

Planning Inspectorate Ref: APP/Z3635/W/17/3191046

Submission by the Lower Sunbury Residents' Association (LoSRA)

15th March 2018

The following submission by the Lower Sunbury Residents' Association is made in response to an appeal against the refused application to develop 126 Green Street by the LPA (Ref: 17/01483/FUL). We support the Council's grounds for refusal including its reference to "lack of parking" which implies the Supplementary Planning Document on Parking Standards (2011) which is not specifically mentioned.

1. Housing Need

1.1 It must first be said that the central premise upon which the appellant's statement (paras 5.6 – 5.10 & 5.39) is based relies on out-of-date documentation.

1.2 The revision of the Local Plan continues apace and the now published (January 2018) Strategic Land Availability Assessment (SLAA) Final Draft, para. 2.36 states: "The objectively assessed housing need (OAN) derived from the Government's draft standardised methodology identifies a need of 590 dwellings per annum in Spelthorne." (See: https://www.spelthorne.gov.uk/media/17858/Draft-Strategic-Land-Availability-Assessment/pdf/Strategic_Land_Availability_Assessment_-_FINAL_DRAFT_050318.pdf)

1.3 It will also be seen that the deliverable sites in years 1 – 5 amount to 3665 which may be expressed either as 733 dpa in the first five years if front-loaded; or 611 dpa if delivery were to be extended over the first six years – either way exceeding the specified OAN.

1.4 As the SLAA is a final draft we would expect the Inspectorate to attach significant weight to its findings in its determination of this appeal.

2. Supplementary Planning Guidance

2.1 At para 5.30 the appellant claims: *"The Council place too much weight on the SPD. The statutory purpose of an SPD is to inform the implementation of the development plan and support the formulation of planning applications. SPDs do not supersede the policies of the development plan or establish rigid*

controls". This is misleading. The Localism Act 2011 and the Town and Country Planning Regulations 2012 provide the most up-to-date legislation. Regulation 14 states that a Council can adopt supplementary planning guidance without the need for independent examination provided they observe the usual conditions of publicity and public consultation. The fact that SPDs were introduced by way of regulations makes them no less valid than if they had been introduced by primary legislation. They are therefore enshrined in planning law and successive appeals before the Planning Inspectorate have accorded them significant weight in its determinations. For example, Policy CC3 of the development plan on parking which was subjected to independent examination, has in the past been successfully trumped by the SPD on parking standards. Similar consideration should be accorded to the Council's SPDs on design of residential extensions and new residential development; and housing size and type.

2.2 At paras 5.29. and 5.31 (Impact on adjoining resident's amenity) the appellant gives further examples of their departure from the standards laid down in the SPDs and invites the Inspector to agree. Apart from the appellant's apparent disregard of the detrimental amenity impact on residents at 145 Manor Lane, it raises the more fundamental question as to why the LPA should bother with standards in the first place. What would be the point in having SPDs at all if their value can be so casually depreciated by an appellant? A "standard" is by definition, immovable; otherwise it is not a standard.

3. Car Parking

3.1 As is customary, the County Highways Authority (CHA), as statutory consultees, has submitted its comments on the proposed development and the applicant refers to these at paras. 5.56 – 5.58. However, putting road safety aspects to one side, there is no legal case for the primacy of the CHA's position over that of the local planning authority when it comes to parking. Indeed in recent written questions by this Association to the CHA, they admitted that they had no "formal system in place" to assess the cumulative impact of successive developments on highways and would leave it to the developer to make out of hours assessments. Furthermore, when asked how an authoritative highways assessment can be effected at 11am on a weekday morning (a time when one would expect the least number of parked cars in residential streets) they replied that "Site visits have to be carried out during daylight hours and within contractual hours" Both replies would suggest that

the CHA is uniquely unqualified to make useful comments regarding on-street parking, content as they are to leave assessments to the developers¹. At para. 5.57 the appellant states that *“The council has ignored the Highways Authority and expertise of the highways officer in its consideration.”* For the reasons shown above it is clear that the Council was right to do so. Within this context the appellant’s attribute of “expertise” to the CHA is clearly misplaced.

