

Felbridge Parish Council object to this application for the following reasons

Hill Place Farm Appeal

It is urged that the Inspector waits for the conclusion of the Hill Place Farm appeal (APP/D3830/W/16/3142487) before any decision is made concerning this Appeal. The Hill Place Farm appeal is considering the same highways traffic data and impact statements that are referenced in the 17 Copthorne Road case. It is an eight day enquiry that has just completed hearing the evidence, with Jubb Consultants acting as expert witness for the Rule 6 party. Therefore it is fundamental that the conclusions from the Hill Place Farm appeal regarding the cumulative impact upon the local highways network and in particular the A264/A22 junction at Felbridge is used to inform this appeal.

Lapsing of the approval for the development on the land

The MSDC approval for the construction of the houses on the land behind 17 Copthorne Road, will lapse in December 2016, therefore this appeal regarding the entrance to the site is highly unlikely to have concluded before that approval has lapsed. Since the original approval granted by MSDC in 2013, the East Grinstead Neighbourhood Plan [EGNP] has been approved and a resubmission of the application for the land behind 17 Copthorne Road would now be refused as it is directly contradictory to Policy EG2 (see EGNP below for details)

Combined sites

The Appellant in this case is Persimmon Homes, who also have planning committee approval for the construction of 32 dwellings on the adjacent land to the west of the Appeal site in Mid Sussex (MSDC application 13/04364/FUL). However, the permission for the entrance to that site, through the property at 11a Crawley Down Road is currently the subject of an appeal, if it is dismissed on appeal then the existing approval is landlocked. It is material that the final approved plans for both development sites show a connecting roadway across the field boundary between these two sites. Whilst this appeal is for the access to the site for 26 dwellings, it is material that this would also provide access to the 32 dwellings approved on the site immediately to the west of the Appeal site and no consideration of the combined access utilisation has been provided. SCC Highways (SHA) state that they would only be consulted regarding the use of this as a combined entrance if a future planning application was made. However, there is no necessity for any future planning application to be submitted as both housing sites are already approved and the access road between them is shown on the approved plans. The highway safety audit of the previous application stated that the entrance at 17 Copthorne Road was only suitable for 26 dwellings, and that any more would require an island in the middle of the A264. As this proposal is now linked to the adjoining site, then surely a central island is now required and should be provided by the proposal, or the access be restricted by approval conditions preventing it supporting a greater number of dwellings.

Committed Development not being taken into account

The Jubb local traffic studies [[Jubb Supplementary 6 Day March 2015 Survey](#), [Jubb 2016 Survey Report](#) & [Jubb East Grinstead and Surrounds November 2014 Survey and Review of Traffic Conditions](#)] measured the current status of the local road network and modelled the future impact of the large number of committed but not completed dwellings (in Mid Sussex and Tandridge Districts) upon the Felbridge junction. Currently over 1200 dwellings have been approved and are not completed, all of which feed onto the A264. The vast majority of these dwellings have been approved by Mid Sussex and SHA state they have no knowledge of committed housing figures for Sussex. [Michelle Edser 4 May 2016 “In terms of the Gibbshaven application no formal assessment of committed development has been undertaken by the developer/SCC due to the scale of the proposals.” This was for a development of 30 dwellings]

Yet, in the absence of seeking committed housing information from MSDC/WSCC, SHA are continuing to state that there are ‘no Highway Issues’ with developments in the Felbridge area. The NPPF clearly states that the Cumulative impact of development is to be taken into account, not just the incremental impact of each development. This was acknowledged by SHA in their response for application TA/2014/25 (Toni Walmsley Macey, 26 Jan 2016) “Whilst the SHA accepts that the proposed development of an additional 31 dwellings on its own is likely to have limited impact on the operation of the local highway network, the

cumulative impact of this and other developments in the Felbridge and East Grinstead areas also need to be taken into account". However, as seen above, SHA are NOT taking this into account, as they are choosing to ignore the current 1192 committed homes (see Appendix 1) in the immediate area and not making objections on highways grounds to any local developments.

