

# **Hearing Statement**

**Land west of Imberhorne Lane,  
East Grinstead**

**On behalf of Welbeck Strategic Land II LLP  
Respondent Ref. 20534**

Prepared by DMH Stallard LLP

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Hearing Statement  
on Behalf of  
Welbeck Strategic Land II LLP

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February 2017

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## Background

DMH Stallard LLP (DMHS) act on behalf of Welbeck Strategic Land II LLP (Welbeck Strategic), respondent reference #20534, in relation to the promotion of land west of Imberhorne Lane, East Grinstead for c550 dwellings, care village, 2FE primary school, mixed use community hub and country park (to include strategic SANG).

Representations were made by DMHS in relation to the Mid Sussex District Plan Pre-Submission Consultation in January 2016 and have represented Welbeck at the initial Examination Hearings. Our previous representations are not appended to this Hearing Statement and are available on the Council's website, but can be made available if necessary.

Welbeck Strategic have legal control over all the land required to bring forwards the development proposals, this position was secured early 2016. Since that time, Welbeck and their consultant team have undertaken significant site investigations demonstrating suitability of the site for residential development. The Council's SHLAA assessment (Site Ref #770) identifies that the only constraint to development of the site is existing congestion in the local highway network. Welbeck have produced an initial Transport note, modelling the proposal, which has been submitted to MSDC as part of the Examination process. However, it should be noted that the Atkins Reports identify a range of highways measures that could be implemented to accommodate further growth within East Grinstead.

Welbeck Strategic are members of the Mid Sussex Developments Forum, which was established in September 2016.

This Hearing Statement responds to the Inspectors comments and questions. It does not refer to specific housing matters, which have been dealt with in existing Examination Hearings and through separate submissions.

## 1. Policy DP11: Preventing Coalescence

- 1.1 Policy DP11 seeks to prevent coalescence between settlements. However, neither the NPPF or NPPG refers to the prevention of coalescence and it is unclear how this policy accords with national planning policy.
- 1.2 Paragraph 1 of DP11 states that:
- “The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at the next.”*
- 1.3 The need to respect the character and setting of settlements is recognised. However, Policy DP10 provides sufficient protection, as it only allows for development outside built up area boundaries, where it is necessary for the purposes of agriculture or is supported by other policies within the District Plan (or other allocations documents).
- 1.4 Policy DP10 states that the countryside will be protected in recognition of its intrinsic character and beauty. This allows the decision maker consideration of how a development proposal (if in accordance with other policies in the District Plan) affects the character of a settlement, particularly whereby the countryside provides a sense of having left one settlement before arriving at the next.
- 1.5 Furthermore, paragraph 2 of the Policy DP11 requires that development must not have an unacceptably urbanising effect on the area between settlements. Policy DP10 seeks to protect the countryside from such proposals and therefore Policy DP11 duplicates the requirements of Policy DP10.
- 1.6 The final paragraph of Policy DP11 allows for the allocation of Local Gaps. It is acknowledged that such designations would require justification, however, it is not clear what justification would be necessary. Policy DP10 already seeks to restrict development in the countryside, ie. between settlements, the majority of settlements within Mid Sussex are separated by large swathes of countryside and there appears to be no evidence justifying protection of such ‘gaps’ to a greater extent that set out in Policy DP10 and other landscape policies. Any such future policies should be justified by their special landscape qualities.
- 1.7 The NPPF requires LPA’s to seek to meet full objectively assessed development needs, it also requires LPA’s to ‘boost significantly’ housing delivery. Mid Sussex is already constrained by Areas of Outstanding Natural Beauty (AONB) and the South Downs National Park. The LUC Landscape Capacity Study also identifies land within the District which is sensitive to change. Policy DP10 requires development to have regard to existing
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landscape constraints, to apply Policy DP11 would place further restriction on the delivery of housing (and other development needs) in areas which may have low landscape sensitivity and medium/high capacity to accommodate development (such as land west of East Grinstead).

