

SA34: Existing Employment Sites - Index by ID Number

ID	Respondent	Organisation	BehalfOf	Respondent Category	Participate
652	Mr T Rodway	Rodway Planning consultancy	Benfell Limited	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
789	Mr T North	Tim North Associates	Dukesfield Properties	<input type="text" value="Developer"/>	<input checked="" type="checkbox"/>
2444	Mr D Frisby	DMH Stallard LLP	Crawley Garden Centre	<input type="text" value="Promoter"/>	<input checked="" type="checkbox"/>

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA34

**ID:** 652

**Response Ref:** Reg19/652/2

**Respondent:** Mr T Rodway

**Organisation:** Rodway Planning consultancy

**On Behalf Of:** Benfell Limited

**Category:** Developer

**Appear at Examination?** ✓

**From:** Tim Rodway | Rodway Planning <tim@rodwayplanning.co.uk>  
**Sent:** 25 September 2020 13:20  
**To:** ldfconsultation  
**Subject:** Reg 19 Representations - Site Allocations DPD Consultation  
**Attachments:** Reg 19 reps - Benfell Limited 250920.pdf; Reg 18 reps - Benfell Limited 191119.pdf  
**Categories:** SiteDPD

Dear Sir/Madam

On behalf of Benfell Limited, please find attached our representations in respect of the above.

I would be grateful if these could be acknowledged.

Yours faithfully,

**TIM RODWAY**  
DIRECTOR / M +44 (0)7818 061220



**RODWAY PLANNING CONSULTANCY / T +44 (0)1273 780 463 / [RODWAYPLANNING.CO.UK](http://RODWAYPLANNING.CO.UK)**

CONFIDENTIALITY & DISCLAIMER NOTICE: This e-mail is intended only for the addressee named above and the contents should not be disclosed to any other party. If you have received this e-mail in error, please notify the sender and delete the e-mail and any attachments from your system. Although this email has been scanned for viruses, I advise you to carry out your own virus checks before opening any attachment as I cannot accept liability for any damage sustained as a result of any software viruses or other malicious code.

**Mid Sussex District Council:  
Draft Site Allocations  
Development Plan Document  
Regulation 18 Consultation**

**Land at Benfell Limited,  
Albourne Road, Hurstpierpoint**

**Representations made on behalf of  
Benfell Limited**

**November 2019**



## 1.0 INTRODUCTION

- 1.1 We are instructed by our clients, Benfell Limited, to make representations to Mid Sussex District Council, in respect of the 6 week public consultation (Regulation 18 stage), which seeks to invite responses to the Council's draft Site Allocations Development Plan Document (*'the DPD'*)
- 1.2 The DPD will form part of the Mid Sussex District Plan 2014-2031, which was adopted in March 2018. Preparation of the DPD is in response to the requirement by the Planning Inspector to meet the residual housing and employment needs of the District up to 2031.
- 1.3 The DPD proposes a number of new housing and employment sites for allocation in order to meet this need. It also includes an allocation for a Science and Technology Park to the west of Burgess Hill, and a number of other strategic planning policies considered necessary for delivering sustainable development.
- 1.4 This representation document focusses on the Council's assessment of our clients site, at Benfell Limited, Albourne Road, Hurstpierpoint.

## 2.0 THE DEVELOPMENT PLAN DOCUMENT

- 2.1 It is understood that the Sites DPD has four main aims, which are:
  - i. to allocate sufficient housing sites to address the residual necessary to meet the identified housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan;
  - ii. to allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development;

- iii. to allocate a site for a Science and Technology Park west of Burgess Hill in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development, and
  - iv. to identify and set out Strategic Policies necessary to complement or replace those set out in the District Plan to deliver sustainable development.
- 2.2 The Site DPD comprises two overarching policies; SA1: Sustainable Economy, and SA10: Housing. Accompanying these policies is a number of related employment and housing policies that proposed the allocation of specific parcels of land and sites for development.
- 2.3 The DPD seeks to allocate sufficient housing sites to address the residual quantum of housing in order to meet the housing requirement up to 2031, as set out in the adopted District Plan. In this respect, District Plan Policy DP4: Housing sets out the minimum housing requirement for the District for the plan period of 16,390 dwellings. After completions, commitments, strategic allocations and windfalls have been taken account of it is understood that the residual figure is **2,439 dwellings** as at March 2018.
- 2.4 It is understood that having had regard to additional housing completions, future commitments relating to the Northern Arc development, and an updating of windfall numbers (so as to accord with the updated windfall definition in the NPPF), that the Council are now working on a revised residual figure to meet the District Plan housing requirement is **1,507 dwellings**.
- 2.5 In the context of the NPPF's focus on boosting the supply of housing, a reduction in the residual housing requirement of 932 dwellings is significant.
- 2.6 It is understood that the Council's methodology for selecting sites for including in the DPD has included the following key states:

**Stage 1:** Preparation of the Council's Strategic Housing Economic Land Availability Assessment (SHELAA), which followed a 'call-for-sites' consultation that identified a pool of 241 potential sites. A small number of sites were excluded from further consideration in the SHELAA due to high-level constraints.

**Stage 2:** High level assessment of the sites identified in the SHELAA for conformity with the District Plan Spatial Strategy set out in District Plan policies DP4 and DP6. It is understood that promoted sites were discounted if they were more than approximately 150m from an existing settlement boundary or if the scale of the site was significant at an individual settlement level in relation to the Settlement Hierarchy.

**Stage 3:** A 'detailed assessment' followed, which considered the 142 remaining sites against site selection criteria, which was set out within Site Selection Paper 2.

**Stage 4:** The remaining 47 sites were presented to the Council's Site Allocations Working Group (SAWG) as 3 potential options all of which were considered suitable for inclusion in the sites DPD, subject to further technical work. A Sustainability Appraisal (SA) has been undertaken and this assesses the 3 reasonable alternatives options. We understand that this was informed by detailed engagement with a range of stakeholders and experts, by the Sustainability Appraisal, and by detailed evidence for Transport, Air Quality and the Habitats Regulations Assessment (HRA).

It is understood that the 'detailed evidence testing' was undertaken by the Council iteratively alongside preparation of the Council's SA. We are advised that this involved two main steps: (i) an assessment of all the shortlisted sites from Stage 3 (i.e. 47 sites) on a settlement by settlement basis; and (ii) the identification of the three reasonable alternatives.

2.7 A summary of the 3 reasonable alternative options that have been tested to inform the sites selected for allocation in the Regulation 18 draft DPD, is detailed below:

Option Number	Description
1	20 sites providing 1,619 dwellings  This options ensures the necessary residual is met with a small additional supply of 112 dwellings
2	22 sites (as option 1) plus 2 additional sites at Burgess Hill providing 1,962 dwellings  This option provides for a larger additional supply of 455 dwellings
3	21 sites (as option 1) plus 1 additional site at Haywards Heath providing 2,249 dwellings  This option provides for a higher additional supply of 742 dwellings

2.8 The final stage of testing included an assessment of each of the shortlisted sites, individually, on a settlement-by-settlement basis, and as the 3 options summarised above. As Option 1 is common to both Options 2 and 3, then the Council took the view that if either or both Options 2 and 3 are acceptable, then Option 1 would also be acceptable.

2.9 It is understood that the Council have discounted Option 1 due the reduced level of housing it would deliver, and its inability to provide sufficient flexibility and resilience to ensure the Council can demonstrate a 5-year housing land supply position. Conversely, Option 3 is not being pursued due to the higher quantum of housing it would provide, and because it would exceed the identified need for Haywards Heath, and would therefore conflict with the District's Spatial Strategy. The draft DPD is therefore prepared on the basis of Option 2, which broadly comprises the 20 'constant' allocations (Option 1 sites), plus the two additional sites at Folders Lane Burgess Hill

### 3.0 THE SITE - BENFELL LIMITED

- 3.1 On behalf of our clients we have been actively promoting the land at Benfell Limited for residential development purposes since 2017. Prior to this we obtained planning permission for 2 detached houses on land surrounding the existing commercial buildings on this site (planning permission ref: DM/15/3302, decision dated 23<sup>rd</sup> October 2015).
- 3.2 The site was considered in the Council's SHELAA (April 2018), when it was assessed as being suitable for development due to being "relatively unconstrained". It was also confirmed that development was available, and could be delivered within the Plan period.
- 3.3 A site location plan is provided below for clarification purposes:



#### 4.0 THE NEED FOR MORE HOUSING ALLOCATIONS

- 4.1 The adopted District Plan 2014-2031 identifies that the District's OAN is 14,892, and that there is an unmet need in the Northern West Sussex Housing Market Area of 1,498. Therefore the minimum District housing requirement over the plan period is 16,390.
- 4.2 As identified in the DPD, the District Plan 2014-2031 allocated four strategic locations which made provision for the delivery of 5,080 dwellings over the plan period. When taken alongside all other allocations or known completions, this left the housing delivery in MSDC short of its intended target. As part of the District Plan, a commitment to produce a Site Allocations DPD was made, with the intention to adopt it by 2020, in order to provide further housing allocations and meet the required need.
- 4.3 Accordingly the draft Site Allocations DPD has been produced, which provisionally allocates 1,962 dwellings, as detailed above.
- 4.4 The need for sites to come forward to meet an identified housing need has been clearly identified in the District Plan. Exacerbating this need is the chronic shortage of housing across the south east that has characterised the housing market for many decades and is steadily heightening.
- 4.5 Paragraph 73 of the National Planning Policy Framework sets out that each Local Authority should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies. MSDC's Annual Position Statement on its Housing Land Supply Position (published July 2019) reports a Five Year Housing Land Supply of 5.64 years. This is through a position statement that has been submitted to the Planning Inspectorate for Approval, and includes a 10% buffer. With the buffer set at



5%, MSDC contend that they have a housing land supply of 5.91 years. However, it is understood that both of these positions are disputed, and the Planning Inspectorate is yet to issue its findings.

- 4.6 In relation to the Housing Delivery Test, the NPPF (2019) is clear that this is assessed on the basis of delivery over the previous three years. This test is a simple calculation of net homes delivered divided by net homes required over the period of the previous three years. If an authority falls below a 95% delivery rate it is required to produce an action plan to identify actions as to how this can be improved and the minimum 95% delivery met.
- 4.7 For MSDC, it can be seen from the Governments Housing Delivery Test figures published in 2018 (covering the period 2015/16 to 2017/18) that MSDC were required to deliver an average of 773 dwellings per annum. MSDC met this requirement, delivering 110% of the required housing delivery. However, the adoption of the new District Plan in March 2018 resulted in an increase in the volume of housing that needed to be delivered on a yearly basis from 773 dpa to 876dpa.
- 4.8 In order to meet this increase, delivery of housing will need to increase through the site allocations both within the District Plan and within the is Site Allocations DPD.
- 4.9 Given the need for further Site Allocations to meet the identified need for dwellings highlighted in the District Plan, and the need to ensure that a robust 5 year housing land supply is in place, it is acknowledged that MSDC have sought to consult on a DPD that seeks to exceed the minimum target set out (supplying 1,962 units against a purported need of 1,507) This is in order to ensure that the District Plan, Five Year Housing Land Supply, Housing Delivery Test, and the Site Allocations DPD all remain robust over time.

- 4.10 However, it is inevitable that there will be a level of attrition of sites through the consultation process, with sites dropping out prior to the Site Allocations DPD being adopted. Therefore in order to ensure that the provision of sites remains robust and flexible, additional sites should be included that will ensure that the volume of housing delivery required is achieved with a suitable buffer in order to ensure flexibility in delivery.
- 4.11 On behalf of Benfell Limited, we contend that the 22 sites proposed to be allocated in the DPD are considered insufficient to fulfil the District's housing requirement. The consultation draft of the DPD only seeks to provide a surplus of 455 units to the end of the plan-period or a 2.8% buffer. The DPD in combination with existing commitments cannot provide the sufficient flexibility to adapt to rapid change as required by Paragraph 11(a) of the NPPF (2019).
- 4.12 If delivery did not occur as anticipated from key large sites and the proposed allocations, then given the lack of flexibility, the Council is likely to be found not to have a 5YHLS. If this did occur, then unplanned for development would be more likely given Paragraph 11(d) of the NPPF (2019) will be engaged. Failing to plan for this now would be against the plan-led approach. On this basis, it is therefore considered that the current strategy is unlikely to be deliverable, is not effective, and is unlikely to be found sound.
- 4.13 In order to be genuinely plan-led and ensure that the Sites Allocation DPD is effective, the Council should seek additional allocations now through the plan-making process to provide an additional supply buffer to take account of the key need and supply issues identified. In particular, sites will need to come forward in the short term to take account of the Northern Arc site likely delivering later than anticipated as well as to overcome an existing backlog in supply. Additional feasibility evidence for the proposed allocation sites and additional allocations will need to be prepared to ensure the plan is justified. Additional allocations will also ensure the plan is



positively prepared to meet minimum housing identified housing needs including the unmet needs of the housing market area more generally.

- 4.14 We contend that the Benfell site should be allocated as part of the emerging Sites Allocations DPD. This site is acknowledged in the SHELAA as being deliverable and developable and could deliver a reasonable quantum of homes during the plan-period to help ensure that the Council can meet its overall housing requirement and ensure a rolling 5YHLS in years to come. Allocating this site would contribute ensuring that a plan-led and effective approach to planning with the sufficient flexibility required to ensure housing needs are met in Mid-Sussex District.
- 4.15 The consultation draft of the DPD sets out that MSDC have sought to distribute the proposed site allocations (totaling 22 sites) across the District, utilising the settlement hierarchy established in the District Plan. This is so as to ensure that growth is as evenly distributed across the various settlements of Mid Sussex as far as possible.
- 4.16 It is of key importance that development is distributed evenly across the District to ensure that settlements are not overloaded and are able to cope with growth without negatively impacting existing residents. It can be seen from the details set out in Policy SA11 of the Site Allocations DPD that this has been acknowledged, and that proportional growth has been attempted, with larger more sustainable settlements being given a larger proportion of growth given their greater level of infrastructure and services.
- 4.17 The minimum residual figure for each of the category settlements, as set out at Table 2.4 of draft Policy SA10 of the DPD, is detailed below with a comparison with the level of development to be provided for each settlement category as proposed by Policy 11 of the draft DPD:

Settlement Type	Updated Minimum Residual Housing Figure*	Percentage of Total	Number of dwellings proposed to be allocated by DPD **	Percentage of Total
<b>Category 1 – Town</b>	840 dwellings	55.8%	1,412 dwellings	72.0%
<b>Category 2 – Larger village</b>	222 dwellings	14.7%	235 dwellings	12.0%
<b>Category 3 – Medium Sized village</b>	439 dwellings	29.1%	303 dwellings	15.4%
<b>Category 4 – Smaller village</b>	6 dwellings	0.4%	12 dwellings	0.6%
<b>Category 5 – Small settlements</b>	0 dwellings	0%	0 dwellings	0%
<b>TOTAL</b>	1,507 dwellings	100%	1,962 dwellings	100%

\* - Taken from Table 2.4, draft DPD Policy SA10

\*\* - Taken from Table 2.5, draft DPD Policy SA11

4.18 Given MSDC's aim to distribute development evenly across all settlement categories, the lack of housing sites allocated to Category 2 and 3 settlements seems unbalanced and without adequate reason, given the need to ensure an even distribution of development across the District. This has not occurred, and consequently in order to ensure that settlements are not overloaded with more development than they can sensibly cater for, we contend that the allocation of sites

should be revisited. Further, the main Category 1 settlement of Haywards Heath is only allocated 1 site with a total of 25 units.

- 4.19 Further, the residual need figures being required in all category settlements are only correct when the residual minimum requirement for housing is considered. These figures do not include any buffer that will ensure that the DPD has sufficient flexibility in the event of any delays in bringing any of the sites forward.

## 5.0 ASSESSMENT OF BENFELL LIMITED

<b>SHELAA Site Reference: 794</b>	Land at Benfell Limited, Albourne Road, Hurstpierpoint
<b>Settlement Type</b>	Category 2
<b>SHELAA Estimated Yield</b>	8 dwellings
<b>MSDC Reason for Omission</b>	Detailed Site Assessment Stage: Extension to existing employment site, submitted for employment and housing. Given current use, would prefer to promote for extended employment rather than lose existing employment use.

- 5.1 The detailed assessment contained at Appendix B of the Site Selection Paper, confirms that the site scores well in terms of its assessment for development suitability. This brownfield site is acknowledged as being visually contained, and development of which would seem to have little wider landscape impact. The site is not located within a 'valued landscape' for the purposes of paragraph 170(a) of the NPPF. The site is located a sufficient distance from the Conservation Area and Listed buildings, to ensure that the setting of any heritage assets would not be affected by

any development proposals on this site. There are trees along the western boundary of the site, but these are not afforded protection, and in any case can be retained as part of any development proposal via an appropriately laid out scheme. Access is accepted as being satisfactory, and in sustainability terms we are pleased to see that the assessment has been upgraded to 'fair'.

