

info@inceptionplanning.co.uk | inceptionplanning.co.uk Tel: 01252 416 101

> Inception Planning Quatro House Frimley Surrey GU16 7FR

Our reference:

September 2024

Regulation 19 Surrey Heath Local Plan 2019 – 2038 Representation on behalf of SCWW3 Ltd.

Please see below for a representation made on behalf of our client, SCWW3 Ltd, to the Regulation 19 Surrey Heath Local Plan (2019 – 2038). Our client is progressing a scheme at St Margarets,

Windlesham for the delivery of 9 residential dwellings and the demolition of an existing dwelling on the site.

The site was originally identified for residential development as part of the previous Surrey Heath Local Plan (Policy H8). The site is allocated for residential development through the Regulation 19 Plan, as a single site allocation with the neighbouring dwelling, The Ferns. Due to the different land ownership of the two parcels of land, proposals are being brought forward independently for each parcel of land.

Plan Period

We object to the plan period identified by the Regulation 19 Surrey Heath Local Plan. Paragraph 22 of the NPPF states:

"Strategic policies should look ahead over a minimum 15 year period <u>from adoption</u>, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure." (<u>emphasis added</u>)

As the emerging plan has only reached Regulation 19 stage in August/September 2024, it is likely that the plan would be adopted in 2026. In order to comply with paragraph 22 of the NPPF, the plan period would need to extend to 2041. Even if the Council were to adopt the Local Plan within





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the timetable set out in their LDS this would require a plan period extending to 2040. As such, we object to the plan-period as it does not comply with the NPPF, nor is it positively prepared.

Policy SS1: Spatial Strategy

We support the identification of Windlesham villages as an appropriate location for new development within Part 1 of the Policy.

However, we note that through Policy SS1, the Council propose to deliver at least 5,578 new homes throughout the plan period of 2019 - 2038. This equates to below 300 dwellings per annum. The Government's proposed changes to the Standard Method for calculating housing need identifies a housing requirement of 658 dwellings per annum. Depending upon the time of the plan submission and the publication of the revised NPPF transitional arrangements may apply to the Surrey Heath Local Plan. Due to the difference between the amount of housing planned for in the emerging plan, and the proposed changes in the NPPF, we object to SS1 as we do not consider it to be positively prepared or compliant with the NPPF. If transitional arrangements do apply to the Surrey Heath Local Plan, we consider that Policy SS1 should be amended to require an immediate review of the Plan, to ensure that housing needs are met.

Small Site Allocations for sites projected to deliver between 10 - 24 net new homes (Ref HA1/23).

We support the identification of our clients site (part of HA1/23) for residential development. We also note that the site directly to the east of our clients site is allocated under reference HA1/25.

Our clients site was previously allocated as a 'Reserve Housing Site' as part of the Surrey Heath Local Plan, and has consistently been seen as suitable for development through numerous iterations of the Council's Strategic Housing Land Availability Assessment (SHLAA). We note that the site has been allocated, with the neighbouring site (The Ferns), for "16 net units". As previously stated, both sites are now being brought forward separately as both parcels of land are in separate land ownership. As both parcels of land contain existing residential dwellings, the development of the site would require the loss of 2 residential dwellings, requiring both sites to provide 18 new dwellings to meet the net requirement of the policy.

Our client has undertaken extensive assessments to provide a scheme which responds to the specific constraints of the site, most notably a number of significant trees on the site. In response to these constraints and balancing the need to deliver a sufficient level of housing to provide an effective use

VAT No. 242455224



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of land, a scheme of 9 residential units (8 'net' dwellings) has been submitted to the Council, and refused on two occasions. Both of these applications are currently subject to an appeal to the Planning Inspectorate (Ref: APP/D3640/W/24/3343307), as is a scheme for 7 dwellings (net 6 dwellings) on the adjoining site (The Ferns – Ref APP/D3640/W/24/3341569). When taken together, this would require the two parcels of land to deliver 18 new dwellings, rather than the 16 provided. As such, we consider that the policy should be amended to "14 net units".

