

# **Elmbridge Borough Council**

## **Examination of the Local Plan**

**Stage 2 - Matter 9 Issue 14, Questions 8.23 – 8.45**

**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 Potential Site Allocations and in particular the Council's adopted methodology and its application.

We consider that a number of the sites identified in the LAA are unavailable 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.

As set out in our review of Matter 9 Questions 8.1-8.23, we consider that 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.

**It is to be noted that this analysis preceded the Council seeking an adjournment of the Examination on grounds that errors had been identified in the Authority's base data. Accordingly, our analysis might change following receipt of the Council's latest information.**

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](#)

The analysis of the Council's list of potential sites set out in the above schedules casts significant doubts that the Council can guarantee delivery of a significant number of sites.

We now turn to consider the Inspector's Questions 8.24- 8.45

### **8.24 H1**

Has residential development here recently been refused at appeal? If so what are the implications of this on the deliverability of the site during years 1-5 of the Plan period.

**We understand that the Council is now suggesting this site could be delivered in years 6-10**

### **H3**

**8.25** What is the evidence to support the delivery of this site within years 1-5 of the Plan period?

**An application is currently before the council and could go to Committee in June. It is noted that the application is for 109 units for those over 55 years of age (a reduction from the council's estimate of the site's capacity of 200 units. It is to be noted that this application includes the Council's 44-space car park in Berry Lane (a public car park that serves the local GP surgery). The resultant reduction in**

car parking to serve the existing Waitrose food store will place limitations on how the car park serves other town centre businesses and services.

8.26 On what basis does the reference to 200 units represent a realistic number of units to be delivered during years 1-5 of the Plan period?

In light of the above, it is noted that the Council has already suggested an amendment to reduce the capacity of the site to 100 units (sic) and revised the delivery period to Years 6-10. **(Minus 91 residential units)**

8.27 Given the existing use of the site and policy ECO3, would a mixed use allocation be more appropriate?

Whilst the residential site is self-contained, although with a reduced level of parking proposed for the residential use, it does impact on the parking provision adjacent to the Waitrose car park and will restrict the spaces available for other town centre uses. This could have an impact upon the vitality and viability of the wider centre.  
It would be better to record this as a 'mixed use' site.

H10

8.28 It is evident from the representations that this building has been recently refitted - on what basis has it been concluded that there is a reasonable prospect that this site would be developable.

We note that the Council has proposed to delete this residential allocation **(Minus 15 residential units)**.

H11

8.29 Is there a sewage pumping station located on this site, if so does this impact on the net developable area and is this reflected in the allocation as drafted?  
Examination of the Elmbridge Local Plan 2037

We are not in a position to comment on the sewage pumping station or associated infrastructure but would expect the Council to confirm whether this affects the potential capacity of the site and any impact upon delivery. We have questioned the deliverability of this site.

Does this site include a heritage asset and does the capacity for the site take this into account?

This is a Grade II Listed heritage asset, and we are unaware as to whether this is proposed to be retained. The Council will need to confirm whether this impacts on the site's capacity.

THE COUNCIL HAS DELETED THE FOLLOWING HERSHAM SITES

We note that the Council has deleted the following Hershams sites

H4 **(Minus 5 units)**

H5 Hershams Shopping Centre **(Reduced by 91 units)**

H8 **(Minus 8 units)**

H10 **(Minus 15 units)**

In addition, the Council proposes to change Site H14 Hershams Technology Park (Air Products site) from an employment allocation to a 'mixed use' allocation? with a capacity of 300 residential units. This is a SEL and should be retained for employment uses; especially given the Council's comments regarding the potential relocation of other employment uses (e.g. ESH 16)

H15 – it is noted that the Council considers this site has a capacity for 13 units subject to the re-provision of the library. No alternative location has been identified for the library as far as we are aware. This must place a question mark over the delivery of this site.

ESH10

8.30 Is the allocation of the site for 6 houses justified on the basis of the evidence presented? In what way does this capacity take into account the existing site constraints?

It is noted that the Council proposes to reduce capacity to 5 units, we are uncertain how this figure has been derived, or whether it can be delivered in the first 5 years of the plan **(Minus 1 unit , at least)**

ESH16

8.31 Is the site currently occupied?

The site is occupied

8.32 How much employment floorspace would be lost as a result of this allocation and what is the justification for the loss given the Plans approach to employment floorspace overall?

Given the lack of any evidence as to the amount of employment need over the plan period, and the recent changes in Permitted Development Rights (including increases in the threshold allowance) to allow the change of use from office to residential use, we are of the opinion existing employment sites should be retained, until further research is undertaken. We are unaware as to how the residential capacity has been derived.

8.33 The LAA suggests that the existing employment floorspace could be relocated to an existing strategic employment land (SEL) area – is this a site requirement and if so should it be reflected in the policy? Does the viability evidence support this approach. How would this relocation to existing SEL impact on the overall employment land requirements to 2039?

We share the Inspector's reservations about the loss of this type of employment use. The council has suggested existing users could be relocated to an existing SEL. However, we understand the Council is considering allowing non employment uses on SEL subject to no loss of existing floorspace. Such a relocation would be priced out of the market if competing with residential land values.