- 5.2 Therefore, and despite this positive assessment, we are surprised that the site was omitted from further consideration for allocation purposes at the detailed assessment stage. In all respects the site is accepted as being suitable for development. However, the Council have taken the view that the site is a viable employment site, and wish to retain it as such rather than allocate the site for a change of use to residential.
- 5.3 In this respect, we consider that the following comments, which have been supplied by the landowners, are crucial to the Council's consideration on this matter:

*The site was granted planning permission in April 1985 (application ref: HP/017/85). This permission sets out that the site lies in a rural area where general commercial and industrial uses would not normally be permitted (Condition no. 6 refers). Further, Condition no. 9 stipulates that this premises shall not be operated except between the hours of 8am and 6pm Monday to Saturday and at no time Sundays or public holidays. There was also a restriction on what time vehicles could leave the premises in the morning, but this was lifted following approval of a Lawful Development Certificate (HP/04/00745/LDC), which allows vehicles to leave at 04.30am.*

*Against this background, in the last 5 years Benfell Ltd has come against increased competition from a number of different suppliers operating in what is an already overcrowded market. Most, if not all suppliers, have night shifts and offer a next day delivery for all orders placed before 12pm, as well as weekend and bank holiday*

*working. To compete with these suppliers would require much earlier starts and later finish times and increased lorry movements, which is not permitted under the current restrictions of the planning consent, nor would it be acceptable to neighbours.*

*As a business Benfell Limited are faced with either winding the business up or moving to an industrial site that would allow the changes in working practice required to keep up with the competition and customer demands. Importantly, allowing the change of use to this site for residential use would create the finance to fund such a move.*

- 5.4 When Benfell started it was in a very rural location, but now there is a large housing estate to the east, and the site has houses on three sides with 6 new houses within 50 feet having been built in the last 2 years. Over the passage of time, the continued use of the site for employment purposes must be viewed as less desirable in amenity terms, and also in economic terms given the comments of the landowners as set out above.
- 5.5 Therefore, we object to the Council's non-allocation of this site for residential development purposes, and we also strongly disagree with the Council's identification of the site as an existing employment site that will be afforded protection via draft DPD Policy SA34 (Appendix D refers).
- 5.6 Conversely we consider that the site should be allocated for residential development. The site is accepted as being suitable, available and achievable in the SHELAA. The Council's detailed site assessment work also fails to highlight any reason why the site should not be considered favourably for allocation.
- 5.7 Further, it is evident that the DPD does not seek to allocate any housing in Hurstpierpoint. Given that this is a Category 2 settlement, second only to the main

towns of Haywards Heath, East Grinstead and Burgess Hill, then this approach to not allocate any housing in what is accepted as a sustainable location, is considered to be unsound. Category 3 and 4 settlements are identified for allocated sites (totalling 315 units), whilst Category 2 settlements currently will only contribute 235 units, which equates to just 12% of the total houses being allocated in the DPD. This does not suggest a proportionate distribution of housing across the differing settlement categories in the District, and this approach (including the omission of any sites in Hurstpierpoint), strongly indicates a conflict with the Council's own strategy, as set out in the District Plan (2018).

- 5.8 We therefore contend that the site should be reassessed in the context that its continued use for employment purposes is undesirable in amenity terms, and unviable in commercial terms. The site comprises previously developed land in what must be accepted as a sustainable location (given recent housing approvals nearby). The site is free from technical planning constraint, and the Council's own site assessment findings confirm the sites suitability for residential development purposes. On this basis, we encourage the Council to undertake further detailed site assessment.

## 6.0 CONCLUSIONS

- 6.1 MSDC need to ensure that a suitable range of sites, of varying sizes and scales, are allocated in the Site Allocations DPD to ensure the delivery of a sufficient number of new homes and ensure that the volume of housing delivery required is achieved, so as to ensure that they are in a robust position when measured against five year housing land supply or the Housing Delivery Test. MSDC need to ensure that the Site Allocations DPD is able to meet the demands on it both in terms of providing for the determined minimum need but also delivering at a sufficient rate.

- 6.2 Through distributing housing proportionally across the differing settlement categories, and across the settlements within those individual categories, MSDC can ensure that the Site Allocations DPD provides a sufficient number of homes in a manner that is manageable for local communities and will not result in local services and facilities being unable to cope.
- 6.3 The 22 sites proposed to be allocated in the draft DPD are considered insufficient to fulfil that requirement. The current proposal only seeks to provide a surplus of 455 units to the end of the plan-period or a 2.8% buffer. The draft Sites Allocations DPD (2019) in combination with existing commitments cannot provide the sufficient flexibility to adapt to rapid change as required by Paragraph 11(a) of the NPPF (2019).
- 6.4 To be genuinely plan-led and ensure that the Sites Allocation DPD is effective, the Council should seek additional allocations now through the plan-making process to provide an additional supply buffer to take account of the key need and supply issues identified. In particular, sites will need to come forward in the short term to take account of the Northern Arc site likely delivering later than anticipated as well as to overcome an existing backlog in supply. Additional feasibility evidence for the proposed allocation sites and additional allocations will need to be prepared to ensure the plan is justified. Additional allocations will also ensure the plan is positively prepared to meet minimum housing identified housing needs including the unmet needs of the housing market area more generally.
- 6.5 The assessment work undertaken by the Council confirms that the Benfell site is available, sustainable and deliverable and should be considered favourably for residential redevelopment. Despite these positive conclusions, the District Council have identified the site as one where the employment use should be protected.



- 6.6 Our submissions confirm that this approach is not viable, and indeed the Council's approach generally is unsound in respect of the lack of housing allocation at Benfell, but also in the wider Hurstpierpoint area.
- 6.7 We have demonstrated above that residential development at the Benfell site would accord with the requirements of national planning policy, being sustainably located and free from any landscape or technical constraints, which would prohibit or restrict development. As a consequence this site presents an ideal opportunity for sustainable development to take place. The District Council's emerging Site Allocations DPD provides the mechanism for acting on the positive recommendations, and we contend that the .
- 6.8 Inclusion of the site as residential Site Allocations would not result in the over expansion of the settlement of Hurstpierpoint. The provision of housing at this site would boost the supply of housing within Mid Sussex District, as required by the NPPF.
- 6.9 We submit that the emerging Allocations DPD should allocate the Benfell site for future residential development, which will assist in meeting the District Council's significant need for new housing, whilst providing MSDC with a plan that contains a higher proposed level of development. This will provide a greater degree of flexibility as differing types and locations of allocated housing sites are developed across the District at varying timescales. Ultimately this will ensure that the District Plan, Five Year Housing Land Supply, Housing Delivery Test, and the Site Allocations DPD all have the potential to remain robust over time.

---

November 2019





**RODWAY PLANNING**  
CONSULTANCY LIMITED

Planning Policy  
Mid Sussex District Council  
Oaklands  
Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS  
**VIA EMAIL ONLY**

25<sup>th</sup> September 2020

Dear Sir/Madam

**Site Allocations DPD - Regulation 19 Consultation**  
**Land at Benfell Limited, Albourne Road, Hurstpierpoint**

Rodway Planning Consultancy are instructed by our clients, Benfell Limited, to continue to promote the above site for residential development purposes. Accordingly, we wish to make the following comments in respect of the submission version of the Site Allocations DPD:

We have had the opportunity to fully review the updated version of the DPD and the revised Sustainability Appraisal report.

In summary, and on behalf of our clients, we continue to object to the DPD, and its omission of our client's site as an allocation for future residential development. We also object to the DPD on the basis that it identifies our client's site at Appendix A (page 108) as an 'Existing Employment Site' as referred to in draft Policy SA34 (page 93). The detailed justification for our objection in respect of both these matters is set out in our previous submissions, dated November 2019, in relation to the Regulation 18 public consultation. These are attached again for the Inspector and the Authority's ease of reference.

Essentially, we consider that our client's site is subject to positive assessment that confirms its suitability for residential redevelopment. Conversely, circumstances are such that the site is no longer suitable for continued employment use, and we contend therefore that the site should not be identified (and therefore restricted in terms of its future use) by the requirements of Policy SA34 and related Appendix A of the DPD.

As currently proposed, we therefore do not consider that the DPD is sound. We submit that the DPD should be revised so as to aide the delivery of significantly increased housing numbers, so as to meet the objectively assessed housing needs of the District, when taking into account market signals, improve affordability, and help meet the unmet affordable housing needs of the District.





**RODWAY PLANNING**  
CONSULTANCY LIMITED

We note that the DPD seeks to meet the residual housing needs following adoption of the District Plan in 2018. The District Council advise that the residual figure is currently 1,280 units. The housing proposed to be allocated by the submission draft Site Allocations DPD is 1,764 dwellings, which represents an over-supply of 484 dwellings when compared with the residual requirement. Although any over-supply is welcomed, in order to provide resilience and flexibility, we strongly contend that the DPD does not go far enough in this respect. This therefore represents a missed opportunity to boost the supply of housing in the District over the coming years, thereby strengthening the District's currently marginal 5-year housing land supply position.

In this respect it is essential that the housing need context is considered. We note that the current District Plan requirement is 876 units per annum, rising to 1,090 units per annum after 2023/24 (Policy DP4 refers). However, the current standard method for calculating housing need is that a total of 1,114 dwellings should be provided in Mid Sussex each year, and if the Government's proposed new standard method is applied, this increases further to 1,305 units per year. Importantly, it is understood that the District's average delivery over the past 3 years has been just 760 dwellings per year.

Without taking the now presented opportunity to allocate a significant level of housing now (in the DPD), there is a considerable, and tangible risk, that Mid Sussex will find itself with a significant housing shortfall in the coming years, which will bring with it social and economic implications, as well as the Development Plan becoming out-of-date by virtue of Paragraph 11 of the NPPF. We urge the Inspector to reject the DPD as currently proposed, and ask the District Council to better use this opportunity by providing a revised allocations document that allocates additional housing sites (including our clients), in order to boost the housing that will be delivered in the District in the short-medium term.

We would be grateful if we could continue to be informed of the DPDs progression, and be given the opportunity to make further written representations if or when possible. We would also like to confirm that we would like the opportunity to be present at any Examination Hearings, with a view to making verbal representations to the Planning Inspector if required.

Yours faithfully,

Tim Rodway  
Director

c.c. Benfell Limited



## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA34

**ID:** 789

**Response Ref:** Reg19/789/4

**Respondent:** Mr T North

**Organisation:** Tim North Associates

**On Behalf Of:** Dukesfield Properties

**Category:** Developer

**Appear at Examination?** ✓



## **Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form**

The District Council is seeking representations on the Submission Draft Site Allocations Development Plan Document, which supports the strategic framework for development in Mid Sussex until 2031.

The Site Allocations DPD, has four main aims, which are:

- i) to allocate sufficient housing sites to address the residual necessary to meet the identified housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan;
- ii) to allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development;
- iii) to allocate a site for a Science and Technology Park west of Burgess Hill in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development, and
- iv) to set out additional Strategic Policies necessary to deliver sustainable development.

All comments submitted will be considered by a Planning Inspector, appointed by the Secretary of State, at a public examination to determine whether the plan is sound.

The Site Allocations DPD is available to view at:

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://www.midsussex.gov.uk/planning-building/development-plan-documents/)

A number of documents have been prepared to provide evidence for the Site Allocations DPD and these can be viewed on the Council's website at the above address.

Paper copies will also be at the Council offices (see address below) and your local library and available to view if the buildings are able to open during the consultation period.

**Please return to Mid Sussex District Council by midnight on 28<sup>th</sup> September 2020**

### **How can I respond to this consultation?**

**Online:** A secure e-form is available online at:

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://www.midsussex.gov.uk/planning-building/development-plan-documents/)

The online form has been prepared following the guidelines and standard model form provided by the Planning Inspectorate. To enable the consultation responses to be processed efficiently, it would be helpful to submit a response using the online form, however, it is not necessary to do so. Consultation responses can also be submitted by:

**Post:** Mid Sussex District Council  
Planning Policy  
Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS

**E-mail:** [LDFconsultation@midsussex.gov.uk](mailto:LDFconsultation@midsussex.gov.uk)

A guidance note accompanies this form and can be used to help fill this form in.

## Part A – Your Details (You only need to complete this once)

---

### 1. Personal Details

Title	Mr
First Name	Tim
Last Name	North
Job Title (where relevant)	Managing Director
Organisation (where relevant)	Tim North & Associates Limited
Respondent Ref. No. (if known)	N/A
On behalf of (where relevant)	Dukesfield Properties Limited
Address Line 1	17A Reading Road
Line 2	Pangbourne
Line 3	Berkshire
Line 4	
Post Code	RG8 7LR
Telephone Number	0118 984 3333
E-mail Address	Timnorth.associates@btinternet.com



Information will only be used by Mid Sussex District Council and its employees in accordance with the Data Protection Act 1998. Mid Sussex District Council will not supply information to any other organisation or individual except to the extent permitted by the Data Protection Act and which is required or permitted by law in carrying out any of its proper functions.

The information gathered from this form will only be used for the purposes described and any personal details given will not be used for any other purpose.



## Part B – Your Comments

You can find an explanation of the terms used in the guidance note. Please fill this part of the form out for each representation you make.

**Name or Organisation:**

Tim North & Associates Limited

### 3a. Does your comment relate to:

Site  
Allocations  
DPD

☒

Sustainability  
Appraisal

☐

Habitats Regulations  
Assessment

☐

Community  
Involvement  
Plan

☐

Equalities  
Impact  
Assessment

☐

Draft Policies  
Maps

☐

### 3b. To which part does this representation relate?

Paragraph

Policy SA

34

Draft Policies Map

### 4. Do you consider the Site Allocations DPD is:

4a. In accordance with legal and procedural requirements; including the duty to cooperate.

Yes

☒

No

☐

4b. Sound

Yes

☐

No

☒

### 5. With regard to each test, do you consider the Plan to be sound or unsound:

	Sound	Unsound
(1) Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**6a.** If you wish to support the legal compliance or soundness of the Plan, please use this box to set out your comments. If you selected 'No' to either part of question 4 please also complete question 6b.

not

**6b.** Please give details of why you consider the Site Allocations DPD is not legally compliant or is unsound. Please be as precise as possible.

See accompanying representations prepared by Tim North & Associates Ltd on behalf of Dukesfield Properties Ltd

**7.** Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.

You will need to say why this change will make the 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.

See accompanying representations prepared by Tim North & Associates Ltd on behalf of Dukesfield Properties Ltd

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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

8. If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick below as appropriate)

☐

No, I do not wish to participate at the oral examination

☒

Yes, I wish to participate at the oral examination

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The accompanying representations prepared on behalf of Dukesfield Properties Ltd relate to a number of different parts of the emerging Site Allocations DPD, including both housing and employment policies, as well as the Sustainability Appraisal. It is only by considering all the representations in combination that the full impact of my client's objections to the emerging Local Plan can be appreciated.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

10. Please notify me when:

(i) The Plan has been submitted for Examination

☒

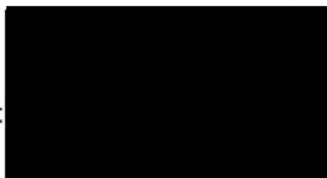
(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:



Date:

26 September 2020

**Thank you for taking time to respond to this consultation**



**Representations raised on behalf of Dukesfield Properties Ltd to Policy  
SA34 of the Regulation 19 Version of the Site Allocations DPD dated  
July 2020.**

**September 2020**

**© TIM NORTH & ASSOCIATES LIMITED COPYRIGHT 2020**

**No part of this publication may be reproduced by any means without  
the permission of Tim North & Associates Ltd**

## 1.00 INTRODUCTION

- 1.01 These representations are raised on behalf of Dukesfield Properties Ltd, the freehold owners of land amounting to 1.1 ha known as the Ivy Dene Industrial Estate, Ivy Dene Lane, Ashurst Wood, West Sussex RH19 3TN. They are made on the basis that Policy SA34 is superfluous, with employment sites unnecessarily restricted to those falling within Class B1, B2 and B8, at the same time failing to take into account amendments to the Use Classes Order introduced in September of this year..

