



CIL COMPLIANCE STATEMENT

Appeal reference: APP/Z3635/W/22/3312440

Appeal by Future High Street Living (Staines) Ltd relating to the application to Spelthorne Borough Council for:

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. (21/01772/FUL).

at Former Debenhams, High Street/Thames Street, Staines.

April 2023

1. FRAMEWORK AND POLICIES

1. Regulation 122 of the *Community Infrastructure Levy Regulations 2010* (as amended) states that a planning obligation may only constitute a reason for granting planning permission if the obligation is:-
 - a. Necessary to make the development acceptable in planning terms;
 - b. Directly related to the development; and
 - c. Fairly and reasonably related in scale and kind to the development.

1.2 Paragraph 57 of the National Planning Policy Framework reiterates the Regulation 122 test.

1.3 The policies of the Council's Core Strategy and Policies DPD 2009, which are relevant to the planning obligations to be secured are as follows:

- Policy HO3 (Affordable Housing)
- Policy CC2 (Sustainable Travel)
- Policy CC3 (Parking)
- Policy EN1 (Design of New Development)
- Policy CO2 (Infrastructure)
- Policy CO3 (Provision of Open Space for New Development)

2. PROPOSED PLANNING OBLIGATIONS

2.1 The proposed Section 106 Agreement is between (1) Spelthorne Borough Council; (2) Future High Street Living (Staines) Ltd and (3) Surrey County Council. The proposed planning obligations included within the Section 106 Agreement cover the following areas of infrastructure:

- **Affordable Housing** – The provision of on-site affordable housing as part of the proposed scheme
- **Sustainable Transport Measures** – The provision of four car club vehicles and parking spaces, and other associated measures. Payment of a travel plan audit fee of £6,150
- **Financial contribution towards children's play area** – The provision of a financial contribution of £70,000 towards renovating the open space at Memorial Gardens.
- **Financial contribution towards Education** - The provision of a financial contribution of £130,000 towards school places.

3. CIL TESTS

- 3.1 The following table explains how the above planning obligations comply with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulation 2010 (as amended) and paragraph 57 of the National Planning Policy Framework.

PLANNING OBLIGATION	TEST 1 - NECESSITY	TEST 2 – DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT	TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND
Affordable Housing	<p>Policy HO3 of the Core Strategy & Policies DPD 2009 requires up to 50% of housing to be affordable where the development comprises 15 or more dwellings. Any provision may include social rented and intermediate units, subject to the proportion of social rented being at least 65% of the total affordable housing component.</p> <p>A proportion of 12% affordable housing was disputed, and planning permission refused for this reason. However, on 16 March 2023 it was agreed between the parties that the maximum viable provision of affordable housing that the scheme can now support is 50 units, or 22% of the total, with 100% affordable rent. This revised 22% figure meets the CIL tests.</p> <p>The obligation is necessary to comply with the policy and ensure that the affordable housing element</p>	The obligation to secure and maintain the affordable housing element is directly related to the appeal scheme.	The level of affordable housing accords with the requirements of Policy HO3 of the Core Strategy and Policies DPD 2009. The provision of affordable housing is therefore considered fair and reasonable as the proportion required under the development plan.

	<p>is secured and maintained as approved in perpetuity.</p> <p>The proposed obligation is necessary to make the appeal scheme acceptable in planning terms. Without the obligation, it would not be possible to secure and maintain the affordable housing which is required by Policy HO3.</p>		
Sustainable transport measures	<p>Policy CC2 of the Core Strategy and Policies DPD requires 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.</p> <p>The planning obligation is necessary to secure the provision of 4 car club vehicles, and the provision of the associated parking spaces and other associated measures to accord with the requirements of Policy CC2</p>	The provision of the 4 car club vehicles and spaces, and other associated measures, are directly related to the proposed development. The vehicles and spaces will be located on the site.	<p>The proposed 4 car club vehicles, parking spaces and associated measures are considered fair, reasonable and proportionate to the scale of the development. They are considered to accord with the requirements of Policy CC2.</p> <p>The requirement to provide the 4 car club vehicles and associated measures on the site for a minimum of five years following the first occupation of the site is considered fair and reasonable.</p> <p>It is also considered that the provision of free car club membership for 12 months and the first 5 trips for free for the first occupants of each residential unit is reasonable and fair.</p>
Payment of a travel plan audit fee of £6,150	Policy CC2 of the Core Strategy and Policies DPD requires that the Council will seek to secure more sustainable travel patterns by supporting measures and specific	The financial contribution of £6,150 was requested by the Surrey County Council as the County Highway Authority to monitor the Travel Plan as	The proposed contribution of £6,150 towards auditing the Travel Plan is considered fair and reasonable in relation to the scale of the appeal scheme.

