

**TOWN AND COUNTRY PLANNING ACT 1990  
SECTION 78 (AS AMENDED)**

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**LAND NORTH OF RALEIGH DRIVE,  
CLAYGATE**

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**Appeal against the decision of Elmbridge  
Borough Council to refuse outline planning  
permission for:**

**Construction of up to 60 dwellings with  
associated landscaping and open space  
with access from Raleigh Drive (Outline  
Application with Appearance,  
Landscaping, Layout and Scale reserved)**

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**PROOF OF EVIDENCE ON HOUSING LAND  
SUPPLY**

Prepared by:

**S. Brown BSc Hons DipTP MRTPI**

For:

**Claygate House Investments Ltd & MJS  
Investments Ltd**

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LPA REF: 2023/0962

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WB REF: 7679

**MARCH 2024**



**Woolf Bond Planning**  
Chartered Town Planning Consultants

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## **DOCUMENTS**

- WB1** Qualifications and Experience: Mr G Ritchie.
- WB2** Email from Paul Falconer on 22<sup>nd</sup> February 2024 confirming the total figure for planning commitments as listed in the AMR and LAA were incorrect.
- WB3** Extract of Elmbridge brownfield register with respect to Sundial House, The Molesey Venture, East Molesey (site ref 106)
- WB4** Copy of Environment Agency's objection (30<sup>th</sup> October 2023) to planning application 2022/3525 at Sundial House, The Molesey Venture, East Molesey.
- WB5** Extract of Planning Statement for application at Brooklands College (LPA ref 2022/2746)
- WB6** Extract of Environmental Statement submitted with application at Brooklands College (LPA ref 2022/2746)
- WB7** Emails from Paul Falconer on 18<sup>th</sup> and 19<sup>th</sup> March 2024, revising the Council's Housing Land Supply Position.
- WB8** Chronology of the Council's revised Housing Land Supply positions.

## **QUALIFICATIONS AND EXPERIENCE**

**Steven Brown** will say:

I hold a Bachelor of Science and Post Graduate Diploma in Town and Country Planning and I am a Member of the Royal Town Planning Institute.

I am the Managing Director of Woolf Bond Planning Ltd – Chartered Town Planning Consultants and I have been engaged in town planning with more than 20 years' experience as a private consultant acting for major house builders, development companies, estates and private individuals. House builder clients include Croudace, Barratt David Wilson Homes, Barwood Land, Bellway, City & Country, Cora, Dandara, Fairfax, Foreman Homes, Persimmon, Redrow Homes and Taylor Wimpey, as well as strategic land promoters, including Hallam Land and CEG.

I am an expert planning witness (including on housing land supply issues), having appeared at numerous s78 inquires and Local Plan Examinations.

I have visited the Appeal Site and its surroundings and have examined the relevant plans and documents for the purpose of the inquiry. I also acted for the Appellants in connection with the planning application at issue in this Appeal.

The evidence which I have prepared and provide for the Appeal in this proof of evidence is true and has been prepared, and is given, in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

## **1. INTRODUCTION**

### **Scope**

- 1.1. This Proof of Evidence has been prepared by Mr Steven Brown (BSc Hons DipTP MRTPI) in relation to the appeal by Claygate House Investments Ltd and MJS Investments Ltd against the decision of Elmbridge Borough Council to refuse an outline application proposing the erection of up to 60 dwellings with associated landscaping and open space on land north of Raleigh Drive, Claygate. The analysis of site deliverability includes contributions (with which I agree) from Mr Graham Ritchie<sup>1</sup> (BSc Hons DipTP MRTPI).
- 1.2. My evidence in this Proof of Evidence considers the adequacy of the Borough's housing land supply position. It should be read in conjunction with my separate Proof of Evidence on planning matters and the Proof of Evidence of James Stacey of Tetlow King on affordable housing matters.

### **Background**

- 1.3. As set out in the Housing Land Supply SoCG (**CDD.4**), it is agreed between the parties that the five year period to be used for the purpose of calculating the five year housing land supply position for this appeal is 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2028.
- 1.4. Although the Council adopted its Core Strategy in July 2011, no review was completed in advance of its fifth anniversary. In accordance with the approach set out at paragraph 77 of the National Planning Policy Framework (the "NPPF" or "Framework"), the Borough's housing requirement is now based on its local housing need (which figure is derived from the standard method).
- 1.5. As the Council's emerging Local Plan is currently the subject of examination by the Secretary of State, by virtue of paragraphs 77 and 226 of the NPPF, the Council is required in this Appeal to show a minimum of four years' worth of deliverable housing supply (against a five year requirement). This is also common ground (paragraph 3.3 of **CDD.4**).

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<sup>1</sup> Qualifications and experience at **WB1**

- 1.6. At the outset, it should be noted that there is agreement that the Council cannot demonstrate a five year supply of housing land at 1<sup>st</sup> April 2023.
- 1.7. As recorded in the Housing Land Supply SoCG (**CDD.4**), when that document was signed on 8<sup>th</sup> March 2024, the Council purported to be able to show a supply of 2,357 dwellings at the 1<sup>st</sup> April 2023 base-date. That is 620 dwellings fewer than recorded in the AMR (2,977-2,357). On 18<sup>th</sup> March 2024, the Council made further concessions (**WB7** refers), contending for a 2,297 dwelling supply at the base-date. Using this supply results in a 3.53 year supply and a shortfall of 303 dwellings against the need to show a minimum four year requirement.
- 1.8. However, and contrary to the position taken in the AMR (**CDE.13**) and LAA (**CDE.14**), and as set out in **CDD.4**, the Council then decided to rely upon new sites, post the base date (not relied upon or identified in the AMR or LAA) for an additional 489 dwellings. On 18<sup>th</sup> March they reduced this to 299 dwellings, but on the morning of 19<sup>th</sup> March 2024, they increased it again to 396 dwellings. This results in the Council now claiming a 2,693 dwelling supply (relying upon 396 dwellings post the base date from new sites), resulting in a purported supply of 4.14 years.
- 1.9. This is an unedifying spectacle of how not to undertake a five year housing land supply assessment.
- 1.10. I agree that the Council is not able to demonstrate a five year supply of deliverable housing land, but my evidence is that the position is considerably worse.
- 1.11. It is my position for the Appellants (as set out in **CDD.4**) that the deliverable supply at the base-date (31<sup>st</sup> March 2023) is 2,279 dwellings and that no units granted permission after the base date should be included in the supply. This results in a shortfall of 971 dwellings compared to the five year requirement, a shortfall of 321 dwellings compared to the four year requirement, or a 3.51 year supply.
- 1.12. As can be seen, there is therefore disagreement between the Council and the Appellants as to whether the Council is able to demonstrate a four year supply of deliverable housing land. Although on 18<sup>th</sup> March the Council conceded it could not demonstrate a four year supply, it withdrew that concession on 19<sup>th</sup> March.

- 1.13. The Council published its initial position for the 2023 base-date in its Authority Monitoring Report (AMR) 2022/2023 (December 2023) (**CDE.13**).
- 1.14. Table 29 of the AMR (**CDE.13**) suggests that the Borough's deliverable supply at 1<sup>st</sup> April 2023 was 2,977 dwellings. Although Tables 28 and 29 of CDE.13 provided headlines for the expected delivery by source of supply, it did not include a site specific schedule.
- 1.15. The Inspector examining the Local Plan (14<sup>th</sup> September 2023) (**CDE.45**) posed a number of questions to the Council, of which those in paragraphs 24 to 26 related to the housing trajectory, requesting clarification of the sites relied upon as being deliverable.
- 1.16. The Council's full response to the Local Plan Inspector's initial queries was issued on 10<sup>th</sup> November 2023 (**CDE.47**).
- 1.17. On pages 5-6 of the Council's response, it clarified the position regarding the various sources of supply and confirmed:

**"In line with paragraph 74 of the NPPF and to support Strategic Policy SS3, the draft Local Plan includes a trajectory illustrating the expected rate of housing delivery over the plan period. Appendix A5 of the draft Local Plan presents the trajectory using committed sites, sites with planning permission, Land Availability Assessment (LAA) sites and windfalls with a base date of 31 March 2022. The trajectory is updated annually and is published in the council's Authority Monitoring Report.**

**The most up to date trajectory and the LAA evidence that informs this is anticipated for publication in January 2024. The trajectory will be extended to reflect a 16-year period so that it covers a 15-year time frame from the date of adoption which is anticipated for 2024."**

- 1.18. The LAA referenced in the Council's full response to the Local Plan Inspector was published on 9<sup>th</sup> February 2024. This is the Land Availability Assessment 2023 (**CDE.14**). In appendices 1 to 3, it includes the schedules of sites relied upon by the Council to provide the sources which informed the headline figures in the AMR (**CDE.13**).

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- 1.19. Although the AMR (table 29) had indicated that the Borough's deliverable supply at 1<sup>st</sup> April 2023 was 2,977 dwellings, I reviewed the figures with my colleague (Mr Ritchie) (Qualifications at **WB1**). Having regard to the figures and sites contained in appendices 1 to 3 of the LAA, I concluded that the total was less (on the Council's approach), at only 2,808 dwellings (Table A of the Housing Land Supply Statement of Common Ground refers – **CDD.4**).
- 1.20. As indicated in footnote 1 (page 6 of **CDD.4**), the reason for this difference was the Council had miscalculated the total dwelling numbers for the sites with planning permission where construction had not commenced at 1<sup>st</sup> April 2023 (listed in Appendix 2 of the LAA – **CDE.14**). This miscalculation was confirmed by the Council in an email of 22<sup>nd</sup> February 2024 (**WB2**). This confirmed the Council's revised position, relying upon a reduced supply totalling 2,808 dwellings.
- 1.21. I reviewed the schedules of sites listed in Appendices 1 to 3 of the LAA (**CDE.14**) which the Council regarded as deliverable. I then issued a draft Housing Land Supply Statement of Common Ground ("SoCG") to the Council on 28<sup>th</sup> February 2024. The Council and Appellants corresponded over the iterations of the draft Housing Land Supply SoCG before the final version was confirmed on 8<sup>th</sup> March 2024 (**CDD.4**).
- 1.22. As a result of the discussions over the draft SoCG, and the review of positions, the Council has confirmed that its supply figure should decrease from the 2,977 dwelling figure in the AMR (**CDE.13**) and LAA (**CDE.14**).
- 1.23. As recorded in the Housing Land Supply SoCG (**CDD.4**), when that document was signed, the Council purported to be able to show a supply of 2,357 dwellings at 1<sup>st</sup> April 2023. That is 620 dwellings fewer than recorded in the AMR and LAA (2,977-2,357). On 18<sup>th</sup> March, the Council made further concessions, contending for a 2,297 dwelling supply at the base-date.
- 1.24. Comparing the Council's supply figure of 2,977 dwellings relied upon in their AMR (**CDE.13**) and LAA (**CDE.14**) as at 1<sup>st</sup> April 2023, which would result in a 4.58 year supply (2,977/650dpa), on a like for like basis with the 2,297 dwellings now relied on by the Council at 1<sup>st</sup> April 2023 (**WB7** refers), this would result in the Council only being able to show a 3.53 year supply of deliverable housing land (2,297 dwelling supply/650dpa). Between the publication of the AMR in December 2023 (**CDE.13**) and



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**WB7** (18<sup>th</sup> and 19<sup>th</sup> March 2024), the Council has reduced its supply position as at the 1<sup>st</sup> April 2023 base-date by a total of 680 dwellings. This is equivalent to more than a whole year's supply.

- 1.25. Table A of **CDD.4** confirms that the reductions from the amended deliverable supply advanced by the Council in the LAA (2,808 dwellings) to the 2,357 dwellings relied upon in the SOCG, were 61 dwellings from sites under construction, a net 94 dwellings from sites with permission and 296 dwellings from LAA sites (without a permission).
- 1.26. The reasons for the agreed adjustment for the various sites discounted in these sources is summarised in Tables B-D of the **CDD.4**. In summary (and as also indicated in **CDD.4** (paragraphs 1.7, 1.10 and 1.15)), the reasons for the agreed reductions of 451 dwellings from the Council's revised deliverable supply figure of 2,808 dwellings were:
- i) The dwellings were completed before 31<sup>st</sup> March 2023;
  - ii) The number of dwellings relied upon by the Council is greater than the actual planning permission;
  - iii) The permission has expired (where consent was through a prior approval);
  - iv) Duplication of dwelling numbers on a single site; or
  - v) Insufficient evidence to demonstrate deliverability of site, especially where the site was not subject to detailed planning application (either pending on 8<sup>th</sup> March 2024 or approved between 1<sup>st</sup> April 2023 and 8<sup>th</sup> March 2024).
- 1.27. As set out in **WB7**, the Council has subsequently agreed to the removal of a further 60 dwellings from sites under construction (agreeing to the removal of St Georges House (43 dwellings), 162 Portsmouth Road (16 dwellings) and 1 Wolsey Road (1 dwelling)).
- 1.28. This means that the Council now relies upon a revised supply from the sites covered by the headline sources in the AMR (**CDE.13**) and LAA (**CDE.14**) of 2,297 dwellings against the minimum 3,250 dwelling requirement. This results in a deficit of 953 dwellings and a supply of only 3.53 years.
- 1.29. However, and as **CDD.4** records, with the Council's figures subsequently revised by **WB7**, the Council is now relying upon new sites, which postdate the base date, and which were not included in the AMR or LAA, for a supply of an additional 396 dwellings.