#### THE COUNCIL HAS DELETED THE FOLLOWING 'ESH' SITES

We note the Council has deleted sites:

ESH 5 **(Minus 5 units)**

ESH 7 **(Minus 57 units)**

ESH 19 **(Minus 12 units)**

ESH 19 **(Minus 8 units)**

WEY26

8.34 Representations have raised concerns that this site is located within flood zone 3. Does the 9500sqm allocation take the relevant flood risk issues into account and in what way has this influenced the amount of new floorspace which could be delivered on the site?

We have not reviewed employment sites per se.

WEY13

8.35 In light of the representation which objects to the loss of the car park as it is used by a local sports club, is this allocation justified?

We understand the Council has proposed the deletion of this site **(Minus 8 units)**

8.36 Is there an issue in terms of rights of way to access the property at the rear of the site and how would this be addressed?

No comment given Council deletion

WEY33

8.37 Is the site capacity as indicated on the LAA justified and should this be reflected in the policy?

We note the Council has increased the capacity of this site to 120 units (Plus 20). We are unsure how this increase has been derived. We understand the site is available.

THE COUNCIL HAS DELETED OR REDUCED THE CAPACITY OF THE FOLLOWING 'WEY' SITES

WEY1 (**Minus 9 units**)

WEY8 (**Reduced by 7 units**)

WEY 16 – this is now to be retained as a community use (**Minus 30 units**)

WEY 17 Council has reduced capacity from 20 units to 2 units (**Reduced by 18 units**)

WEY 19 Council has deleted site (**Minus 5 units**)

WEY 23 The Council is proposing increasing capacity to 22 units. Loss of community facility.

Uncertain as to how the increase is justified (**Plus 11 units**)

WEY 27 site deleted, existing use car park (**Minus 8 units**)

WEY 29 site deleted (**Minus 19 units**)

WEY 31 site deleted (**Minus 5 units**)

WEY 34 site deleted (**Minus 11 units**)

The Council has proposed the addition of Site WEY 39, WEY41 and WEY 42. These cannot be added at this stage (proposed addition of 65 units in total).

D3

8.38 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?

It is noted the Council has deleted this site (**Minus 33 units**)

8.39 Is the capacity justified?

As above

D13

8.40 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?

Examination of the Elmbridge Local Plan 2037

It is understood that this centre has now closed, and the Day care provision has been relocated. It is considered reasonable that this site could be redeveloped within 6-10 years

D23

8.41 There is an objection from Sport England to loss of this site and the potential for conflict locating residential development in close proximity to the existing Sports Ground – would this allocation result in a conflict with paragraph 99 of the Framework?

It is noted that this site is identified to come forward in 11-15 years. It is not known how the sports club can continue to operate without car/ visitor coach parking. 35 dwellings also appears quite a high density of development in this location.

THE COUNCIL HAS DELETED THE FOLLOWING 'DITTONS' SITES

D2 (**Minus 1 units**)

D3 (**Minus 33 units**)  
D4 (**Minus 6 units**)  
D5 (**Minus 7 units**)  
D7 now proposed for retail (**Minus 25 units**)  
D10 (**Minus 21 units**)  
D21 (**Minus 10 units**)

The following net additions to capacity need to be explained by the Council

D1 The council has increased the capacity from 8 to 30, it is not known why the capacity has been increased (**Plus 22 units**)

D6 The Council has increased the capacity from 7 units to 56 units, it is not known how this increased capacity is justified. (**Plus 49 units**)

D8 (**Plus 2 units**)

The Council is seeking the allocation of D26 (112 units) and D27 (8 units) these sites were not included in the submitted draft plan. These cannot be added at this stage.

WOT11

8.42 Would this proposal result in the loss of the existing community use on the site? If so does this present a justified approach in light of policy INF2?

The council has deleted this Community use site (**Minus 20 units**)

WEY16

8.43 Is there a current planning permission for this site and does it include residential use?

The council has deleted this site and now proposes it should be allocated for Community Use (**Minus 70 units**)

WOT25, ESH1, WEY19

8.44 To what extent has the location of veteran trees been taken into account in bringing these sites forward and the indicative residential capacity set out within the Plan?

We are not aware of how the Council has assessed the capacity of these sites or how a 20% BNG would be secured on-site (if off-site this could significantly affect viability).

Note sites ESH1 and WEY19 have been deleted as referenced above.

ESH24

8.45 This represents the largest site allocation for residential use within the Plan. As currently drafted, the proposal would conflict with policy ECO1 which seeks to protect existing employment uses. How does this allocation represent a justified approach? To what extent has the capacity work undertaken been influenced by the location of Sandown House?

This is an employment site. Whilst possibly under-utilised, its release would require the relocation of the Council's offices and importantly the Committee Chamber (a large space occupier) the Police would also need to be relocated (has this been agreed). Most importantly this is the main Town Centre car park and is very important to local businesses, in a location where on-street provision is very limited. Has the Council identified its future space requirements, acknowledging the points above? Also, the Police.