	<p>schemes to improve facilities for non-car based travel.</p> <p>Policy CC3 sets out the Council's general approach to parking provision.</p>	<p>noted in consultation email dated 21 January 2022.. The fees are used to pay for the assessment of travel plans and auditing of subsequent monitoring reports (which measure travel plan progress), potentially over 9 years – travel plan targets should be achieved after 5 years, but monitoring is required until year 9 if targets aren't met by yr5. The CHA note that the fees were based on the travel plan officer's hourly rate, according to the rate-card hourly rate in 2007, along with managing officers' time. As set out in SCC Travel Plans A Good Practise Guide for Developers July 2018</p> <p>Taking into account the requirement to ensure the details in the Travel Plan are implemented the requirements of Policy CC2 and CC3, the proposed obligation is considered to directly relate to the proposed development.</p>	<p>The proposed trigger for the financial contribution to be paid in full to the Council prior to commencement of development on the appeal site is considered reasonable.</p>
Financial contribution of £70,000 towards renovating the open space at	<p>Policy CO3 of the Core Strategy and Policies DPD states that where new housing is proposed the Council will require either the provision of new on site open space or a financial contribution towards costs of new off site provision. If on or off site</p>	<p>The financial contribution of £70,000 was requested by the Council's Head of Neighbourhood Services to cover the cost of renovating the open space at Memorial Gardens. Axtell Surfacing and</p>	<p>The proposed contribution of £70,000 towards renovating the open space at Memorial Gardens by providing a new surface to the pathways, which will enhance its recreational value is considered fair and reasonable in</p>

Memorial Gardens by resurfacing pathways.	<p>provision is not feasible the Council will require a contribution in the form of a commuted payment to improve existing sites to enhance their recreational value and capacity.</p> <p>The proposed housing is located on a relatively small town centre site and open space is not being provided in the scheme. The proposed planning obligation to secure a financial contribution of £70,000 is considered necessary for the renovation of the open space at the Memorial Gardens to enhance its recreational value and to reflect the increased use of the gardens as a result of the increased population.</p>	<p>Groundworks have provided a quotation dated March 2023, for the construction of resin bound pathways which this money will contribute towards.</p> <p>Taking into account the level of works involved, the proximity of the open space to the appeal site, and the requirements of Policy CO3, the proposed obligation is considered to directly relate to the proposed development.</p>	<p>relation to the scale of the appeal scheme.</p> <p>The proposed trigger for the financial contribution to be paid in full to the Council prior to commencement of development on the appeal site is considered reasonable.</p>
Financial contribution of £130,000 towards Education	<p>Policy CO2 of the Core Strategy and Policies DPD states that the Council will require the contribution towards the cost of infrastructure, required as a result of the development brought forward.</p>	<p>£130,000 has been put forward by the applicant as a contribution towards the amount requested for education by Surrey County Council to cover the cost of school places. As set out in the Surrey County Council Education Infrastructure CIL Justification Statement in their consultation response dated 11 January 2022. The calculation is based on the SCC S106 Education formula. This formula is based on housing mix, yield estimate per no. of children (Early years 15.82 and Secondary; 1 bed – 1.06 and 2</p>	<p>The proposed contribution of £130,000 towards education is considered fair and reasonable in relation to the scale of the appeal scheme, and is less than that requested by SCC, given the Council's priority for affordable housing in this location.</p> <p>The proposed trigger for the financial contribution to be paid in full to the Council prior to commencement of development on the appeal site is considered reasonable.</p>

		<p>bed 8.4) and cost multiplier (Early years £9615 and Secondary £20685).</p> <p>Taking into account the number of family dwellings which would accommodate school aged children who would likely attend schools in the Borough, and the requirements of Policy CO2, the proposed obligation is considered to directly relate to the proposed development.</p>	
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