the buildings for the use of the residents is a requirement of CS&P DPD and SPD and whilst the proposed landscape design is considered to be appropriate, it is not considered to promote physical or mental well being beyond that normally expected from a development, Whilst it is acceptable, the communal amenity space is located between two towers and is in close proximity to Thames Street.

7.52 Overall, the proposed building is considered to have an adverse impact on the townscape and the adjoining buildings because of its design, height, density, scale and bulk. High quality design is not just about the building, it requires careful attention to other important components of place. The proposed building does not respond positively to its context and fails to integrate with the local character and history of the site. Due to its height, design and appearance it does not assimilate into the built form of the town centre since the form does not relate to the surrounding development. The proposal creates a new identity, but this is neither coherent nor positive given the surrounding built form. The proposal meets many minimum requirements, but does not seek to enhance benefits for the residents or the community in the challenges that face built from in the future. As such it does not meet the

requirements of Policy EN1 of the CS&P DPD, the planning practice guidance set out in the National Design Guide or section 12 of the NPPF.

Housing Size and Type

7.53 Policy H04 of the Core Strategy Policies Development Plan Document 2009 (CS&P DPD) seeks to ensure that the size and type of housing reflects the needs of the community such that in developments of 4 or more units, 80% of dwellings are 1 or 2 bed units and that units are designed to meet the needs of older persons and those with disabilities.

7.54 This is supported in the Council's Supplementary Planning Document (SPD) on Housing Size and Type.

7.55 The Council's Supplementary Planning Document (SPD) on the Design of Residential Extensions and New Residential Development (2011) sets out minimum floor space standards for new dwellings.

7.56 The Government has also published national minimum dwelling size standards in their "Technical Housing Standards – nationally described space standard" document (2015). These largely reflect the London Housing Design Guide on which the Spelthorne standards were based and are arranged in a similar manner to those in the SPD.

7.57 The applicant's Planning Statement identifies that the proposal would provide106 (47%) one bed units and 120 (53%) two bed units and therefore the scheme accords with Policy H04 and the housing mix should be deemed to be acceptable and meeting the Borough's identified need.

7.58 The applicant's Planning Statement also notes that the one bed one person units proposed (stated as 5% -12 units) would be 45m² in size which is below the Council's minimum requirement of 50m², as set out in the SPD, but indicates that the council does allow for studios of 30m² in size and therefore these units would exceed the size requirements.

7.59 Notwithstanding that it is the National Technical Housing Standards that reference studio units, the LPA acknowledges that the proposal would meet, or exceed, the minimum internal space standard set out in the Technical Housing Standards and the proposal would meet the Council's requirements.

Housing Density

7.60 Policy HO5 in the Core Strategy Policies Development Plan Document 2009 (CS&P DPD) sets out density ranges for particular contexts but prefaces this at paragraph 6.25 by stating:

> *"Making efficient use of potential housing land is an important aspect in ensuring housing delivery. Higher densities mean more units can be provided on housing land but a balance needs to be struck to ensure the character of areas is not damaged by over-development."*

7.61 Policy HO5 specifies densities for sites within Staines town centre development should generally be at or above 75 dwellings per hectare. It is important to emphasise that the density ranges are intended to represent broad guidelines and development will also be considered against the requirements of Policy EN1 on design.

7.62 The principle of a high-density development on urban land is the focus of the NPPF and Policy HO1 in order to make efficient use of land of previously developed and brownfield land, in sustainable locations, although this is subject to the site being suitable for that purpose taking into account all other policy objectives

7.63 In addition, the NPPF in para 124 states that:

'Planning policies and decisions should support development that makes efficient use of land, taking into account:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
b) local market conditions and viability;
c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
e) the importance of securing well-designed, attractive and healthy places.'

7.64 The proposal is for 226 units on a site of 0.28 hectares and will therefore result in a density of approximately 807 dwellings per hectare, more than double that of similar developments in the town centre.

7.65 Although well above the recommended maximum density of 75 dwellings per hectare in policy HO5, the policy also notes that higher density development may be acceptable where it is demonstrated that the development complies with Policy EN1 on design, particularly in terms of its compatibility with the character of the area and is in a location that is accessible by non-car-based modes of travel.

7.66 The applicant has stressed that the application site was identified as a preferred site allocation (ST4/019) in an earlier version of Preferred Options Consultation in 2019 which identified 250 Dwellings at a density of 900 dwellings per hectare. This has now been superseded by the emerging Local plan and therefore this earlier version carries no weight. The Emerging Plan identifies the site for Residential (C3): 150 units (approx.) and Commercial (Class E): 500 sqm (approx.). This currently carries very limited weight in decision making.

7.67 The applicant's Planning Statement notes that paragraph 119 of the NPPF (2021) sets out that planning policies and decisions should support development that makes effective use of land and makes as much use as

possible of previously-developed land. It also notes that In relation to achieving appropriate densities, the NPPF in paragraph 124 indicates that planning decisions should support development that makes efficient use of land. Paragraph 125 discourages low density development and states that developments which make optimal use of a site's potential should be supported where there is a shortage of land for meeting identified housing needs ..

7.68 Although Policy H05 seeks to make efficient use of land and notes that higher densities may be acceptable, such developments are required to comply Policy EN1 on design and not adversely impact the character of the area. The LPA considers that referencing making effective use of land does not, in itself, justify the proposed density of this proposal, and it is clear that Government advice is not as singularly focused, but is intended to take into account other factors as identified in paragraph 124.

7.69 In respect of the proposed developmentthe LPA considers that the proposed density is too high and has resulted in a development that has not adequately addressed the requirements of Policy EN1 in terms of high quality design, making a positive contribution to the street scene and achieving satisfactory relationships with adjoin9ng properties. The density of the proposed development is therefore contrary to Policy EN1 and and paragraph 124 of the NPPF.

River Thames and Memorial Gardens

7.70 Policy EN9 refers to the River Thames and its tributaries. The policy requires the Council to seek to maintain and look for opportunities to enhance the setting of the River Thames and its tributaries. In considering proposals the Council will:

- ensure the protection of landscape features that contribute to the setting of the rivers;
- seek to protect and enhance existing views of the rivers; and
- pay special attention to the design of development located in riverside settings to ensure that it respects and makes a positive contribution to the setting of the rivers.

7.71 There are no existing landscape features on the application site which contribute to the setting of the River Thames, but the building does form a backdrop to the Memorial Gardens. The south-east tower of the proposed building is set some 120m away from the bank of the River Thames. Between the site and the River is a four-lane road and the Memorial Gardens public open space.

7.72 The proposed south-east tower would be 48.7m tall and would sit on Thames Street, with its longest elevation facing the Memorial Gardens, appearing both large and dominant. However, it would appear as a backdrop to the Gardens and the River and although prominent is unlikely to be the major focus of users of the Gardens or the River.

7.73 It should be noted that a high-rise development comprising two towers of 13 and 15 storeys at the former Masonic Hall to the rear of the proposed site,

was approved at appeal, by the Planning Inspectorate (APP/Z3635/W/21/3280090) on 7 January 2022. However, the LPA considers that the south-east tower of the proposed development introduces an adverse impact on the character and appearance of the Memorial Gardens and the River Thames.

7.74 It should also be noted that the Memorial Gardens has been recommended for inclusion within the Staines Conservation Area as a result of the draft Conservation Area Appraisal considered by the Councils Environment an Sustainability Committee on 10 May 2022.

Heritage – Designated Heritage Assets

7.75 There is a statutory duty in respect of both listed buildings and conservation areas in the exercise of planning functions set out in s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which state that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

7.76 The site currently falls outside of the Staines Conservation Area, although it is considered to impact its special character and appearance. However, it should be noted that there is a current proposal, approved by the Council's Environment and Sustainability Committee on 10 May 2022, to amend the boundary as part of a new Conservation Area Appraisal. It would be subject to six changes (4 inclusions and 2 deletions) and would include the former Debenhams building (the site) and buildings along the south side of the High Street and the Memorial Gardens to the south of the site.

7.77 Policy EN5 of the Core Strategy and Policies Development Plan Document (CS&P DPD) requires development proposals for any sites affecting the setting of a listed building to have special regard to the need to preserve its setting.

7.78 Policy EN6 seeks to preserve and enhance the character of conservation areas and where a development would affect a conservation area, contribute to that preservation or enhancement.

7.79 The National Planning Policy Framework 2021 (NPPF) states at paragraph 189:

'Heritage assets range from sites and buildings of local historic value to those of the highest significance… …These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance…'

7.80 At paragraph 200 it states:

'*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'*

And at paragraph 202:

'*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal…'*

7.81 Paragraph 203 refers to non designated heritage assets:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.'

7.82 Historic England (HE) has raised concerns, stating:

'The proposed development would introduce a stark change in the prevailing building height of the surrounding townscape and would result in clear harm to the Staines Conservation Area, and potentially also to the Egham Hythe Conservation Area. Historic England considers the proposed development to be a missed opportunity to retain, reuse and adapt the good quality elements of the site, which could represent a more sustainable form of development.

We are unconvinced that this application has properly assessed all potential impacts of the proposals, without which the application cannot be seen to have avoided or minimised the harm to the historic environment.'

7.83 Historic England further states:

'We have concerns regarding the scale and massing of the development and the resulting harm this would cause to the setting of this part of the Staines Conservation Area, which has remained unimpeded by tall buildings up to now. These concerns are heightened as the development's impact on the historic environment has not been fully assessed as required by paragraph 194 of the NPPF'.

7.84 The applicant submitted a Heritage Statement that seeks to appraise the identified features of the historic built environment within the context of the application site and provide an assessment of their significance in order to understand the potential impact of the proposal.

7.85 To assess the significance of the heritage assets the Statement uses the 'Principles of Selection for Listing Buildings' (DCMS 2010), the statutory criteria and general principles applied by the Secretary of State when deciding whether a building is of special architectural or historic interest and should therefore be added to the list of buildings.

7.86 In order to address the requirements of the NPPF, account needs to be taken of the contribution that setting makes to the overall significance of the asset. The NPPF defines the setting of a heritage asset as *'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'*

7.87 Setting is the way in which the asset is understood and experienced, and is not an asset in itself. It differs from curtilage (historic/present property boundary); context (association with other assets irrespective of distance) and historic character (sum of all historic attributes, including setting, associations, and visual aspects).

7.88 The Heritage Statement identifies that the setting of the designated assets *'..at the west end of the High Street contribute to the historic character of the area and therefore enhance each other and create a strong sense of historic character and setting in the immediate area.'*

7.89 In addition, it recognises that:
'The scale of the surrounding streetscape does not have much variation. The skyline of the streetscape is dominated by two- and three-storey buildings, which likely imitates the historic height of buildings found along the High Street in the post-medieval and industrial periods.'

7.90 Whilst the Heritage Statement has identified a range of attributes that contribute to the overall setting of heraitage assets and the historic character of the locality, and has recognised that its layout and skyline have remained mostly unchanged, it has concluded that the impact on the setting of those bildings identified is negligible, with the exception of 13 & 15 Market Square (Blue Anchor public house) which is assessed as moderate.

7.91 The Heritage Statement identifies that the site is located within 100m of two listed buildings, with 43 listed buildings within a 500m radius of the site and a number of non-designate heritage assets within the 500m radius. It also acknowledges the Staines and Egham Hythe Conservation Areas

7.92 The applicant has stated that the size of the study area (100m) was defined based on professional experience and informed by a comprehensive survey of the surrounding area and a review of the potential effects of the development on standing structures within the vicinity of the Site. The LPA does not agree, considering the 100m boundary arbitrary, there is no reason the significance of listed building cannot be harmed just because it is more than 100m from the application site. Both 1 Clarence Street and the War Memorial lie within meters of the 100m boundary and have not been assessed as result. The LPA considers that the proposed building would be visible from a wider area and would impact the significance of more listed buildings as a result of the development within their settings. As a result the LPA believes the assement lacks robustness and has undervalued the heritage impact.

7.93 Of the two Listed Buildings identified within 100m of the proposal site, the Heritage Statement has concluded that 44-48 High Street is of considerable evidential and illustrative historical value and high aesthetic value and 13 &15 Market Square (Blue Anchor public house) (II*) of considerable evidential, illustrative historical and aesthetic value.

7.94 In the Statement of Significance at s7.6 of the Heritage Statement, the significance of the listed buildings within 500m of the site are considered to be

'…somewhat enhanced by their settings, which are located within the Staines Conservation Area and Egham Hythe Conservation Area…'.

7.95 The LPA considers that the following designated heritage assets would suffer harm to their significance as a result of the development of the proposal within their settings:

- 44-48 High Street located to the east of the application site on the north side of the High Street a three storey brick building dating from the ealy/mid eighteenth century.
- 13 & 15 Market Square (Blue Anchor public house) located to the west of the application site a three storey twon house with attic dating from the early/mid eighteenth century.
- Staines town hall located to the located to the west of the application site two storeys plus attic dating from 1880.
- Two telephone kiosks located to the west of the application site within the Market Square, K6types by Sire Giles Gilbert Scott
- Fire Engine shed located to the west of the application site within the Market Square dating from 1880
- Staines War Memorial located to the west of the application site within the Market Square dating from 1920
- 2 Clarence Street located to the west of the application site on the north of the Market Square a 3 storey corner site dating from circa 1830
- 15 & 17 Clarence Street located to the west of the application site on the north side of Clarence Street a three storeys building dating from circa 1832
- Bridge over the River Colne located to the west of the application site on Clarence Street dating form circa 1832
- 25 & 27 Clarence Street located to the west of the application site on the north side of Clarence Street three storeys, although two on Clarence Street dating from circa 1832/1824
- 29 Clarence Street located to the west of the application site on the north side of Clarence Street three storeys although two on Clarence Street dating from circa 1832/1824
- 31 Clarence Street located to the west of the application site on the north side of Clarence Street three storeys, although two on Clarence Street dating from circa 1832/1824
- 33 Clarence Street located to the west of the application site on the north side of Clarence Street three storeys, although two on Clarence Street dating from circa 1832/1824
- 35 Clarence Street located to the west of the application site on the north side of Clarence Street three storeys, although two on Clarence Street dating from circa 1832/1824
- 41 Clarence Street located to the west of the application site on the north side of Clarence Street three storeys, although two on Clarence Street dating from circa 1832/1824
- 21-27 Church Street (odd) located to the west of the application site on the north side of Church Street a late seventeenth century block of 4 two storey houses

7.96 These designated heritage assests are located within the streets that converge on the prominent location held by the former Debenhams building. The significance of Clarence Street and the Market Square derives from the redevelopment of this area within a short timescale that has created a strong and cohesive character with a synergy between the buildings in terms of their age, scale, materials and architectural style. The significance of Church Street at this point is a derived from the tightly-knit grain and strong building line that unfolds gradually along the curve of the road. The street is terminated by a modern building on the High Street, but the existing eaves line within Church Street provides a cohesive identity to the urban form.

