

COMMITTEE AGENDA REFERENCE: 5e

APPLICATION REF:	RU.21/2050
LOCATION	30 The Causeway, Staines-Upon-Thames, TW18 3BY
PROPOSAL	Demolition of all existing buildings and structures, and the comprehensive redevelopment of the Site to deliver 272 residential units (Use Class C3). Associated landscaping, car parking and ancillary development. (amended 18/01/2022)
TYPE	Full Planning Permission
EXPIRY DATE	23/03/2022
WARD	Egham Hythe
CASE OFFICER	Christine Ellera
REASON FOR COMMITTEE DETERMINATION	LISTED BY CHDMBC.
<i>If you have questions about this report please contact Ashley Smith, Victoria Gibson or the case officer.</i>	

1. SUMMARY OF RECOMMENDATION

It is recommended the Planning Committee authorises the CHDMBC:	
	When applying the planning balance, it is not considered that the harm caused from the proposed development; notably the substantial harm regarding the design, matters regarding flooding and the harm to neighbouring amenity is outweighed by the benefits of the scheme. Even if matters regarding flooding were overcome it is considered that the resulting harm from the poor approach to design substantially outweighs the benefits. Accordingly, the application is recommended for refusal for the following reasons (it should be noted that refusals reasons 4, 5 and 6 could be resolved were a completed legal agreement provided to secure such matters):
	<p>1) The proposed development by reason of the proposed layout, form, scale, landscaping and overall design approach fails to deliver a high quality design led scheme. The proposed development is not of good design and does not seek to create beautiful, high quality and sustainable places. Therefore, the proposed development is contrary to Policy EE1 of the Runnymede 2030 Local Plan (2020), Runnymede Design Guide Supplementary Planning Document (2021), the National Planning Policy Framework (2021) and the National Design Guide (2019).</p> <p>2) It has not been demonstrated that there are not reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding nor that the proposed development would be safe throughout its lifetime and not lead to increased flood risk elsewhere. The proposed development is therefore contrary to policy EE13 of the Runnymede 2030 Local Plan (2020), Runnymede Design Guide Supplementary Planning Document (2021), the National Planning Policy Framework</p>

(2021)

- 3) The proposed development by reason of its siting, position and built form would result in direct overlooking and loss of privacy to No. 32 Chandos Road, detrimental to the amenities of the occupiers of this dwelling and contrary to Policy EE1 of the Runnymede 2030 Local Plan (2020), Runnymede Design Guide Supplementary Planning Document (2021), the National Planning Policy Framework (2021)
- 4) In the absence of a completed legal agreement for SANG and SAMM Contributions in accordance with the Council's adopted Supplementary Planning Guidance on the Thames Basin Heaths Special Protection Area the Local Planning Authority are not satisfied that; there are no alternative solutions, or that it is likely that the proposal would pass the Regulation 49 test of imperative reasons of overriding public interest. It is bound to refuse permission in accordance with Regulation 48 (5) of the Habitats Regulations 1994 and Article 6 (3) of Direction 92/43/EEC
- 5) In the absence of a completed legal agreement the proposed development has failed to secure the provision of 34 affordable housing units (12% on site provision) to meet local needs. The proposed development is therefore contrary to policy SL20 of the Runnymede 2030 Local Plan (2020), Runnymede Affordable Housing Supplementary Planning Document (2022) and the National Planning Policy Framework (2021) and its associated guidance
- 6) In the absence of a completed legal agreement the proposed development has failed to secure the provision of the necessary infrastructure needed to make this development acceptable in planning terms. The proposed development is therefore contrary to policies SD3, SD4, SD5 and EE9 of the Runnymede 2030 Local Plan (2020) and the National Planning Policy Framework (2021) and its associated guidance.

2. DETAILS OF THE SITE AND ITS SURROUNDINGS

- 2.1. The application site relates to an existing office complex, occupied by three commercial buildings; Lakeside House, Lakeside East and Lakeside West which are between 2 and 3 commercial storeys in height, the tallest of which is Lakeside House, standing at circa 15.5m in height (equivalent to approximately 5 residential storeys). The remainder of the site provides a large area of car parking, including a single decked storey car park at the south of the site.
- 2.2. With reference to the below planning history Lakeside House and Lakeside East benefits from prior approval to be converted from offices to residential.
- 2.3. The site is located to the south of The Causeway and is largely surrounded by residential properties both to the east and to the west. These residential properties are typically two storey detached and semi detached houses many of which benefit from long extending garden areas. The site is bound by the railway line to the south of the site. Within the wider area The Causeway is characterised by a mix of commercial and residential properties including a number of large retail warehouse sheds. The opposite side of The Causeway is characterised by large office buildings and parking areas.
- 2.4. The site is within the urban area but not in a town centre location, it is approximately a mile from Egham town centre however this walk involves navigating through part of an industrial

estate and crossing over the M25 foot bridge. The town centre of Staines is also a similar distance away to the east and forms the main town centre in the adjoining Borough of Spelthorne.

2.2 The key constraints of this site include:

- Strategic Employment Areas
- Flood zone 2 and 3a
- Flood zone 3b- Functional Floodplain (the lake)
- Groundwater source protection Zones
- Urban Area
- Hazardous Substance Consent

2.3 Adjacent to:

- Areas of High Archaeological Potential and County Site of Archaeological Importance.

3. APPLICATION DETAILS

3.1. The proposal is for full planning permission to redevelop the site to deliver 272 residential units. All existing office buildings and parking areas etc. would be demolished to facilitate the redevelopment.

3.2. The residential units would be provided through x8 blocks of flats and x10 town houses positioned to the rear of the site. Blocks numbered V1- 4 would face onto the Causeway, blocks V6 and V10 would “sit” behind blocks V3 and V4 and block V5 would be adjacent to the lake, located relatively on the footprint of the current building known as Lakeside West. Towards the rear of the site would be blocks V7 and V8.

3.3. **Table 1:** Summary of proposed blocks/ housing mix:

Building	Storey height	One bedroom	Two bedroom	Three bedroom	Total units
V1	Up to 4	5	2	2	9
V2	Up to 5	10	8	2	20
V3	Up to 5	9	8	4	21
V4	Up to 4	9	5	-	14
V5	Up to 6	17	29	-	46
V6	Up to 7	18	23	4	45
V7	Up to 8	25	32	1	58
V8	Up to 6	17	24	1	42
V9 (houses)	Up to 2	-	-	10	10
V10	Up to 3	6	1	-	7
TOTAL	-	116	132	24	272

3.4. Within the wider scheme a total of x12 one bedroom and x1 two bedroom units (total of 13 units or 4.7% would be wheelchair adaptable). The initial submission proposed that 28 units would be for affordable housing units. During the consideration of this planning application a further 6 units were proposed, total of 34 and this would now be contained in blocks V2 and v4.

- 3.5. 141 parking spaces are proposed for the development, with 12 of them being wheelchair accessible. These will all be provided at ground level, positioned along the access routes within the site.
- 3.6. The updated Travel Plan submitted in support of this planning application sets out that car parking would be allocated to the townhouses and larger units (3+bedrooms), accessible units will be provided with access to a single parking bay. The remaining spaces would then be distributed to 2-bedroom units that require a space.
- 3.7. The proposal includes 473 cycle parking spaces which are split across each residential block and the townhouses. Access to the store will be controlled and for residents only.
- 3.8. The proposed landscaping sets out that the woodland and pond/lake on site will be retained and enhanced and states that development will commit to keeping a 5m buffer from the edge of the pond/ lake. An enhanced path looks to go around the south eastern end of the lake with new bridge and pontoons. The Flood Risk Assessment submitted in support of the planning application sets out that the size of the lake would be increased to provide additional flood storage towards the western end of the bank.

4. RELEVANT PLANNING HISTORY

- 4.1 There is extensive planning history to this site. The following history is considered relevant to this application, recent prior approval applications effectively agree the conversion of Lakeside West and Lakeside House from offices to residential under Prior Approval:

Reference	Details
RU.22/0125	Prior Approval Application for an extension to the existing building to provide an additional two storeys to create an additional 20 residential units, under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class AA (New dwellinghouses on detached buildings in commercial or mixed use) <i>Prior Approval Required and Refused April 2022</i>
RU.22/0121	Lakeside House 30 The Causeway. Prior Approval Application for an extension to the existing building to provide an additional two storeys to create an additional 16 residential units, under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class AA (New dwellinghouses on detached buildings in commercial or mixed use). <i>Prior Approval Required and Refused April 2022</i>
RU.21/1519	Lakeside West 30 The Causeway. Prior Approval Application for an extension to the existing building to provide an additional two storeys to create an additional 16 residential units, under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class AA (New dwellinghouses on detached buildings in commercial or mixed use). <i>Prior Approval Required and Refused November 2021</i>

RU.21/1523	Lakeside House 30 The Causeway. Prior Approval Application for an extension to the existing building to provide an additional two storeys to create an additional 16 residential units, under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class AA (New dwellinghouses on detached buildings in commercial or mixed use). <i>Prior Approval Required and Refused November 2021.</i>
RU.21/0484	Lakeside West 30 The Causeway. Prior notification of proposed change of use from offices (Use Class B1a) to residential (Use Class C3) for 39 residential units, under the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended Schedule 2, Part 3, Class O. Grant Prior Approval- May 2021.
RU.21/0483	Prior notification of proposed change of use from offices (Use Class B1a) to residential (Use Class C3) for 28 residential units, under the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended Schedule 2, Part 3, Class O. Grant Prior Approval- May 2021
RU.20/1703	Lakeside West 30 The Causeway. Prior notification of proposed change of use from offices (Use Class B1a) to residential (Use Class C3) for 39 residential units, under the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended Schedule 2, Part 3, Class O. <i>Withdrawn prior to determination.</i> Applications RU.20/1701 (Lakeside East) and RU.20/1702 (Lakeside House) were also withdrawn prior to determination.
RU.20/1190	Lakeside West 30 The Causeway. Prior notification of proposed change of use from offices (Use Class B1a) to residential (Use Class C3) for 42 residential units, under the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended Schedule 2, Part 3, Class O. Prior Approval Required and Refused
RU.20/0889	Lakeside West 30 The Causeway. Prior notification of proposed change of use from offices (Use Class B1a) to residential (Use Class C3) for 42 residential units, under the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended Schedule 2, Part 3, Class O. Prior Approval Required and Refused. Applications RU.20/0888 (Lakeside House) and RU.20/0890 (Lakeside East) were also refused for the same reason.

5. SUMMARY OF MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 The Borough's current adopted Development Plan comprises of the Runnymede 2030 Local Plan which was adopted on 16 July 2020 and the policies have to be read as a whole. The relevant policies are considered to be:

- SD1 – Spatial Development Strategy
- SD2 – Site Allocations
- SD3 – Active & Sustainable Travel
- SD4 – Highway Design Considerations
- SD5 – Infrastructure Provision & Timing
- SD7 – Sustainable Development
- SD8 – Renewable & Low Carbon Energy
- SL1 – Health and Wellbeing
- SL19 – Housing Mix and Size Requirements
- SL20 – Affordable Housing
- SL22 – Meeting the needs of Gypsies, Travellers and Travelling Show People
- SL26 – New Open Space
- EE1 – Townscape and Landscape Policy
- EE2 – Environmental Protection
- EE9 – Biodiversity, Geodiversity and Nature Conservation
- EE10 – Thames Basin Heaths Special Protection Area
- EE11 – Green Infrastructure
- EE13 – Managing Flood Risk
- Policy IE1: Employment allocations
- Policy IE2: Strategic Employment Areas
- Policy IE3: Catering for modern business needs

Other Material Considerations

5.2 National Planning Policy Framework (revised July 2021)- acts as guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications. At the heart of the NPPF is a presumption in favour of sustainable development. The document, as a whole, forms a key and material consideration in the determination of any planning permission.

The supporting National Planning Policy Guidance (NPPG) is also a material consideration for decision making, as is the National Design Guide (2019) and the Nationally Described Space Standards (2015)

5.3 SPDs which can be a material consideration in determination:

- Runnymede Borough Parking Guidance (2022)
- Affordable Housing Supplementary Planning Document (2022)
- Runnymede Design Supplementary Planning Document (2021)
- Green and Blue Infrastructure Supplementary Planning Document (2021)
- Thames Basin Heaths Supplementary Planning Document (2021)
- Infrastructure Delivery and Prioritisation (2020)
- Parking Strategy: Surrey Transport Plan (2020)

6. CONSULTATIONS CARRIED OUT

6.1. **Consultees responses:**

Table 2: Summary of consultation responses.

Consultee	Summary of comments
Environment Agency	<p>Raise objection- Summary of a wider objection which is discussed further below in section 7.4 Principle of the Development in Flood zone 3a and 2 and Wider Flood Risk Considerations:</p> <p>The section and elevation drawings provided show that many of the underfloor voids are proposed below ground level. This means voids will not freely self-drain when flood water recedes and storage capacity for any further flooding would not be guaranteed. The proposed design is not in accordance with EA recommendations and they have concerns that the voids would not provide the level of flood compensation needed to ensure this development is compliant with planning policy. Replacing flood storage which is lost through development, is best achieved where minimal human or mechanical intervention is involved.</p>
Natural England	No objection to make on this application
Health and Safety Executive	No objections subject to conditions regarding the revocation of Hazardous Substances Consent at adjoining land.
Surrey Wildlife Trust	Detailed comments have been provided during the consideration of this planning application. Full comments and discussion are set out in section 7.10 Ecology and biodiversity.
Council's Viability Consultants on Affordable Housing (Dixson Searle Partnership)	Detailed comments have been provided during the consideration of this planning application. Full comments and discussion are set out in section 7.6: Housing Mix and Affordable Housing
Affordable Housing Officer	<p>We are disappointed that only 34 properties, out of 272, would be for Affordable Housing, as opposed to the 95 homes required by our policy and which should comprise 25% First Homes, 53% social/ affordable rent and 22% other forms of affordable housing such as shared ownership. Our preference is for good quality houses with gardens, especially 2 bedroom 4 person homes, for the families on our Housing Register who are in housing need. The homes should also be genuinely affordable for local people, preferably with rented homes delivered at Social (rather than Affordable) rent and so more in line with Runnymede Council rents. If RBC is minded to approve the application, clarity should be sought as to the tenure and size mix proposed. It should also be</p>

	<p>noted that the Registered Provider should be approved by the Council, from our list of preferred partners which is available on the website and on request.</p>
Energy Officer	<p>The RBC Energy Officer had raised concerns about measures for the secure storage of cycles. It has now been confirmed that bin and cycle stores will be placed in each block, which will incorporate secure access. As well as separate evidence that EV charging provision will be delivered in line with and excess of the latest Surrey County Council guidance.</p> <p>Previous comments found the methods proposed to 'be lean' and 'be clean' to be generally acceptable. However, concerns were also raised regarding the use of gas boilers in supplying energy. The Energy & Sustainability Statement now confirms that dwellings can utilise zero carbon emission heat pump systems for heating and hot water.</p> <p>Concerns were also raised regarding lack of clarity about whether the 10% target had been met. The Statement now confirms that the proposed PV installation will represent 11.12% of the development's energy needs, satisfying the Policy requirement.</p> <p>The latest Energy & Sustainability Statement discounts connection to existing networks as they do not currently exist in the area. This is considered to be acceptable. Developers are encouraged to transition away from gas boilers, and heat pumps are considered to be one of the most efficient low carbon heat sources keeping energy use to a minimum, while not using fossil fuels on-site.</p>
Arboricultural Officer	<p>The application requires some tree removals to achieve the proposed lay out but does retain many of the existing trees. There is great potential to improve the retained existing trees and plant more trees to mitigate the tree loss. However, the process of development can harm the retained trees. To prevent harm to the retained trees and mitigate the tree loss, tree protection conditions should be attached to any forthcoming permission.</p>
Drainage Engineer	<p>In principle, we have no objection to proposed finish floor levels. We believe there is a typo in 15.97m AOD as other sections of the report reference 15.67m AOD. For consistency, this should be corrected. The EA will also need to comment.</p> <p>Permeable Surfacing - Infiltration is not to be allowed in made ground. It is stated that made ground was encountered at 1.0- 1.2m bgl. As permeable surfacing are largely shallow infiltration SUDs, confirmation is required that the system will be designed so that infiltration occurs in strata below made ground. If it is</p>

