

IP

Elmbridge Borough Council

Examination of the Local Plan

Stage 2 - Matter 9 Issue 14, Questions 8.1- 8.23

Hearing Statement by Peter Edwards

On behalf of Claudel Venture Holdings Limited

April 2024

Matter 9 Site Allocations

Issue 14: Are the proposed site allocations selected using an appropriate methodology based on a proportionate evidence base. Are they justified and effective? Will the allocations address the land use requirements across the Plan period?

This statement has been prepared on behalf of Claudel Venture Holdings Limited and specifically addresses the Inspector's MIQs in relation to Matter 9. Our response to the questions is set out in red. In summary, we have serious concerns in relation to the Council's adopted methodology and its application.

We consider that a number of the sites identified in the LAA are available and others are undeliverable and that as a result, the Council will be unable to deliver the 70% of its LHN as suggested. The proposed site allocations will not address the land use requirements of the Borough across the Plan period.

Our review of the site allocations identifies a total of 1,468 units including 397 affordable homes as high risk and potentially unlikely to be delivered. This represents approximately 29% of the units proposed to be delivered by the council. We also consider a considerable number of other sites are severely constrained, which would further reduce the delivery of new homes against the LHN requirement.

We consider that the significant shortfall in housing provision and especially the number of affordable homes the Plan will deliver represents exceptional circumstances for considering Green Belt Sites, especially those located in the most sustainable locations - notably those adjoining existing settlements and close to stations.

Attachments – Site allocations review:

[Site Allocations - Community Facilities \(U\).xlsx](#)

[Existing Residential and Employment sites.xlsx](#)

[Copy of Copy of Car Parks Garages and Car Showroom Sites \(FF\).xlsx](#)

Questions:

8.1 The Council have advised that site allocations ESH15, WOT2 and H8 be deleted from the Plan – what is the justification for this?

The removal of these sites would reduce the estimated number of dwellings by 104 units and the number of affordable units by 32. This is a significant reduction in circumstances where the Council is not delivering its LHN and is grossly under-delivering in term of affordable housing.

8.2 Have the individual site allocations been chosen according to a robust site selection methodology?

The methodology is not robust for a number of reasons, including inter alia-

- Not all of the sites have been confirmed as available.
- Site capacity has been estimated without any thorough consideration of the site constraints.
- The capacity of some sites appears overly dense given the character of the surrounding area.
- The application of 30% affordable delivery is unrealistic, many of these site will not be able to viably deliver such a level- accordingly the estimated number of affordable units is likely to be significantly over-estimated.
- The Council has included a number of care homes and day care centres and health facilities and said consideration will need to be given to reprovion. Without a clear community services strategy, it is unrealistic to think all these sites can come forward. It is accepted that some rationalisation can take place to improve efficiencies but given the paucity of alternative sites reprovion) will most likely need to take place on existing community sites. It would not

be unrealistic to require the retention of at least 25% of the allocated sites to accommodate reprovision/ rationalisation of services. This will further reduce housing delivery and with the cost of reprovision is likely to impact viability, which will further impact on the delivery of affordable homes.

- The methodology has not taken into account BNG requirements, which will almost certainly reduce the capacity of some sites and potentially their viability- reducing homes and affordable provision.
- The densification of sites and the need to accommodate both amenity space and car parking, in some cases (especially higher density sites) this is likely to require parking to be provided underground. This will further impact on viability.

Overall, the methodology is very unlikely to deliver the estimated number of market and affordable homes.

8.4 The Environment Agency have specific concerns regarding 31 housing sites and 4 proposed employment sites which are located within flood zones 3 and 2. Are these sites deliverable?

It is likely that some of these sites will not come forward, especially those in Flood Zone 3. The costs of mitigation any flood risk, if this is even possible, will impact on viability.

8.5 Paragraph 9.1 of the Plan refers to the site allocations providing for a range of uses to support the vision and principles of the Plan, allocating land for 'housing, employment, retail, community uses and infrastructure'. Could the Council set out clearly on a table which allocations are relevant to the provision of retail, community uses and infrastructure.

The Council's Vision looks to protect existing retail centres and easy access to the local community. This strategy seems to be undermined by allocating a great many public car parks for residential development. The provision of adequate car parking is essential to the vitality and viability of these centres, and especially independent retailers who are competing with national retailers, many of which have their own car parking.

The erosion of existing employment site through Prior Approval is impacting upon the commercial stock and in particular affordable office accommodation. Has the Council adequately taken into account recent changes to Permitted Development rights that will see the loss of further commercial space to residential use.

8.6 Chapter 9 of the Plan lists the site allocations and cross references to the Land Availability Assessment (LAA). However, this document does not form part of the submitted Plan. As drafted, the Plan is not effective as it fails to contain policies that are clearly written and unambiguous. As a result, it is not evident how a decision maker should react to development proposals (Paragraph 16 (d) of the Framework). How does the Council propose to address this?

