

Examination of the Guildford Borough Local Plan: strategy and sites

Inspector's Questions and comments (No 1).

23 March 2018

This document is divided into two parts. The first section deals with key questions: matters of a strategic nature which require a detailed and considered response from the Council, which should cross-refer as necessary to documents within the evidence base. The second section is a set of questions and comments, many of which will require the Council to produce main modifications to the plan's policies and text.

These questions do not deal with the detail of the allocated sites. These may be the subject of further questions.

KEY QUESTIONS

Calculating the objectively assessed need for housing

1. I note the housing affordability section in the SHMA addendum. However, please will the Council have regard to the ONS statistics [here](#) which indicates a sharp deterioration in both median and lower quartile affordability ratios in Guildford from 2014 to 2016.¹ I cannot see any analysis to demonstrate that the proposed 9% uplift to the OAN based on household formation in the 25-34 age group can reasonably be expected to improve overall housing affordability. The Council will be aware that a uplift based on similar principles was rejected in the Waverley Local Plan examination on the basis that it could not be demonstrated to improve affordability as advised by the PPG. Moreover, the level of identified affordable housing need is exceptionally high. I invite the Council to produce a paper to ascertain the degree of uplift that needs to be applied to the OAN starting point which can reasonably be expected to improve market housing affordability and deliver as many as possible affordable homes. This should be a "policy off" analysis.

Unmet housing need in the housing market area

2. Notwithstanding the advice in the NPPF and PPG, the submitted plan makes no allowance for meeting unmet housing need in the

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<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoworkplacebasedearningslowerquartileandmedian>

HMA. I understand that the HMA authorities intend to work together to address future shortfalls, but meanwhile there is a present need and it needs to be addressed now. In Waverley the allowance that was included in the plan following modifications to meet unmet need arising in the HMA was 83 dpa. This figure would have to be adjusted in the case of Guildford to allow for differing plan periods. I invite the Council to produce a paper to demonstrate how unmet housing need in the HMA will be accommodated.

The housing trajectory

3. I am very concerned about the proposed stepped housing trajectory which indicates that the plan will deliver much lower numbers of homes in its early years than are actually needed. This appears to be an unacceptable aspect of the plan and the Council needs to consider the steps that should be taken to improve housing delivery in the earlier years of the plan. Please will the Council produce a paper on this subject, with an amended trajectory, and the relationship of the trajectory to the A3 improvements and other infrastructure projects needs to be explained.

The spatial development strategy

4. Policy S2 is headed "Our Spatial Development Strategy", but there is no indication of the numerical balance of housing development between different settlements. This provides no guidance to future neighbourhood plans in terms of the amount of development they are expected to accommodate. I invite the Council to produce a suggested modification to Policy S2, or a new policy, setting out how much housing development is expected in the different settlements.

The balance of land uses: encouraging more housing development on brownfield and central area sites

5. Guildford is a location with conflicting demand for limited space from different land uses, but it is demonstrably clear that the major need is for new housing, so it is not apparent why the plan seeks to protect all employment land, floorspace and hotels. Should the plan not be encouraging housing to replace outdated hard-to-let commercial premises in Guildford town centre, and should the land use balance in the Employment Core policy be revisited? This is a key strategic issue given (a) the amount of Green Belt land that is proposed to be released; (b) the potential that a higher OAN will be identified and (c) the need to cater for unmet housing need in the HMA. Please can the Council produce a paper setting out what steps

should be taken and policy revisions made to accommodate a greater amount of the housing growth in the town centre and on other eligible brownfield land including suitable employment land and hotels.

6. On the same theme, how many years has the redevelopment in North Street, Guildford been under consideration, how long has it had planning permission and has that permission been renewed? Against a background of changing retailing patterns with continued strong growth in internet retailing, what consideration has the Council given to re-evaluating the balance of uses in this location having regard to the need to accommodate additional homes?

The approach to student housing

7. Given the serious need for additional housing and the effect of student growth on the housing market, is the plan too unambitious in its expectations of the amount and proportion of students that should be accommodated on or close to the University campus? Should the plan be firmer in requiring additional purpose built student housing to accompany proposals for further higher education?

Green Belt

8. Policy P2: Green Belt. I have read the Green Belt Topic Paper, the SA and the Green Belt and Countryside Study, but please can the Council provide me with a single paper setting out (a) a clear explanation of what it considers to be the strategic level exceptional circumstances justifying the release of the amount of Green Belt land indicated in the plan and its broad spatial distribution; (b) an explanation of what it considers to be the local level exceptional circumstances relating to each specific site from the Green Belt; and (c) an explanation of why it considers that there are exceptional circumstances that require the addition to the Green Belt between Ash Green Village and Ash and Tongham. The paper should include references to the Green Belt Review and SA as appropriate.