	<p>concluded that infiltration in the permeable paving is not feasible and infiltration is to occur only in the lake, adequate attenuation should be provided to ensure that pre and post development infiltration rates is maintained. Hydraulic calculations indicate that cellular storage is proposed. It is not clear their locations as they are not shown on the proposed layout. The network shall be designed so no surcharge occurs for the 1:2 year event.</p> <p>Further information that safe access/egress is available for proposed dwellings in the southwestern corner should be submitted.</p>
Contaminated Land Officer	A Phase 1 investigation has been completed showing the need for a Phase 2 detailed site investigation post demolition prior to development. Such matters can be secured by way of conditions.
Waste and Refuse Services	<p>Raises a number of point of queries:</p> <ul style="list-style-type: none"> • Access points to bin stores: In some areas, there is not direct access to the vehicle due to landscaping/planting • Bin store layout- need to demonstrate a suitable access and manoeuvring can be accommodated, as well as easy access for residents to all containers Doors- demonstrate all door opening outward • Capacity Further clarification is required regarding the number of properties assigned to each bin store area • Food waste- demonstrate access for a communal food waste container(s).
Environmental Health	No comments received
Green Spaces Team	No comments received
SCC Highway Authority	<p>No objections raised- recommends an appropriate S106 agreement should be secured before the grant of permission which should include:</p> <ul style="list-style-type: none"> • two car club spaces • vouchers for all residential units towards the car club • three year's free membership of the car club for all initial occupants of the residential units. • To secure the Travel Plan auditing fee • provide each dwelling with a combined cycle/public transport voucher per dwelling. <p>This and the wider highways considerations are discussed below in section 7.7 Highways Considerations</p>

	of the report.
SCC Lead Local Flood Authority	No objections- We are satisfied that the proposed drainage scheme meets the requirements set out in the aforementioned documents and are content with the development proposed, subject to our advice below. Our advice would be that, should planning permission be granted, suitably worded conditions are applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.
SCC Archaeology	The site borders an area of High Archaeological Potential, and the site has a high to moderate potential for archaeological interest. Further archaeological works can be secured by way of condition.
Cadent Gas	Holding objection based on the proximity to a nearby pipeline. This is discussed further below.
National Highways	No objections- the proposals would not materially affect the safety, reliability and/or operation of the Strategic Road Network. Having reviewed the Transport Assessment, we are satisfied with the trip generation figures produced. When compared to the existing office use of the site, there will be a net reduction in vehicle trips to/from the site. It is therefore unlikely that there will be any meaningful impact upon the Strategic Road Network.
Network Rail	<p>Due to the proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.</p> <p>The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.</p> <p>The applicant / developer must also follow the Asset Protection informatives which are issued to all proposals within proximity to the railway.</p>
Affinity Water	No comments received

Thames Water Utilities	<p>We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.</p> <p>Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the an informative regarding the above.</p> <p>In terms of surface water drainage, the developer should follow the sequential approach to the disposal of surface water. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.</p> <p>As the proposed development is located within 15 metres of a strategic sewer requests a condition that no piling shall take place without a piling method statement first being approved.</p> <p>Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, they have no any objection to the above planning application, based on the information provided</p> <p>Recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.</p>
UK Power Networks	No comments received
Surrey Bat Group	<p>We have read the accompanying bat report prepared by Greengage, which detailed the methodology and results of a range of surveys carried out between late August and October 2021. The surveys themselves have been carried out broadly in line with best practice however there is a problem with the timing of the surveys. These should be spread across the active period of May to August, or sub-optimally September. These surveys are limited to late August and September and do not consider the period in June and July. If the consultants argue that the surveys are sufficient based on their professional judgement, they will need to supply</p>

	evidence to substantiate this. The report makes a number of recommendations for mitigation, compensation and enhancement, including the provision of bat boxes, but the types and number are not specified. Further details will need to be secured by condition.
Spelthorne Borough Council	No comments to make
Royal Borough of Windsor and Maidenhead	No comments to make

Representations and comments from interested parties

6.2. 103 letters of representation have been received from individual addressees; comments made can be summarised as follows:

Principle of development

- The proposed development is contrary to the local plan and NPPF, as it is a residential development on a Strategic Employment Area.
- The council should not have approved the change of use of the building to residential undertaken under previous Prior Approval applications on this site.
- The site has had a previous application refused in 2003.

Design concerns

- The proposal is an overdevelopment of the site.
- The density of the scheme is too high and should be reduced.
- The proposals out of keeping with the character of the area.
- The proposed development is too high and should be restricted to the maximum height being as existing.
- The proposed materials are out of keeping with the character of the area.

Highway Safety and Parking Concerns

- There is insufficient parking for the proposed development.
- Concerns about parking allocation, and provision of suitable disabled car park spaces.
- Concerns about highway safety and emergency vehicle access.
- Proposal will have exacerbate existing on street parking pressures in the surrounding roads.
- Concerns about servicing and refuse vehicles being able to access both the development, as well as surrounding areas given on street parking pressures.
- Request clarification regarding electric vehicle charging spaces and the numbers set out in the applicant submission.
- Does not consider that the parking survey submitted as part of the application provides a true assessment of existing parking stress.
- The proposed development increased vehicle traffic during peak rush hour times and could increase highway safety issues, particularly for pedestrians.
- As part of one representation a survey of the existing streets and their parking capacity has been submitted.
- There are no regular bus services to cater for the new units.
- Such a development will have a detrimental impact the community's health and wellbeing

being.

Impact on neighbouring amenity

- The height of the buildings will mean that the proposal will overlook adjoining properties resulting in loss of privacy.
- Queries why specific houses are not including in the results of the Daylight and Sunlight assessment.
- Development would result in loss of light and privacy to neighbouring properties.
- Increased noise and disturbance resulting from the development both at construction phase and completion.
- Concerns about light pollution, to just to wildlife but to residents in surrounding areas.

Ecology and environmental concerns

- The pollution will affect both local residents and local wildlife, including bats and the local toad population.
- As part of one local residents' letter of representation they have provided a ecology assessment as a doctor in in amphibian conservation. The assessment notes some beneficial mitigation strategies proposed by the developer however highlights the mitigation measures proposed to reduce impacts on toad numbers are ineffective, as they do not address the overarching threat to this population (discussed further below).
- Concerns have been raised about the impact on bats.
- Section 40 of the NERC Act 2006 requires all public bodies to have regard for biodiversity conservation when carrying out their function.
- The proposal will affect the ecology of the local area, including the local toad population that used the lake.
- Concerns about the loss of trees and impact on wildlife.
- This development will massively impact upon common toad and their migration route.
- The proposed development would increase the carbon footprint above reusing the existing buildings.
- The proposal does not provide a low carbon hearing solutions.

Flooding Issues

- Previous incidents of flooding have occurred on site and to surrounding properties due to groundwater flooding.
- The proposal will increase flooding pressures in the surrounding area.
- In 2016 British Gas (the former site owners) submitted Planning Application RU.16/0474 for a Flood Management Scheme which was granted permission on 6 July 2016 and was also approved by the Environmental Agency- this should be implemented if permission is granted.
- Thames Water has not provided enough evidence that the existing sewers can cope with the demand this development.
- The development will increase pressures on the existing overstretched sewage system.
- The topographical survey, which is key in providing an open approach for assessment of flood risk. This piece of information is also necessary to consider this planning application and it is absurd that this has not been provided.
- The proposed development fails to dela with ground water flooding issues which the site and wider area experiences.

Other Matters

- Raises concerns about the level of community engagement which the developer has suggested has taken place.
- Concerns about impact on local services including GP places and hospital services.
- Disagrees about the level of engagement which the developer claims to have

- undertaken.
- Impact the proposed development have on local services including doctors hospitals and schools.
- Queries potential conflict of interest between council leaders and the developer
- Queries the need for a change in case officer.
- There is no demand for this proposal as Runnymede is meeting 109% of housing needs.
- Some representations have made comments on a flyer sent to Local Residents by the developer. This does not form part of the planning application and the flyer has not been considered as part of this planning application.
- The request for an extension of time for residents to provide consultations response has been ignored.
- Concerns about asbestos.
- Reference made to a S106 Social Housing Levy.

7. PLANNING CONSIDERATIONS

7.1. In the determination of this application regard must be had to the Development Plan and National policy within the NPPF. The application site is located within the urban area where the principle of such development is considered to be acceptable subject to detailed consideration. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. The following key planning matters are also considered relevant:

- Principle of development
- Principle of the Development in Flood zone 3a and 2 and Wider Flood Risk Considerations
- Design considerations
- Housing Mix and Affordable Housing
- Highways Considerations
- Provision of a Suitable Residential Amenity
- Impact on Neighbouring Amenity
- Ecology and biodiversity
- Renewable Energy
- Other Considerations
- Planning Obligations/Infrastructure

7.2. **Principle of development**

The presumption in favour of sustainable development

- 7.2.1. Paragraph 2 of the NPPF highlights that the National Planning Policy Framework is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- 7.2.2. Paragraphs 11 of the NPPF (2021) deals with the “presumption in favour of sustainable development” and sets out that:

“For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- 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.”*

7.2.3. Footnote 8 of the NPPF (2021) states that, for decision-taking on applications involving the provision of housing, assessing when policies which are most important for determining the application are out-of-date can *include* situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer). Or, where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

7.2.4. In relation to the Housing Delivery Test, the most recently published ‘Housing Delivery Test: 2021 measurement’ shows the Council has delivered 109% of their requirement. Well above the footnote 8 threshold of 75%.

7.2.5. In relation to five-year supply of deliverable housing sites, the strategic policies relating to the housing requirement are set out in the Runnymede 2030 Local Plan (2020). Whilst the Local Plan contains an average annual housing target of 500dpa, over the next 5 years, an annualised target of 672 units net housing completions is required. This takes into account the appropriate buffer and the shortfall of provision since the start of the Plan period. The Council’s position is that we have 5.82 years’ worth of deliverable housing supply, in excess of a 5 year supply required by footnote 8. This is set out in full in the “Runnymede Borough Council Five Year Housing Land Supply December 2021”, contained in Appendix 11 of the Runnymede Strategic Land Availability Assessment 2021 (published February 2022).

7.2.6. Therefore, Footnote 8 of the NPPF (2021) is not relevant. However, a wider assessment of the policies most important for determining the application and whether they are ‘out-of-date’ will be considered further below as required and will be assessed as part of the wider planning balance.

7.2.7. For the purpose of clarification, it can be confirmed that this site has been identified for 50 units in the Council’s 5yhls calculation (based on the prior approval applications). However, if the Council refused this planning application, or any other application forming part of this allocation it would not alter the Council’s position set out above in relation to it being able to demonstrate in excess of a 5yhls.

Principle of the Loss of Office Development

7.2.8. Policy IE2 regarding Strategic Employment Areas (SEA) off the Local Plan as well as the associated adopted proposals map identifies this site as forming part of the strategic employment area SA3: The Causeway and Pinetrees Business Park. This policy is clear that the change of use of land and or buildings from employment to non employment uses will be resisted in such locations.

7.2.9. Currently the Council’s most recent published Runnymede Employment Land Review (ELR) 2016 identifies that The Causeway South employment area “*provides premium employment land within the Borough and the wider sub-region. Its proximity to the M25,*

Heathrow and Staines upon Thames gives the area good market visibility. The majority of office stock in this area is of high quality with three contemporary office buildings completed within the last decade...

- 7.2.10. The Runnymede/Spelthorne Strategic Housing Market Assessment Partial Update (2018) forecast requirements for office floor space to a range of 46,400sqm - 63,200sqm (6.8ha - 8.6ha land) over the period 2016-2030. The Council's most recent monitoring data shows in the period 2015-2021, 18,378sqm of office floorspace has been completed, some 28,022sqm short of identified need. Factoring in losses of other former B uses, total B use floorspace completed 2015-2021 is 11,744sqm, short by some 51,356sqm overall. As such, total loss of employment at this site will further exacerbate meeting identified employment needs.
- 7.2.11. The applicants have provided evidence of the marketing exercise undertaken for the site. Whilst the breadth of the marketing exercise appears to be comprehensive, with a substantial database contacted and an Estates Gazette advert placed, the length of the marketing exercise for only one month and took place at the beginning of the Covid-19 pandemic. This it is not considered a robust marketing evidence to demonstrate that the site is not appropriate for office redevelopment. Any further marketing exercise at this stage would be perfunctory given the sites being acquired by Stonegate Homes.
- 7.2.12. Wider arguments put forward by the applicants including that there is no realistic prospect of employment use at the site; the site being surrounded by residential properties restricts the nature of employment uses which could come forward in the future and that the prior approval applications establishes the loss of employment use.
- 7.2.13. The site benefits from prior approval under national legislation to convert the existing office floor space into residential. This is a strong material consideration. It is difficult to substantiate an objection to "resist" the loss of this employment floor when the applicants, could currently and in any case, convert the existing buildings on site to residential accommodation without the need for planning permission. Accordingly, and whilst the local plan seeks to resist the loss employment generating uses of SEA, there are material circumstances which demonstrate that the harm regarding the change of use and effective loss of office floor space on this site would be limited.

7.3. Principle of the proposed residential redevelopment of the site

- 7.3.1. The site is located within the urban area of Runnymede. Whilst not a town centre location (and this is discussed further below) it is in a generally mixed-use area with residential roads both to the east and west of the application site. The Causeway does benefit from local amenities including a large food store and within walking distance of Staines Town Centre. There are also local bus routes which pass the site. Therefore, and subject to the acceptance of the loss of office floor space for reasons as set out above, the principle of bringing forward this site for residential use is considered acceptable. However, this is subject to wide considerations as detailed below including development in flood zone 3a and ensuring a high-quality residential scheme is delivered.

7.4. **Principle of the Development in Flood zone 3a and 2 and Wider Flood Risk Considerations**

Sequential Test

- 7.4.1. The pond/lake is located in Flood Zone 3B (functional floodplain). Much of the wider site falls within Flood Zone 3A, with the exception of the northern edge of the side (where

building V3 and V4 are located) being in Flood Zone 2. The site is not allocated for residential development and as such the NPPF (2021) and its associated guidance is clear that the sequential test is required. This is for the Local Planning Authority to assess. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The area of search is considered to be Borough wide.

- 7.4.2. The applicants Sequential Test is contained in Appendix 2 of their Planning Statement and looks at sites in the Borough which can accommodate 218- 328 units (i.e. a variation factor of +/- 20%). At the time of preparing the planning statement the Council were still updating the Strategic Housing Land Availability Assessment (SHLAA) (2021) and as such the applicants utilised the 2018 SHLAA and Brownfield Register (2017). It should be noted that the sequential test directs an assessment from all sources of flooding. It would appear that the planning agent's assessment has only looked at sites with lower levels of fluvial flooding and has not considered that their own Flood Risk also identifies low to medium risk of Surface Water/Pluvial flooding and other source of flooding. However, this may not yield a different outcome as the Council is not directing residential development to flood zone 3A irrespective of if there are other potential sources of flooding.
- 7.4.3. The applicants have looked at alternative sites and have discounted them because they are either too small to accommodate the number of units proposed and/or they are in different ownership and thus other parties are pursuing the redevelopment of those site.
- 7.4.4. Whether or not the applicants utilised the SHLAA 2018 or the 2021 is unlikely to yield a different outcome to this sequential test. Nor if they look at further sites which have less site area in flood zone 3a then this site. The reason being is that Runnymede are taking forward development in the Borough in a plan lead approach, directing residential development to lower areas of flooding. This means the Council are working with developers in such areas to bring forward such development through site allocations in our up to date Plan. The adopted Local Plan has allocated sufficient sites in the forthcoming years to meet need, and as part of this is working with site owners/ developers to bring forward these sites. Therefore, most of these larger site allocation will not be "available".
- 7.4.5. Furthermore, Runnymede is a small Borough and whilst there are some sizable site allocations contained in the Local Plan, were a sequential test only focuses on singular sites to accommodate the development, there are only 4 of these for 218+ units, all of which are deliverable and currently being brought forward by separate landowners. Although it is notes that the applicants have not confirmed if they have contacted these respective site owners to see if they are able to progress their proposal on these sites. Where the sequential test is only to apply to sites of a comparable size and number of units proposed then, subject to some points of clarification, the applicants may be able to pass the sequential test. This is likely the case for their confined search parameters, which include 272 (+/- 20%) dwellings on this site. However for clear design reasons set out below, Officers do not even believe that this site can be successfully accommodated this number of units.
- 7.4.6. The number of units which the applicants sequential test has utilised, therefore limits the number of alternative sites available in Runnymede. The NPPG which supports the NPPF (2021) was updated in August 2022 and sets out that 'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. It

clarifies that these could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'. It is not considered that the submission by the applicant has addressed these points as it has discounted sites simply because they are different ownership and has not looked at if a series of small sites would be capable of accommodating the proposed development. Accordingly, it is not considered that the applicants submission demonstrates that this proposal passes the sequential test.

