



Report to the Secretary of State for Communities and Local Government

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**an Inspector appointed by the Secretary of State for
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TOWN AND COUNTRY PLANNING ACT 1990

RUNNYMEDE BOROUGH COUNCIL

APPEAL BY GOLDCREST HOMES (PORTESBURY) LTD

Inquiry held on 11, 12 & 13 September 2007

Former Safeway Store, Station Rd, Addlestone, Surrey KT15 2PH

File Ref: APP/Q3630/A/07/2042202

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File Ref: APP/Q3630/A/07/2042202

Former Safeway Store, Station Rd, Addlestone, Surrey KT15 2PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Goldcrest Homes (Portesbury) Ltd. against the decision of Runnymede Borough Council.
- The application Ref RU.06/1175, dated 16 October 2006, was refused by notice dated 16 February 2007.
- The development proposed was an outline application for redevelopment of the site, with access and layout only to be determined, for residential and retail use comprising 233 residential units and 272 sq. m (GIA) retail floorspace, with 163 car parking spaces.

Summary of Recommendation: That the appeal be dismissed.

MATTERS OF CLARIFICATION

1. The inquiry sat on 11, 12 and 13 September 2007. I made an accompanied inspection of 8 Victory Park Road on 12 September and an accompanied inspection of the site and its immediate surroundings on 13 September.
2. The appeal was recovered for determination by the Secretary of State because it is a proposal for residential development of over 150 units which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.
3. The proofs and appendices are all submitted with this Report and are as originally presented; in other words unless expressly stated they do not take account of how the evidence may have been affected by cross-examination or other aspects of the inquiry. The closing submissions for the main parties are attached as APP 12 and LPA 13.
4. The description of development on the application form was for to 226 dwellings but it was confirmed that this was an error and should have been 233 as stated elsewhere on the form. The appellants asked to reduce the proposal to 191 dwellings but the Council determined the application soon afterwards on the original basis. However, at appeal stage the reduced proposal was substituted by agreement following a consultation exercise carried out by the appellants. I shall therefore deal with the appeal as being for 'redevelopment of the site for residential use (comprising 191 dwelling units) and 272 sq. m of retail floorspace, with 134 car parking spaces'.
5. A unilateral undertaking under S106 of the above Act was submitted by the appellants to provide contributions to highway works and transport (APP 1). It does not provide for affordable housing but the appellants believe this could be dealt with by conditions and this is a main issue between the parties.
6. There is a Statement of Common Ground (SOCG) at Doc 8 and a Statement of Common Ground on Transport (SOCGT) agreed between the appellants and Surrey County Council at Doc 9. The nine reasons for refusal are in Annex A but in the SOCG it is confirmed that reasons 3, 5, 6, 7 and 8 have been withdrawn.

THE SITE AND SURROUNDINGS

7. There is a description of the site and surroundings in the SOCG and plans of the site location, local context, bus routes and cycle routes in the SOCGT. Photographs of the site and surroundings are found in the Design and Access Statement (Doc 5b) and the visual receptors section of the appendices to the ES (Doc 5j). The land was originally railway sidings, it is levelled and set below the adjoining houses on Victory Park Road and St George's Road. Along its eastern side is the railway line leading in to Addlestone station and to the south is the station forecourt, thought to be owned by Network Rail, with planting beds and taxi parking. The appeal site is now fenced off with hoardings but the extensive tarmac car park remains to the rear with a rough hardcore area marking the site of the demolished store at the front.
8. Station Road is the main shopping street of Addlestone which is one of the three main centres of Runnymede and it also has other facilities such as a health centre. The primary focus is around a large Tesco store and other shops near to Garfield Road where there is some three and four storey development. The former Civic Offices and Police Station have outline permission for 153 dwellings (App C of APP 13) and the replacement Civic Centre is now under construction prior to the residential development being carried out. The appeal site is further along Station Road in a secondary shopping location where there are mixed frontages of two and three storey shops.
9. Access to the site is from Victory Park Road which has a one way route in and out from Station Road. On the inward leg is the access to the rear delivery area for Tesco. The outward leg is close to the level crossing by the station which has two services an hour in each direction to London Waterloo and Weybridge. Bus routes serving the town centre link with a variety of destinations although they do not generally have a high frequency nor do they run in the evenings (Doc 9). The area served by Victory Park Road has no other vehicular connection although there are footpaths leading to Victory Park itself which is not far to the north.

PLANNING HISTORY

10. A full history of previous applications is in the SOCG. The Safeway store has been demolished; the car park was used for public parking but that ceased in June 2007.
11. In May 2007, following the lodging of this appeal, a fresh application was made to the Council for 191 dwellings (Ref: RU.07/0547). That is in all respects the same as the amended appeal proposal and was accompanied by a revised ES (Doc 5j). The consultation responses for that application (Doc 6) include the letters from interested persons. Outline planning permission was refused on 5 September 2007; the committee report and minutes (Doc 7) show that the reasons for refusal were reduced to four, equivalent to reasons 1, 2, 4 and 9 of the appeal refusal. To all intents and purposes the consultations and committee report apply equally to the appeal scheme.

THE ENVIRONMENTAL STATEMENT

12. The application, as originally submitted for 233 dwellings, was accompanied by an Environmental Statement (ES) made under The Town and Country Planning (Environmental Assessment) (England and Wales) Regulations 1999 (Doc 4j). This followed the Council's screening opinion that it was EIA development.

13. The revision of the scheme to 191 dwellings at appeal stage led to the submission of a revised ES (Doc 5j) which was the same as for the later application RU.07/0547. This covers matters of air quality, geology, contamination, noise/vibration, sunlight/daylight, landscape/visual quality and transportation. No observations or adverse comments on the revised ES were made prior to the inquiry.

THE PROPOSALS

14. This is an outline application with the matters of access and layout included. Drawing 5235/P3.30 shows these aspects (plan A 1) and the remainder of the application drawings are illustrative only (plans B). Further illustrative drawings were prepared for the inquiry (plans C). The illustrative drawings for the 233 scheme are with the ES at Doc 4j but a set of core drawings (plans D) includes both the 233 and 191 schemes. It is agreed that the site within the red line boundary is 1.05 hectares (ha) and the density is 182 dwellings per hectare (dph) (Doc 11).
15. The revised application for 191 flats was supported by a Renewable Energy and Energy Conservation Statement, Planning Statement, Design and Access Statement (DAS), Schedule of Building Heights, Schedule of Accommodation, Transport Statement, Flood Risk Assessment, Predictive Assessment Code for Sustainable Homes and Affordable Housing Statement (Docs 5 a-h). The supporting documents for the original 233 dwelling scheme are at Doc 4.
16. The new dwellings would all be flats with 5 being studios, 58 one bedroomed, 126 two bedroomed and 2 three bedroomed while 67 of the total (35%) would be affordable. The layout shows a four storey block G the 'Backdrop' fronting the station forecourt with the retail units on the ground floor. To the rear would be a decked amenity area over car parking. A six storey block F the 'Beacon' would be set to the rear of that, sharing the amenity area and these two blocks are anticipated to contain most of the affordable housing. Along the boundary with the railway would be a long block E the 'Buffer' with some four storey sections punctuating its generally three storey height. Four 'Villa' blocks (A – D) of two to four storeys would be sited along the side nearest to the back gardens of Victory Park Road.
17. The area between the 'Villas' and the 'Buffer' is envisaged as the 'Mews' and would be a paved and planted 'home zone' incorporating the access road, car/cycle parking and front entrances. There would be links to the public footpath at the rear of Victory Park Road and also to St George's Road for access to Victory Park itself (page 24 of the DAS). Modifications would be required to the existing access point. A layby for servicing the shops and for a bus stand/stop would be provided in the highway, replacing an existing area of short stay parking.

PLANNING POLICY AND GUIDANCE

The development plan includes:

18. **REGIONAL SPATIAL STRATEGY FOR THE SOUTH EAST (RPG9) March 2001** (Doc 12). The most relevant policies are:
- Q1 Urban areas the prime focus for new development
 - Q2 Raise the quality of life in urban areas
 - H4 Provide a range of dwelling types and sizes including affordable housing

H5 Make full use of opportunities to increase housing development within urban areas

19. **THE SURREY STRUCTURE PLAN (SP)**, adopted in 2004 (Doc 13). The most relevant policies, which have been saved for a further period from 27 September 2007 (App 15 of LPA 14), are:

SE4 Design and quality of development

LO2 Managing urban areas

LO3 Town centres

DN1 Infrastructure provision

DN2 Movement implications of development

DN3 Parking provision

DN11 Affordable housing

20. **THE RUNNYMEDE LOCAL PLAN SECOND ALTERATION (LP)**, adopted in 2001 (Doc 14). The proposals map is at App 1 of LPA 14. The most relevant policies, which have been saved for a further period from 27 September 2007, (App 15 of LPA 14) are:

HO4 Housing need

HO9 New housing development

BE2 Townscape character

MV3 Transport infrastructure contributions

MV9 Parking standards

Other planning policy documents:

21. **Emerging Regional Spatial Strategy - the draft South East Plan (SEP)** (Doc 15). The panel report was published in August 2007 (Doc 16). Policies CC12 and LF4 emphasise high quality design. Policy H5 encourages higher housing densities coupled with high quality design (page 123 of panel report). Table 7.2 on page 110 gives recommended housing provision for districts and the situation in Runnymede is discussed on pages 302-303. Policy LF3 indicates that 40% of all new housing in the sub-region should be affordable.
22. **Local Development Framework (LDF)**. The reasons for refusal refer to policies of the draft LDF Core Strategy Development Plan Document (DPD) but that has been withdrawn (Doc 17). In June 2006 the Council published a preferred options consultation on Potential Housing Sites Allocations (App 17 of LPA 14) as part of the emerging LDF. The committee report of 5 September 2007 (LPA 2) has draft policy guidance in its Appendix B which gives an up to date summary of the current situation and housing land supply.
23. **Runnymede Borough Council adopted Supplementary Planning Guidance (SPG)**. The **Addlestone Town Centre Strategy (TCS)** was adopted as SPG in September 1999 (Doc 18). The appeal site is specifically addressed at Appendix A. **Revised Parking Standards** were adopted as SPG in 2001 (App 5 of LPA 14) and this includes reference to Travel Plans and the Runnymede Travel Initiative.

