

East Horsley Neighbourhood Plan

Submission Version 2017 – 2033

Report of Examination

Jan-Feb 2018

**Undertaken for Guildford Borough Council with the support of
East Horsley Parish Council on the submission version of the plan.**



Independent Examiner:

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Summary

- I have undertaken the examination of the East Horsley Neighbourhood Plan during January 2018 and detail the results of that examination in this report.
- Subject to the recommended modifications being made, the Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

Abbreviations used in the text of this report:

The East Horsley Neighbourhood Plan is referred to as 'the Plan' or 'EHNP'.

East Horsley Parish Council is abbreviated to 'East Horsley PC'.

Guildford Borough Council is abbreviated to 'Guildford BC', and sometimes referred to as the 'LPA' (Local Planning Authority).

The National Planning Policy Framework is abbreviated to 'NPPF'.

The National Planning Practice Guidance is abbreviated to 'NPPG'.

The 2003 Guildford Borough Local Plan is abbreviated to 'Local Plan 2003'

The Surrey Hills Areas of Outstanding Natural Beauty is abbreviated to 'AONB'

Acknowledgements: Thanks to Local Authority staff and the qualifying body for their assistance with this examination. My compliments to the local community volunteers and East Horsley Parish Council, who have produced a professional and well-evidenced Plan.

1. Introduction and Background

1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowers local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF) states that:

“neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need”.

Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1.1.3 Neighbourhood plans can only be prepared by a ‘qualifying body’, and in East Horsley that is the East Horsley Parish Council. Drawing up the Neighbourhood Plan was undertaken by a Steering Group, which included four topic teams.

1.2 Independent Examination

1.2 1 Once East Horsley PC had prepared their neighbourhood plan and consulted on it, they submitted it to Guildford BC. After publicising the plan with a further opportunity for comment, Guildford BC were required to appoint an Independent Examiner, with the agreement of East Horsley PC to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this plan. I am a chartered Town Planner with over thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have been working with communities for many years, and have recently concentrated on supporting groups producing neighbourhood plans. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS). I am independent of any local connections to East Horsley and Guildford BC, and have no conflict of interest that would exclude me from examining this plan.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

- (a) That the neighbourhood plan is submitted to a referendum without changes; or
- (b) That modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) That the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.2.4 The legal requirements are firstly that the plan meets the 'Basic Conditions', which I consider in sections 3 and 4 below. The plan also needs to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The East Horsley Neighbourhood Plan complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated on the 8th September 2014 by Guildford BC. The plan does not relate to land outside the designated Neighbourhood Area. It clearly specifies the period during which it has effect as 2017 – 2033 and has been submitted and prepared by a qualifying body and people working to that qualifying body. It does not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

1.2.5 I made an unaccompanied site visit to East Horsley to familiarise myself with the area and visit relevant sites and areas affected by the policies. This examination has been dealt with by written representations, as I did not consider a hearing necessary.

1.2.6 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to a referendum. I make my recommendation on this in section 5 at the end of this report.

1.3 Planning Policy Context

1.3.1 The Development Plan for East Horsley, not including documents relating to excluded mineral and waste development, are the saved policies from the 2003 Guildford Local Plan. A new Local Plan was submitted for examination at the end of 2017, but as it has not been adopted there is no legal requirement that the EHNP is in conformity with it. The Parish Council wisely state though that this emerging development plan and its evidence base have influenced the EHNP.

1.3.2 The National Planning Policy Framework (NPPF) sets out government planning policy for England, and the National Planning Practice Guidance (NPPG) website offers guidance on how this policy should be implemented.

1.3.3 During my examination of the EHNP I have considered the following documents:

- National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance 2014 and as updated
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- The Neighbourhood Planning Regulations 2012 (as amended)
- Submission version of the East Horsley Neighbourhood Plan
- The Basic Conditions Statement submitted with the EHNP
- The Consultation Statement submitted with the EHNP
- The Strategic Environmental Assessment Screening Decision for the EHNP Sept17
- The evidence base supporting the EHNP
- Neighbourhood Area Designation (map)
- Guildford Borough Local Plan 2003 Adopted January 2003
- Emerging Guildford Borough Submission Local Plan strategy and sites Dec 2017
- Representations received during the publicity period (reg16 consultation)
- Surrey Hills AONB Management Plan 2014-9
- West Surrey Strategic Housing Market Assessment (SHMA) 2015

2. Plan Preparation and Consultation

2.1 Pre-submission Process and Consultation

2.1.1 East Horsley is a large village in the county of Surrey, about 5 miles to the NE of Guildford. The planning authority is Guildford Borough Council. East Horsley lies within the London Metropolitan Green Belt, on the northern border of the Surrey Hills AONB. The parish boundary is drawn fairly close to the settlement, although particularly to the south of the parish, areas of woodland and agricultural land are included. The village has good rail and road connections to London and the wider motorway network.