We note that paragraph 3.6 of the Regulation 19 Local Plan states:

"Site allocations do not grant planning permission for the site. Planning applications will continue to be determined on their own merits in relation to the policies in this plan. The allocated approximate quantum of development for each site is based on an initial assessment of its potential capacity and is neither a maximum nor a minimum. Further detail and evidence will need to be considered at the planning application stage regarding constraints, design considerations, and the need to deliver the most efficient use of the land. Significant reductions from the approximate housing numbers as set out in the site allocations will be strongly resisted."

Similarly, Policy HA1 3) states:

"Where development proposals cannot clearly demonstrate that the identified site-specific considerations or requirements have been addressed, the planning application will be refused."

As has been demonstrated by our clients site, and the adjoining parcel of land, the Council have a history of refusing planning applications on emerging allocations. We are concerned that the above paragraph would be used by the Council to refuse planning applications on sites which are needed to meet the housing needs of the District. As such, we do not consider that this paragraph 3.6 and Policy HA1 (3) complies with the NPPF, or is positively prepared, and as such should be removed.

Policy H5: Range and Mix of Housing

It is unclear from the drafting of the policy whether development is required to meet all of the 10 criterion provided in Policy H5, or is development should meet some or most of the criterion to be considered acceptable.

Our concerns relate to the connection between Policy H5 2) and H5 3). Part 2 of this policy requires development to take account of the housing needs set out in the Housing Need Assessment 2023, or any subsequent update. Part 3 of the policy states that the dwelling mix reflects the size, characteristics and location of the site. In many circumstances, such as our clients site, providing a

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dwelling mix which reflects the size, characteristics and location of the site may not comply with the needs set out in the Housing Need Assessment. Therefore, we consider that the policy should be amended to require that **either** part 2 of the policy (complying with Housing Need Assessment) **or** part 3 of the policy (reflecting local characteristics) is appropriate.

Policy DH2: Making effective use of land

We support that Policy DH2 of the Regulation 19 Local Plan confirms that site allocations will be expected to deliver the minimum density specified within Policies HA1 – HA5 of the Local Plan (i.e. the site allocations). We also support that the policy also states that development on non-allocated sites within the defined settlement areas of Windlesham should deliver a minimum net density of 30 dwellings per hectare.

Policies Map

We support and welcome the identification of our clients site as a Housing Allocation within the Policies Map. We also support and welcome the amendments to the settlement boundary which include our clients site within the 'Settlement Area' whereby policy SS1 would apply. This provides clarity to developers and local residents that the principle of residential development on the site is established.

Yours faithfully,

Nick Griffin MRTPI

Inception Planning Ltd.





Pre-Submission Surrey Heath Local Plan (2019 – 2038) : (Regulation 19)

Representation Form

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*If an agent is appointed, pleas boxes below but complete the	se complete only the Title, Name and Organisation full contact details of the agent in 2.		
Title		Mr	
First Name		N.	
Last Name		Griffin	
Job Title (where relevant)			
Organisation (where relevant)	SCWW3 Ltd	Inception Planning	
Address Line 1		Quatro House	
Line 2			
Line 3		Frimley	
Post Code		GU16 7ER	
Telephone Number			

E-mail Address		

•	The Pre-Submission Local Plan has been submitted to the
	Secretary of State for independent examination?

•	The	independent	examiner's	recommendations	are
	publis	shed?			

•	The Local	Plan has	been a	adopted?
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Yes	No
Х	
Х	
X	

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Name or Organisation :	SCWW3 Ltd		
3. To which part of the Pre-S	submission Local Plan	does this representation relate?	
	ı —	Other a r	
Paragraph 2.9	Policy	Other, e.g. policies map,	
		table, appendix	
4. Do you consider the Pre-S	Submission Local Plan i	s? (place an X in the box to indicate	ate which applies)
4.(1) Legally compliant (plea	se refer to	Yes	No
guidance notes)			
4 (2) Sound (places refer to	a guidanco		
4.(2) Sound (please refer to notes)	guidance	Yes	No X
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4.(3) Complies with the Duty		Van	No
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5. Please give details of why	vou consider the Pre-	Submission Local Plan is not leg	ally compliant or does
		with the duty to co-operate. Ple	
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		ness of the Pre-Submission Local to set out your comments. You a	
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Plan period extended to 2041, with sufficient provision of additional housing to accommodate the extended plan period
(Continue on a separate sheet / expand box if necessary)
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No, I do not wish to participate at the
oral examination
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Telephone Number			

E-mail Address		
E-IIIaii Audiess		

•	The Pre-Submission Local Plan has been submitted to the
	Secretary of State for independent examination?