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- 1.30. For the reasons I explain, I reject their inclusion as to do so distorts the assessment and clearly conflicts with the advice in national guidance as considered through planning appeal decisions.
- 1.31. Ultimately, I am of the view that the Council's approach is an unedifying spectacle of how not to undertake a five year housing land supply assessment. Indeed, it is an approach only resorted to by the Council when it realised during negotiations over **CDD.4** that it could not demonstrate a 4 year housing land supply through a conventional approach.
- 1.32. Whether to include the 396 dwellings granted planning permission since 1<sup>st</sup> April 2023 is the largest element of disagreement between the parties. However, I also dispute 18 dwellings within the deliverable supply as at the base date. Overall, it is my view that the Council has a maximum deliverable supply of 2,279 dwellings, which equates to a supply 3.51 years, representing a shortfall of 971 dwellings on the five year requirement and shortfall of 321 dwellings against the need to show a four year supply of deliverable housing land.
- 1.33. The respective positions are set out in the Housing Land Supply SoCG (**CDD.4**), with the Council adjusting its position in **WB7**.
- 1.34. On the basis of my assessment, the lack of a four year supply of deliverable housing land engages the presumption in favour of sustainable development at paragraph 11(d) of the NPPF.
- 1.35. My evidence addresses the housing land supply positions as well as the weight to be attached to the delivery of housing from the Appeal Scheme.
- 1.36. I am of the view that the most important Development Plan policies for determining the Appeal are out of date on account of the Council not being able to demonstrate a four year supply of deliverable housing land. In carrying out my housing land supply assessment, I address the content of relevant material considerations, including the NPPF, the Planning Practice Guidance ("PPG"), relevant case law and relevant appeal decisions.

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1.37. Informed by that background, I assess the deliverability of the Council's identified components of supply and thereafter I set out my conclusion in relation to the five-year housing land supply position; where I conclude that the Council is not able to demonstrate a four-year supply of deliverable housing land.

### Summary of Findings

1.38. Although the Council contends that it can demonstrate a four year supply of deliverable housing land for the period 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2028 (through the inclusion of sites granted after the base date of 31<sup>st</sup> March 2023) with a purported adjusted supply of 4.14 years and a limited surplus of 93 dwellings (**WB7**), it is my opinion that the Council is not able to show a four year supply of deliverable housing land, with a supply of only **3.51 years**. This amounts to a **deficit of 321 dwellings** when compared to that necessary to show a four year provision (2,600 dwellings).

1.39. As noted, my assessment of the four year housing land supply position differs from the Council's, primarily due to the application of the definition of what constitutes a deliverable site from the 2023 NPPF, taking account the clarification provided by numerous appeal decisions.

1.40. As already noted, the Council's position on housing land supply was initially set out in their "Authority Monitoring Report 2022/23" published in December 2023 (**CDE.13**), whilst the detailed schedule of sites within the various sources were listed in appendices 1 to 3 of the Land Availability Assessment 2023 (published February 2024) (**CDE.14**). Through subsequent correspondence with the Council (**WB2**) it was agreed that the overall totals in both **CDE.13** (Tables 28 & 29) and **CDE.14** (Table 4) were incorrect, as it included a mis-calculation of the capacity from sites with extant planning permission but not under construction (Appendix 2). This is set out in the SoCG (**CDD.4**).

1.41. Although the Council accepted a reduction from the initial list of sites within the sources contained in **CDE.13** and **CDE.14** of 451 dwellings (middle column of figures in Table A of **CDD.4**), the Appellants disputed the contribution of further sites. This is because the dwellings must be discounted as:

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- i) The dwellings were completed before 31st March 2023 (St Georges House (43 dwellings) and 162 Portsmouth Road (16 dwellings) (both Table B of **CDD.4**)
  - ii) The permission has expired (where consent was through a prior approval) (rear ground flood office suite at 1 Wolsey Road (1 dwellings) (Table B of **CDD.4**);
  - iii) Insufficient evidence to demonstrate deliverability of site, especially where the site was not subject to detailed planning application (either pending or approved between 1<sup>st</sup> April 2023 and the present). This is from sites in Tables D and E of CDD.4 as follows:
    - a) For Sundial House (Table D of CDD.4), there is disagreement between the expected contribution from this site. The Appellants consider that 38 dwellings are deliverable whereas the Council contends it should be 56 dwellings (difference of 18 dwellings). The reason for the difference is that the Appellants rely upon the Brownfield register figure whereas the Council refers to the pending application, although there is an objection from the Environment Agency to this scheme.
    - b) For Table E, the Appellants dispute the inclusion of all the sites listed as they were not regarded as deliverable at the base date and it is only through the subsequent decision of the Council that they are now included. The inclusion of sites with permission post base date without making consistent adjustments to omit schemes no longer deliverable i.e. as completed or the permission has lapsed/expired skews the results.
- 1.42. As set out in **WB7**, the Council subsequently agreed to the removal of the 60 dwellings at issue under point (i) and (ii) (paragraph 1.27 above also refers).
- 1.43. Resulting from the Council's concessions, there is now agreement on the dwelling numbers to be relied upon from sites under construction.
- 1.44. As a result, despite the significant gap between the parties' respective supply positions at the start of the appeal process, due to the Council's concessions (**CDD.4** and **WB7** refer), the only site that remains a 'live' issue in terms of the Council's supply position at the base-date, is Sundial House. The Council rely upon this site for 56 dwellings. I consider only 38 dwellings are deliverable. The difference is 18.
- 1.45. Ultimately, whether the 18 dwellings are accepted by the Inspector within the supply figures makes only a very minor difference (0.02 years) to the respective positions. On the respective supply figures at 1<sup>st</sup> April 2023, on the Council's case there is a 3.53 year supply (some 303 dwellings short of being able to demonstrate a four year supply of deliverable housing land), and on my evidence there is a 3.51 year supply (some 321 dwellings short of a four year supply).

- 1.46. Rather, the principal issue is whether the Council can include sites for 396 dwellings on which they now rely, comprising new sites added to the supply assessment after the base date, that were not included in the AMR or LAA. I am clear in that they should not.
- 1.47. These new sites were only included in the Council’s supply figures on the day the Housing Land Supply SoCG was due to be signed and submitted. I find the Council’s approach to its calculation of the housing land supply position to be unedifying.
- 1.48. I have tracked the Council’s respective housing land supply positions, which I have set out in Table 1 below. A chronology is also provided in **WB8**.
- 1.49. The “WB7 Revised post base-date assumption” column includes the 396 dwellings postdating the 1<sup>st</sup> April 2023. As I have explained, if these are excluded, this results in the Council only being able to show a 3.53 year supply of deliverable housing land (on their supply figures at the base-date).
- 1.50. Table 1 also includes my position for comparative purposes.

*Table 1 – The Respective Four and Five Year Housing Land Supply Positions*

	Council					Appellant
	Initial Position (CDE/13 and CDE.14)	Corrected Figures (WB2)	SoCG (CDD.4) but <u>excluding</u> new post base-date sites	SoCG (CDD.4)	WB7 Revised post base-date assumptions	
Minimum 5yr Requirement	3,250	3,250	3,250	3,250	3,250	3,250
Annual requirement	650	650	650	650	650	650
Deliverable Supply at 31 <sup>st</sup> March 2023	2,977	2,808	2,357	2,357	2,297	2,279
Additional supply since 1 <sup>st</sup> April 2023	0	0	0	489	396	0
Total supply	2,977	2,808	2,357	2,846	2,693	2,279
Extent of Surplus/Shortfall for 5 years	<b>-273</b>	<b>-442</b>	<b>-893</b>	<b>-404</b>	<b>-557</b>	<b>-971</b>
Extent of Surplus/Shortfall for 4 years	<b>+377</b>	<b>+208</b>	<b>-243</b>	<b>+246</b>	<b>+93</b>	<b>-321</b>
No. Years Supply	<b>4.58yrs</b>	<b>4.32yrs</b>	<b>3.63yrs</b>	<b>4.38yrs</b>	<b>4.14yrs</b>	<b>3.51yrs</b>

- 1.51. Having assessed the housing land supply based upon the requirements set out in the NPPF, PPG and the approach adopted in numerous appeal decisions, I conclude that the Council is not able to demonstrate a four year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11(d) of the NPPF.
- 1.52. The planning balance is undertaken in the overarching planning evidence which I provide under separate cover.

## 2. THE PLANNING POLICY CONTEXT

### Development Plan Context and Section 38(6)

- 2.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. This represents the s.38(6) 'balance'.
- 2.2. In the context of considering the Appeal Scheme, the Development Plan in Elmbridge Borough comprises the following:
- Elmbridge Core Strategy (adopted July 2011) (**CDE.1**); and
  - Elmbridge Development Management Plan (adopted April 2015) (**CDE.2**)
- 2.3. Although Policy CS2 of the Core Strategy sets the Borough's housing target for the period 2011 to 2026 (3,375 dwellings during the plan period at 225dpa), because the Core Strategy was adopted more than five years ago and no review has been undertaken before the fifth anniversary of its adoption i.e. by July 2016, the Borough's housing requirements are established through the calculation of Local Housing Need ("LHN") derived from the Standard Method ("SM"). This is covered in section 3 of the Housing Land Supply SoCG (**CDD.4**). Paragraph 3.2 of **CDD.4** confirms that the minimum housing target for demonstrating a five year supply is 650 dwellings annually.
- 2.4. Applicable policy considerations are set out in my separate Planning Proof of Evidence; and I do not seek to expand upon that here.
- 2.5. As set out in section 3 of the Housing Land Supply SoCG (**CDD.4**), the agreed minimum five year requirement for the period April 2023 to March 2028 is derived through the operation of paragraphs 77 and footnote 42 of the NPPF. This means that the housing requirement falls to be measured against the local housing need figure calculated using the standard method.

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- 2.6. As recorded at paragraphs 3.2, 3.5 and 3.6 of **CDD.4**, the starting point when calculating the five year requirement is the minimum 3,250 dwelling requirement derived from the SM (650dpa x 5 years).
- 2.7. As a result of the Housing Delivery Test (“HDT”) results published in December 2023, it is agreed that no buffer is added to the requirement. This produces a 3,250 dwelling annualised requirement (confirmed in paragraph 3.4 of **CDD.4**).
- 2.8. As paragraphs 3.5 and 3.6 of **CDD.4** records, the agreed minimum five year requirement for the period 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2028 is 3,250 dwellings.

### **National Planning Policy Framework**

- 2.9. The NPPF was initially published in March 2012, with a revised version in July 2018; refined in February 2019 with further amendments in July 2021 and further updates in both September and December 2023. It is a material consideration of particular standing in the determination of planning applications.
- 2.10. The content of the NPPF as it relates to the consideration of four and five year housing land supply matters is set out below.

### Delivering a Sufficient Supply of Homes

- 2.11. Paragraph 60 sets out the Government’s objective of significantly boosting the supply of homes, which reflects paragraph 8(b).
- 2.12. Paragraph 61 sets out the approach to determining the minimum number of homes needed, which should be informed by a local housing need assessment conducted using the Standard Method in national planning guidance – unless an alternative approach is justified. It is also added that any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 2.13. Paragraph 69 sets out the need to plan for a five year supply of deliverable sites for housing. It also requires sites for years 6-10 and beyond. By paragraph 77, authorities generally have to identify and update annually a minimum 5 year supply of housing.



However, since Elmbridge's emerging Local Plan is being examined, by paragraphs 77 and 226, the minimum is reduced to a 4 year housing land supply.

- 2.14. Paragraph 77 sets out the need to provide a four or five year supply of deliverable sites for housing. The definition of what constitutes a 'deliverable' site is set out in the glossary in Annex 2 on page 69 of the NPPF and this definition has been used, alongside that set out in the PPG<sup>2</sup>, to inform the assessment of the Council's five year housing land supply position.
- 2.15. As noted in section 1 above, the Council published its housing land supply position for the 2023 base-date in its Authority Monitoring Report (AMR) 2022/2023 (December 2023) (**CDE.13**). This indicated that the Borough's deliverable supply over the period 1<sup>st</sup> April 2023 to March 2028 was 2,977 dwellings.
- 2.16. As recorded in **CDD.4, WB7** and reported in section 1 above, the Council has revised its position and now relies upon a supply of 2,297 dwellings from the same identified sources. The Council also includes a further 396 dwellings from permissions granted on or after 1<sup>st</sup> April 2023, which increases the purported supply to 2,693 dwellings. These additional 396 dwellings were not included in the AMR or LAA. Rather, they were added through the preparation of the Housing Land Supply SoCG (**CDD.4**) with some later conceded (**WB7**).

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<sup>2</sup> See Housing Supply and Delivery section (ID 68-007-20190722)

### 3. ASSESSING THE FIVE YEAR HOUSING LAND SUPPLY POSITION

#### General

- 3.1. My assessment of the housing land supply position has been informed by the following tasks:
- (i) **identifying the requirement** to be met in the four (and five) year period (including in relation to the method to be applied in addressing any shortfall as well as any appropriate buffer to be applied);
  - (ii) **assessing the deliverability** of the identified components of supply; and
  - (iii) **concluding** on matters by subtracting (ii) from (i) to identify whether there is or is not a four or five year supply of deliverable housing land.
- 3.2. The Council's Five Year Housing Land Supply position for the period 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2028 was published in December 2023 (**CDE.13**).
- 3.3. Following the publication of the schedule of sites within appendices 1 to 3 of the LAA (**CDE.14**) (February 2024), the Council accepted that the deliverable supply figure was incorrect (22<sup>nd</sup> February 2022) (**WB2**). The Council has since agreed a further refined position with respect to the sources listed in both **CDE.13** and **CDE.14** and this is set out in **CDD.4**.