24. **Surrey Design** (App 3 of LPA 14) was adopted as SPG by Surrey County Council in 2002. It is Surrey Local Government Association's response to the national agenda for design quality and sustainability.
25. **Interim Policy Note on Affordable Housing** (IPNAH) (App 6 of LPA 14) was adopted by the Planning Committee in April 2007 and agreed by the Full Council, becoming effective as current policy from 20 April 2007. However, it then had a period of consultation, expiring on 27 July, but at the time of the inquiry it was not formally adopted. It is intended to cover the period until the LDF Core Strategy and DPD have been formally adopted. **Interim Policy Notes on Renewable Energy** (IPNRE) (App 8 of LPA 14) and **Planning Obligations** (IPNPO) (App 7 of LPA 14) are at similar stages.
26. Relevant National Planning Policy Guidance is listed in the SOCG. Of particular importance are Planning Policy Statement 1 – *Delivering sustainable development* (PPS1) and PPS3 – *Housing*. Appendices 23-25 of LPA 14 contain extracts from *By Design – Urban design in the planning system – towards better practice* (Cabe/DETR), *Better places to live:By Design* (DTLR/Cabe) and the *Urban Design Compendium*.

THE CASE FOR THE APPELLANTS – the material points

The development plan

27. Development plan policies from RPG9, the SP and LP all encourage the effective use of previously developed land in urban locations. The site is in the heart of Addlestone, close to the station and bus routes and its development would remove an eyesore. It would provide housing and affordable housing to serve identified needs in line with the development plan. The draft preferred options Potential Housing Sites Allocations (App 17 of LPA 14) assesses it as the second best housing site in the Borough. All development plan policies concerning design and quality of development would be met and technical requirements have also been covered in the supporting documents and ES.

Character, appearance and functioning of the development

28. Although this is an outline application, the inclusion of layout as well as access, together with the schedule of building heights and supporting material provides a reasonable forecast of what could be provided. There has been an absolutely clear sequence of design (figure 12 of the DAS) that followed the steps in the most relevant guidance (*By Design* etc). Constructive criticism has been heeded and changes have been made in response to public comment. The scheme has been submitted to the South East Regional Design Panel (SERDP) and its observations accepted (Apps 03-06 of APP 16). The final comment is that the Design Panel looks forward to a positive outcome for the redevelopment of this site.
29. It was identified for high density housing in the Town Centre Strategy (TCS) (Doc 18) which carries considerable weight as adopted SPG. That would inevitably involve visible and significant built form across the whole site but it is not unacceptable merely because it is visible and redeveloping this derelict site would enhance the area. The TCS indicates an urban character for the front of the site which equates to the 'civic scale' in the illustrative design. The introduction of block G with retail units to the station forecourt would provide a highly desirable active frontage that would enhance the appearance and life of the town centre and improve the potential of the station forecourt as an attractive urban space.
30. Blocks F and G would be largely on the footprint of the former Safeway building. The Council's witness accepted that the height of block F would be just under twice the height

of the previous Safeway building and that plan P3.33A showed this accurately whereas App 16 of LPA14 was based on misunderstanding of the levels information. Block F would provide a visual marker in the long view, a focus for the station and the site entrance and a gateway to the town. The northern part of the site would have a domestic scale with buildings of two, three and four storeys relating well to existing houses. Plan P3.32 shows the correct relationship between block A and 1 & 3 St George's Road which is shown incorrectly in App 19 of LPA 14.

31. The height of nearby buildings is not lower than elsewhere in the town centre, the new offices at Aviator Park to the east are 3 storey as are some properties on Station Road. The new Civic Offices and associated housing will be of a larger scale. Height is only part of 'scale' which also includes massing, that is the size of buildings in relation to other buildings and spaces. The height:width ratios (from the *Urban Design Compendium*) should be to the eaves not the ridge as this is how buildings are perceived from the street and the proposals would be within acceptable parameters (see Drawing P3.38).
32. The series of spaces between the new and existing buildings would relate well to each other to give a development with its own character and sense of place. The 'Mews' would be an organisational base at the core of the development which is enclosed and defined by the buildings, including the carefully arranged cycle and refuse stores. Variety in the roofscape would allow glimpses through to more private open spaces between and behind the 'Villas' which would be banked and terraced to make use of the changes in levels. The northern vista would be closed by views of a copse of trees.
33. Block E was introduced to mitigate the noise from trains and to protect against any future increase in rail traffic. There would be non-habitable rooms facing the railway and blocks E, F and G would be constructed to mitigate any vibration problems. Although the site falls within Noise Exposure Category B (NEC B) in PPG24, there are some high maximum noise events at night from goods trains. An acoustic barrier would be needed and the design has evolved so that the 'Buffer' block E fulfils that function, making best use of the land. Gaps would severely reduce the acoustic effect.
34. The Council has not put forward any improvements, merely saying that the scheme is not good enough to approve. Matters such as the delineation of public and private space and the landscaping can be dealt with at the detailed stage. The choice of paving materials and other detailing would provide a high quality public realm and the public footpath at the rear of Victory Park Road would benefit from the surveillance and views of greenery. There is no objection on the basis of a lack of amenity space and policy H09(c) would be met.
35. The buildings have been designed to be capable of meeting Lifetime Homes standard and the Code for Sustainable Homes level 3. The detailed design can incorporate sustainable construction methods and renewable energy. Dwelling type and size meet local needs as identified by the Council and the Savills report (App D of APP 13). The development creates a continuous urban form where none exists. It would be contextually appropriate, contributing to a harmonious whole and relating to the scale of neighbours.

Housing supply and demand

36. As a mixed use development with a range of housing size and tenures the scheme would contribute to a robust, mixed and balanced community to the benefit of Addlestone. If this application were refused, the appeal site would not be likely to come forward in the next 5 years and the ability to provide the target housing supply would thus be affected.

Affordable housing - quantity

37. The development plan is to be read as a whole and the desirable aims that would be satisfied by the proposal should not be frustrated by a refusal on the basis that a little more affordable housing should be provided. LP policy HO4 requires 25% affordable housing. This is a starting point and should take precedence today because it is a saved policy. The 35% offered takes account of the more recent housing needs survey. It should be acceptable in the light of the target in SP policy DN11 of 40% for districts to carry forward into future plans. The Core Strategy DPD has been withdrawn so no weight should be put on its 40% figure and the IPNAH has only recently completed its consultation period. In any case it did not come into being until well after the appellants acquired the land.
38. The Council's claim that too much was paid for the site is wrong. The appellants bought it on the open market in a sale that was fairly and properly conducted. Their unconditional offer was not the highest (LPA 8). All offers would have been backed by financial institutions who would have investigated whether they were realistic. In the property market transaction is king and theoretical exercises are less relevant.
39. The Council's approach to the financial appraisal is also misguided. It has estimated a 'value' for the site based on existing use plus an arbitrary 15% incentive to sell but there is no basis for applying a retail value from the appraisal to the floorspace of the Safeway building. A rental of £350,000 for the building is supported by the evidence and applying a yield of 5%, which is appropriate for early 2006, gives a capital valuation of £7,050,000. Adding the 15% uplift suggested by the Council (which is arbitrary and not accepted) would give a value of £8,107,500 and vacant possession would add around £500,000. The final figure would be similar to the £8.5 million paid in March 2006 by the appellants.
40. The Council's calculations, based on the previous Safeway building, are not valid because the building is not there. Promotion of the site in the TCS for high density housing will have given it 'hope value' which was crystallised by the bidding. The financial appraisal demonstrates that not more than 35% affordable housing could be provided without making the development unviable. Requiring more would preclude or delay development of the site with its valuable housing contribution that helps take pressure off the Green Belt.

Planning obligation or conditions?

