

Response from Send Parish Council (deadline 17th August 2020 extended to 30th August 2020)

INDEPENDENT EXAMINATION OF SEND NEIGHBOURHOOD PLAN

EXAMINER: Mary O'Rourke BA(Hons) DipTP MRTPI

Questions To Send Parish Council

1. Please advise me of the Parish Council's response to Guildford Borough Council's comments on the Plan's policies Send 4 and Send 8 set out in its Statement to the Examiner.

GBC's comments on Policy Send 4: Green and blue infrastructure – criterion a) re gaps between settlements

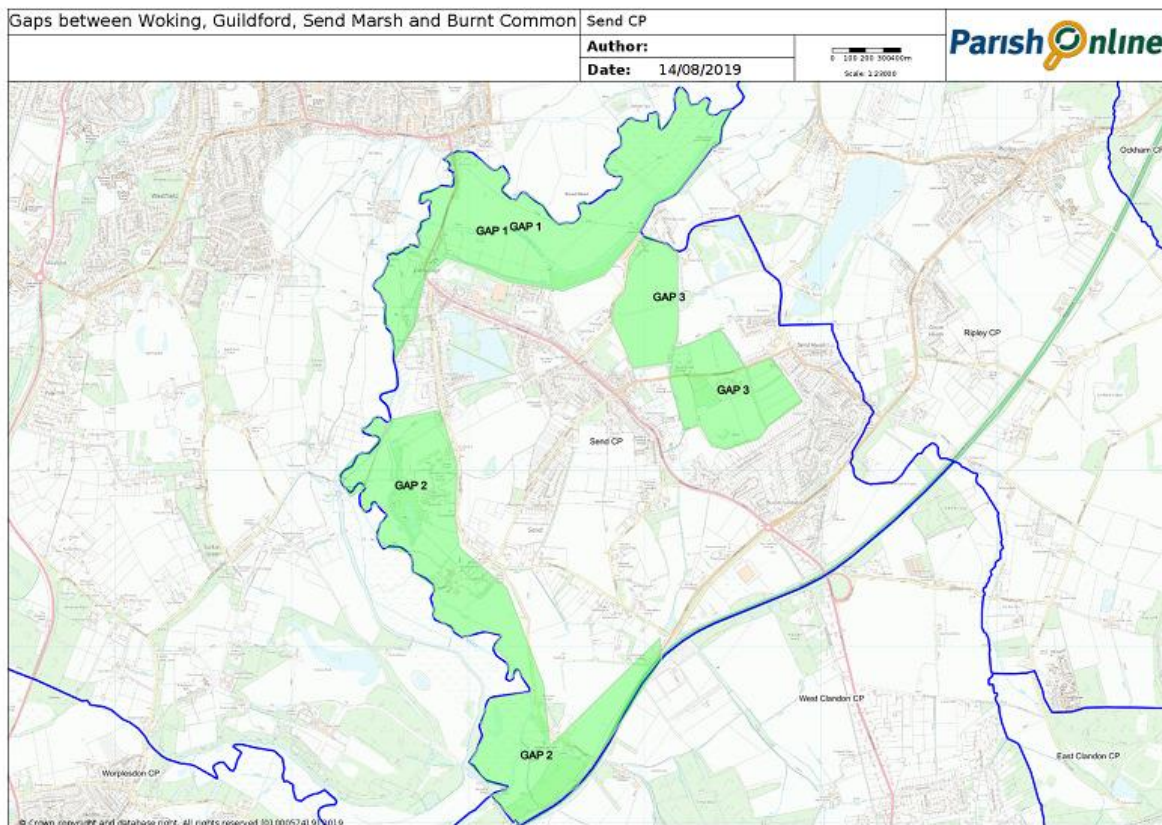
- 4.2 *The last part of point a) of this policy supports development proposals within the parish that complies with other Development Plan policies only if "they protect the countryside setting of the settlements of Send, Send Marsh and Burnt Common and retain the gaps in between these settlements and Woking and Guildford as identified in the Character Assessment;". The gaps referred to are indicated on Map 3 of the Send NDP Character Assessment (March 2019 – Amended September 2019). This is a separate evidence base document that was submitted with the plan, and not published for consultation at the Regulation 16 stage as it is not one of the submission documents listed in 15(1) of the Neighbourhood Planning Regulations 2012.*
- 4.3 *The boundaries of the gaps are difficult to interpret from the map in the Character Assessment due to the map's small scale and poor resolution. The boundaries also appear to have been drawn rather haphazardly as the map shows areas of land within the gaps that include existing developments, for example within Gap 1 adjacent and to the east of the A347 (Broadmead Road). As it stands there is a real risk that both the Council and developers will be unable to clearly establish which areas fall within the gaps and a risk that the Council would be unable to operate this part of the policy consistently, particularly for sites close to the boundaries.*
- 4.4 *In the Council's view, the requirement to retain gaps in between settlements in the last part of point a) of the policy would unduly restrict development and conflict with basic condition d), which states that the making of a neighbourhood plan must contribute towards sustainable development. This would apply both for existing built up areas and undeveloped areas, including Green Belt land, where paragraph 145 of the National Planning Policy Framework (NPPF) indicates that certain types of development may be acceptable in principle, for example an agricultural or forestry building, or a rural exception housing scheme.*

