Planning Application Reference DM/18/0157

Gibbshaven Farm, Crawley Down Road, Felbridge

Felbridge Parish Council strongly objects to this application to build 30 new homes on land known as Gibbshaven Farm, Crawley Down Road, Felbridge. This application is virtually identical to a previous application for the site made in 2015 that was refused by Mid Sussex District Council on 6th July 2016 and subsequently dismissed on appeal on 12th January 2017. The principal difference between this application and the previous one is that the share of affordable housing has been increased from 30% to 80%.

Felbridge Parish Council objected to the 2015 application and restates its objections to this application. However there are a number of further issues that FPC would also wish to be taken into consideration, particularly in respect of the Traffic Assessment, which the applicant has provided.

Local Plan Policies

The Mid Sussex Local Plan 2004 Policy C1- 'Protection of the Countryside', and C2 'Strategic Gaps' specifically protect the Countryside Area of Development Constraint. These policies are to be rolled over to the emerging Local Plan as Policy DP10 'Protection and Enhancement of the Countryside' and DP11 'Preventing Coalescence'. FPC believes that the development of this site is contrary to these policies and will create a coalescence of the built up areas of Felbridge and Crawley Down. Currently the area is part of a strategic gap between the settlements and creates an open area of countryside that will be lost by this proposed development. The site is adjacent to the Green Belt within Tandridge District and FPC believes that the development will damage the openness of the Green Belt from the perspective of Felbridge village and its environs.

Neighbourhood Plan Policies

The Crawley Down Neighbourhood Plan Policy CDNP 11 'Prevention of Coalescence' states that development will only be permitted if it can be demonstrated that a. it does not detract from the openness and character of the landscape or have a detrimental impact on the perception thereof; b. it does not contribute to ribbon development....' and c. it does not impact on the local gaps between the village and neighbouring settlements....'. Clearly the proposed development does not comply with this policy.

In the Appeal Decision dismissing the previous application (APP/D3830/W/3156544 dated 12th January 2017), the Inspector, in para.12, stated: 'I conclude that it would be harmful to the settlement pattern, which the Strategic Gap is seeking to retain. Because of its position and its development in depth it would not only be contrary to policies C2 and CDNP08 but would have a harmful effect on the openness of the strategic gap quite disproportionate to its modest size which would otherwise comply with the 30 dwelling limit of the Neighbourhood Plan policy'.

Rural Exception Policy

In respect of the provision of affordable housing FPC refers to an email dated 19th February 2018 from the Housing Enabling Team Manager at Mid Sussex District Council. It states that 'the applicant is proposing a development of 30 dwellings in a location which is not identified for housing development in MSDC's Local Plan. The site is being proposed as a rural exception site but no consultation has taken place with either the Parish Council or MSDC Housing Enabling Team'.... 'No evidence of the current need for affordable housing in this location has been submitted'...'It is proposed that 20% of the dwellings on the site will be built for outright sale but the Council's current rural exception policy H5 does not allow for this'.

Under the emerging District plan this rule may change but the Officer states that the application as it stands does not comply with either current policy H5 or Policy DP30 of the emerging District Plan.

FPC is in favour of the provision of affordable homes but only where these are in a sustainable location and within a defined built up area. FPC does not consider that this location is sustainable or that affordable homes should be built in the Countryside area or Green Belt remote from essential facilities.

Statement of Community Involvement

The applicant has provided a Statement of Community Involvement and within that document has set out details of the Public Consultation carried out. The applicant decided that rather than have an exhibition it would deliver leaflets and allow individuals to complete an online consultation. An information leaflet was delivered to over 100 homes (according to the applicant) as well as other stakeholders. The applicant states that as a result of the consultation only 27 responses were received on line and 3 by post. Of the 30 responses that the applicant received, 23 (76%) objected to the scheme, and only 2 (7%) were in support of the scheme. A further 5 (17%) appeared to be neutral. Furthermore, of the 27 on line responses only 7 (26%) said that there was a need for market and affordable housing in the area and 10 (37%) responded with a 'NO" to a need for homes in the area.

FPC considers that the public consultation was extremely limited, especially given the size of the proposed scheme, and does not meet the desire for genuine pre-application consultation outlined in MSDC's own Statement of Community Involvement adopted in 2011. MSDC's SCI encourages pre-application consultation and clearly states that the Council's overall goal in promoting community involvement is to "Firstly ensure that residents, businesses and other local organisations have the best possible opportunity to have their opinion heard to inform a proposal and the decision making process." We would question if this can have been achieved via the limited consultation undertaken.

In 5.3 of the Statement of Community Involvement the applicant provides a summary of the issues raised during the public consultation and how these have been addressed in this application. In dealing with Highways Issues (2) and Lack of Local Amenities (4), in the schedule on pages 10 and 11 of the Statement of Community Involvement, the applicant has provided a revised Traffic Assessment in response to the Inspector's appeal decision on the last application.

