

SALEHURST & ROBERTSBRIDGE PARISH COUNCIL

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Dear Sirs

RR/2016/1722/P – Grove Farm, Robertsbridge

This application was considered by the Parish Council Planning Committee on 4th August (a number of parishioners attended, who had the opportunity to express their own views on this application prior to the meeting).

The Parish Council (PC) objects to this application for the following reasons:

This application is in many ways a re-run of the application RR/2015/1929/P, on which the Planning Committee made its views known by letters to Rother District Council on 17 September and 19 October 2015.

Given that many aspects of these comments are still relevant to the present application (1722/2016), this letter will concentrate on issues raised for the first time by the Planning Committee. This letter will, however deal with the continuing concerns from the previous letters to Rother District Council in summary at the end of the letter. The Planning Committee will also submit a letter about the relevant connected application, RR/2016/1723/L concerning the listed barn conversion.

Viability

- 1 The report submitted with this application regarding viability of the proposal raises significant concerns for the PC. These concerns affect the linked application, RR/2016/1723/L just as much as they do this one.

Para 4.2 of the Viability Report (VR) states “Robertsbridge is relatively poorly served by transport infrastructure”. This is patently untrue, since compared to other villages or towns in Rother, Robertsbridge is the only location directly served by both the mainline train service to Hastings, Tunbridge Wells and London and the A21, which is one of only two trunk roads in Sussex, the other being the A27/A259.

Para 6.9.1 refers to the “option agreement price” of £759,150. It is not explained how this price has been arrived at, in particular what considerations there may have been to strike the price.

There is no explanation as to whether a provision which allows for deductibles from the option price, based on extraordinary events or planning conditions which had not been

taken into account on agreement of the option price is in the option agreement Croudace have signed. If the agreement contains such a provision, then Croudace would be able to offset any defined extraordinary costs of the development, usually called 'abnormals', such as in this case the refurbishment of the listed barn or the moving of the water pipeline. If it does not contain such a clause, then Croudace would appear to have been commercially naïve in signing such an agreement.

The latter would appear to be the true situation, since in para 7.3, the VR states that there is " fixed non-negotiable land value'. Therefore the community should not in this case be asked to foot the bill for Croudace's lack of commercial foresight in signing an expensive option deal.

- 2 Equally worrying so far as the commercial acumen of Croudace is concerned is the fact that in this application alone, have Croudace raised the issue and in particular the cost of the diversion of the water main. Yet the existence of the water main was known to Croudace at the time of their previous application. It was referred to in two of the expert reports that Croudace submitted in 2015, namely the Archaeological Report dated October 2014 para 4.3 "the southern field is dominated by a substantial metal pipeline" and the Flood Risk Assessment dated February 2015 which recorded in its Figure 7 (p.24) the route of the "Existing Water Main".

Yet despite this evidence available to them, Croudace in their 2015 application still produced development plans with houses built over the route of the water main – see Figure 7.1.

- 3 Also relevant as regards viability is the suggestion that is made in para 4.4.1 of the Live-Work Statement in the accompanying application RR/2016/1723/L that the applicants would, if they failed to sell the live-work unit in three months want to change it to a market housing unit.
- 4 Whilst the applicants are most keen to espouse the principle of development contained within Policy VL7 of the 2006 Rother Local Plan, they are prepared to ditch on grounds of so-called viability a minimum of conditions (i), part of (ii), (iv), (v) and (vi).

Archaeology

Two archaeological reports were provided for the previous application. These are repeated for this application and supplemented by a further document from the same consultants dated November 2015. However, this new document is only a written scheme of investigation, ie a proposal for work to be done to investigate the listed building and its surrounds, rather than the results of such an investigation. Neither does this document satisfy para (v) of Policy VL7 (if that Policy be still live) whereby "before planning permission is granted" field investigations in the area of archaeological interest should have been undertaken. It is contended that the results of the investigation reported in January 2015 do not satisfy this condition, especially since in that report, para 6.7 states "It was decided by ... County Archaeologist that as given the discoveries made, further excavation would be required at the site" and in para 6.10 "It is advisable that any additional work be undertaken in the summer months when the water table is lower.

Therefore no decision except a refusal on this application can be taken unless and until such further work has been undertaken.

Five Year Housing Supply

Since the previous application, there has been an appeal decided on 22 March 2016 regarding land at the rear of 40/41 High Street, Ticehurst, where the issue of Rother's five years' housing supply and relevant provisions of the NPPF were discussed. The Inspector's conclusion on that matter was that Rother was 'unable to satisfactorily demonstrate a five year supply of deliverable housing sites'. It was therefore unsurprising to see that in the Planning Statement by the applicants, they have argued that this means Rother should recognise the situation and in accordance with Para 49 NPPF, sufficient weight should be given to these facts.

