

Service Manager – Strategy and Planning
Rother District Council
Town Hall
Bexhill-on-Sea
East Sussex
TN39 3JX

Turnberry

Our ref: RDC. 24.03.2017. EC-GF

Your ref: -

24 March 2017

Dear Sir/ Madam,

Town and Country Planning Act 1990 (As Amended)
Salehurst and Robertsbridge Neighbourhood Plan – Regulation 16 Submission Consultation
Representation On Behalf of the ‘Rector and Scholars of Exeter College’, Oxford

I write on behalf of our client, the ‘Rector and Scholars of Exeter College’ to make formal representations on the emerging ‘Salehurst and Robertsbridge Neighbourhood Plan’ (SRNP) – Regulation 16 Submission Consultation, which was published in December 2016.

It is noted that public consultation of this document is from 10 February 2017 to 24 March 2017. It is understood that an Independent Examiner will soon be appointed by Rother District Council to independently examine the emerging SRNP. In addition, we note that the independent examiner will only consider whether the proposed neighbourhood plan meets the following basic conditions:

- Appropriate regard to national policy.
- Contributes to the achievement of sustainable development.
- In general conformity with the strategic policies in the development plan for the local area.
- Compatible with EU obligations.
- Meets human rights requirements.

Assuming the emerging SRNP satisfies the independent examination process, it will then go onto the ‘Modifications’ stage; Referendum (28 days); and then shortly to adoption by which case it will become part of the development plan. It is estimated that the emerging SRNP could be adopted in the third or fourth quarter of 2017.

By way of background, our client is the landowner of the 0.9ha allocated housing site under Policy VL7 of the 'saved' Rother District Local Plan (2006) known as 'Land at Grove Farm, Robertsbridge'. The housing allocation is for at least 30 no. of residential dwellings on the site to include housing for the elderly and 40% of the dwellings to be affordable housing.

This site had previously been represented by Croudace Homes Limited, who had an Option on the land but have now surrendered it - thereby allowing Exeter College to lead on all matters. Croudace have recently withdrawn a full planning application for 34 no. of residential dwellings and associated development (LPA Ref. RR/2016/1722/P) on 16 January 2017 due to various unresolved planning concerns from the LPA and other statutory consultees. Turnberry has subsequently been appointed directly by the College to conduct a fundamental review and address all planning issues identified in RR/2016/1722/P. We are confident that the revised submission will be a vastly improved and robust scheme compared to the proposals set out in recently withdrawn Croudace application.