#### NPPF and PPG

- 3.4. Paragraph 77 of the NPPF requires LPAs to demonstrate a minimum of four or five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old. The requirement should also allow for the application of a 20% buffer associated with the Housing Delivery Test ("HDT") in some circumstances.
- 3.5. As explained in section 2, the Council's emerging Local Plan is currently being examined. Therefore, pursuant to paragraphs 77 and 226 of the NPPF, the Council must demonstrate at least four years supply of deliverable housing land (rather than the usual five years which would otherwise need to be demonstrated).

- 3.6. For the purpose of this Appeal, the HDT results state that Elmbridge Borough is not subject to a buffer (although its 90% score is below the 95% requirement, such that an action plan is required).
- 3.7. The PPG expands upon the definition of a deliverable site<sup>3</sup>, which references the definition at Annex 2 of the NPPF.

**(i) Identifying the Housing Requirement**

General

- 3.8. It is agreed that the Elmbridge Core Strategy (**CDE.1**) passed the fifth anniversary of its adoption on 20<sup>th</sup> July 2016. As there was no review before this date, the Borough's housing requirement is now established by Local Housing Need consistent with NPPF paragraph 77. This reflects the approach outlined in Table 29 of the Council's assessment of Housing Land Supply in Table 29 of the AMR (**CDE.23**). This confirms that the Borough's Local Housing Need at April 2023 is for a minimum of 650 dpa.
- 3.9. For the purpose of this Appeal, the HDT results state that Elmbridge Borough is not subject to a buffer.
- 3.10. This establishes a requirement to provide a minimum of **3,250 dwellings** in the five year period 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2028 at 650dpa. This is agreed at paragraphs 3.5 to 3.6 of the Housing Land Supply SoCG (**CDD.4**).

**(ii) Assessing the Deliverability of the Identified Components of Supply**

General

- 3.11. The NPPF Glossary defines "deliverable" sites as follows:

**Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:**

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<sup>3</sup> See Housing Supply and Delivery section (ID 68-007-20190722)

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- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.” (My emphasis underlined)

3.12. Alongside the NPPF definition, I refer to the advice in the accompanying PPG on the quality and robustness of evidence<sup>4</sup> which in my opinion indicates that the Council’s delivery assumptions are not justified.

3.13. The PPG emphasises the importance of “clear” evidence to justify any assumptions on the deliverability of sites within the supply.

3.14. The section of the PPG in considering “What constitutes a ‘deliverable’ housing site in the context of plan-making and decision-taking?” states:

**“In order to demonstrate 5 years’ worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions. Annex 2 of the National Planning Policy Framework defines a deliverable site. As well as sites which are considered to be deliverable in principle, this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:**

- have outline planning permission for major development;
- are allocated in a development plan;
- have a grant of permission in principle; or
- are identified on a brownfield register.

**Such evidence, to demonstrate deliverability, may include:**

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the

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<sup>4</sup> See Housing Supply and Delivery section (ID 68-007-20190722)

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**timescale for approval of reserved matters applications and discharge of conditions;**

- **firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates;**
- **firm progress with site assessment work; or**
- **clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.**

**Plan-makers can use the Housing and Economic Land Availability Assessment in demonstrating the deliverability of sites.” (My emphasis underlined)**

3.15. As the guidance sets out, “clear evidence” is required that completions will begin on site within five years” (in the words of the NPPF’s Glossary).

3.16. It is clear from the PPG that for any site not included in the first category (A) of the NPPF Glossary definition, the LPA must have clear and robust evidence to show deliverability.

#### Appeal and Case Law Precedent

3.17. Various appeal decisions and judgments have considered the implications of the NPPF and PPG guidance on how deliverability is to be appraised, including the nature and depth of evidence required pursuant to the versions of the NPPF issued in 2018 (and subsequent versions). A summary of relevant cases is detailed below.

#### *The St Modwen Judgment (October 2017) (CDG.7)*

3.18. The St Modwen judgment highlights the test of deliverability requiring a “realistic prospect” of delivery of housing within 5 years. Paragraph 41 of the judgment draws attention to the distinction between deliverability and actual delivery. Deliverability has to entail a “realistic prospect” of the site being delivered.

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*The East Northamptonshire Council Consent Order (May 2020) (CDG.15) & the Bedford Consent Order (July 2020) (CDG.16)*

- 3.19. This first judgment related to a consent order issued by the Secretary of State. It identified that the definition of a deliverable site is not a closed list and that how a site may meet the clear evidence test is a matter of judgement for the decision maker. The below extract from the East Northamptonshire consent order (issued 7<sup>th</sup> May 2020) states:

**“He concedes that he erred in his interpretation of the definition of deliverable within the glossary of the National Planning Policy Framework (“NPPF”) as a ‘closed list’. It is not. The proper interpretation of the definition is that any site which can be shown to be ‘available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years’ will meet the definition; and that the examples given in categories (a) and (b) are not exhaustive of all the categories of site which are capable of meeting that definition. Whether a site does or does not meet the definition is a matter of planning judgment on the evidence available”.**

- 3.20. Since the East Northants consent to judgment, a further second consent order by the Secretary of State has been issued with respect of an appeal decision within Bedford Borough (CO/164/2020) issued on 2<sup>nd</sup> July 2020. Paragraph 5 states as follows:

**“The First Defendant also accepts that Ground 2 is arguable, and the Inspector misinterpreted paragraph 74 of the NPPF 2019, because he has made no comment on the differences between the 2019 and 2012 test, the ‘appropriate buffer’, and any effect of the 5YHLS.”**

- 3.21. There was a clear change in the definition of deliverable sites between the 2012 and 2018 (and subsequent) editions of the NPPF. This was acknowledged in the Bedford Borough Consent Order.

*Appeal Decision at Audlem Road, Nantwich (CDH.8), Ref. APP/R0660/A/13/2197532, July 2020)*

- 3.22. In considering detailed evidence in respect of the contended inclusion of sites, the Secretary of State in his decision dated 15<sup>th</sup> July 2020 allowing residential development off Audlem Road/Broad Lane, Nantwich stated:

**“20. The Secretary of State considers that the Inspector’s assessment of housing supply at IR400-409 is now out of date given the new information that has been submitted by parties since the end of the Inquiry.**

**21. The Secretary of State has reviewed the information submitted by the parties, in particular the sites where deliverability is in dispute between the appellant and the Council. The Secretary of State agrees with the appellant that some of the sites identified by the Council, at the time the evidence was submitted, may not meet the definition of deliverability within the Framework. He considers that, on the basis of the evidence before him, the following should be removed from the supply: sites with outline planning permission which had no reserved matters applications and no evidence of a written agreement; a site where there is no application and the written agreement indicates an application submission date of August 2019 which has not been forthcoming, with no other evidence of progress; and a site where the agent in control of the site disputes deliverability. He has therefore deducted 301 dwellings from the supply of housing figures”. (My emphasis).**

*Appeal Decision at Little Sparrows, Sonning Common (CDH.7), Ref. APP/Q3115/W/20/3265861, June 2021)*

3.23. This decision related to land at Little Sparrows, Sonning Common in South Oxfordshire District. It was allowed in June 2021. The nature and depth of evidence relating to a deliverable site was assessed in paragraphs 20 and 21 of the appeal decision:

**“20. I have also had regard to the PPG advice published on 22 July 2019 on ‘Housing supply and delivery’ including the section that provides guidance on ‘What constitutes a ‘deliverable’ housing site in the context of plan-making and decision-taking.’ The PPG is clear on what is required:**

***“In order to demonstrate 5 years’ worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions.”***

**This advice indicates to me the expectation that ‘clear evidence’ must be something cogent, as opposed to simply mere assertions. There must be strong evidence that a given site will in reality deliver housing in the timescale and in the numbers contended by the party concerned.**

**21. Clear evidence requires more than just being informed by landowners, agents or developers that sites will come forward, rather, that a realistic assessment of the factors concerning the delivery has been considered. This means not only are there planning matters that need to be considered but also the**

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**technical, legal and commercial/financial aspects of delivery assessed. Securing an email or completed pro-forma from a developer or agent does not in itself constitute 'clear evidence'. Developers are financially incentivised to reduce competition (supply) and this can be achieved by optimistically forecasting delivery of housing from their own site and consequentially remove the need for other sites to come forward". (My emphasis).**

- 3.24. This appeal decision reinforces the importance of clear evidence to support the contended deliverability of sites/sources within the supply. Therefore, having regard to these appeal decisions, for any site not included within the first category of sources detailed in the NPPF Glossary, it is essential that this is substantiated by the necessary "clear" evidence of "deliverability", as outlined in the PPG<sup>5</sup>.
- 3.25. It is within the context provided by the court judgements, consent orders and appeal decisions that the Council's housing land supply position is to be appraised.

#### Overview of the Council's Identified Sources of Supply at 1<sup>st</sup> April 2023

- 3.26. The Council's assessment of housing land supply was initially set out in Tables 28 and 29 of its AMR (**CDE.13**). This suggested a deliverable supply of 2,977 dwellings at 1<sup>st</sup> April 2023.
- 3.27. As explained in section 1, following the Appellants' review of the detailed schedules of sites within each source of supply listed in Table 28 of the AMR (**CDE.13**), as provided in appendices 1 to 3 of the LAA (**CDE.14**), the Council agreed that the contribution from the sites with planning permission (appendix 2) was incorrect (**WB2**). The resulting adjusted deliverable supply figure (based upon the same sources of supply (detailed schedules in Appendices 1 to 3 of the LAA (**CDE.14**)) was 2,808 dwellings.
- 3.28. As also explained in section 1, following a review of its position as part of the preparation of the Housing Land Supply SoCG (**CDD.4**), the Council reduced its supply figure by 451 dwellings within the five year period from April 2023 through to March 2028 (middle column of figures in Table A).
- 3.29. This reflected the Council's acceptance that it had incorrectly included sites due to the following reasons (as detailed in tables B-D):

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<sup>5</sup> See Housing Supply and Delivery section (ID 68-007-20190722)



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- i) The dwellings were completed before 31<sup>st</sup> March 2023;
  - ii) The number of dwellings relied upon by the Council is greater than the actual planning permission;
  - iii) The permission has expired (where consent was through a prior approval);
  - iv) Duplication of dwelling numbers on a single site; or
  - v) Insufficient evidence to demonstrate deliverability of site, especially where the site was not subject to detailed planning application (either pending on 8<sup>th</sup> March 2024 or approved between 1<sup>st</sup> April 2023 and 8<sup>th</sup> March 2024).

3.30. As set out in **WB7**, the Council has subsequently agreed to the removal of a further 60 dwellings from sites under construction (agreeing to the removal of St Georges House (43 dwellings), 162 Portsmouth Road (16 dwellings) and 1 Wolsey Road (1 dwelling)). The difference between the parties as to the deliverable supply at 1<sup>st</sup> April 2023 is now just 18 dwellings from Sundial House, see **CDD.4** (Table 1), **WB7** and Table 2 at paragraph 3.40 below.

3.31. However, as already noted, following the Council's receipt of the initial draft SoCG, it sought to include permissions granted for residential development although these did not relate to a site or source listed in the AMR (**CDE.13**) or LAA (appendices 1-3) (**CDE.14**).

3.32. The sites proposed by the Council to be included post the base date relate to the 11-month period 1<sup>st</sup> April 2023 to 29<sup>th</sup> Feb 2024, almost a full monitoring year.

3.33. These 'new' sites increase the Council's purported supply by 396 dwellings (originally 489 dwellings as listed in Table E of **CDD.4**, but since reduced in **WB7**). For the reasons I expand upon below, I dispute the inclusion of these sites as a matter of principle. Their inclusion, without taking account of completions for the last 11 months, lapses as well as sites where planning permission has expired, simply distorts and skews the supply position.

#### **Analysis of Deliverability**

3.34. Although the Council accepts that it cannot demonstrate a five year supply, it suggests that it can show at least a four year supply (a minimum of 2,600 dwellings).

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- 3.35. Mr Ritchie and I have reviewed the various components of supply to establish whether the Council's delivery assumptions are justified, taking account of the advice in the NPPF, associated PPG together with conclusions in appeal decisions.
- 3.36. In undertaking my review of the deliverability of the various components of supply relied upon by the Council, I adopt the approach set out in the NPPF, PPG and applied by the Inspector in the Sonning Common appeal decision (**CDH.7**) (paragraphs 20 and 21). This confirms that **'clear evidence must be something cogent, as opposed to mere assertions'** and **'clear evidence requires more than just being informed by landowners, agents or developers that sites will come forwards, rather, that a realistic assessment of the factors concerning the delivery has been considered, This means not only are there planning matters that need to be considered but also the technical, legal and commercial/financial aspects of delivery assessed.'**
- 3.37. The consideration of the factors referenced in the Sonning Common appeal decision reflect those listed in the PPG<sup>6</sup>.
- 3.38. My site analysis is set out below and includes my reasoning for discounting specific sites from the Council's supply.
- 3.39. Consistent with the conclusions of the appeal decisions, where there is sufficient evidence at the base date that a site detailed in the Schedules in Appendices 1 to 3 of the LAA (**CDE.14**) could be deliverable this has been accepted.
- 3.40. The resulting assessment of the various sources of deliverable supply by the Appellants compared to the Council's revised and current position (at the time of settling my evidence on 19<sup>th</sup> March 2024) is set out in Table 2 below.

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<sup>6</sup> "What constitutes a 'deliverable' housing site in the context of plan-making and decision-taking?" (ID ref 68-007-20190722) within "Housing Supply and Delivery" section.

Table 2: Comparison of Housing land supply sources (April 2023 – March 2028).