7.97 The LPA considers that the proposal would represent harm to the significance of these heritage assets as result of the redevelopment impacting their settings. This harm would be less than substantial, but at the lower middle of the scale.

Heritage - Conservation Areas

7.98 The applicant's Heritage Statement has also assessed both the Staines and Egham Hythe Conservation Areas.

7.99 The Statement acknowledges that the Staines Conservation Area has evidential, associative and illustrative value with many of the buildings dating from the Georgian and Victorian period, particularly along Clarence Street and in the Market Square. It also acknowledges the aesthetic, social and communal value of the conservation area and notes that buildings are visible from the development site and that Clarence Street forms a particular vista.

7.100 The Egham and Hythe Conservation Area is located across the Thames and is also acknowledged as having evidential, associative and illustrative value and whilst relatively small, includes a dense group of listed buildings concentrated on The Hythe and side streets to the south. It is also acknowledged to have aesthetic, social and communal value. The Statement notes that the development site is not currently visible from within the conservation area, although it would be from the Thames Path at the north of the conservation area. It also notes that the key views identified in the Egham Hythe Conservation Area Appraisal (Runnymede Borough Council 2019) look away from the development site, with the exception of 'view 4'. It should however be noted that the section of the Appraisal referred to, 4.10 Important views and landmark buildings, states that it *' …considers the most important views into and within the Conservation Area…'*

7.101 The submitted Heritage Statement concludes that the proposed development would result in an overall moderate effect on the attributes of the setting of Staines Conservation Area, Egham Hythe Conservation.

7.102 Historic England stated in its response that:

'The Staines Conservation Area is located immediately to the west of the application site and incorporates the oldest and best-preserved streets of the town. The area is characterised by the two to three storey Georgian and Victorian architecture that illustrates the growth of Staines in the nineteenth

century. One of the best places to appreciate this is along Clarence Street with many of the buildings on its north side surviving from this period. The historic townscape on the south side of Clarence Street is more dispersed, but for the east end where the Market Square is situated. This contains a number of listed buildings, most notably the grade II listed town hall. Its clock tower is a notable landmark in the area, consequently adding to the aesthetic value of the Conservation Area.'

Adding that:

'The scale of the development proposed, suggests there could be further, and as yet unidentified visual impacts from deeper within the conservation area, particularly in longer distance views along Church Street.

7.103 The LPA considers that the proposal would create a 'backdrop' to the Egham Hythe Conservation Area and would be visible from the Thames Path thereby impacting the setting and the character and appearance. The Staines Conservation Area would be subject to a greater impact because of its promimity to the proposed building. The area along Church Street, Clarence Street and the Market Square would be most affected, with the proposal being significantly different from the tight knit grain and cohesive urban fabric.

7.104 The LPA therefore concludes that the proposal would adversely affect the character and appearance of the Egham Hythe and Staines Conservation Areas. This would be less than substantial harm and at the low end of the scale in terms of the Egham Hythe Conservation Area and the middle of the scale in terms of the Staines Conservation Area.

7.105 The LPA considers that the proposal would adversely impact the setting of listing buildings, and therefore their signficance, and the character and appearance of the Egham Hythe and Staines Conservation Areas. Overall, this harm would be less than substantial harm and should therefore be weighed against the public benefits of the proposal, including securing the optimum viable use of the site, defined as the one likely to cause the least harm to the significance of the asset.

7.106 In terms of weighing the harm against the public benefits of the proposal, the applicant's Planning Statement refers to economic, social and environmental benefits. The Design and Access Statement refers to its high quality design and layout and its compatibility with the local area and the Heritage Statement refers to the provision of a 'landmark building' and the contribution to the regeneration of the town centre.

7.107 In this respect, the economic and regeneration aspects of the proposal, through construction, increased population in the town centre, new commercial opportunities etc would carry moderate weight. The social aspect of contributing to the Council's Housing Land Supply would carry significant weight, although it should noted that Affordable Housing provision is not policy compliant and the Borough has an identified need. The environmental aspects in terms of enhancing the built environment are not supported by the LPA for the reasons set out in this report.

7.108 In weighing the public benefits of the proposal against the harm to the identified heritage assets, the LPA considers that these are insufficient and do not outweigh the harm to the Borough's finite and irreplaceable heritage assets.

Heritage - Non-Designated Heritage Assets

7.109 The Twentieth Century Society, a statutory consultee, Save Britain's Heritage and Surrey Historic Buildings Trust have made representations that the former Debenhams building should be considered as a non-designated heritage asset and Historic England commented that it possesses some architectural and historic interest, stating agreement with the applicant's Heritage Statement in respect of the existing building positively contributing to the setting of the Staines Conservation Area through its *'sympathetic scale, choice of materials and decorative north-west elevation that terminates views along Clarence Street.*'.

7.110 The applicant's Heritage Statement determined that the former Debenhams building was not a non-designated heritage asset, although it is recognised that it holds some significance that should be acknowledged in advance of development. In terms of appraising its significance, the Statement affords it low illustrative historical and low aesthetic value. In considering its contribution to setting, the Statement acknowledges:

'The design, use of complimentary materials and incorporation of Georgian architectural features within the existing building in the Site contributes and enhances the surrounding streetscape. This also enables the former Debenhams building to add definition to the view from Clarence Street in Staines Conservation Area.'

And

'Although the former Debenhams store is a modern development, its sympathetic design and choice of building materials allows the building to enhance and compliment the surrounding heritage assets, particularly those along Clarence Street, in Staines Conservation Area.'

7.111 Historic England's Advice Note 7: Local Heritage Listing – Identifying and Conserving Local Heritage recognises that non-designated heritage assets can be identified through the decision-making process for planning applications as evidence emerges.

7.112 Annex 2 of the National Planning Policy Framework 2021 (NPPF) provides a definition of a heritage asset and Planning Practice Guidance (PPG): Historic Environment further clarifies that heritage assets are either designated or non-designated and that:

'Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.'

7.113 Local Councillors requested that the former Debenhams building be considered for inclusion within the Council's Local List of Buildings and Structures of Architectural or Historic Interest. The Council's Historic Advisor assessed the Debenhams building in accordance with the Council's local listing criteria. The detailed criteria was set out in a report to Planning Committee on 30 March 2022. This report is attached as an appendix. As explained in the report, the applicant provided a response against the local listing proposal, concluding that the Council's assessment was exaggerated and conflicted with the assessments in the Heritage Statement submitted as part of the application.

7.114 Notwithstanding the conclusion of the applicant's Heritage Statement and the representation made to the local listing proposal, the Local Planning Authority was satisfied that sufficient evidence had emerged, as a result of the submission of the proposal, to justify the recognition of the former Debenhams building as a non-designated heritage asset. This recommendation was considered and approved by the Planning Committee at the meeting of 30 March 2022 and the former Debenhams building was added to the Council's Local List of Buildings and Structures of Architectural or Historic Interest.

7.115 The Core Strategy and Policies Development Plan Document (CS&P DPD) recognises that buildings on the local list do not have the same legal protection as designated heritage assets and the text notes that the Council will oppose redevelopment proposals would involve their loss. However, Policy EN5 seeks to preserve the Borough's architectural and historic heritage by encouraging the retention of buildings of local architectural or historic interest and seeking to ensure that their character and setting is preserved in development proposals.

7.116 The applicant's Heritage Statement recognises a degree of value to the former Debenhams building and the Design and Access statement (DAS) incorporates a section in relation to the potential conversion of the existing building.

7.117 The DAS states that in this case, the building footprint does not lend itself for successful redevelopment for residential use. The depth of the floor plate would not support a traditional corridor layout and is not deep enough to support an atrium type solution. A further constraint of adapting the existing building is that the current facades are located on the back of pavement and tight to legal boundaries, together with excessive retail floor to floor heights.

7.118 Whilst the Local Planning Authority (LPA) considers that the building would offer opportunities for innovative and imaginative conversion and the Planning Practice Guidance acknowledges that conservation requires a flexible an thoughtful approach, the applicant, whilst encouraged to retain the building, concluded that:
'a comprehensive redevelopment of the building was the preferred option'.

7.119 In respect of the consideration of non-designated heritage assets, paragraph 203 of the NPPF states:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

7.120 The Heritage Statement considers that the non-designated heritage assets (NDHA) are generally of low value, with the exception of 1 Clarence Street which is considered to be of considerable value. In the Statement of Significance at s7.6 of the Heritage Statement, the NDHA's within the High Street are considered to enhance its setting and historic character, however other NDHA's are not referred to, with the exception of the former Debenhams building that has not been revised since its inclusion within the local list.

7.121 The value of the non-designated heritage assets has been assessed in their inclusion within the Local List of Buildings and Structures of Architectural or Historic Interest, with their significance being derived from not only their physical presence, but their settings.

7.122 In the case of the former Debenhams building, its total loss as a result of the proposed demolition to accommodate a new building would represent a considerable impact and the complete loss of its significance. The LPA has identified other locally listed buildings whose settings are considered to be impacted as a result of the proposed development:

- 26 High Street (former Angel public house) is opposite the site and comprises three storeys, remodelled in the 1920's.
- 28-30 High Street is opposite the site and comprises four storeys with two stone-coped gables dating from 1879.
- 56-62 High Street located east of the site, on the north side of the High Street and comprises a three storey building dating form 1899.
- 91- 93 High Street is located to the east of the site on the south side of the High Street comprises a late nineteenth/early twentieth century three storey building
- 65-67 High Street located to the east of the site on the south side of the High Street an comprising a circa 1920/30's three storey purpose built bank building.
- 1-3 Market Square Conservative club is located to the west of the site, on the east side of the Market Square comprises a two storey building dating from 1887.
- 5-7 Market Square is located to the west of the site, on the east side of the Market Square and comprises a two and a half storey building dating from the late nineteenth century.
- 1-9 Clarence Street located to the west of the site, on the north side of Clarence Street and comprises a three storey building dating from the early nineteenth century.
- 2-8 Church Street is located to the west of the site, on the south side of Church Street and comprises a two storey terrace early nineteenth century building.

- 14 Church Street (Hobgoblin public house) is located to the west of the site, on the south side of Church Street and comprises a two storey building dating from the early nineteenth century.
- 29-31 Church Street is located to the west of the site, on the north side of Church Street and comprises a two storey terrace early/mid nineteenth century terrace building.

7.123 It is acknowledged that the degree of harm to the significance of these non-designated heritage assets would carry less weight than designated heritage assets and the scale would therefore be low. However, the LPA considers that the proposed development would represent heritage harm and it is therefore necessary to take this into account in determining the application.

Affordable Housing

7.124 Policy HO3 of the CS&P DPD requires up to 50% of housing to be affordable where the development comprises 15 or more dwellings. The Council seeks to maximise the contribution of affordable housing from each site having regard to the individual circumstances and viability, with negotiation conducted on an 'open book' basis.

7.125 The applicant originally sought the flexibility to provide either a market sales or a Build-to-Rent (BtR) development, but during the review of the applicant confirmed the intention to proceed with a BtR proposal. Build-to-Rent is a distinct asset class within the private rented sector and has been defined in the NPPF glossary to simplify its treatment within the planning system.

7.126 The NPPF states that affordable housing within BtR schemes should be provided in the form of affordable private rent, a class of affordable housing that is specifically designed for BtR and should be managed collectively by a single BtR landlord.

7.127 The NPPF further states that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided and maintained in perpetuity in BtR schemes. However, the PPG does allow for a different proportion if this can be justified this using evidence from their local housing need and set out in their local plan.

Whilst the Council's affordable housing policy does not specifically refence BtR, the Council has a clear and identified local housing need and the policy requirement is considered to be relevant to this proposal, subject to its financial viability.

7.128 The applicant's initial Viability Assessment submitted with the application concluded that the scheme was unable to provide a policy compliant level of affordable housing. However, the applicant's assessment demonstrated that 23 affordable units (10%) would generate a Residual Land Value (RLV) of £2,392,000 and whilst less than the Benchmark Land Value contained in the assessment was considered acceptable.

7.129 The assessment also considered the scheme on a BtR basis, maintaining the level of affordable housing, consistent with the market sales appraisal but,

with a reduced level of developer profit in order to maintain the Residual Land Value at a similar level to the market sales scheme.

7.130 The applicant has subsequently revised the BtR viability assessment and this has shown that the provision of 27 affordable units (12%) would be viable. These would be a mix of sizes (10 x 1B1P, 10 x 1B2P, 6 x 2B3P and I x 1B4P) and located throughout the two towers.

7.131 The Council's independent viability advisor reviewed the original assessment submitted and found that it did not support the inputs, inviting the submission of further evidence. In respect of the revised viability assessment the Council's independent viability advisor remains of the opinion that the proposal could generate a policy compliant affordable housing contribution of 50% whilst remaining viable.

7.132 The parties do not agree on the capital value of both the BtR and affordable housing, construction costs, allowances and benchmark land value. In addition, there has been no provision of a review mechanism within the applicant's submission, which is considered to be particularly relevant given the proposed tenure and does form part of the emerging Local plan policy on affordable housing.

7.133 The Council's Strategic Housing Officer was consulted on the application and noted that the proposal was not policy compliant, but recognised that a viability review would be undertaken.

7.134 The Strategic Housing Officer also advised that there has been very limited affordable provision delivered in Staines town centre, and that it is important for social cohesion that the delivery of affordable housing is as evenly distributed across the borough as possible. The location of the site would be well situated for access to employment opportunities, public transport and healthcare services and delivery of affordable housing at the site would allow local residents to remain in the local area should they wish to, so that they can remain part of their community and close to existing support networks. The current overriding requirement is for two bedroom properties, particularly 2 bed four person units so that families have the natural space to grow as opposed to needing to move as soon as their family grows.

