

Independent Examiners Report of the East
Grinstead Neighbourhood Plan

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SECTION 2

Summary

As the Independent Examiner appointed by Mid Sussex District Council to examine the East Grinstead Neighbourhood Plan, I can summarise my findings as follows:

- 1. I find the East Grinstead Neighbourhood and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the East Grinstead Neighbourhood Plan go to Referendum.*
- 3. I have read the East Grinstead Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Development Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*

4. *I find that the East Grinstead Neighbourhood Plan can, subject to the recommended modifications proceed to Referendum.*
5. *At the time of my examination the adopted local plan was the Mid Sussex Local Plan 2004.*

SECTION 3

Introduction

3.1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the East Grinstead Neighbourhood Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted East Grinstead Neighbourhood Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the East Grinstead Neighbourhood Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The East Grinstead Neighbourhood Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I did require clarification on a number of issues. Initially these points were dealt with by written representations in a question and answer format. This additional information is publicly available on the Mid Sussex District Council website. I was not satisfied that the written responses adequately clarified the issues and I decided that it was necessary to hold a Hearing. This is dealt with in further detail later in my report.

3.2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check whether the neighbourhood plan:

- *Has been prepared and submitted for examination by a qualifying body*
- *Has been prepared for an area that has been properly designated for such plan preparation*
- *Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that*
- *Its policies relate to the development and use of land for a designated neighbourhood area.*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

- 1. The Plan can proceed to a Referendum*
- 2. The Plan with recommended modifications can proceed to a Referendum*
- 3. The Plan does not meet the legal requirements and cannot proceed to a Referendum*

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the East Grinstead Neighbourhood Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether: - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
- Contributes to the achievement of sustainable development; and*

- Is in general conformity with the strategic policies contained in the Development Plan for the area.

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

Mid Sussex District Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the District Council must “make” the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then “made” by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

4.1. Appointment of the Independent examiner

Mid Sussex District Council appointed me as the Independent Examiner for the East Grinstead Neighbourhood Plan with the agreement of East Grinstead Town Council.

I am satisfied that the East Grinstead Town Council is the qualifying body.

4.2. Neighbourhood Plan Area

The designated East Grinstead Neighbourhood Area covers East Grinstead Parish. The Basic Conditions Statement submitted with the East Grinstead Neighbourhood Plan confirms there are no other Neighbourhood Plans covering the Area of the East Grinstead Neighbourhood Plan.

4.3 Plan Period

It is intended that the East Grinstead Neighbourhood Plan will cover the period 2014-2031.

4.4. Mid Sussex District Council initial assessment of the Plan.

East Grinstead Town Council, the qualifying body for preparing the East Grinstead Neighbourhood Plan, submitted it to Mid Sussex District Council for consideration. Mid Sussex District Council has made an initial assessment of the submitted East Grinstead Neighbourhood Plan and the supporting documents and is satisfied that these comply with the specified criteria.

4.5 Site Visit and Hearing

I carried out an unaccompanied site visit on 19th of July 2016 to familiarise my self with the area.

As the independent examiner of the East Grinstead Neighbourhood Plan, having read the plan, supporting documents and representations I considered that it was necessary to call a hearing in order to fully consider certain of the issues raised in the representations on this plan under the provisions of Schedule 4B of the Town and Country Planning Act 1990, as amended by the Localism Act 2011.

As the examiner I determined the issues to be considered at the hearing. The scope of the hearing was confined to the areas of the plan that I considered that it was necessary for me to hear oral representation to ensure adequate examination of the issues.

As the independent examiner I decided:

- *The format and scope of the hearing*

- *Who was invited to speak at a hearing, in addition to the local planning authority and the qualifying body that submitted the neighbourhood plan or Order*
- *The questions to be asked at the hearing.*

Mid Sussex District Council sent copies of the letter calling for a hearing to East Grinstead Town Council as the Qualifying Body, statutory consultees and to all who made representation on the plan in accordance with Regulation 16 and who asked to be notified. It was also posted on the Council and Neighbourhood Plan web site.

4.5.1 Public Hearing Details

Venue: East Court, College Lane, East Grinstead, West Sussex

Date: Wednesday 20th July 2016

Time: 10:00 am start

The hearing was open to members of the public to attend, but only invited representatives were be permitted to take part in discussions

The Hearing was held to assist me principally on the matters of traffic and transport, areas of development constraint, housing provision and open space to enable me to assess whether the Plan meets the Basic Conditions in particular that it is in general conformity with the Mid Sussex Local Plan 2004 and the evidence base for the emerging Mid Sussex District Plan and has regard to National Planning Policy objectives and advice.

Notes taken at the Hearing are available to be viewed on the Mid Sussex Neighbourhood website.

The Hearing dealt with the subjects I felt it necessary to have oral representation on and I am now satisfied that I have sufficient information to conclude my examination of the plan. The details relevant to each policy are referred to in Section 4 of my report. In addition during the course of the hearing and in order to address particular issues raised East Grinstead Town Council put forward proposed changes to two policies. Modification was proposed to Policy EG2 to create two policies EG2 and EG2a and EG14. Details of these proposed amendments and my response are contained within Section 4 of my report.

4.5.2 Areas of discussion and conclusion

4.5.2 (a) Review of Plan

The intention to review the East Grinstead Neighbourhood Plan once the new Mid Sussex Local plan is adopted was discussed at the Hearing. I am of the opinion that the impression given within the plan is that the review is a straightforward process. It was acknowledged at the hearing that no mechanism exists within the legislation for a

review of a Neighbourhood Plan without going through the formal process of preparing a plan as has already been carried out including taking a revised plan to Referendum. References in the Plan need to be clear about the process for changing the Neighbourhood Plan and the consequence of failing to do so if, once the Mid Sussex Development Plan is adopted the Neighbourhood Plan is considered out of date. In particular I recommend that paragraph 1.5 should be reworded to reflect this distinction and explain the process necessary if the plan is not to become out of date. I am also concerned that it may be necessary to carry out this review and plan revision in a relatively short timescale given the progress of the Mid Sussex District Plan towards adoption. By acknowledging that the plan is unlikely to remain relevant once the new development plan is in place casts doubt on whether in reality the Neighbourhood Plan has been prepared to cover the period 2014- 2031.