Exceptions Test

- 7.4.7. The NPPF (2021) and the PPG are clear that it is only after a site passes the sequential test it is then necessary to demonstrate that the Exceptions Test is past. The officer assessment has set out above that they do not consider the sequential test has been passed. This should be the end of the assessment. However, the NPPG which supports the NPPF, has recently been updated also sets out, under the section regarding how Local Planning Authority's decide whether an application passes the Sequential Test states in Paragraph: 029 that:

“Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe throughout its lifetime and not lead to increased flood risk elsewhere.”

Only such a robust assessment on flood risk can only be undertaken by considering if the proposal complies with the exceptions test and any other wider flooding considerations. Therefore, and for the avoidance of doubt and in the event of an Appeal situation the following assessment has been undertaken.

- 7.4.8. The Exceptions Test requires the following:

The development would provide wider sustainability benefits to the community that outweigh the flood risk; and

the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Each part of the Exceptions Test must be met and are considered below:

- *The development would provide wider sustainability benefits to the community that outweigh the flood risk*

- 7.4.9. The applicant's justification for their position on the Exceptions Test is also contained in Appendix 2 of their Planning Statement. They contend that the wider sustainability benefits to the community including increasing the provision of new market housing in the borough and that this proposal would contribute to meeting an identified need, create jobs and associated benefits that are normally attributable to new housing. The applicants also claim that the NPPF (2021) identifies that there are three objectives to sustainability separated into economic, social and environmental and that this proposal will provide sustainability benefits responding to each objectives. The applicants Exceptions Test directs the reader to refer to the wider planning statement, although no specific part of the document is referenced. It is however noted that Paragraph 7.134 of the applicants planning statement sets out how they consider the proposed development meets the objectives of the NPPF.

- 7.4.10. Whilst the applicant's assessment is noted, the NPPG advises that Local Planning

Authority's need to set their own criteria for the assessment on "*wider sustainability benefits to the community*". The NPPG sets out that this should have regard to the objectives in the Sustainability Appraisal framework. The Council's Strategic Flood Risk Assessment (SFRA) (2018) sets out that in order to assess whether part 1 of the Exception Test can be passed, applicants should assess their scheme against the relevant decision aiding criteria relating to the objectives within the Sustainability Appraisal (SA) Framework for the Local Plan. In July 2022 the Council prepared an updated Sustainability Appraisal Scoping Report, section 15 of this document sets out the sustainability framework and updates the 11 objectives and associated decision aiding criteria. This is set out and assessed in **Appendix 1- Table 3**.

7.4.11. In summary of Appendix 1, the Council's Sustainability Appraisal sets out 11 objectives that form the assessment of sustainability benefits to the community. The assessment contained in Table 3 identifies that the proposed development meets a number of the objectives, including;

- Biodiversity- this proposal would avoid impact on protected habitats and would provide biodiversity net gains.
- Soil and mineral resources- The scheme will make efficient use of previously developed land and would be expected to meet the relevant contaminated land requirement.
- Improvements to water quality and efficiency- the development will minimise water use as far as practicable by incorporating appropriate water efficiency and water recycling measures.
- Reduce air and noise pollution- Whilst the proposed development does not directly seek to minimise exposure to poor air quality, given the proposed development would result in less vehicle movements than the existing office use it is not considered to add to such issues
- Greenhouse gases, and sustainable construction and community infrastructure- The proposed development would meet policy objectives regarding the energy hierarchy and will increase renewable/low carbon energy generation.

- *The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall*

7.4.12. The second part of the Exceptions Test seeks to ensure that the proposed development does not result in increased flood risk. In terms of potential sources of flood risk, it is not considered that the site would be affected by tidal flooding, there is no likely flooding from artificial sources (such as reservoirs) and the area only shows a small number of sewer flooding. Accordingly, the focus of the assessment has been on the following:

- Fluvial flooding- the majority of the site being located in Flood Zone 3a and having a high probability of flooding.
- Surface Water/Pluvial- part of the site including the area of the proposed town houses being located in an area of 'Medium' risk (layout it is noted much of the wider site is in a lower probability location)
- Ground water flooding- The majority of the site is not located within an area that is potentially susceptible to groundwater flooding/emergence within the Council's Strategic Flood Risk assessment. Groundwater levels are less than 2m below the ground surface and the on-site lake is in continuity with the underlying groundwater table. However, with reference to a number of concerns from local residents there have been previous flood events in the local area. The FRA submitted in support for the planning application by the applicants set out that during January and February 2014, a significant River Thames flood event

occurred affecting several areas adjacent to the River Thames including the local streets adjacent to the site which are lower lying than this site. It is understood that this site was not flooded due to having a higher ground level. The FRA sets out that the on-site pond/ lake appears to have hydraulic continuity with groundwater. Therefore, when local groundwater levels increase, the lake level will also rise and conversely if the lake levels are lowered by pumping this will reflect in the local floodplain as a lowering of the groundwater. The Council's Strategic Flood Risk Assessment also identifies that it is likely that local groundwater is influenced by the water levels in the River Thames.

- 7.4.13. The Council's SFRA sets out certain measures to assess whether part 2 of the Exception Test can be passed, the following, these are taken in turn:
- 7.4.14. *Flood compensation storage and the use of voids*- the majority of the site, excluding the existing buildings on the site and a strip of land on the northern boundary are within flood zone 3a or the 1 in 100 annual probability +35% allowance for climate change floodplain. Therefore, any additional footprint or land raising on the site would require floodplain compensatory storage. Compensatory storage is required for any net increase in built development footprint arising from development.
- 7.4.15. The NPPG is clear that where flood storage from any source of flooding is to be lost as a result of development, on-site level-for-level compensatory storage, accounting for the predicted impacts of climate change over the lifetime of the development, should be provided. Where it is not possible to provide compensatory storage on site, it may be acceptable to provide it off-site if it is hydraulically and hydrologically linked. The applicants set out that in the submission that as the area of land outside of the 1 in 100 annual probability +35% allowance for climate change flood extent is very limited, therefore it would not be possible to provide a full 'level for level' flood compensation scheme such that the losses are compensated by gains at the same level.
- 7.4.16. In order to provide the necessary flood plain storage, the applicants are proposing that all of the proposed buildings would be provided with floodable underfloor voids. They set out that as the detailed structural design has not yet been undertaken, but for the purposes of estimating the flood storage losses and gains an allowance of +15% of the ground floor footprint has been assumed for supporting structures. In addition, external ground levels will change from existing to provide safe escape, vehicle access, open space and landscape areas. The proposed net change in flood storage within the FRA assumes a combination of demolition, new build footprint with underfloor voids and changes to ground level. The applicants Flood Risk Assessment also sets out that to compensate for the net deficit in flood storage after other mitigation measures, it is proposed to create additional capacity on the site by extending the western part of the lake (between proposed buildings V5 and V7) to provide additional floodplain storage. Whilst initial site plans of this were provided as part of the initial submitted FRA, sections were only provided as part of the most recent submission for additional information dated 29.09.2022.
- 7.4.17. The NPPG states that whilst the use of stilts and voids below buildings may be an appropriate approach to mitigating flood risk to the buildings themselves, such techniques should not normally be relied upon for compensating for any loss of floodplain storage. This position is supported by the Council's SFRA. However, the Environment Agency initially objected on 23.03.2022 to this planning application, part of this objection is in regards to the approach to flood compensation storage. The Environment Agency considered that the use of floodable voids as a primary design response to flood storage

mitigation is not the preferred option. However, given the extent of flooding expected across the site, they were willing to accept it on this occasion. Nonetheless, the Environment Agency considered the details and technical evidence and plans to support this approach were insufficient. The applicants provided further additional information in this regard, including further details of the underfloor voids and the applicants updated the proposed plans of the building accordingly. However further to this the Environment Agency, in their response dated 09.09.2022 maintained their objection. The applicants have submitted further additional information to address this matter. We are still awaiting a response from the EA on this matter. Members will be verbally updated at the planning committee.

- 7.4.18. *Finished floor levels*- The SFRA advises that the ground floor levels of new development should be set at a minimum of 300mm above the design flood level +35% allowance for climate change flood level which is at 15.97m AOD It is proposed to set the finished floor level of the proposed buildings at 16.00m AOD which the applicants submission sets out provides a 330mm freeboard above the reference flood level and exceeds the above requirements. The proposed development also results in part of building V5 being set on piers over the lake, which is the same model as the current building on site.
- 7.4.19. *Flood resistance and resilience techniques*- Flood resistance techniques help to reduce the amount of water that gets inside a property in the first place. Flood resilience techniques help to reduce damage caused by any water that gets inside the property. Matters regarding the use of voids and finish floor levels as discussed above form part of the flood resistance technique.
- 7.4.20. Flood resilience measures (also referred to as recoverability measures, or wet-proofing), accept that water will enter the building, but through careful design and changes to the construction will minimise damage and allow faster cleaning, drying, repairing and re-occupancy of the building after a flood. It is not evident that the applicants have submitted any details of this as part of this planning application, the details submitted as part of the FRA seeks to focus on resistance techniques, i.e., to avoid water entering proposed new buildings. Nonetheless both are a requirement of the above policies. Were this scheme otherwise recommended for approval officers would have endeavoured to engage with the applicant to resolve this matter.
- 7.4.21. *Safe access and egress*- Safe access routes should be provided that are located above design flood levels and avoid flow paths. Where this is not possible, the NPPF accepts that limited depths of flooding may be acceptable, provided that the proposed access is designed with appropriate signage etc. to make it safe. The acceptable flood depth for safe access will vary depending on flood velocities and the risk of debris within the flood water. Officers offer a cautious approach in this regard, as directed by the NPPF, as even low levels of flooding can pose a risk.
- 7.4.22. The FRA refers to details submitted as part of previous prior approval applications, details of which were not submitted as part of this planning application and relate to the separate conversion of each separate offices to residential on this site. These previous prior approval applications identifies that The Causeway itself to the north of the site provides a safe route of escape in the area, heading east to Staines Bridge and then north into Staines Town Centre. Officers acknowledge that this position has been agreed as part of these previous prior approval applications. The FRA further recognises that the three existing office buildings are located at the higher areas at the front of the site near The Causeway and that this proposed development will include residential units in the south-western corner of the site which has lower ground levels than the front of the site. Further

consideration of the safe escape route within the site is therefore required.

- 7.4.23. The scheme proposes a route in and away from the site will be provided which will be set at a minimum of 15.50m AOD. At this level the route would be dry during the present day 1 in 100 (1.0%) annual probability flood event and during the 1 in 100 annual probability +35% allowance for climate change flood event, the maximum flood depth along this route would be 170mm which would be 'Very Low Hazard'. Were this planning application approved full details of this should be secured by way of conditions.
- 7.4.24. *Emergency Planning-* One of the considerations to ensure that any new development is safe, including where there is a residual risk of flooding, is whether adequate flood warnings would be available to people using the development. An emergency plan will be needed wherever emergency flood response is an important component of making a development safe. The above safe access and egress forms a clear part of this.
- 7.4.25. The site is located within the EA's Flood Warning and Flood Alert areas. The FRA sets out that it is "recommended" that the future site occupiers sign up for this free service. Were this planning application approved then an updated Flood Warning Evacuation Plan to reflect the safe escape route for the proposed development would need to be provided instead of simply referring to a document approved for a different type of a development and a different part of a wider site.
- 7.4.26. *Surface water flood risk management, techniques and Sustainable Drainage-* In accordance with The Flood and Water Management Act 2010, the Surrey County Council, in its role as Lead Local Flood Authority (LLFA), is a statutory consultee for all major applications. Paragraph 169 of NPPF (2021) states that all 'major' planning applications must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. SuDS must be properly designed to ensure that the maintenance and operation costs are proportionate and sustainable for the lifetime of the development. The site currently, with the exception of the lake is largely laid to hardstanding/ developed. Currently surface water runoff from the existing impermeable areas at the site either directly infiltrates to ground via soakaways or via an outfall to the on-site lake and percolates through the lakebed to the underlying gravels. The Surface Water drainage strategy set out by the applicants, contained the Flood Risk Assessment prepared by Stantec proposes to continue to this arrangement.
- 7.4.27. The applicants FRA further sets out that the majority of the site will consist of permeable surfacing with an underlying sub-base with infiltration to ground. Roof areas will either drain to the sub-base beneath these areas or to the existing surface water drainage pipe networks. The main access road will be impermeable and will drain to the existing drainage system or onto the adjacent permeable car parking spaces. Overflow pipes will be included which will transfer runoff during more extreme events to the onsite lake. The existing surface water drainage outfalls to the lake will be retained.
- 7.4.28. The initial response from the LLFA raised queries regarding this approach and that the intrusive ground investigations mentioned within the submitted Flood Risk Assessment by Stantec, had not been evidenced. The LLFRA requested that the results of infiltration testing and confirmation of groundwater levels be submitted, as well as how the existing lake will be used as an infiltration basin.
- 7.4.29. In response to this Stantec, the applicants Flood Risk consultants have provided further details in a letter dated 11th February 2022 which clarified the various matters raised. Further to this the LLFA have confirmed that the proposed drainage scheme meets the requirements set out in the requirements of the NPPF, its accompanying PPG and the

Non-Statutory Technical Standards for sustainable drainage systems (subject to conditions). On this basis it considered that the proposed development would provide suitable urban drainage in line with current standards

Flood protection and mitigation

- 7.4.30. Irrespective of the need to pass the sequential and exceptions test Policy EE13 of the Local Plan requires new development to not materially: Impede the flow of flood water; reduce the capacity of the floodplain to store water; cause new, or exacerbate existing flooding problems, either on the proposed development site or elsewhere.
- 7.4.31. In addition, the NPPF (2021) requires that development should only be allowed in areas at risk of flooding where; the most vulnerable development is located in areas of lowest flood risk within the site; is appropriately flood resistant and resilient; incorporates sustainable drainage systems, any residual risk can be safely managed and safe access and escape routes are included where appropriate.
- 7.4.32. In terms of the most vulnerable development being located in areas of lowest flood risk within the site. The highest risk of flooding in the site would be the pond/ lake so arguable the scheme meets this requirement. All other flooding matters have been considered above as part of the Exceptions Test

Conclusions regarding development in Flood zone 3a and 2 and Wider Flood Risk Considerations

- 7.4.33. For reasons set out above it is not considered that the proposed development robustly demonstrates that there are no other reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The proposed development therefore does not pass the Sequential Test.
- 7.4.34. In terms of the Exceptions Test, the NPPG sets out that identified sustainability benefits need to be balanced against any associated flood risks. It is not considered that the proposed development has demonstrated that the proposal would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 7.4.35. There remains an outstanding objection from the Environmental Agency as the statutory consultees on flood risk and the technical details associated with the applicant's flood storage compensation. No flood resilience techniques have been proposed as part of this applicant. As it stands it is not considered that the proposed development passes the Exceptions Test.
- 7.4.36. Overall and as required by Local Plan policies, the NPPF (2021) and its associated guidance it is not considered that there are no other reasonably available sites appropriate for the proposed development, in areas with a lower risk of flooding nor that the proposed development would be safe throughout its lifetime and would not lead to increased flood risk elsewhere. This is considered to result in substantial harm. This will be considered further below as part of the wide planning balance.

