



Appeal Against Refusal of Planning Permission by Spelthorne Borough Council

Statement of Case

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.

Former Debenhams, High Street/Thames Street, Staines

On behalf of Future High Street Living (Staines) Ltd

November 2022

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1. Introduction

- 1.1 Cerda Planning Limited has been instructed by Future High Street Living (Staines) Ltd to submit this appeal, pursuant to s.78 of the Town and Country Planning Act 1990, against the decision of Spelthorne Borough Council to refuse planning permission for the 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, at Former Debenhams, High Street/Thames Street, Staines.
- 1.2 This Statement addresses the reasons for refusal as identified on the decision notice issued by Spelthorne Borough Council (SBC). Following assessment of the proposals against the policies which SBC conclude that the proposal is in conflict with, other material planning considerations including the application of the 'tilted balance' as required by Paragraph 11(d)(ii) of the NPPF.
- 1.3 A suite of documents was submitted as part of the original application which should be read in conjunction with this Statement. This Appeal Statement is supported by additional evidence comprising the following documents submitted as part of this appeal as appendices to these statements as follows:
- Accurate Visual Representations
 - Conversion Feasibility and Viability Study
 - Knight Frank Yield Advice
 - Avison Young Valuation Addendum
 - Bailey Venning Associates Updated Viability Appraisal and Position
 - Economic Assessment
- 1.4 The drawings for which planning approval is sought are as follows:
- 21115-CW-XX-ZZ-A-DR-0301 Rev P-00 Site Location Plan,
 - 21115-0201 P-00 EX Basement and GF,
 - 21115-0202 P- 00 Ex Mezz and FF,
 - 21115-0203 P-00 Ex second and third floor,
 - 21115- 0221-P-00 Ex elevations,
 - 21115-CW-XX-ZZ-A-0222 P-00 Ex Street elevations,
 - 21115-CW-XX-ZZ-A-0324 P-00 Ex elevation Elmsleigh Road,
 - 21115-CW-XX--A-0338 Rev P-00 Typical Bay - Intermediate (Balcony),
 - 21115-CW-XX-A-0336 Rev P-00 Typical Bay - Intermediate,
 - 21115-CWXX- ZZ-A-0337 Rev P-01 Typical Bay - Tower Top Floor

- 21115-CW-XX-XX-A-0304 Rev P-01 Proposed Site Plan,
- 21115-CW-XX-ZZ-A-0321 Rev P-02 Proposed Elevation A - Thames Street,
- 21115-CW-XX-ZZ-A-0322 Rev P-02 Proposed Elevation B - High Street,
- 21115-CW-XX-ZZ-A-0323 Rev P-03 Proposed Elevation C – North Elevation,
- 21115-CW-XX-ZZ-A-0324 Rev P-00 Proposed Elevation D - Elmsleigh Road,
- 21115-CW-XX-B1-A-0305 Rev P-03 Proposed Basement level,
- 21115-CW-XX-00-A-0306 Rev P-03 Proposed Ground Floor Plan,
- 21115-CW-XX-G1-A-0307 Rev P-02 Proposed Mezzanine Level,
- 21115- CW-XX-01-A-0308 Rev P-01 Proposed First Floor Plan,
- 21115-CW-XX-ZZA- 0309 Rev P-01 Proposed 2-11 Floor Plan,
- 21115-CW-XX-ZZ-A-0310 Rev P-01 Proposed 12-13 Floor Plan,
- 21115-CW-XX-14-A-0311 Rev P-01 Proposed 14 Floor Plan,
- 21115-CW-XX-RF-A-0312 Rev P-01 Proposed Roof Level,
- 21115-CW-XX-ZZ-A-0331 Rev P-01 Proposed Section AA,
- 21115-CW-XX-ZZ-A-0332 Rev P-01 Proposed Section BB,
- 21115-CW-XX-ZZ-A-0335 Rev P-01 Typical Bay - Ground Floor,
- 21115-CW-XX-00-A-0316 Rev P-01 GF fire strategy,
- 21115-0317 Rev P-01 adjacent window mezz,
- 21115-0317 Rev P-01 adjacent window and
- LP2282-FIR-00-ZZ-DR-L-0001 Rev 2 Landscape masterplan

2. Background to the Appeal

- 2.1 This section sets out the background to the appeal from prior to the appellant's purchasing of the site to the current position.

Pre-Application Evolution

- 2.2 Prior to the appellant's involvement with the site, the previous owner undertook pre-application discussions engagement with SBC. The pre-application for the previous owners sought advice for a proposal of 274 apartments in April 2019 and July 2020, based on an emerging allocation.
- 2.3 The Debenhams store closed during January 2021 after a high court ruling and has since remained out of use with no intention or prospect of reopening in a similar retail format. Given its prominence this site should be redeveloped in order to assist in rejuvenating Staines town centre to support both the community and the economy.
- 2.4 As part of a review, the appellant has considered the ability to convert the existing building but did not consider this to be a realistic option to deliver a high-quality living environment with additional concerns regarding the viability of such a proposal. Additionally, the pre-application discussions between the Council and the previous owners had not raised concerns with the loss of the existing building and an emerging allocation sought to support the redevelopment of the site.
- 2.5 Due to the depth and width of the retail floor plates within the existing building, it would be difficult to achieve adequate internal light to the back of apartments but is not sufficiently wide enough to accommodate a suitable lightwell. There are limited opportunities to provide a compliant mix of both parking, internal residential amenity and external amenity. Furthermore, due to the floor to ceiling heights of the retail store and arrangement of the existing windows, it would not make an efficient use of a brownfield site. It was considered a conversion of the building would not be conducive to achieving a high-quality living environment.
- 2.6 The decision was made to pursue a comprehensive redevelopment of the building to secure high quality residential accommodation that could be supported in this town centre location instead of a compromised design based on conversion.
- 2.7 Initial pre-application proposals by the Appellant progressed the proposals of the previous owners and were based on square stepped tower forms with a 6-storey spine linking the 2 blocks. This concept was developed through a number of pre application discussions but the SBC raised concerns that it could not be supported as the density of the proposed scheme

could not be serviced adequately, whilst it considered that the form of the building should respond more to the legacy of the existing Debenhams store.

- 2.8 A review of the proposals results in a focus to concentrate the taller elements to the North and South of the site, with reduced height to the centre providing opportunity for external amenity space between the towers. The rationale behind this was to locate the main elements of the proposal on the key axis to Thames Street, and the key junction of Thames Street, Clarence Street and High Street. The reduced heights to the centre of building would create an open space allowing light to pass through the site from numerous directions, minimising impacts on daylight/sunlight.
- 2.9 The proposal was then further amended to accommodate and respect the key landmark features of the existing store by acknowledging and implementing a similar geometry with an octagonal form.
- 2.10 The proposed number of apartments was reduced to enable the density to be supported by the technical requirements with regard to servicing the building, and the design language was developed to form a stronger architectural response which reflected the materiality and detailing evident elsewhere on the High Street.

Public Consultation

- 2.11 Prior to the submission of a planning application, relevant stakeholders were engaged with during the pre-application process. Relevant stakeholders included:
- Local residents and local business owners;
 - Ward members;
 - Staines Town Society members;
 - Members of Spelthorne Borough Council;
 - Officers of the Local Planning Authority
- 2.12 On 13th October 2021, a meeting with the Staines Town Society took place from 13:00 to 14:30 which was followed by a public exhibition with both events taking place in the Staines Methodist Church. Staines Town Society members and local residents were given the opportunity to gain an insight to the proposals and provide relevant feedback. Questions and answers were provided during both events as to achieve clarity.

Submission

- 2.13 A full planning application for the Demolition of the former Debenhams Store and redevelopment of site to provide 226 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 was submitted to Spelthorne Borough Council on 10th November 2021 and made valid on 19th November 2021. The application was given the reference number 21/01772/FUL. The scheme had taken into account the feedback that had been provided during the application process.
- 2.14 The 13-week statutory determination deadline for the application was 18th February 2022.
- 2.15 The proposals as submitted sought to be able to deliver the dwellings as either Build-to-Rent or for market sale. During the course of the application, the appellant confirmed that they wished to only pursue the option of Build-to-Rent and the Description of Development was updated accordingly.

Consultation Responses

- 2.16 Upon consultation, a number of statutory consultees have confirmed they do not object to the application subject to conditions and/or the provision of further information, these consultees are as follows:
- Plant Protection Team – Cadent Gas
 - Airport Safeguarding
 - Natural England
 - Environmental Health Officer – Contaminated Land
 - Environmental Health Officer – Lighting
 - Sustainability – Renewable Energy
 - Archaeology
 - Police Safety Officer
 - Minerals and Waste
 - Environment Agency
 - Lead Local Flood Authority
 - Runnymede Borough Council
 - Thames Water
 - SCC for Education

- 2.17 The following consultations were addressed through the submission of additional details on 16th February 2022, or further submission:
- Neighbourhood Services Team (Refuse and Recycling)
 - SCAN (Disabled Access)
 - Environmental Health (Air Quality)
 - Highway Authority
 - Health and Safety Executive
 - Spelthorne Daylight/Sunlight Review
- 2.18 Historic England raised concern that this application has not 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. In response, rendered views of the site were prepared and additional consideration was given to the Egham Hythe conservation Area, an amended heritage statement was submitted to Historic England on 16th February 2022. No further consultation response was received.
- 2.19 The 20th Century Society and Save Britain's Heritage objected to the demolition of the existing building.
- 2.20 The Council's Conservation Officer objected to the application. The comments stated the proposals will lead to substantial harm to a non-designated heritage asset through its total loss, therefore negatively impacting the setting of the Staines Conservation which was then in proximity of the site. During the course of the application, the Council made a decision to locally list the building.
- 2.21 The Case Officer also raised concerns/points of clarification with regards to the Transport Statement, Travel Plan, Heritage Statement, Visual Impact Assessment, Ventilation Strategy and the Design and Access Statement concurrently to the above consultation responses. A response was submitted to the Case Officer addressing these concerns.
- 2.22 The Appellant's submitted a viability assessment as part of the application. The Council's appointed assessor disagreed with the original assessment. The Appellant subsequently made two further submissions and sought to engage with the Council and their appointed consultant. A revised viability report from the Council's viability assessor and confirmed that there remained disagreement.
- 2.23 The application was reported to the Planning Committee on 1st June 2022 with a recommendation for refusal. The members resolved to refuse the application, as per the

Officer's recommendation. A Decision Notice was issued on 6th June, citing three reasons for refusal as follows:

'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 Conservation 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 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 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.'