2.1.2 A steering group was established with terms of reference that stated only a minority of members were to be Parish Councillors. After a launch meeting in November 2014, four policy teams were set up with majority resident representation.

2.1.3 Existing residents' associations were involved in consultation activities, and helped promote work on the Plan. Other publicity vehicles were the Parish Council newsletter and website, which both carried regular progress reports. Key documents and minutes of each policy meeting were available on the website.

2.1.4 The above detail has been gathered from the Consultation Statement, which sets out the nature and form of consultation prior to the formal Reg14 six week consultation. A process of scoping, drawing up a vision and objectives and then moving on to formulate policies is clearly set out.

2.1.5 As required by regulation 14 of the Neighbourhood Planning Regulations 2012, a formal consultation for six weeks on the pre-submission Draft East Horsley Neighbourhood Plan was undertaken, which ran from Wednesday the 22nd March 2017 to the 9th May 2017. The draft Plan was available on the website and a printed copy could be consulted in the Library. Printed copies of the plan were also available at the Open House event during the consultation, where a significant number of people took the opportunity to respond to the Plan and its policies in writing.

2.1.6 Seventy three Representations were received during this consultation period, and several amendments have been made to the plan as a result of constructive suggestions for changes. These are clearly detailed in the Appendix 2 of the Consultation Statement.

2.1.7 I am satisfied that due process has been followed during the consultation undertaken on the Plan. The record of comments and objections received during the regulation 14 consultation shows that these were properly considered, and where appropriate resulted in amendments to the plan to accommodate points raised.

2.1.8 As required, the amended plan, together with a Basic Conditions Statement, a Consultation Statement, the Screening Opinion and a plan showing the neighbourhood area was submitted to Guildford BC on the 10th July 2017.

2.1.9 Guildford BC undertook the Reg 16 consultation and publicity on the Submission version of the EHNP for six weeks, from the 22nd August 2017, ending on the 2nd October 2017. I have read and considered the representations received during this consultation (seven in number, one subsequently withdrawn; two from the same person, supplying extra detail in the 2nd). Where relevant, issues raised in the responses that question whether or not the Plan has met the basic conditions are considered in Section 4 of this report.

3. Compliance with the Basic Conditions.

3.1 General legislative requirements of the 1990 Town and Country Planning Act (TCPA) other than the Basic Conditions are set out in paragraph 1.2.4 above. The same section of this report considers that the East Horsley Neighbourhood Plan has complied with these requirements. What this examination must now consider is whether the Plan complies with the Basic Conditions, which state it must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with and not breach European Union (EU) obligations and human rights law.

3.2 The Basic Conditions Statement explains how the plan promotes the social, economic and environmental goals of sustainable development. There are policies promoting the local economy, policies seeking to widen the social inclusivity of housing in the village, and policies protecting green spaces and biodiversity. I accept that the Plan does contribute to the achievement of sustainable development with the inclusion of modifications recommended in this report.

3.3 A screening report was drawn up by consultants and considered by Guildford BC, the local planning authority (LPA). In the opinion of the LPA, as stated in their Screening Determination, the conclusion of the consultant's report is correct, and neither Strategic Environmental Assessment (SEA) or Habitat Regulations Assessment (HRA) are required for the East Horsley Neighbourhood Plan (EHNP). These environmental requirements in EU law are the main EU Directives that neighbourhood plans need to comply with.

3.4 The EHNP in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and the consultation statement showed that the need to consult with, and involve, a wide cross-section of the community was appreciated.

4. Compliance with National Policy and the adopted Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the EHNP meets the requirements as regards national policy and the development plan. This means firstly that the Plan must have regard to national policy and guidance, which for this neighbourhood plan is the NPPF and the NPPG. Secondly the Plan must be in general conformity with the strategic policies of the development plan, which as stated above comprises the saved policies from the 2003 Guildford Local Plan (Local Plan 2003). The phrase ‘general conformity’ allows for some flexibility. If I determine that the Plan as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance.

4.2 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not, then modifications required to bring the plan into conformity are recommended. Modifications are boxed in the text, with text to remain *in italics*, new text highlighted **in Bold** and text to be deleted shown but ~~struck through~~. Instructions about actions to be undertaken are shown underlined.