4.5.2 (b) Traffic and Transport

I heard submissions from both West Sussex County Council and a representative of Jubb in relation to traffic congestion within East Grinstead in relation to the Atkins and Jubb reports. The detailed responses to my questions are recorded in the minutes of the Hearing and available to read on the Mid Sussex District Council website. I am now satisfied that both the Atkins and Jubb report contribute as part of the evidence base to the understanding of the scope of these issues. I am satisfied having heard the submissions that there is a significant highway infrastructure issue within the Neighbourhood Plan area and that, although not definitive, it is appropriate for these reports to form part of the evidence base for the policies within the plan. What neither of these reports adequately address is the assessment of the impact of future development proposals or a complete understanding of how mitigation measures associated with those developments could contribute to ameliorating not only the traffic issues directly generated by any development proposal and existing traffic congestion issues within the town. In conclusion, although I acknowledge that there are significant traffic constraints within the town, I am not convinced that the evidence as currently exists can be used to prevent further development without the impact being tested as required by the NPPF.

4.5.2 (c) Areas of Development Constraint and Built up Area Boundary.

From the response received from East Grinstead Town Council both in writing and at the Hearing it is clear that no review of the Built Up Area Boundary (BUAB) was carried out for the Neighbourhood Plan area- the reason given being that it conforms to the BUAB designated within the current Development Plan and that existing environmental and infrastructure constraints dictate that the boundary should remain largely unchanged. It is understood that there is intended to be a review of the boundary at some stage in the future and that this will be carried out by Mid Sussex District Council as part of its Site Allocations DPD. It will be at this point, if necessary, that the

Neighbourhood Plan will be reviewed. I have reservations about this approach in terms of the Neighbourhood Plan meeting the Basic Conditions. The decision to include housing policies within the Neighbourhood Plan means that regard must be had to the most up to date housing need evidence, given that there has been no formal testing of the boundary through the Neighbourhood plan process to justify no change and given that in my opinion this effectively prevents the Neighbourhood Plan being able to meet the OAN identified in the evidence base for the emerging local plan, my conclusion is that Policy EG5 paragraph (a) does not meet the Basic Conditions in having regard to National Policy and Guidance and my recommendation in Section 4 of my report is that it will be necessary to modify this aspect of the policy in order to meet the Basic Conditions.

4.5.2(d) Housing Provision

There is some lack of clarity currently within the plan and its policies relating to the delivery of housing to meet the policy requirements of the NPPF and the evidence base for the emerging Local Plan. The current Development Plan is out of date with regard to housing provision and therefore in the absence of a new adopted Local Plan the requirements of the NPPF take precedence. By seeking to address housing as a policy area within the Neighbourhood Plan the NPPF requires that the evidence base for the emerging Local plan is taken into consideration when formulating those housing policies. Whilst I acknowledge that there are constraints to development within the Neighbourhood Plan area I also note that through the sites to be brought forward for development there is little likelihood of meeting the OAN identified for the area. I consider that the discussion of these issues at the Hearing highlighted that there are a number of issues, which may delay or even prevent certain sites identified in the Neighbourhood Plan being delivered. The intention to review the Neighbourhood Plan once the new Mid Sussex Development Plan is in place does not in my opinion address the issue adequately and is very likely to make the Neighbourhood Plan out of date as soon as the new plan is adopted which is likely to be in the near future. I consider that the issues around the housing policies could be addressed by modification to policy EG5 and this is set out in further detail in section 4 of my report.

4.5.2(e) Open space/Policy EG14

During the Hearing a proposed modification to the open space policy was tabled by East Grinstead Town Council. I consider that this overcomes the issue I had identified with this policy and recommend the modification in Section 4 of my report.

4.6. The Consultation Process

The East Grinstead Neighbourhood Plan has been submitted for examination with a Consultation Report which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations

2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

(a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;

(b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and

(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

Examination of the documents and representations submitted in connection with this matter have lead me to conclude that the consultation process was thorough, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

4.7.Regulation 15 Consultation by Mid Sussex District Council and record of responses.

The District Council placed the East Grinstead Neighbourhood Plan out for consultation under Regulation 15 from the 3rd of February 2016 to the 16th of March 2016

A large number of detailed representations were received during the consultation period and these were supplied by the District Council as part of the supporting information supplied for the examination process. I considered the representations, have taken them into account in my examination of the plan and made reference to them where appropriate. It was as a result of a number of the representations made and the lack of clarity around some issues (detailed in other parts of the report) that I decided that it was necessary to hold a Hearing. With regard to the other representations received which did not directly relate to the issues covered by the Hearing I determined that I had adequate information and have taken the representations made into account in reaching my conclusions.

4.8. Compliance with the Basic Conditions

The East Grinstead Neighbourhood Plan working Group produced a Basic Conditions Statement on behalf of East Grinstead Town Council. The purpose of this statement is for the Neighbourhood Plan Working Group to set out in some detail why they believe the Neighbourhood Plan as submitted does meet the Basic Conditions. It is the Examiner's Role to take this document into consideration but also make take an independent view as to

whether or not the assessment as submitted is correct.

I have to determine whether the East Grinstead Neighbourhood Plan:

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate Development Plan*
- 4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*

Documents brought to my attention by the District Council for my examination include:

(a) The East Grinstead Neighbourhood Plan: This is the main document, which includes the policies developed by the community.

(b) The Consultation Statement: This is a statement setting out how the community and other stakeholders have been involved in the preparation of the East Grinstead Neighbourhood Plan and is supported by an evidence base which arose from the consultation.

(c) Basic Conditions Statement.

This is a statement setting out how East Grinstead Town Council considers that the Neighbourhood Plan does meet the Basic Conditions.

