

## Reigate and Banstead Development Management Plan Examination

### Representations by Gillings Planning on behalf of Frontier Estates Ltd

#### Matter 8

##### Matter 8: Other Development Management Policies

**ISSUE: Whether other policies are justified, effective and consistent with national policy in the NPPF.**

##### **Policy OSR1 – Urban Open Space**

##### **Background**

In connection with Policy OSR1, we previously submitted representations in support of the proposals to remove the Urban Open Space designation from the land west of Wellesford Close in Banstead.

Those representations also requested an amendment to the base mapping on the ‘Policy Map North’ to remove the historic reference to ‘allot gardens’ that remains in place.

##### **What evidence is there that the policy is justified, effective and consistent with national policy?**

The policy is considered entirely justified, based on the evidence base in the form of the Urban Open Space (UOS) Review. This is a sound assessment, based on a clear methodology, and the conclusions are considered reasonable and appropriate.

We note the comments made by the Banstead Village Residents Association at the pre-submission stage in response to the UOS Review, in particular regarding the extent to which the Authority complied with its own methodology. The Local Authority’s response at the regulation 19 stage (Regulation 19 Publication Statement (Main Issues) May 2018) suggests that a review was undertaken internally to confirm one of the scores as ‘low’ as set out in the final review, and hence the final judgement reached.

Upon our own review, it is clear that the Authority was consistent in its own assessment of the Wellesford Close site, and are correct in concluding ‘Do not retain as UOS’. The methodology states that any given site had to be considered as high priority under one of the three identified principles to be considered worthy of designation or retention. If the site partially contributed to 2 or more of the principles (i.e. by scoring a medium) these were also retained. If the site scored 2 or more ‘low’ scores it would not be designated (or an existing designation would be omitted), as is the case for the Wellesford Close site.

We concur with the Authority’s assessment of the site.

- The area of scrubland at Wellesford Close is not publicly accessible (and therefore performs poorly against principle 1),
- It only partially contributes to principle 2 (insofar as it offers some visual amenity but it does not “form an integral part of local character....and/or make a demonstrably positive contribution to public visual amenity”, particularly in light of the existing Green Belt to the south, east and west.
- Finally, it scores poorly against principle 3 because the site offers limited value from a nature conservation point of view. Recent ecological surveys undertaken by the landowner further support this and further information can be provided on this point if required.

The UOS Review also makes reference to a number of appeals, including one relevant to the Wellesford Close site (dated November 2009). The appeal was dismissed and the inspector gave weight to the urban open land designation and noted its *“contribution in visual amenity terms for those properties and local residents who can look over it”*. The UOS Review rightly acknowledges this but concludes that whilst weight should be given to matters of townscape and visual amenity, *“lesser weight ought to be afforded to Urban Open Land which provides limited public amenity, either visually or functionally, and that its release should not be unduly stymied”*. Indeed, the review seeks to form a balanced judgement of all the ways that urban open space can contribute and in this instance the sites contribution is highly localised and without any form of public access, further limiting its value. It is right and correct that each site should be assessed afresh on its merits.

In conclusion therefore, the Authority’s Urban Open Space review adequately and robustly assesses the site’s contribution in open space terms and, in our view, correctly identifies the site for removal. The policy and allocations are therefore **justified**.

In response to comments made by others, we respond as follows:

- We note the Wellesford Close Residents Association make reference to the Green Belt Review and in particular the anomalies section. However, the site has rightly not been assessed as anomaly as it does not fulfil the definition of such (as defined by para 6.33 of the Green Belt Review). We support the Council in this approach.
- Further, we note that the Wellesford Close Residents Association make reference to restrictive covenants on the land. As a private legal matter this is not relevant in relation to the removal of the designation on the site based on the defined methodology.
- Comments are also made in connection with a s.52 agreement in relation to the site. In this regard we would note that this would be dealt with during any planning application process in relation to the site as would normally be the case. Again, this is irrelevant to the consideration of the designation of Urban Open Space.
- Any comments regarding the ‘eventual development’ of the land are noted, but are not considered relevant to the assessment of Urban Open Space. These are rightly and appropriately addressed through any planning application.

Further the Policy and allocations are considered **effective** and consistent with **national policy**.

## **2. Is the policy sufficiently clear to provide guidance for decision making?**

No comment

## **3. Is the policy sufficiently flexible to allow for special circumstances to be taken into account?**

No comment

## **8. Should the explanatory text be clearer on what constitutes Urban Open Space? Are allotments included in the definition?**

Given our client’s site is proposed for removal from the Urban Open Space designation, no comment is provided on the explanatory text.

However, for the avoidance of doubt, it should be noted that the site at Wellesford Road is not allotments. This is a historic ‘hang over’ from the base mapping and does not indicate the recent or current use of the site.