The LAA is merely a list of potential allocations, it lacks any guarantee of delivery.

8.7 There appears to be a direct contradiction between policy HOU2 – optimisation of sites and what the site allocations actually seek to achieve. Notwithstanding the fact that none of the site allocations contain any detailed information concerning development constraints/ density levels etc (there is merely a cross reference to the LLA document) a number of the sites which would meet part 2a in terms of the locational characteristics, however the proposed density within the LAA is at 30dpa (low density as defined within the Urban Capacity Study). Some examples of this approach relate to the following sites (this list is not exhaustive): US230 (D2), US395 (WEY5), US2 (CL4), US175 (CL5). Please could the Council explain the reasoning for this?

There does appear to be a great level of inconsistency in how densities have been applied and the relevance of adopting a target dph is unnecessary if developers are charged with making effective use of existing urban land.

8.8 In terms of the sites which are identified as contributing towards housing supply during years 1-5 of the Plan period, are the sites available now, are they achievable with a realistic prospect of housing being delivered within five years? If this is not the case, is the allocation justified?

8.9 In terms of the sites which are identified as contributing towards housing supply during years 6-15 of the Plan period, is there a reasonable prospect that the site will be available and could be viably developed at the point envisaged?

There are a number of sites within 0-5, 6-11 and 11-15 year periods, which have been identified by those objecting to the councils methodology and potential site allocation as being undeliverable or highly constrained. It would only take a small proportion of these to fail to come forward to affect the Council ability to meet either a 4 or 5 year housing supply. Those who have reviewed the potential allocations have raised questions about availability and deliverability and are seriously concerned about the potential reduction in the level of delivery. The Council's ability to deliver 70% of its LHN is wholly unrealistic and there is a risk that delivery will be significantly less. The methodology adopted and the timescale for delivery is considered unsound.

8.10 The Land Availability Assessment 2022 (HOU002) states that in terms of assessing availability, a site is considered to be available when based on the best information available, there is confidence that there are no legal or ownership problems and that the land is controlled by a developer/ landowner who has expressed an interest in developing the site. Notwithstanding this text, A number of allocations within the LLA state that the 'landowner has not confirmed the site is available'. In addition, a number of representors have also made the case that particular site allocations are not available or there has been no response. These are summarised below. If this is the case, how is it possible for these sites to meet the tests required in terms of the Framework and the definition of developable – a reasonable prospect that they will be available.

The Council should be required to provide a list of all sites that satisfy all of the availability criteria in order to provide an indication of the number of units that will realistically come forward. This will show a very significant reduction in the number of homes likely to be delivered.

8.11 A large number of the proposed site allocations include car parks, some of which are within district centres or close to transport interchanges (see Inspectors Initial letter ID-001). A significant number of concerns have been raised by representors regarding the impact of the removal of these car parks on the centres/ transport interchange effected. There is no reference made to the closure of these car parks within the Transport Assessment May 2021 (INF001). The Urban Capacity Study, April 2018 (HOU012) refers to an ongoing assessment of car park utilisation and different modes of provision over time.

The Council's inclusion of car park sites affects the provision of over 3,300 spaces. Whilst the Council acknowledges reprovision will need to be considered it is totally unclear at what level, given the lack of urban land reprovision will almost certainly need to be on site. With the addition of parking for any residential development, larger sites will almost certainly need to provided decked or underground parking. This will significantly impact on the viability of schemes. As indicated earlier we would be

concerned if town centre parking is reduced as it will impact on the centre as a whole. Whilst the Council may be undertaking a car park utilisation assessment we would treat any such assessment with a considerable degree of caution, in particular whether the effects of Covid are still being felt. Independent retailers, cafes, restaurant and leisure activities are particular dependent upon footfall and easy access, and thus the provision of parking is very important. Larger retailers with their own car parks are less dependent upon council car parks. It is noted some large food stores with car parks are included as potential allocation. Whilst these retailers may be able to reduce the scale of their car parks following an increase in online shopping, these car parks often provide a 'town centre role, even if they charge for parking or limit the length of stay. The role of these car parks should not be underestimated.

In total the various car park sites are estimated to deliver 389 market and 80 affordable homes. This figure is considered to be an over-estimate.

8.12 Is there any further work which has been undertaken since 2018 in relation to these car park sites?

No comment

8.13 Please could the Council explain what assessment has been undertaken in relation to the:

- Total number of car parking spaces to be lost;

This is wholly dependent on the number of spaces to be reprovided for their existing use. Consideration of the application for residential use on the Waitrose site in Hersham Green Shopping Centre. Existing Car parking 224 (including Council car park of 44 spaces). Proposed car parking 128 customer spaces and 54 residential. A net loss of 96 spaces serving the village centre. With staying times proposed to be reduced from 2 hours to 1.5 hours to the disadvantage of other retailers and service providers.