Place making and design

9. Policies D1 and D4 are "planning lists" and fall short of encouraging good urban design. They need to have regard to the policy in the NPPF and the advice in the PPG. There is nothing about the masterplanning of large sites, how the public can engage in the overall masterplanning process, or how overall masterplans and the different components of the larger schemes are to be subject to

design review – essential parts of the urban design process. These considerations need to go into a new policy that combines Policies D1 and D4 and the wording needs to be designed with advice from a masterplanner / urban designer. This is essential given the number of major housing and mixed use allocations in the plan. The monitoring indicator as set out is inappropriate; it should be positive – for example, the number of schemes that are subject to positive design review and positive public comment. The Council should take advice on the techniques available for reviewing both the quality of existing places (such as Place Check) and on the quality of the design of emerging schemes (for example through public comment on 3D modelling). Please will the Council produce a combined policy taking the above matters into account.

OTHER QUESTIONS AND COMMENTS

Self-build homes

10. What is the latest position on the self-build register and does the plan provide enough opportunities for custom and self-build homes?

Retention of housing

11. By not allowing downward flexibility in terms of the number of dwellings on allocated sites, Policy H1 (2) is in conflict with the allocations policies, which use the word “approximately”. Precise numbers will not be known until schemes come forward and infrastructure and mitigation measures are known. This aspect of H1 (2) will therefore need to be deleted or revised.

Gypsies and Travellers

12. In respect of Gypsies and Travellers, it is difficult to make a clear connection between the requirements of Policy H1 (6) and (7) and the explanatory text in 4.2.22. The provision should be clearly related to the identified need in the plan.

Affordable homes

13. Regarding affordable homes, 4.2.35 is too vague as regards whether provision will be required for affordable dwellings for assisted living, extra care and other C2 residential developments; it gives the landowner or developer no adequate indication of what may be required. This approach is ineffective and should be deleted.

14. The thresholds for affordable housing in Policy H2 (5 or more homes) are not in accordance with the Written Ministerial Statement of 28 November 2014 or the consultation draft of the NPPF. They may also act to make it more difficult to bring forward small housing sites including the more challenging brownfield sites. The plan proposes to deliver most of its affordable housing through large strategic allocations. Unless the Council can clearly demonstrate exceptional circumstances relating to Guildford (and I note that such circumstances did not apply in Waverley's case), the policy will need to be changed to accord with the WMS through a modification to the plan.

15. Policy H2 and 4.2.36 are not strong enough to secure the implementation of off-site affordable housing schemes within an appropriate timescale. The wording needs to be firmer in this respect.

16. Viability may be a critical issue in ascertaining the amount of affordable housing that may be accommodated in a scheme. Such issues can arise as a result of infrastructure requirements, through the nature or design of a scheme, or through the specialist requirements of its end users. The contents of 4.2.40 (regarding viability issues) amount to policy and should be set out within Policy H2.

Rural exception sites

17. Policy H3 does not say whether or not the policy towards rural exception sites applies in the Green Belt, although the supporting text appears to indicate that it does. Paragraph 89 of the NPPF states that limited affordable housing for local community needs is an exception to inappropriateness "under policies set out in the Local Plan", so the policy itself need to be specific as to whether rural exception sites are to be regarded as not inappropriate in the Green Belt. If that is the intention, there will be some difficulty in including traveller sites in this policy since Planning Policy for Traveller Sites makes it clear that traveller sites are inappropriate development in the Green Belt. The PPTS states that if there is a specific need for a traveller site, local authorities should make an exceptional, limited alteration to the Green Belt boundary through the plan making process, not through a planning application. I invite the Council to look again at this policy in this light. The two elements of the policy will need separating out.

18. 4.2.52, which allows for market homes on rural exception sites in certain circumstances, constitutes policy and should therefore be included within Policy H2.

AONB

19. Policy P1: Surrey Hills AONB. The monitoring indicator is unacceptable since it gives no indication of the overall amount of major development in the AONB. It should refer to all major development on sites not allocated in the plan, not just development allowed on appeal.

Green Belt

20. Having indicated that proposals in the Green Belt will be permitted where they are consistent with the exceptions listed in national planning policy, it is not clear why Policy P2 then goes on to single out two of the categories, extensions or alterations and replacement buildings. If the policy defers to the NPPF it should not be necessary to include these items. In addition, criterion 4(c) is not in the NPPF and should be removed from the policy – it may prevent a more appropriate siting.

21. Policy P2(6): establishing whether such sites are within a village must be a matter of judgement rather than fact? Can 4.3.25 provide some more guidance?

22. The monitoring indicator for Policy P2 is unacceptable since it gives no indication of the overall amount of inappropriate development in the Green Belt. It should refer to all inappropriate development permitted, not just that allowed on appeal.