Send PC's Response

Policy Send 4 a) states: "Proposals for development within Send Parish that comply with other Development Plan policies will be supported provided that:

- a) they protect the countryside setting of the settlements of Send, Send Marsh and Burnt Common and retain the gaps in between these settlements and Woking and Guildford as identified in the Character Assessment".

The map referred to in the Character Assessment is reproduced below.



It should be noted that this requirement was also in the Regulation 14 version of the Plan albeit without a map, and GBC’s comments at the time were “The policy could benefit from greater clarity as at present it may not be clear enough for applicants and the decision makers which areas fall within the gaps. This may result in a lack of effectiveness and inconsistent application of the policy. It would be helpful to show the protected areas on a map directly below the policy and on the policies map. No objection was raised to the principle of having a policy which protected gaps, and Send PC would strongly resist the removal of this requirement because protecting the separate identity of settlements and their countryside setting was a key theme in community feedback.

It has also been suggested by GBC that this is a strategic matter and that a gaps policy would unduly restrict development and conflict with basic condition d), which states that the making of a neighbourhood plan must contribute towards sustainable development. This is not accepted by Send Parish Council. Local gap policies have been accepted in other recently examined Neighbourhood Plans (for instance [Hassocks Neighbourhood Plan](#)) and the areas covered are already within the Greenbelt so there should be no conflict with national or local plan policies. The policy does not say that no development is acceptable but that the gaps should be retained, which is similar in intention to Greenbelt.

It is accepted that the maps could be clearer and that existing high-density development areas should be excluded. Revised maps are appended to this response (Appendix 1).

GBC’s comments on Policy Send 4: Green and blue infrastructure – criterion b

4.5 *The requirement in point b) of Policy Send 4 for all developments to fund or provide green and blue infrastructure is very broad as currently worded, and, in the absence of viability assessment, could risk making smaller developments unviable. The subsequent requirement in point b) for such infrastructure to be “proportionate to the scale of development” is a useful inclusion as it would allow a reduced requirement for smaller schemes; such developments (e.g. minor developments and some householder developments) can include provision for green infrastructure through measures incorporated into buildings like*

integrated nesting boxes and green roofs/walls. However, there may be certain sites, for example smaller plots within existing built up areas where provision of blue and green infrastructure may not be feasible at all.

- 4.6 *As the current wording of this policy does not take any account of the fact that smaller schemes may not be able to comply with this requirement, the policy could therefore be considered to conflict with basic condition a), as paragraph 34 of the NPPF and the Planning Practice Guidance on Viability (Paragraph: 002 Reference ID: 10-002-20190509) both state that plan policies should be realistic and deliverable. This shortcoming might be overcome if “wherever possible”, or wording along these lines could be added after “within Send Parish”, which would allow the requirement to be applied only to development proposals on sites where provision is feasible.*

Send PC's Response

Policy Send 4 b) states: “Proposals for development within Send Parish that comply with other Development Plan policies will be supported provided that:

- b) they include the provision and enhancement of green and blue infrastructure within Send Parish, including wildlife habitats and corridors, proportionate to the scale of development”.

Whilst GBC's proposal to add the words 'where possible' is accepted for this criterion, it is considered that placing it after 'within Send Parish' would mean that it also applied to criterion c) which would not be appropriate as net biodiversity gain can be achieved on any scale or type of development (such as by providing hedgehog accesses in fences or bat and bird boxes for smaller developments). Instead it is suggested that these words are inserted at the beginning of criterion b so that they only refer to the provision of green and blue infrastructure.