7.5. **Design considerations**

- 7.5.1. Policy EE1 sets out that all development proposals will be expected to achieve high quality and inclusive design which responds to the local context including the built, natural and historic character of the area while making efficient use of land. In particular development proposals will be supported where they:
- Create attractive and resilient places which make a positive contribution to the

- Borough's townscape, public realm and/or landscape setting.
 - Create developments which promote social interaction and design out crime
 - Contribute to and enhance the quality of the public realm/ and/or landscape setting through high quality and inclusive hard and soft landscaping schemes.
- 7.5.2. The NPPF (2021) sets out that there is a clear focus that proposed developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. The NPPF (2021) sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 7.5.3. In addition, the NPPF (2021) requires development to function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. As part of this development should ensure that it is 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). Development should also 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 and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
- 7.5.4. The above policy framework and other material considerations as a whole are clear that a housing redevelopment should be design led to optimise a site's capacity, have regard for the character of the area and create high quality, beautiful places.
- 7.5.5. The character of this part of Borough is currently that of a suburban approach to and edge of town centre location with a mix of uses, generally low-rise with some examples of medium-rise commercial buildings along The Causeway. The area lacks a clear definition but is largely character by two forms of development
- 7.5.6. The first is the tightly grained more 'urban neighbourhood' form of streets, mainly found in the adjoining residential development (although it also includes some commercial buildings). This has a generally positive character and successful qualities. It is a more traditional form of streets which provides active and well supervised edges, a clear relationship between the buildings and the street with a graduation of public to private spaces between them. The scale of built form is modest.
- 7.5.7. The second character is large buildings set in 'landscape', in this space that is predominantly car parking. These are more reflected in the commercial uses and do not create a positive character. This is because buildings have little or no relationship with the street because either they are too far from it or set close but with blank frontages; the landscape lacks quality and coherence; spaces are dominated by parking; and the built form has little consistency or coherence.
- 7.5.8. These character areas are also well articulated in the applicant's Design and Access statement. However, the design approach for the proposed development is not clearly expressed as it seeks to provide an urban neighbourhood' form of street along The Causeway frontage, as well as large pavilion blocks around the lake.
- 7.5.9. In principle, the creation of an 'urban' street frontage on The Causeway offers the opportunity to integrate the existing pockets of residential together, although not necessarily with development of exactly the same scale or form as at present. However, the proposed street frontage does not share the key positive characteristics of the

residential street frontages onto The Causeway.

- 7.5.10. Behind the street frontage, pavilion blocks in landscape in the form of around the lake has the potential to be appropriate, provided that it is high quality and positive in its character. However, the current proposals for the built areas of the site result in a public realm that is dominated by car parking, and generally with insufficient soft landscape for the proposals to achieve a character of buildings set in landscape. There is little coherence of building forms, scale and massing and it is not clear what the overall design intent is for the built form in this part of the site. The proposals include a number of tall buildings (over 20m) within the interior of the site, with no rationale for their siting in this location, apart from the potential arguments that such buildings are positioned away from site boundaries. This does not form a credible design led strategy for a response to built form this location
- 7.5.11. Overall, the proposal lacks a clear concept that is followed through in the detailed design, to demonstrate the creation of a well-designed beautiful place which would have a positive character and is appropriate to the wider context as required by the above policies. This is discussed in further detail below:

Proposed Layout

- 7.5.12. The existing building line along the southern edge of The Causeway is fragmented, due to the mix of uses, with many buildings⁷ being set-back, often behind frontage car parking. Immediately east and west of the site there are short stretches of small-scale residential units. When considering these residential units in isolation, the building line varies: from a short stretch of continuous frontage to the west to a varied building line that steps back from the street to the east. The building line to the east varies between approximately 12 and 5m from the pavement edge, with units set behind front gardens and/or driveways. The residential units to the west of the site are set back approximately 3.5m from the pavement edge, and provide an active edge along The Causeway, with front doors and living spaces on the street frontage.
- 7.5.13. Along both sides of the Causeway there are pavements of approximately 3m width, creating a reasonable pedestrian environment considering the lack of frontage/surveillance in places, and the volume of traffic that uses the Causeway, including industrial traffic utilising the units within the vicinity of the site.
- 7.5.14. The proposed layout has the ability to create a street frontage with buildings defining the street and could help to knit together the character of this part of The Causeway. However, the proposed development is not successful at achieving this as the design is car orientated and fails to consider how people will move through site in terms of walking/cycling. Entrances to buildings from the interior of the site do not create active edges onto The Causeway. There are no street entrances, only access to plant rooms where entrances might be expected on the elevations. There are no entrances from the small pedestrian spaces created between the pairs of blocks, and no front doors to ground floor units from The Causeway. This is prevalent across this whole proposed development, where the proposed internal layout of the buildings at ground floor results in all new pedestrian/ cycle routes through the site being framed either side by inactive frontages with bin/bike stores and plant rooms. This undermines any approach in creating a new neighbourhood.
- 7.5.15. A key point and example of this is the proposed vehicular route that runs north-south past the proposed townhouses, due to the car-dominated environment it is likely to create. This street it is lined on both edges by a significant amount of parking and framed to the east by a single storey bin and cycle storey and long stretches of inactive frontages

afforded by the bin, bike and plant stores within the ground floor layouts of these blocks along this edge. The refuse/cycle store is not represented on the CGIs and sketches provided, in the Design and Access Statement where an open route through the blocks towards the lake is suggested. The significant area of hardstanding creates an undesirable and unsuitable environment for the townhouses which are proposed to the west.

- 7.5.16. The proposal comprises a range of block typologies where buildings are irregular in shape, which the Design and Access statement suggests is to contrast with the cubic nature of the surrounding industrial and commercial buildings. However, it also contrasts with the surrounding residential areas and therefore fails to have any regard for the character of the area. Moreover some (but not all) of the buildings are pavilions, whereas others are linear in form. Blocks 'V6', 'V5', 'V7' and 'V8' are all set around the lake, reading as a series of different objects but there is no clear design concept or order underpinning their layout and arrangement. Blocks 'V6' and 'V10' appear like add ons, pushed into the corner of the site.
- 7.5.17. One of the key assets within the site is the lake, however, aside from the position of the buildings around the water's edge to maximise views from the blocks immediately surrounding it, there is a lost opportunity to draw this landscape character through the site and create a strong sense of place. The public realm of the current proposals is dominated by the proposed car parking, cycle parking and refuse stores and there is little communal amenity space. The current layout does not successfully demonstrate that the proposed degree of intensification will create a well-designed place. This is discussed further below in the landscaping section.

Proposed form and scale

- 7.5.18. All of the buildings within the vicinity of the site are predominantly between 2-3 storeys in height, with some buildings of 4 commercial storeys generally located towards the western end of the street (Future Electronics) and within Pinetrees Business Park (to the east). The mix of uses within the area affords a variation in scale and massing, from small scale terraced housing to large scale commercial warehouses.
- 7.5.19. For context, Burgan House, the large office building to the northeast, across the road from the application site fronting The Causeway is some 4 storeys and up to 16m in height. Further to the west the office building adjacent (to the front of the water works) is 4 storeys and circa 14.9m in height.
- 7.5.20. The proposed buildings have been structured to rise towards the middle of the site and step down towards the edges of the site (east and west). It is unclear how this forms parts of a positive credible design led approach to development. In any event, the application describes the height changes as 'gradual'. There are minimal changes in height for each step (1 storey at a time) and the steps in height are proposed over a very short distance, which reduces the effect of the volume receding. The massing of the buildings, including the large massing of the building proposed where the former Lakeside West was located (boiling V5), compound this issue further due to the dominance of the sloping roofscape on a bulky building, particularly when viewed from the east and from within the site.
- 7.5.21. Blocks 'V6', 'V5', 'V7' and 'V8' are all taller blocks (at 6+ storeys) of different forms but with no clear ordering in terms of hierarchy or coherence. Block 'V5' seems intended to be a focal point that is distinct in form and design. However, Block 'V6' also seems intended to be a focal point closing the view from the street, and Block 'V7' is the tallest building on site, so also potentially a focal building. As such, the lack of clear design led strategy in terms of the block layouts and positioning is only exacerbated by the built form

and lack of a clear design strategy.

- 7.5.22. The scale of development fronting onto the Causeway, generally at 3-5 storeys, which largely appears to be of an appropriate scale to respond to the street space. The Design and Access Statement states that the massing of the buildings step down to the eastern and western boundaries. dimensional of the site to relate to its surrounding context in terms of scale. However, the massing and scale of block V1 – V4 is complex and results in the massing and scale appearing awkward due to the many relatively small steps in massing and set-backs at the upper levels. The resulting effect is more to draw attention to the complexity of the form, rather than to reduce the apparent scale of the development. The end result being a visually dominant and overbearing form of development.
- 7.5.23. The DAS states that the 2 storey town houses are proposed to respect the scale of existing homes on New Road. However, this arrangement introduces an uncomfortable jump in scale within the site boundary, between the 2 storey townhouses and the eight storey blocks on the eastern edge of the street and appear to be pushed in the south corner of the site.

Proposed approach to architecture

- 7.5.24. Within the wider character of the area, there is a prevalence of facing brickwork with some light-coloured rendering on the residential units within the immediate context of the site, as can be seen along The Causeway, New Road, Claremont and Chandos Road. The materiality along the remainder of the Causeway is varied, with materials typical of commercial and industrial buildings including cladding panels, rendering and glass.
- 7.5.25. The proposed buildings adopt a colour palette that is stated to have been drawn from the former marshland character of the site, with the use of some facing brickwork that relates to the materiality of the existing residential units within the vicinity of the site.
- 7.5.26. The colour palette selected comprises greens and browns amongst more neutral tones. The quantum of green zinc used for the facades of some of the blocks (for example Block 'V5') makes this colour dominating. The proportion of brick to zinc cladding is not always comfortable in the street views, for instance on the flank wall of Block 'V2' or on the north elevation of Block 'V3'. This approach to materiality only highlights and pronounces the irregular and complex roof forms of the proposed buildings.
- 7.5.27. The appearance of the town houses within the scheme makes some nods to the surrounding context for example through the use of bay windows. The primary material used on the facades of the proposed buildings is grey brick with hints of green zinc. The effect is to make the row of 10 houses appear monotonous in comparison to the shades of brickwork and detailing on the surrounding homes along New Road, Chandos Road and Claremont Road.

Proposed landscaping and provision of open space

- 7.5.28. Currently the Causeway has scattered vegetation, with no regularity or distinctive character. A continuous hedge screens the plot to the north-west of the site, with otherwise limited tree planting along the length of the road. A grass verge runs along the northern boundary of the existing site, creating separation between the pavement and the railings that enclose the commercial buildings located on site at present.
- 7.5.29. The residential units immediately adjacent to the site that overlook The Causeway have well-defined private space on their frontages, delineated from the street through the use

of low fences, railings or boundary vegetation. The depth of the private space varies, and it often comprises planting or grassed areas which soften the streetscape, in contrast to the hard landscapes of the surrounding commercial and industrial units.

- 7.5.30. The design concept for the scheme suggests that the view from The Causeway to the lake is a key principle. However, this is not clearly carried through on the layout plans, where a proposed building sits in the view line. Together with the tree planting along the western edge of the access, this creates a filtered view that is revealed only from within the site, rather than being visible from the street.
- 7.5.31. Instead, the scheme's landscaping strategy is dominated and defined by long stretches of car parking within wide streets that could otherwise be used as amenity space, or attractive streetscapes. The lack of landscape or other visual break within the rows of spaces compounds the visual dominance of parking further. Ultimately the inability to provide the required car parking in high quality public or private spaces is a demonstration that the proposal is seeking to accommodate too many residential units.
- 7.5.32. It is also noted that one of the key landscape benefits of this proposal advocated by the applicant's submission is improving access to the pond/lake and creating improved access to this location through the provision of defined trails, bridges and pontoons. During the consideration of the planning application, the Common Toad Impact Assessment seeks to restrict access through closing gates to the pond/lake from the south and eastern route through the woodland, including onto the pontoons and bridge area during mid-June- August. This would mean that one of the core landscape areas would be closed during summer months when residents would most likely wish to utilise this part of the site. This is not a practical solution and ultimately the ecological constraints should have been used to inform the approach to landscaping as opposed to this add on gated access which would fundamentally undermine the initial landscaping strategy proposed by the applicants. This shortfall is simply another example of how this proposal is not landscape led.

Design Conclusions

- 7.5.33. Overall, there are substantial concerns regarding the proposed design strategy (or lack thereof) from the proposed development. It is not considered that this proposed development responds to the local context and would not achieve high quality and inclusive design. The proposed development would not create an attractive place and would not positively deliver a high-quality public realm and/or landscape setting.

7.6. **Housing Mix and Affordable Housing**

Housing Mix

- 7.6.1. Policy SL19 deals with Housing Mix and Size Requirements. This sets out that developments of this size will be required to contribute to meeting the Housing Market Area's identified housing needs by generally providing a housing mix as set out in the Strategic Housing Market Assessment or any similar evidence for market and affordable units. The SHMA (2018) sets out that there is a general requirement across the borough largely for three bedroom units, and then two bedroom units.
- 7.6.2. The proposed housing mix of the scheme as a whole (including affordable housing units) is set out above in the proposed description of development, **Table 1** and is primary one and two bedroom units.
- 7.6.3. Additional information was submitted as part of this planning application, in a Cover Letter dated 5.05.2022, Montau Evans the applicant's planning agent, acknowledged that the

provision of units is weighted towards one- and two-bedroom units. However, they highlight that the proposal would deliver x10 town houses alongside a number of three-bedroom duplex units within the flatted accommodation blocks. The applicant contends that this variation in both unit size and typology seeks to ensure a mixed and balanced community is created on the site.

- 7.6.4. However, it still remains that the proposed development would result in an over concentration of one and two bedroom units which is not aligned with the needs of the Borough and the requirements of the above policy. Policy SL19 is clear that that development proposals which depart significantly from the required mix of housing will only be supported where evidence demonstrates that such a mix would not be feasible or viable. The applicants have not provided any robust evidence in line with policy SL19 to demonstrate why the site cannot meet the requirements of development plan policy and why an over concentration of one-bedroom units is proposed. The proposed development is therefore contrary to policy SL19. That being said, Officers also recognise that there is a need to make “efficient use of land” and notwithstanding the wider objections regarding the proposed approach to design and the overdevelopment of the site, the application site is within a fairly sustainable, mixed use area. Therefore, given the sites location the harm associated with the over concentration of one bedroom units is considered to be limited.

Adaptable dwellings

- 7.6.5. With regards to the provision of adaptable dwellings. Policy SD7 of the Local Plan regarding Sustainable Design states that unless it can be demonstrated that it is unfeasible to do so, in major residential schemes, achieve compliance with Part M4(2) of the Building Regulations with 5% of dwellings achieving Part M4(3).
- 7.6.6. The applicant planning statement sets out that the scheme proposes the delivery of 15 wheelchair units which comply with Part M4(3) and claims that this would exceeds the policy requirement of 5% of dwellings achieving Part M4(3). The planning statement advises that the remainder of the units will be brought forward in compliance with Part M4(2) of the Building Regulations. However, based on the scheme summery contained in the Design and Access Statement only 13 would be wheelchair accessible (x12 one bedroom and x1 two bedroom units). The proposed plans appear to accord with the Design and Access Statement. This would work out at just under 5% (4.7%). However, there is opportunity for there to be a further wheelchair adaptable unit to be provided on the sixth floor plan of building V7 (the Design and Access Statement sets out the there is only x1 wheelchair accessible unit on the fifth floor and both floors are identical). Were this scheme otherwise recommended for approval officer would have clarified this matter further.

Affordable Housing

- 7.6.7. In terms of affordable housing policy SL20 of the Local Plan which sets out that the Council will expect development proposals of 10 or more (net) additional dwellings to provide 35% of dwellings as affordable units. In seeking affordable housing provision, the Council will have regard to scheme viability and take a negotiated approach to the final percentage of affordable housing delivered and the type and tenure split of affordable units. Where viability evidence demonstrates that the full amount of affordable housing cannot be delivered the Council will negotiate a level of on-site affordable housing that can be delivered taking into account the mix of unit size, type and tenure and any grant subsidy received.
- 7.6.8. The Applicant initially proposed to deliver a total of 28 residential units as affordable

housing including 21 units allocated for Affordable Rent and 7 units allocated for Intermediate tenure. This would equate to 10% of total proposed dwellings with a tenure mix of 75% Affordable Rent and 25% Intermediate. This would fall well below the requirements of the above policy in terms of the viability of this scheme. As part of the initial submission associated with this planning application a Financial Viability Assessment was submitted to justify, in viability terms, the proposed level of affordable housing.