2.24 Statutory and Local Listing, and Demolition

2.25 Following submission of the application, Historic England received a request to consider statutory listing of the former Debenhams store. Historic England undertook an assessment and concluded that the building did not justify statutory listing.

2.26 Following the unsuccessful request for statutory listing, SBC assessed the building to be of the requisite quality to be locally listed and a recommendation was made to the planning committee to locally list the building.

2.27 During the course of the recommendation for local listing, the Appellant submitted a notification for demolition of the building on 28th February 2022. The notification was assigned reference: 22/00299/DEM. The Council provided written notice, via e-mail, within the required 28 days stating that Prior Approval is required in relation to the Method of Demolition. Details of the Method of Demolition were submitted for consideration.

2.28 The Planning Committee passed a motion on 30th March 2022 to approve the Officer's recommendation to locally list the building.

- 2.29 On 10th May 2022 a report went to the Environment and Sustainability Committee seeking delegated powers to agree an updated Staines Conservation Area Appraisal (CAA), undertake a public consultation on the amendments and delegate authority to the Group Head of Regeneration and Growth, in consultation with the Chair and Vice-Chair to approve the final document, taking into the comments, as required. The amendment Conservation Area included the appeal site, as well as a number of other amendments. The committee resolved to approve the revised CAA, consultation and delegated powers. The effect of the amendment was to expand the Conservation Area to encompass the former Debenhams Building.
- 2.30 Following the consultation, to which the Appellant objected to the amendments, on 27th June 2022, a Confirmation Report was issued confirming that the CAA was approved as reported to the committee.
- 2.31 As a result of the inclusion within the revised Conservation Approval. Prior approval for demolition of the building was refused on 1st July 2022.
- 2.32 The Appellant is currently seeking a Judicial Review of the decision to extend the Conservation Area on the three grounds as follows:
- ‘Ground 1: The Defendant acted illegally in making the Decision to extend the SCA; namely the true purpose of including the Building in the extended SCA was to prevent its demolition and redevelopment.*
- Ground 2: The Defendant failed to take into account representations made on behalf of the Claimant.*
- Ground 3: The Defendant’s Officer’s Reports were seriously misleading in that they omitted to mention a number of material considerations.’*
- 2.33 The application for Judicial Review has been made to the courts and is on-going. Notably during the course of those proceedings, the Council conceded that in extending the conservation area, it had not taken account of the detailed representations submitted on behalf of the Appellant at the time of expanding the conservation area; albeit that it retrospectively ratified the decision at a later date once the legal error had been conceded.

3. The Appeal Site and Surroundings

- 3.1 The appeal site is located within the urban are of Staines-Upon-Thames.
- 3.2 The appeal is 0.28ha in size and comprises the former Debenhams store which closed in 2021 and has been vacant since. The existing building comprises of a 4-storey retail unit with a service yard to the South accessed from Thames Street and Elmsleigh Road.
- 3.3 The most relevant planning application history on this site is as follows:
- STAINES/OUT/P1942/4 – Complete remodelling of store with 4 storey building & basement – Granted 21.03.1961
 - STAINES/FUL/P1942/6 - Erection of a four-storey extension to Department Store – Granted 19.06.1961
 - STAINES/OUT/P1942/7 – Rebuilding and extension of department store – Granted 06.02.1963
 - STAINES/FUL/P1942/8 – Complete erection of Department Store – Granted 20.05.1963
 - PLAN N/FUL/74/738 – Erection of a building measuring 110 sq. ft t 3rd floor level to house a stand-by generator – Granted 13.01.1975
 - 00/00837/FUL – Erection of an enclosed fire escape – Granted 15.01.2001
- 3.4 The appeal site is located along the Staines Town Centre Primary Shopping Frontage, on the corner of Thames Street where it meets High Street. The site is within close proximity to two major shopping centres, Elmsleigh and Two Rivers. The River Thames is to the South-West of the site. The immediate surrounding area is characterised primarily by Class E uses with residential uses from the first floor and above.
- 3.5 The predominant building heights in the immediate vicinity of the site range from 1 - 4 storeys; This includes the heights of the buildings in and around the conservation area and of the existing building. The adjacent recently permitted scheme at Elmsleigh Road (2021) provides the context for tall, high density (398 dph) development at 13-15 storeys, within the immediate vicinity of the site. In the wider context, there are a number of developments approved and under construction for proposals up to 13 storeys.
- 3.6 The relevant planning history for the above sites is as follows:
- Former Majestic House Site, High Street/Mill Mead/Fairfield Avenue (now known as the London or Charter Square development) – outline permission (ref: 09/00566/OUT) was granted on appeal in 2011 for 39,750sqm on development comprising Classes B1, C1, C3,

D2, A1-A5. The permission has been subsequently amended in relation to floorspace. Reserved Matters was approved in 2016 and the development is under construction.

- 17-51 London Road ref: 19/00290/FUL – for 467 residential units in buildings ranging up to 10-14 storeys was approved in July 2019.
- Former Masonic Hall. Elmsleigh Road ref: 20/01199/FUL – redevelopment for 206 dwellings allowed on appeal in January 2022 following a refusal against officer's recommendation.
- Phase 1C, Charter Square, High Street – planning application (ref: 20/01112/FUL) for 66 residential units and commercial uses at ground floor was refused against officer's recommendation in July 2021. An appeal has been submitted and the outcome awaited.
- Renshaw Estate, Mill Mead ref: 22/00591/FUL – for 391 residential units in buildings up to 11 storeys has a resolution to approve permission by the planning committee.

- 3.7 Staines town centre is identified in the Core Strategy and Policies Development Plan Document as being a 'Secondary Regional Centre'; the top of the settlement hierarchy within Spelthorne. Thames Street, a main thoroughfare through Staines runs adjacent to the western boundary of the application site. High Street runs adjacent to the north of the application site, and Elmsleigh Road to the South. Abutting the eastern boundary of the site is Elmsleigh Shopping Centre.
- 3.8 The appeal site is located on the western side of the Staines Town Centre and within the recently revised Conservation area.
- 3.9 The majority of the site is located within Flood Zone 1, with a very small section of the site's south-west corner located in Flood Zone 2.
- 3.10 The site can be accessed via sustainable modes of transport; Staines train station is located approximately 606 metres south-east of the application site providing links to central London, and a bus stop is located immediately west of the site along Thames Street. Located in the town centre, the site can be easily accessed on foot. Staines bus station is also located approximately 160 metres to the south-east. The site is therefore a highly accessible one.
- 3.11 The Design and Access Statement (submitted as part of the application) sets out a full appraisal of the site and the surrounding area. The Design and Access Statement also provides a contextual analysis; as well as opportunities and constraints presented by the site characteristics and the surrounding residential development.

4. The Appeal Proposals

- 4.1 The appeal seeks full planning permission for the Demolition of the former Debenhams Store and redevelopment of site to provide 226 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.
- 4.2 The proposed scheme will consist of 226 residential dwellings across the development which consists of 14 storeys plus ground floor rising to a total height of 66.07 metres. The two towers will be connected by a podium provided at level 1 which can be accessed by both buildings. The proposed residential mix is made up of 47% one bed apartments and 53% two bed apartments with no residential dwellings located on the ground floor. Dwellings comprise 189 (84%) market dwellings and 37 (16%) affordable homes. The affordable housing offer comprises the following mix of units: 10no. 1 bed 1 person units, 13no. 1 bed 2 person units, 10no. 2 bed 3 person units, and 4no. 2 bed 4 person units.
- 4.3 The two towers have been positioned accordingly to maximise central amenity space and ensure that residential amenity is to a high and suitable degree. There is a precedent for mixed use development in the surrounding area and the setting and height of the proposal has been set according to the local character and context.
- 4.4 Resident vehicular access to the proposed development would be provided through revisions to an existing vehicular access point onto the A308 Thames Street. Service vehicles will access the site via Elmsleigh Road and will egress the site onto Thames Street. Car parking will be located on the basement, ground floor and mezzanine levels. Additionally, the site can be accessed on-foot via the surrounding footpaths at ground floor level and by bike encouraging sustainable modes of travel within this town centre location. The ground floor frontages fronting on to High Street and Thames Street will be made up of active frontage comprised of retail space and cycle storage.
- 4.5 151 car parking spaces and 226 cycle storage spaces will be provided. The car parking spaces will be divided between the basement, ground floor and mezzanine levels of the proposed development. All of the car parking spaces would be served by electric car charging points.
- 4.6 The scheme will provide on-site amenity space and on-site children's play area. The on-site amenity space will be provided through a combination of outdoor (1853m²) and indoor amenity (181m²). The outdoor amenity provision includes 133 private balconies or terraces.
- 4.7 Refuse stores will be located on the ground floor with a total of 98 Euro bins being provided for refuse and recycling and a further 30 food waste bins. The buildings will be serviced by a refuse lorry that can enter the site via the access point on Elmsleigh Street and egressing via Thames

Street. There are holding bays for bins adjacent to the refuse servicing area where the bins will be located, by management, on collection day.

