

**Mid Sussex Site Allocations DPD EIP  
Hearing Statement:  
Matter 3.3: Policy SA20 – ‘Land South and  
West of Imberhorne Upper School,  
Imberhorne Lane, East Grinstead’**

**Rainier Developments (Cophorne Ltd)**

May 2021

# Contents

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1.	Introduction	3
2.	Matters to be examined	4
3.	Response to Inspector's questions	7

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# 1. Introduction

- 1.1 This Statement has been prepared on behalf of our Client, Rainier Estates (Cophorne Ltd), in relation to Matter 3.3 of the Mid Sussex Site Allocations DPD Examination. As set out in our Matter 3.8 Hearing Statement, our specific interests in this Examination relate to the provision of appropriate allocations for C2 uses.
- 1.2 Our Client has land interests at '*Land south of Chapel Lane, Cophorne Common*' which is currently the subject of a full planning application (reference: DM/20/3081) for residential development (Use Class C2) which is awaiting determination by Mid Sussex District Council (MSDC).
- 1.3 The proposals seek to provide a 64 bed care facility, including access, 34 car parking spaces, open space and landscaping. The development will consist of four semi-independent groupings of 16 beds, spread across two separate buildings. Each grouping will have its own lounge, dining area, nursing station and other ancillary facilities. It will provide secure gardens and landscaped grounds.
- 1.4 Our client's site has been promoted throughout the Mid Sussex Site Allocations DPD process as being appropriate, available and deliverable and capable of contributing to the identified C2 need of the District. Indeed, the live application is now subject to no technical objections from the Local Planning Authority.
- 1.5 Whilst we appreciate that the Inspector does not wish to consider omission sites at this time, there are a number of issues which are pertinent to considering whether the Site Allocations DPD ('SADPD') meets the tests of soundness as required under paragraph 35 of the National Planning Policy Framework (the Framework).
- 1.6 We do not wish to repeat the detailed submission made at Regulation 19 stage, although we will draw upon the additional evidence submitted to the Inspector by MSDC to support the forthcoming Examination.

## 2. Matters to be examined

### Issue Matter 3.3 Housing Delivery over the Plan Period

- 2.1 As an overview, our response to this Matter relates specifically to Policy SA20 ‘*Land South and West of Imberhorne Upper School, Imberhorne Lane, East Grinstead*’ [550 dwellings], principally as this is the **only** proposed allocation that includes any reference to the provision of C2 uses.
- 2.2 We note that the draft policy wording for Policy SA20 is as follows:
- “Housing allocation with Local Centre and **Care Community (C2)**, early years and primary school (2FE), strategic SANG, public open space and children’s equipped playspace, provision of land for playing fields associated with Imberhorne School.”*
- 2.3 Although we do not object to the proposed allocation in principle, we do have significant concerns that it is being suggested by the Council that this allocation alone discharges the requirements of Policy DP30 (Housing Mix) of the Mid Sussex District Plan 2014-2031 (adopted 28th March 2018), which states that:
- “If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.”*
- 2.4 Given the inclusion of the reference to care community within SA20, it is considered that the Council has accepted that there is a requirement to allocate C2 uses within the SADPD (as ‘the daughter document’); and consequently it must follow that there is a need for C2 uses to be explicitly planned for **in full** within the SADPD.
- 2.5 However, our concern with respect of this particular allocation is that the draft policy wording does not identify any specific quantum of C2 provision, nor does it have any specific policy requirement to deliver said C2 provision. As such, we submit that as such the policy is not positively prepared, justified or effective.
- 2.6 Further, on the basis of the evidence submitted by the site promoter, it is considered that even if the policy wording is amended to reflect what is proposed by them, this site in itself will not meet those identified needs in full.
- 2.7 As we detail in our Hearing Statement for Matter 3.8, the Council’s approach to C2 provision is not consistent with national policy due to its failing to identify, and subsequently meet, the specific identified needs to deliver older persons’ accommodation, as required with by the Mid Sussex District Plan 2014-2031.
- 2.8 It is unsound to rely upon a future full District Plan Review to meet the existing unmet C2 need or the need arising before the end of the plan period. The Council repeat several times within Document TP4 that ‘*the District Plan review is the proper place to revisit strategic issues such as the provision of housing for older people*’ it is not within

*the scope of the Site Allocations DPD to re-establish needs*<sup>1</sup>. This is simply not the case, given the provision within the MSDP at policy DP30 provides an opportunity to address C2 needs within the SADPD. The quoted 2016 Court of Appeal Judgment does not apply in the circumstances in this case.

- 2.9 As drafted, policy SA20 alongside the wider approach taken by MSDC to C2 uses within its Development Plan fails to ensure that *'a sufficient number and range of homes can be provided to meet the needs of present and future generations'*<sup>2</sup>. This overall approach fails to demonstrate that the SADPD has been positively prepared to meet the housing requirements of older people and nor is it consistent with national policy as referenced above.