- 7.6.9. In accordance with the justification for policy SL20 the Local Planning Authority have taken an 'open book' approach to negotiation and have required the viability assessments to be scrutinised by independent consultants at cost to the developer. The FVA has been critically reviewed by an independent viability assessor. A key component of such an assessment is the land value for the site. This is not based on actual land price purchase (to ensure that affordable housing requirements are not prejudiced if a developer has paid too much for a site) but are typically established through an assessment of what the existing use value of the land is plus a premium for the landowner. This premium is usually defined as being the minimum return at which it is considered a reasonable landowner would be willing to sell their land. This is all set out in the Council's adopted SPD on Affordable housing.
- 7.6.10. However, in some instances the alternative use value (AUV) is a different and appropriate way to establish the value of land. In the case of this site, there is an alternative scheme, where the existing offices could be converted to residential use without the need for planning permission or any affordable housing provisions. The independent viability consultants have reviewed a number of the assumptions made within the FVA and whilst some of these are considered to be with an acceptable range there were a number of points which were queried. This largely relates to the assumed values of assessing this proposed development against the "alternative use value" of the office buildings on site being converted into residential and also the assumed building rates (i.e., the cost of constructing the proposed development). Minor changes to these assumptions translate into significant differences in viability outcomes and no suitable justification was provided by the applicants regarding the build cost rates. Accordingly, the applicants were invited to submit further information to justify a number of these assumptions, particularly a proposed cost plan which would set out in full the build cost associated with the proposed development.
- 7.6.11. Further to this the applicants have submitted a Cost Estimates for the proposed development prepared by Collabor8 Construction Consultants. This estimates that the total construction cost of the proposed development would be £56,543,986 (which would exclude inflation as viability assessments need to be done at today's rates). This has been reviewed by an independent surveyor who has advised that the base build costs of the proposed development are reasonable although towards upper end (i.e., assumes it would be a high end build), whereas the indicative costs for the permitted development scheme are towards the more middle range of developments.
- 7.6.12. This is a difficulty with this viability assessment is comparing one scheme with another (hypothetical) scheme and how the relative assumptions between the two are taken into account. Changing assumptions for one scheme usually means changes in the same/similar assumptions for the other scheme. The potential sales values are one of the key matters which remain in dispute. In response to this the applicants have proposed, without prejudice to their position, to increase their affordable housing offer from its current provision of 28 homes to 34 homes (reflecting an increase of 6 affordable homes). These 34 units are to be the entirety of Blocks 2 and 4 and reflect an increased affordable

housing provision of 12.5% of total proposed dwellings.

- 7.6.13. Having regard for the fact that affordable housing viability is not an exact science, the addition of the 6 affordable homes is considered to move the discussion forward and ultimately would provide an affordable housing provision within the value of range of what viability evidence indicates. On this basis this overall provision is considered to be within the range of what this site can viably achieve.
- 7.6.14. In terms of the affordable housing tenure mix it is unclear what this provision would be. The viability evidence submitted by Montagu Evans sets out that this would be blocks 2 and 4, it is assumed that this relates to block V2 and V4 respectively would therefore provide a total of x19 one bed, x13 two bedroom and x2 three bedroom unit. Were this planning application recommended for approval Officers would have engaged with the applicants to agree tenure mix and nominal rights for tenants. This should comprise 25% First Homes, 53% social/ affordable rent and 22% other forms of affordable housing such as shared ownership.

7.7. **Highways Considerations**

Sustainable transport/ highways capacity considerations

- 7.7.1. Policy SD3 of Local Plan deals with Active and Sustainable Travel. This sets out that the Council will support proposals which enhance the accessibility and connectivity between people and places by active and sustainable forms of travel. This includes supporting developments which integrate with or provide new accessible, safe and attractive active and sustainable travel networks and routes to service and employment centres and rail interchanges.
- 7.7.2. As set out above the site is not within a town centre location, the site remains in an urban area. The Transport Assessment submitted in support of this planning application identifies that the site is in close proximity to some local amenities. This includes a local food store, 400m away and the wider amenities in Egham High street, which for an able bodied person would be within a 20 minutes walking distance. The town centre of Staines is also within 1 km walking distance, although it is noted this is the adjoining Borough. Therefore, local services can be reached by active modes of transport. There are local bus stops in the immediate vicinity of the site with bus routes between Slough and Heathrow Terminal 5, some limited buses to and from Frimley Park Hospital, and more regular buses which go between Staines and Virginia Water. Although many of these bus routes are limited or non operational on a Sunday. The nearest railway stations are Egham and Staines, both of which are located just under 2 km from the site. It is understood that one of the above bus services does go via these train stations. Overall given this wider context it is considered that the site is in a relatively sustainable location.
- 7.7.3. The proposed development also proposes to undertake the following:
- Improvements to the bus shelters
 - Electric vehicle charging points
 - Cycle Parking (a total of 458 spaces)
 - Two car club vehicles.
 - Securing a travel plan which will include public transport/cycle vouchers
- 7.7.4. Having regard for the site locations and proposed provisions it is considered that the proposed development will seek to secure and promote sustainable and active modes of transports.

- 7.7.5. In terms of highway capacity, the lawful use of the site is for offices where employees would come to and from the site at peak hours. The Transport Assessment looked at trip generation based on the existing and proposed uses of the site. The trip generation assessment was based on comparable site information from the TRICS database for the typical weekday peak periods of 08:00-09:00 (AM peak) and 17:00-18:00 (PM peak). As this is generally when any highways impacts resulting from the development would be most pronounced.
- 7.7.6. The existing office space has been estimated to have produced approximately 223 person trips during the AM peak and 236 person trips during the PM peak. The proposed residential development has the potential to generate 238 two-way total person movements in the AM peak and 147 two-way total person movements in the PM peak. Looking at the vehicular trips within this, the Transport Assessment estimated that the proposals would reduce the AM peak vehicle trips to/from the site by approximately 97 two-way movements and will reduce the PM peak vehicle trips by approximately 135 two-way movements. Surrey County Council in their role as the highway authority has reviewed this evidence and agreed with the findings.
- 7.7.7. In conclusion given the existing lawful use of the site any changes in trip generation resulting from this proposal would be minimal.

Proposed access

- 7.7.8. Policy SD4: Highway Design Considerations states that the Council will support development proposals which maintain or enhance the efficient and safe operation of the highway network and which take account of the needs of all highway users for safe access, egress and servicing arrangements.
- 7.7.9. The proposed development would utilise the existing access to the site, located off Causeway which is the existing access serving the (now former) employment generating use. This proposal would not affect this. Deliveries and refuse collection will be undertaken on-site in much the same way as for the existing situation. Delivery and refuse vehicles will be able to make use of the available space on-site to serve the respective blocks within the development.
- 7.7.10. It is noted that in the case of an emergency, were the main access into the site to become blocked, emergency vehicles will be able to make use of the north-western pedestrian access. This shared access will be provided with dropped bollards to prevent vehicles from using this access. Were this planning application recommended for approval officers would explore if this would need to be secured by way of condition or legal agreement.

Parking considerations

- 7.7.11. The Council has recently adopted a Parking Guidance SPD. This SPD expresses neither a maximum nor minimum standard for residential development. This is to enable development proposals to respond fully and flexibly to the characteristics of their location, taking account of the availability of alternative means of travel in the area, car parking issues in the locality and to make the most efficient use of land.
- 7.7.12. The NPPF (2022) sets out that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. The NPPF further states that such local parking standards should take into account accessibility of the development; the type, mix and use of

development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. This accords with the contents of the Council's Parking Guidance SPD. A wider assessment of the characteristics of a site's location, taking account of the availability of alternative means of travel in the area, car parking issues in the locality and to make the most efficient use of land.

- 7.7.13. This site is neither in a town centre location, but is also not a suburban location, it is an urban mix use area. Notwithstanding the design objections to the proposed parking solution, spreading hardstanding to the southern end of the site this proposed development would provide a total of 141 parking spaces. Overall, this would equate to a parking ratio of just over 0.5 spaces per residential unit.
- 7.7.14. The above assessment has already set out that the site is in a relatively sustainable location and how the proposed development is seeking to promote sustainable and active modes of transport. The Transport Assessment sets out that according to the 2011 Census data for Car Ownership, 34% of residents that live within this area do not own a vehicle. This is based on previous data from over 10 years ago and does not represent future trends. The proposed development would also provide x2 car club spaces assist future residents on not having to rely on private car ownership. Further measures to support sustainable modes of transport are set out above. Overall and given the wider matters and the site's location the proposed parking ratios are considered, overall to be acceptable.
- 7.7.15. Local residents have raised significant concerns regarding how the proposed development, or the proposed parking ratios would result in increased parking overspill and increased parking stress on the wider roads and area due to the parking being insufficient for the development proposed. The Highway Authority at the County Council have recommended a condition for the developer to set up a consultation with those residents on a possible permit scheme whereby future residents of The Causeway would not be able to parking on the wider street. Were this planning application recommended for approval Officers would have considered this further as it is not considered that such a requirement could meet the tests for condition and a planning obligation would be more appropriate.
- 7.7.16. It should also be noted that the proposed development includes 12 wheelchair accessible parking spaces. The applicant's submission sets out that all wheel chair adaptable units would be allocated a parking spaces, but the scheme proposes 13-14 wheelchair adaptable homes (ie two more units than spaces). Were this scheme recommend for approval Officers would have engaged with the developer to seek opportunities for 1:1 disabled parking spaces.

Highways Conclusion

- 7.7.17. In summary, the site is located in a relatively sustainable location, the proposed development would not result in a discernible increase in vehicle trip above those which could/ did take place when the site was in office use and would utilise the existing access. The proposed parking ratios are in the region of 0.5 parking spaces per units, this level of parking is considered acceptable due to the site's location and the wider package of measures which would be secured as part of this planning application and would include; Improvements to the bus shelters, Electric vehicle charging points, Cycle Parking, two car club vehicles and securing a travel plan which will include public transport/cycle

vouchers.

7.8. **Provision of a Suitable Residential Amenity**

7.8.1. All proposals are expected to provide high quality homes and a high standard of amenity for all existing and future users in accordance with paragraph 130 of the National Planning Policy Framework (NPPF).

7.8.2. Policy EE1 of the Local Plan further states that development proposals should ensure no adverse impact on the amenities of occupiers of the development proposed. In addition, Policy SL19 of the Local Plan sets out the minimum floor space standards expected for new developments to accord with. The Council's adopted SPD on Design provides further guidance of some of the qualitative expectations, particularly within standard 24. This includes ensuring new developments provide suitable levels of natural daylight and sunlight to new (and existing) properties. Flatted developments should be seeking to deliver dual aspect units and, in all cases, avoiding single aspect north facing units. Development is also expected to provide suitable ventilation.

7.8.3. Internal Amenity

7.8.4. All proposed units have been designed to comply with the relevant minimum floorspace standards.

7.8.5. A Sunlight and Daylight Assessment has been submitted in support of this planning application. This document provides an assessment of the levels of day and sunlight to both internal and external areas of the development proposed. This utilises the industry recognised BRE standards which itself is a guide for sunlight and daylight on or between the buildings for good interior and exterior conditions. The assessment of internal layout sets out that a 50% sample of habitable rooms within the proposed development was assessed and that the rooms chosen were considered the likely worst performing units on the lower floors and some on the upper floor units to show how the light levels improve further up the blocks.

7.8.6. The conclusions of the Sunlight and Daylight Assessment is that out of the 440 rooms assessed, 407 would meet the guidance to providing a suitable level of internal daylight. This means that 33 rooms would not meet the guidance, these are largely the living/kitchen/dinning room areas. All of these rooms which fall short of the guideline values are served by windows cited beneath balconies. Whilst projecting balconies provide a level of amenity it does show that this can in turn effect the level of lighting which the windows below afford.

7.8.7. In terms of sun lighting, 323 of the 440 rooms would meet the BRE guidance on a winter basis. It is recognised in terms of sunlight that the orientation does affect this assessment. It is recognised that most buildings units have largely been designed to be dual aspect. There are a small proportion of the units proposed to be single aspect, however the majority of which are orientated east, west or south. There are four single aspect north facing single aspect units in building V5.

External Amenity

7.8.8. In terms of public open space there are very few areas of public amenity space that are easily accessible within the vicinity of the site. Local parks and recreation grounds severed from the site by major infrastructure including the railway line, the M25, in addition to the River Thames. This development therefore needs to provide suitable amenity space for future residents as well as well as creating a setting for the development.

- 7.8.9. Policy SL26 of the Local Plan requires new open space provision on sites of 20 or more units. If the scheme were to go ahead as submitted, it would give an occupancy (using standard occupancies as set out in Table 3-1 of the Infrastructure Delivery & Prioritisation SPD) of around 467.
- 7.8.10. Policy SL26 requires play space to be provided at 0.8ha per 1,000 population. Ideally this should be provided as 0.25ha per 1,000 population as equipped/designated and 0.55ha per 1,000 as informal. This would give a requirement for 1,168sqm of equipped/designated play space and 2,569sqm of informal. The applicant sets out that the proposed development now provides 1,221 sqm of play space through a combination of designated play areas and incidental play across the site. This is shown in the updated landscaping plans. It would appear that the wider site provides in quantitative standards suitable amount of open space. Overall, it is considered that the proposed development provides a suitable *quantity* of public open space for the development.
- 7.8.11. The sunlight and daylight assessment shows that based on the BRE guidance all of the proposed amenity spaces would receive sufficient level of sunlight.
- 7.8.12. In terms of private amenity space each upper floor unit would appear to have their own individual balconies of at least 5sqm in floor area and all would largely appear to provide suitable functional amenity space. However, it is noted that in building V5 the x4 single aspect north facing units would only have north facing balconies, which creates undesirable living accommodation. It is noted that the Design and Access Statement sets out that each block would also afford an “amenity deck” on upper floors, as son from of communal terrace area. However how these decks would be accessed is unclear from the proposed floorplans. Were this planning application recommended for approval such matters would have been clarified with the developer team.
- 7.8.13. The greater concern is the useability of the private amenity space for future residents at ground floor level. There is no distinction between the public/ private or interior/exterior space and so no separation between the fronts and the service areas. The arrangement of these blocks on site and a scheme dominated by car parking results in a layout that does not provide any private or shared space (aside from the amenity space provided in balconies and, in places, roof terraces), with the entirety of the ground floor public realm being accessible to the public. This significantly limits the potential and opportunities provided by the outdoor space and could affect how much the spaces are used, as the lack of a sense of ‘ownership’ will compromise its functionality.
- 7.8.14. For example, in terms of private amenity space blocks V1- V4 are set back behind a semi-private space along the street frontage but this distance appears to be less than for most of the residential buildings to the west and is not designed to be gardens for the new flats. This creates a poor setting for the development and does not allow a suitable degree of privacy and quality of outlook for future occupiers. This goes towards wider design concerns about the proposed layout of the development. It should also be noted that the proposed pond/lake side pontoon areas and woodland walk would not be accessible and would be closed from mid June- August due to ecological constraints of this site. Therefore, one of the wider key areas of public amenity space would not be available for residents.

Provision of a Suitable Residential Amenity conclusions

- 7.8.15. It is recognised that just under 10% of the rooms sampled as part of the sunlight and daylight assessment would receive daylighting levels below the industry recognised guidance. However, it is also recognised that most of the units have been designed in a

manner to provide as many dual aspect units and overall the development would provide an adequate level of public and private amenity space.

- 7.8.16. The matters raised regarding some of the lower ground floor units private amenity space is less successful this goes towards wider arguments regarding poor design. As discussed above, as whole, there is a wider amenity space provided for the residents of the development. Accordingly, it is considered that the above identified harm regarding the provision of suitable residential environment is considerably limited.

7.9. **Impact on Neighbouring Amenity**

- 7.9.1. All proposals are expected to provide high standard of amenity for all existing and future users in accordance with paragraph 130 of the National Planning Policy Framework (NPPF). Policy EE1 sets out that “all development proposals will be expected to Ensure no adverse impact ...to neighbouring property or uses”.
- 7.9.2. The Runnymede Design SPD states that “All dwellings must be designed with high quality internal and external space, in an appropriate layout, to accommodate different lifestyles and a range of private and communal activities. Accommodation must be designed to provide suitable levels of natural daylight and sunlight to new and existing properties ...”. The document also provides further guidance of such matters including, sunlight and privacy. In terms of privacy the SPD highlights that development could consider incorporation of roof terraces as private space, provided other aspects of privacy and overlooking are not compromised for other residents.
- 7.9.3. The adjacent properties potentially affected by the proposed development are 29 and 38 The Causeway (located to the east and west respectively), properties along Chandos Road to the east, notably 32, and 4-7, and to the west properties along New Road.
- 7.9.4. A daylight and sunlight report has been submitted in support of this planning application which looks at the potential impact on the amenities of these adjoining properties. This has utilised the industry recognised standards which is contained in the BRE Report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice (second edition, 2011). It is noted that an assessment on properties along New Road has not been undertaken as part of this assessment.