- 4.8 The drainage strategy will consist of the use of two below ground storage tanks located beneath the site frontage along Thames Street, adjacent to the eastern boundary, and further attenuation will be achieved within the secondary access point off Elmsleigh Road.
- 4.9 With regards to materials, the preferred solution was to adopt a similar colour palette to the existing store building, with the two principal forms reflecting the contrasting brick and stone detailing on the current building.
- 4.10 On this urban site, external space is key to developing a sense of community, wellbeing and health for residents. The creation of a roof garden provides an opportunity for residents to gain direct access to nature.
- 4.11 The garden provides a hierarchy of spaces that have different scales and degrees of enclosure:
- Private terraces
 - Communal spaces for small groups to gather for events
 - Quiet spaces
 - Toddler play space
 - Communal lawn space

Amendments from the Originally Submitted Scheme

- 4.12 During the determination of the original application, a number of amendments/additional details were submitted in response to comments received. These are summarised as follows:
- 4.13 On 30th November 2021, the following details were submitted to supplement the original submission as requested by the case officer during the validation process:
- Ecological Assessment
 - Cost Plan
 - Travel Plan
 - Heads of Terms
 - Lighting Impact Assessment
- 4.14 On 12th January 2022, a Preliminary Ground Investigation was also submitted to supplement the application.

4.15 On 11th February 2022, the following documents were submitted in response to feedback received from the case officer:

- Response of officer's comments document
- Design and Access Statement (Rev 004) – updated details in respect of achieving high quality design
- Fire Statement Form – updated form responding to comments from Health and Safety Executive (HSE).
- Heritage Statement (Rev 2)– revised assessment to include Egham Hythe Conservation Area
- Response to highway matters – in relation to traffic impact, car parking, electric vehicle charging, car clubs and travel plan.
- Energy and sustainability (Rev 5) – justification for the proposed decentralised system compared to centralised system provided within revised Ventilation Strategy
- Townscape and Visual Impact Assessment (rev 4) – inclusion of computer-generated images of the proposed development
- Ventilation Strategy (rev 3) – inclusion of illustrative details for the air supply and exhaust ducts
- Wind Microclimate (addendum)– testing the cumulative effects of Masonic Hall
- Amended drawing pack

4.16 On 10th March, a revised ground floor layout and elevation were submitted.

4.17 On 15th March 2022, a document was submitted in response to the SBC's independent viability consultant's comments along with revised appraisals in relation to a Build-to-Rent proposal only, as well as a Valuation Report for the existing building.

4.18 On 6th April 2022, a revised viability appraisal was submitted identifying specific unit for affordable housing.

4.19 On 7th April 2022, a further response was provided from Ashton Fire in relation to comments from HSE

4.20 On 21st April 2022, a letter was submitted considering the effects of overshadowing on the podium amenity space.

4.21 On 23rd May 2022, a post-meeting note was provided in relation to viability following a meeting with SBC's viability consultant.

Additional Evidence

4.22 Post-submission, the Appellant has instructed further evidence in support of the appeal proposal. The additional evidence comprises:

- Accurate Visual Representations
- Conversion Feasibility and Viability Study
- Knight Frank Yield Advice
- Avison Young Valuation Addendum
- Bailey Venning Associates Updated Viability Appraisal and Position
- Economic Assessment

Accurate Visual Representations

4.23 As part of the application submission, the Appellant submitted a Townscape and Visual Impact Assessment. The viewpoints identified within the TVIA were discussed and agreed with the Council as part of the pre-application discussions. The TVIA included modelling of the proposed development but was not accompanied by computer generated images (CGIs). During the determination of the application, an amended TVIA was submitted which included CGIs of the proposals from the viewpoints prepared by the architects. The CGIs which were produced were indicative and were not Accurate Visual Representations, nor in accordance with a recognised methodology, but did provide some assistance in illustrating the proposed development of the site.

4.24 Following determination of the planning application, the Appellant has now instructed Preconstruct Ltd to undertake Visually Accurate Representations.

4.25 Preconstruct use a methodology that is compliant with relevant sections of: The Landscape Institute/IEMA - Guidelines for Landscape and Visual Impact Assessment (3rd edition 2013); The Landscape Institute - Visual Representation of Development Proposals - Technical Guidance Note (September 2019); The Revised SPG London View Management Framework (March 2012).

4.26 High quality/resolution photographs were taken from locations by Preconstruct. An adequate number of visible features were subsequently surveyed, including the precise location and bearing of the cameras. A development model was imported to correct geographical co-ordinates. With a known camera positions and orientations, photographic and surveyed existing visible features, the development model was accurately aligned to the photographs.

- 4.27 The viewpoint location within the AVR document are as agreed for the original TVIA submitted as part of the original application, with two additional viewpoints from within Market Square. The AVRs show the proposed development, as well as the cumulative effects of the Masonic Hall development which has been recently approved at appeal, shown as wireframes.

Conversion Feasibility and Viability Study

- 4.28 As part of the Design and Access Statement submitted with the application, the Appellant has sought to demonstrate that the existing building does not lend itself a reuse and conversion so as to creating a high-quality living environment, nor would that result in an efficient use of land. In order to consider this matter further, the Appellant has prepared an appraisal setting out the feasibility and viability of a conversion which is appended to this Statement.
- 4.29 The Appraisal considers two options for conversion; both include the demolition of the rear stair core of the building (a later addition to the building) to facilitate a vehicular access to the building. It is assumed, being a later addition to the building, that this is not contentious. Both options propose retail at ground floor on the High Street frontage, with facilities and services to the rear section of the building to support a residential conversion on upper floors.
- 4.30 Both options consider conversion of the upper floors to residential development. Option 2, in addition to the conversion of the existing building, includes a consideration of a two-storey extension on top of the building (the maximum that is achievable based on the ability of the structure to withstand the additional load, and that may be acceptable to the local planning authority). The appraisal includes commentary on the constraints and shortfalls of the options for conversion, that in the view of the Appellant, would not create a high-quality living environment, and is unable to make an efficient use of a vacant brownfield site that would justify the retention of the existing building.
- 4.31 The appraisal is accompanied by, as appendices, a Structural Report of the building and its capacity to accommodate additional storeys, a Cost Plan for each conversion option and a viability appraisal for each option.
- 4.32 The viability appraisals for both Options demonstrate that neither would be a viable option, expressed as achieving a negative land value. In light of this, it is the Appellant's view that the existing building could not be viably converted for residential development.

Knight Frank Yield Advice

- 4.33 As part of the disagreement in relation to viability, there is disagreement on the yield to be applied to the net rent. Following determination, the Appellant has sought further advice from Knight Frank in respect of yield; a copy of which is appended to this statement. The advice from

KF confirms that the yield applied by the Appellant is suitable and should be considered acceptable. The Appellant will seek to agree the appropriate yield through a SoCG.

Avison Young Valuation Addendum

- 4.34 As part of the disagreement in relation to viability, there is disagreement on the value of the existing building. Following determination of the application, the Appellant has sought this further evidence from Avison Young, who provided the initial Valuation Report. The further evidence from Avison Young indicatively demonstrates how the existing building could be subdivided to enable it to be occupied by multiple tenants informed by typical occupational requirements in the market. The addendum confirms that in light of the current market conditions, there is potential for end users for ground and first floor, comprising discount market retailers, charity shops and some leisure or fitness uses, but that there is not sufficient demand to let the second and third floors and therefore it is assumed that this accommodation will be mothballed. On this basis, the Alternate Use Value of the Existing Use Value of the property and therefore the Benchmark Land Value for the viability analysis is £1,900,000. The Appellant will seek to agree the appropriate valuation through a Statement of Common Ground. Should this valuation not be agreed, the Appellant reserves the right to call Avison Young as a witness.

Bailey Venning Associates Updated Viability Appraisal and Position

- 4.35 In light of the revised Valuation of the building, a further viability appraisal has been undertaken. In light of the revised assessment, the Appellant is able to deliver 16% affordable housing provision, comprising the following mix of units: 10no. 1 bed 1 person units, 13no. 1 bed 2 person units, 10no. 2 bed 3 person units, and 4no. 2 bed 4 person units.
- 4.36 An updated position statement setting out the revisions is submitted as an appendix. The revised viability assessment is accompanied by a marked-up schedule of accommodation identifying the size of rooms that would be offered on each floor.
- 4.37 The updated position statement also provides commentary on the viability of the Conversion Options, referred to above.

Economic Assessment

- 4.38 Following refusal of the planning application, the Appellant instructed Lambert Smith Hampton to prepare an Economic Assessment. This Economic Assessment assesses the potential economic benefits of redeveloping the site, which will bring a currently vacant site back into use. The assessment explores benefits associated with supporting new residential living in Staines Town Centre and the spin off economic benefits, alongside job creation from the construction and operation stages, and an estimate of the Gross Value Added (GVA) contribution to Staines' economy.

