



# LOWER SUNBURY RESIDENTS ASSOCIATION

20 Green Street  
Sunbury-on-Thames  
TW16 6RN  
[www.losra.org](http://www.losra.org)

Community Infrastructure Levy Consultation  
Planning Policy  
Spelthorne Borough Council  
Knowle Green  
Staines-upon-Thames  
TW18 1XB

13 August 2013

## **Consultation on the Preliminary Draft Charging Schedule of the proposed Community Infrastructure Levy**

This document is the response of the Lower Sunbury Residents Association to Spelthorne Borough Council's Preliminary Draft Charging Schedule and other associated documents for the proposed Community Infrastructure Levy.

### 1. Exemption from the CIL

Preliminary Draft Charging Schedule - Para 2.6 refers

"Developments exempt from the charge may be summarised as:

- New buildings or extensions of less than 100 sqm gross internal floor area, unless they result in one or more dwellings. (The majority of residential extensions will not be liable for CIL although some larger ones may).
- Changes of use.
- Affordable housing.
- Development by charitable bodies and used for charitable purposes."

**In the case of a change of use, there are two possibilities: the existing building is retained, or it is demolished and replaced. Will both of those possibilities be exempt from the CIL?**

**Will school buildings or buildings for the provision of health care or other desirable social amenities be exempt?**

## **2. Brownfield vs Greenfield**

Preliminary Draft Charging Schedule - Para 2.7 refers

“Only the net additional floor space on a development site will be liable for CIL, so that existing floor space on a site will be discounted against any new floor space for the purposes of calculating CIL liability. Thus CIL receipts generated on a Brownfield site with existing buildings in use will be lower than those generated for the same development on a Greenfield site.”

**How would this apply in the case of existing non-residential buildings demolished to provide residential units i.e. would the Police College development have been able to offset the then existing (educational) floor space against the new (residential) floor space?**

**Will the possible future re-development of the Page Aerospace site, by way of example, be able to discount the existing (industrial) floor space against any new (residential) floor space?**

## **3. Can there be any flexibility?**

Preliminary Draft Charging Schedule - Para 2.10 refers

“... once set the rate may put the viability of some development at risk. This is the judgement, based on the evidence, that the charging authority has to make.”

**Can there be any flexibility in deciding the CIL applicable to specific proposals? A charge that is viable for most developments may not be viable for other developments which may nevertheless be desirable.**

## **4. Areas affected by development**

Preliminary Draft Charging Schedule - Para 2.11 refers

“It is also the intention of Government that a ‘significant proportion’ (15% in non-parished Boroughs with no Neighbourhood Plans) must be spent by the local authority in the areas affected by development.”

**How will these areas be defined? Will they be restricted to the ward within which the development takes place, or a greater or smaller surrounding area?**

5. Protection of Green Belt and areas liable to flood

Preliminary Draft Charging Schedule - Para 3.3 refers

“The Core Strategy ensures that all new development will come from within the urban area and that the Green Belt and areas liable to flood will be protected.”

**LOSRA strongly endorses this statement, and requests that it be widened to include Protected Urban Open Spaces and other areas currently protected under various pieces of legislation, such as Sites of Special Scientific Interest and Sites of Nature Conservation Importance.**

6. Pedestrian/cycle bridge

Preliminary Draft Charging Schedule - Para 3.6 refers

**Please see the attached document dealing with this prepared by John Hirsh, our immediate past Chair.**

7. Proposed charging differential for developments fewer than 15 units

Preliminary Draft Charging Schedule - Para 4.10 refers

“DSP consider that there could be a case for creating a differential charge for sites above and below the affordable housing threshold.”

The various proposed charges in the three residential charging zones have been based solely on the viability estimates prepared for Spelthorne Council by Dixon Searle LLP (DSP).

“The key test at Examination will be whether the rates are set at reasonable levels in order not to unduly compromise development viability (in the context of the delivery of the plan as a whole rather than necessarily in respect of each individual site).”

(Para. 10, Community Infrastructure Levy Viability Study and Appendices).

The assumption underlying the calculations, therefore, is that the imposition of the Community Infrastructure Charge should have no overall effect on how development takes place, but would roughly double the funding available to the Council for infrastructure projects, from £0.5m p.a. under the existing S106-based system to £0.93m p.a under CIL.

This appears, on the face of it, to be a very bold conclusion to arrive at – doubling the cost to developers overall, with no impact on the level of development itself.

The Schedule goes on to argue (Para 5.6) that if there is only one charging zone, and no differential charge for developments of fewer than 15 units, then the yield will be reduced to £0.31m p.a.