**Evidence base to Policy SA20 – Relevant Examination Documents: SA 20.1, SA 20.8, SA 20.9**

- 2.10 The evidence now supporting the Examination regarding this site has been undertaken by the site promoters, rather than the Council, and seeks to demonstrate the type of C2 accommodation that could be delivered within allocation SA20. It appears that the Council is relying on this to underpin the proposed site allocation, but as we note below, this also raises a number of questions about the robustness of the Council's approach to older person's accommodation.
- 2.11 The draft concept plan (reference SA20.1) indicates a parcel of land to the south-east corner of the allocation for a proposed care community, with the draft capacity layout (reference SA 20.9) indicating that a total of **109 extra care apartments/ bungalows** could be delivered. The remainder of the care community offer relates to independent dwellings, in our view most likely to be C3 use, **totalling 32 dwellings**.
- 2.12 Evidence has also been provided under reference SA 20.8 – Care Demand Study stating that in relation to care home provision: *'the existing undersupply of care beds increase from 86 beds to 294 beds in 2022, indicating a strong demand for more'*.<sup>3</sup> Whilst with regard to extra care accommodation it states that *'the existing undersupply of extra care units is due to increase by approximately 12.3% between 2017 and 2022'* to 1,882 units.<sup>4</sup>
- 2.13 The report by the promoter concludes that, ***'a new development on the subject site will not fully solve the problem of under supply within the area but will make a positive contribution'***<sup>5</sup>.
- 2.14 It is clear that based on the evidence base supporting SA20, the site promoter recognises that the proposed allocation will only meet a small proportion of the total unmet need for C2. A further response on our Client's position regarding C2 existing provision and future under supply is included in our response to Matter 3.8.

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<sup>1</sup> Paragraph 1.64 of TP4

<sup>2</sup> Paragraph 8 of the NPPF (2019)

<sup>3</sup> Page 12 of SA20.8

<sup>4</sup> Page 22 of SA20.8

<sup>5</sup> Page 23 of SA20.9

### **Quantum of development proposed**

- 2.15 In this regard, we note that Policy SA20 only includes reference to the provision of a Care Community (C2) with no specified quantum provided. Any future development of the site would need to deliver a 'component' of C2 use.
- 2.16 As currently drafted, the policy is neither clear nor unambiguous in terms of the scale/quantum of C2 required to be delivered, in order to accord with paragraph 16 of the Framework.
- 2.17 The policy fails to demonstrate that it will be effective in securing a quantum of C2 uses on the site, despite clear evidence to indicate an immediate need for older persons housing within the District. The policy therefore fails to meet the tests of soundness under with paragraph 35 of the Framework.
- 2.18 We would urge consideration be given to amending the policy wording to include a specific minimum C2 requirement within the policy, in order to provide certainty of delivery.

### 3. Response to Inspector's questions

3.1 The MIQs (ID-02) set out a number of specific questions regarding each of the proposed allocation sites, as follows:

*“Does the Plan provide sufficient evidence to demonstrate that the proposed new homes total in each of the allocations can be implemented over the plan period, in accordance with the housing trajectory? Can each of the following housing allocations demonstrate their sustainability and deliverability in relation to the following considerations:*

- (i) the willingness (or otherwise) of the landowner(s) to implement their sites on the basis of the relevant policy;*
- (ii) safe and secure access, which can be provided within the ownership of the allocated site, or does the scheme rely on the acquisition of off-site land;*
- (iii) any conflict with a made Neighbourhood Plan;*
- (iv) any conflict with national planning policy;*
- (v) any significant infrastructure considerations, including vehicular access, traffic circulation and highway and pedestrian safety, flooding, drainage and sewerage implications; are any of these ‘showstoppers’;*
- (vi) any significant impact on the living conditions of neighbouring occupiers, or future occupiers of the proposed development;*
- (vii) any significant impact on the quality of the landscape, e.g. the integrity of any green gaps, and the ecology of the site and the surrounding area, and proximity to ancient woodland; ID-02 6*
- (viii) any impact on Conservation Areas, heritage assets or areas of archaeological significance;*
- (ix) access to shops, schools, health provision and services, community facilities, public transport and employment, i.e. is the location sustainable;*
- (x) contamination or other ground or stability issues; and*
- (xi) any other material considerations which could impact on the sustainability of the proposed allocation?”*

3.2 We do not offer specific comments on these questions at this time, as these are largely matters for the Council to respond to. We await sight of their Hearing Statement, given the absence of a clear response to these questions in the submitted evidence base, and therefore must reserve our position to comment at the Hearing itself.

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