- The independent examiner's recommendations are published?
- The Local Plan has been adopted?

Yes	No
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Х	
Х	

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Name or Organisatio	on: SCWW3 Ltd	1			
3. To which part of the	Pre-Submission Lo	cal Plan does thi	s representation	relate?	
Paragraph	Policy	SS1	Other, e.g. policies map, table, appendix		
4. Do you consider the	e Pre-Submission Lo	ocal Plan is? (plad	e an X in the bo	ox to indicate which ap	plies)
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4.(2) Sound (please in notes)	refer to guidance	Yes		No	Х
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4.(3) Complies with the Duty Co-operate (please refe guidance notes)		Yes	Х	No	
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As has been demonstrated by our clients site, and the adjoining parcel of land, the Council have a history of refusing planning applications on emerging allocations. We are concerned that the above paragraph would be used by the Council to refuse planning applications on sites which are needed to meet the housing needs of the District. As such, we do not consider

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Remove paragraph 3.6 and Policy HA1 (3) from the plan
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Amend site allocation HA1/23 to "14 net units"
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Pre-Submission Surrey Heath Local Plan (2019 – 2038) : (Regulation 19)

Representation Form

Ref:

(For official use only)

Please return to: planning.consultation@surreyheath.gov.uk

OR

Planning Policy and Conservation, Surrey Heath Borough Council, Surrey Heath House, Knoll Road, Camberley, Surrey GU15 3HD.

By **12.00 noon 20th September 2024** NO LATE REPRESENTATIONS WILL BE ACCEPTED

This form has two parts:

Part A - Personal Details

Part B – Your representation(s). (Please be aware that this together with your name will be made publicly available)

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1. Personal Details*		2. Agent's Details (if applicable)
*If an agent is appointed, pleas boxes below but complete the	se complete only the Title, Name and Organisation full contact details of the agent in 2.	
Title		Mr
First Name		N.
Last Name		Griffin
Job Title (where relevant)		
Organisation (where relevant)	SCWW3 Ltd	Inception Planning
Address Line 1		Quatro House
Line 2		
Line 3		Frimley
Post Code		GU16 7ER
Telephone Number		

E-mail Address			
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•	The Pre-Submission Local Plan has been submitted to the
	Secretary of State for independent examination?

•	The	independent	examiner's	recommendations	are
	publis	shed?			

•	The Local	Plan	has	been	adopted?
---	-----------	------	-----	------	----------

Yes	No
Х	
Х	
Х	

Please note that your formal comments (known as <u>representations</u>) and your <u>name</u> will be made available on the Council's website. All other details in Part A of this form containing your personal details will <u>not</u> be shown.

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After this stage, further submission will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Name or Organisation :	SCWW3 Ltd				
3. To which part of the Pre-S	Submission Loca	al Plan does	this representation relate	?	
Paragraph	Policy	H5	Other, e.g. policies map, table, appendix		
4. Do you consider the Pre-S	Submission Loc	al Plan is? (p	lace an X in the box to in	dicate which ap	plies)
4.(1) Legally compliant (plea guidance notes)	se refer to	Yes	Х	No	
4.(2) Sound (please refer to notes)	o guidance	Yes		No	Х
4.(3) Complies with the Duty Co-operate (please refo guidance notes)		Yes	Х	No	
5. Please give details of why you consider the Pre-Submission Local Plan is not legally compliant or does not meet the tests of soundness or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Pre-Submission Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments. You are advised to read our Representations Guidance note for more information on legal compliance and soundness.					
It is unclear from the drafting of the policy whether development is required to meet all of the 10 criterion provided in Policy H5, or is development should meet some or most of the criterion to be considered acceptable. Our concerns relate to the connection between Policy H5 2) and H5 3). Part 2 of this policy requires development to take account of the housing needs set out in the Housing Need Assessment 2023, or any subsequent update. Part 3 of the policy states that the dwelling mix reflects the size, characteristics and location of the site. In many circumstances, such as our clients site, providing a dwelling mix which reflects the size, characteristics and location of the site may not comply with the needs set out in the Housing Need Assessment. Therefore, we consider that the policy should be amended to require that either part 2 of the policy (complying with Housing Need Assessment) or part 3 of the policy (reflecting local characteristics) is appropriate.					
		(Continue o	n a separate sheet / ex	pand box if ne	ecessary)

