

Tandridge District Council

Our Local Plan 2033

Examination - Note for Inspector Allocated

Housing Site Yields - October 2019

October 2019

1. Introduction

As a result of consideration of this issue in the Matter 2 Hearings the Inspector has asked the Council to clarify its approach to this issue.

Our Local Plan 2033 (LP) provides a 'Summary Table of Housing Allocations' with 'Number of Units' indicated (LP Page 96 Section 22 Housing - 'Housing Allocations').

The 'number of units' figure is stated to provide a basis for the assumptions that need to be made on potential site yields to inform decisions about the LP's overall potential to deliver housing as illustrated in the Indicative Housing Trajectory (LP Appendix 1).

The trajectory is / will be regularly updated on the basis of monitoring of housing planning permissions and detailed development management progress (NPPF Para 47 '*identify and annually update a supply of specific deliverable sites.....*'). The latest trajectory position (with detailed assumptions) is set out for the examination In Supporting Paper 1 (SP1) Five Year Housing Land Supply and Housing Monitoring Position April 2019 (TED05). This is now further detailed in a 'Note for the Inspector – Housing Land Supply' (TED14)

2. Suggested changes to LP

Concerns have been expressed that the 'number of units' figure could be used by the Council as a policy requirement to limit the amount of development on the site allocated. This is not stated or implied in anyway in the LP and is certainly not the intention behind including a site yield figure.

To avoid any uncertainty, the Council is content that the LP is clarified in this respect by Modifications.

The Council suggests:

- a) Summary table wording is changed to:

'Minimum Number of Units'

- b) HSG01-20 Policies series - heading wording to be changed to:

'Use / Minimum Site Yield'

The Council's view is that these changes could be made as 'Additional (Minor) Modifications' because they do not affect the soundness of the Plan (i.e. in this case, its overall potential and likely ability to deliver a significant boost in the supply of housing - NPPF Para 47 - that is appropriate when taken in balance with NPPF policy on Para 14 restrictions).

However, the Council is content to accept the Inspector's preference on this which could be to make a 'Main Modification' Recommendation.

3. Background issues

There have been several representations and hearing comments on the Council's Trajectory assumptions, including Housing Allocation yields. The council's overall view on trajectory assumptions is set out in detail in its Matter 2 Hearing Statement – TED04 (Q2.12 pages 46-50 in particular).

In summary, representations made appear to range in view from:

- 'the Council's Trajectory assumptions are very cautious / they may result in an over generous Green Belt release / the housing allocations could yield many more dwellings'. (where the Council accepts it is cautious on site yields) to;
- The Council's Trajectory assumptions are generally too optimistic and the overall trajectory cannot possibly be achieved. This includes a view that housing allocations may be NPPF developable, but are not proven to be NPPF deliverable in any case – including in respect of site yields. (where the Council says its assumptions are realistic and have some built in flexibility).

The following issues arise:

- i. Whether clarification is needed that the 'Number of Units' figure is not a LP policy requirement / guideline? (see above for the Council's view. There is no dispute on this simple point)
- ii. Whether any of the Council's yield estimates should be changed? (The Council's view is that this is not appropriate / necessary as the figures are merely suitably cautious assumptions feeding the LP Housing Trajectory. This follows from point i above).
- iii. Whether other, relational, changes are necessary to LP Trajectory assumptions? (the Council's view that the housing allocation yield assumptions cannot be considered in isolation from other assumptions about urban capacity (non-Green Belt large and small site windfall potential). The assumptions on yields are deliberately cautious and this is one of the ways the Plan includes some flexibility on housing delivery. As a result the Plan is able to be robust to potential variations in outcomes; if for example some allocations do not come forward as easily or quickly as expected, or urban capacity is less than expected.
- iv. Whether, in context of the point above, the detail of trajectory assumptions should be a subject for detailed decision through a Local Plan Examination? (the Council's view is that LP examination judgements and Inspector Recommendations for Main Modifications should be about more general matters:
 - Is the overall Plan balance between development and respect for constraints (including realistic and robust trajectory assumptions on the housing delivery programme) sound?
 - If not, should the Plan Housing Requirement be altered up or down, and / or possibly stepped, to reflect delivery potential or uncertainties?
 - Do overall Trajectory assumptions properly reflect the need to prioritise some delivery from brownfield / urban capacity, where specific site allocations cannot be made due to uncertainties about future land use change? This applies particularly in a context of significant environmental and Green Belt constraint and the potential accusation of lack of exceptional circumstances for a potential excessive release.

