

# Elmbridge Local Plan Examination Stage 2 Hearings

Response on behalf of Lionel Frewin to matters 3, 4, 5 & 9

March 2024





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# Section 1

## Introduction

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- 1.1. This representation is submitted on behalf of our client (Lionel Frewin) to the Elmbridge Local Plan in response to matters 3, 4, 5 and 9 of the Stage 2 Examination Hearings.
- 1.2. The Elmbridge Local Plan does not plan for a sufficient number of homes to meet its Objectively Assessed Need. The Sustainability Appraisal sets out justification for this, by outlining that exceptional circumstances do not exist to justify Green Belt release and that there is no other appropriate land to allocated for housing. In line with the policies set out within the NPPF 2021, we believe that exceptional circumstances do exist to justify removal of appropriate sites from the Green Belt in order to assist in meeting this pressing need for housing. The approach the Council has taken is not considered to be Positively Prepared, Justified, Effective or Consistent with National Policy and as such, the Elmbridge Local Plan in its current form is unsound.
- 1.3. Our client has a land interest at Red Lane, Claygate. This site lies within the Green Belt but is part of a larger area of land (RSA-25) that was identified by The Arup Green Belt Boundary Review – Supplementary Work (December 2018) as providing a limited contribution to the Green Belt purposes and as being appropriate for Green Belt removal without causing significant impacts to the Green Belt.



**“Step 4A (NPPF Assessment):** Sub-Area 51, located to the north-east of Claygate, meets the Purposes Assessment weakly overall. The sub-area scores 0 for Purpose 1 as it not at the edge of a distinct large built-up area and performs weakly against Purpose 2 as it forms a very small, less essential part of the gap between Claygate and the Greater London built-up area (Hinchley Wood). The sub-area performs weakly against Purpose 3 as a result of its semi-urban character.

**Step 4B (Strategic Assessment):** The sub-area performs less strongly than the wider Local Area (Local Area 34 in the 2016 GBBR), particularly in relation to Purpose 2 as the Local Area was found to play a strong role in preventing the physical coalescence of settlements. The sub-area directly adjoins Sub-Area 48 to the east, and its removal could cause localised harm to its performance against the purposes as a result of strong visual connections between these two areas. At the strategic level, Sub-Area 51 plays a limited role due to its semi-urban character and small scale. Its removal is therefore unlikely to harm the integrity of the wider strategic Green Belt.

**Step 4C (Boundaries):** The outer boundaries of the sub-area are predominantly recognisable and likely to be permanent, comprising Woodstock Lane to the east and a mature tree line to the west. The northern boundary of the sub-area is more mixed; in the west, this boundary is formed by a well-established tree belt that separates the sub-area from the wider Local Area to the north, whereas further east this is formed of the curtilage of residential properties, and a dispersed tree line. The existing inner Green Belt boundary is

*predominantly weak, following the weakly defined backs of residential properties.*

**Step 5 (Categorisation):** *Meets the Purposes Assessment criteria weakly, and makes a less important contribution to the wider strategic Green Belt.*

**Step 6 (Recommendation):** *Sub-Area 51 performs weakly against NPPF purposes, and plays a limited role in respect of the wider strategic Green Belt, and could be considered further. It is noted that the removal of the Green Belt would result in the designation of a weaker Green Belt boundary and may require strengthening to the north. As illustrated by the black dotted line on the above map, the sub-area may be reduced in scale by realigning the northern and eastern boundaries with dense, well established tree-belts separating Manor Farm and the paddock to the north of properties on Red Lane.*

*It is recommended that Sub-Area 51 is considered further for release in its entirety, which would require the strengthening of the northern boundary as RSA25, or alternatively a reduced area bounded by more readily recognisable boundary features could be considered.”*

- 1.4. Our client’s site is shown on the location plan below and a capacity study identifies that it would accommodate 26 new dwellings. The site is sustainably located on the north east edge of Claygate. Claygate is identified within the Local Plan as a District Centre and benefits from shops, schools and good public transport links including a train station. Our client’s site is located immediately adjacent to the urban area and would be walkable to all necessary facilities and public transport links – it is therefore extremely sustainably located. The site is located within Flood Zone 1 and there are no obvious constraints at the site that are believed to be a constraint to development.



