

## CATERHAM VALLEY PARISH COUNCIL RESPONSE TO THE TANDRIDGE LOCAL PLAN CONSULTATION AUGUST 2018

Page 11 of the draft Local Plan contains the following:

*3.4 The main purpose of the Regulation 19 consultation is to ask for comment on the legal compliance and soundness of Our Local Plan.*

This may have given the impression that people may only comment on legal compliance and soundness of the Local Plan.

This is not the case! Under Regulation 20 (1) of The Town and Country Planning (Local Planning) (England) Regulations 2012, “Any person may make representations to a Local Planning authority about a Local Plan” It says nothing about any limitation to legal compliance and soundness.

In terms of being legally compliant, Caterham Valley Parish Council believes this draft Local Plan is not, as it goes against what District Councillors voted for last year.

At the March 16<sup>th</sup> 2017 Planning Policy meeting, members of Tandridge District Council considered a report regarding a preferred strategy for the preparation of the Local Plan. The Council agreed to this preferred strategy which included the following in Item 9 - Appendix A Strategy Paper, which describes development in the existing urban areas as:

*‘the delivery of this approach relies on continuing to develop within those areas where infrastructure issues are most keenly felt and generally more difficult to remedy. Whilst an increase in densities could be looked at and is supported by the recent Housing White Paper (2017), the reality is that Tandridge is not a densely developed district, with an average of 19 dwelling per hectare across the Caterham, Warlingham and Whyteleafe cluster in the north and around 12 dwellings per hectare in the Oxted and Limpsfield cluster for example. Increasing densities to a significantly higher level within the existing boundary would risk unacceptably and inevitably altering their character. In any event, those areas would be unlikely to have sufficient available land to support the intensification with necessary infrastructure’*

The approach that they are describing was to focus residential development in existing inset areas at varying densities. The advice provided by the Council, and agreed at the Planning Policy meeting, was not to progress with this due to the issues identified in infrastructure in the urban areas.

However, the Optimised Density documents which support this plan contradict the agreed Preferred Strategy and, despite evidence to the contrary regarding the infrastructure deficit, recommend ‘optimised densities’ of up to 100 dwellings per hectare, which has already been identified as unsustainable. This increase in density is referenced in the Tandridge District Council Urban Capacity Study (2017) – Appendix E – Optimised Density Character Area Maps (2017).

Whilst there are limited sites for development that have been identified, this will lead to significant windfall development for which no infrastructure delivery plan is in place.

At the same time, the government suggests that it is committed to protecting the Green Belt. Given that Tandridge is 94% Green Belt, it is not clear how the housing target will be met. One danger is that the Council will seek to have even more development crammed into Caterham.

### **DUTY TO CO-OPERATE**

The draft Local Plan contains the reminder that councils have a Duty to Co-operate regarding issues which cross-administrative boundaries. Under 6, Duty to Co-operate, the Local Plan's Statements of Common Ground and Formal Agreements shows that, despite the advanced stage of preparation of the Local Plan, TDC has only managed finalised agreements with 2 out of 11 neighbouring authorities. Discussions of Strategic Matters with the other nine authorities are "Underway". The public consultation ends on 10<sup>th</sup> September 2018 and the Local Plan will be submitted to the Planning Inspector Winter 2018/19.

It is a deeply concerning that, with the public consultation ending in September, TDC has not managed to finish its discussions with neighbouring authorities with whom it is obliged to cooperate and on the results of which residents are supposed to comment in the Public Consultation which ends 10<sup>th</sup> September 2018.

### **PERMITTED DEVELOPMENT AND OFFICE SPACE**

The Local Plan has identified a shortfall of office space in the district. Therefore, we welcome the proposal to utilise Article 4 Protection to prevent Permitted Development rights over B1 Class businesses that already exist in our current towns and that are at risk from Permitted Development.

Tandridge's failure to encourage new employers to create jobs through the re-development of the redundant sites for commercial use left them open for housing development. This allowed a massive amount of building which meant that Tandridge's previous 20-year strategic housing number was actually achieved in 10 years.

Oxted has detailed specifics supporting at least 700sq m of B1 A office space in their town centre which definitely encourages further office space development. There does not appear to be any similar commitment to Caterham's town centre. We consider this to vital to the long-term viability of the daytime economy in Caterham.

Caterham Valley Parish Council strongly believes that any further loss of employment space in Caterham is unacceptable.

### **HOUSING**

The draft Local Plan's list of building sites proposed for Caterham alone is:

Sandiford House, Stanstead Road	14 units
Land at Salmons Lane West	75 units

Coulsdon Lodge, Coulsdon Road	15 units
156 – 180 Whyteleafe Road	60 units
Land at Fern Towers, Harestone Hill	6 units
Major redesign of the Church Walk Mall	190 units
Douglas Brunton Centre	82 units – currently removed from the list

If these were all developed, plus all the sites identified in the Local Plan in Warlingham, the north of the District will play host to the Local Plan’s largest number of new houses.