## 2.00 POLICY SA34

- 2.01 At the time of publication of the Regulation 19 version of the Site Allocations DPD, landowners were able to take advantage of permitted development rights and change the lawful use of sites in Class B1, Class B2 and Class B8 purposes without the need for further planning permission. In this regard, planning permission was not required for a change of use from Class B1 purposes to a state funded school or a registered nursery, neither was planning permission required from Class B1(a) offices and Class B8 purposes to Class C3 residential use. In certain cases, this was subject to prior approval to a number of matters being obtained from the Local Planning. It was only in cases where an Article 4 Direction was in force, or an implemented planning permission had removed permitted development rights, that these changes of use were prevented.
- 2.02 More recently, and as a consequence of the coming into force of the Town & Country Planning (Use Classes) (Amendment) (England) Regulations 2020, Class B1 uses now fall within Class E1. A judicial review challenge has been brought by a limited company, Rights: Community: Action, to the recently published amendment to the Use Classes Order. In the event this challenge is unsuccessful, Class B1 uses, now falling within Class E1 will be able to interchange with a host of other types of use, irrespective of location, falling within the same Use Class, where previously they formed part of five separate Use Classes.
- 2.03 A new paragraph 009c Reference ID: 13-009c-20200918 was inserted into the NPPG on 18<sup>th</sup> September 2020 where it concerns the topic of *“When is permission required?”* In answer to the question *“Should development plan policies be amended to reflect recent amendments to the Use Classes Order?”*, it is stated:

*“Some development plan policies may need to be revised to reflect the amendments to the Use Classes Order introduced in September 2020. It will be for the plan-making bodies to decide on the timing of a review of the relevant plan policies, having regard to the National Planning Policy Framework and national guidance on plan preparation.”* (my emphasis)

- 2.04 The emerging Policy SA34 was drafted in what was a materially different climate, and as a result it is at variance with the underlying intentions of current national policy. As a consequence, Policy SA34 has not been positively prepared, is not justified and is inconsistent with current central government policy. It is therefore unsound.
- 2.05 This point aside, unnecessary confusion and potential conflict will surround the interpretation of employment policy in the determination of applications, should Policy DP1 of the adopted Mid Sussex District Plan 2014-2031 and Policy SA34 of the emerging Site Allocations DPD remain part of the development plan. It is contended that this is likely to lead to potential conflict surrounding the weight to be attached to both policies by decision-takers, resulting in a lack of certainty and consistency in decision-making.
- 2.06 This occurs as a consequence of different emphasis being placed on the interpretation of these two employment policies. The adopted District Plan Policy DP1 states that the effective use of employment land and premises will be made by *“protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment, or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use.”*
- 2.07 The requirement set out in Policy DP1 of the adopted Mid Sussex District Plan 2014-2031 should be contrasted with the contents of the first paragraph of proposed Policy SA34, which the my clients assert is more restrictive, viz: *“Proposals on Existing Employment Sites that would involve the loss of employment land or premises will only be supported where it can be clearly demonstrated by the applicant that the site/premises is no longer needed and/or viable for employment use.”*

### 3.00 CONCLUSIONS

- 3.01 It is my client's view that Policy SA34 is unsound in that it has not been positively prepared, is not justified and is inconsistent with current national policy.
- 3.02 The SA relating to the Regulation 19 version of the Site Allocations DPD reveals little difference between the provision of a new Policy SA34 (Option A) and reliance placed on strategic Policy DP1 (Option B) when assessed against all 16 sustainability objectives, casting doubts on the underlying purposes of Policy SA34.
- 3.03 It is contended that unnecessary confusion and potential conflict will arise in the interpretation of employment policy in the determination of applications, should Policy DP1 of the adopted Mid Sussex District Plan and Policy SA34 of the emerging Site Allocations DPD remain part of the development plan. This is likely to lead to potential conflict surrounding the weight to be attached to both policies by decision-takers, resulting in a lack of certainty and consistency in decision-making. These considerations will arise because of the different emphasis placed on the wording of the two employment policies.
- 3.04 It is for the reasons set out in these representations that my clients consider Policy SA34 should be deleted.
- 3.05 In the event that either the Local Planning Authority or the Local Plan Inspector considers that Policy SA34 should be retained, then in the opinion of Dukesfield Properties Ltd, alterations are required to be made to the same policy so as to avoid potential problems over the weight and interpretation afforded to Policies DP1 and SA34, ensuring consistency in decision-making.
- 3.06 I have set out below Policy SA34 taken from the Regulation 19 version of the Site Allocations DPD. The proposed alterations advanced by my clients to this policy are shown by words being struck out in red, with new wording shown in blue type.

### **Policy SA34**

#### **Existing Employment Sites – Protection, Intensification and Redevelopment**

Existing Employment Sites, classified as those in use classes B1: Business, B2: General Industrial or B8: Storage or Distribution (as shown in **Appendix A** and on the policies map) are protected. ~~proposals that would involve their loss will be resisted.~~ Proposals on Existing Employment Sites that would involve the loss of employment and/or premises will only be supported where it can be clearly demonstrated by the applicant that ~~the site/premises are no longer needed and/or there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the site/premises is not viable for employment use.~~

Proposals for intensification within the boundary of Existing Employment Sites will be supported providing it is in accordance with other development plan and national policies.

Redevelopment for employment use within the boundary of Existing Employment Sites (as shown in **Appendix A** and on the Policies Map) will be supported. ~~where it does not result in the overall loss of employment floorspace. Proposals for alternative uses, with the exception of residential use, within Existing Employment Sites will only be supported where it can be demonstrated that the sequential approach has been applied to the redevelopment of the site, and the proposals support their integrity and function as centres of employment.~~

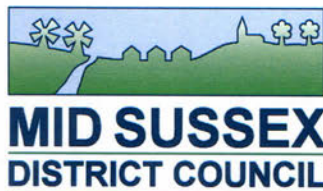
#### **Existing Employment Areas – Expansion**

Within the built-up area, expansion of Existing Employment Sites and premises for B1/B2/B8 uses will be supported where the business requirements cannot be met within the existing site/premises through acceptable on-site expansion or intensification; and that relocation to existing stock is not preferable.

Outside the built-up area, expansion of Existing Employment Sites for B1/B2/B8 uses will only be supported where:

- Detailed layout and design are in keeping with its countryside location
- The expansion is contiguous with the boundary of an existing employment site
- Where the impacts of expansion are assessed in-combination with the existing site, and the overall impact of existing plus expansion is considered acceptable.





## **Site Allocations Development Plan Document Regulation 19 Submission Draft Consultation Form**

The District Council is seeking representations on the Submission Draft Site Allocations Development Plan Document, which supports the strategic framework for development in Mid Sussex until 2031.

The Site Allocations DPD, has four main aims, which are:

- i) to allocate sufficient housing sites to address the residual necessary to meet the identified housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan;
- ii) to allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development;
- iii) to allocate a site for a Science and Technology Park west of Burgess Hill in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development, and
- iv) to set out additional Strategic Policies necessary to deliver sustainable development.

All comments submitted will be considered by a Planning Inspector, appointed by the Secretary of State, at a public examination to determine whether the plan is sound.

The Site Allocations DPD is available to view at:

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://www.midsussex.gov.uk/planning-building/development-plan-documents/)

A number of documents have been prepared to provide evidence for the Site Allocations DPD and these can be viewed on the Council's website at the above address.

Paper copies will also be at the Council offices (see address below) and your local library and available to view if the buildings are able to open during the consultation period.

**Please return to Mid Sussex District Council by midnight on 28<sup>th</sup> September 2020**

### **How can I respond to this consultation?**

**Online:** A secure e-form is available online at:

[www.midsussex.gov.uk/planning-building/development-plan-documents/](http://www.midsussex.gov.uk/planning-building/development-plan-documents/)

The online form has been prepared following the guidelines and standard model form provided by the Planning Inspectorate. To enable the consultation responses to be processed efficiently, it would be helpful to submit a response using the online form, however, it is not necessary to do so. Consultation responses can also be submitted by:

**Post:** Mid Sussex District Council  
Planning Policy  
Oaklands Road  
Haywards Heath  
West Sussex  
RH16 1SS

**E-mail:** [LDFconsultation@midsussex.gov.uk](mailto:LDFconsultation@midsussex.gov.uk)

A guidance note accompanies this form and can be used to help fill this form in.

## Part A – Your Details (You only need to complete this once)

---

### 1. Personal Details

Title	Mr
First Name	Tim
Last Name	North
Job Title (where relevant)	Managing Director
Organisation (where relevant)	Tim North & Associates Limited
Respondent Ref. No. (if known)	N/A
On behalf of (where relevant)	Dukesfield Properties Limited
Address Line 1	17A Reading Road
Line 2	Pangbourne
Line 3	Berkshire
Line 4	
Post Code	RG8 7LR
Telephone Number	0118 984 3333
E-mail Address	Timnorth.associates@btinternet.com



Information will only be used by Mid Sussex District Council and its employees in accordance with the Data Protection Act 1998. Mid Sussex District Council will not supply information to any other organisation or individual except to the extent permitted by the Data Protection Act and which is required or permitted by law in carrying out any of its proper functions.

The information gathered from this form will only be used for the purposes described and any personal details given will not be used for any other purpose.

## Part B – Your Comments

You can find an explanation of the terms used in the guidance note. Please fill this part of the form out for each representation you make.

**Name or Organisation:**

Tim North & Associates Limited

### 3a. Does your comment relate to:

Site  
Allocations  
DPD

☒

Sustainability  
Appraisal

☐

Habitats Regulations  
Assessment

☐

Community  
Involvement  
Plan

☐

Equalities  
Impact  
Assessment

☐

Draft Policies  
Maps

☐

### 3b. To which part does this representation relate?

Paragraph

Appendix A  
Existing  
Employment  
Sites

Policy SA

☐

Draft Policies Map

☐

### 4. Do you consider the Site Allocations DPD is:

4a. In accordance with legal and procedural requirements; including the duty to cooperate.

Yes

☒

No

☐

4b. Sound

Yes

☐

No

☒

### 5. With regard to each test, do you consider the Plan to be sound or unsound:

	Sound	Unsound
(1) Positively prepared	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Justified	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Effective	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Consistent with national policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>



**6a.** If you wish to support the legal compliance or soundness of the Plan, please use this box to set out your comments. If you selected 'No' to either part of question 4 please also complete question 6b.

not

**6b.** Please give details of why you consider the Site Allocations DPD is not legally compliant or is unsound. Please be as precise as possible.

See accompanying representations prepared by Tim North & Associates Ltd on behalf of Dukesfield Properties Ltd

**7.** Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.

You will need to say why this change will make the 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.

See accompanying representations prepared by Tim North & Associates Ltd on behalf of Dukesfield Properties Ltd

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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

8. If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination? (tick below as appropriate)

☐

**No**, I do not wish to participate at the oral examination

☒

**Yes**, I wish to participate at the oral examination

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The accompanying representations prepared on behalf of Dukesfield Properties Ltd relate to a number of different parts of the emerging Site Allocations DPD, including both housing and employment policies, as well as the Sustainability Appraisal. It is only by considering all the representations in combination that the full impact of my client's objections to the emerging Local Plan can be appreciated.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

**10. Please notify me when:**

(i) The Plan has been submitted for Examination

☒

(ii) The publication of the recommendations from the Examination

☒

(iii) The Site Allocations DPD is adopted

☒

Signature:



Date:

27 September 2020

**Thank you for taking time to respond to this consultation**

**Representations raised on behalf of Dukesfield Properties Ltd to the Regulation 19 Version of the Site Allocations DPD dated July 2020 seeking the removal of the Ivy Dene Industrial Estate, Ivy Dene Lane, Ashurst Wood from Appendix A Existing Employment Sites.**

**September 2020**

**© TIM NORTH & ASSOCIATES LIMITED COPYRIGHT 2020**

**No part of this publication may be reproduced by any means without  
the permission of Tim North & Associates Ltd**



## 1.00 INTRODUCTION

- 1.01 These representations are raised on behalf of Dukesfield Properties Ltd, the freehold owners of land amounting to 1.1 ha known as the Ivy Dene Industrial Estate, Ivy Dene Lane, Ashurst Wood, West Sussex RH19 3TN. The premises are located on the northern side of Ashurst Wood, outside the built-up boundary of the village within the High Weald AONB.
- 1.02 The site is served by a single track screened on both sides by vegetation, forming an extension to the carriageway of Ivy Dene Lane. The same narrow track bifurcates at a point close to the entrance to the Ivy Dene Lane Industrial Estate to serve a number of detached dwellinghouses along a highway known as The Rocks. The premises occupy a sustainable location, within walking and cycling distance of shops and services situated in the centre of the village.



- 1.03 The site comprises 1,468 sq.m (15,807 sq.ft) of floorspace occupied for Class B1/B2 purposes along with a residential flat, with a further 100 sq.m (1000 sq.ft) in the form of portacabins and other containers. The original building known as Ivy Dene House consists of elevations constructed of hanging tiles beneath a concrete tiled roof, having been the subject of alterations, and now in use as an office on the ground floor with a residential flat above. A large former laundry building is attached the south of Ivy Dene House, having been the subject of a series of unsympathetic alterations and single storey extensions, sub-divided into a number of individual industrial units. The elevations of this complex of industrial units comprise a mix of masonry, brickwork and metal sheeting beneath corrugated asbestos roofs. A separate metal framed building with a pitched corrugated roof is situated to the south of the main building, close to the entrance onto Ivy Dene Lane, whilst to the west and north east lies an assortment of sheds and containers.
- 1.04 The purpose of these representations is to seek the deletion of the same site from the list of Existing Employment Sites set out in Appendix A to the Regulation 19 Version of the Site Allocations DPD, also referred to in Policy SA34 of the same document.

## **2.00 HISTORICAL BACKGROUND**

- 2.01 A review of available historical maps dating from 1882 to 2019 has been undertaken by Card Geotechnics Ltd (“CGL”) as part of a Phase 1 Geoenvironmental Desk Study (a contaminated land assessment). An investigation of the same historical maps reveals that a residential building occupied the centre of the site to which extensions had been added in 1899 and 1910. A large extension was added to the south of the original building shown on the historical map of 1931 where it is labelled as “*laundry*”. A tank was noted to the east of the extension in 1931 with the site known as the Ivy Dene Laundry having operated from the 1920s until the early 1980s. On the historical map of the 1960s, the Ivy Dene Laundry site was further developed with four small square buildings located to the east and south of the “*laundry*” along with new access roads. The historical map of 1980 reveals the site was no longer labelled as a “*laundry*”, with the configuration of buildings being little different from that in evidence today. Since the 1980s the site has been known as the Ivy Dene Industrial Estate.

### 3.00 THE EVOLUTION OF POLICY RELATING TO THE IVY DENE INDUSTRIAL ESTATE

- 3.01 The Ivy Dene Industrial Estate was the subject of a specific policy incorporated into the East Grinstead and Worth Local Plan which became an adopted document in October 1985. The contents of paragraph 12 and Policy EG 12/2 were devoted to what was referred to as “*The laundry site in Ivy Dene Lane*”, viz:-

*“12. The laundry site in Ivy Dene Lane has recently been converted into small industrial units. Because of its location outside the village boundaries, within the AONB, and because of its restricted access,*

*“EG 12/2            There will be a presumption against development proposals which would otherwise intensify the use of the former laundry site in Ivy Dene Lane.”*

- 3.02 The policies relating to Ashurst Wood village in the adopted Mid Sussex Local Plan May 2004 were set out in Chapter 18 where under the title “*Employment*” specific reference was made to the former Ivy Dene laundry site, to which Policy AW2 applied. I have reproduced below paragraphs 18.8 and 18.9 providing the reasoned justification, along with Policy AW2 taken from the adopted Mid Sussex Local Plan May 2004:-

*“18.8 The former Ivy Dene Laundry site is located at the end of Ivy Dene Lane to the north of the village and outside the built-up area boundary. The buildings have been converted to small business units and have been used for a variety of light and general industrial and commercial purposes. The current level of activity is low, a number of the units are vacant and the site and some of the buildings are in a poor condition.*

*18.9 The Council considers that this site should continue to be used for business purposes. Although not fully used at present, the existing units could be reoccupied without requiring planning permission and the level of activity would increase accordingly. However, while the uses at this site make a contribution to the local economy this must be balanced against the constraints affecting the site when considering its future development potential. It lies outside the built up area of the village and within the Area of Outstanding Natural Beauty and Strategic Gap. Vehicle access is via a narrow track which itself leads from Ivy Dene Lane, a residential area. Therefore while the Council may consider favourably proposals for new commercial development such proposals must have particular regard to these factors, and the amenity of neighbouring residents must be safeguarded. Therefore, while it is acknowledged that development may benefit visual amenity by improving the appearance and character of the site, the Council will only favourably consider proposals where there will be no increase in floorspace on the site, and where it is satisfied that there will be no detrimental impact on the amenities of the surrounding area in*



*general and on neighbouring residents in particular. In order to maintain the site's particular contribution to the economy, as well as discouraging the use of larger commercial vehicles, the Council will require any new development to be in the form of small units. It will also require the site to be suitably landscaped. "*

**Policy AW2**

*"Land north of Ivy Dene Lane is allocated for business (B1) and general industrial (B2) purposes. Proposals for redevelopment of the site will be permitted only if they comply with the following requirements:*

- (a) there is no increase in the existing gross floorspace on the site;*
- (b) development takes the form of low rise small business units ranging from 50-300sq. m gross floorspace each;*
- (c) the proposals include a comprehensive scheme for the physical enhancement of the site, including landscaping; and*
- (d) the amenities of neighbouring residential properties are safeguarded."*

- 3.03 The Managing Director of Dukesfield Properties Ltd raised representations to the Draft Ashurst Wood Neighbourhood Plan, in which he stated:-

*"We as landlords of the Ivy Dene Industrial Estate would like to be considered for redevelopment in the next local Plan. We have an on-going battle with the very old buildings & infrastructure & feel within the next decade will require unviable investment. We have looked at commercial redevelopment but again would not be a viable investment for us. The site businesses do not employ many people from the local area and would not have an impact." (my emphasis)*

- 3.04 An exchange of e-mails Dukesfield Properties Ltd and the Parish Clerk, Jenny Forbes, occurred during mid August and early September 2015 enquiring as to progress on the Neighbourhood Plan, which elicited a response on 16<sup>th</sup> August 2015 in which it was said:-

*"The Draft Plan identifies sufficient sites to meet the anticipated housing needs of the village between now and 2031.*

*With regard to the Industrial Estate site, consultation has shown a clear preference for keeping it in business use. This includes the views of residents and those businesses operating on the estate.*

*It is, however, noted that you have concerns about the long term future viability of the site for business use, and its status might need to be reassessed later in the Plan period."(my emphasis)*

- 3.05 The Sustainability Appraisal accompanying the Ashurst Wood Neighbourhood Plan 2015-2031 considered three options as part of those reasonable alternatives to Policy ASW 16, directed specifically at the Ivy Dene Lane Industrial Estate, viz:

Option A to have an NP policy

Option B to have no NP policy and rely on higher level policy at MSDC level or national policy (the do nothing/business as usual scenario)

Option C to expand the Ivy Dene Lane Industrial Estate

- 3.06 The Sustainability Appraisal relating to the Ashurst Wood Neighbourhood Plan 2015-2031 settled on preferred Policy Option A, with the justification being as follows:-

*“Options A and B have the same impact at present. They have the potential to meet environmental objectives in supporting the physical improvement of the site. They meet social and economic objectives and the specific Plan objective of supporting local businesses and retaining local employment. Option C has the same impact across social and economic objectives, but more potentially negative impacts in relation to two environmental objectives. The existing policy in the higher tier local Plan will be lost when it is replaced by the emerging District Plan, therefore Option A ensures the benefits of the policy are retained and plans positively for the retention of employment and business in the community and performs better than Option C and so is preferred.”*

- 3.07 Policy ASW16 contained in the “made” Ashurst Wood Neighbourhood Plan dated March 2016 is concerned with the Ivy Dene Lane Industrial Estate. It can be seen that it is identically worded to Policy AW2 set out in the former Mid Sussex Local Plan 2004.