- 1.5. This is just one site of 19 areas that were identified as performing weakly against Green Belt purposes and making a less important contribution to the wider strategic Green Belt which were recommended for further consideration in relation to their removal from the Green Belt. A further 30 sites that performed strongly / moderately against Green Belt purposes but made a less important contribution to the wider Strategic Green Belt were also identified for full or partial further consideration. Their removal, subject to further assessment would be in line with principles set out in the NPPF. The fact that the strategy of removing sites from the Green Belt has not been pursued to address the shortfall in housing delivery is a failing of the plan as currently drafted. Our client's site, along with numerous other Green Belt sites should be removed from the Green Belt and allocated for housing development in order to make up the expressed shortfall in housing sites to meet Elmbridge's OAN.
- 1.6. This site was submitted as part of the Local Plan Regulation 19 Consultation held in June / July 2022. The representation and site details submitted at that time can be found within Appendix 1.
- 1.7. This representation responds to matters 3, 4, 5 and 9 of the Elmbridge Local Plan Stage 2 Hearings and sets out in more detail why it is considered that the Council's approach to meeting their housing need is unsound.



## Section 2

# Matter 3: The vision, spatial strategy, and the distribution of growth over the Plan period

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### Issue 5: Whether the vision and proposed spatial strategy is justified, effective, positively prepared, and consistent with national policy including the proposed distribution of development across the Borough.

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- 2.1. The Sustainability Appraisal for the Draft Local Plan (June 2022) outlines the various spatial strategy options that were considered during the Local Plans development and sets out why certain options were discarded. Paragraph 3.75 outlines that the spatial strategy is based on option 4A, which is the preferred strategy based on the intensification of the Urban Area. Option 4A does not result in the plan meeting the required number of homes per year and in relation to this it states the following at paragraph 3.64:

*“Although it does not meet housing need in full, it could be considered in compliance with national policy. Paragraph 11 of the NPPF states that housing needs should be met unless ‘the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area’. Green Belt is considered one of those assets (at footnote 7 of the NPPF) and a constraint to meeting this need in the borough.”*

- 2.2. The reasoning for choosing option 4A set out above is **fundamentally flawed**, and not in accordance with relevant sections of the NPPF. In relation to the altering of Green Belt Boundaries, paragraph 141 of the NPPF 2021 states:

*“Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:*

*a) makes as much use as possible of suitable brownfield sites and underutilised land;*

*b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and*

*c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”*

- 2.3. The SA confirms that each of the points a – c have been taken into account. Strategy 4A proposes to utilise brownfield sites and underutilised land and optimise density of development. Consideration has also been given to surrounding authorities and their ability to accommodate any unmet housing need, however, given the Green Belt constraints within these authorities it is outlined that this would not be possible. The SA makes it clear that given all considerations, it would not be possible to meet the required housing targets without the release of Green Belt land.
- 2.4. The NPPF is clear that if all alternative avenues have been investigated to meet unmet housing need, exceptional circumstances would exist to justify changes to Green Belt boundaries. As such, the conclusion and justification for opting for option 4A is fundamentally flawed. The Council can justify meeting housing targets through the release of Green Belt sites as it has not been able to identify sufficient land by other means.
- 2.5. **As such, the proposed vision and spatial strategy for the Elmbridge Local Plan 2037 is not justified, effective, positively prepared, or consistent with national policy. The Local Plan is therefore unsound.**

**Issue 6: Does the Plans spatial strategy expressed within policy SS3 present an appropriate strategy, taking into account the reasonable alternatives?**

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- 2.6. No, the proposed strategy set out under Policy SS3 does not represent an appropriate spatial strategy. This is specifically due to the fact that it does not meet the required housing targets and the fact that there is a reasonable alternative approach available – through the release of appropriate Green Belt sites. Policy SS3 outlines that the plan will deliver at least 6,785 net additional homes, set against a target of 9,705 homes this is not appropriate and only equates to 70% of the Objectively Assessed Need (OAN).
- 2.7. The chosen approach is justified within the Sustainability Appraisal due to the flawed conclusion that has been drawn that exceptional circumstances do not exist to justify the release of sites from within the Green Belt. However, the proposed spatial strategy focuses on utilising brownfield and under utilised sites and intensification within the urban areas. Further, it is not possible for surrounding authorities to take up any of Elmbridge’s unmet need due to their own constraints. As such, in accordance with paragraph 141 of the NPPF,

exceptional circumstances exist to justify alterations to Green Belt boundaries in order for additional sites to be allocated to assist in meeting the required housing targets.