What that statement fails to recognise however, is that in the actual Ticehurst decision, the Inspector went on to decide nonetheless on two separate grounds (the High Weald AONB and amenities of neighbouring existing development) and a possible third reason (satisfactory management of the site after development) that the original decision to refuse by Rother should be upheld.

It is the belief of the PC that the principles for upholding the refusal on the Ticehurst appeal apply equally in this case.

Firstly the Grove Farm site is, as the site in Ticehurst, wholly within the High Weald AONB. The Inspector in the Ticehurst case said "To my mind, the appeal site provides an attractive green setting to the village. Furthermore, its compact nature and the trees and hedges along parts of its perimeter are typical of and contribute to the wider AONB landscape." (para 15). With these words the Inspector could have been describing the Grove Farm site. Furthermore the Grove Farm site currently retains its medieval field pattern with its hedgerows, which would be destroyed if the development proceeded.

In para 17 the Ticehurst Inspector also said "the developed site would be readily apparent and would extend on to land which currently forms part of the open and undulating farmland that sweeps outwards from the village". Again, such words apply exactly to the Grove Farm proposals.

In the Ticehurst decision the Inspector considered as fatal to the application that the developer had proposed dwellings close to the existing properties, both residential and agricultural. The current proposals would mean a large car parking area immediately adjacent to the rear gardens of Grove Farm Cottages and a block of dwellings dominating immediately south of George Hill Cottages. The principles at stake here are the same as in the Ticehurst appeal.

The third matter of comparison is that in the current proposals, no suggestions have been made by the developers for the ongoing maintenance of the flood retention proposals made in the FRA; the Inspector in the Ticehurst case decided that without a positive proposal from the appellants, in that case for the maintenance of the common amenity areas, that a refusal was justified. The absence of proposals on such a key issue as flood prevention is in our view more damning to the application.

So all grounds for refusal in the Ticehurst case support a similar refusal for the Grove Farm application.

Community Involvement

In the Planning Statement (para 5.8 et seq) the applicants set out their Community Involvement Exercise. They correctly record the public exhibition on 27 November 2014 and the results of a questionnaire distributed at that exhibition.

However, they have not undertaken any public consultation exercise since that time, and should have done so given the significant changes to that which was consulted on in their original application in 2015. In particular there was no consultation about the proposals regarding the barn in 2014/5, about which the community is understandably concerned.

Interestingly however, Croudace do not record any results of a questionnaire that they distributed at the Public Consultation exercise involving all potential sites being brought into consideration to the Salehurst and Robertsbridge Neighbourhood Plan (SRNP) on 4 July 2015, which was attended by over double the number of people who attended the exhibition on November 2014.

We enclose a copy of the questionnaire distributed by Croudace at the 4 July 2015 exhibition and would ask them to disclose in full the results they received for that questionnaire.

In addition, there is a further public consultation exercise by way of a written questionnaire distributed to every household in the parish, conducted by the Steering Group of the SRNP during September 2015, the results of which are publicly available:

http://www.robertsbridgeneighbourhoodplan.org.uk/news_2016-01-26-Parish-survey-results-from-the-big-questionnaire.asp and clearly indicate that the Grove Farm 1 site (the site subject of this application) was not favoured by the responders. This site had a +4 rating (the number of people who liked this site compared to those who did not). Other sites in the village rated +84, +49, +47, +25, +23, +20.

Again the number of responders to this consultation (804 households plus 159 individuals) was very much greater than the numbers of attendees at the November 2014 exhibition.

It should also be noted that the November 2014 exhibition and questionnaire were predicated on the basis of the principle of development on the site being accepted by the planners, so the questions were biased in that direction. Even so, the fact that only 16% of responders at that stage felt they could support the proposals tells a clear story about the public acceptability of the 2015 proposals, and there is no evidence that the developers can point to the acceptability or otherwise of the revised proposals, with in particular reduction in number of affordable homes on offer.

There appears therefore no justification for the applicant's statement in para 4.0 of their D&A statement of April 2016, "It's worth noting that the Urban Response was well received during the public consultation".

In addition the CIE actually undertaken by the applicants does not accord with NPPF para 66 and in particular the first sentence. The applicants have not worked in any way, let alone closely, with the local community over these second proposals. The evidence which the applicants have chosen to ignore, ie their own second questionnaire and the results of the Neighbourhood Plan Questionnaire, should have been taken into account, as they are 'the views of the community'.