5. Housing Delivery

5.1 This section considers housing delivery and supply in Spelthorne.

Housing Delivery Test

5.2 The HDT results for 2021 were published on 14th January 2022. The 2021 result for Spelthorne is summarised in the table below:

Published 2021 Housing Delivery Test Results

	Number of homes required				Number of homes delivered				HDT %
	2018-19	2019-20	2020-21	Total	2018-19	2019-20	2020-21	Total	
Spelthorne	599	552	403	1,554	337	228	508	1,073	69%

5.3 As can be seen from the table above, Spelthorne only delivered 1,073 homes over the last three years against the “number of homes required” over the same period of 1,554 dwellings. This results in a HDT measurement of 69% and means that the Council has failed the HDT. This means that the 20% and the presumption in favour of sustainable development applies.

5.4 Based on the anticipated completions in 2021/22 of 323 dwellings, and a local housing need in the same year of 611 dwellings, the Council’s HDT result is not expected to improve when the 2022 HDT results are published.

Housing Land Supply

5.5 The Council’s latest housing trajectory and position statement claim that as at 1st April 2022, the Council could demonstrate only a 5.6 year housing land supply against the local housing need and a 20% buffer. However, over half of the Council’s claimed deliverable supply is on large sites that do not have planning permission many of which are not ‘deliverable’ within the meaning of NPPF, and certainly not at the rate assumed by the Council. The Appellant will demonstrate that, properly assessed, the Council cannot demonstrate a deliverable five-year housing land supply by a significant margin with reference to the definition of “deliverable” as set out in the Framework and the associated guidance in the PPG. Reference will also be made to appeal decisions including those by the Secretary of State where the definition of deliverable and clear evidence to demonstrate deliverability have been considered

- 5.6 The Appellant will also refer to the fact that the tilted balance to the presumption in favour of sustainable development irrespective of the housing land supply position because the latest housing delivery test result was below 75% in accordance with footnote 8 of the Framework

6. Planning Policy Context

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that, inter alia:

“In dealing with an application for planning permission ... the authority shall have regard to—

the provisions of the development plan, so far as material to the application, (c) any other material considerations.”

- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that:

“if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

- 6.3 The National Planning Policy Framework, (NPPF) (July 2021) states at paragraph 2:

“Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions.”

- 6.4 Alongside the relevant Development Plan, it is necessary to consider whether relevant Development Plan policies are up to date; the NPPF; and other material planning considerations.

- 6.5 NPPF paragraph 213 states that due weight should be given to relevant policies in plans that pre-date the NPPF according to their “degree of consistency with the Framework (the closer the policies in the plan to policies in the Framework, the greater the weight that may be given)”.

- 6.6 Moreover, as set out further below given the absence of a 5-year housing land supply the effect of footnote 8 of the NPPF is that the policies most important for determining this Appeal are deemed out-of-date.

Development Plan

- 6.7 The Development Plan in respect of this appeal comprises the following documents:

- Saved Policies of the Local Plan (2001)
- Core Strategy and Policies DPD (2009)

- Allocations DPD (2009)
- Proposals Map (2009)

6.8 There is an emerging Local Plan Review which has been subject to a Regulation 19 consultation on the Pre-Submission version. The emerging Local Plan carries some weight in the decision-making process but is not yet part of the Development Plan.

6.9 Concurrent to the Local Plan, a Staines Development Framework is being prepared and has been subject to consultation. The Staines Development Framework will be a Supplementary Planning Document and therefore will not form part of the Development Plan. Limited weight can be afforded to it as policy therefore.

6.10 The relevant policies of the Development Plan are as follows:

Saved Policies of the Local Plan

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

Core Strategy and Policies DPD

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

6.13 As the Council does not currently have a five-year housing land supply (despite its claim to the contrary), the relevant policies of the Development Plan are considered to be out of date and the tilted balance applies with a presumption in favour of sustainable development. Nevertheless, these are set out below to provide a comprehensive overview of the policies in the development plan that could be applied to development on this site.

6.14 Policy SP1: Location of Development sets out that the extent of the existing urban area will be maintained and provision for all new development will be made within it.

6.15 Policy LO1: Flooding seeks to reduce flood risk and its adverse effects on people and property in Spelthorne.

- 6.16 Policy SP2: Housing Provision seeks to will ensure that provision is made for sufficient numbers of dwellings to meet the draft Regional Spatial Strategy for the South East requirement for Spelthorne. Within the overall total the Council will require a mix of tenure, size and type to meet identified housing needs, including provision to meet the needs of vulnerable groups. It will seek to ensure that 40% of the total housing provision is in the form of affordable housing. This policy's requirement to meet the housing requirement set out in the Regional Spatial Strategy is now out-of-date, with the introduction of the standard method for calculating housing need introduced by the NPPF.
- 6.17 Policy HO1: Providing New Housing Development sets out that the Council will ensure provision is made by promoting the development of specific sites for housing through documents including Allocations DPDs, and encouraging housing development, including for redevelopment and infill on all sites suitable for that purpose taking into account other policy objectives and encouraging the redevelopment for housing of poorly located employment land provided the site is suitable for housing, 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,
- 6.18 Policy HO3: Affordable Housing sets out that 40% of all net additional dwellings completed over the plan period should be affordable. The Council will seek to maximise the contribution to affordable housing provision from each site having regard to the individual circumstances and viability, including the availability of any housing grant or other subsidy, of development on the site. The Council will seek up to 50% of housing on sites to be affordable where the development comprises 15 or more dwellings (gross) or the site is 0.5 hectares or larger irrespective of the number of dwellings. It should be noted that the policy is silent on the provision of discount-market rent tenures as part of build-to-rent schemes.
- 6.19 Policy HO4: Housing Type and Size requires the size and type of housing reflects the needs of the community by: requiring developments, including conversions, that propose four or more dwellings to include at least 80% of their total as one- or two-bedroom units, and encouraging the inclusion within housing schemes of a proportion of dwellings that are capable of meeting the needs, as occupiers, of people with disabilities.
- 6.20 Policy HO5: Density of Housing Development set outs that when considering proposals for new residential development, within Staines town centre development should generally be at or above 75 dwellings per hectare. 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.

- 6.21 Policy EM1: Employment Development sets out that the Council will maintain employment development by retaining designated Employment Areas and supporting in principle proposals in these areas for employment development such as, Staines town centre.
- 6.22 Policy TC1: Staines Town Centre states that the Council will maintain the role of Staines as the principal town centre serving north Surrey by encouraging developments that contribute to the vitality and viability of the centre and are of a scale and character appropriate to its role.
- 6.23 Policy TC2: Staines Town Centre Shopping Frontage sets out that within the primary shopping area of Staines town centre uses other than retail, within Class A1, will not be permitted where this would lead to a net loss of retail floorspace. Exceptionally a non-retail use may be accepted where it is demonstrated that it will contribute to the long-term vitality and viability of the centre.
- 6.24 Policy CO2: Provision of Infrastructure for New Development requires developers to provide or contribute in a timely way to the cost of infrastructure required as a result of any development they bring forward.
- 6.25 Policy CO3: Provision of Open Space for New Development sets out that where any new housing is proposed in areas of the Borough with inadequate public open space, or where provision would become inadequate because of the development, the Council will require either the provision of new on-site open space or a financial contribution towards the cost of new off-site provision. In new housing developments of 30 or more family dwellings the Council will require a minimum of 0.1ha of open space to provide for a children's play area. Such provision to be increased proportionally according to the size of the scheme.
- 6.26 Policy SP6: Maintaining and Improving the Environment states that the Council will seek to maintain and improve the quality of the environment by ensuring the design and layout of the new development incorporates principles of sustainable development and creates an environment that is inclusive safe and secure, is attractive within its own distinct identity and respects the environment of the area in which it is situated.
- 6.27 Policy EN1: Design of New Development states that the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity, they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
- 6.28 Policy EN3: Air Quality sets out the the Council will seek to improve the air quality of the Borough and minimise harm from poor air quality by: supporting measures to encourage non-

car-based means of travel, requiring an air quality assessment where development is for 10 or more dwellings.

- 6.29 Policy EN5: Buildings of Architectural and Historic Interest sets out that the Council will seek to preserve its 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, requiring development proposals for any sites affecting the setting of a listed building to have special regard to the need to preserve its setting.
- 6.30 Policy EN6: Conservation Areas, Historic Landscapes, Parks and Gardens sets out the Council will seek to preserve and enhance the character of conservation areas by: requiring the retention of buildings, trees and other features, including open spaces, views and vistas, which are important to the character of the area. Where new development affecting a conservation area is proposed, the Council will ensure that it contributes to its preservation or enhancement by: requiring any proposal for demolition to be accompanied by detailed plans for the future of the site showing how the area will be preserved or enhanced, and controlling by legal agreements the timing of demolition and commencement of construction of the replacement building.
- 6.31 Policy EN9: River Thames and its Tributaries sets out that the Council will seek to maintain and look for opportunities to enhance the setting of the River Thames and its tributaries.
- 6.32 Policy EN11: Development and Noise sets out that the Council will seek to minimise the adverse impact of noise by requiring appropriate noise attenuation measures where this can overcome unacceptable impacts on residential and other noise sensitive development proposed in areas with high noise levels.
- 6.33 Policy EN13: Light Pollution sets out that the Council will seek to reduce light pollution by only permitting lighting proposals which would not adversely affect amenity or public safety.
- 6.34 Policy EN15: Development on Land Affected by Contamination sets out that the Council will ensure that where development is proposed on land that may be affected by contamination, action will be taken to ensure the site is safe or will be made safe for its intended use.
- 6.35 Policy SP7: Climate Change and Transport sets out that the Council will seek to minimise the impact of climate change. It will reduce the impact of development in contributing to climate change by: promoting the inclusion of provision for renewable energy, energy conservation and waste management facilities in both new and existing developments, ensuring development is located in a way that reduces the need to travel and encourages alternatives to car use, and its design and layout takes account of climate change, supporting initiatives, including travel plans,

to encourage non car-based travel, promoting the efficient use and conservation of water resources, and promoting measures to reduce flooding and the risks from flooding,