**Policy ASW 16**

*“Land at the Industrial Estate is allocated for business (Class B1) and general industry (Class B2). Proposals for redevelopment of the site will be permitted only if they comply with all of the following requirements:*

- (a) There is no increase in the existing floorspace on the site; and*
- (b) Development takes the form of low rise small business units ranging from 50-300 square metre gross floorspace each; and*
- (c) The proposals include a comprehensive scheme for the physical and visual enhancement of the site, including landscaping; and*
- (d) The amenities of neighbouring residential properties are safeguarded.”*

- 3.08 The Draft Site Allocations DPD was presented to the Scrutiny Committee for Housing Planning and Economic Growth at its meeting held on 11<sup>th</sup> September 2019, at which time Members were informed that one of the four main aims of the emerging Local Plan was to “(ii) to allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development.” The Agenda Report stated in paragraphs 32 and 33 under the title “Employment”

*“32. Updated employment evidence, commissioned by the Council to take account of the recent employment forecast statistics, identified that a total requirement of around 35 to 40 hectares is needed up to 2031<sup>1</sup>. As 25 hectares employment land has already been allocated at Burgess Hill, within District Plan Policy DP1, this leaves a residual requirement of 10-15 hectares to be allocated within the Site Allocations Document.*

*33. The Sites DPD Policy A1: Sustainable Economic Development – Additional Site Allocations allocates six new sites for employment use, plus an expansion at Bolney Grange Business Park, totalling approximately 17ha. The process for selecting these sites for allocation is set out in the Employment Topic Paper and Sustainability Appraisal (Appendix 1)”*

- 3.09 It is necessary to record that Site Selection Paper 4: Employment Sites, along with the Sustainability Appraisal relating to the Regulation 18 Version of the Site Allocations DPD, did not consider whether any of the existing employment sites referred to in Appendix D of the Consultation Draft version of the emerging Local Plan, were suitable for retention in employment use, neither did the same document examine whether a material change in circumstances had occurred, dictating that the particular employment site should no longer be used for employment purposes.
- 3.10 Furthermore, no viability assessment was undertaken of those existing employment sites to assess their contribution to the future employment needs of the District to 2031, or whether the same existing employment sites were considered suitable candidates for redevelopment for alternative purposes, including housing.

---

<sup>1</sup> Mid Sussex District Council (2019), Site Allocations Development Plan Document, Site Selection Paper 4: Employment Sites

3.11 This practice raised representations on behalf of Dukesfield Properties Ltd to Policies SA11, SA26, SA34 and Appendix D of the Regulation 18 version of the Site Allocations DPD. The representations submitted to the Council in November 2019 were centred around the following issues:-

- The inclusion of the Ivy Dene Industrial Estate referred to as SHELAA 182 in Appendix D: Existing Employment Sites.
- The contents of Policy SA34 entitled “Existing Employment Sites” with particular regard paid to the first two paragraphs under the sub-title “Protection, Intensification and Redevelopment” and the last paragraph along with the three bullet points found under the title “Expansion”.
- The omission of the Ivy Dene Industrial Estate from Policy SA11 “Additional Housing Allocations”.
- The inclusion of the site known as “Land South of Hammerwood Road” in Policies SA11, SA26 and Table 2.5 “Sites DPD Housing Allocations”.

3.12 In this company’s representations reference was made to the following points in paragraphs 2.03 and 2.04, viz:-

*“2.03 The retention of the Ivy Dene Industrial Estate as an existing employment site in the emerging Site Allocations DPD will not meet the objective of encouraging high quality development of land and premises to meet the needs of 21<sup>st</sup> century businesses, neither will it ensure effective use of employment land takes place.*

*2.04 On the contrary, the existing buildings date from the 1920s when the site was used as a Class B2 laundry, being old and outdated, of poor construction and failing to meet today’s energy needs. The uses taking place in the principal building are not all locally based, with their workforce having to travel by car to reach the premises, and hence the site is not directed entirely to meeting local residents’ employment needs. Access is poor, being served by a single track, with inadequate parking and manoeuvring space. Preliminary indications reveal that the costs involved in ensuring these buildings are improved and refurbished to current building regulations standards are likely to be prohibitive, to the extent that existing tenants could not be retained at current rental levels.” (my emphasis)*

- 3.13 The publication of the Regulation 19 version of the Site Allocations DPD in June 2020 revealed that, as with the Regulation 18 version of the same plan, no assessment had been undertaken of whether the Ivy Dene Industrial Estate as an existing employment site included in what had become Appendix A, remained suitable for employment uses over the time period of the Local Plan to 2031, or whether it should be considered for release for residential purposes as an allocated housing site in Ashurst Wood.
- 3.14 In the same way as the Regulation 18 version of the Site Allocations DPD, no viability assessment has been undertaken of those existing employment sites to assess their contribution in meeting the future employment needs of the District to 2031, or whether the same existing employment sites were considered suitable candidates for redevelopment for alternative purposes, including housing.
- 3.15 A report was presented to the meeting of the Council's Scrutiny Committee for Housing Planning and Economic Growth held on 22<sup>nd</sup> January 2020, to consider the response to the Draft Site Allocations DPD (Regulation 18 version). In the same report a table was inserted on page 17 setting out comments received to five general policies, one of which was Policy SA34 entitled "*Existing Employment*". The table revealed a total of 11 comments had been received to this specific policy, two of which were in support, six raising objections and three having a neutral impact. It is somewhat disingenuous and potentially misleading for the Council to then state in paragraph 20:-

*"20. SA34: Existing Employment Sites seeks to retain existing employment sites and supports their expansion. **This policy was largely supported.** Some amendments to site boundaries were suggested, and two additional sites were proposed to be defined under this policy. The proposed boundary amendments and additional sites will be assessed ahead of the next stage."*

- 3.16 The Report presented to the meeting of the Council's Scrutiny Committee for Housing Planning and Economic Growth held on 22<sup>nd</sup> January 2020 concerning the response to the Regulation 18 version of the Site Allocations DPD, set out actions to address the objections from respondents where they related to Policy SA34 Existing Employment Sites. These actions comprised the following:-

- Investigate objections relating to sites not in B1/B2/B8 uses and remove where appropriate
  - Include additional sites where they meet the use class (B1/B2/B8) criteria
  - Review proposed boundary changes and amend where necessary
  - Review proposed wording changes and amend policy wording where appropriate
  - Amend paragraph 3.16 in consultation with West Sussex County Council.
- 3.17 The Regulation 18 version of the Site Allocations DPD where it concerns Policy S34 commenced with the phrase “*Existing Employment Sites (as shown in Appendix D and on the policies map) are protected.*” The actions which the Council considered were necessary to address the representations raised to the Consultation Draft version of the same Local Plan, did not consider it appropriate to examine any of the existing employment sites in order to assess their contribution to meeting future employment provision in the District, or indeed whether they were suitable for alternative purposes.
- 3.18 It follows that Site Selection Paper 4: Employment Site; the Sustainability Appraisal relating to the Regulation 18 version of the Site Allocations DPD, along with the underlying basis to Policy SA34, are all primarily directed at protecting existing employment sites, regardless of their location, condition and future contribution made to employment provision.

#### *A. Conclusions Arising from the Evolution of Policy Relating to the Ivy Dene Industrial Estate*

- 3.19 Six important conclusions arise from an appraisal of the policy position affecting the Ivy Dene Industrial Estate.
- A. It can be seen that the Ivy Dene Industrial Estate has evolved since the 1920s in a piecemeal fashion at which time it was in operation as a laundry. The same Class B2 use extended until the early 1980s. It was recognised at the time of adoption of the East Grinstead and Worth Local Plan in October 1985, that the same site had recently been converted into a number of small industrial units. The site has continued to be used for the same purposes



ever since, being dependent on the same buildings originally constructed in the 1930's, which are now more than 80 years old.

- B.** At the time of adoption of the Mid Sussex Local Plan in May 2004, the focus of attention on what was referred to as "*the former Ivy Dene Laundry site*" was on ensuring that a suitable planning balance was achieved between the contribution made to the local economy through the existing industrial uses taking place on the same land; its location within the High Weald AONB; inferior access arrangements obtained via a narrow track, and safeguarding the amenities of neighbouring residential properties. The provisions of Policy AW2 paid regard to these material considerations as part of any redevelopment proposals, by restricting any increase in existing gross floorspace on the site, limiting any development to small low rise business units, at the same time seeking a physical enhancement of the land and the safeguarding of neighbouring residential properties.
- C.** The same criteria were later incorporated into Policy ASW16 of the "*made*" Ashurst Wood Neighbourhood Plan 2015-2031, although by 2016 the Steering Group's attention had been drawn to concerns surrounding the site's viability by my clients. These concerns did not manifest themselves into any reasonable alternatives when contemplating the various options for the site. Indeed, the focus of attention in the Sustainability Appraisal where it relates to Policy ASW16 is on ensuring that a similarly worded policy is retained, at a time when the policies in the Mid Sussex Local Plan 2004 were expected to be superseded by those in the Mid Sussex District Plan 2014-2031. The approach in this regard can only be described as maintaining the status quo, as opposed to proactively examining the site's longer term viability and development potential.
- D.** The approach introduced in May 2004 through Policy AW2 of the Mid Sussex Local Plan was to seek a solution through the redevelopment of the site for low rise small business units which it was hoped would represent an appropriate planning balance between conflicting criteria surrounding the site's existing industrial use, its location in the High Weald AONB, and adjoining residential development. The redevelopment scenario promoted

initially by the LPA, and later through the “*made*” Ashurst Wood Neighbourhood Plan 2015-2031, has clearly failed to result in any positive progress being made over the past 16 years, during which time no applications have been submitted to your Authority seeking to comply with the contents of the same policies, This is because the provisions of both policies are considered too restrictive, rendering any proposal commercially unviable. This is a matter which would have come to the surface had negotiations taken place with the owner of the Ivy Dene Industrial Estate at the time the identically worded policies were being formulated.

- E. The emerging Site Allocations DPD at present seeks to perpetuate the same position which has existed since 2004. An opportunity is now available to evaluate the contribution likely to be made by the Ivy Dene Industrial Estate to the future employment needs of the District through to 2031. To date, no consideration has been given to an alternative approach which would offer a better solution in reconciling the various conflicting interests surrounding the future development potential of the same site, at the same time ensuring any nominated proposals were commercially viable.
- F. A residential redevelopment of the Ivy Dene Industrial Estate offers a unique opportunity in the context of Ashurst Wood village, to make efficient use of previously developed land within reasonable accessibility of shops and community facilities in the same settlement offering improvements to the High Weald AONB; net gains to biodiversity, along with associated environmental benefits to the occupiers of surrounding residential properties. These advantages extend beyond those comparable benefits achieved through the preferred greenfield site which has been allocated for residential development in the same village on land situated to the south of Hammerwood Road.

#### **4.00 CONTRIBUTION ARISING FROM ALLOCATED EMPLOYMENT SITES**

- 4.01 With the exception of the preferred location for the Science and Technology Park situated on land to the north of the A2300 at Burgess Hill, 7ha of allocated employment land are to be provided on sites located around Bolney Grange close

to Burgess Hill. A further 10.45ha of allocated employment sites are to be provided in a number of locations throughout the District, resulting in a total of 17.45ha of allocated employment sites identified in the emerging Site Allocations DPD.

- 4.02 In this way, the emerging Site Allocations DPD is catering not only for the residual employment needs of the District through to 2031, but is exceeding the estimated land requirements of 10-15ha. That said, the figure of 10-15ha is a minimum figure, and as has been witnessed recently with “*The Hub*” development, it is open to change, despite the presence of an adopted policy. In that case, windfall sites have come forward to make up any shortfall.
- 4.03 A total of 14 sites amounting to 77.54ha of potential future employment land as part of the site selection employment process, and as a consequence of the resultant consultation exercises into the emerging Site Allocations DPD have been rejected. It follows that if required, a sufficient reserve of potential employment sites exists, which will more than offset the loss of existing employment sites of the kind found at the Ivy Dene Industrial Estate where a unique set of circumstances are in existence. In any event, to retain poor quality buildings which do not meet today’s employment standards, served by inadequate access arrangements, and where the uses themselves have been shown to be incompatible with adjoining residential development does not reflect the underlying priority theme based on place, as set out in the Mid Sussex Economic Development Strategy 2018-2031, namely to provide “*business parks which provide an attractive environment and secures the retention and relocation of new businesses into Mid Sussex*”.
- 4.04 Your Council has assessed the employment uses on each of the 10 allocated employment sites set out in the emerging Site Allocations DPD in accordance with number of recognised factors taken from paragraph 4.14 of the February 2020 version of the Site Selection Paper 4: Employment Sites, namely:-
- What use(s) the site was promoted for and therefore likely prospects of that use being brought forward.
  - Amenity issues (as assessed under Criterion 16 of the Site Selection Paper 2 methodology) which may mean that certain uses (such as B2: Industrial) are not neighbourly and therefore unacceptable.

- Locational factors, for example, the preference for storage and distribution operations (i.e. B8 use) to be located in suitable accessible locations (NPPF paragraph 82).
- Market factors (as assessed under Criterion 18 of the Site Selection Paper 2 methodology) which suggest there is more need or demand for particular uses in the location.

4.05 There is no reasoned justification why the same process could not have been applied to an assessment of those existing employment sites set out in Appendix A to the Regulation 19 version of the Site Allocations DPD, in order to consider whether one or more of the same sites are no longer justified.

4.06 Your Council, Crawley Borough Council and Horsham District Council instructed Nathaniel Lichfield & Partners to prepare a report in 2014 entitled Northern West Sussex Economic Growth Assessment, as part of the evidence base to the Mid Sussex District Plan 2014-2031. The consultants' report undertook a review of 89 "*existing*" allocated sites and a sample of other non-allocated employment sites, based on similar criteria to those now set out in paragraph 4.14 of the February 2020 version of the Site Selection Paper 4: Employment Sites.

4.07 In the case of the Northern West Sussex Economic Growth Assessment 2014, each site, including "*existing*" sites, was inspected, and its suitability for employment use was assessed against the following criteria, reflecting ODPM guidance on employment land reviews:

- a strategic road access and local road access;
- b accessibility to public transport and services;
- c adjoining uses that might constrain employment uses;
- d site size, characteristics and potential development constraints; and
- e attractiveness to the market, including vacancy and market activity.

4.08 The Northern West Sussex Economic Growth Assessment 2014 also noted other factors in its review of employment sites, including the site's suitability for specific uses, any barriers to the delivery of undeveloped sites for employment uses, as well as their sustainability and sequential status. In their conclusions on

employment sites in Mid Sussex District Council's administrative area, Nathaniel Lichfield and Partners stated in paragraphs 6.106 and 6.107 of their report:-

*"6.106 Overall the assessment of existing sites indicate that the District contains a good range of employment sites of different quality, size and type, totalling about 191ha. The sites assessed were fairly mixed in terms of existing use class, predominantly within B1a on the three main urban areas, B2 and B8 uses in more strategic locations such as northwest of East Grinstead and Victoria Business Park, Burgess Hill, with some smaller mixed uses also evident on isolated rural sites.*

*6.017 The assessment process has identified four high scoring good quality sites accounting for 37% of total existing supply, 20 (50.8% of supply) average quality sites and six sites of poorer quality (12.4% of supply). A summary of site scorings is provided in Table 6.6. It should be noted that the broad 'good' 'average' and 'poor' groupings are purely indicative to provide an estimation of the quality of supply of sites."*

- 4.09 In the light of the conclusions reached on the assessment of "existing" employment sites in your Council's administrative area, it is worth noting that the Ivy Dene Industrial Estate was one of the worst scoring sites assessed by the consultants, comprising part of the 12.4% of poor quality sites. It was stated in para 6.88 of the main report:-

*"Land North of Ivy Dene Lane, Ashurstwood (S5) is a small (1.1 ha) self-contained employment area north of Ashurstwood. The site is a designated business development area in a countryside location, within the High Weald AONB. The site has poor strategic and local access via a single lane country road only. The site is considered constrained, and has a lack of parking and turning space. The existing stock is dated and low quality but has a high level of occupancy, including automotive and ancillary agricultural activities. There is some scope for development of vacant plots to the front and rear of the site, but given physical constraints, existing and future employment uses are likely to serve a local catchment only."* (my emphasis)

- 4.10 The study carried out by Nathaniel Lichfield and Partners in 2014 did not take into account viability which, as will be seen later in these representations, reinforces the view that serious consideration should now be given to assessing the contribution the Ivy Dene Industrial Estate site may make in the future towards the District's employment provision, whilst an alternative residential use for the same land should now be contemplated.

