

Representations: Reigate and Banstead Borough Council Regulation 18 Consultation: Development Management Plan

10 October 2016

1) Introduction

1.1 These representations have been prepared by Advoco Planning, on behalf of Messers S and A Marshall, and are submitted in response to Reigate and Banstead Borough Council's ('RBBC') consultation on its Regulation 18 version Development Management Plan ('the DMP').

Land owned by Messers S and A Marshall

1.2 The representations principally relate to land and buildings which Messers S and A Marshall ('the landowners') own on the south-eastern edge of the settlement of Horley. The majority of the land has been promoted by the landowners as a sustainable location for housing-led development through the preparation of the 2005 Borough Local Plan ('BLP'), and more recently by participation in previous rounds of consultation on both the Core Strategy and the Strategic Housing Land Availability Assessment ('SHLAA').

1.3 In these representations the references assigned by RBBC in the SHLAA to both parcels of the landowner's land will be used, namely:

- Site SEH7 (Land at Wilgers Farm) – *see comment at paragraph 1.7 below regarding the extent of this area.*
- Site SEH9 (Land east of Wilgers Farm)

1.4 Site SEH7 is also referred to in the BLP as 'Land south side of Smallfield Road, Horley' in the BLP, in which it is subject of an allocation for a 'combined park and outdoor playing space' (Policy Hr33). The BLP and the evidence base to the DMP also refer to the allocation as the 'Town Park'. Site SEH7 is also designated in the BLP as being part of the 'Riverside Green Chain' due, we understand, to its proximity to the Burstow Stream, and forms part of the 'Rural Surrounds' of Horley.

1.5 Site SEH9 is designated in the BLP as forming part of the 'Rural Surrounds' of Horley, but does not form part of the existing Town Park allocation or Riverside Green Chain designation.

Land owned by Mrs R Marshall

1.6 The representations also include the promotion of an additional site at Wilgers Farm (extending to circa 2 hectares) which is in the ownership of Mrs R Marshall. The site was (in part) subject of a planning application in 2000 for nine new dwellings (RBBC red 00/00250/F), but this was subsequently withdrawn.

1.7 Please note that in previous assessments undertaken by RBBC (including the SHLAA, Strategic Flood Risk Assessment and Green Belt Review) this land has formed part of Site SEH7. For avoidance of doubt, where Site SEH7 is referred to in these representations, it relates only to the land which currently is subject of the BLP allocation for a Town Park.

1.8 The representations in respect of this site (hereafter referred to as 'Wilgers Farm Buildings and Land') are submitted with Mrs Marshall's approval.

2) Scope of the representations

2.1 These representations will address the following themes, objectives, policies and allocations set out in the DMP, insofar as they relate to proposals affecting housing and open space provision in Horley:

Theme 2: Building Self Reliant Communities

- Objective SC4: Protect the most valuable open space within the urban areas
- Objective SC5: Encourage the provision of open space as part of new developments, and where appropriate new outdoor sport and recreation provision
 - Proposed Policy Approach OSR1: Urban Open Space
 - Proposed Policy Approach OSR2: Open space in new developments
 - Proposed Policy Approach OSR3: Outdoor sport and recreation

Theme 3: Place Shaping

- Objective PS3: Allocate sites for development across the borough consistent with the Core Strategy and sustainability principles
 - Site NWH1: Land at Meath Green Lane
 - Site NWH2: Land at Bonehurst Road
 - Site SEH4: Land off The Close and Haroldslea Drive
 - Site (Policy) HOR9: Land west of Balcombe Road
 - Proposed Policy Approach HOR10: Rural surrounds of Horley

2.2. As part of our representations on Theme 3 we will identify Site SEH7 and 'Wilgers Farm Buildings and Land' as potential suitable reserve housing sites, either as separate parcels or as a comprehensive development. Site SEH9 is identified as land which could form part of any potential larger release to the east of Horley, either in the remainder of this Plan period to 2027, or in the longer term. However, this would require the agreement and delivery of a flood alleviation strategy for the Burstow Stream, south-east of Horley.

