

## Worth Parish Council

### **Minutes of the Crawley Down Neighbourhood Plan Sub Committee, held at the Haven Centre Friday, 9<sup>th</sup> March 2018 at 20:00hrs**

**Present:** Cllr Gibson (Chairman) Cllr Lord  
Cllr Anscombe Mr Brooks (Secretary)  
Cllr Coote Cllr Cruickshank  
Cllr Webb  
11 Members of the Public

It was noted that Mr Alan Brooks would be acting as Secretary.

#### **39 Public Question Time**

Chairman welcomed all present to the meeting, then highlighted the housekeeping rules and indicated that should anyone wish to film/record the proceedings could they make themselves known if they had not already done so to the Secretary.

In a deviation from standard procedure, Cllr Gibson proposed that, as the primary agenda item was to receive, consider and discuss the decision of the Secretary of State in respect of Land South of Hazel Close and Land West of Turners Hill Rd, he would propose deferring public question time until after he and other members had briefed on the background, planning hierarchy and the decision. At that point, standing orders would be suspended to allow questions. Seconded Mr Brooks. Agreed with no objection from the public present.

#### **40 Apologies**

Apologies were NOTED from Mr T Burberry, Mr J Plank, Cllr Hitchcock. Mr S Plank and Mr G Dobson were absent. Cllrs Anscombe and Coote arrived at 20:13 having previously advised that they would be arriving late.

#### **41 Declaration of Pecuniary and Other Interests**

Cllr Gibson noted that all members of the sub-committee have an interest in the well-being of Crawley Down. However, as the Advisory Sub Committee is not a decision making body, the declaration was NOTED but no action need be taken.

#### **42 Minutes**

It was proposed by Cllr Gibson seconded by Mr Brooks and agreed by all that the Minutes of the Advisory Sub Committee meeting held on 7<sup>th</sup> December 2017 were a true and correct record subject to the correction of minor typographical errors in

**Minute 30** last sentence, a date for Mr Frosts training session has not been arranged. Insert "no" between "so" and "date" to read "so no date has yet been arranged"

**Minute 36** Item iv)4 para 5 remove "accessing" replace with "access"

#### **43 Chairman's Announcements**

None.

#### **44 To receive the decision from the Secretary of State for the Planning Inquiry into proposals for 60 or 30 new homes on Land South of Hazel Close and 44 or 30 new homes on Land West of Turners Hill Rd – to receive, consider and discuss the decision of the Secretary of State (SoS) to allow the appeals for the above applications.**

The Chairman and other committee members explained the planning hierarchy and how it affected implementation of the Crawley Down Neighbourhood Plan before proceeding to brief the SoS decision.

The National Planning Policy Framework (NPPF) sets overall planning policy. It was published in

2012 and came into force in 2013. It represented a slimming down and simplification of numerous previous planning documents and mandates top level policy principles. A presumption in favour of housing is fundamental, except where it conflicts with a made Neighbourhood Plan (para 198 of the NPPF) and the presumption reverses. A balancing/weighting exercise is required in both cases. However, if there is no current District Plan and associated 5 year land supply, para 49 comes into play and effectively blocks the use of para 198.

The District Plan (DP) sits below the NPPF and is intended to flesh out the principles embodied in the NPPF into policies directly applicable to the District and also provide detail. Once again housing is a key aspect and demonstration of a validated 5 year land supply a crucial element. The MSDC District Plan is dated 2004 (amended 2008) and therefore out of date once the NPPF came into effect in 2012. Without a current DP, there is no validated housing target or validated 5 year land supply.

The Crawley Down Neighbourhood Plan (CDNP) is intended to further flesh out planning as it affects our neighbourhood. However, lack of an agreed housing target and 5 year land supply reduce the weight that may be applied at District planning level. The weight to be applied to individual policies is at the discretion of MSDC.

After a series of setbacks, primarily concerned with housing numbers required and demonstration of an associated 5 year land supply, the District Council are hopeful that the Examiner will respond positively and their plan can be adopted shortly. Until such time as it is, we effectively have a developer free for all. The original district housing target was 530 pa (10,600 over a 20-year period 2011-2031). An initial draft of the plan was rejected by the Examiner following failure of MSDC to fulfil their Duty of Cooperation with neighbouring authorities. Subsequent reviews of housing numbers have pushed the total requirement up by some 80%.

In July 2017 the Examiner verbally stated that he was satisfied that MSDC could demonstrate a 5.2 year land supply. However, despite having the discretion to give some weight to the evidence and supporting statement in any planning decision, MSDC decided not to do so. Cllr Coote made the point that this was on the basis of legal advice received.