By contrast, 533 units have been included in the draft Local Plan for the south of the District. Hurst Green, Oxted’s neighbour, is pencilled in for 110 new homes while Oxted itself only has 60 units associated with its Town Centre Initiative. The first phase of the South Godstone Garden Community will be 1,400 units out of the proposed total of 4000.

Historically, there has been only a modest increase in Tandridge's own population and the amount of natural change is very low. Therefore, the large number of homes built on the redundant land led to a huge amount of inward migration largely from London boroughs which were not building enough to meet their own housing need. That pent up need has been met by Tandridge. The District’s supply of large, Brownfield sites for development has now been exhausted.

The Housing Strategy does not provide any details of the need or the range of house types. Basically, there is no detailed Housing Strategy that sets out what is the requirement in the District. It is very unspecific.

### **GARDEN VILLAGE DEVELOPMENT**

The planned delivery of 1,400 houses in the Garden Community is significantly below the public’s expectation and this number could, or should, be increased over the life cycle of the plan via a variety of methods. This could include the Council developing social housing as part of the development which would go some way to addressing the need of existing residents across the Tandridge District.

### **AFFORDABLE HOUSING**

Caterham Valley Parish Council believes that the reduction in the Affordable Housing requirement from 34% (in the 2008 Tandridge Core Strategy) to 20% (in the draft Local Plan) should not be included in future planning policies.

There is a dearth of affordable housing in Tandridge. This is partly due to the fact that TDC put an effective cap on provision back in 2008. It introduced a policy that allowed "up to 34%" of new homes to be affordable. This gave developers a large measure of flexibility in interpreting this percentage. As soon as 2013, this policy had resulted in a shortfall of 1050 affordable homes according to TDC’s consultants.

There is much in the draft Local Plan about affordable housing. It says, “The Council will expect all policy requirements, including affordable housing provision and infrastructure delivery, to be fulfilled.” It has

been suggested that developers have been able to avoid the requirement to build affordable houses because their consultants' economic assessments have produced the conclusion that the affordable housing requirement would render their projects unviable.

The draft Local Plan says "A firm stance will also be taken with applicants who suggest that affordable housing requirements cannot be provided in full." To quote Dr. Phillip McGraw, the best predictor of future behaviour is past behaviour.

Caterham Valley Parish Council strongly believes that each individual development should be looked at individually and targets of affordable should be set based on that development. We believe the target in the draft Local Plan of 20% is too low.

Affordable Housing is essential for local people and they should have nomination rights from the District Council.

The April 2018 appeal in Islington in the case of Parkhurst Road Limited v The Council of the London Borough of Islington reference <http://www.bailii.org/ew/cases/EWHC/Admin/2018/991.html> stated:

1. The NPPF contains policies intended "to boost significantly the supply of housing." Thus, Local Planning authorities are required to ensure that their Local Plan meets "the full objectively assessed needs for market and affordable housing...." in so far as that is consistent with other policies in the framework (paragraph 47). Paragraph 50 states that where an authority has identified that affordable housing is needed, it should set policies for meeting that need on site, unless off-site provision or a financial contribution of broadly equivalent value can be "robustly justified".
2. Paragraph 173 of the NPPF requires that "careful attention" be given to viability and costs in both "plan-making and decision-taking". The "scale of obligations and policy burdens" should not threaten the ability to carry out development viably:
  - a. "To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."
  - b. There are three points to be noted about paragraph 173. First, it is recognised that affordable housing imposes an economic cost on the carrying out of development. But as a matter of principle that is no different from the costs of other planning requirements, such as highway or other infrastructure necessary for the development to take place. A transparent, properly prepared viability appraisal which demonstrates that the overall cost of planning obligations is too great for development to be viable can enable the planning authority to exercise a judgment about the relative importance of each of the obligations *in that particular case*. It also assists the decision-maker to balance the desirability of securing those obligations against planning disbenefits which

are said to constrain the amount or type of value-generating development which can be carried out on the site.

- c. In making decisions, the Local Planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is *able to demonstrate to the satisfaction of the Local Planning authority* that the planning obligation would cause the *development to be unviable*, the Local Planning authority *should be flexible in seeking planning obligations*.
- d. This is *particularly relevant for affordable housing contributions* which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance.