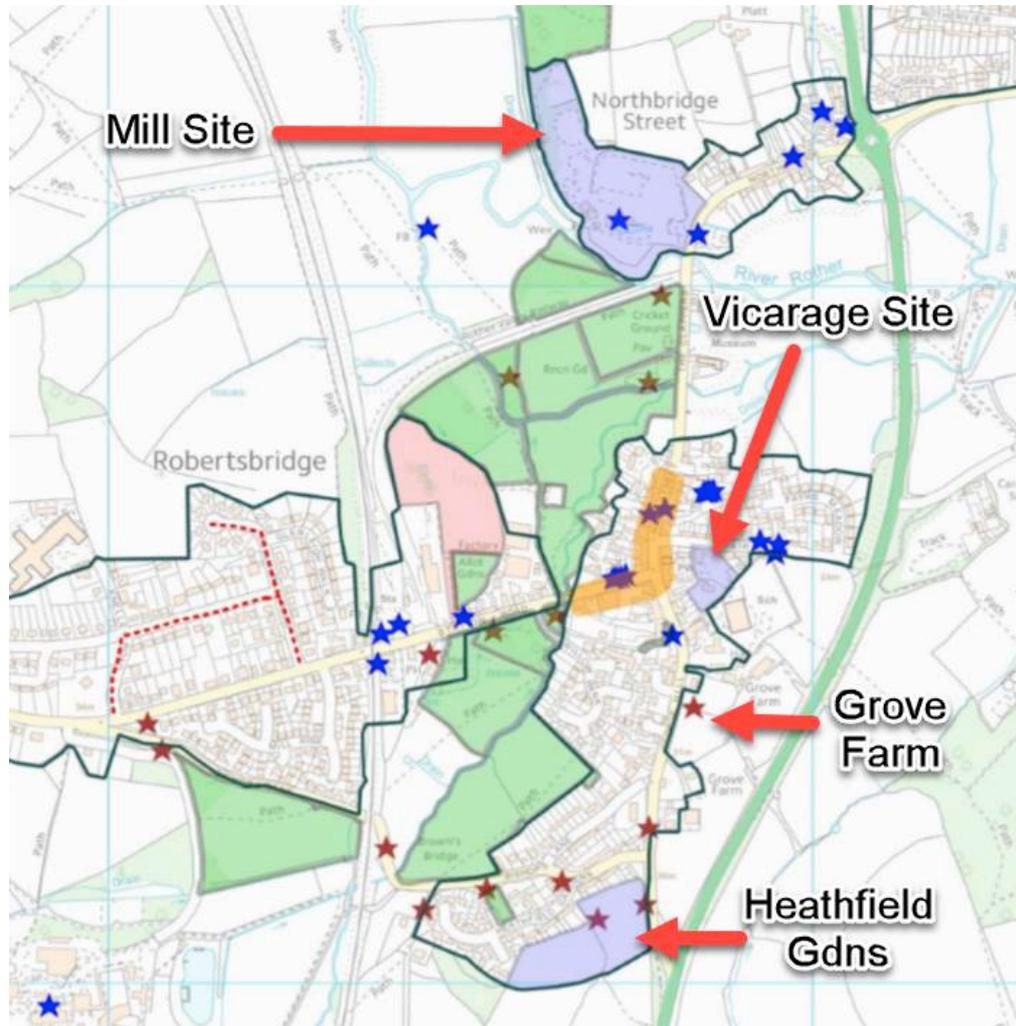
However, we are concerned with the emerging SRNP on the basis that it is proposing to effectively replace 'saved' Policy VL7 of the Rother District Local Plan (2006) and exclude the allocated Grove Farm site from its defined 'Development Boundary'. It is noted that any site outside the Development Boundary in the emerging SRNP is to be regarded as lying within the 'Countryside' designation of the adopted Core Strategy (2014) to which policy RA3 applies. Policy RA3 of the Core Strategy stipulates that development within the 'Countryside' should be for new agricultural buildings or the re-use of such buildings for employment and tourism uses and that new residential dwellings are only to be permitted in 'extremely limited circumstances'.

It is clear that the emerging SRNP is proposing to de-allocate the Grove Farm site for residential and, instead, is proposing the allocation of three alternative sites for housing under draft Policy HO3 (Site Allocations) to meet the required 130 no. of new residential units up to year 2028 as stipulated in the adopted Core Strategy (2014). The three alternative sites proposed by the emerging SRNP are as follows:

- Vicarage Land (approx. 10 no. of residential units)
- Mill Site (approx. 100 no. of residential units)
- Heathfield Gardens (approx. 40 no. of residential units)

A map of the above three sites as well as the Grove Farm site is shown in **Figure 1**.

Figure 1 – Locations of Emerging and Existing Site Allocations



It is noted that the emerging SRNP has identified a total of 150 no. of residential units (to include a minimum 10% additional housing buffer as required by Government) via the above three allocated sites for the period up to 2028. We consider the estimated housing numbers on each of the three sites to be over-optimistic and thereby unrealistic as there is insufficient evidence to support the projected housing numbers. We therefore strongly **object** to draft Policy HO3 of the emerging SRNP as it does not in general conformity with the strategic policies and Local Development Plan for the area. And are not planning positively for the local area as required by national guidance.

We request that the Independent Examiner reconsiders the allocation of the Grove Farm site as a sustainable housing development that will realistically provide at least 30 no. of residential units in meeting the projected housing need to 2028.

It is clear that we disagree with the projected number of new residential units on the Mill Site; Heathfield Gardens; and Vicarage Land and that we provide our justifications (below) as to the likely number of houses that could be viably delivered due to various site as well as planning related constraints.

Vicarage Land

As shown in **Figure 2**, Vicarage Land has a site area of approximately 0.45ha and is situated on the southern side of Fair Lane and being within circa 60m east of the High Street in Robertsbridge. The emerging SRNP considers that this site can deliver circa 10 no. of residential units, therefore, housing density is expected to be 22 dwellings per hectare (dph).