4.3 The Plan is generally a well-laid out and easy to read and follow document. For accuracy the first paragraph would better refer to the NPPG as offering detailed guidance on neighbourhood plan content. Additionally the second paragraph would be more accurate if it referred to the final EHNP once made as becoming part of the development plan and applicable adopted policy, rather than ‘planning law’. I make no formal modification recommendation on this point however, as it is not strictly a Basic Conditions issue.

4.4 The Plan has within the text several “Community Initiatives”, which are not policies and are often not dealing with land-use issues. Advice in the NPPG is quite clear, it is not acceptable to put these within the main text of a neighbourhood plan, but it is acceptable to include them as an annex to the Plan (NPPG: ID 41-004-20140306). The Plan should be modified therefore to exclude these Community Initiatives from the main text, as set out in Modification 1:

Modification 1: I recommend that in order to comply with the Basic Conditions and government guidance in the NPPG the Community Initiatives (CI) numbers 1-8, found on pages 22, 33, 43, 45, 49, 53 and 57 should be removed from the main text and set out in a separate appendix to the document. Where issues dealt with are land-use, the aspiration may be referred to within the text of the document. This applies to CI 3, 6, and 8.

4.5 Page 4 of the EHNP gives a definition of affordable housing which is not correct. A more accurate definition is given in the 'Affordable Housing Assessment' evidence base (para 2.3):

"Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market"

Affordable housing is not just social housing, and not always funded by developer contributions. Although not a Basic Conditions issue, you may like to correct this in the final version of the Plan.

4.6 Policy EH-S1: Spatial Development Plan for East Horsley Although there is no survey of 'important public views' available, I accept that the topography of the AONB will result in views from certain public highways and rights of way from higher ground that are part of the public's enjoyment of that highway and the wider landscape. The Local Plan 2003 refers in Policy G5 (6) to 'important public views' needing to be protected, so that the policy complies with the development plan. Additionally the AONB Management Plan 2014-9 looks to identify and protect views (policy RT3 page 24), so that there is a developing evidence base for the policy.

4.6.1 The title of this policy is potentially misleading, in that the spatial development plan for East Horsley is the suite of documents making up the development plan, not just this neighbourhood plan. In order that the policy complies with the NPPF and the requirement (para 154) that policy is clear, I recommend that the Policy title is changed as shown in Modification 2 and thus complies with the Basic Conditions.

Modification 2: <u>The title of Policy EH-S1 to change to</u> "Spatial Development in East Horsley"
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4.7 Policy EH-EN1: Local Green Spaces The Policy details seven sites within the neighbourhood area for designation as Local Green Spaces (LGS). This is a relatively new power for neighbourhood and local Plans, with the definition of attributes a LGS should have set out in the NPPF (paras 76-77). The Plan has offered justification in the text for each designation, and the evidence base for the Plan includes a document with detailed plans and consideration of attributes that make each site worthy of designation. A useful survey was undertaken of visitors to facility, recording where users came from, what they were doing and how often they visited. Each site is considered in turn below as to whether or not the designation complies with the Basic Conditions, in particular with the definitions in the NPPF.

4.7.1 It has been suggested in comments made during the Reg16 consultation that sites with other designations, such as being within the AONB or within the greenbelt, do not need to be also designated as LGS. This is not in my view justified. The designation should be applied consistently to open spaces that are worthy to be considered 'special' within the local area, and not just used where other 'protection' is not available. Designations for other reasons may change over time, and LGS is particularly concerned with indicating those areas of open space that are particularly valuable for a range of reasons.

4.7.2 **Clamp Rough and Gallows Grove** These are areas of woodland owned and managed by the Woodland Trust in close proximity to the community. They offer informal recreation space, tranquillity, beauty and a wildlife richness and I accept their status as LGS complies with the NPPF requirements.

4.7.3 **Kingston Meadows** This is the main public recreational space for East Horsley, conveniently located and visited and appreciated by many local residents. I accept that its importance as a recreational resource and children's play area makes it suitable for designation as LGS.

4.7.4 **Pennymead Sports Ground** This is a private sports ground, but owned by a residents' association and with public paths through it. It has been in use as a sports ground for over 75 years, specialising in tennis and cricket facilities. I accept that its long use as a sports facility and local popularity make it suitable for LGS designation.