1. *Central to the consideration of viability is the assessment of land or site value.* Land or site value will be an important input into the assessment. The most appropriate way to assess land or site value *will vary from case to case* but there are common principles which should be reflected.
2. *In all cases, land or site value should:*
  - reflect policy requirements and planning obligations* and, where applicable, any Community Infrastructure Levy charge;
  - provide a competitive return to willing developers and land owners* (including equity resulting from those wanting to build their own homes); and
  - be informed by comparable, market-based evidence wherever possible.* Where transacted bids are significantly above the market norm, they should not be used as part of this exercise." (emphasis added)

The Conclusion stated:

‘The proposed residential development would accord with a number of development plan policies and objectives, particularly those that promote the delivery of housing. However, the appeal proposal would not provide the maximum reasonable level of affordable housing and the submitted planning obligation does not provide a suitable means for a viability review.’

As such, Caterham Valley Parish Council strongly believes that the figure should be a minimum of 34% and any land purchase prices by developers should consider the requirement detailed for the local area. The onus should be on developers to evidence any abnormal costs that would make any site unviable.

Caterham Valley Parish Council also believes that the minimum threshold for affordable housing on any development should be 10 units as there is an identifiable need in the District.

## **TOWN CENTRE INITIATIVES / DEVELOPMENT**

The optimised density maps that are proposed for development around the Church Walk site and the detail in this area refers to the Masterplan SPD. However, this SPD contains no detail as to the capacity of the site.

According to the “Infrastructure Delivery Plan (IDP)” and draft Local Plan Policy TLP 28 “financial contribution to/on site provision of the following infrastructure are relevant to the development of sites within the Caterham Town Centre boundary and will be a requirement of any proposal:

- Station Avenue/Godstone Road/Croydon Road improvements, including relocation of taxi rank
- Signage to determine the boundaries for Caterham Valley and Caterham Hill
- Wapses Lodge improvements
- Multi-use sports hall and multi-use games area
- Chaldon Road/High Street/mini roundabout/junction upgrade
- Pedestrian safety improvements on corner of High street and Court Road

Clear improvements must be made to the drainage capacity on Church Hill, Station Avenue and Croydon Road.

Caterham Valley Parish Council appreciates that there is a need for more housing in the area. The extent of the town centre should end at Colin Road and the Rose and Young site to give more opportunity for quality housing with adequate parking facilities. As part of the assessment, the extent of need for retail and the extent of the town centre frontages should be optimised which would give an opportunity for future development so that we do not further damage the character of the town.

#### **INFRASTRUCTURE DELIVERY PLAN / IMPROVEMENTS IN THE LOCAL PLAN**

Significant infrastructure requirements have been identified in the Infrastructure Delivery Plan for Caterham Valley and Harestone, specifically related to improving Transport and Flood Defences, all of which are supported by Caterham Valley Parish Council. There are a number of High Priority schemes.

- Station Avenue/Croydon Road/Godstone Road Improvements
- Junction improvements at Godstone/Clareville Road with upgrade to signals for pedestrian crossing and introduction of yellow box
- Harestone Valley Road - relocation of taxi waiting point
- Wapses Lodge capacity improvements to improve traffic flow and reduce peak time queues.
- Caterham Bourne Flood Alleviation Scheme
- Station Avenue - increased drainage capacity
- Croydon Road - increased drainage capacity between Station Avenue and Rose & Young
- Church Hill - Increased drainage capacity

While these are a priority, we also consider the medium and low priority schemes that have also been identified to be important in the long-term.

Whilst there are a limited number attached to TLP28, consideration should be given across all the windfall sites for their contribution to the identified infrastructure requirements in the area.

Despite the rise in the number of people living in Caterham, the local infrastructure has had little in the way of upgrades (we believe Caterham Hill has had on an extra entry at Hillcroft Primary School – now full – and an elaborate set of pedestrian-controlled lights with traffic calming measures without effective drainage on Whyteleafe Road.)

Residents in Caterham Valley complain that they are unable to get an appointment with their registered / preferred GP. A new appointments system has been implemented at the Caterham Valley Medical Practice and we are waiting to see if this improves the situation. Caterham on the Hill's residents also complain that they cannot get appointments with their GP. As an aside, Oxted's residents are worse off and are having to wait five weeks to see their doctor. Around Caterham, NHS dentists are seemingly becoming increasingly rare.

Local schools at the primary level are almost full. In Caterham on the Hill, both the primary schools are full. St John's Primary School in Caterham Valley had some capacity. Again as an aside, Oxted residents are complaining that their primary age children are being sent to Caterham for their first education.

Extremes of rainfall, which with climate change may become more frequent, have shown that the local drains cannot cope. The torrential rain on 6<sup>th</sup> June 2016 may not necessarily be a once in a hundred years phenomenon. Normal heavy rain leads to the drains on roads such as Church Hill, Station Avenue, Croydon Road and the bottom of Mount Pleasant Road in Caterham Valley and Whyteleafe Road on Caterham on the Hill being unable to cope, with ponds forming on Ninehams Road and Buxton Lane.