3.2 Notes to SPD on parking standards state that: *“The Council’s residential parking standards **will be applied** to all forms of residential development including new dwellings, conversions and subdivision of plots....”*

3.3 A Reduction of parking requirements will normally only be allowed in the following situations: within the Borough's 4 town centres defined in the Core Strategy and Policies DPD. Manor Lane and Green Street are not within the Sunbury town centre.

3.4 To persuade the LPA that an exception should be made, the developer states that “There is precedent for similar schemes with similar levels of parking in Spelthorne.” (para 6.21 et seq of Kronen Ltd Transport Statement) He is then able to quote just one, at 8 – 12 Clarendon Road, Ashford. This is not a precedent however, as Clarendon Road is situated within Ashford town centre (and therefore allowed within the terms of the Parking Standards SPD). Furthermore, Manor Lane and Green Street are *classified unnumbered* ie, smaller roads intended to connect together unclassified roads with A and B roads , and often linking a housing estate or a village to the rest of the network, sometimes known unofficially as C roads. In contrast, Clarendon Road is *unclassified* ie; a local road intended for local traffic.

3.5 Notwithstanding the above, every application should be judged on its own merits and precedents should only be considered where similarities extend

¹ Written questions put to the CHA by the Lower Sunbury Residents’ Association at the Joint Spelthorne Committee in December 2017: Q. “What systems are in place to assess the cumulative impact of successive developments on highways within residential areas? Officer response: “There is not a formal system in place, however each application is determined on its own merits. If there is likely to be a shortfall in parking that would lead to high demand for on street parking, then a developer could be asked to assess on street parking during the evening and early morning.” Q. “Can the CHA explain how an authoritative highways assessment can be effected at 11am on a weekday morning? Officer response: “Site visits have to be carried out during daylight hours and within contractual hours. However consideration was given to evenings and weekends when parking demand is likely to be higher than during week days.”

into the wider geographical environment. Unlike Clarendon Road, Ashford; Manor Lane and Green Street are busy peak hours roads and, additionally, facilitate journeys to a number of local schools: Hawkedale Infants, St Ignatius RC Primary School, Springfield Primary School, St Paul's Catholic College, Sunbury Manor School and The Bishop Wand Church of England. There is, therefore, no similarity with Clarendon Road, Ashford.

4. Design of New Development

4.1 Policy EN1 (a) requires that the building “should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.” Further, Policy EN1 (b) requires that the building will “achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity of outlook.”

4.2 In support of the application, at appendix 6 photographic examples of local increases in scale are produced. They are not, however, remotely ‘adjoining buildings’ and, in any event are, with the exception of the white house at the corner of Nursery Road, set back some distance from the pavement edge of Green Street unlike the proposed development.

4.3 Furthermore, The Listed buildings officer and statutory consultee, Mr Andrew Hill, states that *“the Grade II listed building on the opposite corner of Manor Lane, No. 124 Green Street, is currently the dominant feature in this part of the street (image shown). The current building on the subject site is almost invisible leaving the building beyond as the next meaningful structure. Whilst the proposal is not hugely dominant it does come forward of the current footprint and thus has a major effect on the setting (and dominance) of the listed building. I consider the setting will be harmed by the scale of the proposal, and am not convinced that any public benefit will outweigh this harm”*. (My bold). It is the view of both Mr Hill and this Association that the proposed development fails to satisfy policy EN5 (f) – “requiring development proposals for any sites affecting the setting of a listed building to have special regard to the need to preserve its setting.”

4.4 The applicant has rightly pointed out that interpretation of EN1 policy is subjective and a matter of opinion. There is no disagreement with that

proposition but the salience of local opinion and that of the Listed Buildings officer must surely trump that of a remotely located, out-of-town developer.

5. Conclusion

This Association recognises that the plot at 126 Green Street is one that offers itself for a development which is sympathetic to its environment, makes a positive contribution to the street scene and complies with both the Local Plan and the supplementary planning guidelines. However, this proposal fails to satisfy these criteria. Additionally, no development built from new should rely on the street to accommodate parked cars which will inevitably result from occupation of that development.

We urge refusal of this appeal and ask that we be notified of the Inspector's decision in due course.

John Hirsh,
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