Traffic Studies

Appendix 1 contains a detailed assessment of the traffic studies related to this application of which the key points are:-

- SHA accept that the A264/A22 Felbridge junction is operating in excess of practical capacity for both AM and PM peak periods.
- The Appellant is supporting their application utilising source traffic data that was originally collated in 2011.
- Data from WSCC vehicle counts shows that the traffic flows have more than doubled between 2011 and 2016.
- The Appellant's junction analysis queue lengths for March 2014 (extrapolated from the 2011 source data) show queue lengths that are much shorter than those measured in November 2011 and published in the Atkins 3 report. This is contradictory to the steady and consistent increase in congestion at this junction as measured in 2015 and 2016 showing up to six fold increases in queue length over the 5 year period.
- The impact of the above is that the Appellant's determination of the saturation of the A264 Copthorne Road arm is between **83%** and **89%** (based on 2011 traffic counts adjusted for background growth). This compares very poorly with saturation figures of **122%** and **154%** observed in 2016. Clearly the junction is currently operating well beyond its design capacity, and the data submitted in support of the application is critically flawed.

Another point from the Jubb traffic studies submitted in evidence to the Hill Place Farm appeal and informing the East Grinstead Neighbourhood Plan;

Referencing the Jubb 2015 March reports as a benchmark, the 2015 Survey key findings concluded that the 'Severe Congestion' had materially deteriorated over the four months since the first Jubb Survey in November 2014. All junctions were operating over 100% Degree of Saturation [DOS] and Theoretical Capacity, with pronounced adverse changes at the Felbridge and Imberhorne A22 Junctions. [[Jubb 2016 Survey Report](#) para 3.1.5]

SHA's failure to consider or utilise the Jubb traffic studies when considering the impact of this development is contradictory to their Strategic Highway Assessment Report; "*This work, undertaken by the Atkins consultancy on behalf of Mid Sussex District Council and West Sussex County Council, will need to be taken into account when considering the possible impacts of potential development in Tandridge under National Planning Policy Framework (NPPF) guidelines. In addition, the study undertaken by Jubb Consulting Engineers to inform the East Grinstead Neighbourhood Plan should also be taken into account.*" [ref: Tandridge District Council Local Plan [Strategic Highway Assessment Report](#) para 4.10.6].

There are specific relevant matters raised in the closing statement of Richard Harwood QC to the Hill Place Farm Appeal (APP/D3830/W/16/3142487);

48. It is common ground that traffic may go into the planning judgment in two respects. Firstly if the residual cumulative impact of development is severe (under NPPF para32) then the scheme should be refused. Any harm below this threshold goes into the planning balance as an adverse impact of the scheme. It is harmful to sustainable development (NPPF, para 7). In the present case the residual cumulative impacts of the development are severe.

49. The starting point is that traffic congestion in East Grinstead and its role as a constraint on development in and around the town has been consistently recognised by all of the local authorities involved: Local Plan 2004, para 12.5 CD7.1; West Sussex Structure Plan para 257 (quoted Mr Grist proof, p.29, para 4.10); 3 tiers meeting (quoted Mr Grist proof, p.30, para 4.11); WSCC to Mr Grist 9 February 2015 and WSCC to Mr Peacock quoted Mr Grist proof, p.30, para 4.12 and App MPG2) EGNP para 3.3 CD9.3. The local experience and view has been

one of severe congestion and a recognition that this limits the ability to develop the town. Such highway improvements as there have been have not kept pace with growth. There is physical evidence of the problems: the yellow no entry boxes up and down the A22 show the extent of regular, disruptive queuing.