- 2.8. The plan is not positively prepared as it will not meet its required housing targets despite there being opportunity to do so. The spatial strategy does not support the Government’s objective of significantly boosting the supply of homes as it has not provided a sufficient amount of land. Exceptional circumstances exist to justify a coordinated release of a number of Green Belt sites to assist in supporting this objective. The Council’s sustainability appraisal has disregarded this option with flawed justification.
- 2.9. The Arup Green Belt Boundary Review – Supplementary Work (December 2018) report assesses opportunities for release of sites within the Green Belt, highlighting how sites perform against Green Belt purposes and suggesting where sites may be appropriate for release. This assessment makes it clear that there are a broad range of Green Belt sites and whilst some are important for upholding the integrity of the Green Belt, there are a number of sites that add very little to the Green Belt purposes and their removal could assist in meeting important housing targets.
- 2.10. For example, our client’s site “Land to the rear of 45 Red Lane, Claygate” is identified as lying within the wider area of RSA-25 within the aforementioned document. The report outlines the following in relation to this area of land and its contribution to Green Belt purposes:



**“Step 4A (NPPF Assessment):** Sub-Area 51, located to the north-east of Claygate, meets the Purposes Assessment weakly overall. The sub-area scores 0 for Purpose 1 as it not at the edge of a distinct large built-up area, and performs weakly against Purpose 2 as it

*forms a very small, less essential part of the gap between Claygate and the Greater London built-up area (Hinchley Wood). The sub-area performs weakly against Purpose 3 as a result of its semi-urban character.*

**Step 4B (Strategic Assessment):** *The sub-area performs less strongly than the wider Local Area (Local Area 34 in the 2016 GBBR), particularly in relation to Purpose 2 as the Local Area was found to play a strong role in preventing the physical coalescence of settlements. The sub-area directly adjoins Sub-Area 48 to the east, and its removal could cause localised harm to its performance against the purposes as a result of strong visual connections between these two areas. At the strategic level, Sub-Area 51 plays a limited role due to its semi-urban character and small scale. Its removal is therefore unlikely to harm the integrity of the wider strategic Green Belt.*

**Step 4C (Boundaries):** *The outer boundaries of the sub-area are predominantly recognisable and likely to be permanent, comprising Woodstock Lane to the east and a mature tree line to the west. The northern boundary of the sub-area is more mixed; in the west, this boundary is formed by a well-established tree belt that separates the sub-area from the wider Local Area to the north, whereas further east this is formed of the curtilage of residential properties, and a dispersed tree line. The existing inner Green Belt boundary is predominantly weak, following the weakly defined backs of residential properties.*

**Step 5 (Categorisation):** *Meets the Purposes Assessment criteria weakly, and makes a less important contribution to the wider strategic Green Belt.*

**Step 6 (Recommendation):** *Sub-Area 51 performs weakly against NPPF purposes, and plays a limited role in respect of the wider strategic Green Belt, and could be considered further. It is noted that the removal of the Green Belt would result in the designation of a weaker Green Belt boundary and may require strengthening to the north. As illustrated by the black dotted line on the above map, the sub-area may be reduced in scale by realigning the northern and eastern boundaries with dense, well established tree-belts separating Manor Farm and the paddock to the north of properties on Red Lane.*

*It is recommended that Sub-Area 51 is considered further for release in its entirety, which would require the strengthening of the northern boundary as RSA25, or alternatively a reduced area bounded by more readily recognisable boundary features could be considered.”*

- 2.11. The recommendation within this report is clear in indicating that it would be appropriate to remove this area from the Green Belt entirely, without significant impacts upon Green Belt purposes. Our client's site is shown on the location plan below and a capacity study identifies that it would accommodate 26 new dwellings. The site is sustainably located on the north east edge of Claygate. Claygate is identified within the Local Plan as a District Centre and benefits from shops, schools and good public transport links including a train station. Our client's site is located immediately adjacent to the urban area and would be walkable to all necessary facilities and public transport links – it is therefore extremely sustainably located. The site is located within Flood Zone 1 and there are no obvious constraints at the site that are believed to be a constraint to development.