7.135 It is therefore considered that having regard to the circumstances of this site and the specific scheme submitted, the proposal fails to meet the requirements of Policy H03 and paragraphs 62 and 63 of the NPPF in relation to the provision of affordable housing.

Highway issues

7.136 Strategic Policy SP7 of the Core Strategy and Policies Development Plan Document (CS&P DPD) states that the Council will reduce the impact of development in contributing to climate change by ensuring development is located in a way that reduces the need to travel and encourages alternatives to car use. It will also support initiatives, including travel plans, to encourage non-car based travel.

7.137 Policy CC2 of the CS&P DPD states that the Council will seek to secure more sustainable travel patterns by only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account:

(i) number and nature of additional traffic movements, including servicing needs;
(ii) capacity of the local transport network;
(iii) cumulative impact including other proposed development;
(iv) access and egress to the public highway; and
v) highway safety

7.138 Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.139 The proposal is located within the town centre and the County Highway Authority (CHA) has stated that the site is in a very sustainable location with access to train and bus opportunities for travel further afield, as well as having significant facilities and amenities within walking/cycling distance. As such, the opportunity for using an alternative to the private car is increased.

7.140 The applicant's Transport Statement (TS) considered existing travel characteristics and traffic generation from the development. The TS uses Trip Rate Information Computer System (TRICS) to model the anticipated trip generation form the development.

7.141 TRICS is a database of trip rates for developments used in the UK for transport planning purposes, specifically to quantify the trip generation of new developments.

7.142 The data provided shows that the site is forecast to generate 24 two-way vehicle trips in the am peak and 38 in the pm peak, with 322 weekday traffic movements overall. As a result of the low level of peak hour traffic generation predicted, the applicant did not consider that detailed analysis of the traffic impact of the proposed development on the local highway network would be required.

7.143 The TS also reviewed the personal injury collisions, that indicated a single collision on the A308 north-west of the site resulting in a slight injury and two collisions at the signal junction (Elmsleigh Road/Thames Street) resulting in a serious injury and three slight injuries. The TS therefore concluded that there are no highway safety issues in the vicinity that would be exacerbated by the proposed development.

7.144 The Draft Strategic Highways Assessment (2022) which forms part of the Council's evidence base for the Emerging Local Plan states that its purpose is to assess the transport impacts of the site allocations..

7.145 The junctions within the town centre around the site have been identified a having a stable flow, with the majority of junctions having available capacity or minimal vehicle delays.

7.146 The assessment has determined that the additional trips generated by the emerging Local Plan do not result in changes to a significant number of junctions in terms of the level of service.

7.147 The applicant has considered junction capacity and concludes that the junction would operate with practical reserve capacity both without and with the development in place. The impact of proposed development traffic would be a minimal reduction in operating capacity.

7.148 The CHA's consultation response considers that the existing site would have generated a significant amount of traffic and that due to the large catchment area and the anticipated high footfall, there would be an overall reduction in trips due to the closure of this site. The CHA is also satisfied that although the proposed trip rates are low the exercise is robust, as it takes no account of any traffic generation associated with the former use of the site, or the reduction in car parking ratio proposed for this development and uses data obtained from the TRICS database. The CHA is also satisfied that the proposal would have no significant impact on the local highway network.

7.149 The CHA concludes that the proposed development would be acceptable in highway terms considering that the existing site would have generated considerable traffic to local car parks. In comparison, the proposed development would generate an average of less than one vehicle per minute and this is therefore not anticipated to have a significant impact on the surrounding highway network.

7.150 The LPA considers that by including London sites within the TRICS data set, this artificially reduces the number of vehicular trips and when only considering town centre and edge of town centre sites the forecast trip generation for the am and pm peaks would be slightly higher than suggested. However, it is acknowledged that with reduced parking the trip generation would be relatively low.

7.151 The LPA also considers that the CHA has no evidence to support the former Debenhams site generating a significant amount of traffic, whether it was specific to the site or linked/secondary trips and therefore cannot support the assumptions that have been made in this regard.

7.152 However, the CHA has confirmed that it is satisfied that the traffic generation from the proposed development would not have a significant impact on the highway network or the junction capacity and has raised no objection subject to conditions, on this or highway safety grounds. It is important to note that the test for the NPPF for impact on the highway network is whether the residual cumulative harm is severe and in terms of highway safety the test is ' unacceptable impact.' In this instance these tests are met and therefore the proposal is acceptable in relation to traffic generation and highway safety grounds.

<u>Parking</u>

7.153 Policy CC3 requires appropriate provision for off-street parking in development proposals, having regard to a number of defined criteria. The NPPF states that the planning system should actively manage patterns of growth to support sustainable transport objectives, focusing significant developments in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

7.154 Under the requirements of the Council's Parking Standards SPD (2011) the proposed development would require 313 parking spaces, or 307 were the 27 units of affordable housing offered by the applicant to be secured, based on the following standards:

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

The applicant has indicated that the development would provide 151 parking spaces within the development.

7.155 On 20 September 2011 the Council's Cabinet agreed a 'Position Statement' on how Policy CC3 should be interpreted in the light of the Government's then recent parking policy changes. The effect of this is that the Council will give little weight to the word 'maximum' in relation to residential development when applying Policy CC3 and its residential parking standards will generally be applied as minimum standards (maximum parking standards continue to be applicable in relation to commercial development). The supporting text to the Council's Parking Standards Supplementary Planning Guidance (SPG) stipulates a number of important exceptional situations where a reduction in parking will be allowed. One of these situations includes town centre locations:

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

a. Distance from public transport node i.e. main railway station, bus station, main bus stop;

b. Frequency and quality of train service;

c. Frequency and quality of bus service;

d. Availability and quality of pedestrian and cycle routes;

e. Range and quality of facilities supportive of residential development within a reasonable walking distance (or well served by public transport) e.g. retail, leisure, educational, and possibly employment."

7.156 The National Design Guide states that patterns of movement for people are integral to well-designed places. They include walking and cycling, access to facilities, employment and servicing, parking and the convenience of public transport. They contribute to making high quality places for people to enjoy.

They also form a crucial component of urban character. Their success is measured by how they contribute to the quality and character of the place, not only how well they function.

7.157 The NPPF advises at paragraphs 110 and 111 that:
'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

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

And that:

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

7.158 The applicant's Transport Statement (TS) states that the car parking, provided only for the residential use not the commercial, is proposed at basement, ground floor, and mezzanine levels with a total of 151 space. Access would be controlled through an access barrier at ground floor level within the site. It also refers to 4 initial parking spaces, up to a maximum of 10, being reserved for a residents' car club provided at the development.

7.159 The TS suggests that a reduction in residential car parking provision is clearly appropriate in this location on the basis that Staines is the principal town centre serving North Surrey and the site is within an easy walking and cycling distance of both the bus station and the rail station, with frequent daily services available from both stations to major destinations. The TS further indicates that there is a range of supportive facilities within a reasonable walking distance of the proposed development, with numerous retail facilities being available on the High Street and at the Elmsleigh and Two Rivers shopping centres, in addition to leisure facilities, local schools and local employment areas.

7.160 It further identifies that the proposed car parking provision represents a ratio of 0.67 spaces per dwelling which is similar that provided at the nearby Charter Square development. As a further parking restraint measure, the applicant would be willing to enter into a legal agreement with the Council that would prevent future residents of the development from obtaining a parking permit for any of the Controlled Parking Zones (CPZs) within the Borough.

7.161 Of the parking provision proposed the applicant initially sought to provide 20% of the spaces (30) to be installed with fast charge sockets (7.5kW) for electric vehicle charging, with a further 20% of the spaces provided with power supply to provide additional fast charge sockets in the future. However, the applicant has confirmed that this can be revised to 100% in line with CHA's requirements set out in the revised parking guidance (September 2021) and could be covered by a planning condition.

7.162 The TS identifies one cycle parking space per dwelling equating to 226 cycle spaces. These spaces would be provided in a secure and sheltered location at the ground floor level, with access provided from the Thames Street frontage. The cycle parking area would also include a space for a workshop to allow residents to carry out cycle repairs/maintenance and a kitchen area to allow cyclists to socialise.

7.163 The County Highway Authority (CHA) responded in respect of parking noting that both Surrey County Council (SCC) and Spelthorne Borough Council (SBC) parking standards recommend a reduction in parking provision for residential development in sites close to town centres, public transport, education and employment land uses.

7.164 The CHA recognises that the proposed 151 car parking spaces is substantially less than the quantity recommended by Spelthorne Borough Council's Parking Standards. However, given the proximity of the proposed redevelopment to sustainable transport modes, the mixed-use nature of the redevelopment, and the type of residential units being proposed (flats), the CHA's approach is to promote and encourage reduced parking provision to reduce car dependency.

7.165 The CHA has identified that the car ownership census data for the site suggests that 35% of flats in the vicinity of the development do not have any vehicles associated with them, although 10% have more than one vehicle. Therefore, the CHA has assessed that the parking level would be appropriate and that there are sufficient parking controls in the vicinity of the site to control indiscriminate parking that might interfere with the free flow of traffic or give rise to highway safety concerns.

7.166 The Local Planning Authority (LPA) notes that the proposal incorporates 46 tandem spaces, 92 spaces in total of which 4 would be for the car club vehicles. These spaces cannot reasonably service more than one unit and therefore realistically the total number of spaces available for the development would be 105 representing a 0.46 ratio (46% provision). The applicant seeks to justify this reduction through the resident's use of the car club. Whilst this may offer an alternative to residents, it should be noted that neither the LPA, nor the CHA is satisfied that the car club will be viable or sustainable because of its private nature, although if secured for a 5 year period is likely to add to the viability of publicly accessible car clubs.

7.167 Both SBC and SCC acknowledge the opportunity for reduced parking provision in sustainable locations, although the SCC Guidance notes that:

'This guidance is intended to be flexible and used as considered appropriate by the 12 LPAs across Surrey. This is to ensure that parking requirements can be completely tailored by the LPA to suit the unique circumstances of any given development proposal in accordance with its location.'

7.168 The site is located in Staines town centre in close proximity to public transport opportunities and both the bus and train services, although operated by third parties, are frequent and of good quality. The site location is considered to be sustainable in terms of access to facilities and the unit sizes are small (one and two bed) although not specifically designed for single person occupation. The provision of reduced parking levels is therefore acceptable in principle, in terms of the Council's Parking Standards SPG, and the use of census data as justification has been accepted in respect of similar schemes in Staines. Notwithstanding that the proposed car club scheme is considered to be flawed, were it secured in the short term, it would offer some mitigation for the additional reduction as a result of the tandem spaces.

7.169 It is also important to note that a scheme providing only 0.23 car spaces per unit was allowed at appeal at the adjacent Elmsleigh Road and Masonic Hall site. The Inspector noted that the appeal site is very accessible and shops, services and public transport options are within easy walking distance and considered the proposal would fall into the categories of schemes where standards could be reduced in accordance with the Parking Standards SPG. He also noted that it would fall within criterion (b) of Policy CC3 of the Core Strategy where the level of car parking provision can be considered having regard to the scope for encouraging alternative means of travel to the development that would reduce the need for on-site car parking, particularly relevant in areas well-served by public transport.
The Inspector concluded that the level of parking provision was appropriate for the proposed development and that Policy CC3 of the Core Strategy was met, with no harm to the living conditions of the occupants of nearby properties with regard to potential car parking that may occur as a result of the proposed development.

7.170 The LPA is satisfied that the level of parking proposed, for both vehicles and bicycles, and the provision of 100% EV charging points would be acceptable.

<u>Travel Plan</u>

7.171 The applicant's submitted Travel Plan (TP) states that its primary aim is to minimise single occupancy car trips associated with the proposed development, by promoting and encouraging the use of more sustainable alternatives among residents and visitors.

7.172 To support this the TP seeks to:

- Achieve widespread awareness of the Travel Plan and its constituent measures amongst residents of the development;
- Ensure the site is accessible to all and that it responds to the needs of vulnerable groups such as those with mobility problems;
- Increase awareness of available non-car travel options;
- Promote smarter living practices which reduce the need for residents to travel;

- Encourage the use of sustainable modes of travel, such as cycling, walking and public transport, rather than using the private car, with a resulting decrease in the number of vehicle trips;
- Encourage the most efficient use of vehicles;
- Promote the health, social and environmental benefits of sustainable travel; and
- Minimise the impact of the development on the environment through a reduction in transport based pollution, congestion, and CO2 emissions.

7.173 The sustainable transport opportunities and measures identified in TP comprise:

- Providing information about the local transport network, particularly sustainable travel options, to all prospective purchasers and renters;
- Providing each household, on first occupation, with a Welcome Travel Pack detailing sustainable travel options.
- Providing 226 cycle parking spaces;
- Provision of up to 10 Car Club vehicles. Four Car Club vehicles to be provided from the outset, with up to eight additional vehicles provided as demand increases;
- Encouraging residents to car share; and
- Providing a minimum of 20% of the parking spaces provided with a fast charge socket for electric vehicle charging, with a further 20% of spaces provided with power supply and a feeder pillar permitting future connection.

7.174 In reviewing the opportunities and measures of the TP, the LPA considers that:

- The provision of information at the initial stage, whilst welcome, offers little tangible benefit to securing the use of alternative modes of transport.
- The Welcome Pack is a simplistic measure, out of touch with modern communication advancements and only offers third party information. Whilst it offers the potential for the consideration of alternative modes of transport, it does little else.
- The provision of cycle parking is a requirement of the Council's SPD: Parking Standards and the proposal would only provide the minimum requirement. Whilst it is acknowledged that the applicant is seeking to provide supporting facilities to encourage cycle use, there is no justification that this measure would provide any additional support for the aims and objectives of the TP or anything beyond the minimum requirements.
- The provision of a club car scheme would provide some mitigation in respect of the reduction of parking levels and would offer an additional alternative to car ownership for some residents. There is evidence that providing access to a car club at an early stage has the potential to change people's attitudes to car ownership and alternative modal choices. However, as a private scheme for the development it is unlikely to achieve a critical mass to make it viable for an operator. The provision of 4 vehicles initially is considered to be over optimistic and unlikely to be achieved. In addition, the likelihood of 10 being provided at this site completely unrealistic.