NPPF Category	Supply source	Council	Appellant	Difference
A	Site under construction (appendix 1 of LAA)	845	845	0
	Planning permissions (Appendix 2 of LAA)	1,263	1,263	0
	Less 10% of permissions	-126	-126	0
B	LAA years 1-5 (appendix 3 of LAA)	228	210	-18
	Windfall	87	87	0
n/a	Permissions after 1 <sup>st</sup> April 2023 (not in LAA)	396	0	-396
	<b>Total Housing Supply in years 1-5</b>	<b>2,693</b>	<b>2,279</b>	<b>-414</b>

3.41. Informed by the Council’s revised position set out in Table 2 above, I now go on to explain my assessment of site deliverability which accounts for the differences in the delivery from the following two sources as shown:

- a) LAA sites for years 1 – 5 (appendix 3 of LAA); and
- b) Permissions after 1<sup>st</sup> April 2023 (not in LAA).

3.42. The reasons for discounting sites within each of these sources is explained below.

**LAA expected delivery in years 1-5 (Appendix 3 of LAA (CDE.14))**

3.43. As set out in **CDE.13** and **CDE.14**, the Council initially expected 524 dwellings to be delivered within the five year period from this source of supply – sites within the LAA at 31<sup>st</sup> March 2023 which did not have planning permission at this date.

3.44. As the sites listed in Appendix 3 of **CDE.14** where delivery was envisaged within years 1 - 5 did not have planning permission at the base date (31<sup>st</sup> March 2023), they might be within Category B of the NPPF’s Glossary definition of a potentially deliverable site. Such inclusion of the sites would reflect the wider definition as accepted by the Secretary of State in **CDG.15**.

3.45. However, as with any site potentially within Category B, the NPPF Glossary is clear that **“it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years”**. The onus is on the Council to provide this clear evidence. Such an approach is consistent with the conclusions of the Consent Orders (**CDG.15** & **CDG.16**) together with subsequent

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decisions through appeals including those at Nantwich (**CDH.8**) and Sonning Common (**CDH.7**).

3.46. As detailed in Tables A and C of **CDD.4** the Council accepted that a reduction of 296 dwellings from that originally envisaged was appropriate from the LAA source where delivery was expected in years 1-5.

3.47. Although the reduction of at least 296 dwellings from this source is agreed, as indicated in **CDE.14**, I also dispute that Sundial House<sup>7</sup> will contribute 56 dwellings within the five year period.

3.48. I am of the view that Sundial House will only contribute 38 dwellings (a difference of 18 dwellings). The reasons for this are set out below, recognising that this is the sole site where delivery is still disputed between the Council and the Appellants from this source.

*US462 – Sundial House, The Molesey Venture, Orchard Lane, East Molesey, KT8 0BN (listed in Appendix C of the LAA (**CDE.14**) pages 44 and 221 with capacity for 61 dwellings)*

3.49. The LAA (**CDE.14**) at page 222 references the submission of a planning application for the erection of 74 dwellings on the site (LPA ref 2022/3525). This is reflected in the analysis of the site within CDD.4 (page 15). **CDD.4** notes that the application was validated on 29<sup>th</sup> November 2022 and once account is taken of the existing buildings on site, the net potential contribution for the site is 56 dwellings.

3.50. The analysis in **CDE.14** references the various constraints on the site and its conclusion on achievability states “**with the right design, land remediation and flood risk mitigation, these constraints** [flood zone 2 and contamination as noted on page 221] **could be overcome**”.

3.51. Whilst the LAA acknowledges the constraints on the site, no information is provided in the document on how the capacity for this site was determined, taking these factors into account. This contrasts with the assessment for the site within the Council’s brownfield register<sup>8</sup>.

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<sup>7</sup> This is the fifth row in the table on page 15 of **CDD.4**.

<sup>8</sup>

[https://emaps.elmbridge.gov.uk/ebc\\_brownfield.aspx?requesttype=parseTemplate&template=BrownFieldSimpleSearch.templt](https://emaps.elmbridge.gov.uk/ebc_brownfield.aspx?requesttype=parseTemplate&template=BrownFieldSimpleSearch.templt)

- 3.52. An extract of the assessment of the site at Sundial House (ref 106) in the brownfield register is included as **WB3**. This shows that the site's capacity is envisaged as 38 dwellings.
- 3.53. The NPPF Glossary is clear that inclusion of a site on the brownfield register is a factor which informs an assessment of deliverability, albeit this is alongside consideration of wider clear evidence which shows that housing completions will begin on the site within five years.
- 3.54. Both **CDE.14** and **CDD.4** recognise that a planning application for 74 dwellings has been submitted. The latter highlights that the Environment Agency has submitted an objection to the current scheme (sent on 30<sup>th</sup> October 2023 (copy included as **WB4**)). The Environment Agency's objection is clear that:
- “the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development.”**
- 3.55. The Environment Agency as clear that a revised Flood Risk Assessment must be submitted which addresses the matters highlighted.
- 3.56. As of 15<sup>th</sup> March 2024, the necessary revised Flood Risk Assessment has not been submitted, and there is no timeframe for this. The lack of submission of the revised Flood Risk Assessment is illustrated by the extract from the Council's Planning Register retrieved on 15<sup>th</sup> March 2024 (below).

2022/3525 - The Molesey Venture, Orchard Lane, East Molesey, KT8 0BN

Received On 12/11/2022    Valid From 29/11/2022    Comments By 28/10/2023    **Under Consideration**    Committee Date    Decision Date

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Proposed Area Schedule	15/09/2023	<a href="#">View</a>
Flood Risk Assessment	26/08/2023	<a href="#">View</a>
Arboricultural Method Statement	21/08/2023	<a href="#">View</a>

**Extract from Elmbridge BC Planning Register for application 2022/3525.**

- 3.57. In their analysis for the site in **CDD.4** the Council states that “**Issue with EA is considered resolvable**”, but there is no timeframe for this. Furthermore, no evidence supporting the approach of the Council (that the flood risk matters are resolvable) is provided, nor (equally importantly) does the Council address whether any resolution on flooding will result in a lower quantum of development.
- 3.58. Having regard to this, I have reviewed the various evidence available to determine what a reasonable and realistic expectation for dwellings on the site within the relevant five year period could be.
- 3.59. On the basis of the site’s inclusion on the Council’s brownfield register with an identified capacity of 38 dwellings, this is taken as the default figure, especially as the submission of the pending application (2022/3525) provides comfort that development could occur. Whilst the pending application would entail a net increase to 56 dwellings, given the outstanding Environment Agency objection (**WB4**), I do not consider it is appropriate to rely upon this as providing clarity over the quantum of development.

- 3.60. I contend that the deliverable capacity for the site is 38 dwellings, thereby reflecting that assigned to the site in the brownfield register.
- 3.61. Whilst the Council suggests that it should be 56 dwellings (presumably reflecting the pending application), for the reasons above the Appellants reject this and consequently my figure is a reduction of 18 from that they now advance.
- 3.62. It is noted that the Council accepts (see assessment for this site on page 15 of **CDD.4**) that the original expected figure of 61 dwellings on the site is not supportable, as they accept that it must be reduced by at least 5 dwellings.
- 3.63. This therefore explains the reasons why my expected contribution from the LAA sites for delivery in years 1-5 (as listed in Appendix C of **LDE.14**) is 18 dwellings less than that of the Council.

#### Inclusion of the sites listed in Table E of CDD.4

##### General

- 3.64. At the time of signing the Housing Land Supply SoCG (**CDD.4**) on 8<sup>th</sup> March 2024, the Council relied upon the delivery of 489 dwellings as an additional contribution towards its deliverable supply, although they related to schemes granted planning permission after the 1<sup>st</sup> April 2023 base date for the assessment. The sites were not relied upon in the AMR (**CDE.13**) or LAA (**CDE.14**). The Council has since reduced the numbers it relies upon from such sites to 396 dwellings (**WB7**).
- 3.65. As already noted at paragraph 3.31 to 3.33 above, and as explored below, I object to the inclusion of these 'new' sites as a matter of principle. It is also notable that the Council only sought to include them on the day on which the Housing Land Supply SoCG was due to be signed and submitted, when it had to accept that the deliverable supply at 1<sup>st</sup> April 2023 was below a 4 year level.
- 3.66. In the circumstances, I do not provide a detailed assessment for the specific sites that the Council suggest should be included.
- 3.67. My position is simple. It is not appropriate to include any of these sites.

- 3.68. I reject the inclusion of each and every one of the sites listed, as their inclusion, without corresponding adjustments to supply (omitting completions and those permissions which have lapsed in the intervening period) skews the housing land supply position. It is unacceptable to include new sites in the 11 months since the base date without recalibrating the base date to take account of completions, lapses and sites where permission has expired. To add new sites in the ad hoc manner proposed by the Council simply distorts the supply.
- 3.69. Whilst it is noted that the NPPF Glossary definition for Category B sites is not exhaustive, it is nevertheless essential for the Council to provide detailed justification for every site on why it is deliverable with clear and robust reasoning. The granting of a planning permission after the base date is not, in itself considered to be an adequate and robust position.
- 3.70. Inspectors and the Secretary of State, in many planning appeals, have considered whether it is appropriate to include new sites which did not form part of the initial assessment of supply (at the base date) in determining if a five year provision was available. In every case, Inspectors and the Secretary of State have rejected this approach as it skews the analysis without making necessary corresponding adjustments.

*Appeal Decision at Land to the west of Cody Road, Waterbeach (CDH.11), Ref. APP/W0530/A/13/2207961, June 2014)*

- 3.71. This is a long established decision that establishes the fundamental principle that it is not appropriate to include new sites in the supply. This is at paragraphs 20 to 22, which confirm:

**“20. The issue between the parties is whether the 5-year supply requirement should use a base date of 1 April 2013 or 1 April 2014. As a general rule I accept the Council’s submission that a more recent base date is to be preferred but only where I can be confident that it captures information on actual progress over the previous year. In this case I am concerned that I only have a partial data set rather than a full set of the figures for the full year, April 2013-March 2014. Amongst other things the “March AMR update” [Document 13] says the figure for housing completions records “...predicted completions to 31/3/2014. These predicted completions are based on the housing trajectory in the plan where there is no better information and otherwise on what developers**



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**have told us are their actual completions and planned completions to 31/3/2014. This information was gathered between October 2013 and January 2014 for major sites and others down to sites of 9 homes” [my emphasis]. In other words it is only for part of the accounting year and otherwise based on a prediction.**

**21. In cross-examination Mr Hyde referred to other ways in which the data set was incomplete by reference to Figure 4.7 of the February 2014 AMR. In particular the table records planning permissions granted for windfall sites between 1 April and 31 December 2013 rather than for the full year. These commitments have the effect of increasing the supply side but the flip side is that no account has been taken of any planning permissions that lapsed after 31 March 2013.**

**22. The base date of 1 April 2013 ensures the housing land supply requirement figure is based on known completions because the actual level of historic completions is published in the 2012-13 AMR. This is the most up-to-date figure of known completions and anything else is conjecture. Moreover the Appellant refers to Mr Roberts’s Appendix DR44 to show the principle that the further ahead the projection, the less accurate it becomes. The Council’s approach is therefore less robust since it projects further into the future. For these reasons I find the Appellant’s approach is the most robust and reliable. (My emphasis underlined)**

*Appeal Decision at Woolpit, Suffolk (CDH.9), Ref. APP/W3520/W/18/3194926, September 2018)*

3.72. This Inspector also referred to how sites that may have achieved permission after the base date had erroneously been included in the Council’s supply:

**“67. In my view the definition of ‘deliverable’ in the Glossary to the NPPF 2018 does not relate to or include sites that were not the subject of an allocation but had a resolution to grant within the period assessed within the AMR. The relevant period is 1 April 2017 to 31 March 2018. There is therefore a clear cut-off date within the AMR, which is 31 March 2018. The Council’s supply of deliverable sites should only include sites that fall within the definition of deliverable at the end of the period of assessment i.e. 31 March 2018. Sites that have received planning permission after the cut-off date but prior to the publication of the AMR have therefore been erroneously included within the Council’s supply. The inclusion of sites beyond the cut-off date skews the data by overinflating the supply without a corresponding adjustment of need. Indeed that is why there is a clear cut-off date set out in the AMR. Moreover, the site West of Barton Road, Thurston, should be removed from the supply as its permission postdates the cut-off for the relevant period of assessment”. (My emphasis underlined).**

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Appeal Decision at Creech St Michael, Somerset (**CDH.44**), Ref. APP/W3330/W/23/3329488 (February 2024)

- 3.73. The Woolpit conclusion is supported in a recent appeal decision at Creech St Michael, Somerset (**CDH.44**), Ref. APP/W3330/W/23/3329488 (February 2024) where the Inspector stated (paragraphs 51- 53):

**“51. The purpose of the SHELAA is to provide a definitive and transparent assessment of deliverable housing sites for the ensuing five-year period. At the same time, it is important that planning decisions are taken using the ‘latest available evidence .....’. In this regard, the Council has been open and fair in reducing the anticipated delivery of some sites where the initial assumptions have been overtaken by events. At the same time, it is legitimate to consider subsequent information which supports enhanced delivery on sites within the SHELAA.**

**52. Whilst the Council confirms that it has not ‘shifted the base date in its assessment’, and acknowledging that it ‘..... would typically agree with the proposition that sites that have only become deliverable after the base date should not be included .....’, it is claimed that the phosphates issue gives rise to a novel situation which amends this position.**

**53. It is said that there is nothing in guidance or otherwise that suggests that a site not included in the SHELAA cannot subsequently be included. In my opinion, whilst it would have been open to the Council to publish a new, comprehensive housing land supply assessment with a new base date that also takes account of completions, losses and sites where planning permission has expired, ad hoc adjustment in the manner advocated by the Council would otherwise distort the supply”.**  
(My emphasis underlined).