- 6.36 Policy CC1: Renewable Energy, Energy and Conservation and Sustainable Construction sets out that the Council will support the provision of renewable energy, energy efficiency and promote sustainable development generally by: requiring residential development of one or more dwellings to: optimise design, layout and orientation of development to minimise energy use, include measures to provide at least 10% of the development's energy demand from on-site renewable energy sources.
- 6.37 Policy CC2: Sustainable Travel sets out that the Council will seek to secure more sustainable travel patterns by: supporting measures and specific schemes to improve facilities for non-car based travel including Staines' role as a public transport interchange, requiring development needing access by a large number of people to be located where it is or can be made accessible by non-car means of transport, requiring all major development to be accompanied by a site specific travel plan to promote and achieve sustainable travel choices,
- 6.38 Policy CC3: Parking Provision states that Council will have regard to the anticipated demand for parking arising from the use proposed, or other uses to which the development may be put without needing planning permission and the scope for encouraging alternative means of travel to the development that would reduce the need for on-site parking. This will be particularly relevant in areas well-served by public transport.

Material Planning Considerations

Emerging Local Plan (Regulation 19)

- 6.39 SBC is currently working on an emerging Local Plan which contains the overall vision and framework for future development in the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure - as well as providing a basis for conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well designed places. The emerging Local Plan will set out how the local area will develop over at least the next 15 years and once adopted, will replace the 2009 Development Plan.
- 6.40 Consultation on the Pre-submission Spelthorne Local Plan 2022 - 2037 (Regulation 19) ran from 15 June to 21 September 2022.
- 6.41 Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved objections to relevant policies; and c) the degree of consistency of the relevant policies in the emerging plan to this Framework.

- 6.42 Whilst the Local Plan is at a relatively advanced stage of preparation with a pre-submission version having been consulted upon, the responses to the Regulation 19 consultation are yet to be published and the plan submitted for examination. In light of this, it is not possible to confirm the extent of unresolved objections, nor the degree of consistency with the Framework. The Appellant responded to the consultation raising several concerns with the pre-submission version of the Local Plan. Therefore, at this time, it is considered that the relevant policies of the emerging plan should be afforded only limit weight.
- 6.43 The key policies most relevant to this appeal are outlined below.
- 6.44 Policy ST2: Planning for the Borough sets out the housing requirement for Spelthorne as 618 dwellings per annum over the plan period (2022 – 2037), a total of 9,270. During the plan period, provision has been made for at least 9,270 new homes and that the Council expects that all development proposals located within or adjacent to town/local centres or a public transport interchange will seek to optimise the density of development, in order to make the most efficient use of the land in the most sustainable locations.
- 6.45 Policy PS1: Responding to the Climate Emergency sets out that all development must respond to the climate emergency by: directing development towards locations that minimise the need to travel and maximise the ability to make trips by sustainable modes of transport including cycling, walking and public transport, delivering an efficient use of land especially on the most accessible sites and providing more walkable and cyclable neighbourhoods (Twenty Minute Neighbourhoods) that reduce demand for the use of private vehicles.
- 6.46 PS2 Designing Places and Spaces sets out that the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; respect and make a positive contribution to the street scene and the character of the area in which they are situated; and pay due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
- 6.47 Furthermore, it realistically sets out that, given the size, function and proposed density of major developments, particularly those exceeding 50 dwellings, tall buildings and/or allocated sites on former Green Belt land, it may not always be desirable to reflect locally distinct patterns of development. These sites should create their own identity to ensure cohesive and vibrant neighbourhoods. High rise development in appropriate locations will be expected to be supported by a visual impact assessment and demonstrate a positive contribution to the skyline through its architectural merits. In Staines, the Development Framework will provide site specific guidance on the design of larger and tall buildings.

6.48 Policy SP1: Staines-upon-Thames sets out that recognising its size, location and significant opportunity for further regeneration, Staines-upon-Thames will be a key focus for housing, employment and retail development in the Borough. The guidance for how the town grows sustainably and coherently will be provided within a new Staines Development Framework (the Framework) to deliver development to meet need. Any proposed tall buildings will be designed to reflect the redefined character of Staines and the design is to be of high standard, guided by principles in the Framework. There are opportunities to improve existing local leisure facilities and the evening economy.

6.49 Allocation ST4/019 (Former Debenhams Site, High Street) relates to the appeal site and proposes an allocation of approximately 150 residential units and 500 sqm of Class E uses. The allocation identifies site-specific requirements as follows:

In addition to meeting the policies in the plan, 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 as set out in the IDP and/or identified at the 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 to make buildings zero carbon where possible.

6.50 The allocation also identifies opportunities as follows:

- This plot within the town centre lends itself to a high-quality scheme that makes a positive contribution to the wider street scene.
- Provide positive benefits in terms of landscape and townscape character and local distinctiveness.
- Improvements for pedestrian access and public realm, linking the site to nearby services with active and sustainably travel options.

6.51 In support of the above allocation and considering the evidence base to the Regulation 19 Local Plan, the 'Officer Site Assessments – Draft Local Plan Allocations' (June 2022) Sustainability Appraisal Update commented that:

Stage 2a – Contribution to the delivery of the strategy

“The site is brownfield and is located within Staines Town Centre. The site is near to services and transport links and given the character of the wider area, should be able to accommodate high-rise, high-density development. A high-quality design would contribute to the regeneration of Staines Town Centre. As the site is located on the corner of the High Street the opportunity exists for a high quality, landmark building. The site would provide the opportunity for town centre living with local services and employment in close proximity....

Whilst the current building may be considered to hold some visual appeal, redevelopment would provide the opportunity to construct a high quality building to improve the overall visual amenity of the site. Whilst high rise development may be suitable in this location, this would be dependent upon a design of the highest quality given its prominent corner location within the High Street. This could allow for the creation of a ‘landmark’ building and could contribute to the regeneration of the Town Centre. Moderate impact on character and townscape identified however opportunity to improve appeal of the building.

The site is well-located within Staines Town Centre, with local services and employment within walking distance. Given the existing character of the area the site could accommodate high-density, high-rise development, in line with the preferred spatial strategy...

Nearby emerging schemes have set a precedent for this character of development within the town centre given the efficient use of land and sustainable location. The site could potentially achieve approximately 150-250 units, with retail at the ground floor but this would be dependent on what height building would be acceptable and regard for the emerging Staines Development Framework zoning...”

Staines Development Framework

- 6.52 Consultation on the draft Staines Development Framework (SDF) ran from 15 June to 5 September 2022.
- 6.53 Section 5.0 of the SDF looks at Development Framework Strategies. Under Main Proposals it identifies in the second bullet point that they will be creating: ‘Set of design principles for key locations within the town centre to ensure new development contributes to overall townscape’. Page 59 looks at the current situation and design principles of Thames Street. Notwithstanding the above, and that Debenhams is clearly a key location/development site within the town centre, the assessment and design principles for Thames Street only consider land to the south of the Debenhams store.

6.54 Paragraph 5.19, in conjunction with Figure 17, introduces the proposed building height guidance. The heights are as follows:

- The Staines Conservation Area, up to 5-6 storeys, to preserve the distinctive character of this area and views from the core area along Church Street
- The High Street, up to 8 storeys, to preserve the prevailing character of this key and valued location within the town
- Thames Street, up to 8 storeys, to ensure the open space available on the river frontage is appropriate to the existing character and provides a transition down to the High Street and further into the town centre

6.55 Paragraph 5.22, in conjunction with Figure 17, introduces a proposed density guidance of 175dph located at Former Debenhams Building (among others).

6.56 Section 7.0 of the SDF identifies Development Opportunities within the town centre; the first being Elmsleigh Centre – Tothill Car Park Area (South Eastern Area). Whilst the Debenhams building is located within this area, the development opportunity fails to have regard to the potential delivery of development on the site and instead only focuses on development within the Council's ownership.

National Planning Policy Framework

6.57 The National Planning Policy Framework, was published in July 2021 and sets out the government's planning policies for England and how it expects them to be applied. It is a material consideration that should be taken into account in the determination of all planning applications. At the heart of the Framework is a presumption in favour of sustainable development.

6.58 Paragraph 8 of the Framework states that there are three overarching objectives to sustainable development that should be pursued in mutually supportive ways. These objectives are:

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.59 Paragraph 11 sets out that Plans and decisions should apply a presumption in favour of sustainable development. 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-date, 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
- 6.60 Paragraph 33 sets out that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy.
- 6.61 Paragraph 60 states that 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.
- 6.62 Paragraph 69 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
- 6.63 Paragraph 73 sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
- 6.64 Paragraph 86 sets out that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Policies should recognise that residential development often

plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

6.65 Paragraph 119 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.

6.66 Paragraph 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.

6.67 Paragraph 125 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. When considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)

6.68 Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that to ensure this, policies and decision should ensure that developments:

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

- 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;
- 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 create safe and accessible environments; and
- 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 users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.69 Chapter 16 sets out the approach to conserving and enhancing the historic environment.

6.70 Paragraph 199 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

6.71 Paragraph 202 sets out that 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 including, where appropriate, securing its optimum viable use.

