

Mr Paul Tomson,
Senior Planning Officer,
Spelthorne Borough Council,
Knowle Green,
Staines, TW18 1XB
31st October 2012

From: Hon. Chairman, Lower Sunbury Residents' Association (LOSRA)

Dear Mr Tomson,

Re: Application 12/01277/FUL – Premises of First Sunbury Scouts and Guides

1. I write in connection with the development application for School Walk and, given the proposed change of use to class C2 for special needs housing, I have been cautiously circumspect in my comments so as to confine them exclusively to the built form and policy implications (implicit or explicit) within the detail of the Design and Access Statement (DAS).

National Planning Policy Framework (NPPF)

2. I note that the applicant quotes extensively from the National Planning Policy Framework (NPPF) but is silent on para.12; In particular: *“This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, **and proposed development that conflicts should be refused unless other material considerations indicate otherwise....”*** (Emphasis added).
3. The Design and Access Statement (DAS) also fails to acknowledge the very sound advice contained within Para. 66 NPPF which states: *“Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably”*. Within the parochial context of School Walk, a development of this magnitude would surely have prompted a responsible applicant to have consulted the local community at a pre-application stage, in accordance with para. 66. Additionally, the DAS, at para. 4.16, makes reference to paras. 188 -195 of the NPPF but the applicant has himself failed to comply with the spirit of para.189.
4. Para. 4.3 of the PAS quotes from the NPPF thus: *“Sustainable development means development that meets the needs of the present **without compromising the ability of future generations to meet their own needs.**”* (Emphasis added). The present needs of the development have been adequately addressed but there is absolutely no guarantee that the use of the building may change at some point in the future and within the building's expected lifetime. There have been abundant examples of changes of use within the Borough to demonstrate this point.

5. Para. 59 NPPF which is quoted in the DAS should be read in its entirety: *“Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape layout, material **and access of new development in relation to neighbouring buildings and the local area more generally**”* (Emphasis added). Furthermore, at para. 61 we are told that: *“...planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”* I submit that the proposed development is completely inappropriate in terms of scale, and within the context of the built and historic environment of School Walk which features predominantly 2 bedroom semi-detached cottages. In this respect the somewhat specious reference in the DAS to Lyndhurst Avenue is irrelevant.
6. Para. 64 NPPF states that: *“Permission should be refused for development of poor design that fails to take the opportunities available for **improving the character and quality of an area and the way it functions.**”* (This paragraph is missing from the DAS). In this connection, ‘poor design’ relates not only to the structure itself but extends to its contextual relationship within the local vernacular.

Local Planning Policies

7. Policy CO1 is quoted at page 6 of the DAS. Nowhere in the DAS is it demonstrated conclusively that the development is intended to meet local needs. Policy CO1 (a) is also a very important consideration for it specifies that the development must be “accessible to the community served”. To claim that there will be no deliveries and that groups will go shopping together by walking to the nearest supermarket (see DAS para.6.39) is scarcely credible if the building (with wheelchair access provided) is to meet the requirements of all ‘special needs’ residents.
8. At para. 6.38 DAS it is claimed that parking provision will meet the needs of 8 residents yet the plans show 10 bedrooms (2 ground floor and 8 first floor) which would indicate 10 residents at any given time. If this is the case, the parking standards are not met.
9. The plan seems to be predicated on an assumption that the prospective users of the dwelling house will have a right of access. As things stand today, the unmade track providing access from Croysdale Avenue is situated on land owned by Network Rail and there is no formal agreement in place which allows for access to, or egress from, the site; ie, a *de facto* though not a *de jure* arrangement. Now, if it were to be market housing which this applicant sought to provide, it would be a matter for a conveyancing solicitor to alert a prospective buyer and there the matter would end with the principle of *caveat emptor*, and it would not be a planning consideration. However the applicant in this case places great emphasis on the Council’s own strategic policy SP5, policy HO4(b) and policy CO1 in the Development Plan Document. For these policies to be satisfied, the Council would need to be persuaded that the premises are, and will remain, viable (ie, with unfettered access) for ensuring ‘provision is made for services and facilities to meet the needs of the community’(SP5) ‘extra care housing’ (HO4(b)) and ‘locations accessible to the

community' (CO1).¹ The DAS signally fails to provide the assurances necessary to satisfy these policies.

10. Finally, the Council's policy on design of new development under EN1 must be read and applied in conjunction with para.12, NPPF (see para. 2 above). It will be seen that the NPPF recognises the primacy of the local Development Plan and gives the Local Planning Authority the freedom to refuse in cases which offend against its policies. I submit that this application manifestly fails the EN1(a) test for it does not '*make a positive contribution to the street scene and the character of the area in which [it is to be situated], paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land*'.

As this is an enabling development, I have refrained from dealing with that part of the application which relates to the provision of premises for the scouts and guides. You will recall that I wrote in support of the extant permission for this site as recently 16th November last year and it is a matter of regret that I am now obliged to comment on a further application before even one year has elapsed. Nevertheless, and despite the worthy intentions underlying the current application, I would urge you to refuse for the reasons I have outlined above.

Yours sincerely,

John Hirsh, 21, School Walk, Sunbury, Middlesex, TW16 6RB. Web: www.losra.org

¹ In this respect para.6.6 of the DAS is very telling. One is tempted to conclude that the reason the extant permission is not considered to be financially viable may have less to do with market conditions and more to do with the absence of legal right of way to gain access to the properties .