This would leave the Council to respond in respect of its options to vary the LP housing programme and trajectory overall, taking account of the need for consultation on any proposed Main Modifications.

4. Research / evidence on main Housing Allocation Yields

It has been suggested that the Council's evidence on the potential dwelling yields from the LP Housing Allocations is lacking in detail.

This is not accepted by the Council as the Housing and Economic Land Availability Assessment (HELAA) provides a rich source of landowner / developer / promoter and Council verified information in this topic. This is NPPF Para 158 'proportionate' evidence.

The Council's research on Housing Allocation yields, based on the HELAA, is summarised in Appendix 2 of its Matter 2 Hearing Statement.

However, to address the requests for more information, the following additional sources may assist:

- All currently available Statements of Delivery (SoD) have been published in the Examination Library (this is further detailed in the Note for the Inspector on Housing Land supply – TED14)
- Appendix 1 to this Paper provides more information on the Council's research on Housing site allocation potential gross and net density assumptions, resultant yield assumption ranges and any special factors that apply (such as a need for strategic open space / site boundary and urban integration factors and infrastructure requirements – e.g. school sites and flood reservoir areas). This adds some detail to the Hearing Statement Appendix referred to above)

5. Letter to Council (Dated 17/10/19) from promotor of Housing Allocation HSG12 Land at Old Cottage, Station Road, Lingfield)

Following discussion at the Matter 2 Hearing Sessions, the promoter of this site has written to the Council to further explain their view that the yield figure for the allocation should be significantly increased. The letter is reproduced at Appendix 2 to this note.

The Council's view is that, taking account of its suggested Proposed Modifications and the background issues set out in this Note, increasing the yield assumption is not necessary or appropriate for a Local Plan level of decision. Consideration of the LP properly focuses on the plan overall and its housing delivery potential; strategically.

This conclusion applies particularly in this case as the yield assumption reflects conservation, town / landscape and environmental character constraints. These need to be considered in detail by the Council and the promoter and ultimately will be subject to associated public consultation.

It is the Council's expectation that these matters will be addressed collaboratively through the SoD / planning pre-application and application processes. The Council places great value on the proper role of the development management process to deal with such matters. It is certainly not helpful to try to pre-empt these issues through a more general LP decision. Accordingly, the Council's view is that this is not a matter of LP soundness.