41. The appellants do not have a root and branch objection to a planning obligation but one has not been produced for this inquiry and there is dispute between the parties on matters of detail. However, it is agreed that a split of 78% social rented units and 22% shared ownership would be acceptable. A planning obligation is not necessary to ensure that affordable housing is provided in the first place and kept available in the future.
42. The Council seeks to control the split of equity share in the shared ownership dwellings but this is a minor point as they would only be 22% of the affordable component. PPS3 clearly defines affordable housing and the appellants' approach is that it would always be affordable if that definition were included in a planning condition. The Council is trying to control the allocation of the affordable units in too much detail but they are not part of its own housing stock. This approach is unorthodox and illegitimate.
43. Primary legislation allows wide scope for conditions. If needed, a condition could require details of grant levels/tenure split and occupation criteria to be submitted to and approved by the Council which would overcome the problem of lack of precision and enforceability if terms such as 'best endeavours' were used. Conditions were used in the permission for the

Civic Offices site (App C of APP 13) and are equally suitable for this case. The appellants' suggested wording (APP 11a) is taken from a recent Inspector's decision in Bromley (APP/G5180/A/06/2029562). The Planning Officers' Society (POS) advice (Doc 10) is that conditions can lawfully be used but the model condition lacks the certainty that would be provided by the appellants' suggested wording. If conditions can be used in a straightforward way to achieve affordable housing it would be better than using a number of steps with a degree of uncertainty.

Living conditions of neighbours

44. The layout has been designed to maintain adequate privacy distances between existing and new dwellings and a condition can prevent the inclusion of windows in any particularly sensitive location. The daylight and sunlight assessments in the ES (Doc 5j) show that there will be no significant loss experienced by existing occupiers.

Traffic and parking

45. The SOCGT has been agreed with Surrey County Council. The LP parking standards are maxima and it is acceptable to have less than one space per dwelling because of the excellent transport links from this town centre location. The servicing arrangements for the new shops would be alongside Victory Park Road and the unilateral undertaking includes a contribution for providing a servicing layby that would also be used as a bus stand/stop. A Grampian condition will ensure that this facility is provided whether or not the contribution offered is sufficient in the event. A Travel Plan will provide information about non car modes of travel and a car club will be encouraged. Conditions can provide for these, including the reserving of two parking spaces for a car club.

The Unilateral undertaking

46. The appellants, in conjunction with Surrey County Council, have costed the works needed to provide a servicing bay and bus stand/stop on Victory Park Road. £50,000 is included in the unilateral undertaking to cover that.
47. It also provides for a contribution of £50,000 or zero to the Runnymede Travel Initiative, depending on whether or not it is found to be necessary. There is no specific link to adopted policy and the appeal scheme will generate less traffic than before. The connection between the appeal development and the RTI is unclear and there is no guarantee about the level of service provided. The planning permission on the Civic Centre site (App C of APP 13) does not include a planning obligation and therefore has no contribution to the RTI. There should be zero contribution required from the appeal scheme.

Summary of the appellants' case

48. The scheme has been developed following all relevant guidance and would be the basis for creating a sustainable mixed and inclusive development with a sense of place. It would be well integrated with its surroundings and enhance the area, bringing forward the benefits sought by the adopted TCS and according with the development plan and other policies. The level of affordable housing would be in line with the current policy requirements and it could be provided by means of conditions rather than a planning obligation. There are no objective grounds for refusal in terms of traffic, parking, infrastructure or impact on existing residents and the technical aspects dealt with in the ES can be mitigated through conditions. The contributions in the unilateral undertaking can provide what is necessary to offset the impact of the development although a zero contribution to the RTI is justified. If the appeal

is dismissed, it would put in jeopardy the benefits of the scheme in terms of much needed new housing and particularly affordable homes, leaving a derelict site.

THE CASE FOR THE COUNCIL – the material points

The development plan

49. The development plan in SP policy SE4 seeks a high standard of design, both of buildings themselves and of the way they integrate with their surroundings. It is no longer sufficient to cause no demonstrable harm – a scheme must be good enough to approve and promoting a poor design as a replacement for something that was even poorer is not enough. LP policy H09 requires sensitively designed proposals that, amongst other things, do not damage character and amenity and policy BE2 sets out criteria on townscape character. The national and regional objective of design excellence (from RPG9 policies Q1, Q2 and H5) must be applied locally. Emerging guidance in the SEP and the panel report supports this objective. National policies in PPS1 and PPS3 indicate that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area should not be accepted.

Character, appearance and functioning of the development

50. *By Design : Towards Better Practice* (App 23 of LPA 14) and *Better Places to Live - By Design* (App 24 of LPA 14) emphasise the need for development to relate to the scale of neighbouring buildings and be successfully integrated with its surrounding context. A degree of variety in heights is not precluded, but new development should constitute a harmonious whole through relating to the scale of its neighbours. *By Design* indicates that the scale, massing and height of development should be considered in relation to that of adjoining buildings; the topography; the general pattern of heights in the area; and views, vistas and landmarks.
51. Addlestone has suffered in the past from large bland buildings which have significantly eroded its character and identity and these mistakes should not be repeated. The buildings near the site are of a smaller scale and mass than those to the west. It lies in a transitional area between the commercial scale of Station Road and the domestic scale of Victory Park Road and St George's Road. However, parts of blocks A-D would be a similar height to the 'civic scale' block G, yet they are next to the 'domestic scale' houses. Blocks F and G would be considerably higher at 19.5m and 14.2m than the buildings on Station Road. In failing to relate to the general pattern of heights in the area and to the scale of neighbouring development, the proposals would not contribute to a harmonious whole.
52. The monolithic slabs ignore the topography, to the detriment of local character. *By Design* advises that buildings should only stand out from the background if they contribute positively to views and vistas as a landmark but the proposals, especially the high block F, would have a harmful impact on views. They would be seen from a number of public vantage points, the nearby roads, the railway station, the public footpath and from further viewpoints such as the playing fields towards the Green Belt edge on the eastern side of the railway line.
53. There would be an unbroken wall of development and from Victory Park Road the gaps between the 'Villa' blocks would not be effective because of the continuous 133 m long 'Buffer' block E. This is only one way of dealing with noise from the railway. From the open land to the east (visual receptors 1 & 13 in the ES) blocks F and E would be read together and form a significant mass; the roofs themselves would be particularly bulky. The

cumulative impact of the proposals, their siting close to boundaries, the large floorplans, height and lack of views through the site, would result in a dominant and overbearing development causing serious visual harm within the surrounding area.

54. The proposal barely meets the minimum height:width ration of the *Urban Design Compendium* (App 25 of LPA14) which should be measured at ridge height. The buildings would be too high and out of proportion with the spaces they enclose, giving a cramped and overbearing effect. Building F/G has no space around it for the visual gaps and green settings characteristic of existing development in this part of Addlestone. The only meaningful area of green space is between blocks B and C but it would be largely enclosed along the access road frontage by refuse and cycle storage buildings. This would make little contribution to the public realm and would not readily encourage social interaction.
55. The street views on entering the development would be utilitarian and dominated by parking. The northern end would not be terminated by a building, nor a landscaped open space, but by hardstanding and the refuse/cycle stores for block A. While the environment of the existing public footpath would be improved, the layout does not promote permeability and connectivity with the open space on the other side of the railway. Apart from the retail units at its southern end, block G's return elevation to Victory Park Road would be dominated by blank walls, service doors and the safety screen for the deck amenity area. While the DAS suggests the station forecourt will be enhanced to create a new public square, the scheme does not itself deliver this.
56. The density would be 182 dph, extremely high when compared with those nearby (para 9,25 of LPA 14). The location does not meet the criteria in the text to policy H5 of the draft SEP for locating significantly higher density development. The preferred options consultation on Potential Housing Sites Allocations (App 17 of LPA 14) estimates the site could accommodate around 150 dwellings and this would still be a high density.
57. High quality detailed design and materials are promised but the scale, massing and height of the development would make it out of character when considered against the criteria of *By Design*. The South East Regional Design Panel's comments (App 13 of LPA 14) support the Council's conclusions that the scheme does not respond well to its context. It would conflict with the relevant development plan and national policies and guidance.

Housing supply and demand

58. The most up to date position is in the committee report of 5 September 2007 (LPA2) dealing with the LDF and housing land availability. The 5 year requirement from the draft SEP for 2007-12 would be met by sites over 1 ha which are either under construction, with planning permission or having potential. These were assessed in detail as part of the LDF preferred options consultation (App 17 of LPA14) and are available, suitable and achievable, thus meeting the requirements of PPS3. Even excluding the sites that do not yet have planning permission (the appeal site is one of these two) there would still be an excess. The SEP panel report recommends a further 140 dwellings a year for Runnymede but that is specifically because of a single major developed site that does not come into the above calculations.

Affordable housing - quantity

59. The LP guidance of 25% affordable housing was overtaken by the 2004 SP which sets an objective in policy DN11 of at least 40% affordable provision. The LP was based on out of date information and since then there has been a 5 fold increase in need and a 5 fold increase in applicants on the Housing Register. The shortage is both acute and compelling.