- 1.8 Given that Policy DP11 seeks to further restrict development within the countryside, over and above that provided by Policy DP10, an already restrictive policy, it is considered that Policy DP11 fails to meet the following tests of soundness:

**Positively Prepared** – This policy places further restriction on development outside built up area boundaries. Policy DP10 already places strict control on development within the ‘countryside’. It places further, unevidenced constraint, on the Districts ability to meet objectively assessed development needs, as required by the NPPF. It is not, therefore, positively prepared.

**Justified** – There is no evidenced justification for the protection of settlements from coalescence. Neither the NPPF or NPPG advocates the use of such policies or designations. Policy DP11 cannot be justified.

**Effective** – Policy DP10 allows for strict control over development in the countryside. It is not clear how further blanket restrictions on development between settlements would be effective in controlling inappropriate development. Furthermore, it would result in an ineffective District Plan, which was artificially constrained and unable to meet objectively assessed development needs.

**Consistent with National Policy** – The NPPF and NPPG are silent on the matters of coalescence. Policy DP11 seeks to places greater weight on the protection of the countryside than currently afforded by national planning policy.

## 2. Policy DP19: Transport

2.1 The Inspector has noted that this policy requires rewording to ensure that it is positively prepared, at present, it states that *"development will only be permitted where..."*. Welbeck Strategic agree.

2.2 The need to promote sustainable modes of transport, including walking, is acknowledged, there is no objection to the inclusion of policy wording within the District Plan, such proposals should be supported. However, it is suggested that bullets (1) and (2) have some conflict, these could be reworded as follows:

*"Sites should be sustainably located, minimising the need to travel where possible. Otherwise, development should encourage and promote the use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport."*

2.3 Moreover, local planning policies should not place onerous criteria on development, over and above the NPPF. Policy DP19 identifies a long list of criteria which must be satisfied in order for development to be permitted. Much of this criteria is already set out in the NPPF and it is not considered necessary to repeat the requirements in local policy. The NPPF requires that *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."* However, Policy DP19 seeks to amend the requirements, through the omission of residual impacts. This would be contrary to national planning policy.

2.4 Bullet 6 of Policy DP19 requires a Transport Statement/Assessment and Travel Plan. This is onerous and unnecessary; it would be particularly unjustified for small scale development proposals. It is also contrary to national planning policy, paragraph 32 of the NPPF requires that *"All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment"*. Additionally, the Council's 'Local List' of planning application documents requires that a Transport Assessment and Travel Plan is submitted for all developments of over 50 dwellings or 1500m<sup>2</sup> of B1 use class. The highways authority is a statutory consultee in relation to planning applications and would be required to make an assessment of the evidence and how proposals accord with the NPPF. It seems unnecessary to require this by policy.

2.5 The final bullet point of Policy DP19 states that:

*"It provides appropriate mitigation to support new development on the local and Strategic Road Network, including the transport network outside of the district, secured where necessary through appropriate legal agreements."*

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2.6 This criteria is unnecessary and unjustified, it is also ineffective. New development will be required to contribute, via CIL, to improvements in the local and strategic road network. Where specific improvements are required, to make the development acceptable in planning terms, this would be secured through S106 or S278 agreements, but would be specific to individual cases and identified through the assessment of planning applications.

2.7 Policy DP19 fails to meet the test of soundness set out in the NPPF, in that it is not positively prepared, justified or compliant with national policy:

**Positively Prepared** – The wording of the policy, requiring that development only be permitted where it meets all listed criteria is not positively prepared and seeks to place burden on all development proposals.

**Justified** – For the reasons set out above, there is no justification for more onerous criteria than set out in national planning policy, for example, the need for Transport Statements/Assessments and Travel plans for all new development.

**Consistent with National Policy** – The NPPF requires that Transport Assessments and Travel Plans are prepared for development proposals which generate significant amounts of movement. Policy DP19 seeks to go even further. Additionally, it seeks to restrict development where it would have severe impact on the highways network; the NPPF only allows for proposals to be refused where the residual impacts are severe.