GBC's comments on Policy Send 8: Car parking provision

- 4.7 *This policy references Surrey County Council's Vehicular and Cycle Parking Guidance SPD (January 2018). Guildford Borough Council is not applying the standards in this SPD rigidly as paragraph 105 of the NPPF states that parking policies should be flexible and take account of the particular characteristics of particular sites. In some cases, it would not be feasible to provide off-street parking, for example redevelopment of an existing building in a narrow street or where the building plot size is too small to accommodate car parking. The policy would require new development to meet the SCC parking guidelines for off-street parking as a minimum, provided that “the level of any resulting parking does not adversely impact road safety or the movement of other road users”. This requirement appears too inflexible with regard to basic condition a. and may benefit from adjustment to ensure it is compliant with national planning guidance.*
- 4.8 *The policy could perhaps be amended to state that parking should be provided off-street unless restricted by insufficient space. As the Council is presently drafting a new parking standards supplementary planning document to replace its Vehicle Parking Standards SPD (which was adopted in September 2006), the examiner may also feel it appropriate to recommend that Policy Send 8 is reviewed to reference the Council's future SPDs on this matter.*

Send PC's Response

The change proposed by GBC to add the words “unless restricted by insufficient space” is not acceptable to Send PC because of the severe problems experienced in the parish from on-street parking. In situations where there is a proposed redevelopment of an existing building in a narrow street, or where the building plot size is too small to accommodate car parking, then planning

permission should not be granted as the consequent pressure on on-street parking will exacerbate the existing problems.

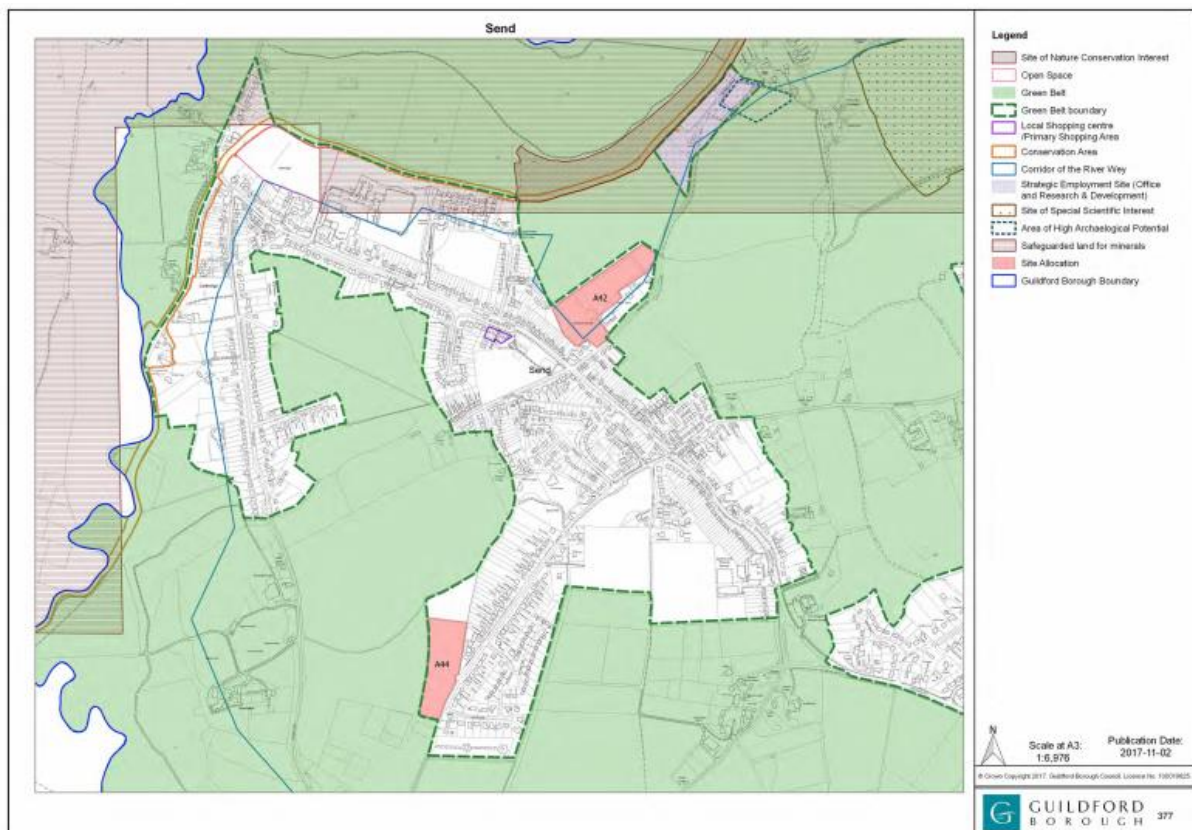
However it is accepted that there may be circumstances where on-street parking can be provided in a way that does not adversely impact road safety or the movement of other road users. It is therefore suggested that the words “off-street” are removed from the first line. It is also accepted that the policy wording should also reflect the emerging Parking Standards being prepared by GBC, which are minimum standards. The revised policy could be amended as follows:

“Proposals will only be supported where they provide ~~off-street~~ vehicle parking such that the level of any resulting parking on the public highway does not adversely impact road safety or the movement of other road users. This provision will apply the standards set out in the Surrey County Council ‘Vehicular and Cycle Parking Guidance’ **or any subsequent Parking Standards adopted by Guildford Borough Council** as a minimum”.