- The draft SEP supports 40% and that is endorsed by its panel report para 4.28. It is carried forward in the IPNAH and intended to be included in the LDF so it will become the universal development plan figure. It is necessary to achieve 40% on each site to ensure that the pressing need is met. There is only one site in the Borough where a net gain of more than 40% affordable housing is proposed and it is not uncertain this will proceed.
60. The justification for offering only 35% affordable housing rather than 40% is that too much was paid for the site but the appellants should have taken into account the expectation for 40%. The record of contact over this period (LPA 1) shows that they were not unaware of the policy situation. They made a misjudgement and may have to sell the site on at a loss. While that would cause delay, it would be preferable to achieve the right development.
 61. The existing use value for the Safeway site was about £4.5 million or £5.175 million including a 15% addition to provide a margin for selling (LPA 18). Looking at it another way, the parties agree that the rental value would have been about £350,000 and using a 7.5% yield the capital value would be about £4.66 million. There is no justification for a 5% yield as the site is in a secondary location and there was no income stream at the time as Safeway surrendered its lease in September 2003.
 62. The figures in the appellants' financial appraisals are not disputed. The residual site value with 35% affordable housing (Docs 5h and App 1 of LPA 18) is £7.8 million, assuming a 60% equity share for the shared ownership units. The Council seeks a 30% share which would still give a residual of £7.2 million (App 2 of LPA 18). The Council's full requirement (40% affordable units with a 30% equity share) would leave a residual of about £6.5 million – still a substantial margin above the existing use value (LPA 9).
 63. The range of offers for the site (LPA 8) show that others were seeking to overbid but most unconditional offers were closer to the Council's estimate of its value. Even the appellants' highest residual valuation of £7.8 million is less than the price that was paid so it is clear they overbid. To accept less than 40% affordable housing would undermine policies designed to deal with the acute affordable housing situation and encourage further overbidding in the future.
 64. A 2004 appeal decision in Spelthorne Borough (APP/Z3635/A/03/1126507) (App 3 of LPA 18) underlines the need for a developer to take into account site specific information about affordable housing provision when assembling a site and this was something the current appellants clearly failed to do. The consequences for their shareholders is not a matter that should determine the outcome of this appeal.

Planning obligation or conditions?

65. The POS best practice note (Doc 10) states: *It is probably most suitable for use where the obligations have been negotiated and there is general agreement between the applicant and local planning authority as to what the requirements of a S106 obligation will be, but the expected delay before the agreement can be signed is too long.... Use of the model conditions is probably inappropriate where the substance of the proposed planning obligation is still unclear, either generally or with regard to important elements, it is substantial and wide-ranging, or contains unusual provisions. In such circumstances delaying the determination of the application until a S106 obligation or unilateral undertaking has been entered into would be preferable.*
66. The simple model condition would not be appropriate here because of the lack of agreement and the complexity of the issues which are tabulated in LPA 4. It is important to have a Registered Social Landlord (RSL) on board at an early stage to maximise grant and that would be paid only if the dwellings were up to the Housing Corporation's required

standard. Comparison with the wording of another planning obligation (LPA 7) shows a significant number of clauses that would not meet the C11/95 test for a condition. If housing grant is not available at the right level then there would have to be cascade arrangements to vary the proportion of social rented units. The Council does not want to leave this decision to the RSL as they do not have the same knowledge of local priorities.

67. The appellants' suggested condition 31 referring to key workers is not relevant to the appeal scheme. Condition 4 imposes a burden for the RSL to enter into a nomination agreement which is not appropriate. The Council seeks to have not more than 30% equity share for the shared ownership units with not more than 2.5% rent paid on the remainder, otherwise they would not be affordable in the light of the 2005 Housing Needs Assessment (App 9 of LPA 14). However, para 97 of C11/95 states that conditions should not be used to control matters such as tenure, price or ownership. The IPNAH indicates that a planning obligation will be required and consistent policy should be supported otherwise affordable housing will not come forward in the quantity and form to meet identified needs. Suggested conditions are at LPA 12a but it is the Council's case that even these would not be satisfactory. The conditions used in the Bromley appeal seem to have been agreed rather than being the subject of a debate and should not be taken as a model.

Unilateral undertaking

68. The contribution of £50,000 towards the servicing bay and bus stand/stop is acceptable and meets the tests of C5/2005 in order to provide adequate servicing arrangements for the new retail units and as a contribution to the public transport demands of the development.
69. The requirement for the £50,000 contribution towards the Runnymede Travel Initiative (LPA 15) stems from the Council's adopted SPG on parking (App 5 of LPA 14) which carries considerable weight. It is in line with the advice of Planning Policy Guidance 13 - *Transport* and policies of the SP and SEP. The yellow bus service has been very successful in replacing car journeys to school by 250,000 a year. It is a bespoke service which would be tailored to include children from the appeal site. There is no dispute that the appeal development would contain school age children and the reduction in congestion benefits all road users. The contribution is related to a planning purpose (reduction in car travel), it is related to the development itself and the £50,000 is reasonable in scale and kind.

Summary of the Council's case

70. The proposals would lead to overdevelopment of the site with too large a mass of building, creating a cramped setting. This would not relate well to the character and appearance of its surroundings and would fail to meet the requirement that they be enhanced. A high quality of design is essential and the density of this scheme prevents that being achieved. There would not be enough affordable housing to meet policy requirements. No planning obligation has been submitted to provide for it and conditions would not suffice. The £50,000 contribution to the RTI is essential. Even if dismissing the appeal leads to some delay in the site being brought forward, that would not undermine the Borough's housing supply. It would be justified in order to achieve a high quality development in accordance with the development plan and other policies.

THE CASE FOR INTERESTED PERSONS

71. **Mr R Fox of 110 Crockford Park Road** spoke on behalf of other objectors although not representing a formal residents' association. His major concern was parking and it was unrealistic to provide less than one parking space per dwelling. Even if people travelled to work on public transport they would want to keep a car for leisure and family trips. There

was already pressure on street parking in his road and elsewhere and the development would make that worse.

72. Congestion is also a severe problem because of traffic queues backing up from the level crossing and Tesco delivery lorries blocking the entry to Victory Park Road. There is already gridlock and extra cars would make that worse and add to pollution. The scheme would be out of character, there is no need for blocks of buildings. There is a need for homes for the local area but a limit needs to be set for Addlestone. A community needs to be built but the appeal development would not be a place to live life and the developers have miscalculated. There is also a shortage of infrastructure – roads, doctors, dentists and schools. Trains only go to London twice an hour but the level crossing goes down more often because of trains that do not stop at Addlestone.
73. **Mrs A Jenkins of 8 Victory Park Road** was concerned about loss of sunlight to her house, particularly in the early morning when the sun rises over the position of the old Safeway building. The new development would block views of greenery and overlook the rear of these properties which have a right to light and view. These are aspects that affect mental well being and should be considered seriously. The points made by Mr Fox about local traffic, congestion, parking and pressure on facilities are fully supported. The site would no longer be available as a town centre car park. What is needed is starter homes with gardens not high density flats where the mental health of children will deteriorate. The train and bus services are not very frequent.

WRITTEN REPRESENTATIONS

74. **Surrey County Council** (SCC 1) queries whether the £50,000 contribution to the bus stand/stop would in the event be sufficient. It also objects to the clause in the unilateral undertaking that requires it to request payment within 6 months and to pay back any unspent sum as that places an obligation on it when it is not a signatory. These objections would be satisfied if a condition were imposed to prevent the development being occupied before the works had been carried out.
75. **At application stage** there were some 39 letters of objection plus a petition signed by 41 people (Doc 3). The main points were:
- Excessive height of buildings and out of character with surroundings
 - This is not London or Manchester and the density is too high
 - Loss of light and view to nearby properties
 - Overlooking of neighbouring properties
 - Extra traffic will lead to congestion
 - Safeways did not generate as much traffic as estimated
 - Noise and air pollution will increase
 - Not enough car parking
 - Site is needed for a shopper's car park
 - Use of cycling and a car club is unrealistic
 - Density too high resulting in loss of quality of environment
 - Unattractive design with flat roofs and box shapes
 - Inadequate recreational space
 - Local infrastructure and essential services are overloaded
 - Energy efficiency and renewable energy should be considered at this stage

76. **At appeal stage** there were letters from some 27 addresses regarding the original scheme for 233 dwellings including a petition signed by 98 people (Doc 1). Letters were received from 16 addresses regarding the revised scheme for 191 dwellings (Doc 2). I have also had regard to around 90 letters, including the petition with 98 signatures, submitted to the Council in response to notification of the later application RU.07/0547 (Doc 6). These raise similar points to those listed above and additionally there is reference to PPS3 and its encouragement of family housing.
77. **Consultation responses** to the appeal application, including letters from local residents, are at Doc 3 and those for the later application RU.07/0547 are at Doc 6. They include the following:
- Natural England has no objection as no statutorily protected sites are likely to be affected but it encourages the inclusion of features beneficial to wildlife in the detailed design. [The site is outside a 5.2 km travel distance to the Thames Basin Heath SPA].
 - The Council's Principal Environmental Health Officer supports the noise and vibration mitigation, including the buffer block and requires suitable conditions.
 - Surrey County Council commented on strategic planning aspects.
 - Surrey County Council commented on transport contributions and suggested conditions.
 - The Environment Agency recommended conditions to cover contamination and drainage.