The issue of 5 year land supply appears to have been fundamental in the SoS decision. Because of that much reduced weight was given to the CDNP and historic under supply of housing by MSDC. Little weight was given to infrastructure deficiencies, primarily because the providers did not declare an issue and MSDC did not challenge or otherwise question statements from those providers.

Under the guidance received from MSDC, Worth Parish should provide 900 dwellings in the period 2011-2031. We already have that 900 with more applications on the way. Yet we still don't have the infrastructure and housing types that are needed – notably market affordable housing for starters and housing suitable for downsizing that maintain equity for the owners. Developers have significantly under delivered in that respect.

Despite the increase in housing target, strategic site provision in MSDC has not taken up the slack and parishes will probably be expected to take even more. We are aware of the requirement for MSDC to take more housing to support Crawley and that will inevitably put further pressure on our area. Crabbett Park would appear to be a suitable place for a strategic site, but, for some reason has been dismissed by MSDC in the past.

In addition to the Wates/Gleesons permissions (104) there is the Barnes Court appeal (167 houses), South Place/Hurst House (up to 33) Hurst Farm (45) and Gibbshaven Farm (30). Hill Place in East Grinstead (200) has just been permitted on appeal. We are also aware of potential applications at Floran Farm and Land behind the Martins plus a suggestion that the current permission for a 60 bed hotel behind the Dukes Head be replaced by a 120 bed retirement home/complex. Tandridge Council are also considering sites for a 5000 house development for which the Blue Anchor site at Blindley Heath is believed to be the current favourite.

**The Chairman proposed the suspension of Standing Orders to allow public questions. This was seconded by Mr Brooks and agreed by all present.**

A number of similar questions were received in open discussion. Questions and answers are summarised below.

### **What is Worth PC doing and what could be done about the SoS decision?**

The decision has been made, legally the only option available is a judicial review. This could be expensive with no guarantee of success. There is an emergency meeting of full council on Monday 12<sup>th</sup> March to discuss the issues.

The council is also considering whether to take the opportunity given by recent legislative changes to refine the CDNP. Provided that the changes are not significant, no referendum is required.

Recent changes in legislation now require the Local Planning Authority (MSDC) to inform parishes of pre-application discussions affecting their area and Worth PC will no doubt be taking a keen interest.

### **Why not request Judicial Review?**

Judicial Review concentrates purely on process, not on the decision itself. In this case an initial assessment suggests that the only potential failure in process may be that the SoS either misinformed himself or was misinformed as to the current state of the District Plan and 5 year land supply. Consequently he gave the CDNP and emerging plan insufficient weight in his decision.

Even if we win, there is nothing to stop the process being started over and the same decision being given – as was demonstrated in the case of The Pheasantry.

The process is expensive, and the loser may be liable for the costs of both parties. Anyone who has attended an inquiry will be aware of the high powered and equally expensive legal teams that are put forward by the developers. Worth PC cannot expect any support from MSDC.

### **What kind of housing is likely to be built and what about affordable homes?**

In all cases the applications were purely for the principle of development (access and scale).

The illustrative layouts supplied in support of the applications are meaningless. The developers are likely to plan for the maximum number of houses allowed under the appeal despite contravening the CDNP in terms of housing density and scale.

Those issues will be the subject of reserved matters applications, along with materials, drainage, discharge of planning conditions etc. Worth PC will be keeping a close eye on the detail. Residents are advised to do the same and comment appropriately at the time.

Developers are only required to provide social affordable housing at a minimum level of 30% of housing, not to build market affordable. They may submit a viability assessment demonstrating that they will not make more than 20% profit and negotiate an appropriate reduction of social affordable homes on that basis.

Given the propensity for some developers to act as land agents selling on once outline permission has been granted, there may be several owners before one commences building. For instance, the Redrow site was initially owned by Gleesons. In April 2011 Gleesons announced £1.6M clear profit in selling the site on with outline permission and without touching a brick. There were other owners before Redrow took it on – each taking a profit and reducing the profit in the final scheme. It has been suggested that this forced a reduction in final build quality and other means of restoring profit.

### **Who will build these houses?**

Not known. If previous experience in the village is anything to go by it won't be Wates or Gleesons.

### **What, if anything, could be read into the decision which may affect future applications and decisions?**

Developers will always try and take advantage of precedents. There may be attempts to downgrade the impact of contravening the CDNP, to "salami slice" and "cherry pick" policies. The site limit of 30 per will almost certainly be challenged. It's evident that policy supports housing whatever the consequences for communities.

### **Will MSDC obey the requirements of the CDNP after adoption of the DP?**

In theory the CDNP should be given full weight after adoption of the DP and, with a validated 5 year land supply, para 49 of the NPPF does not apply - requiring the developer to argue for an application as opposed to the current presumption in favour of housing.