### 3. Policy DP20: Rights of Way and other Recreational Routes

- 3.1 Welbeck Strategic support the intentions of Policy DP20, including encouragement for the retention and improvement of existing public rights of way and the provision of new rights of way. However, it is considered that the policy, as currently worded is onerous.
- 3.2 Policy DP20 requires that development does not result in the loss of, or adversely effect, a right of way or 'other recreational route'. This would seem to give protection to routes that are used informally and perhaps with permissive rights. It would be unreasonable for Policy DP20 to seek to protect otherwise private routes which could be withdrawn at any time. If however, the policy is intended to protect other 'recreational routes' (such as that set out by the Ordnance Survey), these should be clearly defined within the policy.
- 3.3 Policy DP20 cannot be found sound in its current wording for the following reasons:

**Justified** – It is unclear how the protection of private spaces that might be currently used for permissive recreational use, can be justified.



## 4. Policy DP24A: Housing Density

- 4.1 This policy is unsound and should be deleted or substantially amended in accordance with the Inspectors comments that it does not comply with the NPPF. The NPPF states that:

*“LPAs should... set out their own approach to housing density to reflect local circumstance.*

- 4.2 Policy DP24A is a blanket policy which we submit is not reflective of the character of the district, which is generally low density residential development. Furthermore, the policy is not reflective of the different characteristics of individual settlements within the District.
- 4.3 Barton Willmore, on behalf of Welbeck Strategic, have prepared a density analysis of existing densities within East Grinstead, a Category 1 Settlement, where (according to Policy DP24A) densities in excess of 40dph must be achieved on urban extensions. This demonstrates that East Grinstead comprises a range of densities, ranging from <20dph up to those in excess of 50dph. However, it demonstrates that the density of development to the east of the Town is generally greater than that to the west and as such, a blanket policy requirement would not be reflective of the individual characters of the East Grinstead, let alone the wider district.
- 4.4 By way of an example, Welbeck Strategic are promoting land west of Imberhorne Lane, East Grinstead for a mixed use scheme of c550 dwellings, a 2FE primary school, care village, community hub and Country Park / SANGS. This site is situated to the west of the Town where densities are mostly below 40dph but much of it is less than 30dph. Policy DP24A as currently worded would require land west of Imberhorne Farm to come forwards at a density of greater than 40dph, which is highly uncharacteristic in the west of the town, only small pockets of development achieve densities in excess of 40dph and it would be highly inappropriate to require that the entire site be delivered at such high densities.
- 4.5 Additionally, the Council’s own evidence base, Document TP3: Density Topic Paper, does not support the requirements of Policy DP24A. At paragraph 4.5 of the TP3 it states that an assessment of existing densities within the built up area boundary (the town was divided into 12 zones) identified that no zone had a density in excess of 35dph. Therefore to require that new development on the edges of the settlement deliver densities in excess of 40dph is onerous and uncharacteristic of the Town. Development that sought to achieve this density is likely to have greater landscape and townscape impacts and lead to poorly designed developments.
- 4.6 At paragraphs 4.11 and 4.12 MSDC consider the appropriate density of strategic sites, which would be required to meet the 40dph required by

Policy DP24A. Bolnore Village, the Council's most recent strategic site, only delivered at a rate of 35dph. The Council then acknowledge that the policy requirement would be building in excess of that previously achieved. MSDC attempt to rely on other examples of strategic sites elsewhere in the country, however, this would not reflect the NPPF in that any comparison with other locations would not have regard for local characteristics. The examples of Crawley and Horsham, whilst adjacent to Mid Sussex are also considered to be poor comparisons. Crawley is a large urban conurbation and is a borough authority, it is expected that in such locations a higher density could be achieved. Land West of Broadbridge Heath, within Horsham District, is acknowledged to be delivering densities of between 35-45dph, which would suggest that densities in excess of 40dph are necessarily achievable. Furthermore, this site effectively combined the settlements of Horsham and Broadbridge Heath which cumulatively will be significantly larger than the main settlements of Mid Sussex and cannot therefore, be a relative comparison.