(d) Sustainability Appraisal and Sustainability Report Non Technical Summary: This is an appraisal of how well the East Grinstead Neighbourhood Plan policies contribute to achieving sustainable development objectives. These reports also cover the Strategic Environmental Assessment and Habitat Regulations Assessment requirements for the East Grinstead Neighbourhood Plan.

Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the East Grinstead Neighbourhood Plan does, subject to the recommended modifications, meet the Basic Conditions.

4.9.Planning Policy

4.9.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF) 2012.

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In

addition, the NPPF requires that a Neighbourhood Plan "must be in general conformity with the strategic policies of the local plan". Paragraph 16 states that neighbourhoods should "develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan".

The East Grinstead Neighbourhood Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

I have examined the East Grinstead Neighbourhood Plan and consider that, subject to modification, the plan does have "regard for National Policy and Advice" and therefore the Plan does meet the Basic Conditions in this respect.

4.9.2. Local Planning Policy- The Development Plan

East Grinstead is within the area covered by Mid Sussex District Council. The relevant development plan is Mid Sussex Local Plan 2004

I have considered the Strategic policies of the Development Plan and the Policies of the East Grinstead Neighbourhood Plan and consider that the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic policies of the Mid Sussex Local Plan 2004.

4.10. Other Relevant Policy Considerations

European Convention on Human Rights (ECMR) and other European Union Obligations

As a 'local plan', the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

A Strategic Environmental Assessment (SEA) screening opinion was sought as required from the following organisations during the formal consultation period:

- Natural England*
- Historic England*
- Environment Agency*
- Mid Sussex District Council*

The view of Mid Sussex District Council was that a SEA (Strategic Environmental Assessment) was required but that no further work by East Grinstead Town Council was required regarding the HRA (Habitats Regulation Appraisal), as this would be undertaken by Mid Sussex District Council. The SEA was carried out and is covered in the Sustainability

Appraisal incorporating Strategic Environmental Assessment Final Report, August 2015.

Mid Sussex District Council has undertaken a Habitats Regulations Assessment (HRA) to test whether the Mid Sussex District Plan, in combination with other plans and projects, is likely to have an adverse effect on the integrity of Ashdown Forest. The HRA identified a 7km 'zone of influence' within which new housing developments must counter its effect by putting in place measures, which reduce visitor pressure. East Grinstead Neighbourhood Plan area is mainly within the 7km zone of influence, and therefore new residential development proposed in the Plan must have due regard to the Habitats Regulations.

Mid Sussex District Council carried out a screening of the Regulation 16 East Grinstead Neighbourhood Plan in January 2016 summarising the position and concluding that the policies and plan did not result in a likely significant effect on the Ashdown Forest SPA and SAC for the majority of policies but some did require Habitats Regulations Assessment. This was also carried out in January 2016 and concluded that, subject to mitigation, there would be no adverse effect on the integrity of the Ashdown Forest SPA and SAC from the policies included within the East Grinstead Neighbourhood Plan.

4.11. Sustainable development

The East Grinstead Neighbourhood Plan has been assessed by means of a Sustainability Appraisal and the conclusion of this process was that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies and where issues have been identified they were addressed by revisions to the document prior to submission. I am satisfied that the East Grinstead Neighbourhood Plan subject to the recommended modifications addresses the sustainability issues adequately.

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the East Grinstead Neighbourhood Plan has done so.

I am therefore satisfied that the East Grinstead Neighbourhood Plan meets the basic conditions on EU obligations.

4.12. Excluded development

I am satisfied that the East Grinstead Neighbourhood Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

4.13. Development and use of land

I am satisfied that the East Grinstead Neighbourhood Plan covers development and land use matters.

4.14. The Neighbourhood Plan Strategic Aims and Policies

The East Grinstead Neighbourhood Plan Vision

'To provide for a positive future for East Grinstead that is socially inclusive for all, vibrant, economically robust and will allow residents to live with a high degree of self-sufficiency in a town with a first rate natural, built and historic environment'.

The East Grinstead Neighbourhood Plan sets the objectives to be covered in the plan as:

- Improve the town's urban, rural and historic environment and protect it from harmful development;*
- Make prudent use of natural resources by promoting development on previously developed sites within the built up area boundary;*
- Improve highway and infrastructure conditions, reduce the reliance on car use and provide attractive alternative means of travel;*
- Provide quality new homes for existing and future residents within existing environmental and infrastructure constraints;*
- Promote development that will provide sustainable economic growth, including business and tourism related development and maintain a prosperous town centre; and*
- Protect the countryside and urban open spaces for their landscape, wildlife, agricultural, recreational and natural resource value, specifically including Ashdown Forest and Areas of Outstanding Natural Beauty.*

I consider that the policies follow from the stated objectives and are consistent with achieving those stated objectives.

4.15. East Grinstead Neighbourhood Plan Policies

EG1

Within the High Weald Area of Outstanding Natural Beauty planning permission will be refused for major development proposals unless the development is demonstrably required in the public interest and meets the exceptional circumstances criteria outlined in the NPPF.

Planning permission for other forms of development will be granted where the proposals are for the:

- (i) Conversion of redundant buildings;**
- (ii) Replacement, on a like for like basis, of existing buildings; or**
- (iii) Extension of an existing dwelling house, relate to agricultural development or some other minor recreational use;**

Provided that for each of the above (i, ii and iii) all of the following criteria are met:

- The highest standards of Design are achieved;**
- The natural and scenic beauty of the landscape is conserved or enhanced;**
- The proposals do not result in an obtrusive feature in the landscape.**

The onus is on the applicant to demonstrate that the scheme would not negatively impact on the existing quality of the protected landscape and its setting taking account of locally important features. Proposals that have not fully considered and addressed the impact on the AONB will normally be refused.

COMMENT

I have no comment on this policy.

Policy EG2 – Areas of Development Constraint

Planning permission will not normally be granted for development within the Countryside Areas of Development Constraint 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**

(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.

Planning permission will normally be granted for the sympathetic conversion of redundant rural buildings, limited small scale new development and extensions to existing buildings 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) Essential small-scale proposals for agricultural or sport and recreation such as pavilions and changing rooms; and

(5) It is essential to meet specific necessary utility infrastructure needs and no alternative feasible site is available.