Appeal Decision at Woburn Sands, Buckinghamshire (**CDH.42**), Ref. APP/Y0435/W/17/3169314 (June 2020)

- 3.74. In the appeal at Woburn Sands (**CDH.42**), the Secretary of State had the ability to review comprehensive land assessments at two dates (see paragraph 12 of the Decision letter).
- 3.75. The Secretary of State endorsed the Inspector’s consideration of land supply, including that at paragraphs 12.10 and 12.11. These state as follows:

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**“12.10. The Council has avoided adding new sites after the base date to prevent the skewing of supply in line with the Woolpit decision. While the Woolpit Inspector criticised the retrospective justification of sites after the publication of the Annual Monitoring Report, the Inspector at Darnall School Lane permitted additional evidence to support sites identified as deliverable at the base date which was a position accepted by the SoS in that case. The Longdene and Colchester Road Inspectors took a similar approach. In terms of Milton Keynes appeals, the Castlethorpe Road and the Globe Inspectors took into account the proformas used by the Council to inform its June assessment of 5 year HLS. [7.23, 7.24, 8.18, 8.21]**

**12.11. Therefore, I consider it acceptable that the evidence can post-date the base date provided that it is used to support sites identified as deliverable as of 1 April 2019.”**  
(My emphasis underlined).

*Appeal Decision at Darnhall School, Winsford (CDH.43), Ref. APP/A0665/W/14/2212671 (Nov 2019)*

- 3.76. In the appeal at Darnhall School, Winsford (CDH.43), the Secretary of State (paragraph 15) confirmed:

**“The Secretary of State has gone on to consider the issue of supply. In doing so he has had regard to his guidance on deliverability issued 22 July 2019. For the reasons given at IR341-344 the Secretary of State agrees with the Inspector’s conclusions on preliminary points. The Secretary of State has had regard to representations on behalf of the appellant dated 26 July 2019, with regards to evidence of deliverability.”**  
(My emphasis underlined).

- 3.77. Paragraph 344 of the Inspector’s Report on the Darnhall School appeal states:

**“There is a dispute about the introduction of post-base date information by the Council in its review of the April 2018 assessment for the purpose of this Inquiry [ID 17]. Whilst I agree that it is not appropriate to introduce new sites at this stage, their insertion should await the next full review, it is nevertheless appropriate to take into account information received after 1 April 2018 if it affects sites that were in the last full assessment. Subsequent information that supports a pre-base date judgement should not normally be ignored.”**  
(My emphasis underlined).

- 3.78. All these decisions collectively confirm that it is not appropriate or justified to include sites in the supply which were not within those listed at the base date.

- 3.79. The appeal decisions referenced all emphasise the importance of ensuring any update on supply review all factors which affect supply.
- 3.80. The appeal decisions referred to above also emphasis that any permissions which have lapsed in the intervening period must also be removed.
- 3.81. As I have explained, I have not undertaken a site-specific assessment of the sites now relied upon by the Council in Table E of **CDD.4** as adjusted in **WB7**. There is no need for me to do so. The Council’s approach is not justified as a matter of principle, since the inclusion of such sites without a comprehensive update (taking into account completions, lapses, expiries etc.) distorts the supply.
- 3.82. On site-specific matters, I merely draw attention to the Brooklands College site, which is included as the sixth row of Table E of **CDD.4**.
- 3.83. The Council’s analysis indicates that the scheme for redevelopment (LPA ref 2023/1359) was considered at the Planning Committee on 5<sup>th</sup> December 2023.
- 3.84. Whilst their response suggests that the necessary S106 is nearing completion, as of 19<sup>th</sup> March 2024 it is still awaited. This is confirmed in the extract from the Planning Register below.

2023/1359 - Brooklands College, Heath Road, Weybridge, KT13 8TT

Received On 10/05/2023	Valid From 10/05/2023	Comments By 23/10/2023	Under Consideration	Committee Date 05/12/2023	Decision Date
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[Make a comment](#)

Details	Contacts	Consultees	Key Dates	Plans & Documents	Map	Property History
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Received On :	10/05/2023	Target For Decision :	24/11/2023
Valid from :	10/05/2023	Decision Date :	Not Available
Consultation Starts On :	19/05/2023		
Comments Welcome By :	23/10/2023		
Committee Date :	05/12/2023		

**Extract of Planning Register for application 2022/2746**

- 3.85. The Council’s response also references that a phasing plan has been submitted which suggests that 300 of the 320 dwellings proposed would be completed within the five years.

- 
- 3.86. I have reviewed the information submitted with Application 2023/1359, especially the contents of the Planning Statement (Extract in **WB5**) and Environmental Statements (extract in **WB6**).
- 3.87. Whilst these were both prepared in May 2023, the **WB6** extract (paragraph C4.3) indicates that planning permission would be issued in summer 2023 (**WB5** states it is before autumn 2023 (paragraphs 5.123 and 5.125)).
- 3.88. Planning permission in summer/autumn 2023 might then enable the build programme envisaged and consequently the suggestion that 300 dwellings could be completed within the five years i.e. by 31<sup>st</sup> March 2028. Given that this timeframe has not been achieved, especially as permission is still not issued, this programme was completely unrealistic.
- 3.89. The importance of considering realism of lead in times and subsequent delivery rates, whilst clearly stated in the NPPF's Glossary, is also emphasised in many appeal decisions, including that at Sonning Common (paragraphs 20 – 22) (**CDH.7**). The Council has not provided any evidence demonstrating an independent review of delivery assumptions and this is consequently a further reason why this site, alongside the others listed in Table E of **CDD.4** (and now **WB7**) must be omitted from the supply.

### **Conclusions**

- 3.90. Having assessed the deliverability of the components of supply in the context of the approach set out above, I arrive at the conclusion that the Council's assumptions are overly optimistic and do not satisfy the deliverability test set out in the NPPF (as amplified in the PPG and the consideration of the term 'deliverable' in a number of appeal decisions<sup>9</sup>).
- 3.91. Informed by the Council's position in **CDD.4** and **WB7** the respective supply positions by component of supply are shown in Table 3 below.

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<sup>9</sup> Nantwich (**CDH.8**) and Sonning Common (**CDH.7**).

Table 3 – Comparison of delivery by source (April 2023 – March 2028)

NPPF Category	Supply source	Council	Appellant	Difference
A	Site under construction (appendix 1 of LAA)	845	845	0
	Planning permissions (Appendix 2 of LAA)	1,263	1,263	0
	Less 10% of permissions	-126	-126	0
B	LAA years 1-5 (appendix 3 of LAA)	228	210	-18
	Windfall	87	87	0
n/a	Permissions after 1 <sup>st</sup> April 2023 (not in LAA)	396	0	-396
	<b>Total Housing Supply in years 1-5</b>	<b>2,693</b>	<b>2,279</b>	<b>-414</b>

3.92. In setting out my analysis of housing site delivery, I wish to highlight two related points as follows:

- i. Firstly, and as confirmed in paragraph 77 of the NPPF, the maintenance of a 4 year supply is only a minimum requirement and provision above this reflects the Government’s objectives in paragraph 60 of significantly boosting the supply of housing.
- ii. Secondly, is recognition that the Council’s housing land supply must only include deliverable sites, as now defined in the NPPF (2023).

**(iii) The Respective Housing Land Supply Positions**

3.93. Informed by the above, my view of the Council’s supply position, when assessed against the obligations arising from the NPPF and associated guidance with respect of clear and robust evidence (acknowledged in the appeal decisions referenced above<sup>10</sup>), concludes that the Council has a maximum supply of 2,279 dwellings for the five year period from April 2023 to March 2028.

3.94. My assessment results in an annual average delivery rate of approximately 456dpa (2,279/5yrs). This is above the 411dpa average achieved in the last 5 monitoring years (section 5 of my Planning Proof of Evidence refers) and lends support to my approach which cannot be said to be an unduly pessimistic assessment. Rather, and including

<sup>10</sup> Includes Nantwich (CDH.8) and Sonning Common (CDH.7).

for the reasons I set out, it reflects an accurate assessment of delivery I have undertaken pursuant to the aforementioned tests and approaches.

- 3.95. Table 4 below summarises the respective housing land supply positions, as set out in Table 1 on page 4 of **CDD.4** (with the Council’s position adjusted to reflect **WB7**).

*Table 4 – The Respective Four and Five Year Housing Land Supply Positions*

	<b>Council</b>	<b>WBP</b>
Local Housing Need for 2023 (dpa)	650	650
Requirement for 5 years (Apr 2023 – Mar 2028)	3,250	3,250
Requirement for 4 years	2,600	2,600
Deliverable supply at 1 <sup>st</sup> April 2023	2,297	2,279
Supply Position at the 1 <sup>st</sup> April 2023 base-date	3.53yrs	3.51yrs
Difference against a 4 year supply	-303	-321
Units granted permission or with resolution to grant since 1 <sup>st</sup> April 2023 not included in LAA	396	0
Total Supply	2,693	2,279
Years supply	4.14yrs	<b>3.51yrs</b>
Difference compared to 5 year requirement	<b>-557</b>	<b>-971</b>
Difference compared to 4 year requirement	+93	<b>-321</b>

- 3.96. My assessment identifies a supply of 2,279 dwellings against a 3,250 dwelling requirement. This represents a shortfall of 971 dwellings and a supply of only 3.51 years.
- 3.97. Based on the foregoing, and as set out in my Planning Proof of Evidence, it is my professional opinion that the housing shortfall is significant and the contribution of housing should be afforded very substantial weight in the determination of this Appeal.

#### 4. SUMMARY AND CONCLUSION

- 4.1. Whilst there is agreement that the Council cannot demonstrate a five year supply of deliverable housing land, there is disagreement as to whether it can show a minimum four year supply.
- 4.2. Having assessed the housing land supply based upon the requirements set out in the NPPF, PPG and the approach adopted in numerous appeal decisions, I conclude that the Council is not able to demonstrate a four year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11(d) of the NPPF.
- 4.3. As recorded in **WB7** and tables 2 and 4 above, the Council is not able to demonstrate a four year supply of deliverable housing land as at the 1<sup>st</sup> April 2023 base date. Rather, even on the Council's supply figures they are only able to show a 3.53 year supply (on my figures it is 3.51 years). However, the Council also relies upon dwellings from new sites, not contained or relied upon in the AMR (**CDE.13**) or LAA (**CDE.14**), added post the base date, totalling a further 396 dwellings. It is only on this basis that the Council contends that it can demonstrate a four year supply of deliverable housing land for the period 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2028 with a revised purported supply of 4.14 years and a surplus of 93 dwellings.
- 4.4. It is my opinion that the Council is not able to show a four year supply of deliverable housing land, with a supply of only **3.51 years**. This amounts to a **deficit of 321 dwellings**.

\*\*\*\*\*





**Woolf Bond Planning**  
Chartered Town Planning Consultants

**Graham Ritchie** with say:

I hold a Bachelor of Science and Post Graduate Diploma in Town and Country Planning and I am a Member of the Royal Town Planning Institute.

I am an Associate at Woolf Bond Planning Ltd – Chartered Town Planning Consultants and I have been engaged in town planning with more than 20 years' experience. I initially worked for a number of local planning authorities in the midlands and south-east England as both a case officer for the determination of planning applications together with the drafting and implementation of planning policies. At local authorities I appeared in Development Plan examinations and planning appeals. I have also worked for a housebuilder in overseeing the promotion of their strategic land portfolio together with the submission of planning applications. Since joining Woolf Bond, I have been a private consultant acting for major house builders, development companies, estates and private individuals. This has included submission of planning applications and appeals together with engagement in plan making (including examinations).

I have visited the appeal site and its surroundings and have examined the relevant plans and documents for the purpose of these appeals.

The evidence which I have prepared and provide for these appeals in this proof of evidence, is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

## Graham Ritchie

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**From:** Paul Falconer <[REDACTED]>  
**Sent:** 22 February 2024 16:20  
**To:** Steven Brown; Graham Ritchie  
**Cc:** Suzanne Parkes; Bob Shattock; Adam Constantinou; Sarah Pharoah; Jack Trendall  
**Subject:** RE: ELMBRIDGE HLS DATA - CLAYGATE APPEAL

Dear Steven

I have just heard back from our Policy colleagues. Your figures are correct, there is an error in the AMR and LAA.

An amended version of the table used for the AMR's 5YHLS and the new 4YHLS calculation is below.

The planning permissions figure is 1368, not 1,386 so would reduce to 1231 with the 10% non-implementation discount.

We are looking to get an addendum for the AMR and change the LAA 2023 asap.

Updated 5YHLS with buffer calculation -pre NPPF changes.