Appendix 1

Plan Housing Allocations - Potential Alternative Trajectory Yield Assumptions

Policy Reference	Site	Site Reference Number	Settlement Tier	Source (Land Supply Summary Table)	Site Area From Plan (Gross Ha)	Site Capacity From Plan	Site Area Net Ha at 80%	High Net Area Maximum Yield 50 dph	High Net Area Maximum Yield 60dph	Standard Assumptions Site Area Net Ha developable at 60%	Standard Assumptions Yield at 40 dph	Standard Assumptions Yield at 50 dph	Standard Assumptions Yield at 60 dph	Possible Revised Capacity (Based on Site Assessment)	Density Character Area (DCA) - DCA 1 (high density) to DCA 6 (very low density) from SBC5 - Urban Capacity Study Appendix C: Baseline Density Character Area Maps and Table D.1 of Urban Capacity Study	Reference to developer predicted density
HSG01	Land off Redehall Road	SMA 004	2	Tier 2 HELAA Sites	5	160	4	200	240	3	120	150	180	160	Adjacent DCA 3 = 50 dph	REP-1184316-001 Hearing statement Pegasus Group = 160
	Land at Plough Road, Smallfield	SMA 008	2	Tier 2 HELAA Sites												
	51 Redehall Road, Smallfield	SMA 040	2	Tier 2 HELAA Sites												
HSG02	Chapel Road 51 Redehall Road, Smallfield	SMA 015	2	Tier 2 HELAA Sites	0.5	15	0.4	20	24	0.3	12	15	18	24	DCA3 = 60dph	REP-992466-001 Tim North = more than 15 units (last para. 6.16)
HSG03	Land North of Plough Road, Smallfield	SMA 030	2	Tier 2 HELAA Sites	9.2	120	7.36	368	441.6	5.52	220.8	276	331.2	120	Adjacent DCA3 but includes Flood Alleviation scheme	REP-1184316-001 Hearing statement Pegasus Group = 120/ REP-1052527-001 Barton Willmore obo Landfarm = 120/ REP-1184122-002 BW oco Crest = 120
HSG04	Woodlands Garage, Chapel Road, Smallfield	SMA 039	2	Permissions	0.2											
HSG05	Sandiford House, 40 Stanstead Road, Caterham	UCS 02	1	Urban Capacity Site	0.2	14	0.16	8	9.6	0.12	4.8	6	7.2	14	DCA5 but adjacent DCA4 = 40 dph / UCS Table 2 indicative yield = 10	Recent planning applications - 14 units w/d & 4 units refused (2019/82) - see details in MIQ response .
HSG06	Land off Salmons Lane West, Caterham	CAT 040	1	Tier 1 HELAA Sites	4.4	75	3.52	176	211.2	2.64	105.6	132	158.4	106	Adjacent DCA's 3&4 but Conservation Area = 40dph	Reg.19 Tim Rodway obo The Croydon & District Education Trust = 190 dwellings
HSG07	Coulsdon Lodge, Coulsdon Road, Caterham	CAT 081	1	Tier 1 HELAA Sites	0.4	15	0.32	16	19.2	0.24	9.6	12	14.4	15	DCA3 = 60dph (includes specialist accommodation)	Planning app. 2019/1538 for 14 units submitted since MIQs - decision due 27/11/19
HSG08	156-180 Whyteleafe Road, Caterham	CAT 007	1	Tier 1 HELAA Sites	2.6	60	2.08	104	124.8	1.56	62.4	78	93.6	80	DCA4 = 50dph	Previous planning applications covered in MIQs. 2018/2445 current appeal 39 units; 2019/1023 CLOPUD granted for 2015/2263 for 10 units & access implementation; new applications for 34 units 2019/1699 and outline application 2019/1742 for 46 units submitted since MIQs.
HSG09	Land at Fern Towers, Harestone Hill	CAT 044	1	Tier 1 HELAA Sites	0.2	6	0.16	8	9.6	0.12	4.8	6	7.2	6	DCA3 = 50dph	TDC site
HSG10	William Way Builders Merchants, 38-42 High Street, Godstone	GOD 021	2	Permissions	0.23											
HSG11	Land to the west of Godstone	GOD 010	2	Tier 2 HELAA Sites	10.2	150	8.16	408	489.6	6.12	244.8	306	367.2	245	Adjacent DCA4 = 40dph but includes AONB	REP-1185904-004 Hearing statement Pegasus Group = 250
HSG12	Land at the Old Cottage, Station Road, Lingfield	LIN 030	2	Tier 2 HELAA Sites	6.3	60	5.04	252	302.4	3.78	151.2	189	226.8	151	Adjacent DCA's 3&4 but also Conservation Area = 40dph	Reg.19 Alun Evans, Woolbro Homes, should optimise density on this site/ PA/2018/1088 - Pre-application enquiry for 158 dwellings.
	Land North of Hobbs End, Church Road,	UCS 11	2	Urban Capacity Site												
HSG13	Land west of Red Lane, Hurst Green, Oxted	OXT 021	1	Tier 1 HELAA Sites	2.8	60	2.24	112	134.4	1.68	67.2	84	100.8	67	Adjacent DCA3 = 40dph (school?)	REP-996072-006 Hearing statement obo CBRE Ashill = 80 (para.2.10)
HSG14	Warren Lane Depot, Oxted	OXT 067	1	Tier 1 HELAA Sites	1.2	50	0.96	48	57.6	0.72	28.8	36	43.2	50	DCA3 = 50dph	TDC site - 40-50 dph due to edge of GB location
HSG15A	282 Limpsfield Road, Warlingham	WAR 005	1	Tier 1 HELAA Sites	10.9	190	8.72	436	523.2	6.54	261.6	327	392.4	262	Adj DCA4 = 40dph (school?)	REP-1182645-001 Hearing statement WSP- Indigo = 190 minimum & PA/2019/1588 - Pre-application for 158 dwellings and 90 bed care home.
HSG15B	Land to the west of Limpsfield Road, Warlingham	WAR 036	1	Tier 1 HELAA Sites												
HSG16	Green Hill Lane, Warlingham	WAR 011	1	Tier 1 HELAA Sites	3.1	50	2.48	124	148.8	1.86	74.4	93	111.6	97	Adjacent DCA4 = 50dph (extra care units)	REP-1129229-004 Hearing statement Montagu Evans - para.1.16 = minimum 92 residential units masterplan Reg.19
	Land at Alexandra Avenue, Warlingham	WAR 023	1	Tier 1 HELAA Sites												
HSG17	Land at Farleigh Road, Warlingham	WAR 012	1	Tier 1 HELAA Sites	1.3	50	1.04	52	62.4	0.78	31.2	39	46.8	52	Adjacent DCA4 = 50dph	REP-1184606-11 Hearing statement Chartwell = 50
HSG18	Former Shelton Sports Club, Warlingham	WAR 019	1	Tier 1 HELAA Sites	6.3	110	5.04	252	302.4	3.78	151.2	189	226.8	195	Adjacent DCA4 = 50dph (extra care units)	REP-1184606-003-APP11001 Hearing statement Chartwell = 120 / Application 2016/1895 = 146 units (inc. extra care) withdrawn
HSG19	Edgeworth Close, Warlingham	WAR 016	1	Tier 1 HELAA Sites	0.17	6	0.136	6.8	8.16	0.102	4.08	5.1	6.12	6	DCA's 3&4 = 50dph	TDC site
					65.2	1191	51.816	2590.8		38.862	1554.48	1943.1		1650		