COMMENT

The policy as originally worded is both confusing and problematic. Following representation on this policy East Grinstead Town Council, in agreement with Mid Sussex District Council proposed modification to the policy by splitting the policy in two to create policy EG2- areas of Development Constraint and policy EG2a Preventing Coalescence. Having considered these modifications and whilst agreeing that this approach is more appropriate I am of the opinion that further modification to EG2 is required. It is unclear through the proposed revised wording what areas are covered by policy EG2. I recommend the following modification.

Policy EG2 – Areas of Countryside 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.*

Policy EG3 – Promoting Good Design

Planning permission will normally be granted where development proposals meet the following criteria:

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;***
- b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;***
- c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;***
- d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;***
- e) The design of new buildings and the layout of spaces, including footways, car and***

cycle parking areas, should be permeable and provide connectivity with neighbouring areas;

f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and

g) The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and

h) Proposals make provision for green infrastructure and biodiversity enhancement.

Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.

COMMENT

I have no comment on this policy

Policy EG 4 - Heritage Assets

Proposals that relate to a Listed Building/Structure, Conservation Area or any other designated Heritage Asset will only be permitted where all of the following criteria are met:

a) The proposal leads to less than substantial harm in relation to the significance of the heritage asset;

b) Where harm is more than substantial, planning permission will be refused unless the harm is clearly outweighed by the benefits of bringing the asset into a viable, long term and managed use. Harm would include any significant detrimental effect on;

- The architectural or historic attributes of the asset; and/or*
- The character and setting of the Heritage Asset; and views of the*

Heritage Asset.

c) Proposals for development within The Portlands area of 58 to 84 High Street will be subject to rigorous assessment having regard to their character and appearance, historic importance and contribution to the Conservation Area.

d) A suitable heritage statement and/or archaeological assessment must be provided

in support of the proposals.

COMMENT

Historic England have objected to policy EG4 and comment as follows:

“Policy EG4 – Heritage Assets: Unfortunately, despite the good intentions of the policy writers we feel this policy provides less protection for heritage assets than the existing policies of the NPPF and saved Local Plan. Essentially, bullet points a. and b. fail to provide the requirement to avoided or minimised harm to the that is less than substantial should be weighed the public benefits of the scheme as required by the NPPF at paragraphs.

Bullet point d. fulfills the requirements of the NPPF for planning authorities to require applications to be supported by an assessment of the significance of heritage assets that would be affected. As such we would recommend that bullet points a. and b. are removed and that the first paragraph is amended accordingly to require that applications affecting designated and non-designated heritage assets are supported by an appropriately detailed assessment of their heritage significance and the impact of the proposals on this.

Bullet point c. stands apart from the list of requirements that apply to all applications and essentially is a location specific policy that would be better clearly differentiated from the broader heritage policy. We support the intention of bullet point c. in identifying an important element of the conservation area’s special interest and character and appearance as a means of implementing the requirements of national and local [policy at the neighbourhood level. Whilst the preamble identifies the importance of the archaeological interest of the Portlands to the significance of the High Street Conservation Area, this is not reflected in bullet point c of the policy. This would represent an important opportunity to add a genuine element of local perspective to the policy by more clearly identifying the features that contribute to the significance to the conservation area. Furthermore to give greater weight to the understanding of the area’s importance as part of the medieval landscape of the conservation area and its subsequent contribution to the character of the area we would recommend that this is more clearly reflected in the policy as the primary tool of decision making. As such we would recommend the policy is amended to more clearly identify and manage this interest using wording such as: “c) Proposals for development within The Portlands area of 58 to 84 High Street will be subject to rigorous assessment having regard to their impact on the area’s character and appearance, and the contribution of its archaeological evidence to the special historic interest importance and contribution to the significance of the Conservation Area, including the evidence of medieval

property boundaries and use for agricultural production.” This policy does not address impacts to non-designated heritage assets, which would therefore continue to be considered under the policies of the NPPF. Nevertheless the supporting text at 4.21 does identify the Bluebell Railway as a whole as having ‘historic significance’ and states that the Town Council will seek to protect it. We would suggest this is reworded to state that “it has significance for its historic interest and merits consideration in planning as a heritage asset as a whole”, to better reflect the wording of the NPPF and to provide clarity about the meaning of this paragraph. This will ensure the railway is considered in future decision making as a recognised non- designated heritage asset.”

I concur with the comments of Historic England and recommend that policy Eg4 is split into two policies EG4 and EG4a and modified as follows:

Policy EG 4 – Designated and Non Designated Heritage Assets.

Applications affecting designated and non-designated heritage assets must be supported by an appropriately detailed assessment of their heritage significance and the impact of the proposals on that significance.

EG4a

Proposals for development within The Portlands area of 58 to 84 High Street will be subject to rigorous assessment having regard to their impact on the area’s character and appearance, and the contribution of its archaeological evidence to the special historic interest importance and contribution to the significance of the Conservation Area, including the evidence of medieval property boundaries and use for agricultural production.

Paragraph 4.19 of the plan states:

“4.19 Taking into account the above guidance, policy EG4 seeks to supplement existing guidance contained within the NPPF and higher level District Plans to add a localised stance on how proposals that affect Heritage Assets will be considered.”

The wording of this paragraph is ambiguous and could be read that the plan is seeking to apply more onerous requirements than those set out in the NPPF. I recommend that this paragraph be deleted.

Policy EG5 – Housing

New housing development will only be supported if it complies with each of the following criteria:

- a) *The site is located within the existing settlement boundary;*
- b) *The land is either defined as ‘previously developed,’ where the site is predominantly previously developed or is green infrastructure but can be demonstrated to be surplus to requirements;*
- c) *The proposal complies with design guidance contained in policy EG3 or a relevant Development Brief;*
- d) *The proposals provide a mix of tenure types including private, social rented and shared equity (intermediate);*
- e) *Does not cause a severe cumulative impact in terms of road safety and increased congestion after proposed mitigation is taken into account;*
- f) *Contributions are made towards SANG and Strategic Access Management and Monitoring (SAMM); and*
- g) *The proposal meets its own infrastructure needs.*

Where proposals comply with Policy EG5, relevant site-specific policies and mitigate their highway and other infrastructure impacts, the following sites (EG6A and EG6B) will be encouraged to come forward for residential development.