Column ID	Housing Requirement 1 April 2023- 1 April 2028	Results
<b>A</b>	<b>Local Housing Need (LHN)</b>	650
<b>B</b>	Total LHN - 1 April 2023- 1 April 2028 A*5years	3250
	<b>Buffer</b>	
<b>C</b>	20% Buffer B* 20%	650
<b>D</b>	<b>Total housing requirement B +C</b>	<b>3900</b>
<b>E</b>	Annual requirement D/5	780
	<b>Housing supply</b>	
<b>F</b>	Commencements	966
<b>G</b>	Planning permissions with 10% discount*	1231
<b>H</b>	LAA 1-5	524
	Windfalls in year 5	87
<b>I</b>	<b>Expected supply for 2023-2028 (F+G+H)</b>	<b>2808</b>
<b>J</b>	<b>Expected supply surplus/deficit (I-D)</b>	<b>-1092</b>
<b>K</b>	<b>Supply in years I/E</b>	<b>3.6</b>

4 Year housing Land Supply Calculation post NPPF changes

Column ID	Housing Requirement 1 April 2023- 1 April 2028	Results
<b>A</b>	<b>LHN</b>	650
<b>B</b>	Total LHN - 1 April 2023- 1 April 2028 A*5years	3250
<b>C</b>	<b>Total housing requirement</b>	<b>3250</b>
<b>D</b>	Annual requirement C/5	<b>650</b>
	<b>Housing supply</b>	
<b>E</b>	Commencements	966
<b>F</b>	Planning permissions with 10% discount*	<b>1231</b>
<b>G</b>	LAA 1-5	524
	Windfalls in year 5	87
<b>H</b>	<b>Expected supply for 2022-2027 (E+F+G)</b>	<b>2808</b>
<b>I</b>	<b>Expected supply surplus/deficit (H-C)</b>	<b>-442</b>
<b>J</b>	<b>Supply in years H/D</b>	<b>4.32</b>

Kind regards

Paul

Paul Falconer | Development Manager | Planning and Environmental Health

Elmbridge Borough Council Civic Centre High Street Esher Surrey KT10 9SD



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**From:** Steven Brown <[REDACTED]>

**Sent:** 22 February 2024 16:09

**To:** [REDACTED]

**Subject:** RE: ELMBRIDGE HLS DATA - CLAYGATE APPEAL

Hi Paul

How are you getting on?

We would like to issue the draft HLS SoCG to the LPA on Monday/Tuesday.

We have also prepared a separate Affordable Housing SoCG.

Thanks

Best wishes

Steven Brown BSc Hons DipTP MRTPI

Woolf Bond Planning  
The Mitfords  
Basingstoke Road  
Three Mile Cross  
Reading  
RG7 1AT

Tel: 01189 884923

Mobile: [REDACTED]



Woolf Bond Plan

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**From:** Paul Falconer <[REDACTED]>

**Sent:** Tuesday, February 20, 2024 3:34 PM

**To:** [REDACTED]

**Subject:** RE: ELMBRIDGE HLS DATA - CLAYGATE APPEAL

Dear Graham

We'll look into this with colleagues and come back to you asap.

Kind regards

Paul

Paul Falconer | Development Manager | Planning and Environmental Health

[REDACTED]  
Elmbridge Borough Council Civic Centre High Street Esher Surrey KT10 9SD



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**From:** Graham Ritchie [REDACTED]

**Sent:** 20 February 2024 10:23

**To:** Paul Falconer [REDACTED]

**Subject:** RE: ELMBRIDGE HLS DATA - CLAYGATE APPEAL

Dear Paul,

I am writing with a query following your email of 9th February supplying us with the links to the Council's April 2023 LAA (below).

The LAA included schedules of sites within each of the various categories of supply sources .

I have reviewed the contents of the schedules and have a specific query regarding the list of "sites with planning permission at 31 March 2023" as detailed in appendix 2 of the LAA. My review of the schedule is attached, and this confirms that the total of all sites with planning permission at 31 March 2023 as listed in appendix 2 of the LAA is 1,386 (see cell I274 in spreadsheet).

However, the Authority Monitoring Report (table 28) indicates that the total of "planning permissions not implemented at 31st March 2023" is 1,556 or 1,400 if a 10% non-implementation discount is applied. Table 29 of the Monitoring Report also references the 1,400 figure as a source within the 5 year land supply assessment from sites with permission.

**Table 29: The Council's 5 Year Housing Land Supply**

Column ID	Housing Requirement 31 March 2023- 1 April 2027	Result
a	Local Housing Need Figure (LHN)	650
b	LHN x 5 years - 1 April 2023- 1 April 2027	3250
	<b>Buffer</b>	
c	20% Buffer b x 20%	650
d	<b>Total housing requirement b + c</b>	<b>3900</b>
e	Annual requirement d/5	780
	<b>Housing supply</b>	
f	Commencements	966
g	Planning permissions*	1400
h	LAA 1-5	524
l	Windfalls in year 5	87
i	<b>Expected supply for 2023-2027 (f+g+h+i)</b>	<b>2977</b>
j	<b>Expected supply surplus/deficit (i-d)</b>	<b>-923</b>
k	<b>Supply in years i/e</b>	<b>3.81</b>

\*A 10% discount has been applied for non-implementation

I have checked the schedules in the LAA (appendices 1 and 3) and the totals of these are consistent with that detailed for the respective source in Table 29 (for sites under construction this is shown in cell J149 of the attached spreadsheet).

Can you please explain what other sites are relied upon by the Council to provide the 1,556 dwellings figure since as set out in the Monitoring Report since the detailed schedule within the LAA only shows a total of 1,386 dwellings (a difference of 170 dwellings)? Alternatively, should the correct figure in the Monitoring Report be 1,386 dwellings with the 10% non-implementation rate then applied. This would then reduce the figure to 1,247.

I look forward to receiving your clarification of this point.

Regards,

Graham Ritchie BSc(Hons) MA MRTPI

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[www.woolfbond.co.uk](http://www.woolfbond.co.uk)



From: Paul Falconer <[redacted]>

Sent: Friday, February 9, 2024 2:19 PM

To: [redacted]

Subject: RE: ELMBRIDGE HLS DATA - CLAYGATE APPEAL

Hi Steven

Apologies the link has been changed:

<https://www.elmbridge.gov.uk/planning/planning-policy-and-guidance/monitoring-reports>

Kind regards

Paul

Paul Falconer | Development Manager | Planning and Environmental Health

[redacted]

Elmbridge Borough Council Civic Centre High Street Esher Surrey KT10 9SD



From: Paul Falconer

Sent: 09 February 2024 13:58

To: [redacted]

Subject: RE: ELMBRIDGE HLS DATA - CLAYGATE APPEAL

Hi Steven

Sarah and Jack are not working today. Please find attached a link to the updated LAA 2023 with the updated HLS data as requested in case you've not received it already.

<https://www.elmbridge.gov.uk/planning/new-local-plan/new-local-plan-supporting-evidence/housing-supporting-evidence>

Kind regards

Paul

Paul Falconer | Development Manager | Planning and Environmental Health

Elmbridge Borough Council Civic Centre High Street Esher Surrey KT10 9SD



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**From:** Steven Brown [redacted]

**Sent:** 09 February 2024 08:28

**To:** Sarah Pharoah <[redacted]>  
[redacted]

**Subject:** RE: ELMBRIDGE HLS DATA - CLAYGATE APPEAL

**Importance:** High

Morning Sarah

I would be grateful if you could send the HLS data across this morn.

My colleagues and I then need to interrogate the data having regard to the deliverability tests.

Time is tight given the requirement for a SoCG to be submitted by 5<sup>th</sup> March.

I look forward to hearing from you.

Best wishes

Steven Brown BSc Hons DipTP MRTPI

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Woolf Bond Plan

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**From:** Steven Brown  
**Sent:** Tuesday, January 30, 2024 4:48 PM  
**To:** Sarah Pharoah [REDACTED]

**Subject:** RE: ELMBRIDGE HLS DATA - CLAYGATE APPEAL

Thanks Sarah. Much appreciated.

Best wishes

Steven Brown BSc Hons DipTP MRTPI

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Tel: 01189 884923

[REDACTED]



Woolf Bond Plan

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**From:** Sarah Pharoah <[REDACTED]>  
**Sent:** Tuesday, January 30, 2024 3:39 PM  
**To:** Steven Brown [REDACTED]

**Subject:** RE: ELMBRIDGE HLS DATA - CLAYGATE APPEAL

Hi Steve,

We are aiming to publish the LAA on 9<sup>th</sup> February, all being well with internal sign off.

Many thanks,

Sarah

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**From:** Steven Brown [REDACTED]  
**Sent:** 30 January 2024 07:40  
**To:** Sarah Pharoah <[REDACTED]>

**Subject:** RE: ELMBRIDGE HLS DATA - CLAYGATE APPEAL



Morning Sarah

I'd welcome a response to my below email please.

We need to programme our review of the LPA's HLS figures once they are made available.

Timescales are getting ever tighter, including as a result of ½ term.

I look forward to hearing from you.

Thanks

Best wishes

Steven Brown BSc Hons DipTP MRTPI

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Reading  
RG7 1AT

Tel: 01189 884923

[REDACTED]



Woolf Bond Plan

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**From:** Steven Brown

**Sent:** Friday, January 26, 2024 3:05 PM

**To:** Sarah Pharoah [REDACTED]

**Subject:** RE: ELMBRIDGE HLS DATA - CLAYGATE APPEAL

Thanks Sarah.

Is that likely to be the first week of Feb?

I am keen to understand the timescales due to the workload involved in reviewing the data which would then inform a HLS SoCG and evidence on the topic as necessary.

The Inspector is also likely to want to know ahead of the CMC.

I look forward to hearing from you.

Thanks again.

Best wishes

Steven Brown BSc Hons DipTP MRTPI

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Tel: 01189 884923



Woolf Bond Plan

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**From:** Sarah Pharoah <[REDACTED]>  
**Sent:** Friday, January 26, 2024 1:51 PM  
**To:** Steven Brown <[REDACTED]>  
**Subject:** RE: ELMBRIDGE HLS DATA - CLAYGATE APPEAL

Hi Steven,

We are just going through internal processes for the publication of this document. We anticipate it will be published in early February. I can you let you know when it is published on our website.

Many thanks,

Sarah

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**From:** Steven Brown <[REDACTED]>  
**Sent:** 24 January 2024 09:56  
**To:** Jack Trendall <[REDACTED]>  
**Subject:** RE: ELMBRIDGE HLS DATA - CLAYGATE APPEAL

Again, thanks. I look forward to hearing from Sarah.

Best wishes

Steven Brown BSc Hons DipTP MRTPI

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Reading  
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Tel: 01189 884923



## Woolf Bond Plan

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**From:** Jack Trendall <[REDACTED]>

**Sent:** Wednesday, January 24, 2024 9:55 AM

**To:** Steven Brown <[REDACTED]>

**Subject:** RE: ELMBRIDGE HLS DATA - CLAYGATE APPEAL

Hi Steven,

I have asked Sarah Pharoah to respond on this matter.

Regards,

Jack Trendall | Principal Planning Officer | East Team

[REDACTED] | [elmbridge.gov.uk](http://elmbridge.gov.uk)

Elmbridge Borough Council, Civic Centre, High Street, Esher, Surrey, KT10 9SD



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**From:** Steven Brown <[REDACTED]>

**Sent:** 24 January 2024 08:33

**To:** Jack Trendall <[REDACTED]>

**Subject:** RE: ELMBRIDGE HLS DATA - CLAYGATE APPEAL

Morning Jack

Another request for an update, this time about the HLS data.

When will the LPA be able to provide the requested information (see my below requests)?

I look forward to hearing from you.

Best wishes

Steven Brown BSc Hons DipTP MRTPI

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Reading  
RG7 1AT

Tel: 01189 884923



Woolf Bond Plan

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**From:** Steven Brown  
**Sent:** Friday, January 19, 2024 4:07 PM  
**To:** Jack Trendall <[redacted]>



**Subject:** RE: ELMBRIDGE HLS DATA - CLAYGATE APPEAL

Afternoon All.

Grateful if you could get back me on my below request for HLS data (Helen to note).

I look forward to hearing from you.

Thanks and have a good weekend.

Best wishes

Steven Brown BSc Hons DipTP MRTPI

Woolf Bond Planning  
The Mitfords  
Basingstoke Road  
Three Mile Cross  
Reading  
RG7 1AT

Tel: 01189 884923



Woolf Bond Plan

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**From:** Steven Brown  
**Sent:** Wednesday, January 17, 2024 10:02 AM  
**To:** Jack Trendall <[redacted]>



**Subject:** RE: ELMBRIDGE HLS DATA - CLAYGATE APPEAL

Morning All

Grateful if you could let me have an indication as to when the HLS inf will be made available.

I look forward to hearing from you.

Thank you.

Best wishes

Steven Brown BSc Hons DipTP MRTPI

Woolf Bond Planning  
The Mitfords  
Basingstoke Road  
Three Mile Cross  
Reading  
RG7 1AT

Tel: 01189 884923



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**From:** Steven Brown

**Sent:** Tuesday, January 16, 2024 10:51 AM

**To:** Jack Trendall <

**Subject:** ELMBRIDGE HLS DATA - CLAYGATE APPEAL

Morning All

I would be grateful if you could send me the annualised schedules for all of the sites relied upon for your housing land supply assessment. Tables 28 and 29 of the attached AMR refer.

The LPA will have annualised trajectories broken down by site e.g. 2023/24, 2024/25, 2025/26, 2026/27 etc. However, they have not been published with the AMR.

The LPA's Response to the Local Plan Inspector's Initial Letter (attached) states as follows:

"The most up to date trajectory and the LAA evidence that informs this is anticipated for publication in January 2024. The trajectory will be extended to reflect a 16-year period so that it covers a 15-year time frame from the date of adoption which is anticipated for 2024."

I would be grateful if you could let me know when the information will be available.

Thanks

Best wishes

Steven Brown BSc Hons DipTP MRTPI

Woolf Bond Planning  
The Mitfords  
Basingstoke Road

Three Mile Cross  
Reading  
RG7 1AT

Tel: 01189 884923



Woolf Bond Plan

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# Brownfield land register

## Details of site

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<b>Site reference :</b>	106
<b>Site address:</b>	Sundial House The Molesey Venture, Orchard Lane, East Molesey, KT8 0BN
<b>Area (Ha) :</b>	0.6326
<b>Net dwellings :</b>	38
<b>Previously part of :</b>	Residential building (Use Class C2)
<b>Planning history :</b>	<a href="#">Link to planning history.</a>
<b>Site location :</b>	<a href="#">View on map</a>

[Back to list](#)

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On very rare occasions when the website is busy you may get no records back - if so please wait a few seconds and try and refresh the page (F5 on most browsers).