4.7.5 **Ridings Wood** The designation covers part of a wider area of woodland, that continues beyond the Parish boundary. Ridings wood is owned by the Parish Council, purchased by local donations, and used by many local residents for a variety of types of informal recreation. A section of the wood is designated Ancient Woodland, and the whole is designated a Site of Nature Conservation importance (SNCI) in the Local Plan 2003. The designation as LGS by reason of recreational value, beauty and ecological value complies with the Basic Conditions.

4.7.6 **Sheepleas** This is a Local Nature Reserve on the slopes of the North Downs within the AONB. It is an SSSI, managed by the Surrey Wildlife Trust and owned by Surrey County Council. It is used for informal recreation, and proved the most visited green space in the Village Survey. It is the largest proposed designation, but is a coherent site within reasonable proximity of the community. I accept that for ecological value, beauty and landscape value and recreational opportunities its designation meets the Basic Conditions.

4.7.7 **The Forest** This is another area acquired by public fundraising for the Parish Council. It is classified as Ancient Woodland and a SNCI, and a network of paths is used for informal recreation. It is within reasonable proximity of the settlement, and although sizeable area of land, it is a coherent and well-defined local site. I do not consider it a 'significant tract of land' divorced from the local area as defined in the NPPF as not acceptable for LGS. For its tranquillity, ecological value and recreational opportunities I accept that its designation meets the Basic Conditions.

4.7.8 **Wellington Meadow** As I visited this site in January, the wildflower meadow value was not immediately in evidence. A survey in the evidence document lists a considerable range of flora and fauna however, and local volunteers are actively managing the site to promote the wildlife and wildflower range on it. I accept that by reason of the wildlife and ecological value of the site the designation as LGS is justified.

4.7.9 The Policy states that "development of the site will not be permitted", which implies development proposals involving the whole site will be expected to respect the existing use and value for which the site was designated, and says nothing about development on part of the site, the more usual situation. Referring to 'development **on** the site' will clear this up, and I therefore recommend that the Policy is altered as shown in Modification 3 in order that the intent of the policy is clear and complies with para 154 of the NPPF.

Modification 3: The last paragraph of Policy EH-EN1 is recommended to be modified to read:
*"~~The Development of~~ **on** these Local Green Spaces will not be permitted unless it is clearly demonstrated that it is required to enhance the role and function for which the space has been designated."*

4.8 **Policy EH-EN2: Trees and Hedgerows** The policy appears to be designating certain species of trees as 'of arboreal significance', something that was objected to in the Reg16 comments and on my request for clarification was stated not to be the intent. The first paragraph of the policy suggests that any development proposal that retains trees and established hedgerows will be supported, whereas in fact the proposal would of course be required to comply with other policies in the development plan as well. Thus for reasons of policy clarity I recommend Policy EH-EN2 is modified as shown in Modification 4 below.

Modification 4: I recommend that Policy EH-EN2 is modified as shown in order to give the clarity required by national policy and thus comply with the Basic Conditions:

*Development proposals will be supported which **comply with other policies in the development plan and ensure the retention of:***

- a) mature trees of arboreal significance; and of*
- b) established hedgerows.*

*Development which results in the loss of mature trees of arboreal significance will be expected to undertake replacement planting in a landscaping plan to be approved by the planning authority, unless it can be clearly shown that this is not feasible. ~~In the context of this policy,~~ Arboreal significance shall be taken to **refer to include any mature healthy trees and to include but not exclusively the following species:** ~~of~~ ash, beech, common lime, elm, hazel, hornbeam, maple, oak, sweet chestnut, sycamore, willow or yew.*

4.9 Policy EH-EN3: Landscape Features Complies with the Basic Conditions.

4.10 Policy EH-EN4: Biodiversity Complies with the Basic Conditions.

4.11 Policy EH-EN5: Flooding This policy has been criticised as too onerous as currently framed, and there is a need to clarify requirements in order that the policy is not unreasonable. The current requirement in Policy EH-EN5 for a Condition Survey may relate to infrastructure not be in the control of the applicant, and thus in practice impossible to undertake if permissions for access are not forth-coming. NPPF para 100 does however suggest using the opportunity of new development to reduce the impact and causes of flooding, so I accept that the intent of the policy complies with the Basic Conditions, and the EHNP evidence base shows areas at risk of flooding within the Parish.