- Encouraging those residents who do own cars and have paid for space within the development to carshare is entirely reliant on third parties and there is no justification or evidence that this measure would provide any additional support for the aims and objectives of the TP or any tangible benefit to sustainable travel choices.
- The provision of EV charging is expected in all residential developments in the Borough and the proposal is compliant with, Surrey County Council advice.

7.175 The Travel Plan states that the initiatives will be supported by the developer for a minimum five-year period from initial occupation of the site, but that if the targets have not been met by year five, then monitoring will continue until year nine. It notes that the County Highway Authority requires an audit fee to contribute to the costs of supervising and auditing the TP for up to nine years after occupation, which the applicant has agreed to pay.

7.176 However, the Travel Plan provides no targets for a reduction in single occupancy trips that would offer any evidence in support of the reduction of parking levels mitigated through alternate modes of transport nor any assessment to the value of proposed measures.

7.177 Whilst the CHA has recommended a condition to secure a Travel Plan with targets, the applicant has concluded that there would be no significant impact on the local highway network from development traffic if Travel Plan targets are not met. Therefore, the proposed development accords with the principles of the NPPF in terms of promoting sustainable transport and there are no reasons for refusal of the application on highway grounds.

7.178 The LPA considers that the TP represents a missed opportunity and fails to offer tangible opportunities to promote and encouraging the use of more sustainable alternatives among residents and visitors beyond the normal planning requirements. However, in line with the NPPF and National Design Guide, the LPA would support the CHA's requirement for a planning condition to promote and encourage the use of more sustainable alternatives to theprivate car.

Private and Communal Amenity Space

7.179 The Council's SPD: Design of Residential Extension and New Residential Development (2011) provides general guidance on minimum garden sizes (Paragraph 4.20). In the case of flats, it requires 35 m² per unit for the first 5 units, 10 m² for the next 5 units, and 5m² per unit thereafter.

7.180 On this basis 1,305m² of communal garden space would be required for the 226 flats proposed.

7.181 The communal garden on the podium level would be 636m². The Design and Access Statement (DAS) indicates that the garden provides a hierarchy of spaces with different scales and degrees of enclosure:

- Private Terraces – provides defensible space to the units at the base of each tower, these spaces would be partially screened using raised

planter edges in combination with a clipped formal hedge. A pergola would provide dappled shade and aid with wind defection.

- Communal spaces -These spaces represent flexible opportunities, using bench and table sets to allow people to access the external landscape to work, eat and socialise.
- Quiet spaces - Integral seating has been provided to the raised beds to allow people to sit amongst the planting. Two seating elements provide flexibility, allowing users to sit, lie and perch within these spaces.
- Toddler play space - A discreet play slide and climbing mound provides play for young toddlers.
- Communal lawn space - provides a flexible open space, mounded to allow for tree growth and broken-down using trees and hedges that provide users a degree of privacy.

7.182 The DAS states that the spaces making up the communal garden on the podium would be enclosed by planting designed to provide year-round colour, form and interest using a large proportion of species from the Royal Horticultural Society (RHS) plants for pollinators list. The incorporation of both small and large trees is intended to provide shade and partially filter views to provide a degree of privacy.

7.183 The DAS further states that:
'…amenity for residents is provided through a mix of private balconies and terraces, as well as external amenity space at first floor level between the two towers. In total, the development proposes 1853m² of external amenity space, well in excess of the policy requirement. The external amenity space is also supplemented by internal amenity spaces on the first floor which front onto the outdoor spaces, providing a further 181m² amenity space for residents.'

7.184 Of the 1,853m² of external amenity space, 1,076m² comprises balconies, and terraces at the podium level. The balconies relate to 133 of the 226 units whilst the terraces relate to 5 units at the podium level and 8 penthouse units.

7.185 The applicant has also provided 181m² of internal communal amenity space comprising 64m² in each tower at the podium level opening onto the podium garden and 49m² within the entrance lobbies at grade.

7.186 The terraces for the 5 units on the podium comprise 164m² whilst the penthouses comprise 384m², which is neither comparable to balcony space, not relevant to the overall calculation of the amenity space provided for residents of this development. As such the LPA has discounted 483m² from the amenity space calculation. In addition, the LPA cannot reconcile the 777m² claimed for the podium level amenity space and has discounted 50m² from this figure. As a result, the external amenity space verified for this proposal is considered to be1,32 0m².

7.187 The SPD guidance refers to garden space and therefore the indoor communal space on the podium level would not count towards this calculation, however, it should be acknowledged that this does provide alternative communal space for residents. The LPA considers the entrance lobbies to be circulation space and too small to offer meaningful amenity space and as such does not recognize any contribution to residential amenity.

7.188 The LPA does not accept the statement in the DAS that the proposal provides *'well in excess'* of the amenity space requirement, however it does meet the requirement of 1,305m² as determined by the calculation for external space of 1,320m², albeit that it provides a mix of communal and private amenity provisions. As such the proposal is considered to address the amenity space requirement set out in the SPD. .

Daylight and Sunlight

7.189 Policy EN1 of the Core Strategy and Policies Development Plan Document (CS&P DPD) seeks to ensure a satisfactory relationship with adjoining properties avoiding significant harmful impacts in terms of daylight and sunlight.

7.190 The Building Research Establishment (BRE) good practice guide 'Site Layout Planning for Daylight and Sunlight' states that for large residential developments*: 'The aim should be to minimise the number of dwellings whose living rooms face solely north, northwest or north east.'* It also states: *'Sunlight in the spaces between buildings has an important impact on the overall appearance and ambiance of a development.'*

7.191 The NPPF states that Local Planning Authorities should refuse applications which are considered to fail to make efficient use of land, taking into account policies in the framework. In this context, when considering applications for housing, local planning authorities are encouraged to take a flexible approach in applying policies and guidance relating to daylight and sunlight, where they would otherwise inhibit making the effective use of a site, providing the resulting scheme would provide acceptable living standards.

7.192 The applicant submitted a daylight and sunlight report in respect of the proposed new building, carried out using the assessment methodology recommended in the Building Research Establishment and the Professional Guidance Note published by the Royal Institution of Chartered Surveyors.

7.193 The report assessed the daylight provision to the lower floors of the proposed scheme, these being those most likely to be impacted. In addition, the report assessed the potential effects of the proposed development on daylight and sunlight to surrounding residential properties, including those on the opposite side of the High Street at nos. 20-26 and 46-54, to the west along the High Street at nos. 53–63 and adjacent at no. 47, as well as those on the opposite side of Thames Street to the south west.

7.194 The report concludes that internal daylight adequacy analysis of the habitable rooms within the scheme demonstrates full compliance with the average daylight factor (ADF) assessment criteria.

7.195 It also found that the neighbouring daylight studies demonstrate that 76% of windows assessed will comply or experience only low adverse reductions only in vertical sky component (VSC) terms and 95% of rooms will comply or experience only low adverse reductions only in no sky line (NSL) terms, which demonstrates that despite reductions in the access to daylight that the amount

of retained light remains at very good levels for the neighbours within the vicinity of the site and commensurate that that seen in typical urban context areas such as this. Overall, therefore the impacts in sunlight terms are considered negligible.

7.196 The Local Planning Authority (LPA) sought independent specialist advice in respect of the report. Daylight & Sunlight Solutions advised that in reviewing the proposed development, a lot of the proposed rooms appeared to be single aspect, and larger, deeper rooms such as combined living/kitchen/diners would require higher levels of daylight.

7.197 It was also noted that no assessment of sunlight to the proposed development had been carried out and no assessment of private/public amenity space had been considered.

7.198 The review concluded that the assessment was of a good standard, but noted that a number of windows at 20-22, 24-26 High Street and Spelthorne House were affected beyond BR 209 recommended guidelines, accepting that most of those affected serve bedrooms and are considered less important than living areas, according to BR 209 guidance.

7.199 The applicant submitted an addendum to the report to address the concerns raised that noted the additional findings for the no skyline (NSL) and room depth criterion (RDC). The NSL assessment illustrates that 77 (95%) out of the 81 rooms assessed would comply with the assessment criteria and the RDC assessment illustrates that all 81 (100%) of the rooms would comply.

7.200 In respect of available sunlight, the addendum notes that there are a total of 31 living rooms within the lowest two floors of the scheme of which 20 will have at least one window facing within 90° of due south.Of the total 31 living rooms around the scheme 21 (68%) of those will comply with both the annual and winter sunlight criteria and a further 1 room (3%) will meet the annual criteria only, resulting in a total of 71% of all living rooms assessed achieving the annual probable sunlight hours (APSH) assessment criteria.

7.201 Of the 20 living rooms with at least one a one window facing within 90° of due south, 17 (85%) of those will comply with both the annual and winter sunlight criteria and a further 1 room (5%) will meet the annual criteria only. Therefore, a total of 90% of all living rooms assessed with at least one window facing within 90° of due south will achieve the APSH assessment criteria.

7.202 The majority of the units comply with the guidance and would provide a satisfactory level of sunlight an daylight. The applicant's daylight and sunlight report also indicates that there would be no significant impact on any of the surrounding residential properties. On planning balance, it is therefore considered that the flexibility identified in the NPPF should be engaged in respect of daylight and sunlight and therefore the provision is acceptable".

<u>Open space</u>

7.203 Policy CO3 of the CS&P DPD requires new housing developments of 30 or more family dwellings, to provide a minimum of 0.1 hectares of open space for

a children's play area, with the size increasing proportionally according to the size of the development.

7.204 The guidance on Policy CO3, indicates that for the purposes of this policy, family housing is considered to be any housing with two or more bedrooms.

7.205 There is no identified shortage of public open space in this part of the Borough (Staines Ward). This is confirmed by the Council's Draft Open Space Assessment November 2019, which is one of the evidence based documents for the new Local Plan. However, the proposal includes 120 dwellings defined as family sized units and accordingly, Policy CO3 requires 0.4 hectares open space to provide a children's play area on the site.

7.206 The proposal is located on a relatively small, town centre site and a public accessible children's playground is not being provided within the scheme. However, the site is located next to the existing Memorial Gardens and riverside Towpath which are considered to be quality public open spaces. The proximity and accessibility to the Memorial Gardens makes improvements viable and relevant, although the site is also within 1km of the Lammas Recreation Ground with its range of facilities for both younger and older children (e.g. playgrounds, skatepark, tennis courts, playing field**)**.

7.207 The Group Head of Neighbourhood Services has requested a sum of £70,000 for improvements to the Memorial Gardens which the applicant has agreed to. This could be secured by an appropriate legal agreement Consequently, it is considered the requirements of Policy CO3 would be met.

Fire Safety

7.208 Following the Grenfell Tower fire on 14 June 2017 the government commissioned the Independent Review of Building Regulations and Fire Safety. The report highlighted the need to transform the fire and building safety regime and recommended that some minimum requirements around fire safety would need to be addressed when local planning authorities are determining planning applications and would require input from those with the relevant expertise.

7.209 Since 1 August 2021, The Health and Safety Executive became a statutory consultee for planning applications that contain two or more dwellings, or educational accommodation, and meet the height condition of 18m or more, or 7 or more storeys

7.210 The applicant is required to submit a fire statement setting out fire safety considerations specific to the development and will support the consideration of information on fire safety matters as they relate to land use planning matter.

7.211 The HSE consultation response notes that the fire statement identifies some departures from the prescribed fire safety guidance:

- The provision of mechanically ventilated corridors separating ancillary areas from the dwellings and single stair means of escape. This is only acceptable for small buildings which is defined in BS 9991. Ancillary

accommodation should not connect with any part of the only escape route from one or more dwelling(s) on the same storey as the ancillary accommodation.

- The applicant has responded that a bespoke fire engineered solution has been proposed which separates the residential staircases from the ancillary areas by mechanically ventilated lobbies The functionality of the mechanical ventilation will be demonstrated through CFD modelling during the detailed design stage and will be subject to Building Control review and approval.

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- The submitted fire statement states that the refuse stores will connect with the final escape routes. BS 9991 identifies refuse stores as places of special fire risk, this would require an enhanced fire protection provision, this is not addressed in the fire statement.

- The applicant has responded that the refuse stores are not directly connecting with the final escape route, but are separated from the final escape route via a mechanically ventilated lobby. The revised Fire Strategy – Ground Floor plan indicates a lobby at tower B and a corridor at tower A.

- The fire statement suggests that a ventilated lobby will be provided to support the single staircases serving the accommodation and the basement car park. This is only acceptable for buildings up to 11 metres in height.

- The applicant has responded that the proposed arrangement is a bespoke fire engineered solution where the staircase serving the residential upper floors is separated from the staircase serving the basement at ground floor by solid construction and the residential staircase will be separated from the basement car park by a mechanically ventilated lobby. The basement plan shows a corridor/lobby space, incorporating the lift access between the stars and the basement car park.

- The HSE notes that these issues will require approval from the relevant enforcing authorities and should these not be forthcoming a redesign may impact on planning considerations of the design and layout of the building.

- Whilst this is acknowledged by the applicants, they argue that CFD analysis is not typically carried at this early stage.

- In addition, HSE also notes that the Fire Statement states that the developer doesn’t know if the existing hydrants are currently useable. While the response “don’t know” is a valid response on the form, this development relies on working hydrants to supply firefighting water to the dry rising mains. Without knowing that the hydrants are useable, the proposal might be relying on a disused water main or faulty hydrant.

- In response to this the applicant states:
  'This has now been confirmed being located within 90m of dry riser inlets and entrance points to the buildings. The Fire Statement will be amended accordingly.'
  The revised Fire Statement, dated 09/02/2022, now states yes to the hydrant being currently usable/operable.

- HSE also point out that the fire statement makes repeated references to computational fluid dynamics (CFD) analysis to support the departures from the standard fire safety guidance. Although this is a common and acceptable resolution, the LPA may wish to satisfy itself that the design assumptions made by the applicant are reasonable and likely to be supported by CFD analysis at the detailed design stage.