COMMENT

There have been numerous representations relating to the wording and impact of this policy and to whether or not it meets the Basic Conditions in terms of “having regard” to National policy and Guidance most specifically in relation to whether or not the Plan and this policy in particular significantly boosts the supply of housing and contributes to sustainable development. The issues are rehearsed at length in representations on the plan and were covered extensively at the Hearing. The guidance, which accompanies the NPPF in relation to the preparation of Neighbourhood Plans, is clear:

“Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.”

The PPG advises that a draft neighbourhood plan is not tested against the policies in

an emerging local plan, although the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

Where a neighbourhood plan is brought forward before an up-to-date local plan is in place, the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan, with appropriate regard to national policy and guidance.

In this case, that advice is particularly important, because the emerging Mid Sussex District Plan envisages neighbourhood plans allocating a proportion of the housing land needed to meet the housing need of the plan area.

It is evident that as the Plan does contain policies relevant to housing supply it should take into account the latest up to date evidence of housing need- de facto the evidence that has been prepared to support the emerging Mid Sussex District Local Plan (HEDNA 2015 and the OAN). Whilst I accept that this evidence has not yet been tested it is the most up to date.

From the written and oral evidence and representations I have received I am not convinced that all the sites identified within the plan are deliverable. The additional constraint imposed by the retention of the Built Up Area Boundary largely unchanged and the requirement to use only previously developed land or surplus green infrastructure land for new housing development result in a lack of flexibility of approach to housing delivery and a risk of failure to meet local housing need.

There are two ways in which suitable housing provision could be made. One would be to allocate specific areas of land to accommodate the required number of units but as yet the number of units has not been tested. The other would be to modify Policy EG5 to ensure that there is adequate flexibility to meet housing need for the Neighbourhood Plan Area across the plan period.

In my opinion the allocation of additional specific sites would require further public consultation to ensure openness and fairness. Modification of the policy wording, however, would in my view be acceptable, since individual sites would be tested against the criteria when they came forward as the subject of planning applications.

It is also clear from the Plan itself and the response to both written questions and oral representation at the Hearing that East Grinstead is subject to environmental and infrastructure constraints. Whilst acknowledging these constraints to development

identified I consider that a criteria based policy will allow the testing of the impact of these constraints on a site by site basis and also allow for mitigation measures to be brought forward which could be of benefit to the Neighbourhood Plan as a whole. I am not satisfied that the policy as currently worded provides the flexibility to meet the local housing need over the plan period as required by the NPPF and therefore fails to meet the Basic Conditions in this respect.

The issue of reviewing the Neighbourhood Plan as necessary once the new Mid Sussex Development Plan is adopted is a separate one to whether or not the East Grinstead Neighbourhood Plan before me meets the Basic Conditions. For the reasons set out above I am of the opinion that without the modification of this policy it does not; without modification Policy EG5 fails to meet the requirement of the NPPF to take account of the current housing need evidence and provide the flexibility to deliver adequate housing to address that need.

In order to meet the Basic Conditions I recommend the following modification:

Policy EG5 – Housing

The East Grinstead Neighbourhood Plan area is subject to significant environmental and infrastructure constraints and as a result new housing development on land defined as ‘previously developed,’ where the site is predominantly previously developed or is green infrastructure that can be demonstrated to be surplus to requirements will be supported subject to the criteria below and compliance with other policies within the plan.

Other proposals for new housing development will only be supported if:

- a) The proposed development contributes to sustainable development;*
- b) An application is supported by robust assessment of the environmental and visual impact of the proposal and include as necessary appropriate mitigation measures.*
- c) An application is supported by a robust assessment of the impact of the proposal upon the local highway network and it can be demonstrated that the proposal will not cause a severe cumulative impact in terms of road safety and increased congestion after proposed mitigation is taken into account;*
- d) The proposal complies with design guidance contained in policy EG3 or a relevant Development Brief;*
- e) The proposal provides a mix of tenure types including private, social rented and shared equity (intermediate);*

f) Contributions are made towards SANG and Strategic Access Management and Monitoring (SAMM); and

g) The proposal meets its own infrastructure needs.

Where proposals comply with Policy EG5, relevant site-specific policies and mitigate their highway and other infrastructure impacts, the following sites (EG6A and EG6B) will be encouraged to come forward for residential development.

Policy EG6A – Housing Sites that are committed via planning permissions

1. St Lukes House and St Lukes Church, Holtye Avenue (0.14ha, Shlaa ref 439). This site has been previously promoted for development but proposals will need to justify the loss of this piece of community infrastructure. A development similar in scale to the new apartments opposite could be developed. Development should not exceed three storeys and two storeys near adjoining houses. A suitable soft landscaping and boundary treatment, consisting of native species, will be required along the southern boundary to provide appropriate screening in order to protect neighbouring residential amenity. The site could achieve up to 15 units and permission was granted under 12/00439/FUL for 14 units.

2. 1-25 Bell Hammer (0.35ha, Shlaa ref 696). This site has an extant planning permission (13/01343/FUL for 28 sheltered housing units but could be suitable for housing.

3. Warrenside, College Lane (0.17ha, Shlaa ref 444). An existing dwelling adjacent to Beeching Way. Scope exists for 14 units subject to important trees being protected and the amenity of residents adjoining the site. Outline permission granted 12/01877/OUT.

COMMENT

I have no comment on this policy.

Policy EG6B – Housing Sites, which could be brought forward, include:

4. Meadway Garage, Lowdells Lane (0.16ha, Shlaa ref 324). This site has some tree coverage but historically was used as a garage. It is now redundant and dilapidated. To conform to the character of the area some 9 dwellings is considered appropriate in two storey buildings.