CONDITIONS

78. A list of agreed conditions is at Annex B. This is based on the Council's list (LPA 12) and the appellants' comments (APP 11) but I have amended it to accord with the discussions at the inquiry. I have also amalgamated some overlapping conditions and made minor amendments for consistency and to bring them into line with Circular 11/95. If the appeal were allowed, a condition would be required to secure affordable housing, as discussed in the Conclusions section below. My recommended form of condition is provided as condition 28 in Annex B.
79. Conditions 1-3 are needed to provide for the reserved matters. Conditions 26 and 27 will ensure that the nature and height of the development accords with that indicated in the outline application. Conditions 4, 8, 9 and 10 are to ensure that the appearance of the development will be satisfactory and can take account of Natural England's aim of encouraging wildlife. In particular, a management plan for the communal areas of the site is essential to ensure that they retain a high quality throughout the life of the development. Highway aspects, including access, roads, footpaths, parking and lighting in conditions 5, 6, 7, 12, 18 and 24 are necessary to ensure efficient functioning as is the drainage condition 20. Servicing of the retail units is covered by conditions 11 and 17 to prevent obstruction of the car park or highway. There is an indication of some servicing from the undercroft parking area which provides the reason for that part of condition 11.
80. In order to protect the living conditions of future residents against noise and vibration, conditions 13 and 14 are necessary. A scheme for dealing with contamination has been shown to be required and this is dealt with in condition 19. The living conditions of existing nearby occupiers would be protected through conditions 21, 22 and 25.

81. Items necessary to meet the aims of sustainable development are the Travel Plan in condition 23, renewable energy provision in condition 15 and the Code for Sustainable Homes in condition 16.

CONCLUSIONS

References in square brackets [] are to the paragraph numbers contained in the main body of the report.

82. From all of the foregoing submissions, and from my inspection of the site and its surroundings, I find the main considerations in this appeal to be:
- 1) Whether the proposal would accord with the development plan.
 - 2) The impact of the development on the character and appearance of its surroundings and the functioning of the area in terms of layout, height, bulk, proximity to boundaries, extent of amenity space, landscaping and connections for pedestrians and cyclists.
 - 3) The situation as regards housing supply and demand and the provision of high quality, sustainable mixed and inclusive communities.
 - 4) Whether the proposal would make an appropriate contribution to meeting local affordable housing needs.
 - 5) Whether the additional demands on services and facilities from the new occupiers would be appropriately offset through a planning obligation.
 - 6) The effect on the living conditions of neighbouring occupiers with particular respect to overlooking, loss of sunlight and daylight and loss of outlook.
 - 7) The impact on the traffic and parking situation in the surrounding area.

1) The development plan

83. The development plan includes the Regional Spatial Strategy for the South East (RPG9) of March 2001, the Surrey Structure Plan (SP), adopted in 2004 and the Runnymede Local Plan Second Alteration (LP), adopted in 2001, with the relevant policies of the SP and LP now saved [18-20]. These all encourage the efficient use of previously developed land, the provision of new housing, especially affordable housing, and seek high quality design in new developments. **Assessment of the proposals against the development plan is a matter of judgement against the main considerations identified above.**

2) Character, appearance and functioning

84. There is comprehensive supporting material for the application [14,15]. The Design and Access Statement (DAS) explains the way in which the layout has been developed and where feedback and consultation has led to modifications [28]. The illustrative material is detailed and the proposals refer closely to relevant advice such as *By Design* [26,28].
85. I have given particular consideration to the matters of access and layout which are included at this stage while taking into account the possible form of development shown in the illustrative material. The access details are acceptable in my view. There would be pedestrian links through to the existing public footpath and roads and, provided that these are secured through conditions, the development would function satisfactorily in movement terms [17,34]. Whilst a link to the playing fields on the opposite side of the railway is desirable, the absence of this would not justify refusal [55].
86. *By Design* indicates that the scale, massing and height of development should be considered in relation to that of adjoining buildings; the topography; the general pattern of heights in the area; and views, vistas and landmarks and this gives a good framework for assessing the

scheme [50]. There is a variety of building heights in Addlestone town centre and it lacks a cohesive structure. Many of the buildings nearest to the site on Station Road are two storey but there are some higher buildings not far away. The station is an important focus for the town centre and some increase in the height of buildings in its vicinity would assist legibility. In this context, the height and mass of the four storey 'Backdrop' (block G) would be appropriate. Indeed it could enhance its surroundings by providing an active frontage of shops to the forecourt and creating a sense of place at an important point in the town centre [29].

87. The 'Beacon' (block F) would mainly be six storeys high with considerable width and depth. An urban or 'civic' scale of building could be acceptable in principle on this footprint as it is related primarily to the commercial frontage on Station Road. However, at six storeys it would be seen from both near and far viewpoints in the town centre and from the playing fields on the opposite side of the railway line, towards the Green Belt edge [52]. Impact on the Green Belt itself is not part of the reasons for refusal and future development to the rear of Aviator Park might intervene. Nevertheless, providing such a large mass at a height well above anything else in the locality would make it over dominant when seen from many points and it would not meet the guidance of *By Design* regarding landmark buildings [52]. The existing character of the surroundings is of smaller grained buildings as well as lower heights. By adding both height and a large footprint, the building fails to have regard to the character of its surroundings.
88. The heights of the 'Villa' blocks A-D relative to the adjoining houses are acceptable because the site is at a lower level. The height of the buildings in relation to the width of the 'Mews' (as measured from the eaves) could be within acceptable parameters when considered at the reserved matters stage [31,54]. No attempt has been made to address the sloping topography but the site is already levelled and it is not obvious how this discontinuity could be remedied. However, the 'Villas' are an inflated version of more traditional building forms; their large footprints and mass do not reflect the finer grain of existing development [51]. The entry into the site and the main public space the 'Mews' would be dominated by cars and parking and would not have the space for planting of sufficient scale to be a foil to such large buildings. The copse of trees at the northern end of the 'Mews' is outside the site and cannot be guaranteed to remain [32,55].
89. When seen from the Green Belt edge and playing fields to the east, the 'Buffer' block E would be a very long, continuous and uniform feature, despite attempts to vary its roofline and articulate its façade. Because of the proximity of block F, the two would be read together as a massive building; the impact and significance of the impact would be high in my opinion [33,53]. Gaps between the 'Villas' would not be effective when seen from Victory Park Road because block E would overlap them. There would be little space around block E for planting of a suitable scale. While a continuous buffer to the railway may be very effective in preventing noise penetration, it has unacceptable repercussions for the character and appearance of the development. I am not convinced that other solutions to dealing with noise are not feasible, given that the site is in NEC B [33,53].
90. The sheer bulk of building on the site would fail to relate to the scale of its surroundings and would be inappropriate in its context. The starting point for the design was the original scheme for 233 flats and this has been reduced to 191 merely by removing some of the floors [14]. The possibilities for arranging a smaller quantum of development do not appear to have been investigated and the unacceptable scale of the buildings stems directly from the number of dwellings sought. This is not a matter that could be overcome at the reserved matters stage, whatever the quality of detailing or materials [34,57].

91. The density would be very high at 182 dwellings per hectare (dph). The draft Allocations DPD gives an estimated yield from the site of 150 dwellings [22] and the Civic Offices site is said to provide about 153 dph [8]. In attempting to exceed even these high densities by a significant amount, the outcome from the appeal scheme is distinctly harmful in terms of its impact on the character and appearance of the locality. While this is a site with good accessibility on foot to local facilities, the train and bus services are not of such high frequency or convenience as to support this very high density on the grounds of assisting sustainable development [9,27,72,75].
92. Development plan policies, particularly SP SE4 and LP BE2 and HO9, make it clear that new developments should show a high standard of design, both of buildings themselves and of the way they integrate with their surroundings. PPS3 indicates that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted and I have concluded that the appeal scheme fails this test [49]. While *By Design* and other urban design advice has been addressed, the scope is constrained by the number of dwellings sought. I have considered the comments of the South East Regional Design Panel but do not consider the correspondence shows that all the earlier relevant criticisms have been overcome [28,57].
93. The site at present is unattractive but removing an existing eyesore is not enough. Refusing permission could lead to further delay in the site coming forward to provide much needed housing and affordable homes. **However, higher densities are not sought at all costs and I conclude that there are sound reasons for not permitting this proposal.**

3) Housing supply/demand and the provision of high quality, sustainable mixed and inclusive communities

94. There is up to date evidence of a 5 year supply of housing sites that meet the criteria of PPS3 as being available, suitable and achievable and this would still be the case even without the appeal site [36,58]. The scheme would provide one and two bed flats which might in some cases be seen as lacking in variety but they are intended to meet a recognised local need. The retail element provides a desirable mixed scheme. The location is particularly convenient for access on foot to local facilities including shops and a health centre and its public transport connections are good, though not excellent [9,73]. The mix of market housing and affordable units, including both rented and shared ownership, would lead to an inclusive community. **Whilst I have concluded above that the quality would not be high, in other respects the proposal meets these aims.**

4) Affordable housing

95. The Council has made clear the pressing need for affordable housing in the Borough [59]. A split of 78% social rented units and 22% shared ownership would be acceptable to both parties but the appellants seek to provide 35% affordable dwellings overall rather than the 40% sought by the Council.
96. As far as the development plan is concerned, the 2001 LP policy HO4 has guidance of 25% and the 2004 SP policy DN11 seeks 40% for each district in its future local plan making [37,59]. This does not require 40% on each site, the detail is a matter for districts to bring forward in their own plans. This approach is in line with the reasoning in the committee report for the Civic Offices site in 2006 [8]. Since then the 40% has been included in the draft South East Plan (SEP) and endorsed by the panel report which gives it considerable weight. However, that does not impose a site by site requirement for 40%. I do not

consider that saving LP policy HO4 for a further period gives it precedence over the SP, indeed SP policy DN11 is saved as well [19,20,37].