- 2.12. This is just one site of 19 areas that were identified as performing weakly against Green Belt purposes and making a less important contribution to the wider strategic Green Belt which were recommended for further consideration in relation to their removal from the Green Belt. A further 30 sites that performed strongly / moderately against Green Belt purposes but made a less important contribution to the wider Strategic Green Belt were also identified for full or partial further consideration. Their removal, subject to further assessment would be in line with principles set out in the NPPF. The fact that the strategy of removing sites from the Green Belt has not been pursued to address the shortfall in housing delivery is a failing of the plan as currently drafted.
- 2.13. The Council applying a blanket approach to all Green Belt sites is inappropriate and has resulted in an unsound Local Plan that does not meet the areas OAN. Our client's site is just one of numerous sites that have been shown within the Arup Green Belt Assessment Reports to hold limited value in meeting Green

Belt Purposes and that have been recommended for Green Belt release, which could assist in making up the Council's shortfall in available housing land with no impact on the integrity of the Green Belt.

- 2.14. There are clear opportunities to release Green Belt land in appropriate locations to help increase the number of homes that can be delivered during the plan period without significantly impacting upon the Green Belt purposes.
- 2.15. **As such, it is considered the approach to the Spatial Strategy within the Elmbridge Local Plan 2037 is not justified, effective, positively prepared, or consistent with national policy. The Local Plan is therefore unsound.**



## Section 3

# Matter 4: The Housing Requirement

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### Issue 7: Whether the Local Plan has been positively prepared and whether the approach is justified, effective and consistent with national policy in relation to the housing requirement

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3.1. Paragraph 35 of the NPPF outlines the following:

*“Plans are ‘sound’ if they are:*

*(a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;”*

3.2. The Sustainability Appraisal clearly outlines that the plan does not meet the areas objectively assessed needs. The Sustainability Appraisal outlines that there is justification as to why Green Belt land should not be released, however, the conclusions drawn are flawed. As the proposed Spatial Strategy proposes to focus development on brownfield and under utilised sites, intensification within the urban areas and it is not possible for surrounding authorities to take up any of Elmbridge’s unmet need due to their own constraints, exceptional circumstances exist to justify alterations to Green Belt boundaries in order for additional sites to be allocated to assist in meeting the required housing targets.

3.3. The Arup Green Belt Assessment Reports clearly show that there is opportunity to do so through the release of Green Belt land which would be justified under exceptional circumstances. **As such, the plan is not “positively prepared” and the approach is not justified, effective or consistent with national policy in relation to the housing requirement. The Local Plan is therefore unsound.**



## Section 4

# Matter 5: Housing Delivery

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### **Issue 8: Whether the approach towards the delivery of housing land is justified, effective, consistent with national policy and positively prepared.**

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4.1. Paragraph 35 of the NPPF outlines:

*Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:*

*a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

*b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*

*c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*

*d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.*

4.2. The Local Plan states that the Five-Year Housing Land Supply Position is 4.36 years. Paragraph 74 of the NPPF requires Local Authorities to identify and maintain a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirements. The Local Plan only proposes enough housing sites to meet 70% of its OAN over the plan period and as such, does not seek to meet the areas OAN.

4.3. The Spatial Strategy excludes any potential for removing sites from the Green Belt in order to assist in meeting housing objectives. The Green Belt in

Elmbridge does not provide a strong reason for restricting the overall scale, type or distribution of development. The Arup Green Belt Boundary Review – Supplementary Work (December 2018) clearly identifies a range of suitable sites that do not perform positively in relation to the Green Belt purposes and whose removal would be appropriate to meet housing targets without significantly impacting on the Green Belt.

- 4.4. For example, our client’s site “Land to the rear of 45 Red Lane, Claygate” is identified as lying within the wider area of RSA-25 within the aforementioned document. The report outlines the following in relation to this area of land and its contribution to Green Belt purposes:



**“Step 4A (NPPF Assessment):** Sub-Area 51, located to the north-east of Claygate, meets the Purposes Assessment weakly overall. The sub-area scores 0 for Purpose 1 as it not at the edge of a distinct large built-up area, and performs weakly against Purpose 2 as it forms a very small, less essential part of the gap between Claygate and the Greater London built-up area (Hinchley Wood). The sub-area performs weakly against Purpose 3 as a result of its semi-urban character.