3) Response to DMP Regulation 18 Consultation

Theme 2: Building Self Reliant Communities

- Objective SC4: Protect the most valuable open space within the urban areas
- Objective SC5: Encourage the provision of open space as part of new developments, and where appropriate new outdoor sport and recreation provision
 - Proposed Policy Approach OSR1: Urban Open Space
 - Proposed Policy Approach OSR2: Open space in new developments
 - Proposed Policy Approach OSR3: Outdoor sport and recreation

Comments on Objectives SC4 and SC5

Background to 'Town Park' allocation

- 3.1 Site SEH7 is one of five sites in the BLP listed as being allocated for use as public open space (BLP Policy Hr33), and specifically as 'a combined [Town] Park and outdoor playing space'. These sites were specifically allocated to provide part of the requisite open space to serve the residents of Horley (including the 2,600 new homes identified for Horley in the BLP, most of which are being delivered in the North East and North West Horley neighbourhoods).
- 3.2 Through the various rounds of consultation on the Core Strategy the landowners submitted representations in which they consistently objected to the way in which the matter of the Town Park's allocation and its delivery have been, and is proposed to be, addressed - that is to say:

- i) Objected to the principle of the Town Park on Site SEH7: Contended that the existing BLP allocation is unsound as it is not underpinned by a robust and credible evidence base relating to need, site selection, funding and deliverability. Specifically, that:
- the evidence base used to assess the need for open space was out-dated;
 - the cost of delivering the Town Park had not been clearly detailed or justified, nor had alternatives to Site SEH7 been subject of a sustainability appraisal;
 - there were sites elsewhere which would be more suitable locations for a Town Park to serve the needs of Horley residents, including those of the proposed NE and NW sector neighbourhoods;
 - the landowners would be unwilling participants in any process undertaken by RBBC to use compulsory purchase powers to acquire Site SEH7, and that this in any case would not be a sound approach as it is understood CPO powers cannot be used to acquire land to enable a private developer to meet its Section 106 commitments re. offsite open space provision; and
 - the Town Park would not be deliverable on Site SEH7 unless brought forward alongside enabling residential development.
- ii) Objected to delay in Town Park review mechanism: The Town Park is perceived to be part of the strategic green infrastructure required to meet the needs of Horley's residents in the Plan period. Therefore, the matter should have been given appropriate consideration in the Core Strategy, rather than delayed until the DMP.

- 3.3 Despite these very clear objections, the site's BLP allocation has remained in place since 2005. However, no demonstrable progress has since been made by RBBC to deliver the Town Park. This suggests that the landowner's concerns regarding the inappropriateness and deliverability of Site SEH7 for this function are well-founded.
- 3.4 In light of the above, the landowners wish it to be a point of record that this continued and prolonged uncertainty over the future of their land as left them severely and unjustly disadvantaged. The Town Park allocation has been a significant encumbrance on Site SEH7, precluding for over a decade the opportunity to consider alternative development opportunities.
- 3.5 Indeed, it is apparent from the 2016 Sustainable Urban Extensions (Stage 2) Site Specific Technical Report and the Regulation 18 DMP Sustainability Appraisal that the Town Park allocation is the principal reason why SEH7 has historically been deemed unavailable, and consequently overlooked, for housing development. The only other significant constraint is flood risk on part of the site; yet this applies equally to other competing sites on the edge of Horley which have been shortlisted for housing in the DMP evidence base, including Sites NWH, NWH2 and SEH4 which are proposed for allocation.
- 3.6 The decision to postpone the review of the open space allocations until the DMP stage has extended this uncertainty still further. This situation has been, and continues, to be unacceptable. It is imperative, therefore, that preparation of the DMP is expedited in order that certainty for all landowners can be provided on this issue.

Comments on Horley Open Space Assessment (July 2016)

- 3.7 With this in mind, we are somewhat surprised and disappointed that only relatively limited background work to consider alternatives to the Town Park on Site SEH7 appears to have been undertaken in the two years since the Core Strategy's adoption.
- 3.8 The Horley Open Space Assessment ('The Assessment') – a key DMP evidence base document - is presented as a discussion document. There is no evidence provided that the sites recommended in Section 4 of the Assessment have been the subject of a sustainability appraisal, nor is it clear what, if any, alternative sites have been considered for the Town Park. This is in contrast to the more detailed approach which has been taken to identify potential housing allocations in the 2016 Sustainable Urban Extensions (Stage 2) Site Specific Technical Report, and in the 2016 Urban Open Space Review (which assesses the value of existing open spaces across the borough).
- 3.9 Whilst it is acknowledged that this is an initial Regulation 18 consultation, there is no obvious reason why there should be such a disparity. This site assessment work, including alternatives, will be required in order that the DMP's approach to open space provision in Horley can be judged to be 'justified'. We therefore request that RBBC prioritises this site assessment work to minimise the risk of the timetable for the Regulation 19 consultation slipping and resulting in yet further delays.