4.11.1 The policy also currently requires surveys of adjacent watercourses and drainage facilities to be carried out whether or not the development will impact on them, or impact an area at particular risk of flooding. I recommend therefore that to comply with the Basic Conditions and not impose requirements on development that are overly onerous the following modification (number 5) is made to Policy EN-EH5:

Modification 5: The first paragraph of Policy EH-EN5 is recommended to be reworded as follows:
*Development proposals in East Horsley which will result in surface water draining into ~~include,~~
~~or are in close proximity to,~~ drainage gullies, ditches, culverts, pipes or other systems provided
for surface water drainage that will run at some point downstream through an area subject to
higher risk of flooding than found in zone 1 of the Environment Agency's classification are required
to demonstrate that the system is capable of accepting the anticipated extra load. ~~accompany~~
~~the planning application with a Condition Survey of such drainage systems.~~ Surface water
generated is encouraged to be dealt with on site by means of Sustainable Urban Drainage Systems
(SUDs). The second paragraph to remain as shown.*

4.12 Policy EH-H1: Housing Mix This policy has been criticised as being too prescriptive in the comments received at the Reg16 stage, and also inconsistent with the evidence of housing need provided by the Qualifying Body (East Horsley PC) and the West Surrey SHMA 2015. Having looked at the evidence, I can see the mis-match between the requirements of this policy and reported likely housing need (OAN) for the existing population in Table 15 and paragraph 7.5 of the East Horsley Housing Needs Assessment (EHHNA).

4.12.1 I also understand that the Qualifying Body are concerned about the above-average age of the current village population, and note that this is likely to be linked to the much higher than average levels of owner-occupation and large detached houses in the parish, as well as high property prices. There is evidence in the household survey of considerable demand for properties to downsize into. The aims of the housing policies of the EHNP are set out on page 23 of the Plan, and are as follows:

- a) To provide more smaller homes in the village;
- b) To provide more homes for people looking to downsize, anticipating that this will then free up their existing larger properties for those families needing more space;
- c) To provide more homes for first time buyers in order to attract and retain younger people within the village and to help ensure that a balanced population is achieved in the village over the long term;
- d) To provide more homes for the increasing numbers of elderly residents, including some new bungalows.

The evidence supports aims a), b) and d). However although the social balance and a stronger community (NPPF para69) could be obtained by objective c), it is not viable or realistic to require market housing to provide substantial numbers of properties for a market that hardly exists in reality. Additionally the suggested different types of housing are not clear within the policy, and if they were would be prescriptive beyond reasonable design guidance, and thus not in conformity with the NPPF (para59).

4.12.2 It is an acceptable planning objective to make the housing provision in a settlement more representative of the general provision, and on this basis increasing the numbers of smaller homes is justified by the evidence of the current over-provision of detached houses and homes with four or more bedrooms (Table 5 EHHNA). The NPPG (ID 41-040-20160211) states that a neighbourhood plan should take account of up-to-date evidence of housing need in policies relevant to housing supply. A general policy promoting the development of smaller homes will comply with this requirement, although the OAN suggests they may not be taken up in great numbers by first time buyers.

4.12.3 The parish council have stated in response to my enquiry that neighbourhood plans may not engage with the issue of the type of affordable housing provided. As long as the evidence supports any such policy this is not the case, although there will always be an issue of tenure type with affordable housing as well as dwelling size. This has not been addressed in evidence or policy that is the subject of this examination, and so I will not consider the issue of affordable housing in greater detail. If the policy focuses on promoting smaller homes, then the numbers of homes meeting the potential requirements of the elderly would more nearly be met, while also being a measure to address the current identified above-average provision of larger dwellings in the village. Promoting the development of smaller homes would also make them more accessible to first-time buyers than the current housing stock, and this could be stated as a further aspiration in the policy.

4.12.4 In order that Policy EH-H1 meets the Basic Conditions and complies with the NPPF and NPPG as discussed above, I recommend that it is modified as shown in Modification 6.

Modification 6: Policy EN-H1 is recommended to be altered as follows:

~~Developments of 20 dwellings or more should~~ **shall provide a mix of smaller housing types with a maximum number of three bedrooms as a substantial majority of the total dwellings provided.**

Development proposals are encouraged to consider provision for first time buyers within any scheme.