6.72 Paragraph 203 sets out that 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.

National Planning Practice Guidance

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

National Design Guide

6.74 This document illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It confirms in paragraph 8 that the underlying purpose for design quality of new development at all scales is to create well-designed and well-built places that

benefit people and communities. As stated in paragraph 9, the NDG addresses the question of how we recognise well-designed places, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics.

- 6.75 It is confirmed in paragraph 16 that well-designed places and buildings come about when there is a clearly expressed story for the design concept and how it has evolved into a design proposal.
- 6.76 In paragraph 21 it is noted that a well-designed place comes about through making the right choices at all levels, including: layout; form and scale; appearance; landscape; materials and detailing.
- 6.77 It is added in paragraph 64 that well-designed new development makes efficient use of land with an amount and mix of development and open spaces that optimises density. It also relates well to and enhances the existing character and context. Built form is determined by good urban design principles that combine layout, form and scale in a way that responds positively to the context.
- 6.78 At paragraph 70 it is noted that well-designed tall buildings play a positive urban design role in the built form. They act as landmarks, emphasizing important places and making a positive contribution to views and the skyline.
- 6.79 And at paragraph 71 Proposals for tall buildings (and other buildings with a significantly larger scale or bulk than their surroundings) require special consideration. This includes 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 The Appellant's Case

- 7.1 The Council cited three reasons for refusal (RfR) of the proposals cited above. To determine the appropriateness of the proposed development, each of the reasons for refusal are addressed in turn below.

Response to Reason for Refusal 1

- 7.2 Prior to the submission of the appeal planning application, the Appellant engaged in pre-application discussions with the Council. The Council identified that the view of the existing building along Clarence Street, from within the Conservation Area, contributed to the character of the Conservation Area and that the proposals should respond to this view. It was not identified prior to submission of the application that the Council considered the existing building to be of a statutory or local listing quality, nor of any intention to review the Conservation Area Appraisal.
- 7.3 Nonetheless, through pre-application discussions the proposed development evolved to include a design response to the view along Clarence Street. The design of the building is a strong architectural form and reflects the footprint of the existing building. The recognisable chamfer corner of the existing Debenhams building was carefully incorporated into the new design and applied to all corners of the building - resulting in an octagon shape - to celebrate the legacy of the existing design throughout the scheme.
- 7.4 As part of the Design and Access Statement, the Appellant sought to evidence that a conversion of the existing building would not facilitate a high-quality development. Following refusal of the planning application, the Appellant instructed a feasibility and viability study of options for conversion of the existing building to deliver a mixed-use proposal including retail and residential, with the option of a rooftop extension, including minor demolition of a modern extension to the rear of the building. The study confirms that conversion of the existing building for such a development is neither commercially realistic nor viable. As a result of the findings of the study, the Appellant contends that a sympathetically designed development, as sought through the appeal, presents an opportunity for redevelopment of the site to deliver significant benefits.
- 7.5 The intrinsic heritage significance of the former Debenhams building itself has been considered. Overall, the significance of the building equates to a non-designated asset of low significance on the scale of significance for non-designated heritage assets (with the uppermost level of this scale being reserved for buildings of almost listable quality). Whilst by a named and known architect, Coles, the neo-Georgian design of the former Debenhams building does not fit within his celebrated corpus of work. It has neither a striking overall design nor the playful or exquisite detailing of his best work.

- 7.6 At most, the Debenhams building derives a small amount of architectural and historic interest from its northern and western facades, due the intended dominance and landmark quality of the elevations facing the High Street, Thames Street and Clarence Street, and their illustrative value as an example of a post-war department store. Other parts of the exterior possess no significance, especially the bulky and visually unappealing elements to the rear which are experienced from Thames Street and Elmsleigh Road. Internally, the building lacks architectural or historic interest.
- 7.7 The assessment of intrinsic significance is in line with Historic England's consideration of the structure when they assessed it (and rejected it) for statutory Listing, stating that it 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.'
- 7.8 With regards to the Staines Conservation Area, whilst this has now been extended to include the former Debenhams building, this is currently subject to a legal challenge. Considering the Conservation Area as extended, the Debenhams building is considered to make only a very small contribution to the character and appearance of the area and its demolition and the construction of the proposed scheme would result in minor harm to the significance of the asset (ie the CA), comprising less than substantial harm at the low end of the spectrum.
- 7.9 If the un-extended conservation area is considered, the proposed development would cause very minor, less than substantial harm to the asset through changes in setting.
- 7.10 With regards to potential impacts through changes in setting, the anticipated impacts are set out below, with the levels of harm assessed in the previous Heritage Statement and Committee report also given.

Asset	Previous Heritage Statement (University of Salford)	Spelthorne Borough Council (as set out in the Planning Committee Report)	Appellant
Egham Hythe Conservation Area	Medium importance; medium sensitivity; small magnitude of impact; moderate effect on setting.	Low end of the less than substantial harm scale.	No harm.
The Blue Anchor PH (13 & 15)	High importance; medium sensitivity; small magnitude of	Lower middle of the less than substantial harm scale.	Very minor, less than substantial harm.

Asset	Previous Heritage Statement (University of Salford)	Spelthorne Borough Council (as set out in the Planning Committee Report)	Appellant
Market Square) Grade II* Listed	impact; moderate effect on setting.		
44, 46 & 48 High Street Grade II Listed	Medium importance; low sensitivity; very small magnitude of impact; negligible effect on setting.	Lower middle of the less than substantial harm scale.	Very minor, less than substantial harm.
Staines Town Hall Grade II Listed	No effect.	Lower middle of the less than substantial harm scale.	Very minor, less than substantial harm.
Two Telephone Kiosks in front of Town Hall Grade II Listed	No effect.	Lower middle of the less than substantial harm scale.	No harm.
Fire Engine Shed (Market Square) Grade II Listed	No effect.	Lower middle of the less than substantial harm scale.	No harm.
Staines War Memorial Grade II Listed	No effect.	Lower middle of the less than substantial harm scale.	No harm.
2 Clarence Street Grade II Listed	No effect.	Lower middle of the less than substantial harm scale.	Very minor, less than substantial harm.

Asset	Previous Heritage Statement (University of Salford)	Spelthorne Borough Council (as set out in the Planning Committee Report)	Appellant
15 & 17 Clarence Street Grade II Listed	No effect.	Lower middle of the less than substantial harm scale.	No harm.
Bridge over the River Colne (Clarence Street) Grade II Listed	No effect.	Lower middle of the less than substantial harm scale.	No harm.
25 & 27 Clarence Street Grade II Listed	No effect.	Lower middle of the less than substantial harm scale.	No harm.
29 Clarence Street Grade II Listed	No effect.	Lower middle of the less than substantial harm scale.	No harm.
31 Clarence Street Grade II Listed	No effect.	Lower middle of the less than substantial harm scale.	No harm.
33 Clarence Street Grade II Listed	No effect.	Lower middle of the less than substantial harm scale.	No harm.
35 Clarence Street Grade II Listed	No effect.	Lower middle of the less than substantial harm scale.	No harm.

Asset	Previous Heritage Statement (University of Salford)	Spelthorne Borough Council (as set out in the Planning Committee Report)	Appellant
41 Clarence Street Grade II Listed	No effect.	Lower middle of the less than substantial harm scale.	No harm.
21–27 Church Street (odd) Grade II Listed	No effect.	Lower middle of the less than substantial harm scale.	No harm.
1–9 Clarence Street NDHA	Low importance; low sensitivity; very small magnitude of impact; negligible effect on setting.	Low on the scale of harm for NDHAs.	Very minor harm.
Nationwide Bank (28 & 30 High Street) NDHA	Low importance; low sensitivity; very small magnitude of impact; negligible effect on setting.	Low on the scale of harm for NDHAs.	Very minor harm.
Former Angel Hotel (26 High Street, now Turtle Bay) NDHA	Low importance; low sensitivity; very small magnitude of impact; negligible effect on setting.	Low on the scale of harm for NDHAs.	Very minor harm
Post Office & WHSmith (49–51 High Street) NDHA	Low importance; low sensitivity; very small magnitude of impact; negligible effect on setting.	Not referred to explicitly.	Very minor harm.
10–12 High Street NDHA	Low importance; low sensitivity; very small magnitude of impact; negligible effect on setting.	Not referred to explicitly.	Very minor harm.

Asset	Previous Heritage Statement (University of Salford)	Spelthorne Borough Council (as set out in the Planning Committee Report)	Appellant
56–62 High Street NDHA	No effect.	Low on the scale of harm for NDHAs.	No harm.
65–67 High Street NDHA	No effect.	Low on the scale of harm for NDHAs.	No harm.
91–93 High Street NDHA	No effect.	Low on the scale of harm for NDHAs.	No harm.
1–3 Market Square (Conservative Club) NDHA	No effect.	Low on the scale of harm for NDHAs.	Very minor harm.
5–7 Market Square NDHA	No effect.	Low on the scale of harm for NDHAs.	No harm.
2–8 Church Street NDHA	No effect.	Low on the scale of harm for NDHAs.	No harm.
14 Church Street (The London Stone PH) NDHA	No effect.	Low on the scale of harm for NDHAs.	No harm.
29–31 Church Street NDHA	No effect.	Low on the scale of harm for NDHAs.	No harm.

- 7.11 As part of the appeal, the Appellant will present evidence to support the above conclusions.