You will need to say why each modification will make the Pre-Submission Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.
We consider that the policy should be amended to require that either part 2 of the policy (complying with Housing Need Assessment) or part 3 of the policy (reflecting local characteristics) is appropriate.
(Continue on a separate sheet / expand box if necessary) Please note your representation should cover succinctly all the evidence and supporting information necessary to support/justify your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions will be only at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.
7. If your representation is seeking a modification to the Pre-Submission Local Plan, do you consider it necessary to participate at the oral part of the examination?
No, I do not wish to participate at the oral examination Yes, I wish to participate at the oral examination Please note - whilst this will provide an initial indication of your wish to participate in the examination, you may be asked at a later point to confirm your request to participate.
8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:
To discuss matters relating to this issue.
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indicated that they wish to participate at the oral part of the examination. You may be asked to confirm your

wish to participate when the Inspector has identified the matters and issues for examination.

6. Please set out what modification(s) you consider necessary to make the Pre-Submission Local Plan

(Please note that non-compliance with the duty to co-operate is incapable of modification at examination)

legally compliant and sound, having regard to the matters you have identified at 5 above.



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Telephone Number			

E-mail Address		
E-IIIaii Audiess		

•	The Pre-Submission Local Plan has been submitted to the
	Secretary of State for independent examination?

- The independent examiner's recommendations are published?
- The Local Plan has been adopted?

Yes	No
Х	
Х	
Х	

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Name or Organisation :	SCWW3 Ltd			
3. To which part of the Pre-S	ubmission Loc	cal Plan does	this representation	on relate?
Paragraph	Policy	H5	Other, e.ç policies mar table, appendi	o,
4. Do you consider the Pre-S	ubmission Lo	cal Plan is? (p	place an X in the	box to indicate which applies)
4.(1) Legally compliant (pleas guidance notes)	e refer to	Yes	X	No
4.(2) Sound (please refer to notes)	guidance	Yes	Х	No
4.(3) Complies with the Duty Co-operate (please refe guidance notes)		Yes	Х	No
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expected to deliver the Plan (i.e. the site allocations)	e minimum cations). We within the o	density spec also suppor defined settle	cified within Policy t that the policy ement areas of	rms that site allocations will be licies HA1 – HA5 of the Local y also states that development windlesham should deliver a
		(Continue o	n a separate sh	neet / expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Pre-Submission Local Plan legally compliant and sound, having regard to the matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination) You will need to say why each modification will make the Pre-Submission Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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X No, I do not wish to participate at the oral examination Yes, I wish to participate at the oral examination
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E-mail Address			
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•	The	independent	examiner's	recommendations	are
	publis	shed?			

•	The Local	Plan h	nas been	adopted?
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Yes	No
Х	
Х	
Х	

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3. To which part of the Pre-S	ubmission Local Plan	does	this representa	ition relate?	?	
Paragraph	Policy		Other, e policies ma table, appen	ap,	Policies Map - Windlesham	
4. Do you consider the Pre-S	ubmission Local Plar	n is? (p	lace an X in the	e box to inc	dicate which app	olies)
4.(1) Legally compliant (pleas guidance notes)	se refer to	Yes	Х		No	
4.(2) Sound (please refer to notes)	guidance	Yes	Х		No	
4.(3) Complies with the Duty Co-operate (please refe guidance notes)		Yes	Х		No	
5. Please give details of why not meet the tests of soundr possible. If you wish to support the lega with the duty to co-operate, p Representations Guidance no	ness or fails to comp Il compliance or sound lease also use this bo	ly with dness ox to se	the duty to co of the Pre-Subr et out your com	o-operate. I mission Loc iments. You	Please be as pr cal Plan or its colu are advised to	recise as

We support and welcome the identification of our clients site as a Housing Allocation within the Policies Map. We also support and welcome the amendments to the settlement boundary which include our clients site within the 'Settlement Area' where policy SS1 would apply. This provides clarity to developers and local residents that the principle of residential development on the site is established.

(Continue on a separate sheet / expand box if necessary)

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n/a
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oral examination oral examination
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necessary.
To provide any necessary information relating to our clients site.

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