Potential impact on No. 29 The Causeway

- 7.9.5. No. 29 is located to the North East of the application site and is a semi detached “chalet” style property. There are no side facing habitable room windows in No. 29 which would face the proposed development. Accordingly, the main assessment is assuring that the proposed development does not result in a significant loss of light and or overbearing impact on this dwelling’s front and rear facing have room windows and associated amenity area. Block V4 which extends up to four storeys in height would be positioned closest to this property. This building will be located some 12 - 13 metres from this nearby residential property and the height of the building is staggered away from no. 29. In view of this it is not considered that the proposed development, in terms of built form, would result in a significant loss of light and/or overbearing impact which would have a detrimental impact to the amenities of the occupiers of this adjoining property.

Potential impact on No. 38 The Causeway

- 7.9.6. No. 38 is located to the North West of the application site, this a two storey semi detached property, with single storey side and rear projection, there are no side facing habitable room windows which face onto the proposed development. Similarly, the main assessment is ensuring that the proposed development does not result in a significant

loss of light and/ or overbearing impact on this dwellings front and rear facing habitable room windows and associated amenity area. Block V1 which extends up to four storeys in height would be positioned closest to this property. This building will be located some 10 - 12 metres from this nearby residential property. The height of block V1 is also staggered away from no. 29. The front and rear elevation of block V1 would also be positioned relatively in line with number 38, at the closest point. In view of this relationship, it is not considered that the proposed development, in terms of built form, would result in a significant loss of light and/ or overbearing impact which would have a detrimental impact to the amenities of the occupiers of this adjoining property.

Potential impact on No. 32 Chandos Road

- 7.9.7. No 32 Chandos Road is a detached two storey property located to the east of this application site. This property affords an existing single story rear extension and conservatory. There is a change of levels between the two sites which results in the existing boundary fence between the sites being up to a height just above the eaves line of the conservatory. Block V10 will be located relatively in line, with this property, but will extend further to the rear and angled away from the side boundary. At the closest point V10 will be positioned some 5 metres from the site boundary and would be two storey in height, some 6.2m to the flat roof and then extending up to three storeys in height.
- 7.9.8. The ground floor living rooms main source of lighting is through x2 ground floor side facing windows. The articulation of the existing extensions means that there is a small front facing window in the dining area to this property which also looks out into the same space as these two side windows.
- 7.9.9. The submitted sunlight and daylight assessment has not assessed the layout of the property correctly and has identified the ground floor side facing windows as being bathroom windows. They have assumed that the living room is the conservatory and the dining room is a living/kitchen/dining area. It is unclear why such assumptions have been made given there are plans on the council public system which show the actual layout of this property. In any event, the BRE industry recognise standards suggests that:
- “If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse daylighting of the existing building may be adversely affected. This will be the case if either:*
- the VSC [vertical sky component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value; [or]*
 - the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.”*
- 7.9.10. From the officer’s assessment there is a potential that these side facing windows to be affected by the form and scale of building V10. However, is also noted that there is existing boundary treatment between the two sites which already limits the amount of daylight and sunlight this room currently receives. This also already compromises any outlook afforded from this room. This is also true of the front facing window in the rear dining room. These windows all look out into a fairly “enclosed” area to the side of No. 31. In view of this and given the space into the boundary and the staggered height of building V10 it is not considered that the proposed built form of this proposed development would result in a significant increase in loss of light to these habitable room windows. The rear conservatory would still retain suitable levels of lighting from the wider aspect it receives.
- 7.9.11. In terms of potential overbearing impact. For reasons which are unclear the submitted Sunlight and Daylight Assessment does not consider the potential impact on sunlight to

these property's rear amenities area but yet has modelled other properties which are positioned further away from the development. However, the built form of "Lakeside West" is positioned to the northwest of this property and visually does appear as a fairly imposing built form when viewed from the rear amenities area of No. 32. As discussed above building V10 will be angled away from this property. Block V4 will be positioned further NW of the application site. Overall and given the existing arrangement it is not considered that the proposed development would result in any significant increase overbearing impact.

- 7.9.12. In terms of privacy the balconies in buildings V10 are largely angled away to prevent any direct overlooking, there is one side facing bedroom window in the second floor of this building however again, the angled design of this block means it would not directly overlook No.32's rear garden area. However, and whilst it is recognised there is existing built form of Lakeside West, positioned close to this property which is fairly imposing, the office use means that the perception of that overlooking is fairly low. Building V4 will be positioned some 25m from the rear elevation of this property and includes a number of large balconies which will directly overlook into this property's rear amenities area. This is not just at first and second floor level but also includes a "decked" communal upper floor area. The Council SPD on Design sets out a basic level of privacy can usually be achieved between two storey properties where a back-to-back distance of 22m exists. For flats it sets out that as buildings get higher, greater spacing may be required between elevations to avoid overlooking and compromised privacy. Overall and having regard for the proposed relationship, separation distances, the position and height of the proposed building V4, it is considered that the proposed balconies and decked areas would result in a loss of privacy and overlooking which would have a detrimental impact on the amenities of the occupiers of No. 32 Chandos Road. This will be considered below as part of the wider planning balance.

Potential impact on No. 4-7 Chandos Road

- 7.9.13. These properties are in the form of semidetached two storey properties. The properties are positioned to the South of Chandos Road and the nearest proposed building which could potentially affect the level of sun/ daylight would be building V10. Therefore, the focus of this assessment is on these properties front/north facing windows.
- 7.9.14. The Applicants Sunlight and Daylight Assessment does consider this and identifies that there is potential impact most notably on 6 and 7 Chandos Road, which form the pair of semidetached houses directly opposite building V10. This assessment shows that whilst the proposed development would have some impact on the levels of lighting the ground floor windows receive overall the wider bay windows to the properties would retain sufficient levels of sun/daylighting. The upper floor oil windows were also determined to retain sufficient levels of lighting.
- 7.9.15. Overall, officers are content that the findings of the sunlight daylight assessment in regards to these properties appear to be sound. Officers also note that the proposed building V10 would be positioned approximately 20m from these properties. the building would also be some 6 to 9 metres high. Overall and given these separation distances it is not considered that the proposed development would be significantly visually dominant on these properties.
- 7.9.16. In terms of privacy it is noted that proposed balconies in building V10 would directly face on to the northern elevation of these dwellings. However, any overlooking would be to the front elevation of these properties where a less degree of privacy is expected and whilst up to 3 storeys in height would retain a separation distance and relationship fairly common within the wider area. Therefore, it is not considered that the proposal would

result in a significant loss of privacy which would have additional on the amenities of the occupiers on these properties.

Potential impact on properties along New Road

- 7.9.17. The submitted Sunlight and Daylight Assessment does not assess potential impact on properties which abut the site from New Road. It is recognised that properties along New Road have fairly long gardens which means that there is a separation distance of at least 18m to sometimes over 25m exists between the rear elevation of these properties and the western boundary of the application site.
- 7.9.18. The proposed development is designed in a manner where building V5, would be positioned on the footprint of the existing property comet known as lakeside West. While the proposed development results in a significant and substantial increase in mass and bulk particularly in this visually dominant roofscape it is stepped away from this side boundary. Therefore, it is unlikely that this building would result in any significant impact on the amenities of the occupiers of surrounding properties in terms of loss of light or overbearing impact.
- 7.9.19. Similarly, along the southern end of New Road properties currently see or have some limited views of the “top deck” of the existing car park located to the South Western side of the application site. This car park and decked area would be replaced by x10 semi detached houses position some 10 metres from this western side boundary. These buildings would be posited on raised voids (for flooding reasons) and as such would have an overall height of 10.3m to the ridge and 7.8m to the eaves. Given the separation distances, and the buildings they would replace, it is not considered that these town houses would result in any further significant impact on the amenities of the occupiers of the properties which these houses would abut along New Road.
- 7.9.20. There are also concerns from local residents, and officers do agree, that there is a significant increase in overall form and built scale within this development, notably building V8 and V7, the latter being up to 8 storeys in height. There are a number of concerns from local residents of this perception of overlooking from these large pavilion blocks where windows and balconies in the proposed development would overlook the rear amenity area of these surrounding properties. However, there remains a separation distance in the region of around 35- 40 metres between these larger buildings and the rear elevations of these adjoining properties therefore it is difficult to argue that this would result in direct overlooking.
- 7.9.21. It is recognised that these buildings of this form and scale are visually prominent and therefore will create a perception of increased overlooking. For design reasons, it is not considered that the form or scale proposed is appropriate for this location, however it is also recognised that in such urban locations an element of change is likely to take place. It is not considered that the proposal results in significant and direct overlooking which would have detrimental impact on the amenities of occupiers of adjoining properties. Accordingly, an on that basis the harm resulting from this perception of overlooking is considered to be limited.

Potential impact on amenities due to noise and disturbance.

- 7.9.22. There have been some concerns that the proposed development could result in increased activities on the site which would result in undue noise disturbance, detrimental to the amenities of the occupiers of all the surrounding residential properties. It is not considered that bringing this site into residential use would result in significant increase in

noise levels particularly anti-social hours of the day. Any issues regarding potential anti-social behaviour are matters which would be dealt with by either the environmental health team and or local police.

- 7.9.23. It is also understood that currently some trespassing issues take place on the site, where people are accessing this site at late hours in the evening causing noise and disturbance. As set out above such matters are not within the remit of planning. There are a number of arguments that bringing this site into residential use where there would be people on the site in the evening and there is an element of “natural surveillance” could assist in reducing any potential issues regarding such matters than a current office use, whether occupied or otherwise when there are less likely to be people present on the site on evenings and weekends.

7.10. **Ecology and biodiversity**

- 7.10.1. Policies SD7 of the Runnymede 2030 Local Plan sets out that development proposal will be supported where they protect existing biodiversity and include opportunities to achieve net gain in biodiversity. Policy EE9 of the Runnymede 2030 Local Plan also set out that the Council will seek net gains in biodiversity, through the creation/expansion, restoration, enhancement, and management of habitats and species, especially where adjacent to trees and hedgerows protected by a Tree Preservation Order.
- 7.10.2. Paragraph 174 of the National Planning Policy Framework states that planning decisions should minimise impacts on and provide net gains for biodiversity and paragraph 180 sets out that opportunities to improve biodiversity in and around developments should be integrated as part of their design.
- 7.10.3. It is therefore necessary for proposed development to first protect and avoid against any impact on ecology, where this is not possible mitigation should be necessary they should then mitigate and then provide biodiversity net gains. As part of the initial submission the applicants submitted a Preliminary Ecological Appraisal, Tree Survey and Arboricultural Impact Assessment, Bat Survey Report, Landscape Strategy and Habitat Regulations Assessment Screening, all prepared by Greengage dated 2021.

The need for an Appropriate Assessment

- 7.10.4. Where there is the potential for a plan or project to have an adverse effect upon Special Areas of Conservation (SAC) or Special Protection Areas (SPA), the Local Planning Authority, must consider the protection afforded to these legally protected ‘national site network’ sites before granting approval. It is a matter of national planning policy that Ramsar sites should also be treated by the competent authority in the same way as SPAs and SACs, but they do not form part of the national site network. Article 6(3) of the Habitats Directive is clear that a project not directly connected with or necessary to the management of a site will adversely affect the integrity of that site if it is liable to prevent the lasting preservation of the constitutive characteristics of the site that are connected to the presence of a priority natural habitat whose conservation was the objective justifying the designation of the site.
- 7.10.5. A Habitats Regulation Assessment has been prepared by Greenage, as the ecology consultants for the applicants in support this planning application. The purpose of this assessment is to assist the Local Planning Authority in undertaking the above assessment. The conclusions of the Habitats Regulation Assessment is that there is no potential for a likely significant effect on the qualifying features of the Windsor Forest & Great Park Special Area of Conservation (SAC); and South West London Water Bodies Special Protection Area (SPA) and Ramsar site. An Appropriate Assessment is therefore

not therefore considered necessary.

Potential Ecological Impact and/or Mitigation

- 7.10.6. The Preliminary Ecological Appraisal sets out that whilst not a priority habitat, the woodland and the pond/lake on site will be retained and enhanced where possible. This document also sets out that a Construction Environmental Management Plan including information on pollution control measures, would be produced to avoid, minimise or mitigate any construction effects on the environment. Both matters could be secured by way of condition, were this planning application approved.
- 7.10.7. Bat surveys were undertaken to assess the likely presence of bats on this site. Some of the consultation feedback from the consultees queried the time and extent that bat surveys were undertaken. The response from the applicants ecologists was that during the surveys in August and September no bats were seen to emerge or return to the building which had been assigned potential for bat roosting (due to having such features such as features included missing/slipped tiles and a hole in a soffit box). As such, it was concluded that bats were likely absent from the building. It was also concluded that the potential roosting space was relatively confined and unlikely to maintain a constant temperature for long periods of time. As such, the potential for these features to support roost was considered to be negligible. The Ecological Appraisal made further recommendations regarding mitigation, compensation and enhancement, including the provision of bat boxes, bat sensitive lighting. Such matters could be secured by way of a Landscape Ecological Management Plan.
- 7.10.8. In terms of trees, woodland and shrubs, these were identified as having high value for nesting birds and other wildlife. The ecological approval suggested further measures to undertake clearance to ensuring avoiding and then mitigating any potential impact.
- 7.10.9. These documents have been reviewed and considered by Surrey Wildlife Trust in their role as the Council's Ecological advisers. They have advised that overall, the structure and scope of the report is sufficient to support this planning application and that review process demonstrates compliance with the relevant guidance.
- 7.10.10. However one of the key matters which was raised was that the Ecological Appraisal noted that common toads were recorded as present during ecological surveys undertaken on site and that it was recognised in the Ecological Appraisal that there was a population on site is of county significance given the designated conservation verge which is present on the edge of the site however, actual survey work to determine the actual impact of the proposed development, in order to design a common toad mitigation strategy had not been completed.
- 7.10.11. Further to this, a Common Toad Impact Assessment has been submitted in support of this planning application, this has been updated as part of the consideration of this planning application and the following assessment is based on version 2 prepared by Lizard Landscape Design and Ecology, 2022. Surrey Wildlife Trust accepts that the impact assessment has collated sufficient information to inform appropriate mitigation and enhancement for common toads. One of the areas of discussions is that the proposed landscape approach for this site shows access around this lake and a number of suspended timber pontoons, a suspended timber bridge, and a mooring platform. These will increase recreational activity on and around the pond/ lake. The concerns of the Council's ecological advisers (and indeed local representations) are that this may cause disturbance and changes to the aquatic vegetation currently present within the lake. Due to this the Common Toad Impact Assessment sets out that the woodland footpath to the east of the site will be closed to the public from the months of mid-June - August to allow

toadlets migrating away from the waterbody safer passage and reduce the risk of mortality from trampling and dog attack. The timber decks would also be closed and signed to prevent accidental access via the lake during this time. Which effectively means that some of the key open spaces, which the applicant's landscaping strategy is informed by will not be accessible to the public in the summer months.

- 7.10.12. In ecological terms this may be considered to provide suitable avoidance and/or mitigation however from a landscape led/ open space strategy for residents this is not practical and is significantly flawed. It effectively means that residents are closed off from accessing their own open space during peak summer months when residents will probably wish to access it the most. Were this planning application otherwise acceptable Officers would have sought to negotiate a revised landscape strategy which actually is designed from initial concept to have regard for this key constraint, as opposed to adding on gates to restrict access in the summer months which is not a practical solution. A more holistic and comprehensive approach which designs out access to these key ecological areas as part of a wider landscape led approach is needed. However, for reasons set out above, the proposed strategy towards landscaping is considered to be poorly conceived from the onset. It is one dominated by hardstanding and car access, as opposed to one which has been informed and respond to the site. The matter of limiting access to the pond/ lake area in the summer months is another example of its shortfalls.
- 7.10.13. The Common Toad Impact Assessment also set out that an underpass system will be implemented to the western aspect of the site. The document has not provided any maps showing the proposed location and no detail, even in outline, or specification has been provided. This was initially raised by Surrey Wildlife Trust and the applicants' revised documents has failed to address these issues. Again, this supports officer's wider assertions these issues should have been considered initially as part of the submission and the proposed landscape approach revised to respond to the key constraints.
- 7.10.14. It is also noted that the Common Toad Impact Assessment proposes that during any construction works a biodiversity champion shall be appointed to safely move any toads to the woodland areas during construction and inspect, repair and report the fencing as appropriate on a daily basis. Surrey Wildlife Trust advise that daily checks should be carried out every morning prior to the start of works or any vehicle movements and that the process is managed by a suitably qualified ecologist. Officers do not believe that such specific management and maintenance at construction stage could be dealt with by way of condition as it is difficult to enforce. Were this planning application recommended for approval such matters would likely need to be secured by way of planning obligation.
- 7.10.15. Ultimately the overall conclusions of the above are that were this planning application recommended for approval that the avoidance and mitigation of existing wildlife on this site could be secured by way of conditions and planning obligations (the day-to-day practicality of this as a suitable design led solution notwithstanding).