- 4.11 The contents of paragraphs 4.16 and 4.17 of the Site Selection Paper 4: Employment Sites dated February 2020 forming part of the evidence base to the emerging Local Plan reveal that there is likely to be more Class B1 office and Class B2 general industrial provision than the guideline need figures. As stated in paragraph 4.17 *“This reflects the Council’s aspirations in the Economic Development Strategy for providing high quality employment land and high value jobs which are associated with these uses (as opposed to ‘B8: Storage and Distribution’ which has a low job density and lower value jobs).”*
- 4.12 These aspirations however will not be fulfilled through the retention of the Ivy Dene Industrial Estate as an existing employment site, and do not reflect the aims of the Mid Sussex Economic Development Strategy 2018-2031. This is aside from the fact that changes to the Use Classes Order in September 2020 necessitates a reconsideration of the entire approach towards future employment provision, based on Class B1 uses which are now contained within Class E Commercial Business and Service, with increased interchangeability.

## 5.00 SITE VIABILITY ISSUES

- 5.01 This practice indicated in its representations to the Regulation 18 version of the Site Allocations DPD concerning the Ivy Dene Industrial Estate site that *“Preliminary indications reveal that the costs involved in ensuring these buildings are improved and refurbished to current building regulations standards are likely to be prohibitive, to the extent that existing tenants could not be retained at current rental levels.”*
- 5.02 In the intervening period since these representations were submitted to your Authority on the Consultation Draft version of the emerging Site Allocations DPD, various reports have been prepared on behalf of Dukesfield Properties Ltd. These reports have sought to provide detailed evidence surrounding the viability of the same site from an employment perspective.

### *A. Phase 1 Geoenvironmental Desk Study*

- 5.03 Card Geotechnics Ltd were instructed by this practice acting on behalf of Dukesfield Properties to prepare a Phase 1 Geoenvironmental Desk Study (contaminated land assessment) of the Ivy Dene Industrial Estate, as a consequence



of its previous industrial use as a Class B2 laundry along with the presence of made up ground.

- 5.04 The conclusions to their report dated January 2020 are set out below, in which a series of recommendations are provided should the site be redeveloped. The additional work involved is likely to result in abnormal costs comprising part of the contingency sums set out in the residual valuations prepared by my clients Chartered Surveyors.

*“Based on the findings of this Phase 1 assessment, the following recommendations are made with regards to ground investigation/assessment to confirm the ground model and identified potential risks and inform the redevelopment design.*

*It is recommended that further site investigation, including a slope stability inspection and walkover is carried out in accordance with the requirements set out within BS5930:20158 and BS10175:20119. Further to this, geotechnical assessments should be undertaken to derive an appropriate ground model and provision of foundation design to be adopted, including a settlement assessment if required.*

*The ground investigation is considered likely to comprise dynamic percussive boreholes, extended into the underlying bedrock by rotary techniques to prove the underlying competent bedrock and intercept groundwater. Given the footprint of the current works building is covering a proportion of the site, a supplementary post demolition phase of site investigation, potentially comprising boreholes and trial pits, would be required. In addition, it is recommended that during the demolition phase and site strip a watching brief should be maintained for any unexpected contamination.*

*The investigation should be targeted at the identified sources of contamination, confirming the thickness and composition of Made Ground across the site and enable collection of soil samples for chemical analyses of an appropriate testing suite, including heavy metals, sulphates, PAH, petroleum hydrocarbons, volatile organic compounds (VOCs), pH and asbestos, according to historical and current processes at the site.*

*In addition, it is recommended that gas wells are installed in boreholes, and subsequent monitoring rounds undertaken to assess gas/vapour risk to allow appropriate mitigation strategies to be proposed. Boreholes should be installed with appropriate gas monitoring equipment to allow gas monitoring to be completed in accordance with BS 8576:201310.*

*Due to the potential migration pathway for migration of contaminants into the underlying aquifer, testing of soil leachates and the installation of groundwater monitoring standpipes in some boreholes is also recommended to enable collection of groundwater samples to assess*

*potential pollution of the 'Secondary A' Aquifer from sources of contamination identified at the site.*

*The investigation should be ideally combined with the geotechnical investigation to enable geotechnical design and foundation optioneering to be considered for the proposed development and to assess slope stability.*

*Given the age of the buildings full asbestos surveys should be carried out prior to any demolition works.*

*The conclusions to this report would be subject to the approvals of the regulatory bodies under any planning application, and no work should be started on site until their approvals have been received. "*

### ***B. Condition Report***

- 5.05 A report was prepared by Gould & Company, Chartered Building Surveyors in May 2020 to consider the general condition of the buildings present at the property and assess anticipated repair costs. The same study has not taken into consideration the requirement for a Health and Safety Audit, neither was an Asbestos Survey arranged, nor was a Fire Risk Assessment reviewed. The Chartered Building Surveyors did not inspect any parts of the property which were concealed, unexposed or inaccessible and therefore their report could not verify whether parts of the buildings were free of rot, beetle and other defects.
- 5.06 Appendix 5 of the Gould and Company report sets out a schedule of anticipated building costs involved in the repair and renovation of the building to meet current Building Regulations standards, including professional fees and a contingency sum. Appendix 5 considers costs to roofs, elevations and internal works in respect of all 10 industrial units, along with the separate wc blocks, an office and a flat, before concluding that the overall costs, excluding VAT amounts to £726,628. The entire contents of Appendix 5 are reproduced overleaf.
- 5.07 The conclusions to their report are set out below:-

***"11.01 To sum up, this property has undergone several different stages of extension, alteration and development, and is now found to be in poor condition, with extensive remedial work and refurbishment necessary in order to bring the property into good order.***

H5279: Ivy Dene Industrial Estate, Ashurst Wood, East Grinstead RH19 3TN



Appendix 5 - Schedule of general condition - May 2020

Area	Unit Number	Type	Construction	Condition	Requirement	Estimate
<b>ROOFS</b>						
Roof 1	1	Pitched	Corrugated asbestos	Poor condition, cracked edge profiles, moss growth and discoloured rooflights.	Replace	£58,824
	1b	Shallow pitched	Corrugated asbestos	Poor condition, localised replacement repair panels, moss growth and discoloured rooflights, poorly formed abutments.	Replace	inc.
Roof 2	1a	Pitched	Corrugated asbestos overpainted with solar reflective paint.	Poor condition	Replace	£66,186
	1c	Pitched	Corrugated asbestos overpainted with solar reflective paint.	Poor condition	Replace	inc.
	6	Pitched	Corrugated asbestos overpainted with solar reflective paint.	Poor condition	Replace	inc.
Roof 3	2	Pitched	Corrugated asbestos overpainted with solar reflective paint.	Poor condition	Replace	£65,233
	3	Pitched	Corrugated asbestos overpainted with solar reflective paint.	Poor condition	Replace	inc.
	4	Pitched	Corrugated asbestos overpainted with solar reflective paint.	Poor condition	Replace	inc.
	5	Pitched	Corrugated asbestos overpainted with solar reflective paint.	Poor condition	Replace	inc.
Roof 4	IDH	Pitched	Concrete interlocking 'Roman' tiles.	Worn coverings but serviceable condition	General repair to tile coverings and mortar bedding.	£1,000
	IDH	Pitched	Timber frame pitched roof structure.	Downward deflection to underlying structure requires further investigation	Anticipate need for structural upgrade.	£2,500
	IDH	Flat	Not visible. Anticipated asphalt covering.	Anticipated poor condition similar to elsewhere at lower level.	Replace	£2,866
	IDH	Chimney stack	Brick built.	Satisfactory but worn.	Localised repairs.	£500
Roof 5	5 (Store)	Flat	Bitumen roofing felt.	Poorly detailed at abutments. Worn surface but serviceable in short term.	Replace	£4,142
	3	Flat	Various roof portions. Bitumen roofing felt covering/patch repairs over asphalt with solar reflective paint.	Poor condition	Replace	£28,475
Roof 6	4	Flat	Various roof portions. Bitumen roofing felt covering/patch repairs over asphalt with solar reflective paint.	Poor condition	Replace	inc.
	5	Flat	Various roof portions. Bitumen roofing felt covering/patch repairs over asphalt with solar reflective paint.	Poor condition	Replace	inc.
	8	Shallow pitched	Profiled metal sheet	Poor condition. Worn surface coverings and corroded.	Replace	£13,978
<b>ELEVATIONS</b>						
<b>West Elevation (inc. south elevation IDH)</b>						
External plumbing	1	Gutters & dp's	PVC	Bleached by sunlight but serviceable in short term.	Replace.	£4,104
	1b	Gutters & dp's	PVC	Bleached by sunlight. Some ad-hoc remade joints but serviceable in short term.	Replace.	inc.
	1a	Gutters & dp's	Asbestos cement gutters.	Poor condition. Stained at joints, corroded fixings, surface damage.	Replace.	£1,860
	1a	Gutters & dp's	PVC downpipes.	Bleached by sunlight but serviceable in short term.	Replace.	inc.
	6	Gutters & dp's	Asbestos cement gutters.	Poor condition. Stained at joints, corroded fixings, surface damage.	Replace.	inc.
	6	Gutters & dp's	PVC downpipes.	Bleached by sunlight but serviceable in short term.	Replace.	inc.
	2	Gutters & dp's	Asbestos cement gutters.	Poor condition. Stained at joints, corroded fixings, surface damage.	Replace.	£1,546
	2	Gutters & dp's	PVC downpipes.	Bleached by sunlight but serviceable in short term.	Replace.	inc.
	IDH	Gutters & dp's	Asbestos cement gutters and downpipes.	Poor condition. Stained at joints, corroded fixings, surface damage. Missing downpipe.	Replace.	£2,376
	IDH	Foul/waste	Mixture of PVC and cast iron downpipes, hoppers and branch pipes.	Poor condition. Corroded cast iron. Bleached PVC. Vegetation/blockage.	Replace.	
External walls 1			Fair faced brickwork and clay tile eills/cappings.	Satisfactory but localised damage.	Localised brick/pointing repairs.	£500
	1b		Fair faced brickwork and clay tile eills/cappings.	Satisfactory but localised damage.	Localised brick/pointing repairs.	£500
	1a		Pebble dash finish to concrete blockwork.	Satisfactory but localised damage.	Localised repairs.	£500
	6		Pebble dash finish to concrete blockwork.	Satisfactory but localised damage.	Localised repairs.	£500
	2		Pebble dash finish to concrete blockwork.	Satisfactory but localised damage.	Localised repairs.	£500
	IDH		To west elevation, fair faced brickwork and clay tile eills.	Satisfactory but localised damage.	Localised brick/pointing repairs.	£1,000
	IDH		To south elevation, sand cement render to low level, vertically hung clay plain tiles above.	Rendering soiled but satisfactory. Clay hung tiling missing and damaged in several areas and fixings appear in poor condition.	Replace hung tiling.	£5,000
External Joinery	IDH		Entrance porch with timber shiplap weatherboarding.	Satisfactory but localised damage.	Localised repair/replacement.	£250
	1	Windows	Double glazed PVCu casements.	Satisfactory.	Routine overhaul/clean.	£100
	1b	Windows	Single glazed painted metal casements.	Poor condition.	Replace with modern equivalent.	£1,000
	1b	Windows	Double glazed PVCu casements.	Satisfactory.	Routine overhaul.	£50
	1b	Fascias	Timber fascias.	Poor condition.	Repair/redecorate.	£200
	1b	Garage door	Powder coated metal roller shutter door.	Soiled but serviceable condition.	Routine overhaul/clean.	£150
	1b	External door	Painted flush timber door in north flank.	Deteriorating.	Repair/redecorate/overhaul or replace.	£500
	1a	External door	Painted flush timber door.	Deteriorating.	Repair/redecorate/overhaul or replace.	£500
	6	External door	Double glazed PVCu.	Satisfactory.	Routine overhaul.	£50

Representations on behalf of Dukesfield Properties Ltd  
to Appendix A Site Allocations DPD Regulation 19 Version

	2	External door	Double glazed PVCu.	Satisfactory.	Routine overhaul.	£50
	2	Garage door	Powder coated metal roller shutter door.	Not visible during inspection.	Routine overhaul/clean.	£150
	IDH	Windows	Double glazed PVCu casements.	Satisfactory.	Routine overhaul.	£200
	IDH	External door	Painted flush timber door.	Deteriorating.	Repair/redecorate/ overhaul or replace.	£500
	IDH	Fascias	Timber fascias.	Poor condition.	Repair/redecorate.	£250
<b>North Elevation</b>						
External plumbing	5 (Store)	Gutters & dp's	PVC	Bleached by sunlight, sagging and lacking brackets. but serviceable in short term.	Replace.	£671
	IDH	Gutters & dp's	Asbestos cement gutters and downpipes.	Poor condition. Stained at joints, corroded fixings, surface damage.	Replace.	inc.
	3	Gutters & dp's	PVC	Bleached by sunlight, sagging and lacking brackets. but serviceable in short term.	Replace.	£2,761
	5	N/A				
External walls 5 (Store)			Brick base walls/piers and timber fencing panel walls.	Adequate for type.	Loclised repairs.	£200
	IDH		Painted brickwork.	Poor condition. Deteriorating pointing/paintwork and patch infill/repairs.	Localise brickwork repair/redecoration.	£1,000
	3		Painted brickwork.	Poor condition. Deteriorating pointing/paintwork and water damage staining to west flank.	Localise brickwork repair/redecoration.	£500
	5		Painted blockwork.	Poor condition. Deteriorating pointing/paintwork. Corroded steel lintel.	Localised pointing repair, redecoration and steel treatment.	£1,000
External Joinery	5 (Store)	Garage doors	Painted timber side hung/part glazed doors.	Poor condition. Flaking paintwork, localised patch repairs.	Replace/extensive repair.	£500
	IDH	Windows	Double glazed PVCu casements.	Satisfactory.	Routine overhaul.	£50
	3	Garage door	Powder coated metal roller shutter door.	Satisfactory.	Routine overhaul/clean.	£150
	5	Windows	Single glazed painted metal casements.	Poor condition.	Replace with modern equivalent.	£2,000
<b>East Elevation (not inc. east of Unit 1)</b>						
External plumbing	5	N/A				
	4	N/A				
	WC's	N/A				
	8	Gutters & dp's	PVC guttering and downpipes.	Sections of guttering missing.	Replace.	£1,316
	All	Gutters & dp's	Asbestos cement guttering and downpipes serving high level pitched roofs 3 & 4.	Poor condition. Stained at joints, corroded fixings, surface damage. Missing portion centrally. Gutter appears lined internally as repair.	Replace.	inc.
External walls 5			Painted blockwork.	Generally satisfactory.	Redecoration.	£750
	4		Painted concrete.	Flaking paintwork.	Redecoration.	£100
	WC's		Fair faced brickwork. Painted concrete parapet to flat roof.	Minor damage/deterioration and flaking paintwork. Crumbling/spalled bricks to parapet.	Localised repair and redecoration.	£1,000
	8		Pebble dash finish to concrete blockwork.	Satisfactory but localised damage.	Localised repairs.	£500
	All		Fair faced brickwork to high level wall beneath pitched roofs 3 & 4.	Limited inspection. Generally worn but adequate.	Localised repairs.	£500
External Joinery	5	Garage door	Powder coated metal roller shutter door.	Satisfactory.	Routine overhaul/clean.	£150
	5	Windows	Single glazed painted metal casements.	Poor condition.	Replace with modern equivalent.	£1,000
	4	Garage door	Powder coated metal roller shutter doors.	Satisfactory.	Routine overhaul/clean.	£150
	WC's	Windows	Single glazed painted metal casements.	Poor condition.	Replace with modern equivalent.	£3,500
	8	Cladding	PVC weatherboarding to sides of entrance.	Indented, scuffed and marked.	Replace.	£500
	All	Windows	Single glazed painted timber windows above lower roof surfaces. Mixture of fixed glazing and louvres. Some blanking panels.	<b>Worn and deteriorating in placed. Soiled. Blanking panels with</b> redundant flue/extract holes in placed.	Overhaul/repair or replace.	£7,500
<b>South Elevation (inc. east of Unit 1)</b>						
External plumbing	1c	N/A				
	1	Gutters & dp's	Asbestos cement guttering and downpipes serving high level pitched roofs 3 & 4.	Poor condition. Stained at joints, corroded fixings, surface damage. Missing portion centrally. Gutter appears lined internally as repair.	Replace.	inc.
External walls 1c			Pebble dash finish to concrete blockwork.	Satisfactory generally. Cracking and displaced blockwork above DPC and to right hand side of access doorway due to assumed impact damage.	Localised repairs and investigate.	£1,500
	1		Pebble dash finish to concrete blockwork.	Satisfactory generally.	Loclised repair.	£250
External Joinery	1c	Garage door	Galvanised steel vertical concertina garage doors.	Satisfactory generally. Worn/soiled. Localised corrosion.	Routine overhaul/clean.	£150
	1	Windows	Single glazed painted metal window.	Worn and deteriorating.	Overhaul/repair or replace.	£1,000
	1	Garage door	Galvanised steel roller shutter door.	Satisfactory generally.	Routine overhaul/clean.	£150
	1	Door	Painted flush timber door.	Satisfactory generally.	Redecorate.	£100
	1	Windows	Double glazed PVCu casement.	Satisfactory generally.	Routine overhaul.	£50
	1	Miscellaneous	Painted timber/OSB panels/infill to gable glazing.	Satisfactory generally.	Redecorate.	£100
<b>SURROUNDINGS</b>						
West side			Tarmacadam surface to parking/circulation generally. Some concrete aprons to units. Borders/verges and some surrounding additional parking of stone chippings on packed earth.	Satisfactory generally.	General removal of overgrown weeds/vegetation.	£1,500



Representations on behalf of Dukesfield Properties Ltd  
to Appendix A Site Allocations DPD Regulation 19 Version