- 3.10 Putting to one side concerns regarding the process to-date, we do, however, welcome and tentatively endorse the Assessment's direction of travel in respect of open space provision in Horley. Our detailed comments are set out below.
- 3.11 Firstly, we agree with the methodology which has been used in the Assessment, insofar as it accords with the provisions of NPPF Paragraph 73.
- 3.12 We note that the Assessment plans for open space in two scenarios: a) the open space required to ensure that those living in recent and planned housing development in the Horley area (in the Plan period to 2027) are served by adequate provision; and b) the open space which would be needed to meet the needs of the new development to 2027, and to address any existing deficiencies/shortfalls in provision. Clarification is required on which scenario is to be pursued as it will dictate the amount and type of open space which is necessary.
- 3.13 Secondly, we endorse the Assessment's principal conclusion that an identified need for formal open space provision in Horley (e.g. parks and sport pitches) should be addressed first by 'repurposing' existing areas of natural and semi-natural green space and amenity green space (in circumstances where there is an existing surplus) before looking to identify sites not already operating (or for which planning permission is not already in place) as open space.
- 3.14 This approach is consistent with guidance on 'promoting healthy communities' set out at Section 8 of the NPPF, and in particular Paragraph 70 which identifies the need for Councils to plan positively for the provision and use of shared spaces and local services to enhance the sustainability of communities and residential environments.
- 3.15 Our comments on each of the sites recommended in the Assessment for allocation as open space in Horley are set out below, together with recommendations on alternative sites which should also be considered for the Town Park.
- 3.16 **Horley Recreation Ground:** We support the identification of the 4.1 hectares of surplus amenity open space at Horley Recreation Ground, on the corner of Vicarage Lane and Brighton Road, as RBBC's preferred option for a 'Formal Park' to serve the south of the borough.
- 3.17 Our support is predicated on the assumption that a 'Formal Park' on the Recreation Ground would be equivalent to, and would therefore replace, the 'Town Park' allocated on Site SEH7 pursuant to BLP Policy Hr33. For avoidance of doubt, this should be made clear in RBBC's response to this current consultation, and in the future Regulation 19 draft DMP and associated evidence base.
- 3.18 There are locational and functional benefits of using part of the existing Horley Recreation Ground for the Town Park (rather than the current extant BLP allocation at Site SEH7) which have not been set out in the Assessment, and which merit amplification:
- the Town Park (including the suggested associated café/pavilion) would complement the popular recreational facilities which already exist on and adjacent to this site (e.g. tennis courts and a children's multi-use play area);
 - the proposal would deliver enhancements to the landscaping and appearance of this site, thereby providing a more attractive environment within which to hold fetes and other community events which currently take place on this site throughout the year; and
 - the site is located within an established, accessible community and leisure hub in the heart of Horley. Nearby uses include a doctor's surgery, two churches, a bowling green, a primary school and several restaurants and public houses.
- 3.19 **North East and North West Sectors - Riverside Green Chain:** We support the principle of re-purposing some of the Riverside Chain which had originally been proposed for informal open space, but which is now identified to be in surplus. We also note that the Section 106 Agreement attached to the 2014 outline planning permission for the North West Sector (ref 04/02120/OUT) safeguards a specific site within the Riverside Green Chain (6.67ha) as a potential location for the Town Park. The S.106 Agreement states that other possible locations for the Town Park are Site SEH7 or an alternative site within 6 miles of Horley Town Centre, and that the decision is to be made by RBBC. This decision needs to be clarified as part of the DMP process, and the S.106 agreement should be varied, if required.
- 3.20 **Part-Fishers Farm/Bayhorne Farm (rolling-forward of existing BLP allocation):** In addition to providing open space to meet the future housing needs in the Plan period, the Assessment states that there is also

potentially a requirement to meet a pre-existing deficit in formal open space in Horley. The allocation of Fishers Farm for amenity open space and play space (as per the BLP allocation) is recommended as RBBC's preferred option to address this deficit.