Policy Assessment

- 7.12 Policy at all levels seeks to conserve and enhance the historic environment.
- 7.13 At national level, Paragraph 197 of the NPPF sets out In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.14 Paragraph 199 of the NPPF requires that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.15 Paragraph 200 of the NPPF requires 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.
- 7.16 Paragraph 202 of the NPPF requires that, 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 including, where appropriate, securing its optimum viable use.
- 7.17 Paragraph 207 of the NPPF sets out that, not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.
- 7.18 CS Policy EN5: Buildings of Architectural and Historic Interest sets out that the Council will seek to preserve its architectural and historic heritage, including a number of considerations, largely focused on listed buildings: In relation to the appeal proposal, the policy sets out that is preserve its 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, requiring development proposals for any sites affecting the setting of a listed building to have special regard to the need to preserve its setting.

- 7.19 CS Policy EN6: Conservation Areas, Historic Landscapes, Parks and Gardens sets out the Council will seek to preserve and enhance the character of conservation areas by: requiring the retention of buildings, trees and other features, including open spaces, views and vistas, which are important to the character of the area. Where new development affecting a conservation area is proposed, the Council will ensure that it contributes to its preservation or enhancement by: requiring any proposal for demolition to be accompanied by detailed plans for the future of the site showing how the area will be preserved or enhanced, and controlling by legal agreements the timing of demolition and commencement of construction of the replacement building.
- 7.20 The Appellant has set out though the Conversion Feasibility and Viability Appraisal accompanying this Statement of Case that conversion of the existing building for a residential-led mixed-use proposal would not create a high-quality living environment, would not make an efficient use of a vacant brownfield site to justify the building's retention, and in any case, is not viable.
- 7.21 The Debenhams building is considered to make only a very small contribution to the character and appearance of the area and its demolition and the construction of the proposed scheme would result in minor harm to the significance of the asset, comprising less than substantial harm at the low end of the spectrum.
- 7.22 The public benefits associated with the proposals are significant and considered to outweigh the less-substantial-harm to the significance of the Conservation Area through loss of a non-designated heritage asset and effect on the setting of other designated and non-designated heritage assets.
- 7.23 In light of the above, the Appellant contends that the proposed development accords with the relevant policies of the National Planning Policy Framework.
- 7.24 The proposed development would result in a degree of conflict with the adopted policies of the Core Strategy. These policies were adopted in 2009, prior to the publication of the National Planning Policy Framework and are not wholly consistent with regards to weighing potential harms against the public benefit. Therefore, reduced weight can be afforded to conflict with these policies.
- 7.25 The Appellant contends with the Council's assertion that as a result of heritage harm not being outweighed by the public benefits that there is a clear reason for refusing the development proposals and that the 'tilted balance' is disengaged.

Response to Reason for Refusal 2

- 7.26 Prior to submitting the application, the Appellant undertook extensive pre-application engagement with planning officers at SBC. The scheme developed through a number of formal discussions and iterations including the exploration of retaining the existing building, which are detailed in the Design and Access Statement. This has resulted in a scheme comprising of two blocks of 14 storeys in height.
- 7.27 The blocks are positioned to the north and south of the site to define the corner of the High Street and Thames Street, provide a maximise central amenity space and ensure good residential amenity and outlook.
- 7.28 The height and massing of the development has been informed by a detailed review of the appeal site's context and setting. The immediate surrounding area has a predominately commercial character which is reflected within the design proposals. Tall buildings are naturally located within urban centres, where height can often reinforce legibility and 'signpost' the more active, cultural and commercial heart of a place. The intensification and density that well designed tall buildings and clusters of tall buildings can bring increases activity and use of the centre.
- 7.29 With regards to the density of development and suitability of tall buildings within the town centre, the Inspector for Masonic Hall / Elmsleigh Road made the following comments which are relevant for this scheme:

"23. The proposed buildings would nonetheless appear as two towers taller than their surroundings and would undoubtedly draw the eye. However, I consider that this would not appear as out of context in a town centre townscape consisting of a collection of large buildings of various styles and form. I consider that this would not be harmful to the overall view of the townscape of the town centre from the opposite bank..."

33. I have placed weight on the existence of the Charter Square cluster. Although on the other side of the railway line to the appeal scheme, it nonetheless is a development that incorporates reasonably tall buildings. It is connected to the town centre, located close to the High Street, and is visible from a number of town centre locations. It is confirmation that tall buildings, albeit not as tall as the proposal, exist in the town centre, and contribute to the townscape."

- 7.30 As described by the Design and Access Statement, the proposed height, form, scale, and detailing draw upon the site context and qualities. The chamfered corner that accentuates and opens out the junction of the High Street and Thames Street, with ground floor commercial frontage echoes the form of the former Debenhams building. The colour palette and brick detail

panelling to the northern tower also references the appearance of the former Debenhams building.

Policy Assessment

- 7.31 Policy at all levels requires high quality design and the protection of amenity. Paragraph 124 of the NPPF sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.32 CS Policy EN1 it is a multi-faceted policy, and relevantly requires that developments must 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.
- 7.33 The detailed design has been developed considerably throughout the pre-application process with SBC.
- 7.34 This scheme has been designed to make optimum use of this central town centre site is through the provision of two buildings connected by a ground floor level which includes commercial space, car and cycle parking as well as residential entrances. A landscaped podium would be provided on the first floor for use by residents.
- 7.35 The evidence supporting the Local Plan Pre-submission document identifies the town centre for high-density, high-rise development, which the proposed development would deliver. The massing of the scheme is considered to be acceptable and appropriate for the emerging town centre both in terms of contributing high quality, appropriately scaled development in a highly sustainable location, but doing so in a manner which is consistent with other adjacent land uses.
- 7.36 In terms of the surrounding area and context, there are several developments for taller buildings in Staines at different stages of planning and construction. Adjacent is the recently approved scheme at the Masonic Hall / Elmsleigh Road for residential towers of 13 and 15 storeys.
- 7.37 Approximately 300m to the north of the site on London Road there are three schemes which have recently been granted planning approval:
- Charter House: currently nearing completion, 260 homes in buildings up to 13 storeys
 - Eden Grove: construction commenced on site, 476 homes in buildings up to 15 storeys; and

- Mill Mead: outline approval with detailed application currently being determined; 275 homes in buildings up to 11 storeys.
- 7.38 At Thameside House to the south there are presently proposals for a development of up to 10 storeys.
- 7.39 The design and layout of the proposals relates successfully to the wider street pattern, reinforcing the prominence of the corner of High Street and Thames Street and the frontage to Thames Street. Building entrances and the commercial unit are arranged to reinforce activity at the High Street and Thames Street.
- 7.40 The two proposed buildings relate well to the immediate context and the scheme is considered to enhance the surrounding townscape. The proposed building heights are not considered at all unusual or out of plan in the context of a town centre location and the three approvals to the north east of the site, which feature buildings of 11-15 storeys. The proposed materials and palette of colours are considered to relate well to the context and the former building, reinforcing the existing character in the wider locality.
- 7.41 The design, and specifically the height of the buildings has been informed by considerations of local and national policy, detailed discussions with SBC and the site context. It is considered by the Appellant that the proposed development is not at all out of character with the surroundings. To the contrary it would result in high quality form of development which would make a clearly positive contribution to the street scene and emphatically would not have a detrimental impact on the character of the area and the street scene. The refusal of the application on this basis is not justified.

Response to Reason for Refusal 3

- 7.42 Bailey Venning Associates (BVA) was instructed by the Appellant to undertake a financial viability assessment of the proposed development of the application site. The initial instruction was to prepare a viability assessment on two different bases: conventional development for sale or as a Build to Rent scheme. Although the business models for each of these development routes are different, both schemes had approximately the same capacity to deliver affordable housing. A report assessing both scenarios was submitted alongside the application in November 2021.
- 7.43 The Council appointed BPS to act on their behalf in independently assessing the submitted Affordable Housing and Viability Assessment, submitted by the Appellant. BPS' review (dated 9th February but issued to the applicant only in March) considered only the conventional, "for sale", branch of the review and concluded that it would be able to sustain the full package of

affordable housing sought by the Council. Notwithstanding the conclusions of BPS, BVA did not agree with the conclusions drawn.

7.44 Due to market interest, the Appellant removed the market sale option and proceeded with the application as a BtR scheme only. BVA responded to BPS on 17th March; addressing a number of points. Those differences of opinion formed the substance of the difference between the parties at the date of determination and are identified as:

- Tenure of Affordable Housing – this is understood to now be agreed as acceptable to be delivered as Private Affordable Rent and agreement will be sought through the SoCG.
- Value of Affordable Housing – this matter remains in disagreement and the Appellant will present evidence as part of the appeal.
- Open Market Rents – this matter remains in disagreement and the Appellant will present evidence as part of the appeal.
- Commercial Value – this is understood to now be agreed based on BPS increase value of £1.57m and agreement will be sought through the SoCG.
- Parking Value - this is understood to now be agreed based on BPS' minor decrease in value and agreement will be sought through the SoCG.
- Build Costs – an allowance for demolition in BVA's report has been removed and this matter is understood to now be agreed. There was also a disagreement in relation to developer contingency which BPS has amended from 5% to 3% in understood to now be in agreement.
- Benchmark Land Value – this matter remains in disagreement and the Appellant will present evidence as part of the appeal. It should be noted that the Appellant has submitted a revised Valuation Report in support of this appeal and will seek to agree the BLV through the SoCG.
- Distribution of Tenures and Height Premium – as requested by the Local Planning Authority, the Appellant submitted a unit-specific affordable housing scheme, increasing the affordable housing provision to 12%. BPS then revised their report by issuing an Addendum (29th April). BPS concluded that the BtR version of the scheme remained viable to deliver a greater level of affordable housing. The Appellant has undertaken a further viability assessment which offers 16% affordable provision, as a result of the revised valuation submitted with this appeal. The Appellant will present evidence as part of the appeal