What the Schedule does not say is what the projected yield would be with the proposed three charging zones, but with no differential charge for developments of fewer than 15 units, or with differing levels of differential for developments of fewer than 15 units.

**LOSRA would like to see such an analysis, as, on the face of it, we consider that the proposal to introduce a differential rate of an extra £100/m<sup>2</sup> in all three charging zones for developments of fewer than 15 dwellings is too heavy a bias against smaller developments.**

This measure would have the effect, as an instrument of policy, whether stated or not, of increasing the density of developments.

It is an obvious point that this may or may not be the optimum outcome for any given proposed development in terms of its fitting in with its immediately-surrounding neighbours, its suitability within the larger area of the ward or wards within which it is proposed to be built, or the extra spill-over effects a more dense development will have on parking, traffic density, other infrastructure in the area, and any other factors specific to any particular site.

Specifically, small parcels of land quite often come up for development that cannot under any circumstances support more than 14 dwellings, and in some cases even smaller number of units, never mind include a mix of market and affordable housing. Those smaller developments would then be discriminated against, as a matter of policy.

This goes against the guidance recently issued (Feb 2013) by the Secretary of State at the Department for Communities and Local Government.

“There should be an exemption for self-builders i.e. developments which involve only one residence.”

<https://www.gov.uk/government/policies/increasing-the-number-of-available-homes/supporting-pages/self-builders>

The guidance goes on to say:

The government welcomed this action plan and announced the following actions which are now being implemented:

- councils to establish the demand for self-build housing in their area, and take positive steps to permit it to happen
- maximise opportunities for self-builders to access land which central government is releasing as part of its accelerated public land disposals programme
- promote larger-scale, locally planned self-build home developments
- continue to work closely with industry to establish a one-stop shop for advice and support to would-be self-builders
- appoint an industry champion for self-builders – Kevin McCloud (from Channel 4's 'Grand Designs') has been tasked with raising public awareness of the benefits of self-building and ensuring that government and industry support those who want to build their own home
- the Homes and Communities Agency to administer a fund to make £30 million available to provide short-term loans for groups of prospective self-builders.

Subsequent to that Feb 2013 statement from the Secretary of State, the Minister for Housing in the same department said (April 2013):

“CIL, which raised a levy on new homes by a standard charge per m<sup>2</sup> of new development, has had a detrimental and prohibitively expensive effect on self-builders since it was brought into effect in January 2012. On average, the levy, which was applied to self-builders and developers, incurred an additional expense on a residential building project by £100-150/m<sup>2</sup> – typically adding 10-15% onto build costs. In many cases self-builders were being faced with invoices for £20-40,000 as a condition of being granted planning approval.”

<http://www.c-r-l.com/great-news-for-self-builders-government-announces-exemption-from-cil/>

LOSRA argues that there should, at the very least, be an exemption for developments of one dwelling unit. There is also an extremely strong argument that the exemption should apply to developments of greater than a single unit, even if the exemption does not go all the way up to 14 units. What level this would be may become apparent from the projected yield analysis requested above.

## 8. Hotels

Preliminary Draft Charging Schedule - Para 4.12 refers

“DSP recommend that at the current time a zero charging rate would have to be considered for this use type.”

**Why should hotels be exempt from CIL? They are a business just like any other.**

## 9. Student accommodation

Preliminary Draft Charging Schedule - Para 4.14 refers

“From DSP’s viability perspective a zero charging rate is recommended in these instances with the exception of purpose built student accommodation which could support a charging rate of £120/m<sup>2</sup>.”

**Why should purpose-built student accommodation be subject to CIL? They are a desirable social amenity like any other.**

## 10. Cumulative impact

Draft Infrastructure Delivery Plan - Para 1.1 refers

“The Planning Act 2008 introduced a new approach to collecting developer contributions to ensure that the cumulative impacts of all development were taken into account.”

**LOSRA strongly endorses this statement. Consideration of the cumulative effect of developments has been something that LOSRA has emphasised for years.**

## 11. Health

Draft Infrastructure Delivery Plan – Section 4 refers

“No decisions regarding future health care provision in Shepperton, Sunbury or Staines have been made at present and the new NHSNWS Clinical Commissioning Group has not, so far, provided any updates or indication of its future requirements. This is largely due to the recent major restructuring of health service.”

**Elmbridge Borough Council produced its Infrastructure Delivery Plan in April 2012. They included an extensive analysis of future health requirements in Section 5 of that document.**

See [http://www.elmbridge.gov.uk/documents/detail.htm?pk\\_document=20642](http://www.elmbridge.gov.uk/documents/detail.htm?pk_document=20642)

Although the Elmbridge document states:

“National Health Service health care resources are funded from central government ...”

it also goes on to say:

“Potential CIL could be used to support some of the funding gap depending on the cost and future resource allocation within the health service.”

