

Ms Esme Spinks,
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Knowle Green,
Staines TW18 1XB

28th April 2012

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

Dear Esme,

Revised London Irish Applications in Respect of The Avenue, Sunbury

Introduction

The following representation by LOSRA is intended to deal with applications 12/00368/OUT & 12/00369/OUT only. The application in respect of Hazelwood Golf Centre will be the subject of separate correspondence. In preparing its response, LOSRA has taken into account the views of its members who have responded to the Association's various publications on the subject. For ease of reference, comments which are common and applicable to both applications will be described first. The merits, or otherwise, of each individual application will be described thereafter.

The Avenue - Both Applications

1. Following the Public Inquiry into the recent London Irish applications, the Planning Inspector at para.396 of his report said: "***The appellant argues that these SEP[South East Plan] targets are not to be seen as minima, especially as open market housing in the South-East region is a precious resource in its own right. This is borne out by the fact that the text of SEP policy H1 urges local planning to work collaboratively to facilitate the delivery of the overall amount of additional dwellings identified. However the latest housing trajectory clearly shows that the Council is not treating the SEP figure as a minimum provision, as the 3,320 figure is scheduled to be met some 3 - 4 years early with an additional 625 dwellings predicted to be provided by 2026. Furthermore, as of 1 April 2011 the 5 year target of 775 dwellings to 2016 is on schedule to be more than met by a supply of some 906 dwellings.***" (It is relevant to mention here that at the recent meeting with Residents' Associations on 23rd April, the Head of Planning Policy for SBC was able to confirm that the five year target is likewise ahead of schedule for 2017). (Emphases added)
2. He continues at para.397: "***These figures lead me to conclude that the Council is under no particular pressure to seek to provide or approve additional "windfall" dwellings. In any case, the appeal site does not fall with the PPS 3 definition of previously developed land. This means that development of the site for housing would not accord with the priority location for such a development of land like the appeal site, they certainly do not offer any support. In a plan-led system, this is an important point which weighs against the proposed developments.***" (Emphasis added)
3. At para.398 significantly, he says: "***If there was a strong reason why the Council needed to provide additional general housing development AND it could be shown that this site is no***

longer needed for sport and recreation purposes, then the points detailed under this consideration would not be sufficient to prevent such developments...However, the points detailed above show that all the circumstances do not apply here and this weighs against the proposal". He concludes at Para. 423 by saying "...there is no pressure on the Council to approve additional applications for large windfall housing proposals such as this, and that this, together with the fact that The Avenue is not previously developed land weighs against the proposal." (emphases added) The Secretary of State supports the Planning Inspector in his findings (vide; para 18 of the SoS decision notice).

4. In Parliament as recently as 24th April 2012, Greg Clark, the Planning Minister could not have made his intentions clearer. He said: *"I met the Planning Inspectorate and almost all the planning inspectors who were in conference in Bristol the day after the NPPF was launched. I made it crystal clear that it provided for a localist approach and provided a framework for local decisions, and that I expected decisions to be taken in that vein. I will also expect to see a sample of the decisions that are being taken, including after the examination of plans, to ensure that that is happening. On the basis of my direct discussions with the Planning Inspectorate, I am very confident that that is understood".*¹ (emphasis added)

5. The following paragraph is an extract from a recently published article in a national newspaper headed **"Residents' views must be respected, planning inspectors are told"**: *"Planning inspectors have been ordered by ministers not to trample over the views of local people when they rule on developers' appeals. Greg Clark, the planning minister, said he asked the Planning Inspectorate to ensure that residents' views were respected if developers tried to overturn "local plans" which are agreed by councils to dictate where development can take place over the next five years. Local plans are at the heart of the National Planning Policy Framework."*² It will be seen from para 1 above that the LPA is confident of meeting its planned housing supply for the next five years and therefore satisfies para. 49 of the NPPF³ which requires local authorities to have plans which are 'up to date' – a claim that Spelthorne BC can justifiably make. In the context of 'windfall sites' specified within the NPPF, the provision of a site of this size cannot be considered *obiter*. It would represent the largest single unplanned development in the Borough's recent history and, as the largest ever 'windfall site', a development which is far in excess of a year's housing supply requirement for the entire Borough.

12/00368/OUT (Plan A) - versus - 12/00369/OUT (Plan B)

6. Plan A is similar in most respects to that originally proposed, save for the higher provision of affordable housing. In commenting upon the comparative merits of each application, no inference should be drawn as to the acceptability of either proposal on this highly prized area of open space – a Protected Urban Open Space specified at B3 of Appendix 1 to the

¹ Hansard, 24th April, Column 918

² Daily Telegraph, 26th April 2012, p9

³ Excerpt from Para.49, NPPF "...Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing."

Core Strategy and Policies DPD; and which is the very document to which the NPPF now gives its silent acquiescence.

7. All third party objections to Plan A were given in evidence at the Public Inquiry and this Association does not depart from its original position in these matters. The application was ultimately refused on grounds advanced by the LPA and to which LOSRA gave its (albeit qualified) support.
8. In contrast to Plan A, Plan B has much to commend it. Discounting the extra care accommodation, the housing density is much more in keeping with the character of the area and critically, does not include the concentration of flatted dwellings. LOSRA is on record as favouring the provision of family housing and our position has not changed in this regard. It would also be disingenuous to suggest that the applicant's off-setting of the affordable housing provision was other than a very welcome expedient.
9. As to the particulars of Plan B, reference is made to a telephone conversation with you and the following points are made in confirmation of that conversation; and to provide more specific detail to the more general points raised with you:
10. The proposed terrace style housing facing the boundary fence to the rear gardens of Pine Wood will create a dense wall of housing with only narrow access paths between the rows of 6 and 4 terraced houses. There also appears to be a narrow access path running parallel, and on the line of the boundary fence, to the rear of gardens on the development side. These houses are very close to the boundary fence at the bottom of Pine Wood, the gardens of which are themselves very small. (The lengths of the gardens on the proposal site measure only 16 metres). Unsurprisingly the residents in this part of Pine Wood would suffer a loss of privacy and be overlooked in certain locations. Any proposed tree planting etc for screening to the boundary will not stop noise or light pollution and they will suffer loss to the open aspect at the rear of their properties - an amenity they have enjoyed for many years.
11. A possible solution, and one advanced by a local resident, suggests the transposition of the terraced houses and the residential care home such that the rear of the care home would face the Pine Wood boundary with the terraced housing facing the boundary to the Leisure Centre and St Pauls College. This might present a more acceptable solution with an appropriate distance from the Pine Wood boundary together with some imaginative screening to the boundary.

Conclusion

The applicants, and indeed the LPA, have quite properly mentioned the involvement of LOSRA (Including a representative of SOLID (Sunbury Opposes London Irish Development)) in the preparation of the alternative plan for The Avenue site. It was nevertheless tacitly understood by all parties that the final draft of the NPPF had yet to be published at the time of that consultation. (In this connection, you will recall that the Association submitted a detailed critique of the draft which it believed to be a badly flawed document on so many levels; and that its final publication more than vindicated the Association's position). It is reasonable to suppose that, had the NPPF and the

qualifying comments to Parliament by the Housing Minister been available to the Planning Inspector and the Secretary of State at the time of their appeal determinations, then the grounds for refusal would have been couched in very much more muscular language than was the case. Indeed it would not be fanciful to venture that the P.I.'s and SoS's caveats are now of questionable relevance to these applications.

In the light of the foregoing and in particular the points raised at paras. 1-5 above, you are urged to recommend refusal of applications 12/00368/OUT & 12/00369/OUT.

Yours sincerely,

John Hirsh,

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