- 2. Map 5 of the Send Character Assessment 2019 is titled Send Conservation Areas. However, I understand that there is only one Conservation Area in the Parish, the Wey and Godalming Navigations Conservation Area. Please confirm that is the case and provide a map showing the extent of the Conservation Area, its date of designation and any relevant Conservation Area Appraisal.**

Send PC's Response

It is correct that the Wey and Godalming Navigations Conservation Area is the only Conservation Area in the parish. The Conservation Area was designated on the 23rd March 1999. It does not have a Conservation Area Appraisal. Whilst it obviously extends beyond the parish (and indeed the Borough) boundary, its extent within Send Parish is shown outlined in orange on GBC's draft policies maps for the adopted Local Plan, reproduced below.



3. Policy Send 1 on design requires that *'proposals should seek to ensure that development does not result in significant adverse effects on the key views identified in the Character Assessment ...'*. A map titled local character views is at page 25 of the Plan, indicating 36 views that I am assuming are those considered to be 'key'. The map lacks clarity in that the script is so small it is extremely difficult to read the letters and numbers, and indeed some appear to be duplicated. Reference to the area maps in the Character Assessment does not greatly assist, nor is it possible to relate the directions of view to the photographs in the Assessment. Please provide me with an amended version of the local character views plan with the views clearly shown and clearly numbered and identifying the Public Rights of Way so that I can relate the views to the photographs in the Character Assessment.

Send PC's Response

Please see the amended version of the Character Assessment Views attached at Appendix 2.

4. In respect of policy Send 1, as advised in the Planning Policy Guidance¹, a policy in a neighbourhood plan should be clear and unambiguous. I have read the Character Assessment; however, it does not provide me with the robust assessment that I would expect as to what it is in or about these 36 particular views that make them special and justifies their identification as key views. In the absence of such an assessment, I have serious concerns that this part of policy SEND 1 is not drafted with sufficient clarity such that a developer would know what they needed to do to meet the policy nor that a decision maker could apply it consistently and with confidence when determining a planning application. Please advise me as to what additional assessment or evidence there is to justify their identification as key views and therefore subject to policy Send 1.

Send PC's Response

Please see the amended version of the Character Assessment Views attached at Appendix 2.

5. In my examination of the Plan, it would be helpful for me to have a response from the Parish Council to the representations made by Gladman Developments Ltd, Neame Sutton (on behalf of Crownhall Estates Ltd), and Astenbell Ltd (on behalf of Langham Homes), in respect of part e) of policy Send 2 and the setting of minimum requirements for the mix of dwelling sizes for open market and affordable housing.

Developer Comments

Policy Send 2 e) states "Housing development in Send Parish will be supported provided that:

e) The following mixture of dwelling sizes are provided unless subsequent updates to the Strategic Housing Market Assessment indicate a different need for Send parish:

- i. At least 85% of the open market dwellings are small units (minimum 10% one bedroom, minimum 30% two bedroom, and maximum 40% three bedroom);*
- ii. At least 95% of the affordable homes are small units (minimum 40% one bedroom, minimum 30% two bedroom, and maximum 25% three bedroom).*

The representations from Neame Sutton object to these requirements on the basis that:

- The SHMA (2015) identifies a greater need for larger homes than smaller, one-bedroom units, within the open market provision;*
- contradicts the Parish Council's own evidence base, which does not identify an overprovision of larger units;*
- The number of smaller units in Send may be below the Borough average. However, the State of the Parish Report (2018, p.12, Table 3b) identifies the future accommodation needs in*

¹ PPG reference ID: 41-041-20140306.

Send to include both three to-four-bedroom homes (36%) and five-plus-bedroom homes (13%). This equates to a 49% requirement for larger homes (3 to 5+-bedroom) in Send.

The representations from Astenbell Ltd on behalf of Langham Homes say:

- *The NDP is not in general conformity with the Local Plan policy H1 because it specifies the mix percentages;*
- *The SHMA advises against including mix percentages in policy;*
- *The SHMA recommended mix isn't being applied rigidly elsewhere in the Borough;*
- *The mix requirements mentioned in part (e) introduce 'minimum' and 'maximum' limits and figures that differ from the SHMA.*

The representations from Gladman do not refer to Policy Send 2e.