**Can health resources be funded from CIL funds?**

**The Elmbridge document, produced not that long ago, provided quite extensive detail on health requirements. It would be most desirable if Spelthorne could provide similar detail.**



# LOWER SUNBURY RESIDENTS ASSOCIATION

20 Green Street  
Sunbury-on-Thames  
TW16 6RN  
[www.losra.org](http://www.losra.org)

## Community Infrastructure Levy – Consultation

11 August 2013

To: Alan Doyle, Hon. Chairman, LOSRA

Alan,

I refer to the Community Infrastructure Levy Consultation Document in which Spelthorne Borough Council invites LOSRA to respond to its first draft:

It is paragraph 3.6 to which this representation applies.

### The Resurrection of Proposed for Foot/cycle Bridge to Access Thames Path

Traffic congestion, pollution and danger are major current concerns in this part of car-dominated Surrey. Finding alternatives to car use - a policy embraced by central government - will play a key part in improving what has become a degraded local environment.

A foot/cycle bridge was first proposed by the Thames Overways Project in 2001 but since then the Lower Sunbury population has increased very considerably<sup>1</sup> but with no commensurate improvement in local infrastructure amenity.

The River Thames is one of the greatest assets but is also a barrier between places where people live, work and play. LOSRA believes that a car-free bridge would be of enormous benefit to a wide area both north and south of the River. It would mean safer and shorter non-polluting journeys to work, schools and recreation. It would also provide an alternative to traffic-jammed Thames Bridges and the choked main roads leading to those bridges; and facilitate extended access to the National Thames Trail to communities north of the river, giving impetus to sustainable local

---

<sup>1</sup> A survey of the increase in bedroom numbers in Lower Sunbury (planned or completed, but excluding extensions) between 2003 – 2013 is currently being conducted by the Head of Planning Services.

tourism. In short the river is a beautiful linear park but it also prevents easy sharing of the excellent amenities that exist on either side of the waterway.

I am aware that public opinion was very much in favour of the earlier TOPS proposals but In order to test public opinion today I have conducted a consultation (summarised below) of 100 residents from the TW16 and KT12 postal areas (north and south of the River) and have communicated with the ward councillors of Sunbury East and Halliford & Sunbury West. In addition I have written to the SCC Cabinet member for Transport , the SBC Cabinet member for Economic Development and fixed assets; and the Chairman of the Local Area Committee (Spelthorne). Apart from those from whom I have yet to receive a reply, support from local politicians has been very encouraging. Kwasi Kwateng, the MP for Spelthorne, has also given his enthusiastic endorsement.

Since the original Sunnyside Bridge scheme, connecting Hampton to East Molesey was first conceived, the Principal Transport Planner for the Transport and Highways Directorate at Richmond Borough Council has advised me that the plan was dropped in favour of a bid to Transport for London (TfL) for a bridge at Twickenham. It seems then, that the alternative Sunnyside Bridge site located within Richmond Borough is now firmly off the agenda.

Appendix B of the Document details infrastructure projects to be funded by CIL and it will be seen that 'open space and leisure facilities' are included. Indeed, para. 3.6 lists as 'desirable' an artificial sports pitch despite the fact that an additional one is already in the course of construction for community use at the Hazelwood Golf site.

Para. 3.6 of the Consultation document tells us that our Council "has liaised with all infrastructure providers" so I must therefore assume that this consultation represents the first attempt to reach out to an electorate which will want to have its views taken into account - and with equal weight. Given that the table at para. 3.6 allows for 'none identified' funding , I can foresee no difficulty in having the proposal for a foot/cycle bridge included as an uncosted proposal at this time, especially as the process of site selection has not yet commenced.

#### Consultation with Local Residents

A questionnaire survey was conducted over a number of weeks with 100 local residents being approached at a number of locations on both sides of the river. The attached spreadsheet details the responses and it will be seen that every respondent, perhaps unsurprisingly, was supportive of the proposal to construct a foot/cycle bridge provided it was positioned at the best possible site. If one were to be constructed, 97 respondents stated that they or their family members would use it, with those resiling giving old age or infirmity as their reasons.

The reduction in car journeys would be considerable with 16 respondents stating that they would always use the foot/cycle bridge in preference to driving over the road bridges; 54 would often choose to do so; 26 sometimes; and a mere 2, for reasons mentioned above, would never choose this option.