**Step 4B (Strategic Assessment):** The sub-area performs less strongly than the wider Local Area (Local Area 34 in the 2016 GBBR), particularly in relation to Purpose 2 as the Local Area was found to play a strong role in preventing the physical coalescence of settlements. The sub-area directly adjoins Sub-Area 48 to the east,

*and its removal could cause localised harm to its performance against the purposes as a result of strong visual connections between these two areas. At the strategic level, Sub-Area 51 plays a limited role due to its semi-urban character and small scale. Its removal is therefore unlikely to harm the integrity of the wider strategic Green Belt.*

**Step 4C (Boundaries):** *The outer boundaries of the sub-area are predominantly recognisable and likely to be permanent, comprising Woodstock Lane to the east and a mature tree line to the west. The northern boundary of the sub-area is more mixed; in the west, this boundary is formed by a well-established tree belt that separates the sub-area from the wider Local Area to the north, whereas further east this is formed of the curtilage of residential properties, and a dispersed tree line. The existing inner Green Belt boundary is predominantly weak, following the weakly defined backs of residential properties.*

**Step 5 (Categorisation):** *Meets the Purposes Assessment criteria weakly, and makes a less important contribution to the wider strategic Green Belt.*

**Step 6 (Recommendation):** *Sub-Area 51 performs weakly against NPPF purposes, and plays a limited role in respect of the wider strategic Green Belt, and could be considered further. It is noted that the removal of the Green Belt would result in the designation of a weaker Green Belt boundary and may require strengthening to the north. As illustrated by the black dotted line on the above map, the sub-area may be reduced in scale by realigning the northern and eastern boundaries with dense, well established tree-belts separating Manor Farm and the paddock to the north of properties on Red Lane.*

*It is recommended that Sub-Area 51 is considered further for release in its entirety, which would require the strengthening of the northern boundary as RSA25, or alternatively a reduced area bounded by more readily recognisable boundary features could be considered.”*

- 4.5. The recommendation within this report is clear in indicating that it would be appropriate to remove this area from the Green Belt entirely, without significant impacts upon Green Belt purposes. Our client’s site is shown on the location plan below and a capacity study identifies that it would accommodate 26 new dwellings. The site is sustainably located on the northeast edge of Claygate. Claygate is identified within the Local Plan as a District Centre and benefits from shops, schools and good public transport links including a train station. Our client’s site is located immediately adjacent to the urban area and would be walkable to all necessary facilities and public transport links – it is therefore extremely sustainably located. The site is located within Flood Zone

1 and there are no obvious constraints at the site that are believed to be a constraint to development.



4.6. The Local Authority has taken a blanket approach to resisting development within the Green Belt, disregarding sites that perform weakly against the Green Belt purposes that have been highlighted as appropriate for release from the Green Belt to assist in meeting essential house targets. This is not justified, positively prepared or in line with National Policy.

4.7. Paragraph 141 of the framework outlines the following:

*“Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:*

*a) makes as much use as possible of suitable brownfield sites and underutilised land;*

*b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and*

*c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need*

*for development, as demonstrated through the statement of common ground.”*

- 4.8. The Sustainability Appraisal outlines that each of the points a – c have been met, and as such, exceptional circumstances should exist to justify Green Belt release in order to meet the required housing targets. Neighbouring Boroughs have all taken the approach of some level of Green Belt land release in order to assist in meeting their OANs. It is therefore considered that there is no overriding justification for protecting certain areas of the Elmbridge Green Belt and restricting the overall scale, type or distribution of development allocated within the Local Plan.
- 4.9. As there are clear opportunities to boost the number of homes that are planned for within the Local Plan by removing Green Belt sites from the Green Belt, it is considered that the plan is not “positively prepared” as not all avenues to meet housing targets have been explored. The plan is also not justified, for the same reasons. Reasonable alternatives (the removal of land from the Green Belt) have not been suitably explored. Given the plan does not deliver the required housing numbers and has incorrectly interpreted policies within the Framework with regards to exceptional circumstances, the plan is not considered to be consistent with national policy. **The plan is therefore clearly unsound.**



## Section 5

### Matter 9: Site Allocations

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**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?**

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- 5.1. We have not carried out an assessment of the existing allocated sites, however, it is noteworthy that the Local Plan does not propose to meet Elbridge's OAN and as such, further sites are required to be identified to do this. It is outlined that it would not be possible to do this without allocating sites within the Green Belt, and given the proposed strategy, it is considered that exceptional circumstances exist to justify the removal of appropriate sites from the Green Belt and allocate them for residential development in order to meet the Council's OAN.
- 5.2. The Council's Spatial Strategy has not given consideration to Green Belt sites and as such, the site selection methodology is not considered to be robust. The Arup Green Belt Review Reports have considered a number of sites within the Green Belt at various levels (eg. Broad areas and more specific smaller sites) and has set out how these sites perform against the Green Belt purposes. The Arup Green Belt Boundary Review – Supplementary Work (December 2018) considers a large number of sites and how they respond to Green Belt purposes.
- 5.3. As a specific example, our client's site "Land to the rear of 45 Red Lane, Claygate" is identified as lying within the wider area of RSA-25 within the aforementioned document. The report outlines the following in relation to this area of land and its contribution to Green Belt purposes:



**“Step 4A (NPPF Assessment):** Sub-Area 51, located to the north-east of Claygate, meets the Purposes Assessment weakly overall. The sub-area scores 0 for Purpose 1 as it not at the edge of a distinct large built-up area, and performs weakly against Purpose 2 as it forms a very small, less essential part of the gap between Claygate and the Greater London built-up area (Hinchley Wood). The sub-area performs weakly against Purpose 3 as a result of its semi-urban character.

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**Step 4C (Boundaries):** The outer boundaries of the sub-area are predominantly recognisable and likely to be permanent, comprising Woodstock Lane to the east and a mature tree line to the west. The northern boundary of the sub-area is more mixed; in the west, this boundary is formed by a well-established tree belt that separates the sub-area from the wider Local Area to the north, whereas further east this is formed of the curtilage of residential properties,

*and a dispersed tree line. The existing inner Green Belt boundary is predominantly weak, following the weakly defined backs of residential properties.*

**Step 5 (Categorisation):** *Meets the Purposes Assessment criteria weakly, and makes a less important contribution to the wider strategic Green Belt.*

**Step 6 (Recommendation):** *Sub-Area 51 performs weakly against NPPF purposes, and plays a limited role in respect of the wider strategic Green Belt, and could be considered further. It is noted that the removal of the Green Belt would result in the designation of a weaker Green Belt boundary and may require strengthening to the north. As illustrated by the black dotted line on the above map, the sub-area may be reduced in scale by realigning the northern and eastern boundaries with dense, well established tree-belts separating Manor Farm and the paddock to the north of properties on Red Lane.*

- 5.4. It is recommended that Sub-Area 51 is considered further for release in its entirety, which would require the strengthening of the northern boundary as RSA25, or alternatively a reduced area bounded by more readily recognisable boundary features could be considered.”
- 5.5. The recommendation within this report is clear in indicating that it would be appropriate to remove this area from the Green Belt entirely, without significant impacts upon Green Belt purposes. Our client’s site is shown on the location plan below and a capacity study identifies that it would accommodate 26 new dwellings. The site is sustainably located on the northeast edge of Claygate. Claygate is identified within the Local Plan as a District Centre and benefits from shops, schools and good public transport links including a train station. Our client’s site is located immediately adjacent to the urban area and would be walkable to all necessary facilities and public transport links – it is therefore extremely sustainably located. The site is located within Flood Zone 1 and there are no obvious constraints at the site that are believed to be a constraint to development.



- 5.6. This is just one example of a site that is available and relatively unconstrained save for its location within the Green Belt. The Arup Green Belt Assessment makes it clear that the role this area of land plays in meeting Green Belt purposes is limited and the release of this land from the Green Belt could make a significant contribution to the Councils housing land supply deficit. By applying a blanket approach to land within the Green Belt and not releasing any Green Belt land, the Council is missing significant opportunities for sustainable development on the edge of large towns and district centres.
- 5.7. It is therefore considered that the site selections have not been made using an appropriate methodology as Green Belt sites have been excluded without individual consideration. The sites identified are not justified, effective, positively prepared nor are they consistent with national policy as they do not result in a Local Plan that has planned for an appropriate level of housing. The allocations therefore do not address the land use requirements over the Plan period. **The Plan is therefore unsound.**



# Appendix One

## Submission to Regulation 19 Consultation (July 2022)

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# View Response

## Response Details

**From** [Lionel Frewin](#)

**Date** Started: 25 Jul 2022 17:07. Last modified: 29 Jul 2022 13:01

**Status** Complete

**Response ID** #1110234

1.

Do you consider this part of the draft Local Plan to be legally compliant?

You must provide an answer to this question.

Yes  No

Please add your comments

«No response»

2.

Do you consider this part of the draft Local Plan to be sound?

You must provide an answer to this question.

Yes  No

Please add your comments below

Reference your Draft Local Plan 2022-37- As a long-term resident / owner of land in Claygate, owning our family home at 53 Red Lane, having a legally binding Agreement for acquisition of 45 Red Lane & owning the fallow grass field to the rear. We write to lodge these representations to set out our case to develop the land at 45 Red Lane forming access to the rear field & to develop land for much needed local affordable family housing.