- 7.45 As part of the disagreement in relation to values, there is disagreement on the yield to be applied to the net rent. BVA initially said it should be 4.25%. BPS' initial report cited a figure of 3.75%. the effect of this assumption was to raise the capital value by 13% relative to the allowance BVA had made. Following the receipt of BPS' report, BVA revised their view to 4.1% in an attempt to reach agreement (raising capital values by 3.7%). BPS' view is informed by the CBRE yield guide for Q4 2021.
- 7.46 The yield guide BPS refers to states, the yields set out there are "stabilised yields".
- 7.47 Following determination, the Appellant has sought further advice from Knight Frank in respect of yield; a copy of which is appended to this statement. The advice from KF confirms that the yield applied by the Appellant is suitable and should be considered acceptable. The Appellant will seek to agree the appropriate yield through a SoCG.
- 7.48 As part of the disagreement in relation to the value of the existing building, the Appellant considered the value to be £2.5m at the time of submission. BPS applied a value of £1 due to the lack of evidence supporting the Appellant's valuation for alternate uses. Following determination of the application, the Appellant has sought this further evidence from Avison Young as an addendum, who provided the initial Valuation Report. The further evidence from Avison Young, which is appended to this Statement, revises the value of the building to £1.9m. The Appellant will seek to agree the appropriate valuation through a SoCG.

Policy Assessment

- 7.49 CS Policy HO3: Affordable Housing sets out that 40% of all net additional dwellings completed over the plan period should be affordable. The Council will seek to maximise the contribution to affordable housing provision from each site having regard to the individual circumstances and viability.
- 7.50 The Appellant contends that, having regards to the individual circumstances of the site and viability, the development proposals will deliver a justified provision of affordable housing, in accordance with the requirements of Policy HO3.

Other Matters

- 7.51 As set out at Section 5 of this Statement, the Appellant contends the Council's Housing Land Supply position. The Appellant will seek to agree the housing land supply position through a Statement of Common Ground. Should an agreed position not be reached, the Appellant reserves the right to call a witness to give evidence on the housing land supply position.

8 Merits of the Development

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

Economic

- 8.2 During the construction period, the proposed development could create 761 FTE direct construction jobs and 1,498 supply chain jobs per annum. During this period the additional economic output of the site could be £38.5m.
- 8.3 There is the potential for the Appellant to support local apprentices, job starts and placements through a 'Local Employment Delivery' scheme as part of the construction phase.
- 8.4 The proposed development would create 226 new households which could, in turn, generate demand for local shops and services utilising public transport. Resident expenditure could potentially generate £6m in available retail and leisure expenditure related to town centre uses per annum, £2.13m of which could be captured by businesses in Staines town centre.
- 8.5 The Appeal Scheme will support operational jobs related to the management and maintenance of the building as well as operational jobs related to the commercial ground floor units. The BtR element could generate 7 full-time equivalent (FTE) operational jobs and 9 FTE off-site/indirect jobs associated. The retail/commercial uses could generate between 20 and 27 FTE jobs and 37 indirect jobs linked to retail trade. In total, the scheme could support between 27 and 24 FTE operational jobs and up to 46 indirect FTE jobs.
- 8.6 The site is in a highly accessible location in the Town Centre of Staines. Therefore, the new development would result in an addition 226 households visiting and spending in the town centre which is a key priority of the Government as set out in chapter 7 of the NPPF (2019).

Social

- 8.7 The proposed development would deliver 226 new homes, 16% of which would be affordable, at a time when the Council having been failing to deliver against its housing requirement, and continue to be unable to demonstrate a five-year supply of deliverable housing sites.
- 8.8 The proposed development would improve the residential environment of Staines by delivering a high-quality residential scheme on a vacant urban site.
- 8.9 The design proposals adhere to established principles of place making and urban design which are fundamental in creating good places to live.

- 8.10 Subject to planning permission being granted, the Site is available, and housing could be delivered within five-years to assist with the Council's housing land supply.
- 8.11 The site is highly accessible by a range of transport modes, including walking, cycling, public transport and private vehicle.
- 8.12 There are a number of local services provided in Staines. The Site is well served by existing amenities, including schools, doctors/hospital, shops and community centres. The Site would provide new high-quality internal and external amenity space for the enjoyment of future residents.
- 8.13 The development will replace and enhance the existing bus stop facilities on Thames Street to benefit existing and future residents and users of the town centre.
- 8.14 The proposed development includes a £70,000 contribution to improvements to open space at the Memorial Gardens, benefitting existing and future residents.
- 8.15 Residents would support the vitality and viability of the town centre which is important to support strong, vibrant and healthy communities.

Environmental

- 8.16 The Site is Previously Developed Land and comprises the vacant former Debenhams store. The landscape proposals on the amenity space will allow for the creation of new and enhanced habitats.
- 8.17 The amenity space with communal gardens at podium level will include a large proportion of species from the Royal Horticultural Society plants for pollinators list and tree planting, resulting in a biodiversity net gain.
- 8.18 The proposed development would incorporate a variety of energy reducing measures and take a fabric first approach. Air source heat pumps have been included in the proposals to reduce energy consumption.
- 8.19 100% of car parking spaces will be served by electric vehicle charging points. 4 car club spaces are proposed with up to an addition 6. 226 cycle spaces will be provided to encourage sustainable travel. The proposals will encourage use of sustainable modes of transport.

9 Planning Balance

- 9.1 It is considered demonstrated that the appeal proposals accord with the Development Plan as a whole. The proposals would deliver a high-quality development that is appropriate for this highly accessible location. The proposals are consistent with the character of the area, would deliver public benefits that outweigh the less-than-substantial heritage harm, and would deliver a justified provision of affordable housing. In light of this, the appeal proposals should be approved without delay.
- 9.2 Notwithstanding the above, the Council are failing the housing delivery test and are unable to demonstrate the minimum required five-year supply of deliverable housing sites. As a result, the tilted balance is engaged and there is a presumption in favour of sustainable development as set out at Paragraph 11d) of the NPPF.
- 9.3 Paragraph 8 of the NPPF sets out that achieving sustainable development means that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. The proposed development would meet the three objectives in the following ways:
- 9.4 Economic objective – the proposed development would help build a strong and competitive economy, by supporting retail provision and the economy of Staines town centre through the provision of a retail and mixed-use with residential dwellings being provided above the High Street encouraging use of existing shops, on a former retail site which is currently vacant. The proposal would permanently create part-time and full-time jobs in both the retail elements and the management of the residential buildings. The local community would directly benefit through job creation. Furthermore, use of contractors and suppliers would be secured which indirectly create and sustain further jobs. The proposed development would have significant economic benefits.
- 9.5 Social objective – the proposed development would make a significant and valuable contribution to the Council's housing land supply and delivery of homes in a highly accessible location. The high-quality amenities proposed would support strong, vibrant and healthy communities, by fostering a well-designed and safe built environment.
- 9.6 Environmental objective – the proposal would contribute to enhancing the built environment through the regeneration of a vacant site comprising a building of low aesthetic value which is no longer fit for purpose. Development would complement the character of the surrounding area providing a development of the highest architectural quality with landscaping enhancing the public and private realms. There would be less-than-substantial effect heritage assets; that are outweighed by public benefits. Improved surface water drainage accounting for climate change

could reduce the risk of surface water flooding in the surrounding area and the proposal could result in a net gain on ecology and biodiversity. The development would result in lesser vehicle movements due to the siting in a highly accessible location, as well as encouraging walking and cycling.

- 9.7 In light of the above, it should be considered that there would be no significant and demonstrable adverse effects that would outweigh the benefits when assessed against the policies of The Framework taken as a whole.

10 Planning Conditions and Obligations

10.1 Correspondence from the Council during the determination of the appeal application set out the planning obligations necessary to make the development acceptable in planning terms. These comprise the following:

- Car club
 - Provision and operation of 4 cars for minimum of 5 years.
 - Scheme to be submitted with review mechanism for increase of cars of up to a total of 10, dependent on use.
 - All electric vehicles.
 - No membership fees and first 5-hours of car club trips for free.
- Car parking
 - Prevention of residents of the development from obtaining a parking permit for any of the Controlled Parking Zones.
- Affordable housing
 - 16% provision
 - Discount market rent tenure with rents not to exceed the Local Housing Allowance
 - Mix comprising:
 - 10no. 1 bed 1 person units,
 - 13no. 1 bed 2 person units,
 - 10no. 2 bed 3 person units, and
 - 4no. 2 bed 4 person units.
 - Viability review mechanism
- Open space
 - £70,000 for improvements to the Memorial Gardens

10.2 The Appellant is in the process of drafting a S106 Agreement to secure the planning obligations identified at appeal application stage and will be submitted as part of the Appeal in accordance with the timetable to be issued.

- 10.3 It is anticipated that the planning obligation will include a blue pencil clause, as a result of the disagreement on viability, and that the Council will be obliged to demonstrate (in a CIL Compliance Statement) how the above requests meet the terms of the CIL Regulation 122(2).
- 10.4 The Appellant acknowledges, following consideration of the consultation responses and planning policy, that conditions will be required to be secured to the planning permission if the Appeal is allowed. The Appellant is committed to discussing and agreeing the wording of conditions with the Council, through the Statement of Common Ground.