North side		Tarmacadam surface to parking/circulation generally. Some concrete aprons to units. Borders/verges and some surrounding additional parking of stone chippings on packed earth.	Satisfactory generally.	General removal of overgrown weeds/vegetation.	inc.
East side		Tarmacadam surface to parking/circulation generally. Some concrete aprons to units. Borders/verges and some surrounding additional parking of stone chippings on packed earth.	Satisfactory generally.	General removal of overgrown weeds/vegetation.	inc.
South side		Tarmacadam surface to parking/circulation generally. Some concrete aprons to units. Borders/verges and some surrounding additional parking of stone chippings on packed earth.	Satisfactory generally. Some potholes to tarmacadam.	Localised repair/infill. General removal of overgrown weeds/vegetation.	inc.
<b>INTERNALLY</b>					
<b>Unit 1</b>					
Ceilings		Exposed underside to asbestos roof panels in workshop area.	Soiled but sound. Heavily discoloured rooflights.	Clean surfaces. Rooflight replacement with roof coverings.	N/A.
		Painted, plaster skimmed plasteboard skellings in offices.	Satisfactory condition.	Redecorate.	£500
		Painted steel roof trusses.	Surface corrosion and deteriorating paintwork.	Treat corrosion and redecorate.	£2,000
Walls		Brick and block walls with combination of paint finish and painted board linings.	No significant defects for type. Board linings suspected to be concealing poor condition masonry.	Redecorate/minor localised repairs/making good.	£2,000
Floor		Ground bearing concrete slab with concrete floor screed and proprietary floor paint finish.	Localised fractures to screed. Floor paint generally worn away.	Cut out and make good cracking. Renew epoxy floor paint.	£4,902
		Vehicle rollers bedded into floor slab.	Tenant specific fitting.	Remove and make good.	£1,500
Joinery		Carpet floor tile finish in office area.	Soiled and marked carpet tiles.	Replace.	£500
		Basic softwood linings/doors to ancillary areas to workshop area.	Poor condition. Damaged/soiled.	Renew/repair/redecorate	£1,000
Services		Varnished timber linings/doors to office area.	Satisfactory condition.	Clean/redecorate.	£150
		Laminated timber base unit and countertop with s/steel sink to tea point in workshop area.	Poor condition. Damaged, soiled.	Replace.	£750
		Suspended fluorescent lighting. Electrical distribution in surface conduit to mixture of plastic and metal surface fixed socket outlets and switches and wall mounted fan heaters.	Soiled/dated. Missing conduit covers and service cupboard covers.	Testing/inspection. Allowance for upgrade/repair.	£7,500
		Surface run water supply pipework, combination of plastic and copper.	Poorly clipped in areas.	Testing/inspection. Allowance for overhaul.	£1,000
		Porcelain WC and plastic fittings.	Serviceable condition.	Clean.	£150
		Floor mounted gas boiler/heater in workshop area.		Testing/inspection. Allowance for service.	£500
<b>Unit 1A</b>					
Ceilings		Exposed underside to asbestos roof panels in workshop area.	Soiled but sound. Heavily discoloured rooflights.	Clean surfaces. Rooflight replacement with roof coverings.	N/A
		Redundant extract flue through ridge.	Evidence of leakage.	Remove with replacement roof coverings.	N/A
Walls		Brick and block walls with combination of paint finish and painted board linings.	No significant defects for type. Board linings suspected to be concealing poor condition masonry.	Redecorate/minor localised repairs/making good.	£2,000
		Painted steel frame.	Surface corrosion and deteriorating paintwork.	Treat corrosion and redecorate.	£1,000
Floor		Ground bearing concrete slab with concrete floor screed and proprietary floor paint finish.	Localised fractures to screed. Floor paint generally worn away.	Cut out and make good cracking. Renew epoxy floor paint.	£4,654
Joinery		Basic softwood linings/doors to ancillary areas to workshop area.	Poor condition. Damaged/soiled.	Renew/repair/redecorate	£500
Services		Suspended fluorescent lighting. Electrical distribution in surface conduit to mixture of plastic and metal surface fixed socket outlets and switches and wall mounted fan heaters.	Soiled/dated. Missing conduit covers and service cupboard covers.	Testing/inspection. Allowance for upgrade/repair.	£5,000
		Surface run water supply pipework, combination of plastic and copper.	Poorly clipped in areas.	Testing/inspection. Allowance for overhaul.	£1,000
<b>Unit 1B</b>					
Ceilings		Painted boarded skellings.	Marked and damaged and areas of staining and mould growth from water penetration.	Strip and renew.	£1,826
		Concealed steel frame boxed in in areas of damp staining.	Condition unknown.		N/A
Walls		Painted boarded linings to walls/partitions.	Marked and damaged and areas of staining and mould growth from water penetration.	Strip and renew.	£2,500
Floor		Ground bearing concrete slab with floor tiles and proprietary floor paint.	Fractures in floor screed in places. Floor paint and tiling in poor condition.	Cut out and make good cracking. Strip and renew floor finishes.	£1,141
Joinery		Painted softwood door linings/flush hollow core timber door.	Marked and damaged.	Replace.	£200
Services		Suspended fluorescent lighting. Electrical distribution in surface conduit to mixture of plastic and metal surface fixed socket outlets and switches and wall mounted fan heaters.	Soiled/dated. Missing conduit covers and service cupboard covers.	Testing/inspection. Allowance for upgrade/repair.	£2,000
<b>Unit 1C</b>					
Ceilings		Exposed underside to asbestos roof panels in workshop area.	Soiled but sound. Heavily discoloured rooflights.	Clean surfaces. Rooflight replacement with roof coverings.	N/A
		Exposed steel frame.	Surface corrosion and soiled finishes.	Clean, treat corrosion and redecorate.	£2,500

Representations on behalf of Dukesfield Properties Ltd  
to Appendix A Site Allocations DPD Regulation 19 Version

Unit 2	Walls	Painted brickwork. Board linings in part.	Soiled and flaking paintwork.	Redecoration. Remove board linings.	£1,500
	Floor	Ground bearing concrete slab with concrete floor screed and proprietary floor paint finish.	Localised fractures to screed. Floor paint generally worn away.	Cut out and make good cracking. Renew epoxy floor paint.	£2,043
	Joinery	Timber frame mezzanine store and access stair. Painted timber flush panel door and painted timber architraves/linings to WC/Tea-point.	Not compliant with Building Regulations. Satisfactory but marked/scuffed.	Replace or remove. Redecorate/overhaul.	£2,000 £250
		Basic timber base frame/countertop and wall unit with sink to tea-point.	Soiled and deteriorating.	Replace.	£250
	Services	Suspended fluorescent lighting. Electrical distribution in surface conduit to mixture of plastic and metal surface fixed socket outlets and switches and wall mounted fan heaters.	Soiled/dated. Missing conduit covers and service cupboard covers.	Testing/inspection. Allowance for upgrade/repair.	£2,000
		Floor mounted oil boiler/heater in workshop area.		Testing/inspection. Allowance for service. Clean/overhaul.	£500 £150
		Porcelain WHB and WC with encased cistern.	Soiled but serviceable.		
	Ceilings	Exposed underside to asbestos roof panels in workshop area.	Soiled but sound. Heavily discoloured rooflights.	Clean surfaces. Rooflight replacement with roof coverings.	N/A
		Painted, plaster skimmed plasterboard ceilings in office/reception.	Satisfactory condition.	Redecorate.	£100
		Steel roof purlins.	Surface corrosion and staining.	Treat corrosion and clean.	£1,000
		Painted exposed woodwool slab to rear beneath flat roof.	Some discolouration and damage.	Anticipated need for replacement with roof coverings.	£1,000
	Walls	Painted block walls. Painted board linings to partitions in office/reception.	Marked and soiled, localised damage.	Redecorate/minor localised repairs/making good.	£3,000
	Floor	Ground bearing concrete slab with concrete floor screed and proprietary floor paint finish.	Localised fractures to screed. Floor paint generally worn.	Cut out and make good cracking. Renew epoxy floor paint.	£2,348
		Vehicle rollers/lift well bedded into floor slab.	Tenant specific fitting.	Remove and make good.	£1,500
	Joinery	Basic softwood linings/doors to ancillary areas to workshop area.	Serviceable condition. Marked/soiled.	Repair/redecorate.	£200
		S/steel sink/drainage to tea-point.	Corroded.	Replace.	£200
	Services	Suspended fluorescent lighting. Electrical distribution in surface conduit to mixture of plastic and metal surface fixed socket outlets and switches and wall mounted convactor heaters.	Soiled/dated. Missing conduit covers and service cupboard covers.	Testing/inspection. Allowance for upgrade/repair.	£2,000
		Surface run water supply pipework, combination of plastic and copper.	Poorly clipped in areas.	Testing/inspection. Allowance for overhaul.	£1,000
		Porcelain WC and plastic fittings.	Serviceable condition.	Clean.	£100
		Floor mounted gas boiler/heater in workshop area.		Testing/inspection. Allowance for service.	£500
Unit 3	Ceilings	Suspended open grid ceiling with large format laminated ceiling tiles/panels beneath pitched roof coverings.	Damaged/distorted ceiling panels and grid in various places.	Replace ceiling.	£5,356
		Painted insitu cast concrete soffit beneath flat roof area.	Decorations satisfactory.	Redecorate.	£100
		Exposed painted steel frame in areas.	Surface corrosion.	Treat corrosion and redecorate.	£1,000
	Walls	Painted plasterboard ceiling to ancillary areas.	Satisfactory.	Redecorate.	£100
		Painted brickwork and blockwork.	General satisfactory condition.	Redecorate. Localised repairs.	£2,000
	Floor	Ground bearing concrete slab with concrete floor screed and proprietary floor paint finish.	High level damp staining to west flank. Localised fractures to screed. Floor paint generally worn.	Clean, repaint, repair. Cut out and make good cracking. Renew epoxy floor paint.	£1,000 £3,348
	Joinery	Timber laminate flooring in ancillary areas. Basic softwood linings/doors to ancillary areas to workshop area.	Poor condition. Serviceable condition. Marked/soiled.	Replace. Repair/redecorate.	inc. £250
	Services	Suspended fluorescent lighting. Electrical distribution in surface conduit to mixture of plastic and metal surface fixed socket outlets and switches and wall mounted convactor heaters.	Soiled/dated. Missing conduit covers and service cupboard covers.	Testing/inspection. Allowance for upgrade/repair.	£2,500
		Surface run water supply pipework, combination of plastic and copper.	Poorly clipped in areas.	Testing/inspection. Allowance for overhaul.	£1,000
		Porcelain WC and plastic fittings.	Serviceable condition.	Clean.	£100
Unit 4	Ceilings	Suspended open grid ceiling with large format laminated ceiling tiles/panels beneath pitched roof coverings.	Damaged/distorted ceiling panels and grid in various places.	Replace ceiling.	£1,752
		Exposed painted steel frame in areas.	Surface corrosion.	Treat corrosion and redecorate.	£500
		Mineral fibre ceiling tile open grid suspended ceiling to office area beneath flat roof.	Soiled and deteriorating.	Replace ceiling.	£840
	Walls	Painted brickwork and blockwork.	Marked and soiled by generally satisfactory condition.	Redecorate. Localised repairs.	£1,000
		Studwork and plasterboard partitions in office area.	Marked and soiled by generally satisfactory condition.	Redecorate. Localised repairs.	£500
	Floor	Ground bearing concrete slab with concrete floor screed and proprietary floor paint finish.	Localised fractures to screed. Floor paint generally worn.	Cut out and make good cracking. Renew epoxy floor paint.	£2,100
	Joinery	Basic softwood linings/doors to ancillary areas to workshop area.	Serviceable condition. Marked/soiled.	Repair/redecorate.	£200



Representations on behalf of Dukesfield Properties Ltd  
to Appendix A Site Allocations DPD Regulation 19 Version

Unit 5	Services	Suspended fluorescent lighting. Electrical distribution in surface conduit to mixture of plastic and metal surface fixed socket outlets and switches and wall mounted convector heaters.	Soiled/dated. Missing conduit covers and service cupboard covers.	Testing/inspection. Allowance for upgrade/repair.	£1,500	
		Surface run water supply pipework, combination of plastic and copper.	Poorly clipped in areas.	Testing/inspection. Allowance for overhaul.	£500	
	Ceilings	Painted fibre boarding beneath flat roof structure on north elevation.	Damaged and loose. Generally poor condition.	Replace.	£1,500	
		Open grid suspended ceiling with large tiles to ceiling at higher level.	Damaged and missing sections. Generally poor condition.	Replace.	£2,280	
		Exposed woodwool slab soffit to flat roof on east elevation.	Discoloured/stained, areas of damage.	Redecorate but anticipate replacement with flat roof renewal.	£1,000	
		Painted fibre ceiling tiles to office area.	Fair condition generally. Stained tile in corner from roof leak.	Repair/redecorate.	£500	
	Walls	Painted brickwork and blockwork.	Marked and soiled. Otherwise satisfactory.	Redecorate.	£2,000	
			Stepped diagonal cracking in west dividing wall near entrance.	Cut out and repair.	£500	
	Floor	Ground bearing concrete slab with concrete floor screed and proprietary floor paint finish.	Localised fractures to screed. Floor paint generally worn.	Cut out and make good cracking. Renew epoxy floor paint.	£3,800	
	Joinery	Carpet tiles to office area.	Marked/soiled in places but otherwise satisfactory.	Clean/replace.	inc.	
	Painted timber flush panel doors and frames/linings.	Marked and soiled and generally poor condition.	Repair/overhaul/redecorate or replace.	£300		
	Plain ply sheet panels fixed in front of high level glazing.		Remove. Anticipate repairs required behind.	£500		
Services	Suspended fluorescent lighting. Electrical distribution in surface conduit to mixture of plastic and metal surface fixed socket outlets and switches and wall mounted convector heaters.	Soiled/dated. Missing conduit covers and service cupboard covers.	Testing/inspection. Allowance for upgrade/repair.	£2,000		
	Surface run water supply pipework, combination of plastic and copper.	Poorly clipped in areas.	Testing/inspection. Allowance for overhaul.	£500		
	Porcelain WHB, WC and plastic cistern.	Serviceable but discoloured.	Clean/replace.	£500		
	Uninsulated copper hot water cylinder in WC's area.	Dated/soiled/marked and uninsulated.	Replace.	£750		
Unit 5 Store	Ceilings	Part foil insulation lined flat roof structure, part exposed joists/OSB decking.	Damaged/missing finish.	Replace.	£100	
	Walls	Painted brickwork. Painted board linings in areas.	Marked and soiled. Damaged board linings.	Replace linings/redecorate.	£1,000	
	Floor	Ground bearing concrete slab with concrete floor screed and proprietary floor paint finish.	Localised fractures to screed. Floor paint generally worn.	Cut out and make good cracking. Renew epoxy floor paint.		
	Joinery	N/A			N/A	
Services	Loosely bundled/clipped electrical distribution cabling to surface mounted fittings in placed.		Testing/inspection. Allowance for upgrade/repair.	£250		
	Unit 6	Ceilings	Underside of mezzanine joists/decking.		N/A	
		Walls	Painted blockwork.	Marked/soiled.	Redecorate.	£500
		Floor	Ground bearing concrete slab with concrete floor screed and proprietary floor paint finish.	Localised fractures to screed. Floor paint generally worn.	Cut out and make good cracking. Renew epoxy floor paint.	£770
Joinery		N/A			N/A	
Services	Suspended fluorescent lighting. Electrical distribution in surface conduit to mixture of plastic and metal surface fixed socket outlets and switches and wall mounted convector heaters.	Soiled/dated. Missing conduit covers and service cupboard covers.	Testing/inspection. Allowance for upgrade/repair.	£500		
	Unit 8	Ceilings	Exposed underside of powder coated profiled metal sheet roofing.	Clean, or renewed with roof coverings.	N/A	
			Support structure inadequate and provided with adhoc additional support.	Improve structural support framework.	£2,000	
		Walls	Painted blockwork and painted board linings.	Redecorate.	£1,000	
Floor		Ground bearing concrete slab with concrete floor screed and proprietary floor paint finish.	Localised fractures to screed. Floor paint generally worn.	Cut out and make good cracking. Renew epoxy floor paint.	£2,496	
Joinery	N/A			N/A		
	Services	Suspended fluorescent lighting. Electrical distribution in surface conduit to mixture of plastic and metal surface fixed socket outlets and switches and wall mounted convector heaters.	Soiled/dated. Missing conduit covers and service cupboard covers.	Testing/inspection. Allowance for upgrade/repair.	£500	
	WC Block N	Ceiling	Painted woodwool slab beneath flat roof.	Soiled/marked but generally sound. Localised areas of damage/deterioration caused by leaks.	Repairs and redecoration, or replaced with flat roof.	£1,000
		Walls	Painted brickwork and blockwork.	Soiled and marked.	Redecorate.	£750
Floor		Ground bearing concrete slab with quarry tile and floor paint finish.	Soiled and damaged.	Clean/take up repair/replace/redecorate.	£1,000	
Joinery		Painted timber door linings/doors.	Soiled and damaged.	Repair/overhaul/redecorate or replace.	£500	

Representations on behalf of Dukesfield Properties Ltd  
to Appendix A Site Allocations DPD Regulation 19 Version