- 3.21 As identified at paragraph 3.12 of these representations, clarification should be given on whether the existing deficit in formal open space provision will be addressed through the DMP process. If it does, we support the principle of 'rolling forward' the part-Fishers Farm/Bayhorne Farm allocation from the BLP. The site is within an existing residential area, and is in close proximity to public transport, including Horley Railway Station and local bus routes.
- 3.22 **Land west of Balcombe Road (including Fishers Farm/Bayhorne Farm):** Whilst not mentioned as an option in the Assessment, we contend that the existing open fields west of Balcombe Road - which includes Fishers Farm and Bayhorne Farm - should be considered as a strategic open space allocation, to provide a mix of informal and formal open space, including the Town Park mentioned in Paragraph 3.21 above. This would be as an alternative to the strategic employment use for the site currently proposed in the DMP. There are very clear benefits of this site when considered against the alternative locations for open space under consideration by RBBC. The site has direct frontage onto a B-road, is large and regular in shape, and has a flat surface. It is therefore flexible, both in terms of layout and topography, to meet a wide range of open space requirements in one accessible location.
- 3.23 **Land at Bonehurst Road:** We request that Land at Bonehurst Road (Site NWH2) is also considered as an alternative location for formal open space, including the Town Park, and not a reserve housing site (as currently proposed). The site is particularly well-located to serve the North East and North west sector neighbourhoods, is adjacent to an existing residential area, and is located on an existing bus route. We note that Horley Town Council had previously identified Bonehurst Road as being a more suitable location than Site SEH7 for a Town Park (in representations made as part of the previous BLP consultation process).
- 3.24 **Open space on housing allocation and windfall sites:** We agree that open space provision as part of housing developments is an important source of additional supply. Our detailed comments on Proposed Policy Approach OSR2, which deals with the standards for new open space in new housing developments, are provided later in these representations.
- 3.25 **Additional comments:** Whilst not addressed in the Assessment, or in the DMP, we also note that the 'Horley Factsheet' identifies that it is proposed that all of Site SEH7 would continue to have a 'Riverside Green Chain' designation. We contend that there has never been any sound planning reason to designate any part of the Site SEH7 as Riverside Green Chain, and certainly not all of it. We object to this designation, and it should be deleted.
- 3.26 The North East and North West sector neighbourhoods demonstrate that a green chain, with access to the river system, can be successfully incorporated into a housing development through a collaborative approach to site masterplanning. The requirement to deliver a green chain/corridor as part of a housing development on Site SEH7 could be built-in to the wording of the DMP allocation policy. This objection is repeated in our comments on Objective PS3 later in these representations.

Summary of comments on the Assessment

- Despite the landowners clear and consistent objections through the Plan-making process, the site's BLP Town Park allocation has remained in place since 2005. However, no demonstrable progress has been made by RBBC to deliver this facility in over a decade.
- The continued and prolonged uncertainty over the future of Site SEH7 has left the landowners severely and unjustly disadvantaged. The Town Park allocation has been a significant encumbrance, precluding the opportunity to consider alternative development opportunities.
- Limited background work appears to have been undertaken in the two years since the Core Strategy's adoption to consider alternatives to the Town Park on Site SEH7. Detailed site-assessment work and a sustainability appraisal should therefore be prepared to underpin the preparation of the Regulation 19 DMP, and this work must be prioritised so as to avoid any further delay.
- We nevertheless endorse the direction of travel identified in the Horley Open Space Assessment, whereby requirements for formal open space should first be met by seeking to 're-purpose' existing areas of informal open space (where there is an identified surplus). This is an entirely logical and a 'good planning' approach. We also welcome the acknowledgment in the Assessment that open space

delivered as part of the new housing developments will also provide an important, high quality additional supply.

- In term of sites to meet formal open space requirements, including the Town Park, we endorse the Assessment's recommended re-purposing of part of the Horley Recreation Ground and part of the Riverside Green Chain in the North East and North West sectors. It is noted that the S.106 Agreement attached to the outline planning permission for the North West sector neighbourhood specifies that the Town Park will be located either on a safeguarded site in the application boundary, on Site SEH7, or on an alternative site in Horley. This decision needs to be taken by RBBC as part of this DMP process.
- Should it be established that further sites are required to address an existing deficit in formal open space, we agree that the 'rolling-across' of the BLP open space allocation Part-Fisher Farm/Bayhorne Farm would be the most appropriate option, and could also be an alternative location for the Town Park.
- Land west of Balcombe Road (which includes Fishers Farm and Bayhorne Farm) should also be considered as a strategic open space allocation, including the Town Park, as an alternative to the strategic employment use identified for the site in the DMP (HOR9). Land at Bonehurst Road is also another potential location for the Town Park which would merit further consideration.
- For avoidance of doubt, the Assessment and these representations demonstrate that there are other sites in Horley more suited than Site SEH7 to accommodate a Town Park. Consequently, it is not necessary to 'roll-forward' the existing BLP allocation for Site SEH7 (Policy Hr33). We also object to the proposed continuation of the site's Riverside Green Chain designation and this should also be deleted. See comments on Proposed Policy OSR1 below, and site-specific comments on Objective SC4 and SC5 later in these representations.