- In response the applicant comments that It is not typical to carry out CFD modelling at this early stage as all internal arrangements need to be fixed prior to carrying out CFD modelling. It should also be noted CFD is validation of the proposed system, if CFD for the proposed system is not successful, it is possible to increase extract rates of the system to ensure a better performance where required.

7.212 NB It should be noted that The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 came into force on 1 August 2021 as part of the Government's commitment to transforming the regulatory framework for fire safety in response to the Grenfell Tower fire.

- The HSE also make reference to the car stacker units within the basement car park and the lack of details of this provision in the fire statement, that due to their nature may require enhanced fire safety provisions.

- The applicant has responded that consideration to the car stackers will be provided at the detailed design stage considering the layout of the stacker. The submitted basement plan shows the proposed parking layout for the intended car stacker units within the area of increased headroom.

7.213 The HSE was reconsulted on the applicant's response and has confirmed that it is satisfied with the information provided

Flooding

7.214 Policy LO1 of the Core Strategy and Policies Development Plan Document (CS&P DPD) seeks to reduce flood risk and its adverse effects on people and property. The NPPF states that Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

7.215 The site is located primarily in flood zone 1 which has a low probability of flooding (less than 1:1000), however the south east corner of the site is within

flood zone 2 which represents land having between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% - 0.1%).

7.216 The Council's Supplementary Planning Document (SPD) on Flooding 2012 provides further guidance regarding the Council's policy on flooding. Paragraph 4.4 of the SPD states that because of the severity of flood risk in Spelthorne, the Council's requirements are more stringent than the general requirements of Government policy or the Environment Agency.

7.217 However, Paragraph 4.9 indicates that land within Flood Zone 1 and 2 will be needed to meet housing and other needs.

7.218 Paragraph 4.46 further states that:
'It is important where any new structures are proposed and justified in areas of flood risk that they are designed to avoid the adverse impacts of flood water. Many of the techniques can be applied to existing structures.'

7.219 Chapter 14 of the NPPF sets out how the government intends decision-making authorities to meet the challenge of climate change plus flooding and coastal change. Paragraph 155 sets out how inappropriate development in areas at risk of flooding should be avoided by directing development away from these areas, but where development is necessary, making it safe for its lifetime without increasing the flood risk elsewhere.

7.220 The applicant has submitted a Flood Risk Assessment and Drainage Strategy for the proposed redevelopment in accordance with the requirements of Policy LO1, the NPPF and the associated Planning Practice Guidance.

7.221 The assessment identifies that the residential towers would be significantly elevated above the modelled flood levels, so the residual risk to future occupiers would be minimal.

7.222 The assessment also identifies mitigation measures including a minor ramped access set of 15.80m AOD to be provided at the main site entrance to prevent flood waters entering the basement car parking during an extreme event, the use of flood resilient materials and the raising of electrical circuits above anticipated flood levels in the bike/ workshop area, refuse holding area and plant rooms on the ground floor level.

7.223 The assessment concludes that the site is not at any direct flood risk from flooding associated with fluvial, sewer or groundwater sources, being primarily within Flood Zone 1, with some encroachment of Flood Zone 2 associated with the River Thames.

7.224 The assessment has considered the surface water discharge strategy and a restricted discharge rate of 5l/s for all runoff from the development site has been agreed with Thames Water using the existing connections into the Thames Water storm sewer

7.225 Attenuation is proposed via the use of two below ground storage tanks located beneath the site frontage along Thames Street, adjacent to the eastern boundary, and within the secondary access point off Elmsleigh Road.

7.226 Foul effluent would also be discharged offsite using the existing connections into the Thames Water sewer which has sufficient capacity

7.227 The Environment Agency was consulted and confirmed that the proposal is for development that it does not wish to be consulted on, standing advice applies.

7.228 The Lead Local Flood Authority was consulted and is satisfied that the information provided is satisfactory subject to conditions.

7.229 Thames Water was consulted and advised that with regard to waste water network and sewage treatment works infrastructure capacity, it raises no objection based on the information provided.

7.230 The proposal is therefore considered to have no material impact on flood risk and to be compliant with Policy LO1 of the CS&P DPD.

Renewable Energy

7.231 Policy CC1 of the Core Strategy and Policies Development Plan Document (CS&P DPD) states that the Council will require residential development of one or more dwellings and other development involving new building or extensions exceeding 100 sqm to include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources, unless it can be shown that it would seriously threaten the viability of the development.

7.232 The applicant has submitted an Energy and Sustainability Statement that states it provides a clear and straightforward assessment of the proposed development's sustainability measures.

7.233 The statement concludes that taking into consideration the feasibility of renewable technologies and Low or Zero Carbon feasibility, the proposed strategy for the scheme is:

- Decentralised standalone apartment Air Source Heat Pump (ASHP) Hot Water Cylinders for Residential Apartments.
- Decentralised Point of use electric hot water for amenity spaces.
- Decentralised Mechanical Ventilation with Heat Recovery (MVHR)
- Electric Panel Heaters with thermostat and timeclock control

The statement claims that this strategy will achieve a sitewide reduction of 25% of the regulated energy demand.

7.234 Air source heat pumps are a type of renewable energy technology that take the warmth from the air outside, even when it's cold, and use it to generate heat. Because the air is heated by the sun, the energy that heat pumps produce is still classed as 'renewable', even though the pump itself is powered by electricity which may or may not have a renewable source.

7.235 Apart from heat pumps, heat recovery systems are generally not considered as renewable technologies, however they do allow the energy that is produced to be more efficient.

7.236 The applicant has confirmed that the calculations demonstrate a reduction in energy requirement from the network of 149.8 MWh/yr as a result of the ASHP hot water cylinders, which is in excess of the 10% required by the policy.

7.237 The Council's Sustainability Officer was consulted and raises no objection to the scheme, subject to the imposition of a condition. The proposal is therefore considered to meet the requirements of Policy CC1 of the CS&P DPD.

7.238 There is currently a climate emergency and an urgent need to reduce carbon emissions. The London Energy Transformation Initiative (LETI) has identified that in the UK, 49% of annual carbon emissions are attributable to buildings. Whole life carbon is formed by two key components: Operational Carbon and Embodied Carbon. The council's policy CC1 refers to operational carbon and seeks at least 10% to be provided by on-site renewables, but does not refer to embodied carbon.

7.239 Embodied carbon means all the CO^2 emitted in producing materials. It is estimated from the energy used to extract and transport raw materials as well as emissions from manufacturing processes. The embodied carbon of a building can include all the emissions from the construction materials, the building process, all the fixtures and fittings inside as well as from deconstructing and disposing of it at the end of its lifetime.

7.240 When a building is demolished energy is used to deconstruct it, and remove, process and dispose of the waste. Building a new replacement requires more materials and energy, creating more embodied carbon.

7.241 However, whilst the Institute of Engineers now suggests demolition needs to be avoided and the Royal Institute of British Architects has recently shifted its policy position to favour retention over demolition, there are no current l requirements to meet targets for the reduction of embodied carbon and the Council has no relevant policy.

Ecology

7.242 Policy EN8 of the Core Strategy and Policies Development Plan Document (CS&P DPD) states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by ensuring that 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.

7.243 The National Planning Policy Framework (NPPF) 2021 at paragraph 174 seeks to ensure that both planning policies and decisions contribute to and enhance the natural and local environment.

7.244 It is also important to note the guidance regarding protected species in Circular 06/2005. This states that "*it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision*."

7.245 Surrey Wildlife Trust was consulted and suggested further surveys be undertaken and that a detailed biodiversity net gain assessment to demonstrate a measurable biodiversity net gain. However, the applicant noted that the submitted surveys had already included the surveys for the presence of bats, and the report recommends a Precautionary Working Method Statement, which could be imposed by condition. In addition the applicant notes that the existing building currently has zero weighting in the biodiversity matrix, and the introduction of any additional features, such as vegetation, will be an improvement. As such they consider that a bat survey, desk study and a detailed biodiversity net gain assessment are unnecessary.

7.246 The Council's Biodiversity Officer was consulted and agreed with the applicant's approach.

7.247 Natural England was consulted and raised no objection to the proposal.

7.248 It is considered that the provision of the communal garden at the podiumlevel, with a large proportion of species from the Royal Horticultural Society (RHS) plants for pollinators list, as stated by the applicant, would result in a biodiversity net gain at the site. The proposal would therefore comply with policy EN8 and the NPPF guidance in terms of biodiversity.

Microclimate

7.249 The applicant has submitted a Desk Top Analysis Wind Microclimate Study to provide an assessment of the pedestrian level wind environment for the proposal.

7.250 The study has considered the wind regime for existing and proposed site conditions and incorporates the generic wind climate at the site based on long-term wind statistics.

7.251 The study concludes that the likely impact of the proposed development in the public realm at ground level is such that the wind microclimate will remain suitable for the planned pedestrian uses throughout the site and in the public realm.

7.252 However, it acknowledges that there would be a very localised Major Impact at the corner of High Street and Goodman Place that would require specific wind mitigation measures to be incorporated within the building design. These measures would be such that the residual impact would be classified as Moderate and require no further mitigation

7.253 It also acknowledges that there would be localised Major Impacts within the elevated amenity space that require specific wind mitigation measures. Again,

these measures would be such that the residual impact would be classified as Moderate and require no further mitigation

7.254 An addendum study was submitted to address the impact of the redevelopment proposal for the former Masonic Hall (20/00199/FUL) which was allowed at appeal by the Planning Inspectorate. This addendum study concluded the assessment has shown that the likely impact of the proposed development in the public realm at ground level, with the proposed redevelopment of the Masonic Hall, was such that the wind microclimate would remain suitable for the planned pedestrian uses throughout the site and in the public realm.

7.255 The addendum has further shown that there are no impacts that require wind mitigation measures over and above those included within the scheme and that those at the corner of High Street and Goodman Place would not be required, whilst those incorporated in the elevated amenity spaces continue to be required but will remain effective as proposed.

7.256 The LPA is therefore satisfied that the design is satisfactory in terms of wind microclimate impact.

Archaeology

7.257 The site is located within a designated Area of High Archaeological Potential. The designated area covers the central part of Staines upon Thames, including the High Street.

7.258 The applicant has submitted an Archaeological Desk Based Assessment that identifies the potential for the site to contain buried archaeological remains is high, although the basement construction of the former Debenhams store will have had an impact on the survival of archaeological remains within the northern area of the site. However, it acknowledges that the site may include prehistoric deposits or finds, Roman activity associated with the former town, buried post-medieval soils and structural remains of mid-19th century terraced houses.

7.259 The assessment recognises that further archaeological investigation, in the form of a programme of archaeological evaluation trenching or a watching brief, may be required to establish the presence or absence of buried archaeological remains and, if present, their extent and significance.

7.260 The County Archaeologist was consulted and confirmed that a trial trench evaluation would be appropriate to clarify the nature extent and significance of any archaeology that may be present within the southern area of the site. Basement and floor slabs removal should be subject to archaeological monitoring so that any intact archaeological sequences can be identified which will then inform the scope of the trial trench evaluation.

7.261 Monitoring and evaluation will enable suitable mitigation measures to be developed for the site should significant remains be found. These mitigation measures may involve more detailed excavation of any archaeological

remains, but in the event of a find of exceptional significance then preservation in situ is the preferred option.

7.262 The County Archaeologist has therefore raised no objection subject to the imposition of a condition to secure the required programme of archaeological investigation and any mitigation measures that may be required.

Lighting

7.263 Policy EN13 seeks minimise the adverse impact of light pollution on the environment and ensure that lighting proposals do not adversely affect amenity or public safety.

7.264 The applicant has submitted a Lighting Assessment that addresses the effects resulting from artificial lighting associated with the proposed development and its surroundings.

7.265 The Assessment acknowledges that whilst the application site is located within an urban environment with existing lighting currently installed within and surrounding the application site, the requirement for artificial lighting to support the development indicates that the potential effects from operational lighting without mitigation are likely to be of Moderate significance, based on the components of obtrusive light, all of which could occur unless mitigation measures are implemented.

7.266 Incorporating mitigation measures, a suitable lighting strategy, good design and choice of suitable lighting equipment and the lighting design being carried out by a suitably qualified and competent professional, would reduce the significance of the potential effects.

7.267 Following mitigation, the residual effects are likely to be of minor significance due to the low number of potential receptors, and the containment of light within the application site. Potential glare will be reduced by limiting the inclination angle of the lighting.

7.268 The Council's Environmental Health Officer was consulted on the lighting issue and acknowledged the recommendation to adhere to the Institute of Lighting Professionals (ILE) Guidance for the Reduction of Obtrusive Light (January 2012. Therefore the officer raised no objection subject to a condition.

Waste and recycling

7.269 The applicant's Design an Access Statement (D&A) incorporates a waste and recycling strategy (at section 6.3) which identifies two waste and recycling areas, one under Block A holding 64 x 1,100L bins and 20 x 140L bins, the other under Block B holding 34 x 1,100L bins and 17 x 140L bins.

7.270 The holding bay at ground level has capacity for 49 x 1,100L bins based on the understanding that half of the total 98 bins will be collected every week (49 bins one week and 49 bins the following week.) with bins moved to the collection points by on-site management.

7.271 It states that the residential bin stores would be designed to BS5906:2005 standards and the capacity of the waste storage has been calculated in line with Spelthorne Borough Council (SBC) guidance.

7.272 The strategy further states that the new residential units within the development will incorporate sufficient internal waste storage containers to promote the segregation of recyclable materials at source.

7.273 The Council requires provision for refuse and recycling with a total capacity based on 2 x 240 litre bins per unit (one for refuse and one for recycling) and operates a fortnightly refuse and recycling collection service.

7.274 A separate food waste collection service is operated weekly and all properties require a small 5 litre internal caddy. For every 10 flats the council requires one 140 litre external food waste bin to be provided for residents.

7.275 By using a weekly collection, the proposal does not comply with the Council's waste and recycling policy and the additional collection would have to be undertaken by a commercial contractor at an additional cost to the occupiers of the properties. However, it should be noted that this has been accepted on other sites within the Borough.

7.276 The Council's Group Head Neighbourhood Services has been consulted and following clarifications is satisfied that the applicant has provided an operational justification for the waste and recycling operation and that this will not impact Council collections.