5. Land at junction of Windmill Lane and London Road (0.4ha, Shlaa ref 102). This site is on a prominent corner where a flatted scheme would be appropriate. The scale of the development should not exceed 3 storeys in height and frontage trees of

significance should be retained. This site could achieve 30-35 dwellings and is identified in the Small-scale Housing Allocation Document (SSH/2).

6. Imberhorne Lane Car park (0.18ha, Shlaa ref 510). The redevelopment of this site is subject to evidence being submitted that the car park is no longer needed. A flatted scheme providing up to 18 dwellings would be suitable. Two storey buildings would be an appropriate scale of development, although if a higher scale building were proposed a visual and amenity impact assessment would be required.

7. 67-69 Railway Approach (0.09ha, Shlaa ref 441). This site is subject to a site specific Policy SS1. It could accommodate up to 7 units.

8. Post Office and delivery office, 76 London Road (0.15ha, Shlaa ref 559). This is a listed building with a much later extension and service yard at the rear. Development for up to 12 dwellings would be supported subject to (i) a ground floor retail use on the London Road frontage and (ii) the removal of the rear brick extension which detracts from the listed frontage.

9. Cantelupe House, Cantelupe Road (Shlaa ref 608) An older 1960's office building of limited architectural merit. Close to existing residential units. Given its elevated position a maximum of 3-Storeys would be appropriate. Designs should reflect the Victorian character of the residential street. The number of units could be 10-12 depending on design.

10. Imberhorne Lower School, Windmill Lane (7ha, Shlaa ref 81). This site is subject to Policy SS3. Subject to Policy EG5 relating to highway infrastructure mitigation, the site could accommodate circa 200 dwellings. Prior to planning permission being granted a development brief should be prepared, consulted upon and adopted. The Town Council, with stakeholders, proposes to take a lead on its preparation.

11. Ashplats House, off Holtye Road. This site would be suitable for between 35 and 45 dwellings being that it is now surrounded on 3 sides by existing development and partly constitutes previously developed land. Access could be appropriate off Greenhurst Drive.

12. Queens Walk between Queensway and London Road. This site is subject to pre-application discussion and the owners have confirmed their intention to deliver a mixed-use scheme. The site could achieve up to 120 dwellings subject to design and mix use considerations.

COMMENT

I have no comment on this policy.

Policy EG7 – Housing Mix and Density

Planning permission will be granted for new housing schemes where they meet the following criteria:

- (1) Achieve a minimum density of 30 dwellings per hectare unless local character indicates a different density level and this justification is provided;***
- (2) On sites of 5 or more dwellings, provide a minimum of 20% small family accommodation in the form of 2 and 3 bedroom units;***
- (3) Variations in the above mix will only be considered where a viability assessment has been provided to justify a departure from this policy or there are clear design and location reasons which indicate a higher density is appropriate; and***
- (4) Provides affordable housing in accordance with District policy.***

COMMENT

I have no comment on this policy.

Policy EG8 – East Grinstead Town Centre

Planning permission for changes of use of ground floor shop type units within the Town Centre will be permitted subject to the following criteria being met:

- a) The retention of a shop window display;***
- b) The use falls within the A1 to A5 use classes, D2 and other cultural/arts and community type uses or uses which enhance the vitality and viability of the Town Centre;***

Proposals that seek to amalgamate small units into larger units will generally be resisted because they would be contrary to the small shop unit character of the Town Centre. However in exceptional circumstances, where the proposals result in a qualitative benefit to the Town Centre, such amalgamations will be permitted if the shop front design presents the perception of small shop units.

Planning permission for changes of use to residential or office uses will be permitted on upper floors within the Town Centre provided that the residential unit size created complies with the Technical Housing Standards published by Department for Communities and Local Government, March 2015.

COMMENT

The change of use of retail and office premises, in the last paragraph of this policy is covered by wide ranging Permitted Development and Prior Approval regime, the final paragraph of this policy does not align with this regime and I recommend that it is deleted.

Policy EG9 – Temporary Community Uses

Within the town centre of East Grinstead the temporary use of long term vacant commercial and retail premises will be permitted where they would provide a community based use compatible with the wider surroundings and would not impact upon the amenities of neighbouring properties or impinge upon the attractiveness of the town centre.

COMMENT

I have no comment on this policy.

Policy EG10 – Employment Provision

Planning permission will be granted for the redevelopment, extension or alteration of existing B use category business premises. Applications will be granted where they:

- (1) Are on a site defined as previously developed land;*
- (2) Meet the parking requirements of the adopted Development Plan;*
- (3) Provide a high quality landscape setting;*
- (4) Do not result in any adverse impacts on the local highway network after mitigation is taken into account;*
- (5) Meet their own infrastructure needs; and*
- (6) Are in a location and of a scale, form and design which is in character with its surroundings.*

Proposals for mixed-use redevelopment of 'previously developed' business sites will be permitted providing the proposal includes a qualitative enhancement in the business floorspace being provided.

The loss of lawful business premises and sites within the existing settlement confines will be generally resisted. Planning permission will only be granted if it can be demonstrated that the site has been unsuccessfully marketed for

employment/business re-use for a period of at least 6 months; the building is unsuitable or unviable for continued business use; there is no reasonable prospect of the take up or continued use for business use at the site/premises in the longer term; and the proposal meets other policies of the Development Plan.

COMMENT

This policy seeks to cover two separate issues and would be less confusing if split into two policies. I recommend the following modification:

Policy EG10 – Employment Provision

Planning permission will be granted for the redevelopment, extension or alteration of existing B use category business premises. Applications will be granted where they:

(1) Are on a site defined as previously developed land;

(2) Meet the parking requirements of the adopted Development Plan;

(3) Provide a high quality landscape setting;

(4) Demonstrate that the residual cumulative impacts of development on the transport network are not severe.

(5) Meet their own infrastructure needs; and

(6) Are in a location and of a scale, form and design which is in character with its surroundings.

Proposals for mixed-use redevelopment of ‘previously developed’ business sites will be permitted providing the proposal includes a qualitative enhancement in the business floorspace being provided.