~~(market & affordable) which fall within the following ranges:~~

~~Family Homes (3 & 4 beds) 25% – 35% of all dwellings~~

~~Homes for Downsizers (2 & 3 beds) 30% – 40% of all dwellings~~

~~Homes for First Time Buyers (1 & 2 beds) 15% – 25% of all dwellings~~

~~Housing for the Elderly (1 & 2 beds) 10% – 20% of all dwellings~~

~~Within each of these types of housing, a mixture of sizes of dwellings should be provided based upon the bedroom numbers indicated in the brackets above and with housing designs that are appropriate for each category.~~

Textual changes are also needed in the document in order that it reads accurately with this policy modification. While the wording of modification to the text can be more flexible, I recommend the following changes to the text under the heading ‘5.2 Housing types’ on page 23:

*Considering the present village housing stock and local trends, we have analysed the types of new housing needed to satisfy these different housing needs, as presented in our Evidence Base document, Analysis of Housing Types. Based on this analysis the following targets are **suggested** ~~proposed~~ for market-based and affordable housing in the village:*

..... table as shown

Such housing types are not mutually exclusive of course and an element of overlap arises since housing may serve a variety of purposes – indeed this is a positive feature of a well-designed and flexible housing design. ~~For the purposes of our plan policies, and~~ Within the context of East Horsley, the following typical specifications are assumed for these four different housing types:

..... table as shown

~~In accordance with Objective 2.1, and addressing the housing needs identified in Section 5.1 above, the following housing mix policy is proposed for all larger housing developments in East Horsley:~~

4.13 Policy EH-H2: Bungalows The policy specification for bungalows is understood to reflect a desired dwelling type as indicated by the Household Survey. However the Plan also states in the justification that bungalows were a common feature in the village, but have been replaced by larger homes in recent times. Specifying the construction of bungalows therefore will not ensure that they are retained, and it would not be reasonable to require their retention, because of the NPPF encouragement of the effective use of brownfield land (para 111 and 17). Note that under the NPPF definition of 'brownfield' the demolished bungalow would be brownfield, but the residential curtilage as garden would not be. It is also not sustainable to specify a type of construction that is likely to be substantially rebuilt soon after due to local economic pressures on the supply of land. The evidence base of the neighbourhood plan has indicated an increasing need for homes for the less-mobile elderly however, and specifying this as the requirement rather than the housing type would be reasonable. This would also be in line with proposals in the emerging Local Plan.

4.13.1 I recommend that Policy EH-H2 is modified as shown in Modification 7, in order that it complies with the Basic Conditions and is not overly prescriptive and promotes sustainable development, as required by the NPPF.

Modification 7: Policy EH-H2 is recommended to be altered as follows:

Developments on sites of more than 20 dwellings should ensure that at least 10% of all dwellings are built to increased mobility standards suitable for the less mobile elderly.

Development of ~~as~~ bungalows is encouraged as a popular local building type.

The last sentence on page 24 is recommended to be deleted for consistency.

4.14 Policy EH-H3: Countryside Depot Site A response at Reg16 suggested that this policy and Policies EH-H4-6 should not state that 'planning permission will be granted', but state only that 'planning permission will be supported'. I have considered this suggestion, but do not see that it is a Basic Conditions issue. The current wording is clear that this only applies when certain criteria have been met, and there is an (unstated) understanding that all the policies in this plan, and indeed the development plan generally will apply. The decision maker applying this policy will be the LPA should the EHNP be made, so it is not implying that the Parish Council will permit development. The policy complies with the Basic Conditions.

4.15 **Policy EH-H4: BT Telephone Exchange Site** The policy complies with the Basic Conditions.

4.16 **Policy EH-H5: Carlans Garage Site** The policy complies with the Basic Conditions.

4.17 **Policy EH-H6: Thatcher's Hotel Site** The policy has been criticised in the responses to the Reg16 consultation for being too prescriptive, and not allowing the flexibility needed for development on a complex brownfield site, which will include conversions of existing buildings as well as new build. The upper limit on dwellings, which as written would include conversions may not be consistent with the desire to encourage smaller dwellings, and could restrict sustainable development including making provision for first time buyers. The recommended alterations to Policies EH-H1-2 above deal with some of the objections as regards necessary flexibility. As other policies in the EHNP are understood to apply to the site, criteria b), which is rendered inaccurate by Modification 6, needs to be removed for consistency. The requirement for a pedestrian link to be provided through the site and across adjacent land which may be in the same ownership as the hotel is objected to as not reasonable. I propose that the policy mentions the desirability of any such path, but does not require it in order to meet the reasonable and viable test. The justification required for the loss of the hotel complies with policy T4 in the Local Plan 2003, and potentially with Policy E6 in the emerging Local Plan.

4.17.1 In order that Policy EH-H6 complies with the Basic Conditions, promotes sustainable development and does not unacceptably impact on viability in line with the NPPF (para 173) I recommend that it is modified as shown in Modification 8.