Biodiversity Net Gain

- 7.10.16. In terms of biodiversity net gain, the applicant's submission sets out that the proposed habitat creation includes urban trees, green roofs, modified grassland, other neutral grassland and the introduced shrub and mixed scrub and a trellis system green wall. The development also proposes to enhance the existing woodland habitat.
- 7.10.17. The proposals are understood to provide a total net increase of 21.37% in ecological value. Were this planning application recommended for approval biodiversity net gains can be secured by way of condition.

Thames Basin Heath Special Protection Area

- 7.10.18. Policy EE10 of the Runnymede 2030 Local Plan sets out that for sites beyond the 5km zone of influence, as in this case, an appropriate assessment may be required under the Habitats Regulations Assessment to determine whether there will be a likely impact on the integrity of the Thames Basin Heaths Special Protection Area (SPA) and that developments of 50 new dwellings and above between 5km and 7km from the Special Protection Area are likely to have an impact.
- 7.10.19. The Preliminary Ecological Appraisal has scoped out an impact upon statutory designated sites. Through the Preliminary Ecological Appraisal report and the Habitat Regulations Assessment, it has been concluded that the proposed development will not have a significant effect on the qualifying features of the designated sites.
- 7.10.20. As competent authority the Council's appropriate assessment is that the contributions in line with the agreed strategy with Natural England, means harm to protected species can be avoided and mitigated by the provision of SANGs. The Council has available capacity to accommodate this development subject to appropriate payments for delivery and maintenance. The Council's SPD on the Thames Basin Heath SPA sets out that large scale residential developments of 50 or more net new dwellings that fall between 5-7km from the SPA may be required to provide avoidance and mitigation measures. The strategy for these uses is set out within section 3 but for some applications may be assessed on a case by case basis in agreement with Natural England. Subject to securing these SANG contributions by way of a s106 agreement it is considered that the proposal would address the impacts arising from the development on the Thames Basin Heath Special Protection Area in accordance with the Council's policies and the NPPF (2021).
- 7.10.21. The second part is towards the Strategic Access Management and Monitoring funds which enable the coordinated visitor management across the whole of the publicly accessible TBHSPA. The funds are used in part to survey the Thames Basin Heaths' Authorities SANGs. The purpose is to identify any improvements to the SANG.
- 7.10.22. In accordance with the Council adopted SPD for this area a financial contribution of £105,393.28 is required towards SANG and a further £41,994.00 towards SAMM towards the avoidance/ mitigation strategy is necessary. Were this application otherwise recommended for approval these financial contributions would have to be secured through a planning obligation.
- 7.11. **Renewable Energy**
- 7.11.1. New development is expected to demonstrate how it has incorporated sustainable principles into the development including; construction techniques, renewable energy, green infrastructure and carbon reduction technologies.
- 7.11.2. Policy SD8: Renewable and Low Carbon Energy sets out that new development will be expected to demonstrate how the proposal follows the energy hierarchy (Be lean; use less energy, Be clean; supply energy efficiently and Be green; use renewable energy). For a scheme of this scale, it is also expected for the development to incorporate measures to supply a minimum of 10% of the development's energy needs from renewable and/or low carbon technologies. In addition, development proposing 10,000sqm – 50,000sqm of net additional floorspace should consider whether connection to existing renewable, low-carbon or decentralised energy networks is possible.
- 7.11.3. The NPPF (2021) paragraph 155 states that in determining planning applications, developments should comply with any development plan policies on local requirements

for decentralised energy supply unless it can be demonstrated by the applicants, having regard to the type of development involved and its design, that this is not feasible or viable.

- 7.11.4. The application is supported by an Energy and Sustainability Statement prepared by eb7. This statement shows how the development would comply with the 'Energy Hierarchy' by first looking at how buildings be designed to use improved energy efficiency measures in terms of insulation and natural ventilation. However, as part of this the applicants are proposing to utilise high efficiency condensing gas boilers. The intention to install gas boilers is at odds with the Government's ambition to phase out the installation of new and replacement natural gas boilers by 2035 and the current Net Zero Strategy: Build Back Greener which is aiming to phase out the installation of new and replacement natural gas boilers, removing fossil fuels and ensuring that all heating systems used in 2050 are compatible with net zero targets.
- 7.11.5. The second part of the Energy Hierarchy is to ensure efficient and low carbon energy supply. In particular, this concerns provision of decentralised energy where practical and appropriate. The Energy and Sustainability Statement highlights that there are no known plans for an energy network in Staines. The site is outside of "Staines". However, officers recognise that in and around the Causeway this assertion appears to be correct. In terms of onsite Combine Heat Plants (CHP) the Energy and Sustainability Statement states that the high-density accommodation and the associated energy consumption at Lakeside would make the project an ideal host for a CHP system. However, they have been discounted by the applicant's submission as they consider them not to be as efficient based on current building control assessment than gas boilers and that they would not provide sufficient carbon benefits.
- 7.11.6. The final element of the 'Energy Hierarchy' requires development proposals should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation. The supporting statement identifies that Photo Voltaic (PV) panels could result in a 21.80% reduction in emissions over and above those achieved through energy efficiency measures. They have also suggested that air source heat pumps could result in a theoretical carbon saving of 17.5% or a 11.12% reduction in energy consumption. The statement continues that recognising the ongoing decarbonisation of the UK electricity grid, and thus the significant advantage in the use of electrical only systems, especially heat pumps, the use of air source heat pumps for the heating and hot water requirements through individual units for the houses, and communal units serving heat interface units in the blocks of flats.
- 7.11.7. In support of this the applicant sought to submit amended plans which show a large "blocked" areas for where air source heat pumps could go. These images whilst endeavouring to show space for renewable technologies did not realistically capture such plant enclosures and could be misconstrued to be a misleading representation. This is particularly relevant for interested third parties who should be allowed the ability to clearly understand the development proposed. These plans were not accepted by the Local Planning Authority for this reason.
- 7.11.8. Overall, it is considered that were this planning application recommended for approval that the wider matters could be dealt with by conditions whereby an updated energy strategy could be provided prior to works of the development (on a phased basis or otherwise) to demonstrate how the scheme would be taken forward based on modern day practices whilst having regard for the energy strategy proposed. Such conditions could also seek to secure that air source heat pumps were only accepted where they would not material effect such a permitted scheme.

7.12. **Other Considerations**

Fire Statement

- 7.12.1. The Town and Country Planning Development Management (England) Procedure Order 2015 as amended by article 4 of the 2021 Order requires a fire statement in support of planning application(s) for buildings containing 7 or more storeys (where the building is in dwelling house use or education).
- 7.12.2. Due to this a fire statement has been submitted in connection with this planning application and has been prepared by a Principal Fire Safety Consultant. This document sets out fire safety matters relevant only to the extent they are relevant to land use planning and does not contain the breadth and depth of information on fire safety which would be expected to be submitted at building control application stage. Requirements of the fire statement at planning stage do not duplicate or require compliance with the building regulations
- 7.12.3. As required under the aforementioned Order the Health and Safety Executive (HSE) were consulted on this planning application. The comments provided were directing the Local Planning Authority to the Hazardous Substances Consents which were present at the site.

Hazardous Substances Consents

- 7.12.4. The site across the road, known as 31 the Causeway used to hold a former gasholder. A Hazardous Substances Consent (HSC) was granted by the Local Planning Authority in their role as the Hazardous Substances Authority as part of this operation for the storing of natural gas in this structure. It would appear that British Gas never formally sought to revoke this HSC when the gasholder was decommissioned. Therefore, there is currently a HSC on part of the site. As the gasholder has been decommissioned/ demolished and natural gas is no longer stored on this site, the risk to public is no longer present. Therefore, the Local Planning Authority are currently seeking to revoke the HSC under sections 14(2) of The Planning (Hazardous Substances) Act 1990 which enables the Local Planning Authority to do this where the substance has not been stored on the site for at least 5 years (i.e., the gas holder is understood to have been dismantled at least 7-8 years ago).
- 7.12.5. Discussions with the Health and Safety Executive (HSE) regarding the above have highlighted that the site is within the consultation zone of a further Hazardous Substances Consent for the storage of chlorine at the nearby waterworks. A HSC was granted to the North Surrey Water Company, this company is no longer in existence and it is understood that the waterworks are now run/ owned by Affinity Water. Consents run with the land and whilst it is understood that the storing of chlorine on the site no longer takes place. However, the HSE has advised that a precautionary approach is necessary. It remains that the risk to the population must be considered and the HSE are a statutory consultee.
- 7.12.6. Proposals which include residential development located in consultation zones, such as this, result in an increase in the number of people working or visiting the area. The risk considered by the HSE is the residual risk which remains after all reasonably practicable preventative measures have been taken. Through discussions the HSE have agreed to remove their objection to this planning application on the basis that the applicant accepts a condition that the development shall not occupied until this Hazardous Substances Consents has been revoked. This scheme is considered on this basis and were this planning application recommended for approval such matters could be secured by way of condition. Irrespective and separate to this the Local Planning Authority are seeking to revoke the HSC.

Contaminated Land

- 7.12.7. Policy EE2 seeks, where relevant, contaminated land surveys are to be submitted as part of applications to determine the source of any pollutants and any remedial measures necessary. Paragraphs 174 and 183 of the NPPF (2021) seek to ensure that through decision making that suitable land remediation is secured through redevelopment.
- 7.12.8. A Phase 1 Contamination Assessment prepared Unity Environmental and dated December 2021 has been submitted in support of this application. The overall conclusions of this assessment are that the possibility of various contaminants on the medium to high potential risk to future site users and/or controlled waters. In order to determine whether the potential contaminants of concern are present on-site, and if so in what quantities, a Phase II intrusive investigation would be required. Aligned with the consultation response from the Council's Contaminated Land Officer. Were this planning application recommended for approval such matters could be secured by way of condition.

Archaeology

- 7.12.9. As the application site is over the 0.4 hectares an archaeological assessment and evaluation is required under policy EE7 of the Local Plan. A desk-based assessment has been submitted in support of this planning application.
- 7.12.10. The applicants have submitted a Heritage Desk Based Assessment produced by Cotswold Archaeology and dated December 2021 contains a review of information currently held in the Surrey Historic Environment Record together with other relevant sources in order to determine the potential for significant archaeological remains to be present. The report concludes that the site has a high to moderate potential for archaeological remains from the later prehistoric and Roman periods, and although past development of the site may have removed archaeological deposits across some areas of the site, there is still the potential for archaeology to survive, particularly in the western and eastern parts of the site and so the report recommends that further work may be required in order to clarify the archaeological potential of the site.
- 7.12.11. Were this planning application recommended for approval further work would be required including archaeological evaluation trial trenching exercise to establish whether Archaeological Assets are present at the site and enable suitable mitigation measures to be developed. However, as the desk based archaeological assessment does not identify the likely presence of remains of national significance requiring preservation in situ, and the site will have been disturbed in places by previous construction such matters could be secured by way of condition.

Cadent Gas Objection

- 7.12.12. Cadent Gas placed a holding objection on this planning application as the proposal is within the vicinity of our gas assets. Subsequent to this the applicant has provided a plan which shows that the development is not in the vicinity of the London to Southampton pipe way and that the nearby mains run around the edge of the site and would not appear to affect this development.
- 7.12.13. This information has been presented to the Cadent Gas. On the 22.09.22 the case officer for this planning application contacted Cadent Gas and requested they update their position having regard for this information. To date no response has been received.

However, given the evidence in front of officers it is considered appropriate to continue to consider this planning application.

Planning Obligations/Infrastructure

- 7.12.14. In line with the Council's Charging Schedule the proposed development would be liable for the Community Infrastructure Levy (CIL). The applicant has submitted the required forms including the assumption of liability for payment on the net increase in gross internal floor space
- 7.12.15. CIL acts as a "pool" of contributions from which the Council is able to fund infrastructure necessary to support the borough, as a whole. This includes matters such as the provision of education or health provision, or indeed any other infrastructure requirements. The site is liable for the CIL at a rate of £90 per square metre of net floor space (plus any indexation). Depending on the level of deductible floor space which can be considered as part of this planning application (this is dependent on how long the existing offices have not been in use) the scheme could generate CIL receipts in the region of £1.5 million (average), plus any indexation. This should be taken as an initial officer estimate before affordable housing exceptions. CIL can only be calculated post decision, prior to commencement of any planning permission.
- 7.12.16. In addition to this and to make the development acceptable in planning terms, were Members of the planning committee minded to approve this planning application then it is recommended that it would be subject to the following planning obligations, secured through a Section 106 legal agreement:
- Residential Travel Plan inc. auditing fee of £6,150 (index linked)
 - Details of Car Club provision as part of this scheme, including two parking spaces provided for a minimum of two years, with all costs associated with the provision of the vehicle including provision of parking space either within a publicly accessible location of the development or on the public highway and pump priming being met by the developer.
 - Provision of £50 worth of free travel for car club vehicles for each residential unit.
 - Provision of three year's free membership of the car club for all initial occupants of the
 - residential units. (index linked)
 - Public Transport Voucher- a combined cycle/public transport voucher of £100 per dwelling, at a total cost of £27,200. The developer monitoring and reporting on voucher take up. (index linked)
 - Mechanisms to secure implementing a residents on street parking permit scheme
 - Details of emergency access via bollards and how this would be made available for emergency vehicles.
 - Details of waste receptacles to be provided (refuse/recycling/ food wastes bins)
 - SMM and SANG financial contributions
 - Onsite biodiversity champion to deal with ecology mitigation measures during construction of the development
 - Public access and closures of public access from mid June- August
 - Timing of delivery of landscaping works and future management including that of SuDs
 - Secure affordable housing provision equating to 34 units including tenure and nominal rights.
 - Council's Monitoring costs

8. EQUALITY AND HUMAN RIGHTS CONSIDERATIONS

- 8.1. Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

Consideration has been given to s149 of the Equality Act 2010 (as amended), which has imposed a public sector equality duty that requires a public authority in the exercise of its functions to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the decision would have regard to this duty.

9. CONCLUSIONS AND PLANNING BALANCE

- 9.1. In summary, whilst the site is designated as strategic employment land it is considered that the loss of the employment generating use of this site would result in limited harm. In accepting such loss, the principle of a residential redevelopment in the location is acceptable. It is accepted that the proposal would make efficient use of previously developed land and deliver some economic benefit. These are given moderate weight as benefits of the proposal. The proposal would also provide additional housing, recognising the council's current housing land supply position as detailed above, this is given moderate weight as benefits of the proposal.
- 9.2. In terms of flood risk considerations, it has not been sufficiently demonstrated that there are no alternative reasonably available sites appropriate for the development in areas with a lower risk of flooding. It is also not considered that the proposed development has demonstrated that the proposal would be safe throughout its lifetime and not lead to increased flood risk elsewhere. This is considered to result in harm which substantially weighs against the scheme.
- 9.3. In terms of design, it is considered that the proposal would create a poor-quality place to live, is not of a form or scale which has any regard for the character of the area and does nothing for supporting high quality design or beautiful and sustainable buildings. This too is considered to result in substantial harm.