Policy EG10a

The loss of lawful business premises and sites within the existing settlement confines will be generally resisted. Planning permission will only be granted if it can be demonstrated that the site has been unsuccessfully marketed for employment/business re-use for a period of at least 6 months; the building is unsuitable or unviable for continued business use; there is no reasonable prospect of the take up or continued use for business use at the site/premises in the longer term; and the proposal meets other policies of the Development Plan.

Policy EG11 – Mitigating Highway Impact

All new housing and business development proposals will be expected to:

- 1. Include access arrangements that are appropriately designed and include adequate visibility splays;***
- 2. Not materially harm the strategic flow of traffic through and within East Grinstead;
and***
- 3. Not cause a severe cumulative impact in terms of road safety and increased congestion and provides appropriate mitigation.***

Appropriate mitigation could be in the form of a zero car development, where justified in a transport assessment, travel plans, junction and highway improvements or contributions to the Highway Authority to carry out junction and highway improvements.

COMMENT

It is clear through the evidence base supporting the preparation of the Neighbourhood Plan, various representations received and discussion at the Hearing that inadequate highway infrastructure is an issue, which needs to be addressed when new development proposals come forward. However this policy fails to qualify “Not materially harm the strategic flow of traffic through and within East Grinstead” and fails to take the opportunity to encourage proposals to include opportunities for other modes of transport including walking and cycling, to support sustainable development. I recommend the following modification:

Policy EG11 – Mitigating Highway Impact

Due to the identified highway constraints within the Neighbourhood Plan Area all new housing and business development proposals will be expected to:

- 1. Be supported by an appropriate assessment of the impact of the proposal on the highway network. 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. Appropriate mitigation could be in the form of a zero car development (where justified in a transport assessment), a travel plan, the provision of footpath and cycle links, junction and highway improvements or contributions to the Highway Authority to carry out junction and highway improvements***
- 2. Include access arrangements that are appropriately designed and include adequate***

visibility splays.

Policy EG12 – Car Parking

Planning permission will only be granted where vehicle-parking provision, including cycle parking, is in accordance with West Sussex County Council adopted parking standards and it does not dominate the street scene.

In exceptional circumstances, a departure from the adopted standards will be supported if the applicant can demonstrate specific local circumstances require a different level of parking provision, including as a result of the development site's accessibility to public transport, shops and services, highway safety concerns and local on-street parking problems. For this to be accepted a Transport Assessment will be required together with a set of proposals to justify this alternative provision.

COMMENT

I have no comment on this policy.

Policy EG13 Modern Technology

All new business and residential development will be required to include details of how the provision of modern technology interfaces, including broadband connection and other digital connections, can be incorporated into the development.

On major business and housing schemes, proposals will be expected to include measures such as solar generation, ground source heat pumps, and home electric charging points where practical.

COMMENT

I have no comment on this policy.

Policy EG14 – Protection of Open Space

Planning permission will be refused where development results in the loss of any publicly accessible open space, green spaces of visual amenity or other community assets unless the applicant can demonstrate that:

- a) The open space, green space or asset is surplus to requirements, is no longer necessary to meet an identified need and that there is no prospect of an appropriate alternative community, sports or recreational use being brought forward; or*
- b) The loss will be mitigated by equivalent or improved replacement provision (in terms of quality, quantity and accessibility elsewhere within the local area); or*

c) The development proposed is for an ancillary use that will help maintain and improve the use and accessibility of the public open space.

Where proposals are located on open space planning permission will only be granted if the ecological impacts are acceptable or that appropriate mitigation can be carried out.

COMMENT

At the Hearing it was proposed by East Grinstead Town Council that this policy be modified to remove the reference to “green spaces of visual amenity” to avoid the inclusion of private green space. I concur with this proposal and recommend that the policy is modified as follows:

Existing public open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or***
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or***
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss***

Policy EG15 - Sport, Recreation and Community use Provision Policy. The following sites are identified for children’s equipped open space:

• Estcot Estate, off Court Crescent; East Court off College Lane; Manor Glade; Heron Ghyll off Richmond Way; Newton Avenue; Sunnyside Recreation Ground; Lister Avenue; Pavilion Way off Dakins; Orchard Way; Copyhold Road; Brooklands Park Play Area; Imberhorne Lane; The Stennings; Lingfield Road; Mount Noddy Play Area; Kings Centre Play Area; King Georges Field Skate Park; Hollands Way; and East Court Estate off Estcots Drive.

The following sites are identified for informal open space and play space:

• Ashplats Wood; Land between Southlands and Dunnings Mill; Land between St Leonard’s Park and Brooklands Park; Sackville Gardens, land at Mallard Place, East Court; Turners Hill Recreation Ground; and land at Spring Copse.

Planning permission will only be granted for proposals that result in the loss of playing fields, allotments, community uses and other sports facilities where it can be demonstrated that they are surplus to requirements or alternative provision of the same quality and amount can be provided elsewhere.

Proposals to provide new and extended playing fields, allotments, cemetery, community use and other sports provision will be granted planning permission providing they do not result in any significant conflict with environmental and countryside policies.

COMMENT

I have no comment on this policy.

Policy EG16 - Ashdown Forest Special Area of Conservation and Special Protection Area

Within a 7km zone of influence around the Ashdown Forest SPA, all residential development leading to a net increase in dwellings will be required to:

- contribute towards the enhancement and improvement of the Suitable Alternative Natural Greenspace (SANGs)***
- contribute towards the Strategic Access Management and Monitoring (SAMM) Strategy.***

COMMENT

I have no comment on this policy.

SITE SPECIFIC POLICIES

Policy SS1 – Railway Approach

Planning permission will be granted for the redevelopment of the site for a mixed-use scheme providing the following criteria are met:

- (1) The ground floor should comprise predominantly A Class type uses along the Railway Approach frontage to encourage an active street scene;***
- (2) The upper floors and any development to the rear should comprise residential uses in the form of flats and apartments***
- (3) The development should, where possible, retain the existing building line and include proposals to enhance the pedestrian environment through new surfacing***

and landscaping.