- 4.7 Notwithstanding the above, the intentions of Policy DP24A are understood, the Council are seeking to make best use of land in order to ensure the lowest possible release of greenfield land. This would also reflect the aspirations set out in the very recently published Housing White Paper and draft amendments to the NPPF. Therefore, if the Council are minded to retain a policy requirement (even if included within Policy DP24), then it should be amended to ensure flexibility throughout the district. Noting that such densities should be encouraged, but must reflect local circumstances. At present, the policy is worded such that these density targets must be achieved. Any proposed amendments should be mindful of the need to reduce the overall density requirements to a level reflective of the District.
- 4.8 Additionally, the policy is worded such that a 'net' density calculation is made, however, this includes incidental open space, landscaping and children's play areas, all of which are typically excluded from net density calculations (with the exception of children's play areas where they are centrally located and therefore in some cases included). It is recognised that the Inspector highlights that the final two paragraphs of Policy DP24A are explanatory text rather than policy, if these were to be removed, then the policy should be reworded to reference 'net density' for clarity.
- 4.9 For example, the small pocket of development shown on the enclosed density plan, to the west of East Grinstead (locally known as 'The Oaks') is a recent development where a true net density calculation of 44dph is achieved. However, when including the central open spaces (and excluding further 'incidental open space' and landscaping on the edges of the site) a density of only 36dph is achieved.
- 4.10 Overall, it is concluded that the policy is negatively prepared and inflexible. As suggested by the Inspector, it is considered that Policy DP24A could form

part of Policy DP24 to require that best use of sites is achieved. However, if this policy is retained in a reworded form, it should be reworded to encourage, but not require, certain density targets. It is considered that these also need reviewing to ensure that proposed densities accord with local characteristics. Additionally, the proposed densities should be reconsidered in light of local characteristics. For example, urban extensions to the edge of East Grinstead, should be around 35dph (net) which would represent a compromise between the existing local characteristics and encouraging higher densities on new development.