Send PC's Response

The Census 2011 showed that the existing proportion of smaller units and affordable units in Send is significantly below the Borough average. Whilst the Send public survey referred to in the State of the Parish Report does indicate some demand for larger units, these cannot be translated into percentages for new development as Neame Sutton suggest because they only represent the needs of existing residents in the village rather than those of future residents.

The Parish Council considers that the local housing stock characteristics are sufficient justification for taking a different approach in Send to the rest of the Borough and this is supported by GBC officers. However, in order to introduce some flexibility into the policy it is suggested that the first part of clause e) be amended as follows:

*"e) The following mixture of dwelling sizes are provided **as appropriate to the site size, characteristics and location** unless subsequent updates to the Strategic Housing Market Assessment indicate a different need for Send parish..."*

6. Other than the Census 2011 data on levels of car ownership, please direct me to any additional evidence relied upon as justification for the parking standards proposed in policy Send 8.

Send PC's Response

The public survey for Send carried out in 2018 found that 291 people (95.72% of respondents) supported the objective to 'Provide more parking facilities (preferably on-drive/off road) within all new developments and reduce traffic speed and congestion on our roads'.

The survey also asked how many cars are kept for regular use in households in Send,

- Just over half of those responding (177 or 54.13%) indicated they keep 2 cars
- 91 or 27.83% indicated they keep 1 car
- 47 or 14.37% indicated they keep 3 cars
- 11 or 3.36% indicated they keep 4 cars
- Only 1 respondent (0.31%) indicated they keep 5 cars

Send is a rural village where all roads are single carriage way and, with the exception of Send Road/Send Barns Lane, many are narrow roads. All of these can accommodate traffic in both directions or parking, not both. The current experience in the village is that where off-street parking is insufficient, cars are parked using the pavement so as to not obstruct traffic. This results in those pavements being blocked to pedestrian traffic which include disabled users and parents with prams. This is especially visible in Send Road and Burnt-Common and roads in Send Marsh.

Recent plans put forward by developers who adhere strictly to the current maximum parking standards, have roads which cannot accommodate off-street parking and expected traffic like waste management trucks. In addition, the visitor parking provided is often poorly located and insufficient which will result in visitors parking on street. Housing is a long term and should be fit for purpose for the current and future generations (a definition of sustainability).

There is an overriding assumption that sustainable developments should support reduced car use. The move from fossil fuel to electric cars does not mean the numbers will reduce, only that they will use different fuels. In rural areas, poorly served by public transport and cycle paths along poorly lit public roads. car use is unlikely to reduce in the same way it might in town and city centres. Developments should reflect that reality. This is a major concern in the village.

7. Please advise me as to whether the Local Green Spaces Report dated March 2019 and marked Draft is the final version.

Send PC's Response

No, the correct version of the Local Green Spaces Report is dated September 2019. This is attached at Appendix 3.

8. The Plan at paragraph 6.8 notes that 'the Guildford Local Plan 'inset' (or removed) the settlements of Send, Send Marsh and Burnt Common from the Green Belt' and policy Send 2 b) addresses housing development within the inset settlements. Within the Green Belt, part c) refers to limited infill on 'sites considered to be within the village'; but as the settlements have been inset, and thus are outside the Green Belt and subject to policy Send 2 b), please clarify what is meant by 'the village'.

Send PC's Response

The wording was taken from the NPPF, but it is accepted that it is confusing in the Send situation where the villages have been inset from the Green Belt. It would be acceptable to Send PC to re-word Send 2 c) to "Within the Green Belt it comprises ~~limited infill development on sites considered to be within the village or other~~ development that complies with the exceptions set out in paragraphs 145 and 146 of the NPPF".

9. The Draft (sic) Local Green Spaces Report March 2019 identifies Land behind Heath Drive as being 2.03ha in area. However, the parcel of land shown in that Report is much larger than LGS6 in the submitted Plan but which is noted as also being 2.03ha. It would be helpful to have the correct size for LGS6.

Send PC's Response

The September 2019 version at Appendix 3 has the correct size for LGS6.

10. Could the Parish Council confirm that Policy Send 8 on parking is to be applied to all types of development or to residential development only as the supporting text refers to car ownership levels in the parish which would mean cars owned by the resident population and not business/industry etc.

Send PC's Response

It is confirmed that Policy Send 8 applies to all development because on-street parking issues also arise from business, retail and community uses.

Appendices

1. Revised Gap maps
2. Revised Character Assessment Views
3. Local Green Spaces Report September 2019