(4) Development should not exceed three storeys unless a compelling case can be made via a visual and amenity impact assessment, which has regard to local character and context.

Alternative mixes of uses, including leisure and community buildings will be considered where evidence is provided that they meet a particular need and would not cause harmful amenity impacts to nearby and proposed residential development.

COMMENT

I have no comment on this policy.

Policy SS2 – Queens Walk

Planning permission will be granted for the comprehensive redevelopment of Queens Walk for a mix of uses comprising retail, restaurant/café uses at ground floor, office and/or residential uses at upper floor level. Proposals should:

- (1) Be of a design and use materials, which enhance the pedestrian environment;*
- (2) Include details of how the proposals physically integrate and link with the rest of the Town Centre to encourage pedestrian movement;*
- (3) Meet its demand for car parking, having regard to the Town Centre character of the site and opportunities to promote more sustainable modes of travel;*
- (4) explain that where comprehensive development is not possible, the designs do not prejudice the development potential of any remaining land.*

Within this area some ground floor leisure uses in lieu of retail will be supported where it can be demonstrated that this will enhance the viability and vitality of East Grinstead Town Centre and reinforce it as the principal retailing and leisure location.

COMMENT

I have no comment on this policy.

SS3 – Imberhorne Lower School, Windmill Lane

Planning permission will be granted for the redevelopment of the site for residential uses, provided that:

- (1) A development brief has been adopted which explains the design approach for the site, including the mix of uses, any phased development and highway mitigation;*

(2) The school site can be demonstrated to be surplus to requirements and alternative school provision has been secured elsewhere;

(3) The proposals include an element of public open space and children's play facilities; and

(4) The proposals include a mix of dwelling types including a meaningful proportion of family dwelling units of 2 and 3 bedrooms.

COMMENT

The requirement for a development brief to be adopted falls outside the scope of a Neighbourhood Plan and paragraph 1). I recommend the following modification:

(1) A development brief has been prepared, which explains the design approach for the site, including the mix of uses, any phased development and highway mitigation;

The remainder of the policy to remain unchanged.

SS4 – Birches Industrial Estate

Planning permission for extensions to existing buildings or the creation of new employment related development will be permitted within the Birches Industrial Estate subject to the following criteria:

(1) The proposals are accompanied by a landscape strategy for the site;

(2) The proposals meet the adopted parking standards;

(3) Appropriate highway and infrastructure mitigation is provided;

(4) Proposals for new development include a proportion of smaller start up units for new business use; and

(5) Where possible an additional highway access should be provided to the north to alleviate pressure on vehicles turning from the A22 southbound onto the current access road and the agreement of the Highway Authority will be required.

Comment

I have no comment on this policy.

Policy SS6 – Queen Victoria Hospital

The loss of the hospital use will be resisted.

Proposals for new and extended hospital facilities and general practitioners services will be supported, including ancillary uses, subject to:

(1) The design complementing the historic and architecturally significant elements of the hospital and protecting the character of the cottage hospital, tower and World War Two additions;

(2) The new buildings of up to four storeys in height subject to design justification and protecting the character of the cottage hospital, tower and World War Two additions;

(3) Appropriate landscaping with native species;

(4) Provision of adequate parking, drop off and pick up facilities, public transport infrastructure such as bus stops, taxi rank facility and travel plans for staff will need to be implemented;

COMMENT

Historic England commented on this policy as follows:

“Policy SS6 We support the consideration of the potential impact of new development on the historic and architectural interest of the historic buildings as non-designated heritage assets. In order to ensure that proposals both sustain the buildings as well as complementing them we recommend the wording of bullet point 1 be amended to read: “(1) The design conserving and complementing the historic and architecturally significant elements of the hospital and protecting the character of the cottage hospital, tower and World War Two additions;”

I therefore recommend the following modification:

Policy SS6 – Queen Victoria Hospital

The loss of the hospital use will be resisted.

Proposals for new and extended hospital facilities and general practitioners services will be supported, including ancillary uses, subject to:

(1) The design conserving and complementing the historic and architecturally significant elements of the hospital and protecting the character of the cottage hospital, tower and World War Two additions;”

(2) The new buildings of up to four storeys in height subject to design justification and protecting the character of the cottage hospital, tower and World War Two additions;

(3) Appropriate landscaping with native species;

(4) Provision of adequate parking, drop off and pick up facilities, public transport infrastructure such as bus stops, taxi rank facility and travel plans for staff will need to be implemented.

Policy SS7 – St Margaret’s Loop

Planning permission for any new buildings or for the change of use of St Margaret’s Loop to domestic curtilage will be resisted.

Proposals that would provide a new combined pedestrian and cycle route through St Margaret’s Loop connecting the Railway Station and the town centre from the A22 London Road and Lingfield Road area will be supported. Proposals for a new access should provide details of the materials to be used in creating the access track and an environmental management plan for this area.

COMMENT

I have no comment on this policy.

Policy SS8 – Land South of Birches Industrial Estate and West of Imberhorne Lane

Planning permission for modest development in the form of public open space, including SANGS (suitable alternative natural green space), which is subject to meeting the relevant criteria for their provision and to the approval of MSDC, playing fields, allotments, cemetery uses and ancillary support buildings such as small pavilions, kiosks or sheds will be supported where it can be demonstrated that the open character of the area will be retained.

COMMENT

I have no comment on this policy.

SECTION 5

Conclusion and Recommendations

1. *I find that the East Grinstead Neighbourhood Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
2. *The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
3. *The East Grinstead Neighbourhood Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
4. *The Strategic Environmental Assessment, which also covers the Sustainability Appraisal, and the amended Habitats Regulations Assessment screening, meet the EU Obligation.*
5. *The policies and plans in the East Grinstead Neighbourhood Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Mid Sussex Local Plan 2004.*
6. *I therefore consider that the East Grinstead Neighbourhood Plan subject to the recommended modifications can proceed to Referendum.*

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17th August 2016