Comments on Proposed Policy Approach OSR1

- 3.27 It is clear from the Inspector's Report into the Examination of the Core Strategy that the intention is for the DMP process to be used to allocate sites for open space, as part of a wider review of open space requirements. As highlighted in our response on the Horley Open Space Assessment, this is recognised by RBBC who have identified their suggested allocations in the DMP evidence base. However, the list of allocated sites for open space is not yet included in any of the policies within the DMP (or in the supporting text).
- 3.28 Whilst acknowledging that these are only the preferred option sites at this stage, the DMP does not currently include the required certainty as to the sites which are proposed to have their respective open space allocations 'rolled forward' from BLP Policy Hr33. Too much reliance is placed on each reader's interpretation of the supporting Policies Map.
- 3.29 In order to satisfactorily address this we request that the list of sites allocated for open space provision (including the Town Park) is included in the future Regulation 19 version DMP. We would suggest that this either is through the introduction of a new separate policy or inclusion within Policy Approach OSR1.
- 3.30 We also request that Policy Approach OSR1 identifies the type of open space which is to be provided in each case, with further details given (if necessary) in an appendix to the DMP. This is particularly important where allocations relate to existing open space facilities which would be 'repurposed', all or in part, to meet updated local need (e.g. as currently proposed for Horley Recreation Ground).

Comments on Proposed Policy Approach OSR2

- 3.31 We support the general premise of the policy which is to ensure that open space is provided in new housing developments, and that this should be of a high quality and size commensurate with the scheme it is to serve. However, the following amendments are required to be made in order for Policy OSR2 to be consistent with the NPPF:
- The inclusion of per hectare open space size standards is too prescriptive, and contrary to NPPF Paragraph 14 which requires policies in Local Plans to include sufficient flexibility to respond to rapid change. Whilst it is understood that the standards are based on RBBC's current projections of need, the policy is required to endure for the balance of the Plan period to 2027. It is conceivable that the population projections could materially change in the remaining 11 years, necessitating an amendment to open space requirements. The specific standards stated in Proposed Policy OSR2 should therefore

be deleted. We suggest that it would be sufficient instead to expand Proposed Policy ORS2, point 3) to read as follows:

3) Any provision made as part of new developments will be expected to meet relevant prevailing standards used by the Council relating to the size, type and quality of open space provision, be designed as an integral part of the development and include appropriate measures for on-going management and maintenance.

- If RBBC concludes that specific open space standards are to be retained in future drafts of Policy ORS2, then for completeness any requirements for sites under 25 dwellings should also be included.
- At Policy Approach ORS2, point 4) no definition of 'large housing sites' is given. This should be clarified.

Comments on Proposed Policy Approach OSR3

- 3.32 We support the criteria which is to be used to assess the acceptability of proposals for new or upgraded outdoor sports and recreation provision.
- 3.33 The criteria seeks to ensure that the design of new open spaces responds positively to local character and circumstances and protects neighbouring amenity. This approach fully accords with the design-led principles of the NPPF, and in particular Paragraphs 56-59 and Paragraph 123.

Theme 3: Place Shaping

- Objective PS3: Allocate sites for development across the borough consistent with the Core Strategy and sustainability principles
- Potential development sites beyond the current urban area
 - Site NWH1: Land at Meath Green Lane
 - Site NWH2: Land at Bonehurst Road
 - Site SEH4: Land off The Close and Haroldslea Drive
 - Site (Policy) HOR9: Land west of Balcombe Road
 - Site (Policy) HOR10: Rural Surrounds of Horley

- 3.34 We object to the proposed allocation of sites NWH1, NWH2 and SEH4 for reserve housing. In the context of the tests of 'soundness' for Local Plans set out at NPPF Paragraph 182, we do not consider the allocation of these sites to be 'justified' or 'effective', that is to say:
- they do not represent the most appropriate strategy considered against reasonable alternatives, based on proportionate evidence; and
 - in terms of site capacity, there is considerable uncertainty as to whether the sites could cumulatively deliver the Core Strategy requirement of 200 dwellings in the rural surrounds of Horley in the Plan period;
- 3.35 The allocated sites are proposed to be held in reserve, and brought forward on a phased basis in the remaining life of the plan (to 2027). This is to address any shortfall which may arise in RBBC's five-year housing land supply over this period.
- 3.36 For a site to be released for housing in the next five years of the Plan, NPPF Paragraph 47 requires it to be demonstrated that it is 'deliverable', that is to say: '*available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable*' (NPPF footnote 11).
- 3.37 For a site to be released for housing in 6-15 years, NPPF Paragraph 47 requires it to be demonstrated that it is 'developable', that is to say: '*in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged*' (NPPF Paragraph 12).