In addition to the questions each respondent was given the opportunity to comment and these have been recorded. It was significant that many residents always thought the bridge was to have been built many years ago and couldn't understand why it hadn't. The level of enthusiasm for the proposal was very evident throughout the survey with many respondents quoting their personal frustrations at having no option but to drive to destinations on the south bank.

Even if we were to put aside the very obvious benefits to leisure amenity, any infrastructure improvement which succeeds in reducing the number of car journeys, especially in a Borough which is an Air Quality Management Area (AQMA), really has to merit inclusion in the list of requirements as detailed at para. 3.6.

John Hirsh,

LOSRA Committee

## Cycle/Footbridge Questionnaire

1. Provided it was positioned at the best possible site, would you support the erection of a cycle/footbridge across the River from Lower Sunbury to the Thames cycle route, Thames Path and other amenities on the south side of the River? Yes / No
2. If one were to be erected would you, or any of your family use it? Yes / No
3. If 'yes' would you or a family member use it in preference to a car?

Always                  often                  sometimes                  never                  don't own a car

POSTCODE:                  Email address:

Comments:

---

## Cycle/Footbridge Questionnaire

1. Provided it was positioned at the best possible site, would you support the erection of a cycle/footbridge across the River from Lower Sunbury to the Thames cycle route, Thames Path and other amenities on the south side of the River? Yes / No
2. If one were to be erected would you, or any of your family use it? Yes / No
3. If 'yes' would you or a family member use it in preference to a car?

Always                  often                  sometimes                  never                  don't own a car

POSTCODE:                  Email address:

Comments:

---

## Cycle/Footbridge Questionnaire

1. Provided it was positioned at the best possible site, would you support the erection of a cycle/footbridge across the River from Lower Sunbury to the Thames cycle route, Thames Path and other amenities on the south side of the River? Yes / No
2. If one were to be erected would you, or any of your family use it? Yes / No
3. If 'yes' would you or a family member use it in preference to a car?

Always                  often                  sometimes                  never                  don't own a car

POSTCODE:                  Email address:

Comments:

TW16	5NU	Y	Y	Always
TW16	6HL	Y	Y	Always
TW16	6HL	Y	Y	Always
TW16	5NU	Y	Y	Often
TW16	7EZ	Y	Y	Sometimes
TW16	5NU	Y	Y	Often
TW16	5QY	Y	Y	Always
TW16	5PR	Y	Y	Sometimes
TW16	1TX	Y	Y	Sometimes
TW16	1EJ	Y	Y	Often
TW16	5HY	Y	Y	Always
TW16	7HD	Y	Y	Often
TW16	5EH	Y	Y	Often
TW16	5EH	Y	Y	Often
TW16	6HH	Y	Y	Often
TW16	6BS	Y	Y	Sometimes
TW16	5PW	Y	Y	Sometimes
TW16	5AT	Y	Y	Often
TW16	5ES	Y	Y	Always
TW16	6NF	Y	Y	Always
TW16	5JL	Y	N	Never
TW16	6JB	Y	Y	Often
TW16	5HD	Y	Y	Sometimes
TW16	6QP	Y	Y	Often
TW16	5EJ	Y	Y	Often
KT12	1EX	Y	Y	Often
KT12	1EJ	Y	Y	Sometimes
KT12	2PR	Y	Y	Sometimes
KT12	1PR	Y	Y	Sometimes
KT12	2PU	Y	Y	Often
KT12	2PU	Y	Y	Often
KT12	2PG	Y	Y	Often
KT12	4RG	Y	Y	Often

TW16	6NP	Y	Y	Often
KT12	4LP	Y	Y	Often
KT12	2YA	Y	Y	Often
KT12	2PJ	Y	Y	Often
TW16	8NF	Y	Y	Often
KT12	2SE	Y	Y	Often
TW16	7PS	Y	Y	Sometimes
TW16	5ED	Y	Y	Often
TW16	5JP	Y	Y	Often
TW16	5JW	Y	Y	Often
TW16	6HT	Y	Y	Often
TW16	8EX	Y	Y	Often
TW16	5EQ	Y	Y	Always
TW16	5JY	Y	Y	Sometimes
TW16	5AY	Y	Y	Sometimes
TW16	6PF	Y	Y	Often
TW16	6QL	Y	Y	Always
TW16	5EH	Y	Y	Often
TW16	5LG	Y	Y	Often
TW16	5JJ	Y	Y	Always
TW16	5EH	Y	Y	Sometimes
TW16	6RQ	Y	Y	Sometimes
TW16	5EY	Y	Y	Often
TW16	6QZ	Y	Y	Always
TW16	7DP	Y	Y	Often
TW16	6NS	Y	Y	Often
TW16	5JS	Y	Y	Often
TW16	6QW	Y	Y	Often
TW16	6QL	Y	Y	Often
TW16	3HZ	Y	Y	Sometimes
TW16	5EA	Y	Y	Often
TW16	5LP	Y	Y	Often
TW16	7NB	Y	Y	Sometimes