The site was introduced to the local authority on our behalf in correspondence between POD Architects and Joseph Kelly of the Elmbridge Planning Policy and Strategy Team on the 21st December 2021. Correspondence provided was accompanied by detailed site assessment which included proposals of how the land within our ownership boundary could be developed. Part of this edge of settlement site is currently designated within the Elmbridge Green Belt Boundary. Local plan representations seek to promote the site as one that could be removed from the green belt and brought forward for housing that would meet the shortfall in local housing supply.

We commissioned POD Architects to prepare studies, demonstrating positive potential of the 1.3ha site illustrating the sustainability and suitability for residential allocation within Elmbridge's Local Plan. This principle is supported by the National Planning Policy Framework, reinforcing the governments objectives to boost housing in places like Claygate. The design document, which accompanied the letter of the 21st December, has not been subject to any discussions with Elmbridge Borough Council planning department at this stage.

#### The Site

Current site consists of a plot occupied by a house and associated garden at 45 Red

Lane, Claygate. The boundary line is a mix of fences, bushes and trees creating an urbanised feel. The cluster of farm buildings contain blockwork sheds with corrugated roofs and light industrial units supporting non-agricultural functions. There's also a rural pursuits centre. The northern boundary is defined by hedgerow which is unkempt in parts particularly where leylandii feature. This scruffy area separates part of the site from a scrap yard and made-up land. Western boundary is Surbiton Golf Club, which has long since changed the landscape from former agricultural usage to a leisure pursuit. Beyond are glimpses of the wider Claygate area. The descriptions emphasises the urbanising affect the town has had on this parcel of land.

#### The Elmbridge Borough Council Green Belt Boundary Reviews

Part of the process to develop initial proposals the design team examined the suite of documents that formed part of the Local Plan Evidence Review and will inform the forthcoming spatial strategy for the Borough. The EBC Green Belt Boundary Reviews in March 2016 and December 2018 assessed current Green Belt and identified land that could be removed to allow for development.

We understand the reason for this review was to identify how Elmbridge could meet the existing shortfall in the delivery of new family and affordable homes in the area. The previous Land Availability Assessments relying solely on previously developed land to meet the annual housing targets. The most recent LAA available suggested only a 4.88 year supply, not meeting the 5 year requirement. Conclusion from this is some currently designated Green Belt land would need to be considered to meet the shortfall.

The Elmbridge Green Belt Boundary Review in 2017 assessed land that could be released for development from current Green Belt Boundary. Report identified the land to the rear of 45 Red Lane within a larger area known as 'Number 34'. Area 34 was

categorised as 'Strongly Performing' based on the assessment criteria. In essence this a significant and large area that stops Claygate merging with neighbouring settlements like Hinchley Wood. The site in question forms a very small part of this land.

Arup's 'Elmbridge Green Belt Boundary Review – Supplementary Work – Methodology and Review'. Rev A. (Dec 2018) identified land that performs weakly against the green belt designations. This included parcels within Area 34 that overall had been described as 'Strongly Performing'. The land (Part of RSA-25) subject to this representation was described as follows:

- a. Performs Weakly Overall
- b. Makes less important contribution to the Green Belt
- c. The inner green belt boundary is weak, following the weakly defined backs of residential properties (Those on Red Lane).
- d. The sub area maybe reduced in scale by realigning the northern and eastern boundaries (of my land) with dense well established tree belts separating Manor Farm and the paddock to north of properties on Red Lane.
- e. Finally it recommended: "That sub area 51 (including RSA- 25 (my land)) is considered further for release in its entirety, which would require the strengthening of the northern boundary as RSA-25, or alternatively a reduced area bounded by more readily recognisable boundary features could be considered". Effectively the diagram in the report identifies my land. The site is subject to policy CS14 which protects views across the site between Winey Hill and Telegraph Hill. This is in place to protect the local prevailing character of the area.

Findings of the review support the site description conclusions that part of the green belt has been urbanised.

At the time that the Arup study took place in 2019 no development proposals had been considered for the parcel of land on the basis that there was limited access from the Red Lane. The proposals that were sent to the Elmbridge Planning Policy and Strategy on the 21ST December 2021 had not been previously included in a 'call for sites' for this reason. However, the council had been made aware of the land by another developer called Lavanter.