Planning

- 1 The present application does not make any reference to the fact that the Countrycrafts site opposite to the proposed site has now received planning consent for five dwellings, which will have a material effect on the traffic and parking situation by the removal of a minimum of four on-street parking spaces and the introduction of additional traffic associated with that new development. This new application also tries in Planning Statement (PS) para 4.14 et seq to call in aid Rother's SHLAA, which is not a planning document but the SHLAA is now getting out of date as is exemplified by the fact that it indicated the neighbouring Countrycrafts site as capable of producing ten units and recently Rother planners gave permission for just five units on that site.
- 2 Para 4.17 of the PS states concerning the Mill Site, a brownfield site in the village, with active development plans at the pre-application stage with Rother "it is considered unlikely that the site will be available within the next five years". There is absolutely no

evidence for this statement; indeed all the evidence suggests that the Mill Site will be capable of development within that period.

3 PS states (in para 5.31):

- a) the site has seven day a week bus services, which is untrue, there being no Sunday service;
- b) the provision of an on-site roadway of 4.1m would not permit a refuse vehicle, let alone any other emergency vehicles pass when there is another vehicle on the road;
- c) it is disputed that a refuse lorry could turn round everywhere where required on the site so that it could as claimed 'access and egress the site in a forward gear.

4 The diversion of the water main is now proposed to go along the southern boundary of the site, but is within 8m of Grove Farm Cottages so therefore cannot be acceptable under current legislation (Figure 6 p.27 of the PS).

5 Paras 5.39 et seq of the PS deal with housing mix and tenure. They confirm what the developers have said elsewhere, that they are proposing to reduce from 40% to 29% (14 to 10 dwellings) the affordable content of this development. As we have previously mentioned in the paragraphs above on viability, we view such a reduction contrary to the needs of the village as well as contrary to Rother CS Policy LHN2(iv). Incidentally, in terms of numbers of bedrooms provided as opposed to dwellings across the whole site, the affordable content is reduced to 21%.

6 Para 5.41 of the PS says that the affordable dwellings are "successfully pepper potted around the site". This is untrue; Figure 7, p.29, shows them in three blocks, which is clearly not spreading the affordable homes amongst the whole of the site.

7 the application has not produced any additional ecological report, relying on the previous report submitted which is dated January 2015, and contains the results of surveys done in January 2014 and January 2015. The surveys are therefore snapshots at the same point in the annual ecological cycle and cannot be taken in any way to present a complete picture of the ecological attributes of the site on a year-round basis.

8 The inadequacies of the previous Flood Risk Assessment have not been addressed in the revised document now submitted, in particular the way in which any flood retention scheme is to be managed into the future, to protect the vulnerable properties in the immediate vicinity from the floods they suffer already, without Grove Farm being developed, namely the George PH, properties in Pipers Lane and High Street.

9 The revised Transport Assessment takes no account of any developments which have occurred since its previous incarnation was submitted. In particular, it refers to neither the closure of Mountfield School and impact of traffic on George Hill nor the granting of permission for development on the Countrycrafts site, directly opposite the application site.

10 In the revised Transport Assessment it says in para 4.12 the secondary roads are to be 4.1m, and "4.1m is stated by Manual for Streets as being able to allow two cars to pass". Manual for Streets p79, figure 7.1 shows scenarios for different carriageway widths. It

absolutely does not show on the 4.1m width two cars passing – it shows two cars hitting each other(!).

There is no evidence presented by the applicants of any consultation with the local refuse operators. Our understanding is that for such carriageways, the current operator uses a reverse-in-only policy in order not to have to perform a difficult turning around manoeuvre.

- 11 The Design and Access Statement Part 2 presents idealised drawings of the finished development. Para 12.0 presents views of ‘the final appearance’ of the scheme, with road and footpath widths which are a gross distortion of the actual planned development.

References in that paragraph to ‘Urban Patterns’ betray the thinking behind this development, ie to create urban densities on the edge of a rural village set in the High Weald AONB.

Comments on previous application RR/2015/1929/P

We would wish to add further comments, without unnecessarily prolonging this letter, to reiterate the fact that many of the comments made in our letters of 17 September and 19 October 2015 are still valid, since the points they made have not been answered by this new application.

In particular we list the comments in those letters which still need to be considered by Rother in determining this application.

Letter of 17 September 2015:

- Policy 1 Rother Local Plan 2006
- Policy 2 NPPF (a) to (d), (g) to (k)
- Policy 3 Rother Core Strategy (a) to (g), (i) to (m)
- Transport Implication
- Flooding
- Environmental

Letter of 19 October:

Paras 1, 5, 6, 7, 9 – 21

We therefore request that all these comments from our correspondence about the previous application be taken as comments on this current application as well.

Yours faithfully



Angie Goodwin (Mrs)
Assistant Clerk to the Council