

## Schedule of Representations received at Final Consultation Stage (Regulation 17)(16 February – 30 March 2011) and Responses

	Document reference	Representation	Response
1.	General	Support the document (D.Selmes and Thames Side (Laleham) Residents Association). General support but some specific comments (Shepperton Residents Association).	Support Welcomed.
2.	General	The document should provide reference to sustainable construction including reuse and recycling of building materials (Surrey County Council and Natural England).	The purpose of the SPD is to explain in more detail the requirements of EN1 – particularly sub-points (a) and (b). The importance of sustainable construction and reuse of recycled materials is already clearly encouraged in Policy CC1 of the Core Strategy and Policies DPD. Cross references can be given in Appendix 2 (14. Sustainability) by adding the words: <i>'Development will also be encouraged to meet high standards of construction including the use of recycled construction material – See Policy CC1 (d)'</i> .
3.	General	Document should refer to the predicted effects of climate change, the need for provision of green infrastructure, sustainable drainage (SUDS) and how biodiversity can be enhanced. Two documents on green infrastructure are recommended for inclusion in Appendix 5 'Useful References'. (Natural England).	As the purpose of the SPD is to explain Policy EN1 in more detail it is not appropriate to try and cover in any detail matters covered by other policies. Key issues are, however, identified in Appendix 2. Reference to green infrastructure is already effectively covered in Appendix 2(11). Reference to SUDS can be made in Appendix 2(7) by adding the following: <i>'Schemes for new development will need to make provision for sustainable drainage of surface water as required in Policies LO1(b) and EN1(g)'</i> .  The Core Strategy and Policies DPD already covers Landscape and Biodiversity and the detail does not need to be repeated in this SPD. A short reference could be added to Appendix 2 as follows: <i>'Biodiversity. Wherever possible new development should contribute to an improvement of biodiversity and avoid harm to features of nature conservation interest. Policy EN8 of the Core Strategy and Policies DPD applies'</i> .  The suggested additions to the list of documents in Appendix 5 are agreed.

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4.	General	Seeks assurance that Climate Change issues such as drought and high temperatures as well as flooding will be dealt with in a Climate Change and Flooding SPD (Environment Agency).	The same point was effectively made in the previous consultation when it was agreed the subject was better dealt with in a separate SPD on Flooding. Appropriate cross-referencing to flooding is already included in this SPD.
5.	General	There should be some reference to Section 106 requirements (Shepperton Residents Association).	It is agreed a short section could be added to the list of other relevant policies and issues in Appendix 2: <i>'Infrastructure. Schemes for additional dwellings may require improvement to the local infrastructure. Policy CO2 of the Core Strategy and Policies DPD will apply.'</i>
6.	General	Particular concerns about the approval of any new development in the Leacroft area due to flood risk from the River Thames and River Ash (Leacroft Residents Association).	The concerns are understood and Appendix 2 already provides some cross-reference to flood issues generally in the Borough and includes an explanation of the intentions of Policy LO1 and where the latest flood maps can be obtained.
7.	General	Suggests that it would be helpful to refer to the SPD in letters notifying neighbours about planning applications. Also suggest more information is made available on the Party Wall Act (Mr Sheehy).	Reference to the SPD will be made in neighbour notification letters. To cover the Party Wall Act point a short additional paragraph after paragraph 3.30 will be added: <i>'Where an owner proposes to carry out work which involves work to a party wall, boundary wall or excavation works near a neighbouring building they must notify all adjoining owners where that work falls within the terms of the Party Wall etc Act 1996. This is in addition to any planning permission or approval under the Building Regulations. See Appendix 5 for further information.'</i>  Add weblink to Appendix 5 to the Communities and Local Government document 'The Party Wall etc Act 1996'.
8.	General	Agents acting on behalf of the Sisters of Charity of St Paul the Apostle, who own the former tennis courts adjoining St Paul's School, Green Street, Sunbury, have suggested the SPD should also give guidance on how potential conflicts with competing land uses could be resolved. They explain they want to secure a residential use for their site. They suggest the SPD should reflect the Coalition Government's statements about amending current planning advice to allow 'a presumption in favour of residential development' to avoid the Council having to produce further guidance later in the	The representation is not relevant to the intended subject matter of the SPD. Policies in the Core Strategy and Policies DPD already adequately provide guidance on the use of land.  The owners did submit a representation on the Core Strategy to have the urban open space designation of the site deleted, but this was not accepted by the Inspector. If the site owners wish to pursue the matter they need to do so through a planning application. They have been advised accordingly.