97. A requirement for 40% on each site emerged from the Council's Interim Policy Note on Affordable Housing (IPNAH) [25,37,59] and was included in the LDF Core Strategy DPD but that has been withdrawn. When the IPNAH was published in April 2007 it had not been the subject of consultation and at the time of the inquiry, although that had been carried out, it had not been reported to committee [25]. The weight that can be accorded to it at this time is therefore limited. **Bearing in mind these circumstances, I do not consider that there is sufficient policy justification at this time for refusing permission on the basis that only 35% rather than 40% affordable housing has been offered.** This is a situation that will change as policies emerge and gain more weight and my conclusion relates only to the application before me now.
98. There was much discussion at the inquiry about whether a lower amount of affordable housing could be justified on the basis that the development would otherwise not be viable [38-40,60-64]. Although the high costs of contamination and roads were mentioned initially, no evidence was provided to support those points and it is the high cost paid for the land that is the issue. However, there is even a question mark over the existing situation as the £8.5 million paid for the land is more than the higher residual value of £7.8 million [63].
99. My view is that land price is not a cost stemming from the intrinsic nature of the site itself like contamination. The land was sold as a cleared site with hope value for high density housing as promoted in the Council's 1999 Town Centre Strategy [23,29,40]. The price paid reflected the appellants' assumptions about the costs involved and the resulting value after development, taking into account the risk of making an unconditional offer. If the Secretary of State finds that a level of 40% affordable housing on this site is justified, the appellants' argument about loss of viability comes into play. The possibility has to be considered that development would be delayed and the benefits, even of the 35% affordable homes offered now, would not be realised soon [37,40,60]. However, my earlier finding that the scale of development sought is too large raises similar questions about viability and delay but I do not consider these should be matters that determine the outcome of this appeal.

Planning obligation or conditions?

100. The appellants argue that affordable housing can be provided through conditions while the Council considers that this is not appropriate [41-43,65-67]. Again, it is the IPNAH that sets out a planning obligation as the only means of achieving this end. In view of the limited weight that can be placed on that document at the moment, I do not find this in itself is sufficient reason to reject the conditions route.
101. At the inquiry the parties commented on the Planning Officers' Society (POS) *Best practice note*. This indicates that the use of a Grampian condition as a prelude to a planning obligation may be appropriate. However, the model conditions are said to be most suitable where there is general agreement between the parties and they are said to be probably inappropriate where the substance of the proposed planning obligation is still unclear [43,65]. An important point made by the Council is that, in order to maximise the possibility of housing grant (and therefore the proportion of social rented dwellings) the Registered Social Landlord (RSL) should be involved at an early stage, which is not the case here.

102. The parties have each suggested a set of affordable housing conditions which were discussed at the inquiry, including the Council's written comments on those put forward by the appellants [43,67]. The suggested conditions are complex, there is wide variation in the wording between the two parties and it should be noted that the Council's conditions are put forward on the basis that it nevertheless believes conditions are not an appropriate mechanism. Having considered all the points raised and having regard to Government guidance in C11/95, I consider that a Grampian condition of the type put forward in the POS note would be appropriate. This is because the uncertainty about the percentage of affordable housing to be provided will be removed through this appeal and the parties are agreed on the split between rented and shared ownership units. Condition 28 in Annex B is my recommended wording which is based on that from the POS note but adds the requirement for 67 affordable dwellings (35%) and for the affordable housing to meet the definition in PPS3.

103. My earlier conclusion is that the impact on character and appearance makes the proposal unacceptable in any event. **However, if the Secretary of State nevertheless finds that the appeal should be allowed, I recommend that affordable housing be secured by means of condition 28 in Annex B.**

5) Contributions to infrastructure

104. There are two contributions included in the unilateral undertaking. Firstly, £50,000 would be provided towards the cost of the servicing bay and bus stand/stop on Victory Park Road. This is an efficient way of servicing the shops, acceptable to the Highway Authority and also provides an improvement for public transport to offset the additional pressure from the occupiers of the new dwellings. It complies with SP policy DN1 and LP policy MV3. **I consider that the contribution is therefore necessary and reasonable and meets the other tests of C5/2005.**

105. The second element relates to the Runnymede Travel Initiative (RTI) [47,69]. This stems from the Council's adopted SPG on parking which carries considerable weight [23]. From my own observations and the comments of objectors there is no doubt that Addlestone suffers from congestion. The RTI appears to have been successful in dealing with large numbers of journeys that might otherwise have been made by car and benefits all road users [69]. Its continuation depends on contributions from a wide range of sources including local employers as well as through planning obligations. **I consider the £50,000 contribution meets the tests of C5/2005 and is necessary for the appeal proposal to be permitted.**

6) Living conditions of neighbouring occupiers

106. Evidence has been provided in the ES about the effects on sunlight and daylight to neighbouring occupiers and this is a matter of considerable concern to some objectors. However, the investigations have been carried out following recognised methodology and demonstrate that there would not be a significantly harmful effect [12,13,44,73,75]. I inspected the site from the rear windows and garden of 8 Victory Park Road and appreciate the loss of green views that would result from the development. However, all adjoining houses are set back sufficiently well from the site boundary to prevent undue loss of outlook, privacy, daylight or sunlight, subject to the detailed design. **I find no reason to conclude that there would be an unacceptable impact in respect of these matters.**

7) Traffic and parking

107. The Highway Authority does not object on the grounds of traffic or parking impact and has agreed the SOCGT [6]. The proposal would generate less traffic than estimated from a retail unit of the same floorspace as the previous Safeway store. Objectors state that this was trading badly in later years and did not generate the amount of traffic estimated [75]. However, it is desirable for the land to be used efficiently. The promoted use for high density housing will be bound to have a traffic impact but I am satisfied that will not be unacceptable. The frequent closure of the level crossing and the backing up of traffic, which I observed during my time in Addlestone, is clearly a local problem [72,73]. However, no other access to the site seems feasible and this should not be allowed to prevent the best use being made of the land.
108. Objectors fear that the number of parking spaces would be insufficient but this is a town centre location with good pedestrian access to facilities so that some occupiers would find that the normal requirements of life could be satisfied without the need for a car. Public parking is available to serve shop customers and I am satisfied that the parking arrangements are adequate. **I find that the proposal would accord with the maximum parking standards referred to in LP policy MV9 and would satisfy SP policy DN2 and LP policy MV4 in respect of the impact of traffic.**

Other matters

109. Objectors and representations have referred to the pressure on local infrastructure and services, the prospect of a school and hospital being closed and the difficulties of obtaining medical appointments [72,73]. These matters fall under a variety of agencies but they do not justify making less than good use of this land which is at present disused and unsightly.

THE ENVIRONMENTAL STATEMENT (ES)

110. I have taken into account the ES, which was produced in accordance with the Town and Country Planning (Environmental Assessment) (England and Wales) Regulations 1999 and I have also had regard to the other environmental information produced [12,13]. I note the comments from statutory consultees and the representations duly made by other persons about the ES and the likely environmental effects of the proposed development. If permission is granted, the mitigation measures necessary can be provided for by means of the suggested planning conditions. **I conclude that the ES is adequate for the purpose in this case.**

OVERALL CONCLUSIONS

111. The proposal would fail to accord with the development plan in terms of SP policy SE4 and LP policies BE2 and HO9 because the bulky mass of buildings that would result from the given layout and number of dwellings would be over dominant and harmful to the character and appearance of its surroundings. It would also conflict with the provisions of the emerging SEP which requires high quality design. National policies in PPS1 and PPS3 emphasise that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. This is such a case.
112. The offer of 35% rather than 40% affordable housing can be justified in the current policy situation although that will change in future as plans progress. Nevertheless, if the

Secretary of State considers that 40% is necessary, the risk of the development not being viable has to be considered, even if the price paid for the site may be a contributing factor to such a situation. Affordable housing could in principle be brought forward by means of conditions rather than a planning obligation and my suggested conditions are set out in Annex B.

113. The Borough has a five year supply of deliverable housing land, in line with the advice of PPS3, and this would be so even if the appeal site did not contribute within that period. The scheme could provide for a sustainable, mixed and inclusive community. The contributions in the unilateral undertaking can be justified, including the £50,000 offered for the RTI.