50. *The EGNP follows the NPPF para 32 approach of refusing where 'the residual cumulative impacts of development are severe' see EG5 'severe cumulative impact in terms of road safety and increased congestion after proposed mitigation' and EG11 'Proposals, which cause a severe cumulative impact in terms of road safety and increased congestion, which cannot be ameliorated through appropriate mitigation will be refused.' The cumulative approach concerns the totality of the traffic: see the Kidnappers' Lane, Leckhampton decision. [Inspector's Report, paragraphs 221, 223, 238]*

Mitigation plans for the A22/A264 Felbridge Junction

The Atkins traffic study (2011) proposed a number of mitigations for the junctions along the A22 including the Felbridge Junction, (A22/A264). These have more recently been reviewed as part of the Jubb reports [Survey and Review of Traffic Conditions January 2015 Headline Summary Report Paragraph 5.4.1] concluding that the proposals would not provide the mitigation necessary in the main, due to the significant increase in congestion being measured, already far exceeding the Atkins traffic model for 2021. The Atkins proposals for the junction also added a pedestrian crossing phase further reducing the vehicular capacity of the junction which is already subject to severe congestion.

The Appellant has agreed to provide funding towards the Coast to Capital scheme which proposed a minimal amount of investment at the junction to provide number plate recognition cameras and remote viewing and access to the traffic signalling to be able to remotely adjust the traffic flows.

However, the actual mitigation that this proposal could deliver is highly questionable. SHA confirmed in July 2015 [Ryan Hilldrup, Assistant Network Coordinator, Surrey Highways meeting at Felbridge Village Hall] that adjusting the traffic flows using an engineer on site to control the control sequences could not improve the junction, as both the major arms are saturated at the peak periods. Increasing the flow on one arm can only be achieved by reducing the available time on the other arm and thus increasing congestion. The Jubb data for 2016 shows that all three arms of the junction are queuing in both the AM and PM peaks with the total Mean Queue length averaging 230m [Table 3.1 pg 1-15 Section 1 2016 Survey and Review of Traffic Condition Headline Summary Report] thus negating the ability to improve flow without increasing congestion on the other arms. The number plate recognition capability is to enable signage to indicate the current journey times to drivers on the A22 or A264 such that they could take alternative routes. However the traffic studies demonstrate that the alternative routes using minor roads (eg: through Turners Hill or Lingfield) are already suffering congestion and are predicted to get considerably worse without redirecting additional traffic onto them from the A-road network.

Cllr John Furey, SCC Cabinet Member for Highways, Transport and Flooding has since confirmed the status of the Coast to Capital project for the A22/A264 Felbridge junction [email 14 September 2016]

"Lyndon and his team had submitted to C2C [Coast to Capital] a bid incorporating the A22 and A264, our expectation was that it would have been submitted as part of a bid to Government. Regrettably, this bid was not approved by the LEP board, and therefore not submitted to Government."

It is not believed that the Coast to Capital proposals would have offered any material benefit to the severe congestion at this junction and furthermore, it has now been confirmed that this proposal has been withdrawn. Thus no strategy for mitigation of the junction congestion is being offered by SHA in the near future. As such, the Development application subject to this appeal will fail to mitigate the direct impact that it will have upon the already severe congestion before the new dwellings are occupied, in contravention of the NPPF. As such this proposal cannot constitute sustainable development.

East Grinstead Neighbourhood Plan

The original approvals granted by MSDC for development of the land behind 11a Crawley Down Road (Planning reference number 13/04364/FUL) and the land behind 17 Copthorne Road (Planning reference 12/01796/FUL) were made three years ago. Since then the development use of this area has reconsidered within the East Grinstead Neighbourhood Plan [EGNP] which was approved in October 2016. The proposals map [page 17 [East Grinstead NP](#)] identifies that this land has now been designated a 'Countryside Area of Development Restraint' subject to policy EG2 & EG2a:

Policy EG2 – Areas of Development Constraint Planning permission will normally be granted for the sympathetic conversion of redundant rural buildings, limited small-scale new development and extensions to existing buildings within the Countryside Areas of Development Constraint provided they comply with the following criteria:

- (1) In the case of replacement dwellings, the proposal is no more obtrusive than the dwelling it replaces and is of an appropriate design for its location and setting;*
- (2) In the case of extensions, the proposal is subservient in scale and form to the original dwelling along with the coherent use of materials;*
- (3) In the case of converted buildings, the new use has minimal impact on the openness of the countryside, in terms of the new curtilage, and parking; in the case of outdoor sport, recreation and community uses of land, the proposals support the objective of keeping land open;*
- (4) The proposal comprises essential small-scale proposals for agricultural or sport and recreation such as pavilions and changing rooms; or*
- (5) It is essential to meet specific necessary utility infrastructure needs and no alternative feasible site is available.*