As well as being periodically flooded, many local roads are potholed and rutted (Church Road for example). Community Infrastructure Levy (CIL) funds deriving from development could have been offered as a contribution to the County Council to help defray the cost of re-surfacing some of Caterham's roads. It is not clear what TDC has done with all the CIL monies.

People who commute to Croydon or London have complained that their trains are often overcrowded; they would appreciate improved train services.

Tandridge promises "the emerging Local Plan has been prepared for the wider benefit of all residents by making significant improvements to infrastructure." TDC has a poor record regarding the utilisation of fund raised from development. This is particularly true where Caterham is concerned. To quote Dr. Phillip McGraw again "the best predictor of future behaviour is past behaviour". On that basis, the Local Plan may not necessarily provide the major improvements to infrastructure which Caterham needs.

Despite the local infrastructure deficit, all that the draft Local Plan proposes for Caterham on the Hill is a new multi-use sports hall and multi-use games area, pedestrian crossings at Burntwood Lane/Milner Close and at Salmons Lane/Whyteleafe Road, pedestrian access improvements across Buxton Lane, a cycle route

from Salmons Lane to Whyteleafe Station, a mini roundabout/junction upgrade at Chaldon Road/High Street and footway improvements on Stanstead Road/Park Avenue.

It is not clear what the authors meant when they wrote of a multi-use sports hall and multi-use games area. The de Stafford Sports Centre on Burntwood Lane already provides a gym and fitness studio and multi-purpose sports hall. Furthermore, it is not clear where in Caterham this new multi-use sports hall and games area might be located.

Two pedestrian crossings, pedestrian access improvements across Buxton Lane and a cycle route from Salmons Lane to Whyteleafe Station, a mini roundabout/junction upgrade and footway improvements on Stanstead Road/Park Avenue will not help the Hill's residents get appointments with their GP, their children into a local primary school and drains which can cope with heavy rain. Furthermore, there is no room to squeeze in a cycle route from Salmons Lane to Whyteleafe Station.

Adding in the list of areas to receive a 'financial contribution to/on site provision of infrastructure' in the 'Town Centre Initiatives / Development section, these improvements are laudable in their own way. However, they do not address residents' problems in Caterham Valley or on the Hill with the failing local infrastructure.

As an observation, the infrastructure improvements cited in HSG07 – Coulsdon Lodge, Coulsdon Road in Caterham – are some distance from the Chaldon Road/High Street/mini roundabout/junction upgrade.

## **ONE PUBLIC ESTATE**

To date, no District Councillors have agreed to a process to deliver One Public Estate. The assumptions that have been considered are in all likelihood to be undeliverable as they consider the loss of much loved and much used public assets, such as the Douglas Brunton Centre, to provide housing. Until a policy has been agreed, an actual number should not be considered deliverable in the Local Plan.

## **GREEN BELT**

Caterham Valley Parish Council supports the Tandridge Local Plan's recommendations of site assessments in Caterham Valley with regard to the Green Belt.

## **NEIGHBOURHOOD PLAN**

Sufficient support must be given to the CCW Neighbourhood Plan, and all of the Neighbourhood Plans in Tandridge, to align with future planning policies and to support local communities in defending the character of areas against inappropriate development.

## **POLICIES**

As part of the retained policies it should be explicitly identified which ones are retained and which ones are replaced as for example DP7 is not sufficiently explicit (Part of DP7 – Design and Development – the policy

that replaces it is TLP37 – trees, soft landscaping and historic environment) to make it clear to residents what policies specifically will be carried over.

## SUMMARY

Caterham Valley Parish Council believes the draft Local Plan document is seriously flawed.

- The Duty to Cooperate is incomplete.
- The Housing Strategy does not provide any details of the need or the range of house types.
- The planned delivery of 1,400 houses in the Garden Community is significantly below the public's expectation.
- More development should not take place before the Valley's High Priority flood alleviation and drainage schemes have been put in place.
- There are weaknesses in the drafting of numerous policies within the draft Local Plan with wordings needing strengthening and 'loopholes' deleted if policies are to be effective, for example
  - TLP06: Urban settlements - Definitions are needed for phases such as "substantially developed frontage" and "infilling" and
  - TLP19: Housing Densities - Words and phrases such as "where appropriate", "adequate" and "sufficient" create 'loopholes'. Clearer and stronger wordings are needed.
  - TLP35: Biodiversity - this is an invalid policy, which does not support the government's commitment to net biodiversity gain (e.g. NPPF 2018 170 d and 174 b) - no net loss is **not** compliant.
  - TLP47: flood resilience is another very weak policy.