WC Block 5	Services	Suspended fluorescent lighting. Electrical distribution in surface conduit to mixture of plastic and metal surface fixed socket outlets and switches and wall mounted convector heaters.	Soiled/dated. Missing conduit covers and service cupboard covers.	Testing/inspection. Allowance for upgrade/repair.	£250
		Surface run water supply pipework, combination of plastic and copper.	Poorly clipped in areas.	Testing/inspection. Allowance for overhaul.	£250
		Porcelain WCs, wall urinals, WHB's.	Soiled and dated.	Replace.	£750
	Ceiling	Painted woodwool slab beneath flat roof. Painted plasterboard in areas.	Soiled/marked. Localised areas of damage/deterioration caused by leaks.	Replace board ceilings. Redecorate.	£2,000
	Walls	Painted brickwork and blockwork.	Heavily corroded steel lintel/beam. Soiled and marked. Heavily in places.	Cut and and replaced. Make good and redecorate.	£250 £1,500
	Floor	Ground bearing concrete slab with quarry tile and floor paint finish.	Soiled and marked.	Clean/take up repair/replace/redecorat e.	£2,000
	Joinery	Painted timber door linings/doors.	Soiled and damaged.	Repair and redecorate.	£750
	Services	Suspended flourescent lighting. Electrical distribution in surface conduit to mixture of plastic and metal surface fixed socket outlets and switches and wall mounted convector heaters.	Soiled/dated. Missing conduit covers and service cupboard covers.	Testing/inspection. Allowance for upgrade/repair.	£500
		Surface run water supply pipework, combination of plastic and copper.	Poorly clipped in areas.	Testing/inspection. Allowance for overhaul.	£500
		Porcelain WCs, wall urinals, WHB's.	Soiled.	Overhaul/clean or replace.	£1,500
IDH GF Office					
	Ceiling	Plasterboard, plaster skim and paint.	Marked/soiled and damaged.	Make good/redecorate.	£1,500
	Walls	Masonry and studwork, plaster/plasterboard and painted. Tiling to WHB splashback.	Damaged finishes, soiled/marked throughout.	Make good/renew linings/redecorate.	£2,000
	Floor	Concrete ground floor slab with timber laminate flooring.	Timber flooring in poor condition.	Replace.	£1,500
	Joinery	Painted timber door linings, architraves, skirtings and doors.	Damaged, missing and soiled to varying degrees.	Reinstate/replace/redeco rate.	£1,000
	Services	Limited ceiling light fittings. Surface conduit to distribution cabling. Surface fixed socket outlets/switches.	Marked and damaged in places. Limited provision.	Testing/inspection. Allowance for upgrade/repair.	£1,000
IDH 1F Flat		Porcelain WC and WHB with laminated timber vanity unit.	Soiled and deteriorating.	Replace.	£750
	Ceiling	Board finish with textured paper/paint lining.	Cracking to joints, uneven finish, localised damage and staining.	Replace areas, make good/decorate.	£2,500
	Walls	Masonry and studwork, plaster/plasterboard and painted. Tiling to kitchen splashback and bathroom.	Soiled/marked.	Redecorate.	£2,000
	Floor	Suspended timber with laminate timber flooring and carpet.	Flooring worn and marked/soiled and damp stained in areas.	Replace flooring.	£1,000
	Joinery	Painted timber door linings, architraves, skirtings and doors.	Marked and scuffed but serviceable condition generally.	General overhaul/repair/redecora te.	£500
	Services	Wall and base units to kitchen.	Serviceable but dated and in need of overhaul.	Replace.	£5,000
		Ceiling mounted light fittings, surface socket outlets/switches, distribution in miniconduit. Electric radiators/fan heaters.	Marked/soiled. Exposed cabling in areas and switched fused spur to radiator behind cooker/hob.	Testing/inspection. Allowance for upgrade/repair.	£1,000
		Uninsulated copper hot water cylinder, copper distribution pipework.	No leaks. Cylinder dated. Wiring to element exposed.	Testing/inspection. Allowance for upgrade/repair.	£1,000
		Bath and shower screen, WC, WHB.	Sanitaryware soiled and marked but serviceable.	Replace.	£2,000
Sub Total					£452,190
SCAFFOLD ACCESS					
	Externally	External scaffold access for re-roofing and guttering replacement throughout.			£50,000
	Internally	Internal scaffold access/protection for re-roofing and high level internal work.			£20,000
Sub Total					£522,190
CONTRACTOR'S PRELIMINARIES					
	Overheads	Main contractor's overheads and profit at 15%.			£78,329
Sub Total					£600,519
GENERAL CONTINGENCY SUM					
		Calculated at 10% of contract sum.			£60,052
ESTIMATED WORKS COST TOTAL					£660,571
PROFESSIONAL FEES					
		Calculated at 10% of the works cost.			£66,057
OVERALL TOTAL (exc. VAT)					£726,628

- 11.02 *We include within Appendix 5 a Summary schedule of general repairs found to be necessary, together with budget cost estimates.*
- 11.03 *We highlight that in undertaking certain types of general maintenance, the requirement to comply with current Building Regulations will increase the specification and cost of the works required, and an allowance for this is included in the scheduled repairs.*
- 11.04 *For ease of reference we note that estimated cost of repair including professional fees and general contingency sum is £727,000, exclusive of VAT.*
- 11.05 *We would point out that the list is not exhaustive, and there is the possibility that further investigations will uncover other elements of the structure that require attention.*
- 11.06 *We have not included the cost of further investigations such as an asbestos survey or fire risk assessment in our repair costs.*
- 11.07 *We have included an allowance for removal of assumed asbestos when required for the repairs identified, and for upgrade of fire alarms and emergency lighting as part of electrical improvement costs.*
- 11.08 *We have not made allowance for upgrade/renewal of incoming utilities supplies to the site and individual units."*  
(my emphasis)

### ***C. Valuation Report***

- 5.08 A separate report was prepared by Vail Williams Chartered Surveyors on the valuation of the freehold interest of the Ivy Dene Industrial Estate. It considered (i) the value of the Ivy Dene Industrial Estate achieved through a refurbishment of the existing building catering for prospective Class B1/B2 commercial tenants; (ii) a separate scenario assuming the redevelopment of the site to create modern Class B1 and B2 accommodation in a way which reflects the requirements of Policy ASW16 of the "made" Ashurst Wood Neighbourhood Plan 2015-2031; and (iii) a possible scheme involving the redevelopment of the same land for Class B1(a) office purposes.

- 5.09 The Vail Williams report<sup>2</sup> dated 10 September 2020 firstly considered a possible refurbishment of the existing buildings occupying the Ivy Dene Industrial Estate. An assessment of the existing value, based on its rental value; investor purchaser value and owner/occupier purchaser value was undertaken, before examining its refurbished value. In what is termed Valuation Scenario 1 – Refurbishment of Existing Buildings, the report concluded:-

*“Refurbished Value*

- 10.6 *The basis of valuation does not assume an improvement to the specification or configuration of the property but considers the existing accommodation put into good repair and decoration to allow its sustained and continued occupation as an industrial estate.*
- 10.7 *We have set out above our opinion of the existing/inherent value of the site which we believe to be in the region of £1,200,000.*
- 10.8 *If the existing accommodation were put into adequate repair, we would not expect a significant increase on this inherent value. Current occupancy levels are already high even in current condition, and the estate would continue to suffer from its access, configuration and lack of prominence. Furthermore, improving the condition of the estate would not improve its specification beyond the basic industrial/commercial accommodation it currently comprises. We believe that an improved capital rate in the order of £80 psf may be achievable which, on a similar basis to 10.5.4 above, provides a valuation of the estate if refurbished of say £1,400,000. This is an increase in capital value of only £200,000.*
- 10.9 *Therefore, subject to the considerations set out in this report, we are of the opinion that the **Market Value** of the freehold interest in the subject property, subject to the Special Assumption of it being refurbished can, as at the date of this report, be fairly stated to be £1,400,000.*
- 10.10 *The building survey carried out by Gould & Company suggests a cost of £730,000 in order to put the subject property in good repair. As will be noted from our valuations above, it does not follow that carrying out £730,000 of repair works improves the value of the subject property by the same denomination. The property as existing, despite its condition, has an inherent value which we have discussed at 10.4.5 above. Even with £730,000 expended, the estate newly refurbished does not benefit from a significant increase above this inherent value.*

---

<sup>2</sup> Extracts in bold type taken from Vail Williams Valuation Report are those of the authors and not this practice.

- 10.11 *We therefore do not consider that any potential buyer would seek to purchase the estate on the basis of undertaking a programme of refurbishment. A cost of £730,000 to secure a minimal, say £200,000 gain in capital value is clearly uneconomic.*
- 10.12 *Similarly, we do not consider that an investor purchaser seeking to refurbish the estate could expect any improvement in rental value on completion of works. At 10.3.4 we have set out our rental valuation of the subject property, confirming that we consider the current rent passing to be its Market Rent. This rental value is higher than much of the comparable evidence we have identified on a Epsf basis due to the nature of flexible tenancies in place and the lack of planning restrictions on the estate which we consider the two strongest attributes of the subject property from a tenant's perspective. A refurbishment programme would not improve either of these factors.*
- 10.13 *It is possible that a refurbishment of the estate would negatively impact rental income. If planning consent were required for any refurbishment works, any new planning conditions imposed may negatively impact tenant demand and rental values. Furthermore, following an investment of £730,000, it seems likely that a landlord would seek to alter tenancy terms to include a sinking fund, more extensive service charge management and/or tighter tenant repairing obligations. We would expect this to affect tenant demand and rental values from current levels.*

### **Conclusion**

- 10.14 *The subject property has inherent value in its existing use which we believe to be in the order of £1,200,000. We consider that most purchaser interest would be from investors having regard to the attractive level of yield the current income stream provides underpinned by longer term residential development potential.*
- 10.15 *As demonstrated above, interest from potential buyers of the estate on the basis of refurbishing the existing accommodation is unlikely to be forthcoming. Not only would such a refurbishment, whilst being a considerable expense in addition to the purchase price of the estate, only nominally increase the capital value of the property, it would at best only retain rental income at current levels and may have a negative impact.*
- 10.16 *We are therefore of the view that a refurbishment programme is uneconomic and would not support interest in the estate from potential purchasers."*

- 5.10 In considering Valuation Scenario 2 - Redevelopment of the Site for Class B1 and B2 Industrial Accommodation, Vail Williams report stated:



- “12.1 Our second basis of valuation assumes a redevelopment of the site to create modern industrial/warehouse accommodation.
- 12.2 We note that any redevelopment is required to meet the design standards of ASW16 of the Ashurst Wood Neighbourhood Development Plan and, as such, our appraisal adopts the upper quartile build cost figure of the BCIS for West Sussex of £1,174 psm. We have applied this to the total gross internal floor area of the main block excluding Unit 7 which is a more recent build and would likely be retained by a developer purchaser.
- 12.3 The basis of valuation assumes a redevelopment of the estate to create new industrial units of superior configuration and specification to the existing stock, including minimum eaves heights and loading features competitive with neighbouring estates. Each unit must fall within the configuration requirements of Policy ASW26 ie. floor areas of 50-300 sq.m.
- 12.4 Although such a redevelopment would provide a clearer improvement on the existing buildings, the estate would continue to suffer from its access and tertiary location.
- 12.5 Our rental valuation assumes letting by way of commercial full repairing and insuring leases rather than the more flexible tenancies currently in place.
- 12.6 Our opinions of Market Rent and Market Value for the redeveloped estate assuming a range of unit sizes within the requirements of ASW16, are set out in the below table:

Unit	Use	GIA sq.ft	£psf	Market Rent	£psf	Market Value
New 1	Industrial	750	£9.00	£6,750	£160	£120,000
New 2	Industrial	750	£9.00	£6,750	£160	£120,000
New 3	Industrial	750	£9.00	£6,750	£160	£120,000
New 4	Industrial	1,000	£9.00	£9,000	£150	£150,000
New 5	Industrial	1,000	£9.00	£9,000	£150	£150,000
New 6	Industrial	1,000	£9.00	£9,000	£150	£150,000
New 8	Industrial	3,000	£9.00	£27,000	£125	£375,000
New 9	Industrial	3,000	£9.00	£27,000	£125	£375,000
New 10	Industrial	2,757	£9.00	£24,804	£125	£344,000
Existing 7	Industrial	1,801	£8.50	£15,309	£125	£225,125
		15,807		£141,363	£135	£2,129,625

Note: No paragraphs 12.7 and 12.8 appeared in their report

- 12.9 It will be noted that this level of rent is broadly similar to our expectation of rent if the existing stock is refurbished, and below the current rent passing on the estate.
- 12.10 Based on the evidence included in the comparables schedule included as an Appendix to this report, we have arrived at a rental rate against the redeveloped industrial accommodation of £9.00 psf. This is at the higher end of most local industrial lettings for modern stock, but takes account of



*the range of uses on the estate and an element of new build premium for the completed development.*

- 12.11 *We have applied capital rates to the accommodation on the basis that the completed units could be sold individually to occupiers or investors. Given the lack of freehold stock available, we believe there would be good interest in new build industrial units despite the poor access to the estate and its lack of prominence. We have valued by applying a range of capital rates of £125 - £160 psf dependent on size of unit, which is once again supported by the evidence of freehold sales. We have included as Appendix A of this report.*
- 12.12 *Factoring our opinion of total GDV at £2,130,000 into our appraisal, together with redevelopment costs of £1,174 psm and an element of developer's profit at 20% of cost, we arrive at a negative residual site value.*
- 12.13 ***We therefore do not consider a redevelopment scheme of this nature to be viable for the subject property.***

5.11 Valuation Scenario 3 - Redevelopment of Class B1a Use Office Accommodation was the third form of alternative commercial development considered by Vail Williams for the Ivy Dene Industrial Estate. The Chartered Surveyors in evaluating this option said:-

- 13.1 *On the third basis of valuation, which assumes redevelopment to create office units, we have adopted the BCIS median average build cost for office units in West Sussex of £1,936 psm.*
- 13.2 *The office market is in a period of volatility and uncertainty due to changing work patterns as a result of the COVID-19 lockdown. It is therefore difficult to predict office values at present given the lack of transactional evidence. The overriding view of most commentators is that demand for office accommodation is set to reduce and this is likely to lead to a fall in rental and capital values.*
- 14.3 *Having regard to the volatility and uncertainty in the office market presently, we do not consider that redevelopment of the estate to office use would be considered by potential developer/investor purchasers.*
- 13.4 *Nevertheless, based on our knowledge of the local office market, and having regard to the most recent evidence available, we believe that new build office accommodation at the subject location would have a rental value of £16.00 psf and a capital value of £200 psf.*
- 13.5 *Against the total gross internal floor area of the existing accommodation of 1,468 sq.m (15,807 sq.ft), a rental rate of £172 psm (£16 psf) equates to a Market Rent of say, £253,000 per annum. The capital rate of £2,153 psm (£200 psf) provides a total*

*Market Value for the hypothetical office accommodation of say, £3,160,000.*

13.6 *Allowing this GDV of £3,160,000 together with a developer's profit of 20% and a build cost of £1,938 psm, we arrive at a negative residual value.*

12.14<sup>3</sup> *We therefore do not consider a redevelopment scheme of this nature to be viable for the subject property.*

#### ***D. Traffic Generation Analysis***

- 5.12 Vail Williams in their report refer to the current condition of the Ivy Dene Industrial Estate which in their view has poor access arrangements, which in itself has implications when considering the refurbishment of the existing commercial buildings. My clients have employed PFA Consulting, a company of highway consultants, who have prepared a Technical Note which deals with a comparison of traffic movements associated with the lawful use of the site for Class B1/B2 purposes, and its redevelopment with 20 residential units.
- 5.13 The assessment of traffic generation from the existing industrial estate, based on traffic surveys carried out in March 2019 by the same company reveals that the current use generated 25-30 two-way vehicular trips during the highway peak hours, and in the order of 283 two-way vehicular trip over the day. A proposed development with 20 dwellings would potentially generate 10 two-way vehicular trips during the highway peak, and in the order of 94 two-way vehicular trips over the day.
- 5.14 It can be seen that clear benefits can arise in terms of traffic generation, along with improvements to the site, highway safety, should the Ivy Dene Industrial Estate be redeveloped for residential purposes. The reduction in traffic movements are substantial, amounting to 60% during highway peak hours, and 67% over a day, when compared with the existing employment uses taking place on the same land.

## **6.00 CONCLUSIONS**

- 6.01 The previous lawful Class B2 laundry use associated with the site, along with the presence of made up ground, indicates that additional abnormal costs are likely to

---

<sup>3</sup> The paragraph number taken from Vail Williams valuation report is incorrect and should have read 13.7

be incurred in any redevelopment scheme involving the Ivy Dene Industrial Estate. In addition to these costs, it has been demonstrated through a Conditions Report prepared by a local company of Chartered Building Surveyors that in the absence of a Health and Safety Audit, an Asbestos Survey and a Fire Risk Assessment, the cost of refurbishing the buildings to comply with current building regulations standards is prohibitively expensive. Advice has been sought from a local company of Chartered Surveyors which have examined three possible alternatives in utilising the same site for various forms of employment development.

- 6.02 The conclusion to be derived from the reports prepared by the three independent companies is that to retain the Ivy Dene Industrial Estate in the list of existing employment sites set out in Appendix A to the Regulation 19 version of the Site Allocations DPD will not result in a viable alternative employment development for the same land. It follows that consideration should now be given to the redevelopment of the Ivy Dene Industrial Estate for an alternative residential development.
- 6.03 It is for the reasons set out in these representations that the Ivy Dene Industrial Estate, Ivy Dene Lane, Ashurst Wood (SHELAA 182) should be removed from the list of Existing Employment Sites in Appendix A to the Regulation 19 Version of the Site Allocations DPD.