- Evidence in relation to use and capacity work undertaken (with relevant surveys of usage if available);
- The impact that the loss of the car park would have on the centre and/or transport interchange effected and an explanation as to how this has been assessed;
- Does the Plan need to be explicit about which allocations require the reprovision/relocation of car parking spaces and if so how is this to be addressed?

The Transport Assessment May 2021 (INF001) states that 21% of people use the train to travel to work which is well above the Surrey average. For the sites located next to train stations, (WOT7, WOT31 and CL7) is there any assessment of what percentage of people use the car to travel to the train station?. What alternative modes of transport are put forward by the Plan to encourage more sustainable modes of transport? Are these sites justified?

8.14 A significant number of allocations would necessitate the removal of the existing community service provided on the site as defined within the glossary of the Plan. These are: CL5, COS14, COS16, D24, ESH21, H6, ESH24, H8, H13, H15, MOL12, MOL18, WOT11, WOT15, WOT18, WOT19, WOT26, WOT35, WEY5, WEY6, WEY16. Several representations have expressed concern regarding the loss of these services. Please could the Council confirm the following:

- To what extend has the replacement of the existing community service been taken into account in terms of the viability work and site capacity work undertaken to date and the typologies used?
- Is it the intention that the existing community floorspace should be provided on the sites in all of these cases? If so should this be reflected in the policy

wording?

- If replacement community floorspace is to be provided, is it to be of the same size and quality as the existing use (noting the representation from Surrey County Council that the planned level of growth will necessitate an increase in the size of these services) ? If so should this also be reflected in the policy wording?

- The representation from Surrey County Council states that there will be a requirement to maintain the library service provision in Esher, Hersham, Molesey and Weybridge throughout the duration of the works. Should this requirement be reflected through the site allocation?

The potential site allocations includes a total of 55 sites ,including inter alia, care homes, day care centres, clubs, libraries, smaller retail units, pubs, and sports and leisure facilities. In total these are estimated to deliver 2,076 market homes and 127 affordable homes.

Taking care and health facilities as an example, as stated above:

The Council has included a number of care homes and day care centres and health facilities and said consideration will need to be given to re-provision. Without a clear community services strategy, it is unrealistic to think all these sites can come forward. It is accepted that some rationalisation can take place to improve efficiencies but given the paucity of alternative sites re-provision) will most likely need to take place on existing community sites. It would not be unrealistic to require the retention of at least 25% of the allocated sites to accommodate re-provision/ rationalisation of services. This will further reduce housing delivery and with the cost of re-provision is likely to impact viability, which will further impact on the delivery of affordable homes.

8.15 Several of the site allocations cover garages and hardstanding. To what extent have the Council considered the displacement of these parking areas and the impact that this may/may not have on the existing community? As with the car parking site allocations above, could the Council set out the total number of garages/car parking areas to be lost over the Plan period.

The LAA includes 19 sites (garages and hard standing owned by PA Housing. PA has already redeveloped a number of similar sites and has made pre-app requests in relation to a number of other sites. It is assumed that the Council's response has been favourable to be included in the list. We are unaware of whether parking stress surveys have been undertaken to determine the impact of the loss of parking, but we have assumed that the majority of these sites can come forward. They are estimated to deliver 108 units and 18 affordable homes.

8.16 From the LAA, it is evident that in relation to a number of the site allocation proposed, the Plan envisages the retention of the existing building on the site (COS1, MOL19, ESH20, ESH1, H11, D16, WOT16). Is this correct? If so to what extent has this been taken into account in the viability and capacity work undertaken to date?

The issue of retention of existing buildings and the impact on amenity space provision, car parking and viability has been addressed above.

8.17 Which, if any , of the sites require a 10m buffer zone next to the river and has this been taken into account in terms of the capacity figures provided. Should this be reflected as a development constraint within the site allocation?

No comment

8.18 Are there any other proposed site allocations which are affected by heritage impacts? How have these been assessed? (Noting the Heritage impact Assessment 2023 Methodology only refers to the report considering LAA sites from 2022)

Some sites are affected by on-site or adjacent listed building we have not been able to assess the likely impact of such heritage assets on the capacity of the sites in question.

Questions in relation to individual sites:

COS1

8.19 Should this site refer to the conversion of the existing building on the basis of the conclusions drawn within the Heritage Impact Assessment?

COS5

8.20 Has this site been the subject of a planning appeal and are there any implications for the delivery of the site in years 1-5 of the Plan period?

COS6

8.21 Is the suggested capacity for the site justified by the evidence base?

D7

8.22 Is the allocated use justified (note the landowners representation that it is not available for residential use)

8.23 Is the allocation of this site in conflict with policy ECO1?

We await the Council's response in relation to these site specific questions