Air quality

7.277 The applicant has submitted an Air Quality Assessment (AQA), as is required by Policy EN3 of the Core Strategy and Policies Development Plan Document (CS&P DPD) which seeks to improve the Borough's air quality and minimise harm from poor air quality.

7.278 The applicant's AQA recognises that the development may lead to the exposure of future occupants to elevated pollution levels, as well as adverse air quality effects at sensitive locations. As a result, the AQA seeks to determine baseline conditions, consider site suitability for the proposed end-use and assess potential impacts as a result of the proposal.

7.279 The AQA notes that there are potential construction phase air quality impacts from fugitive dust emissions as a result of demolition, earthworks, construction and trackout activities. The assessment concludes that the use of good practice control measures would provide suitable mitigation for this development and would reduce potential impacts to an acceptable level.

7.280 The AQA also recognised that potential impacts during the operational phase of the development may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. Dispersion modelling was therefore undertaken in order to predict pollutant concentrations at sensitive locations as a result of emissions from the local highway network

both with and without the development in place. These results were verified using local monitoring data.

7.281 The results of the dispersion modelling assessment indicated elevated pollution levels at residential locations across the first and second floor of the development. As a result mechanical ventilation has been specified for the relevant units to mitigate the impact.

7.282 Overall, the AQA concludes that air quality factors are not considered a constraint to planning consent for the development, subject to the inclusion of the specified mitigation.

7.283 In response to the Council's Environment Health Officer's encouragement to incorporate a centralised intake for the mechanical ventilation at height to mitigate any deterioration in air quality at the facade of the building, the AQA notes that consideration was given to centralised and decentralised systems and it was determined that a decentralised system would be more beneficial.

7.284 The Council's Environment Health Officer has reviewed the submission and recommended conditions and informatives to ensure adequate ventilation for the prevention of poor air quality within the development.

Contaminated Land

7.285 Policy EN15 of the Core Strategy and Policies Development plan Document (CS&P DPD) seeks to ensure that development that may be affected by contamination is safe for the intended use.

7.286 The applicant submitted a Preliminary Ground Appraisal (desk study) report which has sought to assess ground-related contamination and geotechnical risks associated with the proposed development.

7.287 The report concludes that an intrusive investigation will be required prior to redevelopment to assess the issues presented in this report in more detail, however the past use of the site is likely to have resulted in some ground contamination. The risks of contamination require assessment via intrusive investigation to inform a Remediation Strategy. It confirms that the site lies in an area where no radon protection measures are required.

7.288 The Council's Environmental Health Pollution Officer sought clarification in respect of aspects of the report, which were provided, and has recommended conditions be imposed to secure further investigation, together with the provision of a formal Remediation Strategy

Equalities Act 2010

7.289 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

7.292 The development has been designed so that all of the units are accessible and adaptable for disabled people (i.e. M4(2) of the Building Regulations). The proposal would provide 3 of the 151 car parking spaces for disabled users, 1 located in the basement, and 2 located on the mezzanine (2%). It is likey that the construction process, noise, dust and traffic would impact people with protected characteristics. The construction process, including, hoarding lane closures and the temporary loss of the bus stop would impact the bus stop and may therefore impact people with protected characteristics using public transport.

7.293 The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long-term adverse effects on their ability to carry out normal day-to-day activities. This can include but is not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. It is considered that it would be possible for individuals with disabilities to access the development.

Human Rights Act 1998

7.294 This planning application has been considered against the provisions of the Human Rights Act 1998.

7.295 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

7.296 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

7.297 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by

the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

Financial Considerations

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

Planning Balance

7.299 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the provisions of the Development Plan unless other material considerations indicate otherwise.

7.300 The National Planning Policy Framework (2021) (NPPF) indicates that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, the policies in the development plan are to be considered out of date. In such cases planning permission should be approved without delay unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme.

7.301 The NPPF promotes a presumption in favour sustainable development and at paragraph 11 for decision taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date8, granting permission unless:

i. 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
ii. 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.

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7.302 In this case, the LPA has concluded that the proposal would result in heritage harm that is not outweighed by the public benefits, and therefore there are clear reasons for refusing the development proposal and as such the tilted balance is disengaged by footnote 7 of the NPPF.

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7.303 Even if the tilted balance was not disengaged, the LPA considers that the adverse impacts would significantly and demonstrably outweigh the benefits of the proposed development. In considering the weight in terms of the tilted balance, the following ascending scale in terms of weighting has been used – very limited, limited, moderate, significant, substantial.

7.304 The LPA has concluded that the proposed development would introduce heritage harm to both designated and non-designated assets, in particular the character and setting of the Staines Conservation Area and the setting of Listed Buildings within close proximity to the site. This harm is considered to carry significant adverse weight.

7.305 The south-east tower of the building, because of its scale, massing and dominance within the street scene is considered to have an adverse impact on the public use and enjoyment of the River Thames and the Memorial Gardens and is considered to have limited adverse weight.

7.306 The height, design, appearance and density of the of the proposed development in this prominent location, and its resultant impact on the street scene and the wider townscape, is considered to lack both context, local character and identity. This harm is considered to carry moderate adverse weight

7.307 The proposal would provide 226 new homes in an accessible location within Staines Town Centre. Having regard to the need for housing both locally and nationally the provision of housing should be given substantial weight.

7.308 The proposal would also provide some affordable housing which is required in the Borough, however because the proposal is not policy compliant the weight assigned is limited.

7.309 The applicant has identified the economic benefits of the proposal. The proposal would contribute to the wider economy through its construction. The provision of two commercial units would create the potential for new business on the High Street and the housing would introduce the likelihood of increased footfall within the town centre thereby supporting existing facilities. Limited weight should be attributed to this in the planning balance.

7.310 The LPA considers that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits and the application should therefore be refused planning permission.

Conclusion

7.311 With most complex planning applications such as this there are a range of issues which have to be weighed up in the overall consideration of the

proposal. There will be some which add weight in favour of the scheme, some that weigh against it and some may be neutral. It is unusual in schemes of this nature for every aspect of the Council's standards and policies to be fully complied with.

7.312 However, following the review of this application and the information submitted with it, the LPA believes that the tilted balance is disengaged because of the harm to the heritage assets and that this harm is not outweighed by the public benefits of the proposal.

7.313 However, even if the tilted balance were not disengaged, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

8. Recommendation

REFUSE for the following reasons:

1. The proposal, by virtue of the design, height, scale and bulk within the setting of listed buildings and close to the Staines Conservation Area, will cause harm to the significance of designated heritage assets and non-designated heritage assets and fails to protect and enhance the Staines Conversation Area contrary to policies EN5 and EN6 of the Core Strategy and Policies, 2009 and the NPPF 2021 policy.

2. The proposal, by virtue of the it's high density, design, height, scale and bulk within a prominent location, represents an unacceptable overdevelopment of the site which would be out of character with and would have a detrimental impact on the character and appearance of the area. It fails to have due regard to the character and history of the locality, resulting in a development which would not make a positive contribution to the public realm and the River Thames setting, contrary to policies EN1 and EN9 of the of the Core Strategy and Policies 2009 and the NPPF 2021 policy.

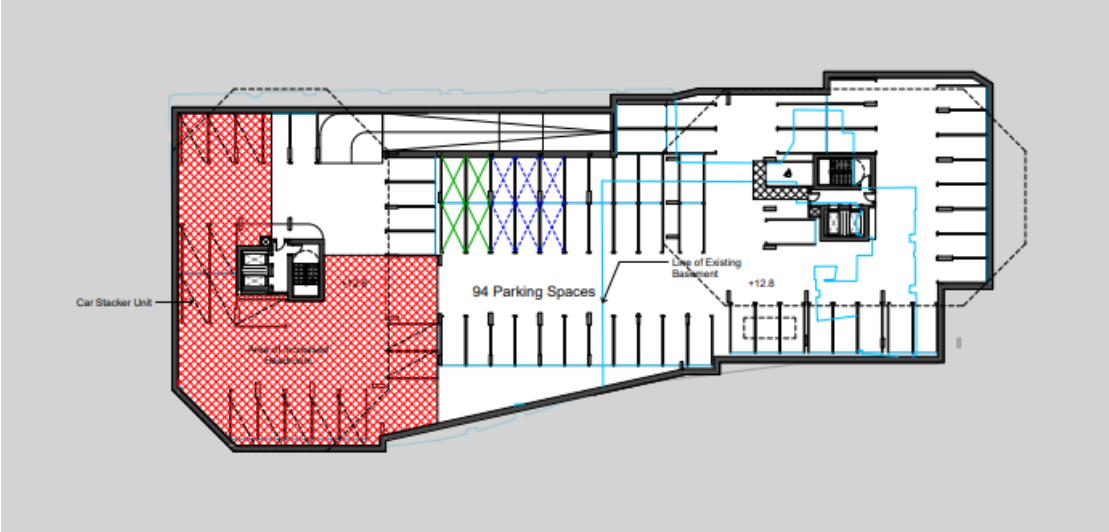
3. The proposal provides insufficient affordable housing to meet the borough's housing needs and has failed to justify to the satisfaction of the local planning authority the level proposed, contrary to policy HO3 of the Core Strategy and Policies, 2009 and the NPPF 2021 policy