- 3.38 We contend that the constraints of the three sites, and associated uncertainty about the provision of necessary infrastructure, are such that they cannot be judged as being either 'deliverable' or developable' in this context, and their allocation for housing would therefore not currently be 'sound'. We also have concerns as to whether the housing capacity identified for each site in the DMP is realistic.
- 3.39 Should RBBC seek to include any of these sites as allocations in the future Regulation 19 version DMP, this should be underpinned by additional feasibility work - commensurate with the size and complexity of each site - on matters including highways and access, flood risk, and site masterplanning principles (including open space).
- 3.40 Our detailed comments on each of the proposed reserve housing allocation sites are set out below.

Comments on Site NWH1: Land at Meath Green Lane

- 3.41 Site NWH1 is located on the northern edge of the North West Horley neighbourhood which was granted outline planning permission in 2014 for a mixed-use development including 1,510 dwellings. Due to the significant size of the new neighbourhood, the delivery is to be phased, with the first 600 dwellings having been granted reserved matters approval in April 2016.
- 3.42 The indicative phasing plan for the North West sector neighbourhood (Figure 1 below) identifies a further three phases in which to deliver the other 910 dwellings. No reserved matters applications for these later phases have been submitted. Site NWH1 is located to the west of Phase 4 (purple)/north of Phase 2 (yellow).

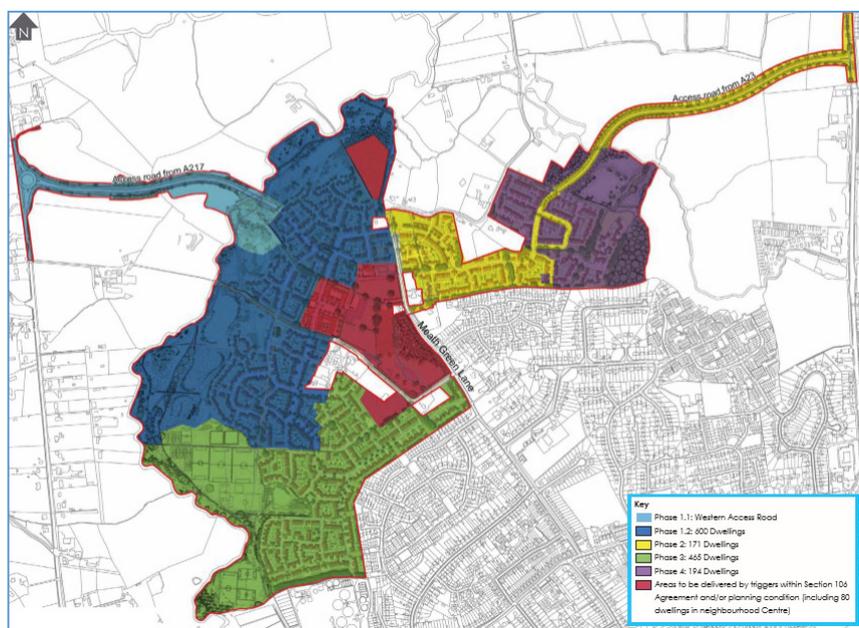


Figure 1: Illustrative phasing plan for the North West sector neighbourhood – taken from Developer's website

Uncertainty over deliverability

- 3.43 As acknowledged by RBBC in the DMP (page 175), the development of Site NWH1 is reliant on the delivery of infrastructure for highway access and local facilities associated with the North West sector development. This is a key constraint. There are many town planning, practical or economic factors which could delay delivery of infrastructure for a scheme of this complexity. To emphasise this, we note that there was a delay of some eight years between the resolution to grant outline planning permission for the North West sector development (in 2006) and the completion of the legal agreement (in 2014).
- 3.44 As a result, we contend that there is considerable uncertainty as to when housing could be delivered on Site NWH1, or indeed if delivery is even realistic in the remainder of the Plan period. A review of RBBC's Housing Delivery Monitor ('HDM'), dated 31 March 2016, adds weight to this uncertainty. The HDM identifies that construction has only recently begun on Phase 1, and using quoted delivery rates from major housebuilders, past delivery trends on the North East Sector and information received from the developers, the projection is that Phase 1 (600 dwellings) is unlikely to be completed until 2021.