Countryside

23. Policy P3. The indicator does not measure the effectiveness of the policy to protect the countryside. The number of appeals allowed in the inset villages is not a relevant measure of the effectiveness of the policy.

Flood risk

24. 4.3.42 line 3 should read “principal”.

25. Policy P4 Monitoring Indicators: the percentage of appeals allowed is not a relevant indicator. The first indicator is relevant.

Thames Basin Heaths SPA

26. Policy P5: it is not appropriate to include in the policy that measures "must be agreed with Natural England" (this appears four times in the policy). Natural England is a consultee, not the local planning authority, so these statements must be removed from the policy. It is however acceptable to include in the reasoned justification that Natural England should be consulted.

Employment

27. Policy E1(1) which concerns the provision of new employment floorspace is actually a different policy from E1(2) to (11) which relate more closely to Policy E3, Employment Protection. The Council should consider re-ordering this set of policies.

28. Policy E2(1): having established these locations as key office and R&D sites, it is not appropriate to differentiate sequentially between them. If a requirement for additional floorspace arose from an operator at a strategic employment site, it would not be appropriate to "direct" the requirement to Guildford Town Centre or a transport interchange. This is not an effective policy and this element should be deleted. In addition, E2(3) places an unacceptable impediment to the expansion of business and enterprise. The resistance to changes of use of employment floorspace is not adequately justified in the light of housing need (see Key Question XXX above).

29. Policy E4(1): "complementary to the activities of the University of Surrey" is too vague to allow an assessment of a scheme and too restrictive of business and should be deleted.

The leisure and visitor experience

30. Policy E6(3): the insistence on the retention of all hotels regardless of value, role or market is not appropriate or justified given the pressing need for housing.

Guildford town centre, district centres and local centres

31. Is the concept of a "primary shopping frontage" and "secondary shopping frontage" outdated given changing retail patterns and the fact that town centre shopping is now a leisure experience?

32. Policy E7(6), E8(5), E9(7): childhood obesity is a product of a number of factors including parental choice and example and the propensity to undertake physical activity. Not all takeaway food is

“unhealthy”; not all kinds of takeaway food are bought by children; and the policy would have no bearing on the many retail units that sell high calorie, high sugar food, or on the many existing takeaways. In this context there is no evidence that these policies would be effective in safeguarding or improving childhood health and they should be deleted.

Sustainable design and construction

33. The Written Ministerial Statement of 25 March 2015 states that local planning authorities should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. In addition, whilst the NPPF encourages local authorities to plan in locations and ways which reduce greenhouse gas emissions, it does not seek a heating and cooling hierarchy. The hierarchy Policy D2 is unnecessary and unduly prescriptive: for example, it unaccountably places individual dwelling renewable heating low in the hierarchy, fails to recognise the growth of renewable-generated energy through the national grid, and overlooks the fact that CHP is impractical in many cases and in any case involves pollutant-emitting and carbon-generating energy production in urban areas. It is also not clear how new buildings can require a “reduction in carbon emissions of at least 20%” since there is no baseline from which the reduction can be calculated. Given the contents of the WMS, sustainability statements and energy statements for all development are unnecessary and unduly onerous. The policy and supporting text needs to be deleted and replaced by a shorter, more effective policy. I suggest that this is an instance where the Council might look at the wording in the recently-produced draft NPPF as well as the context provided by the Building Regulations and the WMS.

Historic environment

34. Policy D3: Historic Environment does not reflect the approach in section 12 of the NPPF, since it does not deal properly with the significance of the heritage asset and the degree of harm, and does not make a distinction of approach between designated and non-designated heritage assets. This policy should be changed to reflect the NPPF; it would be sufficient to say that heritage assets will be protected in accordance with the policies of the NPPF. The focus on planning appeals in the monitoring indicator is unacceptable and ineffective. Acknowledged partial or total loss of heritage assets or acknowledged harm to their settings through any planning

permission, listed building consent or other action would be more appropriate.

Infrastructure

35. Policy ID1(3) should allow for the possibility of a Grampian condition. (6), (7) and (8) are statements of intent – actions for the Council itself – and do not belong in the policy. 4.6.8 relates to exceptions to take into account viability and should be in the policy. The last sentence needs to be re-cast to make it positively worded.

Sustainable transport

36. Policy ID3(4) seeks planning obligations to ensure that future residents will not be eligible for residents' parking permits, but this is unlawful. There have been two court judgments on this: Westminster City Council v SSCLG [2013] EWHC 690 (Admin) and R (Khodari) v Kensington and Chelsea RBC [2017] EWCA Civ 333. The judgments concluded that section 106 of the Town and Country Planning Act 1990 cannot be used to prevent occupants from applying for car-parking permits. This part of the policy must be deleted.

Green and blue infrastructure

37. Policy ID4 (8) should refer explicitly to the NPPF rather than referring generally to "national planning policy".

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23 March 2018