TW16	5NR	Y	Y	Don't own a car
TW16	5EB	Y	Y	Sometimes
TW16	8SD	Y	Y	Often
TW16	6DP	Y	Y	Sometimes
TW16	6RG	Y	Y	Sometimes
TW16	5HY	Y	Y	Often
TW16	6HR	Y	Y	Sometimes
TW16	6AA	Y	Y	Always
KT12	2EG	Y	N	Never
KT12	3PU	Y	Y	Often
KT12	2JG	Y	Y	Often
TW16	6PD	Y	Y	Sometimes
TW16	6QN	Y	Y	Sometimes
TW16	9EQ	Y	N	Don't own a car
TW16	6DR	Y	Y	Often
TW16	6NF	Y	Y	Often
TW16	7SR	Y	Y	Often
TW16	5ES	Y	Y	Often
KT12	2BQ	Y	Y	Often
KT12	1LZ	Y	Y	Often
TW16	6HN	Y	Y	Often
TW16	6PQ	Y	Y	Always
TW16	6HR	Y	Y	Often
TW16	6NG	Y	Y	Sometimes
TW16	5JY	Y	Y	Sometimes
TW16	6SJ	Y	Y	Often
TW16	5EE	Y	Y	Often
TW16	5EH	Y	Y	Often
TW16	5LF	Y	Y	Sometimes
TW16	6HF	Y	Y	Always
TW16	7BT	Y	Y	Sometimes
TW16	5HD	Y	Y	Often
TW16	5PU	Y	Y	Always



**The following comment from a LOSRA Committee member arrived to close to the Spelthorne Consultation Submission deadline for inclusion in the main LOSRA submission**

**Community Infrastructure levy**

The Preliminary Draft Charging Schedule (PDCS) report is contradictory essentially unfair and illogical. On the one hand the government wants CIL charging to have a 'positive economic effect and support the development of the area' (P2.10), but on the other hand it is penalising small developments with <14 dwellings.

The Dixon Searle Partnership (DSP) CIL Viability Study informs us that most the developments in Spelthorne are below the affordable housing threshold i.e. <14 dwellings (para 13). It argues that it is not viable to provide affordable housing with <14 dwellings (para 14) developments, as they cannot afford charges beyond the £0-60 per sq m. range. By para 16 that has been reversed as DSP proposes to charge an extra £100 per sq m for developments not comprising affordable housing:-

Larger developments (15+) units using S106 agreements may negotiate the rates depending on viability.

For smaller developments the rate is fixed.

The only flexibility is in this current consultation.

It is unlikely that communities will more readily accept growth (2.1) when most people have an expectation that other taxation (National Insurance, Income tax, VAT etc) funds health, education and transport costs already.

**Flawed financial information**

- The DSP CIL Viability Study report acknowledges that pricing varies significantly down to street level. The methodology of averaging out these levels does not accurately cater for all types of development and location
- The values are based on flawed research: VOA and the Land Registry prices are based on transaction data i.e. the properties that were for sale during the analysis period. Even when averaged across an area this will not reflect the composition of property values, much less the scope for a development on a small site which may have specific economic challenges e.g. access difficulties
- This flaw is further magnified by the fact that the number of transactions during the period in question was 7% lower than the previous year.
- The other set of information included is 'asking prices' from Rightmove. Properties seldom sell for the asking price, (or ever) and the difference between asking price and actual sale price will be higher during periods of low transaction volumes.

**Zoned charging rates**

- The actual variation in pricing does not seem sufficiently great to justify this level of differential charging.

- Zones wrongly defined – In many of the Values tables, Laleham is shown as the most expensive area yet excluded from the highest charging zone, defined as Shepperton and Sunbury.
- The lack of clear link between the charging zones and the rates proposed suggest that the differential charging is political.
- The minimum requirement of 15% of the funds raised being spent in the 'area' suggests a policy of redistributing funding.
- Elmbridge is a neighbouring borough, which is fairly relatively similar in composition. It has a flat charging rate, and it is lower at £125 per Sq m.

**Additional Infrastructure needs to be added to the Draft Infrastructure Delivery Plan**

- Improvements to the railway bridge on Green Street to ease congestion approaching the M3 / A 308 roundabout
- Additional flood relief measures for the Chertsey to Hampton Court stretch of the river.