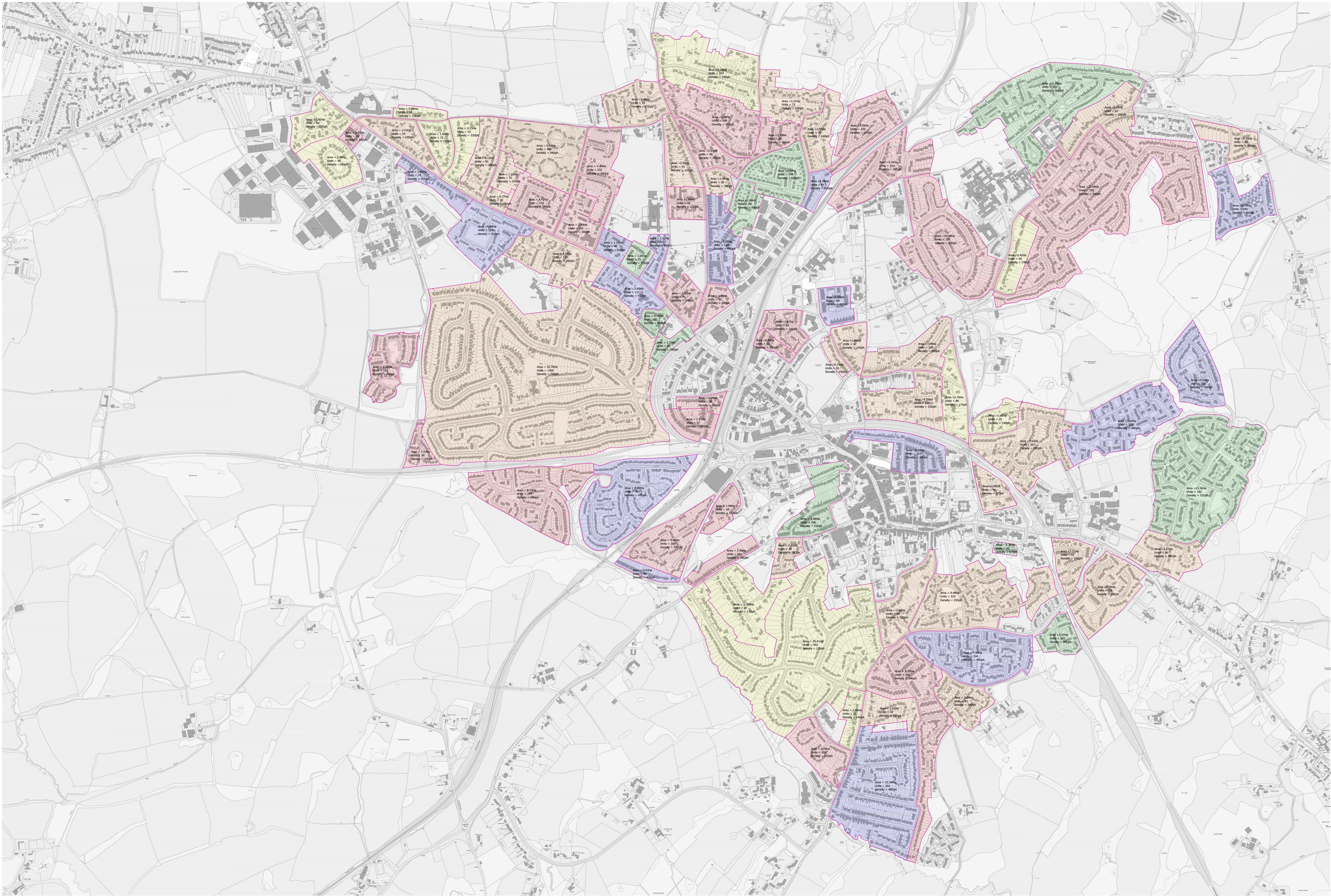
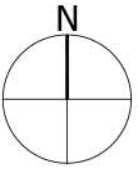
## 5. Policy DP8: Housing Mix (and Policy DP31: Gypsies, Travellers and Travelling Show People)

- 5.1 Policy DP8 (and Policy DP31) requires that all strategic sites deliver pitches for gypsies and travellers. Welbeck Strategic support the Inspectors comments; MSDC's own evidence base suggests there is minimal need for such sites. Furthermore, it does not allow for flexibility or consideration to be made on a site by site basis. Strategic sites are generally providing significant infrastructure improvements and therefore the viability of such proposals are carefully balanced. The blanket introduction of a need for gypsies and travellers pitches on all sites may have impacts for the viability of schemes which should be considered.
- 5.2 It would be more appropriate, as suggested by the Inspector, to consider the number of pitches that should be delivered on allocated sites with each site considered individually and the appropriateness and level of gypsy and traveller pitches to be considered on a site by site basis.
- 5.3 It is welcomed that Policy DP8 also identifies the need to specialist accommodation and care facilities falling within Use Class C2. Welbeck Strategic's proposal for land west of Imberhorne Lane, East Grinstead includes a care village which could serve the needs of the Town as encouraged by this policy.

## 6. Policy DP29: Affordable Housing

- 6.1 It is understood that the Council are reverting to Policy DP29 of BP2: District Plan Pre Submission Version. Welbeck Strategic have no comments to make in relation to this policy.
- 6.2 However, we have been informed that MSDC are giving further consideration to this policy. The viability of any proposed amendments will need to be consulted on and at such time, Welbeck Strategic may wish to comment further.





- Up to 20Dph
- Up to 30Dph
- Up to 40Dph
- Up to 50Dph
- Over 50Dph

Project  
Imberhorne Farm,  
East Grinstead  
Drawing Title  
Wide Area Density Study

Date 09.02.17	Scale 1:5000 (A4)	Drawn by PT	Check by KP
Project No 25626	Drawing No 9502	Revision A	

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