114. While the objections of local residents are understood, these in themselves do not justify the refusal of planning permission. Nevertheless, the harm resulting from the bulk and mass of the amount of new building proposed would be substantial. Efficient use of the site is supported by other development plan and national policies but that should not be at the expense of a high quality scheme and on balance I find the proposal does not accord with the development plan for this reason. The possibility of delay in realising the benefits of new housing and affordable housing if permission is refused are serious matters. However, I conclude that they do not outweigh the harm and that there is a sound basis for dismissing the appeal.

RECOMMENDATIONS

115. I recommend that the appeal, as amended, be dismissed. If, however, the Secretary of State takes an opposite view, I recommend that the conditions set out in Annex B to this Report be attached.

Jean Jones

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Michael Druce	Of Counsel, instructed by Mr A Pearson, Director of Administration and Leisure, Runnymede Borough Council
He called	
Mrs C Kelso BA(Hons) MRTPI	Team Leader, Development Control, Runnymede Borough Council
Mrs D Blowers MCIH DMS	Director of Housing and Community Services, Runnymede Borough Council
Mr D Scherer FRICS	Campsie, 4-8 Kingston Road, Staines TW18 4LG

FOR THE APPELLANTS:

Timothy Straker	Queen's Counsel, instructed by CgMs Consulting
He called	
Mr K Goodwin BTP MRTPI	CgMs Consulting
Mr G Kruse BSc MICE	Cottee Transport Planning Fir Lodge, Threshelfords Business Park, Feering, Essex CO5 9SE
Mr A Crease FRICS FCIARB IRRV	Intrinsic Consultants
Mr A Roake MA DipArch (Cantab) RIBA FRSA	Design Director, Goldcrest Homes (Portesbury) Ltd

INTERESTED PERSONS:

Mr R Fox	110 Crockford Park Road, Addlestone, Surrey KT15 2LP
Mrs A Jenkins	8 Victory Park Road, Addlestone, Surrey KT15 2AX

BACKGROUND DOCUMENTS

Doc 1	Council's letter of notification of the appeal (233 flats) and letters received by the Planning Inspectorate in response to notification
Doc 2	Appellants' letter of notification of the revised appeal proposal (191 flats) and letters received by the Planning Inspectorate in response to revised notification
Doc 3	Questionnaire documents for appeal proposal (233 flats) including letters received by the Council at application stage
Docs 4 a-j	Technical reports and Environmental Statement for appeal proposal (233 flats)
Docs 5 a-j	Technical reports and Environmental Statement for revised appeal proposal (191 flats)
Doc 6	Consultation responses including objection letters for application RU.07/0547 (191 flats)
Doc 7	Committee report and minute for application RU.07/0547
Doc 8	Statement of Common Ground

Doc 9	Statement of Common Ground on Transport
Doc 10	<i>Best practice note on highway/environmental improvement works and affordable housing secured by planning conditions</i> – Planning Officers’ Society March 2005
Doc 11	Agreed site area and density
Doc 12	Extracts from RPG 9
Doc 13	Extracts from the Surrey Structure Plan 2004
Doc 14	Extracts from the Runnymede Local Plan 2001
Doc 15	Extracts from the draft South East Plan
Doc 16	Extracts from the draft South East Plan Panel Report
Doc 17	Extracts from the Draft LDF Core Strategy February 2006
Doc 18	Addlestone Town Centre Strategy SPG September 1999
Doc 19	Interim Advice Note on Affordable Housing & Committee report

APPELLANTS’ DOCUMENTS

APP1	Unilateral undertaking dated 11 September 2007
APP2	Letter of 31 August 2007 from CgMs to Runnymede Borough Council
APP3	Comparable transactions
APP4	Letter of 10 September 2007 from Knight Frank to Mr A Roake
APP5	Supermarket comparables
APP6	Appeal decision APP/G5180/A/06/2029562 Former Anerley School, Versailles Road, London SE20 8AX
APP7	Letter of 11 April 2007 from BTP to Runnymede Borough Council
APP8	E mail of 23 August 2007 from Kerry James, Surrey County Council to Gordon Kruse, confirming approval of the Transport SOCG
APP9	Letter of 22 February 2006 from Lawrence Graham to Ms Melissa Moyle regarding the completion date for sale of the appeal site to Goldcrest
APP10	Note from Kevin Goodwin regarding the advice given to Goldcrest about affordable housing requirements
APP11	List of Council’s suggested conditions with appellants’ comments
APP 11a	List of suggested affordable housing conditions submitted to the inquiry on 13 September 2007
APP12	Closing submissions for the appellants
APP13	Proof and appendices of Mr Goodwin
APP14	Proof and appendices of Mr Kruse
APP15	Proof and appendices of Mr Crease
APP16	Proof and appendices of Mr Roake

COUNCIL’S DOCUMENTS

LPA 1	Chronological list of events relating to the appeal site and affordable housing
LPA 2	Report to Planning Committee on 5 September 2007 including policy summary and housing land availability
LPA 3	E mail of 7 September 2007 from Kevin Goodwin to Deborah Blowers regarding affordable housing requirements
LPA 4	Issues to be included within a Section 106 Agreement and suggested wording
LPA 5	Note of Mrs Blowers regarding significant affordable housing sites in Runnymede
LPA 6	Schedule 3 Nominations agreement

- LPA 7 Example of the Council's preferred wording for a planning obligation dealing with affordable housing
- LPA 8 Summary of offers received by Knight Frank for the appeal site
- LPA 9 Adjustment to appellants' viability to reflect 40% affordable (30% share) prepared by Mr Scherer
- LPA 10 Letter of 7 September 2007 from the Council to Mr Goodwin responding to comments on suggested planning conditions
- LPA 11 Comments on appellants' amended affordable housing conditions
- LPA 12 Council's list of suggested conditions
- LPA 12a Council's list of suggested affordable housing conditions
- LPA 13 Council's closing submissions
- LPA 14 Proof and appendices of Mrs Kelso
- LPA 15 Supplementary proof and appendices of Mrs Kelso
- LPA 16 Proof and appendices of Mrs Blowers
- LPA 17 Further proof and appendices of Mrs Blowers
- LPA 18 Proof and appendices of Mr Scherer
- LPA 19 Supplementary proof and appendices of Mr Scherer

DOCUMENTS FROM INTERESTED PERSONS

- SCC 1 Letter of 11 September 2007 to the Planning Inspectorate from Surrey County Council concerning the provision of the servicing bay and bus stand/stop

PLANS

- Plans A 1- 2 Application plans: 5235/P3.30 (access & layout) and AAV4777 G1 (site survey)
- Plans B 1- 9 Illustrative plans of 191 scheme: 5235/P3.00, 3.01D, 3.02C, 3.04D, 3.05B, 3.06B, 3.07A, 3.08C , 3.16A,
- Plans C 1-11 Further illustrative plans of 191 scheme submitted for the inquiry: 5235/P3.32, 3.33A, 3.35, 3.36, 3.37, 3.38, 3.39, 3.40, 3.41, 3.42 & 3.43
- Plans D Bound set of core drawings

ANNEXES

Annex A Reasons for Refusal

Annex B List of suggested conditions

ANNEX A

REASONS FOR REFUSAL

1. The proposed development, by reason of the siting, mass, bulk, height and scale of the buildings, distances to boundaries, density, area of hardstanding and amount of car parking, and inadequate open space around the buildings for amenity space and landscaping, would have a cramped appearance, resulting in an overdevelopment of the site. The scheme fails to integrate with the surrounding area nor does it improve the character and quality of the area. The proposal is contrary to Policies BE2 and HO9 of the Runnymede Borough Local Plan Second Alteration 2001, Policy SE4 of the Surrey Structure Plan 2004 and Policy CS12 of the LDF Core Strategy DPD. The proposal is also contrary to the principles of PPS1: 'Delivering Sustainable Development' and PPS3: 'Housing' and 'Surrey Design'.
2. The proposal, by reason of the siting, mass, bulk, distances to boundaries and height of the proposed buildings would have been an unacceptable visual impact on the surrounding area and the streetscene, and would have an overbearing appearance, out of character with the area, and to the detriment of the amenities of nearby residential properties, contrary to Policies BE2 and HO9 of the Runnymede Borough Local Plan Second Alteration 2001, Policy SE4 of the Surrey Structure Plan 2004 and Policy CS12 of the LDF Core Strategy DPD. The proposal is also contrary to the principles of PPS1: 'Delivering Sustainable Development and PPS3: 'Housing' and 'Surrey Design'.
3. The proposed development, by reason of the layout of the buildings, access, parking and inadequate servicing agreements, would fail to meet highway standards and be likely to give rise to conditions prejudicial to highway safety. The applicant has not provided any mitigation of the highway impact arising from the proposed development nor identified any specific promotion of measures to reduce the reliance on private transport by car. The proposal is therefore contrary to Policies MV3, MV4, and MV12 of the Runnymede Borough Local Plan Second Alteration 2001, and Policies DN1, DN2 of the Surrey Structure Plan 2004. The proposal is also contrary to the principles of PPG13: 'Transport' and 'Surrey Design'.
4. The applicant has failed to demonstrate or justify the proposed level of affordable housing provision which is below the 40% requirement specified in Policy DN11 of the Surrey Structure Plan 2004 and SC21 of the Local Development Framework Core Strategy Submission.
5. The applicant has failed to demonstrate that the development would not be subject to unacceptable disturbance from noise and vibration from the nearby railway, contrary to the advice contained within PPG24: 'Planning and Noise'.
6. The applicant has failed to demonstrate that the development would not be subject to unacceptable levels of contamination and that groundwater conditions would not be adversely affected, contrary to the advice contained within PPS23: 'Planning and

Pollution Control' and Policy SV2A of the Runnymede Borough Local Plan Second Alteration 2001.