Conclusions:	1) Average net density on Plan assumptions =				
	1191/40 Ha = 30dph				
	2) At 40dph on 60% developable area additional capacity is:				1650
					-1191
			PLUS		459

Ref	Name	Baseline Net Density (dwellings per hectare)	Optimised Net Density (dwellings per hectare) (exc. Cons Areas)
DCA1	High Density	120-150	100
DCA2	Medium-High Density	50-120	100
DCA3	Medium Density	20-50	60-75
DCA4	Medium-Low Density	10-20	45
DCA5	Low Density	5-10	15
DCA6	Very Low Density	5 and under	N/A

*SBC2 - TDC Urban Capacity Study June 2017

Key: Red highlight indicates the site net area and density per hectare that corresponds with the 'Possible Revised Capacity'.

Appendix 2



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TANDRIDGE DISTRICT COUNCIL LOCAL PLAN EXAMINATION 2019

LETTER TO LPA FOLLOWING SUBMISSION DURING EXAMINATION – DAY 2, 09 OCTOBER 2019.

Dear Marie,

I write in connection with the examination of TDC's Local Plan and in particular in connection with Matter 2B Question 2.8 which is whether "all realistic options for meeting the OAN within Tandridge in full have been exhausted". For the reasons that we explained in our oral submissions to the Inspector on Wednesday 9 October 2018, we consider that, at present, the answer to this question is "no" and that the Local Plan is therefore unsound.

Our particular concern is that the Local Plan's site allocation policies include an "estimated yield" for each site. For example, the "estimated yield" for HSG12 (Land at the Old Cottage, Station Road, Lingfield) is said to be 60 units. The intended status of these "estimated yields" is not explained in the Local Plan. In particular, it is unclear whether these "estimated yields" are intended to be a limitation or guideline for the quantum of development to be delivered on an allocated site. If so, there is no evidential basis for the calculation of or therefore to support these yield figures anywhere in the evidence base supporting the Local Plan.