Figure 2 – Aerial Photograph of Vicarage Land



The Vicarage Land is considered to have the following site constraints:

- The site is situated within the Robertsbridge Conservation Area. According to the Character Appraisal published by the LPA in 2009, it noted that 'the south side of the Lane is a curious small historic building purported to have been used as a village jail... it is an interesting structure and important in that it is evidence of the historical social functioning of the settlement'. Therefore, the site is constrained by the potential need to preserve the character of this part of the Conservation Area.

- Fair Lane is a relatively narrow road that would serve the new development on the site. Due to parked cars along Fair Lane, vehicular access for the planned 10 no. of new residential units will further exacerbate the traffic conditions along the road.
- The site sits on an elevated topography (approximately 3m higher) when compared to the ground level of the row of two-storey terraced dwellings along George Hill to the east of the site and that a separation distance of only 15-20m exists. Therefore, any new housing development on the site would likely to appear prominent and a dominant feature particularly when viewed from the habitable room windows to the rear elevations of the dwellings along George Hill.
- In light of the above site constraints, it is considered that single-storey bungalows would be more in keeping with the character of the surrounding area that would also be more likely to preserve the character and appearance of the Conservation Area.
- In light of the above, we question the deliverability of 10 no. of residential units on the Vicarage Land and that a lower number of units would likely be deliverable.

Mill Site

As shown in **Figure 3**, the Mill Site has a site area of approximately 4ha and is situated on the northern side of Northbridge Street. The emerging SRNP considers that this site could deliver circa 100 no. of new houses. Therefore, proposed housing density is 25dph.

Figure 3 – Aerial Photograph of Mill Site



In terms of relevant planning history, it is noted that a previous outline planning application in 2007 for 'the construction of up to 1,301sqm of Class B1 business buildings, construction of up to 66 no. of residential units, construction of surgery premises of up to 557.4sqm, construction of café of up to 92.6sqm, associated landscaping, infrastructure, access roads and revised junction with Northbridge Street' (LPA Ref. RR/2007/2576/P) was refused by the LPA. It was subsequently subject of an appeal (Public Inquiry) and that it was ultimately dismissed by the Inspector on 26 August 2008 (PINS Ref. APP/U1430/A/08/2064297), which was primarily due to the following two reasons:

- The site was last occupied by a commercial firm as a feed mill with storage, offices and workshops. Local Plan Policy EM2 seeks to resist proposals to change the use of buildings or redevelop sites last in employment creating use, unless it is demonstrated that there is no prospect of its continued use for business purposes or that it would perpetuate serious harm to residential amenities. On this point, the Inspector concluded that the full employment possibilities of the site have not been adequately explored such as to justify giving up a site with locational, topographical and economic advantages.
- The proposed commercial block to the south of Hodson's Mill would harm the character and appearance of the area.

A copy of the appeal decision and the proposed layout of the site are contained at **Appendix 1**. Extract of the proposed layout featured in the 2008 appeal is shown in **Figure 4**.

Figure 4 – Proposed Site Layout of 2008 Appeal



Since the appeal decision, the LPA has also designated the southern portion of the site to be within the Northbridge Street Conservation Area as shown in **Figure 5**. It is noted that both the Grade II listed building (i.e. Former Oasthouse to Mill Farm) and Hodson's Mill are part of the Conservation Area.

Figure 5 – Northbridge Street Conservation Area



According to the developers' consultation website of the Mill Site (website: <http://www.hodsonsmill.com/>), a preliminary scheme of 102 no. of new houses and 720sqm of non-residential floorspace are proposed. Images of the emerging scheme design are shown in **Figure 6**.

Figure 6 – Preliminary Proposals for the Mill Site





Having reviewed the constraints of the site and taking into consideration the 2008 appeal decision, we have significant doubts as to how the Mill Site will be able to deliver circa 100 no. of new housing units particularly when an earlier appeal scheme of 66 no. of new housing was dismissed by the Inspector.