However, it will always be a balancing exercise with the actual weight given to different factors not usually presented or argued. As the authority on the objectives and intent of CDNP policies, Worth PC comment is often ignored. The Crawley requirement for additional housing outside its boundary will put additional pressure on MSDC to agree sites in the area.

### **What about affordable housing?**

Crawley Down has doubled its social housing stock over the past few years and has argued that it has more than met local need – as demonstrated by the fact that the latest CHR figures received from MSDC show no applicants at all in classes A & B and housing is being filled from people out of area with no connection to the parish.

Many members of the CDNP team believe that it contravenes the basic principles and objectives of providing social housing if that means moving people away from their social support system, employment, without sustainable transport links and local school places for all their children.

The Inspector did not agree with the CDNP definition of housing need which excluded Class D applicants despite that interpretation being in accordance with the Housing Act and Local Authorities not required to include Class D. He also made the point that the parish must take its share of district need.

### **What about infrastructure, schools, roads, doctors?**

As MSDC did not choose to challenge or otherwise question service providers as to how they proposed to meet any overall shortfall in infrastructure, the various statements effectively stating that there wouldn't be a problem were accepted. The Inspector noted this, particularly in the case of the school but had no basis on which to refute that statement except the witness statements put forward by Worth PC.

Likewise the NHS response to lack of doctors was that there was plenty of space at the Health Centre for more. It ignored the general difficulty in recruiting doctors, especially in the south.

It should be noted that the developers are only required to pay a contribution towards the infrastructure. It is the responsibility of service providers to aggregate funds to deal with the overall issues.

MSDC have received a New Homes Bonus of up to £10k for every new home built in the area over the past few years - millions of pounds. The bonus was intended to compensate communities for taking housing, yet MSDC have used it to boost unallocated general reserves and spent very little in Worth. In response to a question on specific benefit to Crawley Down, Cllr Coote mentioned the £50k mortgage write off for the Haven.

Worth PC have been trying to make parking arrangements at the village hall in order to support the longer term future of the facility and seeking a grant to support this work. To date that has been unsuccessful.

### **What about access and traffic?**

Access to the Wates site will be via Wychwood, directly opposite access to the Old Nursery development of 6 houses. WSCC Highways accepted the argument that additional traffic would be small compared to the current traffic load. No attempt was made to compare the additional load to the remaining design margin, if any.

One resident asked about emergency vehicle access via Wychwood Place which was already beset with parking problems and emergency vehicles would effectively be blocked. The sub-committee shared his doubts but were unable to comment.

The current plan, which may change, is for 2 sets of pedestrian controlled lights across the B2028. One set near Huntsland Lane and the other between the Sandy Lane Junction and

access to Wychwood Place.

Worth PC have investigated the possibility of average speed cameras on the B2028 through the village and are still doing so, but police and WSCC support is required.

The Inspector had noted the 2016 MSDC SHLAA assessment of the Hazel Close site as having unsuitable access and that the developer had not agreed with the Road Safety Assessment, but did not decide that to be a limiting factor.

The Wates site was also assessed as an unsuitable, unsustainable extension to the village in the 2016 SHLAA but that was ignored.

**Given previous experience with outflow from building sites polluting the stream and ponds, what can be done to stop it happening again? What about the roads?**

In theory, the suggested planning conditions in the appeal decision should control outflow from the site, during and after construction. Precise measures should be in the plans and specifically mandated in the required construction management plan (CMP).

Residents should also monitor and comment on the CMP in regard to maximum working hours/days, number of deliveries per day, maximum vehicle size allowed, assigned off-site waiting area for deliveries until allocated a delivery time, limits on overnight lighting for wildlife protection purposes, on-site parking only, wheel washing, etc, etc. A note of caution – pressing for very tight limits on working times could be counterproductive in lengthening the overall construction time and consequently the associated inconvenience.

**Could the Built up area boundary (BUAB) be redefined?**

The BUAB was redefined as part of the CDNP process and the definition adopted when the plan was made. MSDC can undertake a review, but the last version of the DP seen contained the CDNP version.

There are some potential anomalies. For instance the Wates decision places a rural exception site (The Pheasantry) outside the BUAB, but enclosed by other developments. There is also a contentious new policy in the DP (DP6) which allows developments of less than 10 houses to be built provided that they are “contiguous” with the BUAB and not part of a cumulative development. As the BUAB runs down the centre of the B2028, likewise the centres of Sandy Lane and Hophurst Lane there may be some interesting discussions to come as to the meaning of “contiguous” and “cumulative” development.

**Standing Orders were reinstated**

**45 Date of next meeting**

It was agreed that the date of next meeting would be advised.

Meeting closed at 21:45 hrs

Chairman: \_\_\_\_\_

Date: \_\_\_\_\_