We consider that in many cases (including in particular in respect of HSG12) the estimated yields fall far short of what could appropriately be delivered on the allocations. We note that TDC appears to recognise this and has produced revised estimated yields for the allocated sites in Appendix 2 to its Matter 2 Hearing Statement – though this revised assessment has not resulted in any changes to the Local Plan.

Given the wholesale lack of any evidential basis to justify them, it would clearly be unsound for these estimated yield figures to be used for development management

purposes (i.e. as a ceiling, target, cap or guideline as to the appropriate quantum of development on the allocated sites). If they were intended to be used in this way it would mean that the Local Plan would prevent the optimisation of development densities at the planning application stage.

Given that the Local Plan will fall far short of meeting the OAN for housing over the plan period, any direct impediment to achieving optimised densities on the allocated sites (such as an intention for the estimated site yields being used as ceilings/caps/targets or guidelines) would render the Local Plan unsound.

We are firmly of the view that the exchange between the Inspector and our Counsel at Day 2 of the Examination demonstrates that the Inspector is likely to agree with us on this matter. You will no doubt recall that he intimated to the Examination that one way to deal with this matter would be to ask TDC to go back and carry out “further work” to justify the estimated site yield figures in consultation with the public. Of course, such “further work” would need to be more than just an ex post facto rationalisation for the existing figures and would need to approach the matter with an open mind.

Significant further work would need to be done in this regard. Any justification for the use of the estimated yield figures as a ceiling, target, cap or guideline would require a fully developed masterplanning exercise for each allocated site to be produced by the TDC at this stage. In effect TDC would find itself needing to assess the appropriate quantum of development for the allocated sites (a) in the absence of an application for planning permission and (b) without the benefit of the fine-grained detail that applicants would provide to TDC in the context of any such application for planning permission. It is likely that the Environmental Statement would then need to be substantially revised and thereafter consulted upon. Such a process would inevitably be seized upon by others as a further opportunity to promote omission sites and/or to prolong the process for other reasons.

It is highly likely that progress of the Local Plan would thereby be significantly delayed. We do not think that it would be in anybody’s interests for this to happen. The Local Plan needs to be put in place as soon as possible so that the District can start developing in accordance with the spatial and economic strategy set out in it.

It would be possible to avoid these consequences in one of two ways: either the estimated yield figures could be removed from the site allocations policies (and the table on pp 96-97 of the Local Plan) altogether or text could be introduced into the Local Plan to make it abundantly clear that the purpose of the estimated site yield figures is only to provide “modest” or “cautious” inputs into TDC’s calculation of its forward 5 year housing land supply trajectory and that they should not be regarded as caps, ceilings, targets or guidelines for development management purposes. An accompanying modification to the Local Plan could then appropriately be made to add a requirement for the quantum of development on any allocated site to be determined at planning application stage through the submission of a masterplanning exercise at a level of detail proportionate to the size and sensitivity of the site under consideration.

Either of these options would mean that the appropriate quantum of development for the allocated sites will remain under the control of TDC at the planning application stage when full details of all relevant matters are provided to TDC by applicants.

We strongly urge you to take the initiative on this important matter and indicate to the Inspector as soon as possible that TDC will support one or other of the two options that we have set out above so as to keep the Local Plan Examination on track and to prevent the Inspector recommending a suspension of the Examination to allow time for the substantial extra work to be done by TDC and to be consulted upon. It is clearly in the interests of the District to have a Local Plan in place as soon as possible and it is eminently sensible to leave it to Local Planning Authority through the planning application process to determine the quantum of development that the allocated sites can accommodate bearing in mind the need to optimise yields in order to make inroads into the planned housing shortfall as well as to protect landscape, conservation and other interests.

I look forward to your written response setting out the steps that you propose to take in connection with this matter and I very much hope that we will be able to continue supporting TDC through the Examination in order to move to adoption as soon as possible.

Yours sincerely

Alun Evans

Director

ROK Planning