7. The applicant has failed to demonstrate how the development would incorporate energy and water efficiency measures and to achieve a minimum of 10% of the energy demand through renewable energy resources. The scheme would not comply with the 'Code for Sustainable Homes'. The proposal is therefore contrary to Policy SE2 of the Surrey Structure Plan 2004 and PPS22: 'Renewable Energy'.
8. The applicant has failed to demonstrate how surface water drainage would be addressed in accordance with PPS24: 'Development and Flood Risk'.
9. The applicant has failed to demonstrate how improvements to the public realm or other planning benefits would be secured contrary Policy CS7 of the Local Development Framework Core Strategy Submission and the Addlestone Town Centre Strategy Adopted 1999.

ANNEX B

LIST OF SUGGESTED CONDITIONS

- 1) Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until samples of the materials to be used in the external elevations of all buildings and structures have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until details of the modified access to the site from Victory Park Road and details of surfacing materials for all roads and footways within the site have been submitted to and approved in writing by the Local Planning Authority. The access to Victory Park Road shall be modified and the roads and footways within the site shall be constructed in accordance with the approved details before any of the new development is occupied. The footways linking to areas outside the site shall be constructed to the site boundary before any dwelling is occupied.
- 6) No development shall take place until details of the layout and surfacing of 134 parking spaces have been submitted to and approved in writing by the Local Planning Authority. The layout shall enable cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. It shall indicate two parking spaces that are to be reserved for use by members of a car club.
- 7) The approved parking/turning areas shall be completed before any of the dwellings that they serve are occupied. The parking spaces shall be used only for the parking of vehicles incidental and ancillary to the residential use of the dwellings hereby permitted and shall thereafter be maintained solely for parking purposes and made available to the occupiers of those properties at all times for such purposes. The two spaces for use by members of a car club shall be retained available for that purpose at all times. No parking space shall be used for the parking/storage of boats, caravans or trailers.
- 8) The reserved matters of landscaping shall include (a) hard landscape details including proposed finished levels, hard surfacing materials, minor structures, existing features to be retained and a timetable for implementation; (b) soft landscape details including planting plans, written specifications, schedules of plants and trees, noting species, plant sizes, proposed numbers and densities of planting and a timetable for implementation. All hard and soft landscape works shall be carried out as approved and completed in accordance with the approved timetables.
- 9) No development shall take place until details of a scheme for the management and maintenance of the open space and amenity areas within the site has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved scheme has been commenced and it shall be retained as approved thereafter.

- 10) No development shall take place until details of all screen and boundary walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority, together with a timetable for their provision in relation to the new dwellings. The approved means of enclosure shall be erected in accordance with the approved timetable and retained thereafter as approved.
- 11) No development shall take place until details of the servicing of the retail units and the storage and collection of refuse for the site have been submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities and servicing space shall be provided before any retail unit is occupied. The servicing space shall be kept available for the loading and off-loading of delivery and service vehicles and shall not be used as a parking area.
- 12) No development shall take place until details of any external lighting have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details before the buildings to which the lighting relates are first occupied.
- 13) No development shall take place until details of a scheme to protect the development, including the amenity space between blocks F and G, from noise from the railway have been submitted to and approved in writing by the Local Planning Authority. No habitable rooms within Block E shall face the railway. The scheme shall comprise acoustic fencing along sections of the eastern boundary with the railway and acoustic glazing with ventilation in Block E and any other means to protect the development from noise, in accordance with the recommendations of the report by MoirHands contained in the Environmental Statement dated May 2007. The scheme shall then be implemented in accordance with the agreed details and shall be retained and maintained thereafter.
- 14) No development shall take place until details of a scheme to protect the development from vibration have been submitted to and approved in writing by the Local Planning Authority in accordance with the recommendations of the report by MoirHands contained in the Environmental Statement dated May 2007. The scheme shall be implemented in accordance with the agreed details. Blocks E, F and G shall not be occupied until a validation report has been submitted to and approved in writing by the Local Planning Authority which shall include measurements taken on upper floors as well as the ground floor.
- 15) No development shall take place until details of measures to achieve a minimum of 10% of the predicted energy consumption through renewable energy technologies has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained and maintained to provide the approved level of generation.
- 16) No dwelling shall be occupied unless it has been provided in accordance with the Predictive Assessment prepared by RPS dated April 2007 to achieve a minimum of Level 3 of the Code for Sustainable Homes.
- 17) No development shall take place until details of the proposed service bay and bus stand/stop on Victory Park Road have been submitted to and approved in writing by the Local Planning Authority. No dwelling or retail unit shall be occupied until the service bay and bus stand/stop has been constructed as approved.
- 18) No development shall take place until a scheme for secure cycle storage that is covered and lit, at a ratio of 1 space per residential unit, has been submitted to and approved in

writing by the Local Planning Authority. The cycle storage to serve each block shall be provided as approved before the any dwelling in that block is occupied and it shall be retained thereafter exclusively for its designated purpose.

- 19) (a) No development shall take place until a detailed Intrusive Investigation Report has been submitted to and approved in writing by the Local Planning Authority. The site investigation shall include gas and groundwater monitoring and further investigation of identified hotspots, and the report shall include a conceptual site model, identifying all potential pollutant linkages and quantitative analysis where necessary.
- (b) If the results of the site investigation indicate the need for remediation of the site, a suitable remediation strategy shall be submitted as a Remediation Report to the Local Planning Authority and approved in writing prior to commencement of development. The Remediation Report shall include details of how each pollutant linkage will be adequately severed, and shall be fully implemented.
- (c) Prior to occupation of the first residential unit, a Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall provide evidence that each element of the agreed remediation strategy has been carried out to an adequate standard and that all pollutant linkages have been broken.
- (d) Should any previously unidentified contamination be discovered during the course of the construction of the development hereby approved, the Local Planning Authority shall be notified immediately. The additional contamination shall be fully assessed by a person deemed competent by the Local Planning Authority, with associated amendments made to the remediation strategy where appropriate. Any additional assessment and amendments shall also be subjected to the processes described in (a)-(c) above.
- 20) No development shall take place until a detailed scheme for surface water drainage works and timetable has been submitted to and approved in writing by the Local Planning Authority in accordance with the recommendations of the Flood Risk Assessment prepared by RPS dated May 2007. The drainage works shall be completed in accordance with the approved details and timetable. Any soakaway must be constructed in natural ground, such that its base is at least 1m above the highest seasonal water table and in any case no deeper than 3m.
- 21) No development shall take place until a Method of Construction Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:
- a) Parking for vehicles of site personnel, operatives and visitors.
 - b) Loading and unloading of plant and materials.
 - c) Storage of plant and materials.
 - d) Programme of works (including measures for traffic management).
 - e) Details of cleaning facilities to prevent the deposition of extraneous matter on the public highway.

The approved details shall be implemented and retained during the construction period. No construction works, including contamination treatment, shall take place outside the hours of 0800-1800 on Mondays to Fridays, 0800-1300 on Saturdays or at any time on Sundays or Bank Holidays.

- 22) The air quality mitigation measures, including dust deposition monitoring, shall be carried out during construction of the development hereby approved in accordance with the recommendations in paragraphs 5.49 to 5.54 of the Environmental Statement dated May 2007.
- 23) No dwelling shall be occupied until a Travel Plan, prepared in accordance with Surrey County Council's Travel Plan Good Practice Note, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of the information to be provided to occupiers of the new dwellings and details of the management of the Travel Plan, including any car club. The approved Travel Plan shall be implemented when the first dwelling is occupied and carried out thereafter in accordance with the approved details.
- 24) No doors on the ground floor of Blocks F and G on the western elevation facing the servicing and bus bay shall open onto the public highway.
- 25) No windows or other openings shall at any time be provided on the western flank elevation of Block D at first floor and above, and on the western flank elevation of Block A at second floor and above, including the roof in either case.
- 26) There shall be no more than 191 units within the development hereby approved which shall be provided in the following mix: 5 studio units, 58 x 1 bed units, 126 x 2 bed units, and 2 x 3 bed units.
- 27) The heights of the buildings hereby approved, measured from the immediate adjoining finished ground level, shall not exceed the following:
 - Block A: Three storey element 10.7m, four storey element 14.2m
 - Blocks B and C: 10.7m
 - Block D: Two storey element 8.3m, four storey element 14.2m
 - Block E: Three storey element 9.6m, four storey element 12.6m
 - Block F: Four storey element 12.85m, six storey element 19.58m
 - Block G: 14.2m
- 28) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:
 - (a) the numbers, type, and location on the site of the affordable housing provision which shall consist of not fewer than 67 dwellings;
 - (b) the timing of the construction of the affordable housing;
 - (c) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - (d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.