Elmsleigh Service Yard Elevation

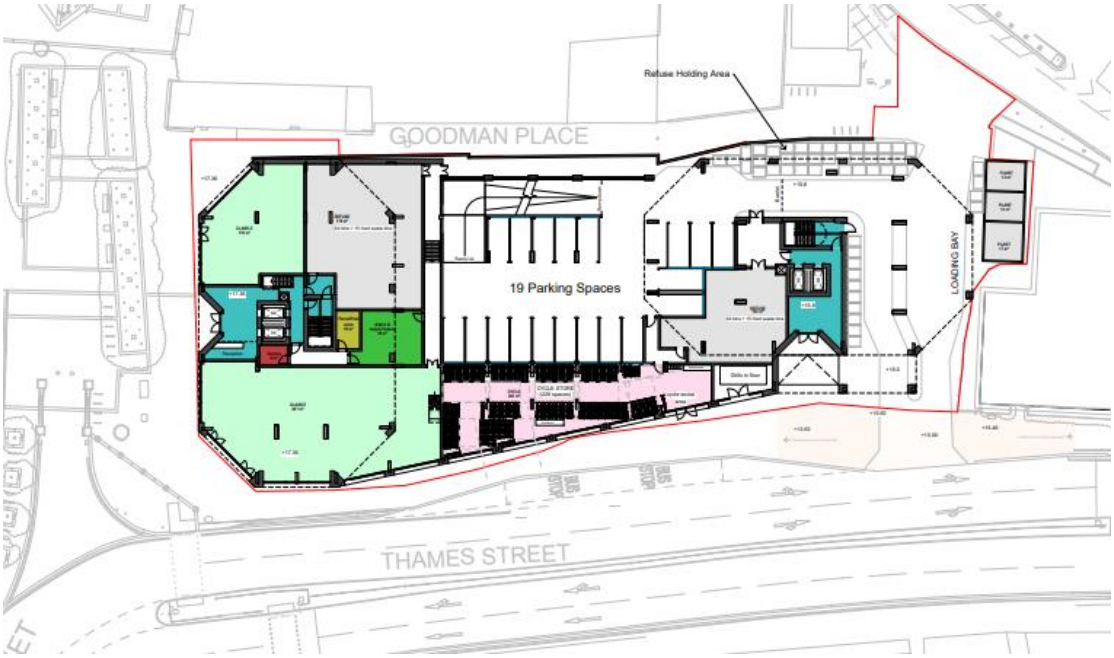
Elmsleigh Road Elevation

Thames Street Elevation

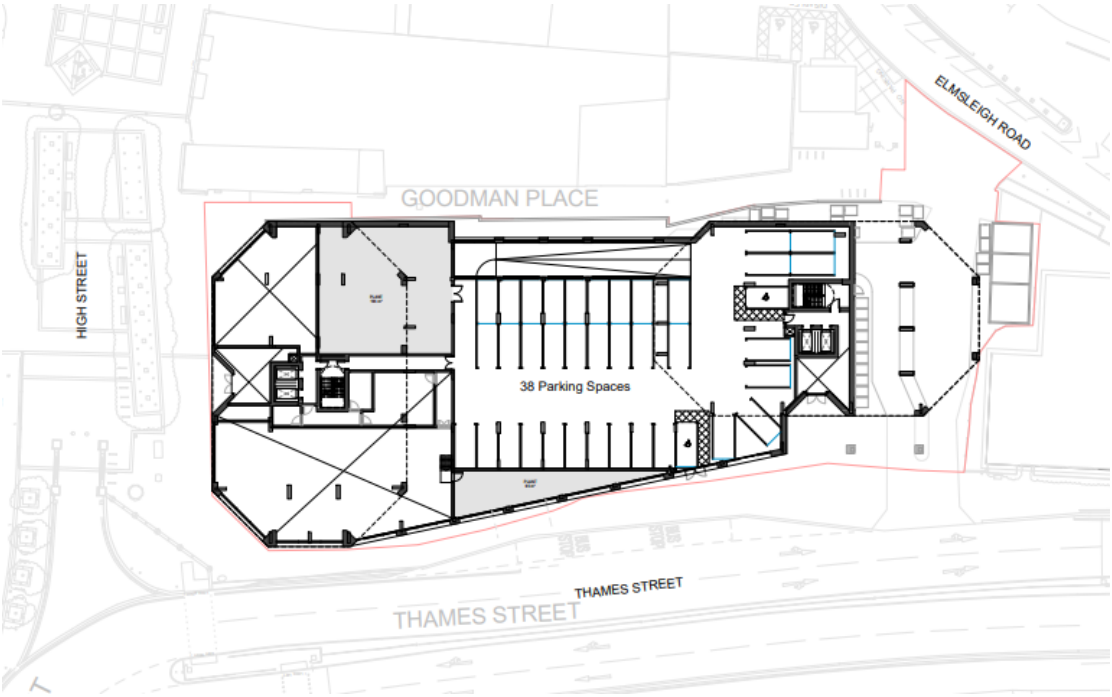
High Street Elevation



Proposed Basement

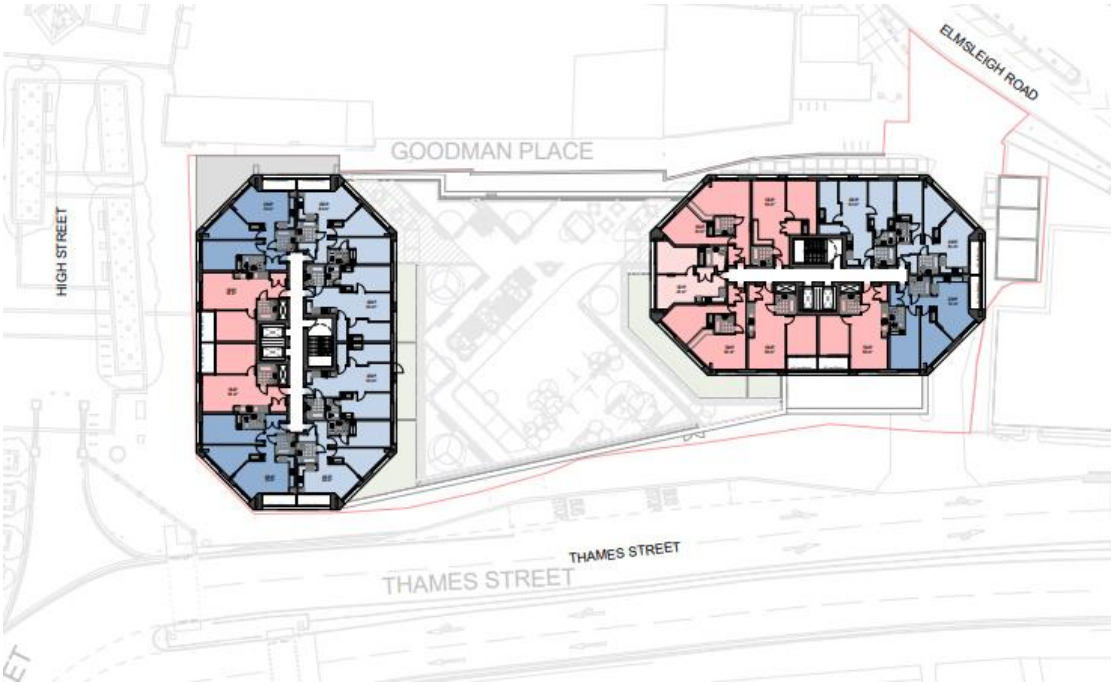


Proposed Ground Floor

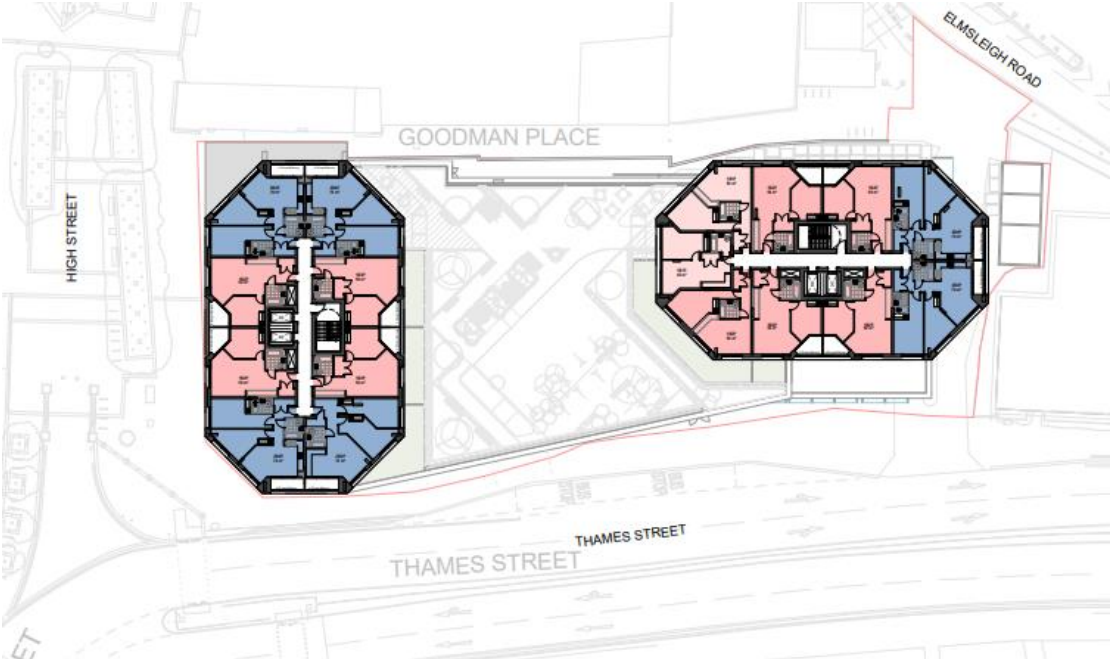


Proposed Mezzanine Floor

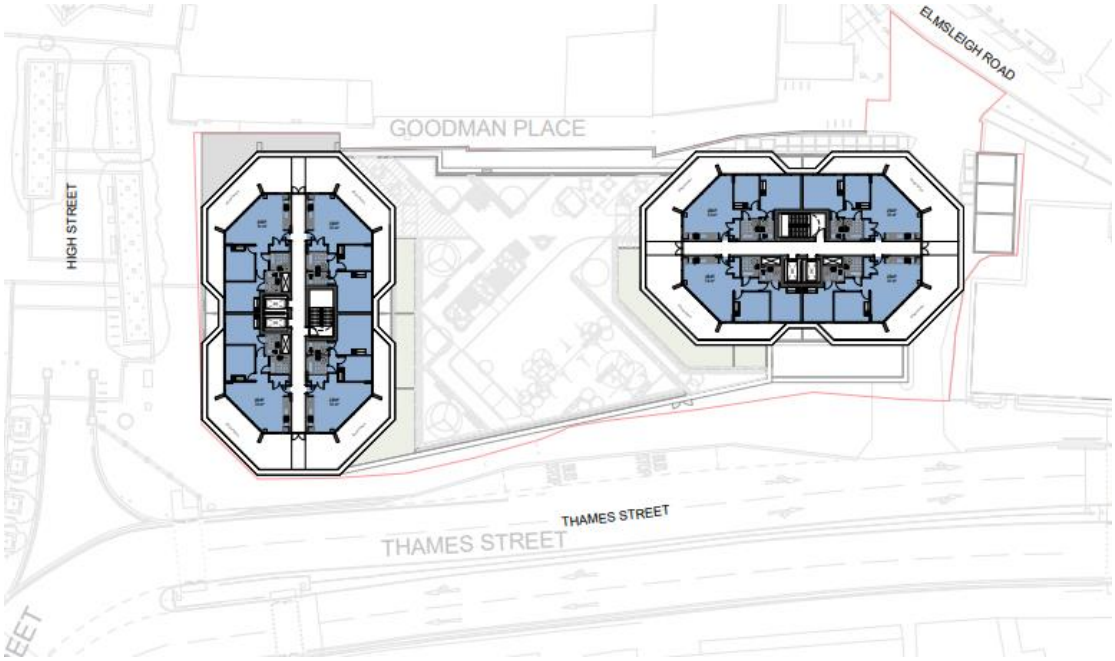
Proposed First Floor



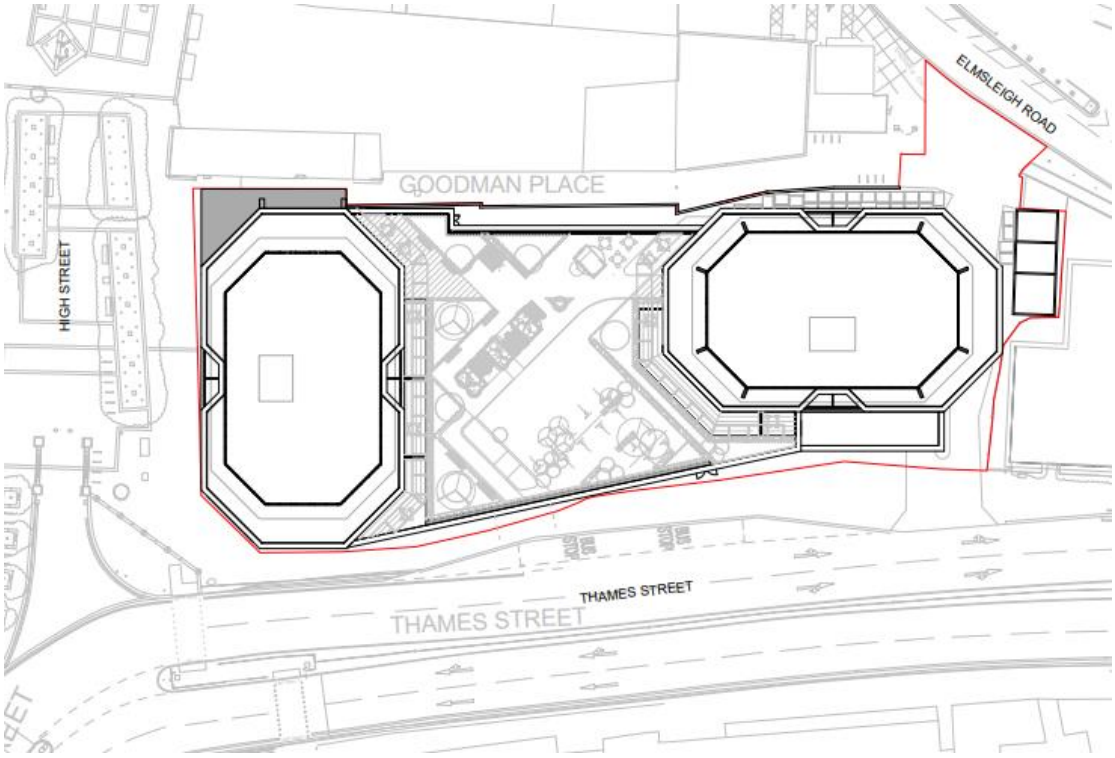
Proposed Floors 2-11



Proposed Floors 12-13



Proposed Floor 14



Proposed Roof

Proposed Podium Communal Garden

Planning Committee

30 March 2022

Title	To consider the Local Listing of the former Debenhams Building, Staines - upon – Thames.
Purpose of the report	To make a decision
Report Authors	Esmé Spinks, Planning Development Manager Russ Mounty, Principal Planning Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Community Environment Service delivery
Recommendations	**Planning Committee is asked to:** Agree the report and add the Debenhams building to the Local List of Buildings and Structures of Architectural or Historic Interest with immediate effect.
Reason for Recommendation	The former Debenhams Building, Staines - upon – Thames has been identified as a building worthy of being Locally Listed.

1. **Summary of the report**

1.1 The report sets out the process of locally listing a building and whether it is considered the former Debenhams Building, Staines - upon – Thames is worthy of being placed on Spelthorne's Local List. The officer recommendation is that the building should be added to the local list with immediate effect.

2. **Background**

2.1 On 19/11/2022 planning application 21/01772/FUL was submitted for the redevelopment of Debenhams for mainly residential purposes. The application details are:

Demolition of the former Debenhams Store and redevelopment of site to provide 226 Build-to-Rent dwellings (Use Class C3) and commercial units (Use Class E) together with car and cycle parking, hard and soft landscaping, amenity space and other associated infrastructure and works.

2.2 This application is currently being processed and will be brought before the Planning Committee for determination in due course.

2.3 The LPA has received a number of comments over the importance of the Debenhams building within the street scape and its historic association with the architect George Coles. On 15 December 2021 Historic England (HE) advised the LPA of its decision on whether to statutory list the Debenhams building. The full response to the request is set out below:

"Historic England has received two applications asking us to assess Debenhams department store in Staines-upon-Thames, for listing. We have also received communications of support for the building's listing from three community groups: Staines Town Society, Riverside Residents (Staines) Coalition and Riverbank Residents, as well as a petition of over 1,000 signatures against demolition. The store closed in 2020 and there are proposals for redevelopment of the site for housing and retail. The building is not in a conservation area and is not locally listed.

Originally built for local department store, Kennards, the building was constructed in two phases between 1956-1957 and 1961-1962. The design was by George Coles (1884-1963), known for his work designing cinemas for the Odeon cinema chain, several of which are listed at Grade II. The Kennards store replaced a number of smaller units on the site to occupy a prominent corner of Staines High Street. Adopting a late neo-Georgian style, it is faced in red brick with stone, or reconstituted stone, dressings and windows are steel-framed multi-paned casements. Externally the building appears little altered, with the exception of a later canopy, signage and renewed entrance doors.

Based on the information provided and with reference to the Principles of Selection (November 2018) and Historic England's Selection Guides, Debenhams, High Street, Staines-upon-Thames, is not recommended for listing for the following principal reasons.

Degree of Architectural interest:

** the building is a late example of neo-Georgian retail architecture and, despite the interest of its architect, is comparable in quality to a very large number of high street buildings of the inter- and post-war period across the country; it does not possess the quality of design, decoration or craftsmanship to mark it of special architectural interest.*

Historic England Reject at Initial Assessment Report 15 December 2021 Page 2 of 2 Degree of Historic interest:

** department stores are an important part of the country's retail heritage, and they are increasingly under threat; however, only those with the greatest claims to interest will merit addition to the statutory List."*

The Council's own historic design adviser did not consider the building met the criteria to be statutory listed and therefore officers did not seek a listing from Historic England.

2.4 As part of the consideration of the current planning application, the Debenhams building is being assessed as a non-designated asset (i.e., a building which has a degree of significance but does not meet the criteria to be statutory listed). Officers have also been assessing whether the building is worthy of locally listing. A number of councillors, local residents groups and individual residents have formally requested for the building to be locally listed. Under the Council's standing orders, this is a matter which requires a decision from the Planning Committee.

3. Planning Considerations

Policy Guidance

3.1 The National Planning Policy Framework (NPPF) defines a heritage asset as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets are of two types: 'designated heritage assets', and 'non-designated heritage assets'. Designated heritage assets are largely designated nationally under the relevant legislation and include listed buildings and scheduled monuments. Non-designated heritage assets are locally-identified 'buildings, monuments, sites, places, areas or landscapes identified by plan making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets' (PPG). There are a number of designated and non-designated assets in Spelthorne.