The design team has recognised that sites of this nature on the edge of a settlement like Claygate need to be carefully considered to ensure they add value to the existing settlement and further justify their removal from poorly performing green belt areas. The Elmbridge Core Strategy states sites greater than 0.3HA are required to have a density of 30 dwellings per hectare, which would apply to this site as it is 1.3HA. The Elmbridge Strategic Housing Market Assessment (SHMA) also sets out a general mix of 20% 1 beds; 50% 2 beds; 20% 3 beds and 10% 4-5 beds within schemes in order to meet targets.

Meeting these points may support a scheme being removed from the green belt. However, these targets seem a broad-brush approach to delivering new dwellings and seems to be contradicted by other Elmbridge local policies such as the Local Plan Evidence base and Claygate Character Companion SPG. It suggests that a 30dph scheme is inappropriate in Claygate.

When considering previous planning permissions, higher densities can be achieved in the Local Centre, around the station and in the local parade of the village centre. This is due to the conversions of offices and businesses above shops and the size of the site plot as well as flatted development above shops and offices. Despite these, it has done

little to increase the supply of affordable family homes in the area.

Schemes have been considered for the site that are at 30dph and utilise the same mix suggested by the Strategic Housing Market Assessment during our feasibility exercises. The examination of the various policies and addressing the current criteria during our studies informed our design approach. We concluded that a scheme of 20dph would be an appropriate density for the land.

This representation is mindful that sites that have come forward in Claygate in recent years have been developed at a low density with large, detached homes of 5 bedrooms. This has exacerbated the shortfall in delivering affordable appropriately sized family homes. In setting out the site at 20dph consideration has been given to providing a suitable mix of dwellings. Therefore that density is based on a mix that only promotes 3, 4 and 5 bed family dwellings. We think the delivery of 26 new homes provides a positive quantum of dwellings that would support the Elmbridge Housing supply.

Throughout the design process the design team will closely consult the planning guidance provided by Elmbridge Borough Council to help develop a thoughtful and attractive proposal which enhances the character of the area. This document has been developed with reference to the Ministry of Housing, Communities and Local Government 'National Design Guide' and makes reference to the 10 characteristics. This will form part of the post analysis design development that we hope to undertake in due course. Elmbridge Core Strategy has been used as a tool when developing the proposal with key policies highlighted and addressed:

CS1 - Spatial Strategy

CS14 - Green Infrastructure

CS17 - Local Character. Density and Design

CS19 - Housing type and size

CS21 - Affordable Housing

CS27 - Sustainable Buildings

The design submission demonstrated that this is a highly sustainable site that meets '15-minute city' type principals whereby all amenities and public transport connections are within a 5-, 10-, or 15-minute walk or cycle of the development site. The development will respect the context and will seek to reinforce the current boundaries with suitable landscapes. These properties would be traditional in style reflecting Claygate's character and grain whilst taking advantage of the gentle slope of the land and south orientation, to make them energy efficient and keep much of its wild meadow character.

We believe such a proposal (removal of land from Green-Belt) would accord with Elmbridge Councils policies as defined in DM10 and other sections of the LDP. As a family, we are proud to be part of the Claygate community, having lived in the village for thirty-six years. It is our intention to remain resident by downsizing into a new property and offering up a site for much needed new affordable family homes.

### 3.

If you do not consider this part of the draft Local Plan to be sound, please select which test/ tests of soundness this relates to.

- Positively prepared
- Effective
- Justified
- Consistent with national policy

Please provide an explanation below

Current plan will only meet 73% of housing requirement

4.

Please set out the modification(s) you consider necessary to make the draft Local Plan legally compliant and/or sound, including any revised wording.

You must provide an answer to this question.

Increase the current 3.1 year supply of land available for development by, amongst other things, releasing previously defined poorly performing Green Belt land.

4a.

You can upload any modifications below

*If you have any issues with providing an upload please contact [tplan@elmbridge.gov.uk](mailto:tplan@elmbridge.gov.uk)*

You can upload up to 10 files.

«No files»

5.

If your representation is seeking a modification to this part of the document, do you consider it necessary to participate in the oral part of the examination?

You must provide an answer to this question.

- Yes, I wish to participate at the oral examination
- No, I do not wish to participate at the oral examination

6.

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.

*Please note: it is the Inspector that will determine the most appropriate way to hear those who have indicated that they wish to participate at the oral examination.*

You must provide an answer to this question.

because I have carried out a considerable amount of work on the proposed development site referred to previously and could expand on my submission.

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