Please note by using the search facility you acknowledge that you have read, understood and agree to our [terms and conditions](#).

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creating a better place



Elmbridge Borough Council  
Development Control  
Civic Centre High Street  
Esher  
Surrey  
KT10 9SD

**Our ref:** WA/2023/130267/04-L01  
**Your ref:** 2022/3525  
**Date:** 30 October 2023

Dear Sir/Madam

**Development Comprising 3 Detached Buildings Containing 74 Residential Units With Underground And Surface Level Car And Cycle Parking, Mechanical Plant, Soft And Hard Landscaping And Associated Diversion Of Thames Water Pipe Following Demolition Of Existing Buildings.**

**The Molesey Venture Sundial House Orchard Lane East Molesey Surrey KT8 0BN**

Thank you for re-consulting us on the proposed development noted above on 10 October 2023 following the submission of an amended FRA (reference: KRS.0572.001.R.003.F dated September 2023) and letter (reference: KRS.0572.001.R.007.A dated 05 October 2023), and thank you for agreeing an additional timeframe for the provision of our comments.

#### **Environment Agency position**

The additional information does not fully address our earlier concerns. We therefore **maintain our objection** set out in our response dated 28 September 2023. We recommend that planning permission should be refused on this basis.

#### **Reasons**

The applicant has addressed some of our concerns. However, the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- Take the impacts of climate change into account. Different climate change allowances have been used to assess future flood risk than those advised in ['Flood risk assessments: climate change allowances'](#), without adequate

Did you know that in the UK, 6.6 million tonnes of household food waste a year is thrown away? Almost three quarters of that is food which could have been eaten. Do your bit to avoid domestic food waste to fight climate change! [www.lovefoodhatewaste.com](http://www.lovefoodhatewaste.com) [www.wrap.org.uk](http://www.wrap.org.uk)

justification. The Gov.UK guidance on climate change states “In some locations the dominant source of flooding will be from a neighboring management catchment. If so, use the allowances from the neighboring management catchment to assess the risk for your development or site allocation.” In the FRA the applicant has used the 12% and 15% climate change allowances for the risk of flooding from the River Thames. These values are correct when assessing flood risk from the River Ember however, the Thames catchment uses different values. The lower Thames 2080’s central allowance is 35%.

- In the FRA the applicant has stated that they do not need flood compensation because the site is not affected by the 1%AEP + climate change event. However, the flood level for a 1%AEP + 35% climate change event (Lower Thames model) ranges from 9.35mAOD – 9.40mAOD which will affect the site and therefore flood compensation will be needed.
- Furthermore, the FRA states that the finished floor levels will be at 9.45mAOD and this is not 300mm above the 1%AEP + 35% climate change flood level. We would recommend producing a map showing the flood extents of a 1%AEP + 35% climate change event which would show what parts of the site is affected and whether flood compensation will be needed.

### **Overcoming our objection**

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted.

### Floodplain storage

Any increase in built footprint or raising of ground levels should be compensated up to the 1% AEP plus an appropriate allowance for climate change flood level. Level for level floodplain compensation is the preferred method of mitigation and should be considered within the FRA.

Level for level floodplain compensation is the matching of floodplain storage volumes lost with new floodplain storage volume gained through the reduction of ground levels. We recommend that level for level floodplain storage calculations are provided in a table that sets out the change in volumes across the site using 100mm or 200mm slices (dependent on site specific considerations), stating the losses and gains for each slice. It will need to be demonstrated that there would be no net loss in storage volume for any slice. The location of the changes in floodplain storage should also be clearly identified in a plan or drawing that demonstrates the scheme would be hydraulically connected for each slice.

Excavation of the proposed floodplain compensation scheme should be completed prior to the construction of development to ensure floodplain capacity is maintained.

### **Riparian ownership – Advice to applicant**

As a section of main river runs along the western boundary of your site, you may have riparian ownership of that section of the watercourse. Please visit our website for guidance on riparian ownership and owning watercourses here: [Owning a watercourse - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

### **Environmental permit – Advice to applicant**

Please be aware that a Flood Risk Activity Permit (FRAP) is likely to be required for any works within 8m of a main river. This includes the proposed diversion of the Thames Water main as outlined in drawing ref: ‘A3711-ASA-ZZ-00-DR-A-0210’, dated

02/06/2023. To apply for a FRAP we recommend you contact one of our Flood and Coastal Risk Management Officers at the following email address:  
[PSO.SWLondonandMole@environment-agency.gov.uk](mailto:PSO.SWLondonandMole@environment-agency.gov.uk).

Under the Environmental Permitting (England and Wales) Regulations 2016, you must follow the environmental permitting rules if you want to do work:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

Under the Environmental Permitting (England and Wales) Regulations 2016, the Environment Agency has the power to enforce against unpermitted works or works not carried out according to a FRAP. The Environment Agency also have the power under section 107(3) of the Water Resources Act to serve a notice on a landowner/person who controls the watercourse to remove an obstruction to a river where the flow is impeded.

The Environment Agency can use enforcement powers if necessary to ensure the riparian owners carry out the necessary works to ensure that the flow of water in a main river is not impeded and therefore reduce the flood risk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

### **Sequential test – advice to Planning Authority**

What is the sequential test and does it apply to this application?

In accordance with the National Planning Policy Framework (paragraph 162), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- Householder developments such as residential extensions, conservatories or loft conversions
- Small non-residential extensions with a footprint of less than 250sqm
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)
- Applications for development on sites allocated in the development plan through the sequential test, which are consistent with the use for which the site was allocated.

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

### Who undertakes the sequential test?

It is for you, as the local planning authority, to decide whether the sequential test has been satisfied, but the applicant should demonstrate to you, with evidence, what area of search has been used. Further guidance on the area of search can be found in the planning practice guidance [here](#).

### What is our role in the sequential test?

We can advise on the relative flood risk between the proposed site and any alternative sites identified - although your strategic flood risk assessment should allow you to do this yourself in most cases. We won't advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance [here](#).

### **Exception test – advice to Planning Authority**

In accordance with the National Planning Policy Framework (paragraphs 164 and 165), the proposed development is appropriate provided that the site meets the requirements of the exception test. Our comments on the proposals relate to the part of the exception test that demonstrates the development is safe. The local planning authority must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk.

The exception test should only be applied as set out in flood risk table 3 of the Planning Practice Guidance (PPG) following application of the sequential test. The exception test should not be used to justify the grant of planning permission in flood risk areas when the sequential test has shown that there are reasonably available, lower risk sites, appropriate for the proposed development.

In those circumstances, planning permission should be refused, unless you consider that sustainable development objectives make steering development to these lower risk sites inappropriate as outlined in PPG (ref ID: 7-033-20140306).

### Our role in the exception test

The exception test is in two parts, described in the NPPF (paragraph 164). In order for the test to be passed it must be demonstrated that

1. The development would provide wider sustainability benefits to the community that outweigh flood risk; and
2. The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Paragraph 165 of the NPPF makes clear that both parts need to be met for the test to be satisfied. It is for the applicant to demonstrate this.

We provide advice on the second part of the test, but it is for you, as the local planning authority, to consider the first part of the test, accounting for the findings of the flood risk assessment and our flood risk advice, and to determine whether the test, overall, has been satisfied. Development that does not satisfy both parts of the exception test should be refused.

### Where the flood risk assessment shows the development will be safe throughout its lifetime without increasing flood risk elsewhere

Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, there will always be some remaining risk that the development will be affected either directly or indirectly by flooding. You will need to weigh these risks against any wider sustainability benefits to the community.

### **Other Consents – advice to applicant**

As you are aware we also have a regulatory role in issuing legally required consents, permits or licences for various activities. We have not assessed whether consent will be required under our regulatory role and therefore this letter does not indicate that permission will be given by the Environment Agency as a regulatory body.

The applicant should contact 03708 506 506 or consult our website to establish if consent will be required for the works they are proposing. Please see <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>

### **Final Comments**

Thank you again for consulting us on this application. Our comments are based on the best available data and the information as presented to us.

**If you are minded to approve this application for major development contrary to our flood risk objection, we request that you contact us to allow further discussion and/or representations from us in line with the [Town and Country Planning \(Consultation\) \(England\) Direction 2021](#).**

**This statutory instrument prevents you from issuing planning permission without first referring the application to the Secretary of State for Housing, Communities and Local Government (via the National Planning Casework Unit) to give them the opportunity to call-in the application for their own determination. This process must be followed unless we are able to withdraw our objection to you in writing. A failure to follow this statutory process could render any decision unlawful, and the resultant permission vulnerable to legal challenge.**

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me. Please quote our reference number in any future correspondence.

Yours faithfully

**Miss Chloe Alma-Daykin  
Planning Advisor**

Direct dial 0203 025 9872  
E-mail [Planning\\_THM@environment-agency.gov.uk](mailto:Planning_THM@environment-agency.gov.uk)

# BROOKLANDS COLLEGE

Delivering Learning,  
Living, Leisure and Legacy



## Planning Statement

Celebrating  
**60**  
years

# **Brooklands College Planning Statement**

**Brooklands College and CALA Homes (Thames) Ltd**

May 2023

**LICHFIELDS**

## Phasing

5.122 Subject to securing planning permission, works will commence on Site in Autumn 2023. To assist with commencement of development at the Site and to provide a clear understanding of the elements of the application phasing details are provided below. It is proposed that a phasing plan will be secured as part of the S106 Agreement For construction purposes, the development will be built out in four phases (referenced as 1a, 1b, 2 and 3). Details specific to each phase are outlined below and detailed within Masterplan Phasing plan SK.01:

### **Phase 1a- College Campus (period of 2.5 years)- Autumn 2023 - Winter 2025**

5.123 Phase 1a seeks redevelopment of existing education facilities (Brooklands College), including provision of a new sports facility and community facility.

5.124 All students will remain 'on-Site' during the construction period of this phase and the work will be staggered to allow students to remain on Site during the construction process and move between different functional buildings within the Site.

### **Phase 1b- Southern parcel- residential and SANG (period of 2 years)- Autumn 2023 – Autumn 2025**

5.125 Phase 1b will comprise a mix of residential development within the southern parcel of this Site. Prior to commencement of development at phase 3, the remediation of contaminated land will be required. The proposed SANG located to the south of the Mansion will also form part of phase 1b.

### **Phase 2 Northern parcel- residential (period of 2.5 years)- Spring 2025 – Autumn 2027**

5.126 Phase 2 consists of a mix of residential development within the northern parcel of the masterplan. Prior to construction, this phase of development will require the remediation of contaminated land.

### **Phase 3- Mansion House, Residential Blocks (period of 2.5 years)- Spring 2027 – Autumn 2029.**

5.127 Phase 3 seeks consent for the retention of the Mansion and the redevelopment of surrounding buildings.

5.128 This phase will involve partial demolition of some of the buildings surrounding the mansion house; materials will be reused where possible. The Mansion House is proposed to be delivered in Phase 3 as there are a number of College buildings that require demolition surrounding the Mansion House. The demolition of these buildings can only occur when these uses have been reprovided (Sports Hall, Vickers etc) to ensure no disruption to the College's operation and therefore the Mansion House works will be delivered in the final stage.

5.129 The securing of these phases and assurances required for the delivery of phases (including of the Mansion House) will form part of a S106 Agreement.



## **Other considerations**

- 5.130 Prior to the start of construction, the applicant will implement the agreed methods and procedures for construction and the standard measures of construction best practice to ensure that the risks to the environment are appropriately managed, as outlined within the Construction Management Plan (CMP) and Construction Environmental Management Plan (CEMP) submitted as part of this application. The movement of the students and staff attending the college during the construction period will be managed via the Construction Management Plan (CMP) and a Construction Environmental Management Plan (CEMP).

# Chapter C

## Site and Scheme Description

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## C4.0 Construction Methodology

C4.1 This section sets out the key construction activities which are identified for the purposes of assessment within this EIA. It is anticipated that a planning condition will require further details to be submitted and agreed by the contractor or contractors in due course and prior to the works (or phase of works) taking place. These will accord with the broad principles established below and assessed as part of the EIA.

C4.2 Chapter O (Cumulative Impact Assessment) of this ES identifies the relationship of the principles described below to the construction of the Proposed Development at Brooklands College with the identified development schemes outside of the site boundary, set out in the Table of Cumulative Schemes at Chapter O. Construction of those developments is assumed to be carried out independently to the works described in this section of this ES.

### Programme of Works

C4.3 For the purpose of assessment within this EIA, it is envisaged that the Proposed Development will be brought forward as four phases (referenced as 1a, 1b, 2 and 3).

- **Phase 1a:** College Campus (2 years) – Summer 2023 – Summer 2025
- **Phase 1b:** Southern Parcel – Residential and SANG (2 years) – Summer 2023 – Summer 2025
- **Phase 2:** Northern parcel – Residential (2.5 years) – Winter 2024 – Summer 2027
- **Phase 4:** Mansion House, Residential Blocks (2.5 years) – Winter 2026 – Summer 2029

C4.4 Construction is anticipated to commence in Q2 2023 and end in Q2 2029, with full occupation and site opening anticipated in Q3 2029. However it is envisaged that as residential units are completed that they would be occupied whilst construction continues elsewhere within the Site.

### Phase 1a: College Campus

A.6.0 Phase 1a seeks redevelopment of the existing education facilities (Brooklands College), including provision of a new sports facility and community facility.

A.7.0 All students will remain ‘on-Site’ during the construction period of this phase and the work will be staggered to allow students to remain on Site during the construction process and move between different functional buildings within the Site.