3.2 Historic England provides detailed guidance on locally listed buildings. It advises that

"*they may be offered some level of protection by the local planning authority identifying them on a formally adopted list of local heritage assets……In deciding any relevant planning permission that affects a locally listed heritage asset or its setting, the NPPF requires amongst other things that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. LPAs should take account of heritage assets and the desirability of putting them to viable uses consistent with their conservation.*

They are also obliged to consider the positive contribution that conserving such heritage assets can make to sustainable communities including their economic vitality. The NPPF contains policies that apply to heritage assets regardless of whether or not they are locally listed. However, local listing provides a sound, consistent and accountable means of identifying local heritage assets to the benefit of good strategic planning for the area and to the benefit of owners and developers wishing to fully understand local development opportunities and constraints. Local listing does not affect the requirements for planning permission. Some buildings can be demolished without planning permission and local listing does not affect that…".

3.2 The Council adopted its local list in February 2004 and it was updated in December 2016. Current adopted planning policy EN5 is responsible for protecting the borough's buildings of architectural and historic interest. Policy EN5 e) states that Spelthorne's architectural and historic heritage will be preserved by:

"d) encouraging the retention of buildings of local architectural or historic interest and seeking to ensure that their character and setting is preserved in development proposals".

3.3 The National Planning Policy Framework (NPPF) advises at para 203 *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

3.4 Guidance on identifying and conserving local heritage is set out in HE's Advice Note 7. The note outlines the importance of the criteria for defining the scope of the local heritage site. The Council's current local list has the following criteria:

(a) Structures of architectural quality

(b) Contributors to the urban scene

(c) Items of historic interest include buildings or structures historically associated with famous people, events or places.

Within sections (a) and (b), there are a number of subsections for further detail and analysis.

<u>Assessment by Council's Historic Advisor</u>

3.5 The Council's Historic Advisor has assessed the Debenhams building in accordance with the Council's local listing criteria. The detailed criteria is set out below together with the advisor's comments (in italic script) on each.

(**a) Structures of architectural quality include**:

i) Buildings or structures of locally perceived quality and character – this item establishes that there must be a place for entries outside any easily definable category. These would need their own special justification.

Setting aside issues of architectural merit and detailing, the former Debenhams Store's location on a prominent town centre corner, its height and mass and curved footprint following the line of Thames Street give it landmark status. It makes a positive contribution to the adjacent Staines Conservation Area and by its form and scale, the setting of numerous listed and locally listed buildings in the vicinity.

ii) All buildings from before 1700 and most buildings from before 1840 – the amount of surviving building fabric would be a material factor. Early origins, if not now clearly expressed in the character of the building, would not in themselves justify listing.

The Former Debenhams Building does not relate to this category.

iii) Substantially complete and well-preserved examples of good 19th Century and early 20th Century buildings (to 1914).

The former Debenhams Building does not relate to this category

iv) Other buildings up to 1950 identified against the criteria – this cut-off date would not exclude more recent buildings if they have sufficient indisputable qualities.

This building was constructed as a purpose-built department store in 1956. The quality of this building largely relates to its form, scale, strong local character and sympathetic design, as recognised by the applicant's Heritage Statement which notes "that it enhances the townscape through its choice of materials and sympathetic design". It was the largest building in Staines town centre at the time.

v) Buildings or structures by notable national or local architects or designers.

This building was designed by London based architect George Coles. It is four storeys in height in fine red brickwork in the neo-Georgian manner plus a prominent ground floor of continuous display windows under a projecting canopy. The main entrance is on the splayed corner of High Street and Thames Street, visible from a distance along Clarence Street.

Its main quality lies in its polite and restrained aesthetic which relates well to the scale and grain of the numerous heritage asset buildings in High Street, Clarence Street, Church Street and The Old Town Hall Square. It makes a major contribution to the special character of the adjacent Staines Conservation area.

vi) Grand domestic buildings and institutions.

The former Debenhams Building does not relate to this category.

vii) Buildings or structures which exemplify craftsmanship in the working of materials or an innovative use of materials or technology.

The former Debenhams Building does not relate to this category.

viii) Un-common building types and styles.

The former Debenhams Building does not relate to this category.

(b) Contributors to the urban scene include:

i) Well designed buildings or structures which frame or characterise valuable vistas and spaces.

This building stands on a prominent site in the centre of the town and forms the corner between High Street, (The former Roman Road) and Thames Street. It is also an imposing element when viewed from the conservation area, Church Street and Clarence Street. Using a strong horizontal form it employs a well ordered neo-Georgian style which is entirely in keeping with the small grain of the surrounding buildings in the Staines conservation area, including the Georgian frontages of Clarence Street. When viewed from The George Public House, it forms a clear group with the Grade II Blue Anchor, Cygnet House, the Old Town Hall, both listed Grade II.*

ii) Building groups, including groups or terraces of identical buildings, which help form an attractive local character.

This building is not part of a group or terrace of buildings of identical character.

iii) Decorative facades which enrich the street scene.

The subtle curve of this building, reflecting Thames Street, and the warm red brickwork and closely spaced windows of Georgian proportion enrich the street scene and the adjacent conservation area.

iv) Buildings with a strong local character being uniquely adapted to their site.

This building is uniquely adapted to the curve of Thames Street and the prominent corner location. It is clearly of strong local character, as identified by the Heritage Statement. It is a major contributor to the setting of the Staines Conservation Area.

(c) Items of historic interest include buildings or structures historically associated with famous people, events or places.

Insofar as the former Debenhams Store was the first purpose-built department store in Stains, built in 1956 for Kennards (a Debenhams subsidiary) and formerly re-named Debenhams in 1973, it displays a degree of local commercial *history.*

3.6 The Council's Design Advisor comments that of itself, the building is not architecturally or historically of exceptional quality. It is however of prominent and landmark interest due to its location, size, and position at the boundary of the conservation area. This of itself does not make it reach the standard required. It is the combination of a number of small factors which, taken together, just brings it to the level required. Such things as urban scale, relating well to other buildings in the vicinity, its pleasing,(if not exceptional) appearance, it being a 'polite' neighbour to the other small scale heritage assets close by, its strategic location on the junction, being designed by a London architect known for his design of large town centre buildings such as cinemas and departmental stores, being purpose built as a department store remaining in that use until last year, the largest building in the town centre in 1956. Individually these items would not qualify but taken together they do, in his opinion, provide a degree of local interest which could now justify Local Listing. The consultees on the planning application to redevelop the site; Historic England, the 20th Century Society and Save Britain's Heritage all agree with this analysis.

3.7 The Historic Advisor comments further that HE's Advice Note 7 makes clear that the receipt of a planning application can legitimately trigger the detailed examination of a building proposed for demolition, as to its suitability for statutory or local listing. The Advisor concludes by stating that in the light of the above, the Debenhams building meets a number of the criteria for it to be included on the Spelthorne's Local List.

3.8 Advice note 7 advises that "*particular attention should be given to responses received from the owners of assets as these will assist in developing future management strategies. Although there is no statutory requirement to consult owners before adding an asset to the local list, inviting comment may provide information that is important for understanding its significance.*

The responsibility for assessing any requests not to list could fall to the selection panel or local authority staff, but it is important that a procedure is put in place for handling requests from owners not to designate, and this procedure adequately publicised."

Applicant's Comments

3.9 Despite there being no statutory requirement to consult with the owner of Debenhams, it was considered best practice to do so. On 14/02/2022, the applicant's planning consultant was advised of the comments made by the Historic Advisor and was given 21 days to respond. The owner's consultant responded and the comments received are set out in full below.

Previous Local Listing Assessments

It should be noted from the outset that local listing exercises were carried out by Spelthorne Borough Council during 2004 and 2016. On both occasions, the former Debenhams store was found not to be worthy of inclusion on the local list. The 2004 Local List of Buildings and Structures of Architectural or Historic Interest document states that expert advice was considered during the preparation of the local list.

It appears from the previous assessments that the Council has been conscious of the importance of setting an appropriate standard which can be consistently applied and is sufficiently broad in the range of architectural or historic importance which is reflected in the list. At the same time it has sought to ensure the standard is not too low and at risk of including structures of more limited quality which might devalue the status of the list.

As the standards have been consistently applied across both local listing exercises, there would need to be justification should an alternative result be concluded in terms of inclusion following the current assessment.

(a) Structures of Architectural Quality:

The Council's assessment states that the building positively contributes to the adjacent Staines Conservation Area as well as the setting of a number of listed and locally listed buildings in proximity.

The heritage statement submitted in support of 21/01772/FUL {proposed redevelopment of the site} acknowledges that the former Debenhams building is in the vicinity of the assets and considers the potential effect of development on the surrounding assets.

The statement concludes that the proposed development will only result in 3 instances of moderate effect and an overall negligible effect on the attributes of the setting of other identified designated and non-designated heritage assets. It is further summarised that the proposed development will have a negligible effect on key viewpoints of the designated and non-designated heritage assets within the Staines Conservation Area and Egham Hythe Conservation Area.

Whilst the former Debenhams Building may be within the vicinity of the Conservation Area, it does not contribute to the special significance of the heritage asset. If the building made a notable contribution to the significance of the Conservation Area, the Conservation Area boundary would have been previously reviewed and amended accordingly to include the buildings.

The local listing assessment states that the building was constructed as a purpose-built department store in 1956. The assessment further states that the building was the largest within Staines town centre at the time of construction. As stated within the Local List of Buildings and Structures of Architectural or Historic Interest document (2004), the presence of an historic fabric is one of the key requirements for listing. As the building was constructed within 1956, it falls outside of the historical cut-off date specified at roman numeral point iv (of part a) (1950) within the Council's assessment.

Although buildings falling outside of the historical cut-off date can still be considered for assessment, their historical significance is not deemed as important as those constructed within the stated historical brackets. The heritage statement prepared to accompany the planning application concludes by stating that the former department store holds low illustrative historical value. It is acknowledged that the building was the largest in the town centre at the time of construction. However, given the recent and emerging development in the town, the massing and scale of the former Debenhams building can no longer be considered significant in terms of the town centre's character. It is therefore considered that the points discussed do not justify the buildings inclusion on the local list.

In considering the architectural merit of the building, viewpoints should be considered from all public vantage points, and not only the Conservation Area. The area to the south east of the site is subject to regeneration, as set out in the Local Plan, and as per the recently approved appeal for the former Masonic Hall site. The south and east elevations of the former Debenhams building are functional, unattractive and are not of merit. These elevations will become more prominent as the potential of the regeneration of adjoining land develops and will have a growing adverse effect on the area, which must be considered.

Furthermore, the criteria states that they can be included, if constructed after the cut-off date of 1950 ‘if they have sufficient indisputable qualities’. The Council’s assessment does not provide evidence of ‘sufficient indisputable qualities’ and makes a generic statement in relation to the form, scale and strong local character and sympathetic design.

(b) Contributors to the urban scene:

The assessment states (at b iv) that the former department store is clearly of strong local character as identified by the heritage statement. It further argues that it is a major contributor to the setting of the Staines Conservation Area.

The submitted heritage statement does not acknowledge the building as having a “strong local character” but concludes that the former Debenhams store holds low aesthetic value. The building has been submitted to Historic England on two occasions to be considered for listing but was deemed unworthy on both instances following initial assessment. One of the main reasons was that the building does not possess the quality of design, decoration or craftsmanship to mark it of special architectural interest. In consideration of the assessments conducted by Historic England on two occasions and the conclusions made within the heritage statement, the former Debenhams store cannot be considered to have a strong local character. Furthermore, it cannot be acknowledged as a major contributor to the setting of the Staines Conservation Area when it is located outside of the area. As noted above, if it were a major contributor to the Conservation Area, the boundaries would have previously been reviewed and amended accordingly so that it was located within the Conservation Area, and/or the building would have been included on the local list.

Also, as noted above, in considering the contribution to the urban scene, the adverse effects of the rear of the building on the urban scene should be acknowledged.

(c) Items of historic interest include buildings or structures historically associated with famous people, events or places:

Although the building was the first purpose built department store in the Staines, this is not of any historic significance.

The Local List criteria and selection process:

As outlined within the local listing assessment, the building meets the requirements of only a limited number of considerations and the degree of compliance with the considerations is questionable. The building is not considered relevant for consideration when assessed against a significant number of the assessment criteria.

As stated by the 2004 Local List of Buildings and Structures of Architectural or Historic Interest document, it is not intended that buildings in every category in the criteria should be included on the list as absolute quality is important. The criteria only provides the basis against which inclusion of a building on the local list is assessed.

Many of the assertions made in the Council's assessment are exaggerated, and conflict with the assessments in the Heritage Statement submitted as part of the application, as well as the previous Historic England reviews and the local listing reviews. It should not be considered that the building meets the basis of assessment for inclusion on the local list.

It is argued that the former Debenhams building does not sufficiently meet either of these requirements to justify a local listing and the Council has not provided any evidence, prepared by a suitably qualified professional, that would support an alternative view to the previous assessments for local listing.

Further comments by Council's Historic Advisor

3.10 In response to the applicant's comments, the Council's Historic Advisor has commented further as follows:

Historic England's Advice Note 7, indicates that the receipt of a planning application may trigger an assessment (or reassessment) of a building's character or contribution to an area. In this case additional information came to light about the history of the building as the first departmental store in Staines in the mid-20th Cent. by the trading forerunner of Debenhams, its townscape scale, its architect, and the fact that it has remained in the same use until very recently is pertinent to any reassessment.

3.11 Under the assessment (a) it was noted that the building is clearly within the visual influence of the Staines Conservation area, made a contribution to the setting of the conservation area and formed a setting for a number of Grade II listed and locally listed buildings in the close vicinity. Its position on a prominent corner enabled its considerable townscape presence to be visible from a number of vantage points within the conservation area. This is supported by Historic England, the 20th Cent. Society and Save Britain's Heritage.

3.12 It is the building's considerable number of minor points of interest which, taken together form a persuasive argument for the Local Listing of this building. Finally, it should be noted that the Council's advisor has extensive qualifications and experience in historic building conservation.

4. Recommendation

4.1 It is recommended that the Debenhams building is added to the Local List of Buildings and Structures of Architectural or Historic Interest with immediate effect.