Physical constraints

- 3.45 The presence of heritage assets, flood zones 2 and 3, an oil pipeline running east-west, and the safeguarding of land for the continuation of the green chain will all be key considerations in determining the extent of the site which is developable for housing. The DMP indicates that these issues will need to be addressed if the site is allocated, suggesting that no feasibility work will be undertaken on these matters as part of the DMP. This approach is incorrect. Further feasibility work is required at the Plan-making stage in order to assess whether the circa 75 dwellings estimated by the DMP is realistic. Whilst a sketch plan is included in the DMP it is illustrative only.
- 3.46 If following this work the capacity of the site is found to be less than estimated in the DMP, then this could necessitate consideration of additional site allocations in the DMP to deliver the 200 additional dwelling requirement for Horley set by the Core Strategy.

Summary of comments on Site NWH1

- We object to the proposed allocation of Site NWH1 for reserve housing. It is reliant on the delivery of key infrastructure associated with the North West sector neighbourhood – infrastructure which, we understand, is the responsibility of a third-party landowner to deliver.
- It is clear that there is no certainty as to when the necessary infrastructure will be delivered. Therefore, in the context of the NPPF Paragraph 47 tests relating to housing supply, the site is neither 'deliverable' nor 'developable'.
- The site also has a variety of physical constraints. Further feasibility work should be undertaken to ascertain whether the 75 dwelling capacity identified for the site in the DMP is realistic.

Comments on Site NWH2: Land at Bonehurst Road

Highways and Access

- 3.47 Site NWH2 was considered as part of the previous BLP process for inclusion within the North West sector allocation. The BLP Inspector expressed concern regarding the introduction of a new major vehicular access from Bonehurst Road, and there is no evidence readily available to confirm that the baseline conditions have materially improved.
- 3.48 We therefore request that feasibility work is undertaken as part of the DMP process, in consultation with the Local Highways Authority, to determine whether a new, safe vehicular access and egress can be delivered from the site's eastern boundary onto Bonehurst Road, and/or if access can be taken from any existing roads on the site's northern or south-western boundaries (i.e. Avondale Close and The Spinney).
- 3.49 If a new access is not feasible, the proposed housing development would not be deliverable, thereby making the allocation unsound.

Flood Risk

- 3.50 There is an inconsistency between the DMP and its evidence base regarding the extent of Site NWH2 which is within Flood Zone 1.
- 3.51 The Sustainability Appraisal site pro-forma states that Site NWH2 extends to 4.5 hectares, and the Stage 2 Flood Risk Assessment calculates that 28% of the site is in Flood Zone 1. This equates to 1.25 hectares of the site being in Flood Zone 1. However, Page 178 of the DMP states that the developable area of the site (excluding all land in Flood Zones 2 and 3) is approximately 1.6 hectares.
- 3.52 Moreover, the indicative masterplan at page 178 of the DMP (Figure 2) appears to show a developable area considerably larger than the Flood Zone 1 area shown in map form on both the Environment Agency's Flood Map for Planning and in RBBC's Stage 2 Flood Risk Assessment (Figure 3).
- 3.53 We therefore consider that the development capacity of the site given in the DMP (approximately 40 dwellings) could have been overestimated and should be revisited. Mirroring our comments on Site NWH1, if the capacity of the site is found to be less than estimated in the DMP, this could necessitate consideration of additional allocation sites in the DMP to deliver the additional 200 dwelling requirement for Horley set by the Core Strategy.



Figure 2: DMP Indicative masterplan for NWH2



Figure 3: Extract from EA Flood Map for Planning

Summary of comments on Site NWH2

- There is an inconsistency in the developable area/extent of Flood Zone 1 quoted in the DMP and the evidence base. This should be clarified so that the capacity of the site can more accurately be determined.
- Feasibility work is required as part of the DMP process to establish whether a new access and egress can be safely introduced onto Bonehurst Road and/or a new access can be taken from other existing, residential streets. If it cannot, then in the context of the NPPF Paragraph 47 tests relating to housing supply the site is neither 'deliverable' or 'developable'.

Comments on Site SEH4: Land off The Close and Haroldslea Drive

- 3.54 As with our comments regarding the other proposed housing allocation sites, further feasibility work is required as part of the DMP process to establish i) whether Site SEH4 is either 'developable' or 'deliverable' in the context of the NPPF Paragraph 47 tests; and ii) that the DMP's estimate on site capacity is realistic.