The site could potentially accommodate high-density housing, but significant parking would be required for both future residential uses and the town centre. This would almost certainly have to be decked/undercroft. A large part of the site is currently a lake and lawns with significant tree and shrub planting.

We do not understand how the site's capacity has been derived on whether the 20% BNG can be achieved. The existing use value is high as would be likely construction costs. We would question what level of affordable housing could be delivered on this very sustainably located site.

The Council's requirements are extensive and could only realistically be accommodated on a large employment site that is accessible to the public (i.e. it would need to be centrally located, and accessible by public transport and require considerable staff and visitor car parking).

WOT21 and WOT26

WOT21 is no longer proposed for residential use fire/ambulance station to be retained (**Minus 21 units**)

WOT26, whilst there may be potential to rationalise the number of day centres in the Borough, there appears to be no strategic plan, a great many day centre sites have been identified for housing subject to the re-provision of the community use. It is not known if the estimated capacity is subject to on-site or off-site re-provision. There has to be some question as to the viability surrounding the redevelopment and re-provision of these facilities.

8.46 Are these sites developable in light of the representations received?

MOL19, ESH20, ESH1, H11, D16, D17

8.47 Is the capacity indicated within the LAA based on the conversion of the existing buildings?

MOL19 is a water works, has this been formally declared surplus?

ESH 1 and ESH 20 have been deleted as residential sites.

H11 requires the re-provision of the community use, given the proposed capacity it is assumed the community use will be re-provided off-site. No alternative site has been identified.

D16 is a car park site it is not known if the existing spaces need to be re-provided.

D17 is a health club, it is not known if this site has been declared surplus.

THE COUNCIL HAS DELETED/ REDUCED THE CAPACITY OF THE FOLLOWING CLA. MOL and WOT SITES

CLA4 (**Minus 12 units**)  
COS1 (**Minus 7 units**)  
COS7 (**Minus 5 units**)  
COS12 (**Reduced by 8 units**)  
COS17 (**Minus 18 units**)  
COS18 (**Minus 40 units**)  
COS20 (**Minus 8 units**)  
COS22 (**Minus 10 units**)  
COS27 (**Minus 21 units**)  
COS32 (**Minus 58 units**)  
COS33 (**Minus 23 units**)  
MOL1 (**Minus 9 units**)  
MOL3 (**Reduced by 2 units**)  
MOL4 (**Minus 23 units**)  
MOL6 (**Reduced by 1 unit**)  
MOL10 (**Minus 7 units**)  
MOL 14 (**Minus 18 units**)  
MOL 16 (**Minus 11 units**)  
MOL 18 (**Minus 11 units**)  
MOL19 (**Minus 10 units**)  
WOT1 (**Minus 24 units**)  
WOT 2 (**Minus 56 units**)

WOT 3 (reduced by 3 units)  
WOT 4 (reduced by 10 units)  
WOT 8 (Minus 7 units)  
WOT11 (Minus 20 units)  
WOT16 (Community use to be retained Minus 70 units)  
WOT19 (Minus 16 units)  
WOT21 (fire /ambulance station retained Minus 21 units)  
WOT24 (Minus 7 units)  
WOT28 (Minus 9 units)  
WOT31 (Station car park now being retained Minus 50 units)

## OVERVIEW

Having reviewed the site allocations, the Council has deleted or reduced the capacity of a great number of sites. Many of these sites were identified by Claudel Venture Holdings Ltd and other respondents as being unlikely to come forward given their existing uses. eg car parks (which are considered essential to the existing operation – retail car parks, station car parks), or community uses which are required to be reprovided, which will affect the viability of delivery. It would appear that many sites were originally included on the list without thorough consideration of the implications, with other sites having not been declared as available.

The respondents are therefore not confident that other sites identified for housing are truly deliverable.

The original LAA sites identified by the Council had an identified capacity of 4,972 units – the council in its Matter 9 response (March 2024) has now confirmed that the following sites will not come forward :

- Para 8.5.1 - A total of 4 community use sites are no longer available for residential development (89 units)
- Para 8.9.1 – in total 34 landowners have confirmed that their sites are not available (658 units)
- Para 8.10 – Identifies 10 sites where the landowner has not confirmed availability (202)
- Para 8.11.12 - deletes 5 car park sites (council-owned) (96 units)
- Para 8.11.3 - confirms 2 privately owned sites (69 units)
- Hersham Shopping Centre application reduces capacity by 91 units

The above confirms that of the 4,972 LAA Sites 912 sites have been deleted, and a further 202 have not been confirmed as being available. With 91 spaces lost from Hersham Shopping Centre site Accordingly, the Council has confirmed that as many as 1,205 sites may not come forward. This equates to a reduction of 24% in the total number of LAA sites.

The above excludes consideration of the considerable number of sites remaining in the LAA where the respondents have concerns about their delivery.

In summary, if the above deductions were removed from the 6,785 dwellings identified in Policy SS3, the Council would only be delivering 5,580 dwellings over the plan period to 2037, against a capped need of 9,705, i.e. less than 58% of the LHN.