Modification 8: Policy EH-H6 is recommended to be altered as follows:

Planning permission will be granted for the development of 0.74 hectares of land at the Thatcher's Hotel site subject to the following criteria:

- a) The provision of **mainly smaller dwellings with no more than 3 bedrooms** ~~up to 22 homes~~ (market and affordable), to be located within the existing settlement area; and
- ~~b) Compliance with the housing mix ranges as proposed in Policy EH-H1, which mix ranges shall apply even if the development is proposed for less than 20 dwellings; and~~

- c) The original front building, which is of Chown design, should be retained if at all possible and converted into apartments or other housing; and
- d) Mature tree screening from the A246 should be maintained; and
- e) The Lovelace boundary wall on the southern and western boundaries adjacent to the A246 is a distinctive landmark feature and should be maintained; and
- f) A publicly-accessible footpath is **encouraged to be** provided allowing passage through or around the site from beside the petrol filling station to the pavement on the A246 Guildford Road close to the entrance of The Warren; and
- g) The loss of the hotel facility must be appropriately justified in the planning application in accordance with the applicable **adopted Local Plan Policy**.

4.18 Policy EH-H7 (a): East Horsley Design Code: Houses and Bungalows The policy is setting out design guidance as encouraged by the NPPF (para 58). However criteria iv) is vague, and v) has been criticised as being too prescriptive and possibly a restriction on good design. My site visit revealed a village where development is normally no more than two storeys in height. I appreciate that this can include development in the roof space, but this stipulation gives an understood general height restriction, around which issues of design requirements can be discussed without an absolute limit of 8.5m set. As a maximum it allows for the construction of single story dwellings as well. With a caveat of 'exceptional circumstances' that is already in criteria v) the policy is not unduly prescriptive.

4.18.1 Criteria vi) is specifying side entrance widths for detached and semi-detached properties that will be wide enough for wheelchairs and garden equipment. While disabled access into a dwelling is a planning issue for visitors as well as occupants, I find specifying a side entrance width for every new dwelling too prescriptive, unless there is a reason why a wheelchair user could not access the back garden from the house. Criteria i) deals with the need to be in keeping with the character of East Horsley, so that the spacing of dwellings generally is dealt with in other criteria.

4.18.2 In order that Policy EH-H7 (a) meets the Basic Conditions and has regard to the NPPF (paras 59 and 154) I recommend that it is modified as shown in Modification 9.

Modification 9: Policy EH-H7 (a) to be altered so that criteria iv) is removed and criteria v) deals with the height of all residential development as shown below. Criteria vi) to deal with the issue of dwellings and their curtilages being accessible by wheelchair users. The criteria to be re-numbered to suit:

~~iv) The maximum ridge height of the roof above ground level does not significantly exceed that of other surrounding houses in the vicinity;~~

~~iv) If the Residential development is in an area where there are no existing houses nearby, the maximum ridge height of the roof should be no more than **two storeys high 8.5 metres above ground level** other than in exceptional circumstances;~~

~~vi) Boundary clearances on either the side of detached or semi-detached dwellings should be of a size consistent with other dwellings in the general vicinity and should be sufficient to allow access for garden equipment and wheelchairs if access to the dwelling and curtilage is not available for wheelchairs from the house. They should not be less than 1.5 metres at each side of the dwelling other than in exceptional circumstances;~~

4.19 **Policy EH-H7 (b): East Horsley Design Code: Apartments** Complies with the Basic Conditions.

4.20 **Policy EH-H7 (c): East Horsley Design Code: New Roads** Transport and traffic issues can be dealt with in planning policy documents including neighbourhood plans to the extent that they deal with landuse issues. It is not acceptable for a land-use document to deal with issues that are implemented by way of the Highway and Traffic Acts. This policy includes several issues that are actually highway matters, including the layout of new roads and the surfacing of footways within the highway. In order that the policy deals only with land-use issues as required by legislation, the NPPG and therefore the Basic Conditions, I recommend the following modification to Policy EN-H7:

Modification 10: Policy EH-H7(c) is recommended to be amended as follows:

The recommended style for multi-home developments where new roads are being created is as follows:

~~i) Design the layout as a cul-de-sac wherever possible;~~

i) Include provision for footpath or cycleway linkages wherever possible (see also Policy EH-INF4, Footpaths & Cycleways, below);

ii) If there is to be screening at the front of the house, use hedges or shrubs, not fences, walls or railings;

~~iii) Along the roadside in front of houses choose grass verges rather than tarmac pavements. If paving is to be used it should~~ **encouraged to be permeable including soft landscaping** where possible to encourage natural drainage and limit surface water flooding.

iv) Provide communally-owned green areas and trees to enhance the overall landscaping of the new development in keeping with the existing wooded nature of the village.