Policy EG2a - Preventing Coalescence

Planning permission will not normally be granted for development which:

- (1) Results in the coalescence of East Grinstead with Crawley Down or Ashurst Wood;*
- (2) Results in the perception of openness being unacceptably eroded within this area; or*
- (3) Contributes towards the ad hoc or isolated development of dwellings outside the built up area, including infilling of built up frontages or linear development along roads.*

As such, approval of the entrance to the Appeal site and the subsequent construction of the dwellings would contradict the adopted EGNP, and demonstrates that if the applications for either of the approved sites behind Copthorne Road and Crawley Down Road were to be re-submitted today, they would both be refused under Policy EG2.

The EGNP also confirms the validity of the Atkins and more recent Jubb traffic studies in relation to understanding the impact that the existing and already committed development has had and will have upon the local highway network, recognising that there is a “*significant highway infrastructure issue within the Neighbourhood Plan area*”. Paragraphs 7.1 to 7.8 inclusive on page 35 and 36 of the Neighbourhood Plan succinctly give accurate local context of the main issues - and provide justification for the clear policy wording to EG 11 - Mitigating Highway Impact.

The East Grinstead Neighbourhood Plan refers to the ‘severe cumulative impact’ and the need for ‘appropriate mitigation’ in relation to the A22/A264 Felbridge Junction, however there is currently no realistic mitigation plan for this junction and therefore the desperately needed mitigation cannot be in place before the dwellings subject to this appeal would be occupied.

The weight to be afforded to the approved EGNP was reinforced by James Wharton, Parliamentary Undersecretary of State for Communities and Local Government [House of Commons Hansard 14th December 2015];

"Planning appeals are determined in accordance with the development plan, unless material considerations indicate otherwise. Once brought into force, a neighbourhood plan is part of the development plan."

Junction Safety

- Currently there are three entrances to developments between the ‘Star’ traffic lights and the junction with Crawley Down Rd. A fourth junction serving 26 dwellings (or the combined two sites) will create significant further traffic problems. Although, as the Appellant points out, the incremental number of additional vehicle movements will be low, the fact that there are so many turnings within a short length of road will cause further congestion, blocking of the traffic lanes and additional hazards for motorists. As it is, vehicles leaving Longwall and Mulberry Gate have difficulty entering the A264 Copthorne Road and even greater problems joining the traffic to turn east.
- A264 is already at a standstill for significant periods of the day both on weekdays and weekends and further traffic joining the road is therefore highly likely to exacerbate the problem.
- The splayed junction with Crawley Down Rd is a hazardous junction and was identified by Surrey Highways for junction improvements, the addition of a significant turning near this junction will only increase the difficulty in exiting this junction.
- The new junction is almost adjacent to the existing entrance to 19-23 Copthorne Road. We can foresee difficulties and confusion with traffic using these entrances and the high probability of accidents occurring.
- Vehicles exiting the proposed development will severely obscure the sightlines for 19-23 Copthorne Road.
- The applicants assumed trip rate data is significantly lower than the trips currently taking place from Mulberry Gate. As the proposal has used trip data based upon sites in Yorkshire and Wales amongst other counties; FPC question why the data from an adjacent similar location not been used to support this proposal?
- The A264 is a major west-east route between Horsham and Tunbridge Wells. In the opinion of FPC, this has been overlooked and the road is being treated as a local road onto which additional access routes are accepted.

It is concluded that SHA has failed to properly consider the highway implications of this application by relying upon the Applicant’s outdated transport study rather than utilising the detailed Jubb surveys for 2015 and 2016 that they themselves say should “be taken into account”. The Jubb reports demonstrate that the A264/A22 Felbridge junction congestion is already severe and therefore the negative impact of this proposed development is unacceptable in conjunction with the cumulative and committed development in the immediate area.