### Phase 1b: Southern Parcel – Residential and SANG

C4.5 Phase 1b will comprise a mix of residential development within the southern parcel of this Site. Prior to commencement of development at phase 3, the remediation of contaminated land will be required. The proposed SANG located to the south of the Mansion will also form part of phase 1b.

## **Phase 2: Northern parcel- residential**

- C4.6 Phase 2 consists of a mix of residential development within the northern parcel of the masterplan. Prior to construction, this phase of Proposed Development will require the remediation of contaminated land.

## **Phase 3: Mansion House, Residential Blocks**

- C4.7 Phase 3 seeks consent for the retention of the Mansion and the redevelopment of surrounding buildings.
- C4.8 This phase will involve partial demolition of some of the buildings surrounding the mansion house; materials will be reused where possible. The Mansion House is proposed to be delivered in Phase 3 as there are a number of College buildings that require demolition surrounding the Mansion House. The demolition of these buildings can only occur when these uses have been provided (etc Sports Hall, Vickers etc) and therefore the Mansion House works will be delivered in the final stage.

## **Description of Works**

- C4.9 Each stage of works can be broadly summarised as including the following works:
- 1 Site establishment and preparation
  - 2 Enabling works
  - 3 Building Construction/Highways Works
- C4.10 All normal best practice construction methods and health and safety requirements will be put in place by the contractor(s).
- C4.11 The Proposed Development is considered to be permanent, and as such, decommissioning of the proposed college and residential units will not be assessed in detail as part of this EIA. It is anticipated that any decommissioning of the Proposed Development would encounter similar impacts to the construction period, but in reverse, and would be dealt with under relevant legislation should it be required in the future.

## **Access and Deliveries**

- C4.12 During all phases, access and egress will be monitored. All unloading/loading areas for materials and storage yard will take place within the Site boundary for the duration of the construction programme. Where operationally possible, typically large deliveries such as the frame and precast unit will be undertaken during off-peak periods such as weekends and holidays to minimise impact on the surrounding road network.
- C4.13 Deliveries will generally take place between 08:00 and 18:00 Monday to Friday, with deliveries on Saturday between 08:00 and 13:00. No deliveries will occur on Sundays and bank holidays.
- C4.14 There are two exceptions to the rules above:
- 1 Statutory Regulations prohibit deliveries before 7:00am for abnormal loads. In such cases local residents will be notified in advance via a newsletter delivered by hand.

**Steven Brown**

**From:** Paul Falconer <[REDACTED]>  
**Sent:** 19 March 2024 09:10  
**To:** Steven Brown  
**Cc:** Jack Trendall  
**Subject:** RE: Raleigh Drive - Housing Land Supply

Hi Steven

Apologies, there was an error in the table, I had made a deduction from the permissions since 1<sup>st</sup> April 2023 which wasn't necessary. The Permissions since 1<sup>st</sup> April 2023 should have been 396, therefore 4.14 years.

	Council	Appellant
<b>Requirement</b>		
Annual housing requirement	650	650
4 year housing requirement (A x 4 years)	2,600	2,600
<b>Supply</b>		
Sites under construction (LAA Appendix 1, Table B)	845	845
Sites with planning permission (LAA Appendix 2, Table C)	1263	1263
Sites with planning permission with 10% discount	1137	1137
LAA Sites for delivery in years 1-5 (LLA Appendix 3, Table D)	228	210
Windfalls	87	87
4 YHLS at 1 <sup>st</sup> April 2023	2,297	2,221
Supply in years	3.53 years	3.42 years
Undersupply against 4 year housing requirement and buffer	-303	-379
Permissions and resolution to grant since 1 <sup>st</sup> April 2023 not included in LAA	396	n/a
Deliverable supply including permissions since 1 <sup>st</sup> April 2023	4.14 years	n/a

Kind regards

Paul

Paul Falconer | Development Manager | Planning and Environmental Health

[REDACTED]  
 Elmbridge Borough Council Civic Centre High Street Esher Surrey KT10 9SD



---

**From:** Steven Brown [REDACTED]  
**Sent:** Tuesday, March 19, 2024 8:02 AM  
**To:** Paul Falconer [REDACTED]  
**Subject:** RE: Raleigh Drive - Housing Land Supply

Morning Paul

OK. Thanks.

I will have to amend my evidence to address the Council's revised position.

We can agree a supplementary HLS SoCG post the exchange of evidence.

Best wishes

Steven Brown BSc Hons DipTP MRTPI

Woolf Bond Planning Ltd  
The Mitfords  
Basingstoke Road  
Three Mile Cross  
Reading  
RG7 1AT

Tel: 01189 884923

[REDACTED]



---

**From:** Paul Falconer <[REDACTED]>  
**Sent:** Monday, March 18, 2024 5:20 PM  
**To:** Steven Brown [REDACTED]  
**Subject:** Raleigh Drive - Housing Land Supply

Dear Steven

Apologies for the late notice but having reviewed the data further, the Council will be conceding on some of the other sites in dispute and will be suggesting an addendum to the Statement of Common Ground on Housing Land Supply.

SOCG Table B: Sites under construction

Removal of:

- The Quintet, Churchfield Road, Walton on Thames
- 290 Walton Road, West Molesey
- 77 Queens Road, Weybridge
- St George's House, 24 Queens Road, Weybridge
- 162 Portsmouth Road, Thames Ditton

- . Rear ground office suite, 1 Wolsey Road, East Molesey

This results in the following summary of supply:

	Council	Appellant
<b>Requirement</b>		
Annual housing requirement	650	650
4 year housing requirement (A x 4 years)	2,600	2,600
<b>Supply</b>		
Sites under construction (LAA Appendix 1, Table B)	845	845
Sites with planning permission (LAA Appendix 2, Table C)	1263	1263
Sites with planning permission with 10% discount	1137	1137
LAA Sites for delivery in years 1-5 (LLA Appendix 3, Table D)	228	210
Windfalls	87	87
4 YHLS at 1 <sup>st</sup> April 2023	2,297	2,221
Supply in years	3.53 years	3.42 years
Undersupply against 4 year housing requirement and buffer	-303	-379
Permissions and resolution to grant since 1 <sup>st</sup> April 2023 not included in LAA	299	n/a
Deliverable supply including permissions since 1 <sup>st</sup> April 2023	3.99 years	n/a

Kind regards

Paul

Paul Falconer | Development Manager | Planning and Environmental Health

Elmbridge Borough Council Civic Centre High Street Esher Surrey KT10 9SD



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**Land off Raleigh Drive, Claygate**  
**Chronology of the Council's Housing Land Supply Position**

19<sup>th</sup> March 2024

Date	Information
14 <sup>th</sup> September 2023	Local Plan Inspector posed number of questions ( <b>CDE.45</b> ) to inform preparation for examination of the emerging Local Plan ( <b>CDE.16</b> ). Paragraphs 24 to 26 related to the trajectory in the draft submission Local Plan and the request for clarification over deliverability.
28 <sup>th</sup> September 2023	The Council provided an initial response to the Inspector's letter ( <b>CDE.46</b> ). Whilst this did not answer queries in paragraphs 24 to 26 of the letter, it indicated that <b>"The Council will provide a full response and the additional documents no later than 10 November 2023"</b> .
10 <sup>th</sup> November 2023	Council's full response to Local Plan Inspector's initial letter ( <b>CDE.47</b> ). In answer to the queries in paragraphs 24 to 26 of CDE.45, page 6 of the letter indicates that the <b>"most up to date trajectory and LAA evidence that informs this is anticipated for publication in January 2024"</b> .
December 2023	Publication of <b>Authority Monitoring Report 2022/23 (CDE.13)</b> Tables 28 & 29 provide summary of sources of housing land supply and assessment of 5 year provision. <b>Council claimed a deliverable supply of 2,977 dwellings.</b>
16 <sup>th</sup> January 2024	Appellants request copies of the site specific schedules which informed the analysis within Tables 28 & 29 of the AMR.
30 <sup>th</sup> January 2024	The Council indicates <b>"aim to publish LAA on 9<sup>th</sup> February"</b> .
9 <sup>th</sup> February 2024	The Council publishes LAA ( <b>CDE.14</b> ) with detailed schedule of sites by source of supply listed in Tables 28 & 29 of AMR ( <b>CDE.13</b> ). <b>Council claimed a deliverable supply of 2,977 dwellings.</b>
20 <sup>th</sup> February 2024	Appellants seek clarity from the Council as the total of all sites with permission (Appendix 2 of LAA ( <b>CDE.14</b> )) at 1,386 dwellings is less than the 1,556 dwellings specified in the AMR and LAA. (Copy of email in <b>WB2</b> ).
22 <sup>nd</sup> February 2024	Council confirms error in total of sites with permission. It should be 1,386 dwellings as advanced by Appellants. A 10% non-implementation



Date	Information
	rate should then be applied (copy of email confirmation in <b>WB2</b> ). <b>Council confirmed corrected deliverable supply is 2,808 dwellings.</b>
4 <sup>th</sup> March 2024	Initial draft Housing Land Supply Statement of Common Ground sent to Council. <b>Appellants advanced that deliverable supply was 2,221 dwellings.</b>
5 <sup>th</sup> March 2024	The Council sent first response on draft Statement of Common Ground. Deliverable supply from the sources listed in AMR and LAA reduced to <b>2,343 dwellings</b> . The Council also seeks to include 397 dwellings from sites granted after 31 <sup>st</sup> March 2024. Overall total (including permissions granted after 31 <sup>st</sup> March 2023) would be <b>2,740 dwellings</b> .
7 <sup>th</sup> March 2024 (12:14)	Appellants supplied a revised draft Statement of Common Ground and considered the Council's response. Appellants' revised position on deliverable supply increased to <b>2,270 dwellings</b> . This is from the sites listed in the schedules contained in Appendices 1-3 of the LAA ( <b>CDE.14</b> ). Appellants state sites approved after 31 <sup>st</sup> March 2023 must be omitted.
7 <sup>th</sup> March 2024 (16:17)	The Council provides a response to the revised draft Statement of Common Ground. The revised deliverable supply from the sources listed in AMR and LAA increased to <b>2,357 dwellings</b> . The Council also seeks to include 404 dwellings from sites granted after 31 <sup>st</sup> March 2024. Overall total (including permissions granted after 31 <sup>st</sup> March 2023) would be <b>2,761 dwellings</b> .
8 <sup>th</sup> March 2024 (10:16)	Further revised draft Statement of Common Ground prepared. Appellants further revise position on deliverable supply to <b>2,279 dwellings</b> , from the sites listed in the Appendices 1-3 of LAA ( <b>CDE.14</b> ). Appellants reaffirm view that sites approved after 31 <sup>st</sup> March 2023 must be omitted.
8 <sup>th</sup> March 2024 (11:03)	Council agrees Land Supply Statement of Common Ground. This confirms that deliverable supply from sources in LAA is <b>2,357 dwellings</b> . The Council also seeks to include 489 dwellings from sites granted after 31 <sup>st</sup> March 2024. The overall total (including permissions granted after 31 <sup>st</sup> March 2023) is therefore <b>2,846 dwellings</b> .
8 <sup>th</sup> March 2024 (11:31)	Agreed and signed Statement of Common Ground submitted to Planning Inspectorate ( <b>CDD.4</b> ). This confirms Council supply from sources listed in LAA is <b>2,357 dwellings</b> and that the Appellants' view is that it is <b>2,279 dwellings</b> . The Council seeks to include 489 dwellings from sites granted after 31 <sup>st</sup> March 2023 which is disputed by the Appellants.

Date	Information
18 <sup>th</sup> March 2024 (17:20)	Council email Appellants to update on their revised Housing Land Supply position ( <b>WB7</b> ). Council have amended their position and indicate that there is no longer any dispute with the Appellants over the total deliverable supply from sites which were under construction ( <b>CDD.4</b> , Table B). The figure in this table is accepted to be 845 dwellings. The revised total from the sites listed in Appendices 1-3 of the LAA ( <b>CDE.14</b> ) is therefore now <b>2,297 dwellings</b> . There would only be a single site where deliverability is disputed between the Council and Appellants – this is Sundial House (fifth row on page 15 of <b>CDD.4</b> ) where there remains a difference of 18 dwellings. The Council also revise their position on the inclusion of permissions granted after 31 <sup>st</sup> March 2023, indicating this should now be 299 dwellings. The overall total (including permissions granted after 31 <sup>st</sup> March 2023) is therefore <b>2,596 dwellings</b> , or a 3.99 year supply.
19 <sup>th</sup> March 2024 (09:13)	Council issue a correction to their position on Housing Land Supply ( <b>WB7</b> ). No change to the figure associated with the sites listed in Appendices 1-3 of the LAA (confirmed still <b>2,297 dwellings</b> ). However, the total figure for permissions granted after 31 <sup>st</sup> March 2023 is raised to 396 dwellings. The revised total (including permissions granted after 31 <sup>st</sup> March 2023) would be <b>2,693 dwellings</b> .

### Chronology Summary

Stage	Council		Appellant
	LAA (Appendices 1-3) ( <b>CDE.14</b> )	LAA (Appendices 1-3) + permissions since 31/3/23	LAA (Appendices 1-3) ( <b>CDE.14</b> )
AMR ( <b>CDE.13</b> ) & LAA ( <b>CDE.14</b> )	2,977	n/a	n/a
Corrected LAA ( <b>WB2</b> )	2,808	n/a	n/a
First draft SoCG	2,343	2,740	2,221
Second Draft SoCG	2,357	2,761	2,270
Final SoCG ( <b>CDD.4</b> )	2,357	2,846	2,279
Council email 18 <sup>th</sup> March 2024 ( <b>WB7</b> )	2,297	2,596	2,279
Council email 19 <sup>th</sup> March 2024 ( <b>WB7</b> )	2,297	2,693	2,279

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