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		year. They seek further discussion with the Council's Planning Policy team as they do not view their suggestion as a pre-application discussion – for which a charge is made (Bigwoods).	
9.	Para 2.8	There should be a more formal requirement for pre-application consultation between neighbours (Shepperton Residents Association).	There is no statutory requirement for such consultation so the Council can do no more than encourage it. The text as drafted encourages an informal approach between neighbours for extensions as this seems proportionate and more likely to be pursued by those concerned.
10.	Para 2.13	The SPD should indicate that detail to be provided in Design and Access Statements should be proportionate to the scale and nature of development and the likely issues that it raises (Paul Dickinson and Associates).	Much more detailed guidance on Design and Access Statements is provided on the Planning Portal website which is already referred to in the SPD along with the web address. It is considered best to leave advice on the relevant detail of Statements to this source where other relevant advice is also given.
11.	Para 3.9 Diagram 1	Diagram 1 should also include appropriate separation distances between single storey properties – a 6 metre minimum garden length and corresponding 12 metre front to front distance is recommended (Mr B Sutton).	The separation distances given in Diagram 1 differentiate between two and three storey development and are intended to set out minimum distances to avoid an overbearing impact or loss of privacy where buildings are otherwise too close. For reasons of maintaining privacy the minimum distances for two storey developments are also considered appropriate for single storey properties.
12.	Para 3.9	<p>Considers that 'storeys' should only be regarded as floor levels below the eaves of the roof. Greater separation distances are not required where there is accommodation in a roof as scope for overlooking or an overbearing impact is not increased. Separate distances for 2 and 3 storey developments of respectively 21 and 30 metres are excessive and prevent land being used efficiently.</p> <p>It is also commented that back to flank distances should be amended so that the distances from the back of a proposed 3 storey development to the flank of a 2 storey development should be 13 metres (the same as between two 2 storey blocks). Separation distances should not be applied between the fronts of properties (Paul Dickinson &amp;</p>	<p>The Council's intention through Policy EN1 is to secure a high standard in the design and layout of new development and, amongst other matters, achieve a satisfactory relationship to adjoining properties and avoid significant impact in terms of loss of privacy, sunlight, daylight, overbearing effect or outlook. These separation distances are minimum requirements and have been applied by a large number of authorities over many decades. To that extent they are tried and tested. The back to flank distance broadly reflects the minimum distance possible where the 25° rule set out in paragraph 3.21(i) of the SPD is applied and should not be reduced.</p> <p>It is considered that the minimum distances reflect an</p>

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		Associates).	appropriate balance between using urban land effectively and securing the high standards of design the Council seeks.
13.	3.6-3.27	Pleased to see that the wording on the 'overbearing' nature of enlarged accommodation has been improved (Shepperton Residents Association)	Support welcomed.
14.	Para 3.10	<p>Wants the definition of 'storey' to revert to that used in the first draft – i.e. accommodation in a roof space to be counted as an additional storey. Noted the change did not appear to relate to any representation (Lower Sunbury Residents Association and Spelthorne's Liberal Democrats).</p> <p>Propose the intent on the original is restored by inserting at the end of the paragraph:  <i>'In addition, any development in the roof space which constitutes a separate housing unit will be considered to be a storey'.</i>            (Spelthorne Liberal Democrats)</p>	<p>The wording on this issue was amended and expanded in the latest draft and the reasons are set out in full in the report on the last consultation. The definition of storey now reflects generally the public use of the term (it is the number of floors up to the eaves level). This is also the approach taken by the Inspector in the recent Riverside Works Appeal (para 33). The important issue is how, in planning terms, the impact of tall/bulkier buildings and those with higher level accommodation and thus greater scope for overlooking are dealt with.</p> <p>The re-drafting in the latest version draws out those points and makes clear that 'Any proposal which results in a structure that is overbearing due to its scale, or which leads to a loss of privacy due to overlooking will be considered as unacceptable'. The text also emphasises that the distance measurements in Diagram 1 for different heights of buildings are minima.</p> <p>The intention of Spelthorne's Liberal Democrats' suggested wording is agreed but better expressed by a new sentence at the end of 3.12 as follows:  <i>'This will be particularly important where as a result of conversion a separate unit of accommodation is proposed'.</i></p>