4.21 Policy EH-H8: Residential re-builds The policy is justified as ensuring future development is in keeping with the existing general character of East Horsley. However requiring all new build to conform to an average plot ratio is not conducive to good and innovative design and is potentially overly prescriptive, although it may be difficult to agree the figure in reality due to a lack of clarity about which surrounding properties would be used for assessing it. Additionally the requirement could result in fewer new homes being built than could reasonably be constructed and still meet the design guidance. This would contradict the housing policy aims of the EHNP for increasing the number of smaller homes. It would also not comply with government policy in the NPPF for development to be sustainable and use land effectively.

4.21.1 Policy EH-H8 does not comply with the Basic Conditions. It does not have due regard to the NPPF as it is overly prescriptive in a way that could adversely impact on good design and also lacks clarity (NPPF154). It could result in development that was not sustainable and did not use land effectively (paras 59, 111 and 17). I therefore recommend that the policy is deleted, and sentence before it removed. The issue of residential re-build will be covered by the infill Policy EH-H9.

Modification 11: Policy EH-H8 to be deleted. Policies following this to be re-numbered.

4.22 **Policy EH-H9: Residential Infilling** Criteria a) and b) of this Policy are in conformity with the adopted Local Plan 2003. Criteria c) uses the same average plot ratio stipulation as considered in the discussion about Policy EH-H8, and for the reasons given above I do not consider this criteria to meet the Basic Conditions. This policy will also cover the circumstances of Policy EH-H8 recommended for deletion, and to keep the policy intent I am recommending a revision to the criteria which complies with the requirement for policy to promote sustainable development, and not be overly prescriptive. Development in these circumstances will also be covered by Policy EH-H7 (a): design guidelines that require development to respect the style of surrounding properties.

4.22.1 I recommend that Policy EH-H9 is modified as shown in Modification 12 in order that it meets the Basic Conditions and complies with government guidance by promoting sustainable development and not being overly prescriptive.

Modification 12: Policy EH-H9 criteria c) is recommended to be altered as follows:

~~c) The resultant Plot Ratio of the size and massing of new residential development is to be no greater than that of surrounding property. in keeping with the average Plot Ratio of dwellings in the vicinity of the site. (Plot Ratio is defined as the ratio between the gross area of the total building footprint divided by the area of the plot on which the new dwelling is to be located.)~~

4.23 **Policy EH-H10: Heritage Assets** Complies with the Basic Conditions.

4.24 **Policy EH-INF1: Horsley medical centre** Complies with the Basic Conditions.

4.25 **POLICY EH-INF2: Care facilities** Complies with the Basic Conditions.

4.26 **POLICY EH-INF3: Parking improvements** Complies with the Basic Conditions.

4.27 **POLICY EH-INF4: Footpaths & Cycleways** Complies with the Basic Conditions.

4.28 **POLICY EH-INF5 Leisure Facilities** Complies with the Basic Conditions.

4.29 **POLICY EH-INF6 St Martin's Bowling Green** Complies with the Basic Conditions.

4.30 **POLICY EH-INF7 Broadband** Complies with the Basic Conditions.

4.31 **Policy EH-LE1: Retail centres** This policy will comply with the Basic Conditions when a crucial drafting error has been corrected, as pointed out by the LPA in their Reg16 submission. Criteria b) needs an 'or' added to the end of it in order that any change of use is not required to be to A1, which would be contrary to the NPPF (para 23). This change will also make the policy internally consistent and thus comply with the NPPF requirement that policy is clear.

Modification 13: I recommend that criteria b) of Policy EH-LE1 is altered as shown in order that the policy complies with the NPPF (paras 23 and 154):

b) offers a positive contribution for the benefit of the local community, eg. by reducing the need for everyday car trips; or

4.32 **Policy EH-LE2: Small-scale offices & workshops** Complies with the Basic Conditions.

4.33 **Policy EH-LE3: Horsley Station public transport interchange** Complies with the Basic Conditions.

4.34 **Policy EH-LE4: Newmarsh Farm** Complies with the Basic Conditions.

5. The Referendum Boundary

5.1 The East Horsley Neighbourhood Plan has no policy or proposals that have a significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the East Horsley Neighbourhood Plan 2017 – 2033 shall be the boundary of the designated Neighbourhood Area for the Plan.