Our view is that the developer has clearly maximised the proposed number of housing in the 2008 scheme (i.e. at 66 no. of new housing units) but given the subsequent inclusion of the southern portion of the site as a Conservation Area and that the site area remains the same, it seems illogical as to how the latest proposal could now viably achieve the circa 100 no. of residential units in the area. Furthermore, the following should also be noted:

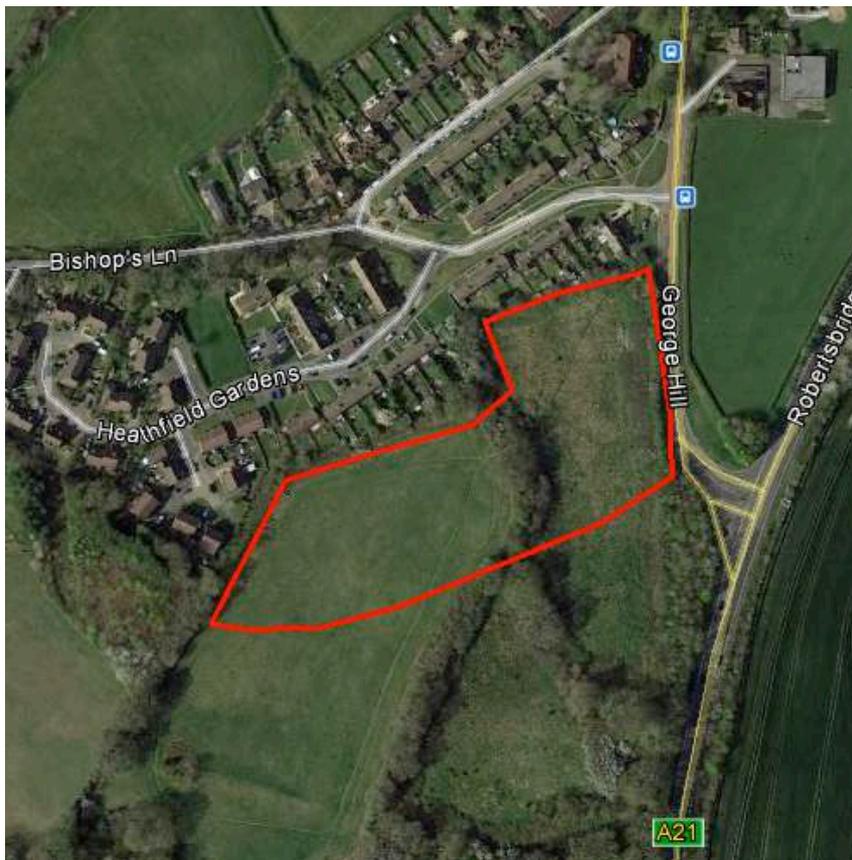
- As shown in the 3D perspective view of the proposal in Figure 6, the increased residential density to the north of the Hodson's Mill in the latest preliminary proposals are likely to cause significant harm to the character and appearance of the Conservation Area due to over-development. A significantly lower residential density is likely to be required in order to preserve the setting of the Conservation Area and the buildings within it.
- Potential flood risk and drainage issues that could limit the number of houses on the site.
- Potential impact to the setting of the Grade II listed building on site.
- The preliminary scheme appear to be significantly under-providing the required number of car parking spaces to accord with County Highways standards, which would further limit the number of housing units that could be delivered.
- The site is situated at a further distance away from Robertsbridge train station (at over 800m) compared to the Grove Farm site (at approximately 500m). Therefore, the Mill site is considered less sustainable from a sustainable transport perspective.

- In light of the above constraints, we consider that a more realistic figure of circa 60 no. of new houses may be possible and to be broadly in-line with the 2008 appeal scheme.

Heathfield Gardens

As shown in **Figure 7**, the Heathfield Gardens site has a site area of approximately 1.7ha and is situated on the western side of George Hill. The emerging SRNP considers that this site could deliver circa 40 no. of new houses. Therefore, the proposed housing density is 24dph.

Figure 7 – Aerial Photograph of Heathfield Gardens



The Heathfield Gardens site is a greenfield site that is approximately 370m south of the Grove Farm site and is currently recognised in the Proposals Map of the 'saved' Rother District Local Plan (2006) as being outside the Development Boundary.

The following planning issues are considered evident on this site:

- The site is located on the southern edge of Robertsbridge, thereby it is comparably less sustainable than the Grove Farm site as it is located further away from Robertsbridge

village centre. Development should be focused within the village centre (such as the Grove Farm site) before out-of-centre sites such as the Heathfield Gardens site should be considered.

- The Heathfield Gardens site is a complete greenfield site; whereas the Grove Farm site contain approximately a third of previously developed land. We therefore question whether the site meets the 'sustainable development' test as set out in the National Planning Policy Framework (NPPF)(2012).
- Similar to the Vicarage Land site, the Heathfield Gardens site is located on an elevated topography (circa up to 8m) compared to the nearby ground level of the two-storey residential dwellings to the north. Therefore, any new housing on the site would likely appear a dominant feature in the landscape that may cause harm to the amenity of nearby occupiers of neighbouring dwellings. We therefore question the planned density of the site in light of the constraints as outlined above.