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15.	Para 3.21(ii)	Considers that measurements for the 45° horizontal guide should be taken from 1 metre inside the boundary (as in the Council's 1999 SPG) and not the centre of the window. The new measuring point penalises people with wide windows. (Mr Sheehy).	Overall the guidance on protecting light and avoiding an overbearing impact is much more detailed than the previous guidance published in 1999. The previous guidance only used a 45° horizontal guide, whereas now a 45° vertical guide and other important qualifications are also given. The source of guidance on these measurements is published by the Building Research Establishment (BRE) and their document 'Site Layout Planning for Daylight and Sunlight' uses the centre line of windows. This work concludes that daylight will be adequately protected where both the vertical and horizontal 45° measurements are taken from this point. The authority of this work provides a compelling case to follow its advice.
16.	Para 3.22	Concerned that protection of light to side windows to habitable rooms might encourage people to insert such windows to prevent neighbours from extending (Mr B Sutton).	This in effect reiterates the point made previously. It is most unlikely that someone would insert a new window which served as the main window to a habitable room simply to prevent a neighbour from extending. However, if it was the main window the amenity impact of an extension affecting it should be considered.
17.	Para 3.30 Table 2	Usable balconies and terraces should count towards minimum garden space in the case of flats as such private space is often important and valued. It should be clarified that the amenity space for flats can include communal amenity space (Paul Dickinson & Associates).	Whilst small in area, balconies can provide valued amenity space and should be counted – albeit the floor area involved is relatively small and other external space would be needed to meet the total amenity space requirements. The text of Table 2 can be amended by adding the following to the wording at the end of the right hand column: <i>'Usable balcony floorspace may be counted in this provision'.</i>  Reference to shared amenity space is already given in Table 2.
18.	Para 4.29	The main points in the highways related documents referred to in the text should be explained (Shepperton Residents Association).	The main document referred to is 'Manual for Streets' produced by the Department of Transport. This is some 90 pages long and it would unrealistic to provide a meaningful and relevant summary of its content whilst still keeping the SPD to a reasonable length. A web link to the document is provided in Appendix 5 to enable easy cross-referencing.

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19.	Para 4.32	This short paragraph, which refers to the Council's car parking requirements, should also refer to the Surrey Transport Plan: Parking Strategy (April 2011) (Surrey County Council).	The Borough Council sets/agrees parking standards. The County Council document referred to deals primarily with the management of on-street parking which is not considered an essential reference for this SPD. For this reason it is not proposed to refer to it in Appendix 5.
20.	Para 4.5	Considers the reference to Policy EN1 on the use of 'brownfield' land and garden land is incorrect. The second appeal at 72 The Avenue is cited in support of this view (Mr Sheehy).	<p>This response deals with the accuracy of paragraph 4.5 of the SPD but does not go into detail on how each of the previous planning applications for 72 The Avenue has been considered.</p> <p>The respondent appears to have misunderstood what paragraph 4.5 seeks to explain and also the Inspector's references to 'brownfield development' in the second appeal at 72 The Avenue.</p> <p>The position is that PPS 3 does not set out a policy stopping the use of garden land for development but simply removes any incentive to accept poor development to meet 'brownfield' development targets. In the case of 72 The Avenue the Inspector (para 14 and 15) found that the proposal for two houses, which he concluded was harmful to the character and appearance of the street scene, was not in accordance with Policy EN1. Policy EN1 provided the Inspector with a clear policy basis against which the scheme could be assessed. The Inspector then went on (para 16) to comment that this proposal was an example of 'overdevelopment and garden grabbing' which PPS 3 seeks to prevent. Reference to PPS 3 was clearly by way of corroboration of the conclusions already drawn from applying Policy EN1.</p> <p>The text of paragraph 4.5 concludes that Policy EN1, and other Council policies, provide clear guidance enabling poorly designed schemes on any site to be refused. This is considered to be clear and accurate, and consistent with the conclusions of the particular appeal decision referred to above.</p>

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21.	Para 4.51 Checklist of key issues	Sustainable Drainage Schemes should be included in the Checklist (Surrey County Council).	The purpose of the checklist is to provide a short summary of the most important issues/principles that should be considered. Sustainable Drainage is one of many more detailed points which are already referred to explicitly in Policy EN1. Rather than extend the checklist it is proposed to add a sentence to the end of the note on Flood Risk in Appendix 2 as follows: <i>'Schemes for new development will need to make provision for sustainable drainage of surface water as required in Policies LO1(b) and EN1(g)'.</i> (This revised wording has already been proposed in relation to objection 3 above).
22.	Appendix 4	The minimum floorspace requirement for 2 bedroom flats of 50sqm (538sqft) is too great (Mr B Sutton).	The minimum figure provided is considered reasonable and should not be reduced.