- 9.4. It is also recognised that the proposed development will provide an over concentration of one bedroom units, contrary to Local Plan policy which requires proposals to provide a balance of units which reflects need. Given the wider urban, mixed-use location of the site the harm associated with this is considered limited. In terms of adaptable dwellings, the proposal would provide just under 5% of the overall units and would provide a total of 34 affordable homes which equates to 12.5% of total proposed dwellings. The viability evidence submitted and assessed as part of the application suggest this is around the level of affordable housing the site can viably deliver. The delivery of this level of affordable housing is given moderate weight as a benefit of this development.
- 9.5. The proposed development is considered acceptable in terms of sustainable transport and wider highway safety considerations. This is subject to the implementation of a number of sustainable measures and travel plan. These are all considered to be measures necessary to make the development acceptable in planning terms and thus are given limited weight as a benefit of the scheme. Overall, the proposals are considered to provide a suitable residential environment for future users. However, in terms of impact on the amenities of local residents it is identified that the proposed development would result in a significant loss of privacy and overlooking, detrimental to the amenities of the residents of No. 32 Chandos Road. This is considered to result in moderate harm which weighs against the scheme.
- 9.6. In terms of ecology and biodiversity subject to a number of measures it is considered that the proposal will suitably avoid and mitigate against potential impacts on existing biodiversity and also would provide a demonstrable net gain in biodiversity. The latter of which is given moderate weight as a benefit of the scheme. Financial contributions would be necessary in order for the proposal to address the impacts arising from the development on the Thames Basin Heath Special Protection. This is to mitigate the impact and is not a benefit arising from the scheme.
- 9.7. The proposed energy strategy submitted in connection with the proposed development would mean that the scheme could deliver renewable energy and carbon savings in line with adopted planning policy. This is the requirement for all developments and as such are given limited to moderate weight as a benefit of the proposed development. The proposed development is considered to provide a fire statement to deal with matters within the remit of planning, subject to conditions the development would not raise issues in terms of the nearby hazardous substances consent and again subject to conditions does not raise any issues in terms of contaminated land or archaeology. There are a number of planning obligations as listed above to make the development acceptable and are not considered to be necessarily benefits that way in favour of this proposed development.

- 9.8. When applying the planning balance, it is not considered that the harm caused from the proposed development; notably the substantial harm regarding the design, matters regarding flooding and the harm to neighbouring amenity are outweighed by the benefits of the scheme. Even if matters regarding flooding were overcome it is considered that the resulting harm from the poor approach to design substantially outweighs the benefits. Accordingly, the application is recommended for refusal for the following reasons (it should be noted that refusals reasons 4, 5 and 6 could be resolved were a completed legal agreement provided to secure such matters):
- 1) The proposed development by reason of the proposed layout, form, scale, landscaping and overall design approach fails to deliver a high-quality design led scheme. The proposed development is not of good design and does not seek to create beautiful, high quality and sustainable places. Therefore, the proposed development is contrary to Policy EE1 of the Runnymede 2030 Local Plan (2020), Runnymede Design Guide Supplementary Planning Document (2021), the National Planning Policy Framework (2021) and the National Design Guide (2019).
 - 2) It has not been demonstrated that there are not reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding nor that the proposed development would be safe throughout its lifetime and not lead to increased flood risk elsewhere. The proposed development is therefore contrary to policy EE13 of the Runnymede 2030 Local Plan (2020), Runnymede Design Guide Supplementary Planning Document (2021), the National Planning Policy Framework (2021)
 - 3) The proposed development by reason of its siting, position and built form would result in direct overlooking and loss of privacy to No. 32 Chandos Road, detrimental to the amenities of the occupiers of this dwelling and contrary to Policy EE1 of the Runnymede 2030 Local Plan (2020), Runnymede Design Guide Supplementary Planning Document (2021), the National Planning Policy Framework (2021)
 - 4) In the absence of a completed legal agreement for SANG and SAMM Contributions in accordance with the Council's adopted Supplementary Planning Guidance on the Thames Basin Heaths Special Protection Area the Local Planning Authority are not satisfied that; there are no alternative solutions, or that it is likely that the proposal would pass the Regulation 49 test of imperative reasons of overriding public interest. It is bound to refuse permission in accordance with Regulation 48 (5) of the Habitats Regulations 1994 and Article 6 (3) of Directive 92/43/EEC
 - 5) In the absence of a completed legal agreement the proposed development has failed to secure the provision of 34 affordable housing units (12% on site provision) to meet local needs. The proposed development is therefore contrary to policy SL20 of the Runnymede 2030 Local Plan (2020), Runnymede Affordable Housing Supplementary Planning Document (2022) and the National Planning Policy Framework (2021) and its associated guidance
 - 6) In the absence of a completed legal agreement the proposed development has failed to secure the provision of the necessary infrastructure needed to make this development acceptable in planning terms. The proposed development is therefore contrary to policies SD3, SD4, SD5 and EE9 of the Runnymede 2030 Local Plan (2020) and the National Planning Policy Framework (2021) and its associated guidance.

10. FORMAL OFFICER RECOMMENDATION

The CHDMBC be authorised to refuse planning permission for reasons set out above in paragraph 9.9 of the above Report.

Also add the following informatives:

1. The plans considered as part of this planning application are as set out in the Schedule 2e: schedule of application drawings submitted on 22 December 2021 and 5 May 2022
2. The applicant is advised that in the event of an appeal situation refusal reasons 4, 5 and 6 could likely be overcome by way of a legal agreement which secures the relevant matters as per the above officer report and/or any update policy or guidance.
3. It should be noted and for the avoidance of doubt that a number of matters and issues have been highlighted within the report, where the officer conclusion of this report are that were this planning application otherwise considered acceptable then they would have engaged with the developer to resolve matters. It is also recognised that the planning agent have also set out such request. Were there not substantive objections to this scheme then officers would have sought to resolve matters. However, in the interest of effective decision making and to reduce abortive costs (which would not have in any event overcome the refusal reasons) this proposal has proceeded to determination.

Appendix 1- Table 3: Exceptions Test Assessment against Sustainability Appraisal Objectives

SA Objectives	Decisions Aiding Criteria
<p>Objective 1- To conserve and enhance biodiversity, habitats and species and ecosystem services, including green & blue infrastructure</p>	<ul style="list-style-type: none"> • Will it avoid potential impacts of development on designated sites? • Will it avoid net loss of and achieve enhancement of ecological resources and services? • Will it avoid habitat fragmentation? Will it lead to development which incorporates or enhances biodiversity, green and blue infrastructure and its connectivity? • Will it help achieve delivery of Local Nature Recovery Strategies and enhancement of Biodiversity Opportunity Areas/Priority Habitat?
<p>Meets objective- matters regarding ecology and biodiversity impact are set out in section 7.10 Ecology and biodiversity. As are the manner in which this proposal would avoid impact on protected habitats were this planning application approved and a legal agreement completed.</p>	
<p>Objective 2- to protect and improve the health and well-being of the population and reduce inequalities in health</p>	<ul style="list-style-type: none"> • Will it help to address pockets of deprivation and child poverty? • Will it improve access to healthcare? • Will it provide for the needs of an ageing population and those with specialist needs? • Will it facilitate opportunities to achieve active lifestyles and prevent obesity? • Will it improve opportunities to access green & blue infrastructure, outdoor/indoor sports, leisure and recreation? • Will it protect and enhance community facilities and services? • Will it safeguard human health and well-being by promoting climate change resilience through sustainable siting, design, landscaping and infrastructure? • Will it improve opportunities to access community facilities and services? • Will it support local sustainable food production, including the provision of allotments and community gardening?
<p>Neutral impact- The proposed development is unlikely to have any direct impact on deprivation and child poverty or improve access to healthcare. The proposal would provide some units for wheels chair adaptability as per the requirement so of Local Plan policy and does offer some areas of open space which can utilised by local residents. The proposal will neither protect, enhance nor improve opportunities of access to community and facilities. The proposal will not support local sustainable food production. However it is recognised that the proposed development would generate CIL receipts (discussed further above) which would go towards contributing towards the infrastructure to support the Borough as whole, which can include community building, outdoor sports or allotments et. al</p> <p>In terms of safeguarding human health and well-being by promoting climate change resilience through sustainable siting, design, landscaping and infrastructure. The scheme has been designed to meet development plan policies in terms of energy provision (see above) and have regard for climate change in term of flood protection measures (discussed further above). The scheme is not however landscape led and it is not evidence how this scheme has been designed with sustainability at the forefront of the proposal. Overall, it is not considered that this proposal <u>promotes</u> climate change resilience.</p>	
<p>Objective 3: to protect soil and minerals resources</p>	<ul style="list-style-type: none"> • Will it ensure that mineral resources are not sterilised? • Will it avoid environmental effects from mineral abstraction on sensitive receptors? • Will it make the most effective use of land and achieve efficiency in land use and avoid the development of greenfield land over the

SA Objectives	Decisions Aiding Criteria
	<p>redevelopment of previously developed land and buildings?</p> <ul style="list-style-type: none"> • Will it provide opportunities for remediating/mitigating despoiled, degraded, derelict, contaminated and unstable land? • Will it avoid the loss of the most valuable agricultural land? • Will it minimise waste arisings and facilitate recycling?
<p>Meets objective- the proposed development will not affect mineral resources or mineral abstraction. The scheme will make efficient use of previously developed land and would be expected to meet the relevant contaminated land requirement. The proposal would not affect agricultural land and were permission forthcoming, conditions would secure a Site Waste Management Plan.</p>	
<p>Objective 4: to improve water quality and efficiency</p>	<ul style="list-style-type: none"> • Will it ensure developments are water efficient and include opportunities for water recycling, water stewardship and water sensitive design where appropriate? • Will it help to improve water quality? • Will it minimise inappropriate development in Source Protection Zones?
<p>Meets objective- the Energy Assessment which supports this planning application sets out that the development will minimise water use as far as practicable by incorporating appropriate water efficiency and water recycling measures. The dwellings will seek to meet the required level of 105 litres maximum daily allowable usage per person in accordance with the former Level 4 of the Code for Sustainable Homes. In terms of water quality the submitted FRA sets out how the proposed SuDS techniques could provide sufficient water quality treatment for the surface water runoff before it is discharged to ground. The proposed development will not affect Source Protection Zones.</p>	
<p>Objective 5- to increase resilience to climate change, including flood risk</p>	<ul style="list-style-type: none"> • Will it ensure that people, property and businesses are protected from flooding, taking into account the impacts of climate change? Will development incorporate SUDS, Natural Flood Management schemes and flood resilient design? • Will it lead to developments which are designed to be resilient to hotter, drier summers and warmer, wetter winters?
<p>Does not meet objective- Matters regarding flooding, taking into account the impacts of climate change, SUDS, Natural Flood Management schemes and flood resilient design are addressed above in the flooding considerations sections and how the proposed development currently fail to meet this. In terms of being adaptable to whether conditions, overall, it is considered that the energy statement addresses these requirements and sets out how the development will be the energy hierarchy. The first stage it Be Lean to effectively utilise a passive design whereby buildings are designed and constructed to be comfortable in higher temperatures, without resorting to energy intensive air conditioning and measures in line with the “cooling hierarchy”.</p>	
<p>Objective 6: to reduce air and noise pollution</p>	<ul style="list-style-type: none"> • Will it ensure that development minimises exposure to poor air quality and noise pollution and does not add to air/noise pollution in the wider area? • Will it avoid contributing to congestion and reduce travel demand? • Will it facilitate the incorporation of electric vehicle charging points into new developments or ensuring they can be retrofitted?
<p>Meets objective- An Air Quality Assessment has been submitted in support of this planning application. This identifies that at the construction phase of the development could give rise to emissions which could cause dust soiling effects on adjacent uses. However, by adopting the appropriate mitigation measures to reduce emissions and their potential impact. The proposed development is not within (but close to) an air quality management area and will result in more people living in this location where there will be, to an extent a reliance of private vehicles. However, given the previous office use and as the transport assessment (see section 7.7 Highways Considerations) demonstrates, the proposed development is unlikely to result in</p>	

SA Objectives	Decisions Aiding Criteria
	<p>increased trip generation above the lawful use. Therefore, whilst the proposed development does not directly seek to minimise exposure to poor air quality it is not considered to add to such issues. The same can be said for any potential contribution to congestion and paragraph (see section 7.7 Highways Considerations) sets out measures to through the Travel Plan which could assist in reducing reliance on private vehicles.</p>
<p>Objective 7: reduce greenhouse gas emissions</p>	<ul style="list-style-type: none"> • Will it ensure that new developments are designed to achieve high levels of energy efficiency? • Will it prioritise access to and improve connectivity by good public transport and safe/attractive walking and cycling facilities infrastructure (including segregated cycle lanes), over facilities for private cars? • Will it help to achieve walkable neighbourhoods? • Will it increase renewable/low carbon energy generation? Will it provide opportunities to reduce carbon emissions and provide carbon capture/sinks? • Will it promote waste reduction, the use of sustainably sourced materials and re-use of resources in construction and renovation?
	<p>Meets objective- The development is not based on delivering the “highest” level of energy efficiency a development could achieve, such a carbon zero, and it is unclear how sustainable principles have truly informed the design of the proposed scheme. However, the proposed development would meet policy objectives regarding the energy hierarchy (see section 7.10 Ecology and Biodiversity) and the proposed energy efficiency measures would likely be higher than the existing offices on site. As set out above in the transport section the proposed development is located in a relatively sustainable location. However as set out above, the proposed layout is poor and is one which is car dominant as opposed to being designed to promote and support active and sustainable modes of transport. The proposal will utilise PV panels and as such will increase renewable/low carbon energy generation. Conditions could secure a site waste management plan and the ability to try and sustainably sourced materials and re-use of resources.</p>
<p>Objective 8- to sustain economic growth and competitiveness across the Borough</p>	<ul style="list-style-type: none"> • Will it support a dynamic and diverse economy? • Will it stimulate economic growth in deprived areas? Will it support low environmental impact business sectors? • Will it contribute to the provision of opportunities for employment and improvements in educational attainment and skills development? Will it maintain and enhance the vitality/viability and retail function of the Borough’s town and local centres? • Will it support the Borough’s tourist attractions?
	<p>Neutral impact- the site is designated as Strategic Employment Land in the Local Plan. The proposed development would result in the loss of land designated for economic purposes. However, the existing offices can be converted to residential under prior approval designated Government. There are also arguments that bringing houses into this location will enable people to live closer to work opportunities and the construction of houses does result in increased job and economic benefits which flows from this. The area is not in a deprived areas and will not support low environmental impact business sectors. It will not contribute to the provision of opportunities for employment and improvements in educational attainment and skills development but arguably for reasons set out above will neither result in any loss. There are arguments that bringing more people into the locality will maintain and enhance the vitality/viability and retail function of the nearby town and local centres (although arguably the closets town is not in the Borough). However, there are arguments that were this site in employment use it would do this too.</p>
<p>Objective 9- to ensure the</p>	<ul style="list-style-type: none"> • Will it provide viable and deliverable good quality and affordable housing to meet identified needs?

SA Objectives	Decisions Aiding Criteria
<p>provision of high quality, sustainable constructed and affordable homes and necessary community infrastructure</p>	<ul style="list-style-type: none"> • Will it ensure the protection, enhancement or delivery of necessary community infrastructure? • Will it protect, enhance or provide delivery of infrastructure services and facilities? • Will it achieve development that demonstrates sustainable design and construction including efficient use of materials?
<p>Meets objective- The proposed development would provide 34 affordable housing units which is about 12% of the overall provision. Whilst this is well below the affordable housing policy requirements there is an element being provided. This will go towards needs. In terms of infrastructure the scheme would generate CIL receipts which can go towards the infrastructure to support the Borough as a whole. Planning obligation could secure the necessary infrastructure to make the development acceptable in planning terms. Site Waste Management Plans and Construction Environmental Management Plan can secure development utilise sustainable design and construction.</p>	
<p>Objective 10: to protect and enhance the Borough's historic and cultural assets</p>	<ul style="list-style-type: none"> • Will it ensure that development avoids adverse effects on heritage assets, archaeology and Conservation Areas? • Will it enhance and promote the Borough's heritage assets and their setting? • Will it protect or enhance the Borough's cultural facilities/services? • Will it improve access to the Borough's cultural facilities/services?
<p>Neutral impact- the proposed development is not considered to affect any heritage assets and thus whilst it may avoid adverse effects it does not enhance nor promote them. Nor would it protect. Enhance cultural facilities or impact access to such facilities or services.</p>	
<p>Objective 11- to protect and enhance open space and the landscape/townscape character of the Borough.</p>	<ul style="list-style-type: none"> • Will it protect and enhance landscape character? • Will it ensure that development is of high quality and inclusive design and is well- related to the surrounding townscape? • Will it ensure the quality of and provision of suitable open space, where need is identified?
<p>Does not meet objective- it is not considered that the proposed development would meet this objective. A full assessment of how the proposed development fails to provide a landscape led, high quality residential environment which has due regards for the character of the area is set out and discussed further above in section 7.5 Design Considerations.</p>	