Traffic Assessment
FPC has carried out significant research into the data and information provided and believes that the traffic assessment undertaken by Hydrock Consultants Ltd is misleading and seriously flawed. Referring by number to the paragraphs in the Traffic Assessment, FPC comment as follows:
2.5 Safety. Personal Injury data covers the period 2010-2015. This information is not up to date considering that there have been 2 fatalities in the last month within the selected area. Therefore, the applicant and the planning authority should not rely upon this data.
3.1.2 Facilities. The report states that the distances to a range of services listed in Table 3.1 are within recommended distances and are 'walkable'. This is not strictly correct as five of the facilities (Community Centre, Co-Operative Food, Health Centre, Pharmacy and Dental Practice) are in Crawley Down and only reached by walking a considerable distance along Hophurst Hill where there are no footpaths or street lighting. In fact, the steep banks alongside the road make it necessary to walk in the carriageway and therefore this route is certainly not safely 'walkable'.
5.2.1 The Traffic counts are nearly 3 years out of date. The inspector ruled against development at 17 Copthorne Road as the traffic data was not current; this is the same scenario. (6.2.15) The junction capacity assessment was calculated using the data from 2006 and 2011 (see paras 6.2.4-6.2.6) this cannot be considered to be current information.
5.2.1 A one day turning study is the only revised data. This shows Degree of Saturations of 107% & 110% as the 2017 base level. Thus the junction is already far above the design capacity of 80% DoS. WSCC require a minimum of 10 days of traffic study to robustly determine the impact on a junction that is at/near capacity. This proposal only has a single day of study and cannot be considered to be robust.
6.1.2 The proposal identifies 51% of anticipated journeys will utilise Rowplatt Lane. But SCC has already stated that this junction will be operating at capacity following the approval of the Wates site (15/39 Crawley Down Road). No mitigation is proposed or planned.
6.2.11 Committed housing has been included at a figure of 258, not the actual number of 1,800 in Mid Sussex or the 2,600 in Crawley Borough. The Forge Wood Traffic Assessment states that it will generate an increase of 40% in eastbound traffic on the A264 at Copthorne flowing towards the Star Junction. This scale of committed development is not accounted for within Tempro modelling. 6.3.5 suggests that Tempro is double counting but this is not the case, as the very large level of local committed housing that has been excluded is not being modelled at all. In fact, the current very high level of committed development (1,800 in Mid Sussex and 2,600 in Crawley Borough) is 1,200 higher than it was in January 2017.

Appendix G shows that even with 3 cameras on the A264 (Arm C) able to see the queue when it stretched back 290m from the stop line, their raw data shows that the queue reached (and therefore exceeded) the visual limit 10 times in the AM peak monitoring, and 17 times in the PM peak (between 16:25 and 18:05). In fact there was only 5 minutes within the PM peak hour that the queue was not at the maximum measurable. Thus, the queue length assessment for the A264 is flawed, as it must be greater than the 54.3 PCU's stated.
6.4.3 The reference to the Inspectorate's view of NPPF para 32 is from 2013. This opinion is clearly out of date compared to the 2017 statement (ref: APP/D3830/W/16/3156544) stating that it is the cumulative impact not the incremental that is being considered. The most recent opinion carries more weight as it reflects the latest views of the Inspectorate, which the LPA are encouraged to follow.
9.2.7 The very high level of local committed housing has not been taken into account.

Previous appeal decision

FPC requests the planning authority to review the Inspector's findings, which led to a dismissal of the appeal of the previous application.

For the ease of reference FPC have extracted relevant parts of the Inspector's report and comment accordingly:

19. So, taking account of the locally available facilities, I find that for most daily needs; employment, schooling and food shopping, there would be a need to travel beyond easy walking distance. The use of sustainable modes of transport such as cycling and public transport would be feasible for many purposes and encouraged by the Travel Plan but even so there is likely to be a considerable dependence on car use. - This situation has not been changed by this latest proposal.

21. However, as several respondents have pointed out, advice in the NPPF is that development should only be prevented or refused on transport grounds where the residual cumulative effects of development would be severe. In this case, although the residual effects of the development by itself would not be severe, there is considerable other development also proposed in the vicinity and so, the cumulative effects also need to be considered. - This situation has worsened since the last proposal.

22. These correspondents refer me to Surrey County Council's Tandridge District Council Local Plan Strategic Highway Assessment Report of November 2015 and the East Grinstead and Surrounds 2016 Survey and Review of Traffic Conditions by Jubb Consulting dated September 2016. These documents provide support for the argument that the residual cumulative effects of all development in the area, including the current appeal proposal, would be severe. - This situation has not been changed by this latest proposal.

23. The appellant's response is to reiterate that the appeal proposal alone would add only 1% at peak hours to the already overloaded A22/A264 junction. But that does not address or excuse the unacceptable cumulative effect of adding traffic from new development in the area to this already problematic situation. It is fair to record that other appeal decisions do not regard this severity test as necessarily fatal to a proposal, it is nevertheless a consideration to be weighed in the balance, which I do in the overall concluding section of this decision.

24. In relation to this issue, I conclude that the development would give rise to a need to travel for most daily needs and that, although the impact of the development alone would be unlikely to have a significant or severe effect on the operation or functionality of the local highway network, the residual cumulative effect on highway infrastructure of this proposal in conjunction with other nearby commitments would be severe. In consequence, the proposal would be contrary to Local Plan policy G3 and Neighbourhood Plan policy CDNP01. These allow development to be permitted where infrastructure is in place or can be provided. ). - This situation has not been changed by this latest proposal.

Felbridge Parish Council ask Mid Sussex District Council to refuse planning permission for this proposed development. In summary the application does not comply with the District and Local Plan Policies, or those of Crawley Down Neighbourhood Plan. Neither does the application pass the MSDC Rural Exception tests. The Traffic Assessment and the Statement of Community Involvement provided are flawed and most of the issues raised within the Inspector's report on the previous application have not been addressed.