



## **CIL COMPLIANCE STATEMENT**

**Appeal reference: APP/Z3635/W/23/3325635**

**Appeal by Angle Property (RLP Shepperton) LLP relating to the application to Spelthorne Borough Council for:**

**Outline application with approval sought for scale, access and siting, with details of appearance and landscaping reserved, for the demolition of existing buildings and structures, removal of waste transfer facility and the redevelopment of the site for up to 80 residential units and the provision of open space and a play area, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.**

**at Bugle Nurseries, 171 Upper Halliford Road, Shepperton**

**October 2023**

## 1. FRAMEWORK AND POLICIES

- 1.1 Regulation 122 of the *Community Infrastructure Levy Regulations 2010* (as amended) states that a planning obligation may only constitute a reason for granting planning permission if the obligation is:-
- a. Necessary to make the development acceptable in planning terms;
  - b. Directly related to the development; and
  - c. Fairly and reasonably related in scale and kind to the development.
- 1.2 Paragraph 57 of the National Planning Policy Framework reiterates the Regulation 122 test.
- 1.3 The policies of the Council's Core Strategy and Policies DPD 2009, which are relevant to the planning obligations to be secured are as follows:
- Policy HO3 (Affordable Housing)

## 2. PROPOSED PLANNING OBLIGATIONS

- 2.1 The proposed Section 106 Agreement is between (1) Spelthorne Borough Council; (2) Angle Property (RLP Shepperton) LLP. The proposed planning obligations included within the Section 106 Agreement cover the following areas of infrastructure:
- **Affordable Housing** – The provision of on-site affordable housing as part of the proposed scheme
  - **Maintenance of landscape areas** – The maintenance of the open space as part of the proposed scheme

### 3. CIL TESTS

- 3.1 The following table explains how the above planning obligations comply with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulation 2010 (as amended) and paragraph 57 of the National Planning Policy Framework.

PLANNING OBLIGATION	TEST 1 - NECESSITY	TEST 2 – DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT	TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND
Affordable Housing	<p>Policy HO3 of the Core Strategy &amp; Policies DPD 2009 requires up to 50% of housing to be affordable where the development comprises 15 or more dwellings. Any provision may include social rented and intermediate units, subject to the proportion of social rented being at least 65% of the total affordable housing component.</p> <p>40 affordable housing units are proposed, (10 no 1 bed starter homes and 30 affordable rented, consisting of 8 no 1 bed flats, 6 no 2 bed flats, 2 no. 2 bed houses, 13 no 3 bed houses and 1 no. 4 bed houses). This represents an affordable housing provision of 50% The proposal is to provide 10 starter homes and 30 as affordable rent (30 out of the 40 units), 75%, as affordable rent, therefore the provision is considered acceptable and meets the CIL tests.</p>	The obligation to secure and maintain the affordable housing element is directly related to the appeal scheme.	The level of affordable housing accords with the requirements of Policy HO3 of the Core Strategy and Policies DPD 2009. The provision of affordable housing is therefore considered fair and reasonable as the proportion required under the development plan.

	<p>The obligation is necessary to comply with the policy and ensure that the affordable housing element is secured and maintained as approved in perpetuity.</p> <p>The proposed obligation is necessary to make the appeal scheme acceptable in planning terms. Without the obligation, it would not be possible to secure and maintain the affordable housing which is required by Policy HO3.</p>		
Maintenance of landscaped areas of open Space	<p>Policy EN1 of the CS &amp; P DPD requires a high standard in the design and layout of new development. It states that proposals for new development should demonstrate that they will d) incorporate landscaping to enhance the setting of the development, including the retention of any trees of amenity value and other significant landscape features that are of merit, and provide for suitable boundary treatment.</p> <p>Therefore, the provision is considered acceptable and meets the CIL tests.</p> <p>The obligation is necessary to comply with the policy and ensure that the open space is maintained as approved in perpetuity.</p>	The obligation to maintain the open space is directly related to the appeal scheme.	The maintenance of the open space provided accords with the requirements of Policy EN1 of the Core Strategy and Policies DPD 2009. The maintenance of open space is therefore considered fair and reasonable.

	<p>The proposed obligation is necessary to make the appeal scheme acceptable in planning terms. Without the obligation, it would not be possible to maintain the open space which is required by Policy EN1.</p>		
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