Summary

Based on our assessment of the above three sites, the emerging SRNP is considered inflexible/over optimistic and appears to be placing too much emphasis on the three sites to deliver the required housing target up to 2028. This is in the absence of not having undertaken a more detailed exercise in understanding its true housing deliverability in light of obvious site constraints as highlighted in this letter. We consider that a more flexible approach to housing delivery is required and that other sites such as Grove Farm should be reconsidered for allocation in the emerging SRNP in order to help meet the housing target of the village up to 2028.

The site selection process has not been undertaken positively, contrary to national guidance, by unallocating Grove Farm, and placing the Neighbourhood Plan under pressure by not being in a position where it can no longer meet the housing needs of the Neighbourhood Plan Area. The Plan is also not in general conformity with the strategic development policies for the area and the adopted Local Plan.

We also **object** to how the above three sites as well as the Grove Farm site were assessed in the Strategic Environmental Assessment (SEA) that accompanied the emerging SRNP. Having reviewed the SEA, we consider the assessment as having significant flaws that fails to meet the basic condition of being compatible with EU obligations. Therefore, we would request the Independent Examiner to undertake a thorough review of this against the 'The Environmental

Assessment of Plans and Programmes Regulations 2004' (SI 2004 No. 1633). Our further justifications are set out below.

Strategic Environmental Assessment

The emerging SRNP is accompanied by a Strategic Environmental Assessment (SEA) – 'Environmental Report' (published in December 2016). In a letter from the LPA dated 15 June 2016, it confirmed that an SEA would be required in support of the emerging SRNP as it 'is likely to have significant effects on the environment'. In particular, the letter from the LPA highlighted that the SRNP should have due consideration for the following:

- The area of the SRNP is wholly within the High Weald AONB and enjoys the highest degree of protection in relation to landscape and scenic beauty.
- There are many key features of the AONB within the Parish including historic field boundaries, historic routeways etc.
- There are significant heritage constraints including two conservation areas, significant numbers of listed buildings, unlisted buildings of architectural interest, and archaeological notification areas. There are potential direct impacts where sites contain, or lie within these assets, as well as indirect impacts through development in the setting of the assets.
- Large swathes of land along the course of the Rivers Rother and Darwell and their tributaries that are within Flood Zones 2 and 3.
- The Rother and Darwell Valleys are also identified within the 'Rother, Brede and Tillingham Woods Biodiversity Opportunity Area', which overlaps with sites under consideration for development.

Having reviewed the SEA, we would like to draw the Independent Examiner to the following:

1. The SEA themes make no explicit reference to transport/accessibility or socio-economics, and the theme dealing with air quality and human health should probably also refer to noise.
2. It is not clear in the SEA whether any alternative sites were assessed and no reasoning appear to have been provided.
3. The three sites put forward in the emerging SRNP for allocation (i.e. Mill Site; Vicarage Land; and Heathfield Gardens) have made it through to satisfy the requirement to accommodate circa 150 homes. The justifications for this (and for rejecting the other 10 sites) have not been explicitly made clear in the SEA.

4. The assessment of policies (Section 7) is very repetitive and generic, whilst the alternative of re-worded policies have not been clarified in the SEA.

We also question the validity and robustness of the assessments of the three sites that have been put forward for allocation in the emerging SRNP (i.e. Mill Site; Vicarage Land; and Heathfield Gardens). In addition, we question the objectiveness as to how Grove Farm was assessed in the SEA, in particular, certain elements were considered unfairly 'marked down'.

We have undertaken a comprehensive review of the assessment of the four sites in the SEA and this is contained in **Appendix 2**. In summary, we have major concerns as to how the four sites have been assessed. The draft Neighbourhood Plan therefore fails the additional test of not complying with EU Regulations. This is a serious legal flaw in the process and needs remedied before the Neighbourhood Plan can progress.

In light of the above, we formally request that we are given the opportunity to make oral representations to the Independent Examiner at a public hearing.

We trust this letter clearly sets out my client's position in relation to the consultation document. However, should you have any queries, please do not hesitate to contact me.

Yours faithfully,

Wai-kit Cheung
Turnberry