-o0o-

2444

## Site Allocations DPD: Regulation 19 Consultation Response

**Policy:** SA34

**ID:** 2444

**Response Ref:** Reg19/2444/1

**Respondent:** Mr D Frisby

**Organisation:** DMH Stallard LLP

**On Behalf Of:** Crawley Garden Centre

**Category:** Promoter

**Appear at Examination?** ✓

<b>Name</b>	Mr Daniel Frisby
<b>Job title</b>	Associate Planner
<b>Organisation</b>	DMH Stallard LLP
<b>On behalf of</b>	Mr Frank Verbeeten (Crawley Garden Centre)
<b>Address</b>	Origin One 106 High Street Crawley West Sussex RH10 1AS United Kingdom
<b>Phone</b>	01293-605545
<b>Email</b>	daniel.frisby@dmhstallard.com
<b>Which document are you commenting on?</b>	Site Allocations DPD
<b>Sites DPD Policy Number (e.g. SA1 - SA38)</b>	SA34 (and Appendix A)
<b>Do you consider the Site Allocations DPD is in accordance with legal and procedural requirements; including the duty to cooperate</b>	No
<b>(1) Positively prepared</b>	Sound
<b>(2) Justified</b>	Unsound
<b>(3) Effective</b>	Unsound
<b>(4) Consistent with national policy</b>	Sound



**Please outline why you either support or object (on legal or soundness grounds) to the Site Allocations DPD**

These representations have been prepared by DMH Stallard, on behalf of Mr Frank Verbeeten and family, in response to the consultation on the Mid Sussex District Council ("MSDC") Regulation 19 Site Allocations DPD ("SA DPD").

Our client is the owner of the land at, and surrounding, Crawley Garden Centre (SHELAA Site Ref #604) and as such we welcome the protection of existing employment land through Policy SA34: Existing Employment Sites and the identification of Crawley Garden Centre at Appendix A of the SA DPD.

Policy DP1 Sustainable Economic Development of the adopted District Plan sets out that effective use of employment land and premises will be made by;

"Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;

Permitting appropriate intensification, conversion, redevelopment and/or extension for employment uses providing it is in accordance with other policies in the Plan;  
..."

Further to our comments on the Regulation 18 version of the SA DPD we recognise and welcome the inclusion of land that had previously been omitted from the identified area of Crawley Garden Centre. However, we consider that the SA DPD remains unsound as it still does not include all of the land within our Client's ownership including existing storage uses (as shown on the enclosed plan) and a residential dwelling. For the reasons set out below we are of the view that the Policy SA35 and Appendix A are currently not justified nor effective and therefore the SA DPD is unsound. In order to be made sound, we submit that the boundaries of the site as shown in Appendix A should be amended accordingly, increasing the allocation of the site by a further 0.10 hectares in accordance with the enclosed plan.

It is unclear why the entirety of land associated with Crawley Garden Centre has not been identified within Appendix A. The remaining land, not currently included, comprises a previously developed storage use, with the same characteristics as the identified land, and a single dwelling. It is considered that both of these areas should be protected for future employment development under Policy SA34 to allow for further expansion and comprehensive development at Crawley Garden Centre. Whilst it is acknowledged that the dwelling is in residential use, this is clearly non-conforming with the surrounding employment uses and should be protected/allocated for future employment development, to allow for the Site to be addressed comprehensively. Consequently, it is considered that this decision is not justified and the plan should be found unsound, unless amended to include these areas. This would ensure that the full benefits of the identified employment land can be delivered.

In addition and in recognition that DP1 supports the intensification and redevelopment of existing employment sites, the identification of only part of Crawley Garden Centre in Appendix A is not considered to be effective as it would limit any future development proposals and would not allow for an efficient use of land. Consequently, we consider that Policy SA34 and associated Appendix A is not effective. It is considered that in order to be made 'sound', Appendix A should be amended to include all remaining areas within the identified Crawley Garden Centre employment site.

All of the land at Crawley Garden Centre is considered both suitable and sustainably located for employment uses and there are sufficient existing boundaries which allow for the allocation line to be amended. To the north of the site is the APH long term parking facility, woodland falls to the east and west and the A2220 Copthorne Road to the south. The construction of the new APH long term parking facility has altered the surrounding landscape and character of the area. Further employment (existing and proposed) can be found to the north of the APH parking facility. Consequently, the site is entirely surrounded by existing employment uses and is ideally suited for this purpose.

The access to the site has been substantially improved in recent years due to applications 12/01020/FUL for the relocation of the long term off-airport parking company APH and subsequent application (DM/17/4642) for amended access. A right hand ghost island filter lane has been added for traffic turning into the site on the Crawley bound A2220. Improved street lighting has also been installed.

The site is well located in relation to transport links to the local road network, the wider strategic road network through the M23, Gatwick Airport and Crawley, making it an ideal location for continuation and/or intensification of employment uses.

There are a number of bus services with a bus stop directly opposite the site, offering a number of routes including routes to Three Bridges Train Station, including:

272 - Crawley- Brighton  
281 - Crawley - Lingfield  
291 - Crawley - Tunbridge Wells  
400 - East Grinstead - Caterham

Therefore, the site is demonstrably in a sustainable location, with an established employment use and would be suitable for further intensification and redevelopment in accordance with MSDP Policy DP1.

Given that the surrounding area are also in an existing employment use and are suitable and sustainable, it is respectfully requested that the map be amended to include the surrounding employment uses to the area shown red on the enclosed plan at Appendix A of the SA DPD. Without this amendment it is considered that the plan is not justified nor effective and would be unsound.

The enclosed plan also shows our clients further land ownership (land within the blue line), extending beyond the current built form, but which could form part of any future redevelopment of the site at a later date. This area currently comprises a Christmas Tree plantation (no longer needed for the Garden Centre business) with limited ecological or visual merit and would support the wider employment uses at Crawley Garden Centre. It is considered that these areas could also be included within the site boundaries, as shown at Appendix A.

<b>Please set out what change(s) you consider necessary to make the Site Allocations DPD legally compliant or sound, having regard to the reason you have identified at question 5 above where this relates to soundness.</b>	That the Plan at Appendix A to the SA DPD be amended to include all of the land within the red line shown on the attached Plan.
<b>If you wish to provide further documentation to support your response, you can upload it here</b>	<a href="https://forms.midsussex.gov.uk/upload_dld.php?fileid=ed86f03d4fe35edbf3b25f51a95eeee">https://forms.midsussex.gov.uk/upload_dld.php?fileid=ed86f03d4fe35edbf3b25f51a95eeee</a>
<b>If your representation is seeking a change, do you consider it necessary to attend and give evidence at the hearing part of the examination</b>	Yes, I wish to participate at the oral examination
<b>If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary</b>	In order to set out our case for including the omitted areas within the identified Crawley Garden Centre employment site.
<b>Please notify me when-The Plan has been submitted for Examination</b>	yes
<b>Please notify me when-The publication of the recommendations from the Examination</b>	yes
<b>Please notify me when-The Site Allocations DPD is adopted</b>	yes
<b>Date</b>	28/09/2020



Mid Sussex District Council  
Oaklands  
Oaklands Road  
Haywards Heath  
RH16 1SS

Date 21 September 2020  
Your ref Site Ref #604  
Our ref 0704

Dear Sir/Madam,

**Mid Sussex Site Allocations DPD**  
**Crawley Garden Centre, Copthorne Road A2220 Site Ref. #604**  
**On behalf of Mr F Verbeeten**

These representations have been prepared by DMH Stallard, on behalf of Mr Frank Verbeeten and family, in response to the consultation on the Mid Sussex District Council ("MSDC") Regulation 19 Site Allocations DPD ("SA DPD").

Our client is the owner of the land at, and surrounding, Crawley Garden Centre (SHELAA Site Ref #604) and as such we welcome the protection of existing employment land through Policy SA34: Existing Employment Sites and the identification of Crawley Garden Centre at Appendix A of the SA DPD.

Policy DP1 Sustainable Economic Development of the adopted District Plan sets out that effective use of employment land and premises will be made by;

- *"Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;*

Griffin House 135 High Street Crawley West Sussex RH10 1DQ DX DX 57102 Crawley  
Main line 01293 605000 Direct line 0129360 5598 Fax 01293 663520 Email [Fay.Goodson@dmhstallard.com](mailto:Fay.Goodson@dmhstallard.com)

Offices in London, Gatwick, Guildford, Brighton and Horsham. Website [www.dmhstallard.com](http://www.dmhstallard.com)

DMH Stallard LLP is a limited liability partnership registered in England (registered number OC338287). Its registered office is Griffin House, 135 High Street, Crawley, West Sussex, RH10 1DQ and it is authorised and regulated by the Solicitors Regulation Authority. The term partner is used to refer to a member of DMH Stallard LLP. A list of members may be inspected at the registered office. The firm is part of Law Europe and is represented around the world through its international network.



- *Permitting appropriate intensification, conversion, redevelopment and/or extension for employment uses providing it is in accordance with other policies in the Plan;*
- ....”

Further to our comments on the Regulation 18 version of the SA DPD we recognise and welcome the inclusion of land that had previously been omitted from the identified area of Crawley Garden Centre. However, we consider that the SA DPD remains unsound as it still does not include all of the land within our Client’s ownership including existing storage uses (as show on the enclosed plan) and a residential dwelling. For the reasons set out below we are of the view that the Policy SA35 and Appendix A are currently not justified nor effective and therefore the SA DPD is unsound. In order to be made sound, we submit that the boundaries of the site as shown in Appendix A should be amended accordingly, increasing the allocation of the site by a further 0.10 hectares in accordance with the enclosed plan.

It is unclear why the entirety of land associated with Crawley Garden Centre has not been identified within Appendix A. The remaining land, not currently included, comprises a previously developed storage use, with the same characteristics as the identified land, and a single dwelling. It is considered that both of these areas should be protected for future employment development under Policy SA34 to allow for further expansion and comprehensive development at Crawley Garden Centre. Whilst it is acknowledged that the dwelling is in residential use, this is clearly non-conforming with the surrounding employment uses and should be protected/allocated for future employment development, to allow for the Site to be addresses comprehensively. Consequently, it is considered that this decision is not justified and the plan should be found unsound, unless amended to include these areas. This would ensure that the full benefits of the identified employment land can be delivered.

In addition and in recognition that DP1 supports the intensification and redevelopment of existing employment sites, the identification of only part of Crawley Garden Centre in Appendix A is not considered to be effective as it would limit any future development proposals and would not allow for an efficient use of land. Consequently, we consider that Policy SA34 and associated Appendix A is not effective. It is considered that in

order to be made 'sound', Appendix A should be amended to include all remaining areas within the identified Crawley Garden Centre employment site.

All of the land at Crawley Garden Centre is considered both suitable and sustainably located for employment uses and there are sufficient existing boundaries which allow for the allocation line to be amended. To the north of the site is the APH long term parking facility, woodland falls to the east and west and the A2220 Copthorne Road to the south. The construction of the new APH long term parking facility has altered the surrounding landscape and character of the area. Further employment (existing and proposed) can be found to the north of the APH parking facility. Consequently, the site is entirely surrounded by existing employment uses and is ideally suited for this purpose.

The access to the site has been substantially improved in recent years due to applications 12/01020/FUL for the relocation of the long term off-airport parking company APH and subsequent application (DM/17/4642) for amended access. A right hand ghost island filter lane has been added for traffic turning into the site on the Crawley bound A2220. Improved street lighting has also been installed.

The site is well located in relation to transport links to the local road network, the wider strategic road network through the M23, Gatwick Airport and Crawley, making it an ideal location for continuation and/or intensification of employment uses.

There are a number of bus services with a bus stop directly opposite the site, offering a number of routes including routes to Three Bridges Train Station, including:

- 272 – Crawley- Brighton
- 281 – Crawley – Lingfield
- 291 – Crawley – Tunbridge Wells
- 400 – East Grinstead – Caterham

Therefore, the site is demonstrably in a sustainable location, with an established employment use and would be suitable for further intensification and redevelopment in accordance with MSDP Policy DP1.

Given that the surrounding area are also in an existing employment use and are suitable and sustainable, it is respectfully requested that the map be amended to include the surrounding employment uses to the area shown red on the enclosed plan at Appendix





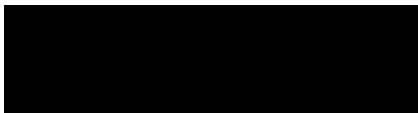
A of the SA DPD. Without this amendment it is considered that the plan is not justified nor effective and would be unsound.

The enclosed plan also shows our clients further land ownership (land within the blue line), extending beyond the current built form, but which could form part of any future redevelopment of the site at a later date. This area currently comprises a Christmas Tree plantation (no longer needed for the Garden Centre business) with limited ecological or visual merit and would support the wider employment uses at Crawley Garden Centre. It is considered that these areas could also be included within the site boundaries, as shown at Appendix A.

DMH Stallard reserve the right to participate in the Examination Hearings and look forward to receiving updates on the progress on the SA DPD.

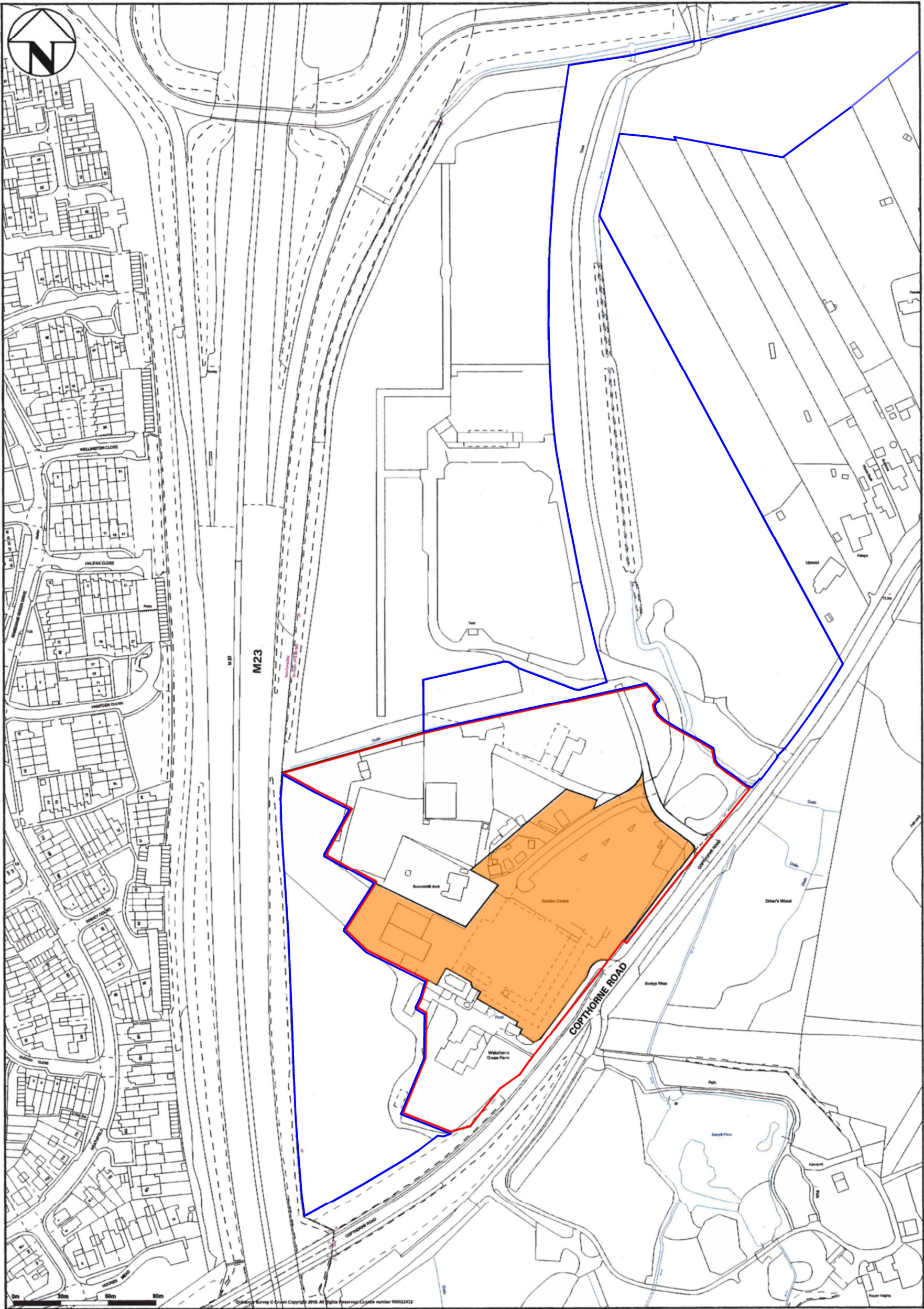
For further information, or to discuss, please contact Daniel Frisby, Associate Planner on 01293 605545 or [daniel.frisby@dmhstallard.com](mailto:daniel.frisby@dmhstallard.com).

Yours sincerely



For and on behalf of DMH Stallard LLP




LAND AT, AND SURROUNDING CRAWLEY GARDEN CENTRE  
COPTHORNE ROAD, COPTHORNE



**Promap<sup>v2</sup>**  
LANDMARK INFORMATION

Scale 1:2500 @ A3

Reproduced from the Ordnance Survey  
Map with the permission of the  
Controller of Her Majesty's  
Stationery Office. Crown Copy-  
Right reserved.  
Licence No: SR 100000489

-  The Site
-  Existing Employment Site (SA34)
-  Wider land ownership