Comments on HOR9: Strategic Employment Provision at Land West of Balcombe Road

- 3.55 As identified in our comments earlier in these representations, we object to the proposed allocation of the site for strategic employment provision. Instead, RBBC should consider the site as a strategic open space allocation, to provide a mix of informal and formal open space, including the Town Park. The site is in an accessible location, and is of size, layout and topography which provides flexibility to meet a wide range of open space requirements.

Alternative potential housing sites beyond the urban area of Horley

- 3.56 We contend that land parcels which form part of Wilgers Farm ('Site SEH7' and 'Wilgers Farm Buildings and Land') are sustainable locations for housing-led development, and should be formally allocated for this use in the DMP to assist in meeting the 200 additional dwelling requirement set for Horley in the Core Strategy.
- 3.57 The key planning considerations and the merits of each of the sites are summarised in turn below.

Site SEH7 ('Land at Wilgers Farm')

- 3.58 **Removal of BLP Open Space 'Town Park' Allocation:** The Horley Open Space Assessment has made a very clear recommendation that any deficit in formal open space provision in Horley can be addressed by 'repurposing' existing areas of surplus informal green space (e.g. at Horley Recreation Ground and within the North East and North West sector green chains); allocating part of Fishers Farm/Bayhorne Farm; and providing new, high quality open space as part of new housing developments.
- 3.59 As we have highlighted in our earlier comments, we endorse this as being the optimal and most effective strategy by which to address Horley's open space requirements in the Plan period to 2027. In these circumstances, there would no longer be a requirement to 'roll-forward' the BLP open space allocation for Site SEH7, thereby removing one of the principal planning hurdles which, as we have explained earlier in our representations, has unreasonably prevented the site being considered for redevelopment previously.
- 3.60 **Removal of BLP Riverside Green Chain Designation:** In the BLP, all of Site SEH7 is subject to a designation as 'Riverside Green Chain'. BLP Policy Hr38 restricts development to uses and facilities

which allow public access to the river system in Horley, open space and recreation uses, and environmental enhancements. It is our understanding that Site SEH7 was designated in order to enhance the environment around the Burstow Stream.

- 3.61 The 'Horley Factsheet, published in support of this consultation, identifies that Site SEH7 would continue to be subject to this designation, although no reference is made to the designation in the draft DMP, nor is there a draft policy which supersedes BLP Policy Hr38. We object to this designation and request that it is deleted.
- 3.62 We contend that there has never been any sound planning reason to designate any part of the Site SEH7 as Riverside Green Chain, and certainly not all of it. The North East and North West sector neighbourhoods demonstrate that a green chain, with access to the river system, can be successfully incorporated into a housing development through a collaborative approach to site masterplanning. In any event, the Environment Agency would normally require a safeguarded zone around a watercourse (8 metres either side). The requirement to deliver a green chain/corridor as part of a housing development on Site SEH7 could be built-in to the wording of the DMP allocation policy. This objection is repeated in our comments on Objectives SC4 and SC5 earlier in these representations.
- 3.63 **Housing-led development as a suitable alternative use:** Due to the site's location adjacent to existing homes, and its close proximity to local services and facilities, redevelopment for housing would be an appropriate and logical alternative use for Site SEH7.
- 3.64 Housing would be located in Flood Zone 1 which is currently shown as being predominantly in the south-west corner of the site, adjacent to the settlement boundary. Applying the same density ranges used to assess Sites NWH1, NWH2 and SEH4 in the DMP, development in Flood Zone 1 would generate an estimated site capacity of between circa 30 and 60 dwellings.
- 3.65 It is understood that the flood zones modelled for Site SEH7 take into account a flood event in 1968. Through third party advice, (i.e. not commissioned directly by the landowner), we have been made aware that this particular event is unlikely to occur again due to the subsequent construction of the M23 motorway. The outcome could, we understand, be a reduction in the extent of Site SEH7 which is affected by Flood Zone 2 for town planning purposes, thereby increasing the site's potential development capacity. The landowner intends to commission work to investigate this further, and we would welcome the opportunity to share the findings with RBBC and the Environment Agency in due course.
- 3.66 Open space would most appropriately be located to the north of the developable area, and would be commensurate in size with the housing development that it would serve.
- 3.67 The principal means of vehicular access to serve both the open space and housing development would be via Smallfield Road on the site's northern boundary.
- 3.68 Unless the review of flood risk identifies the potential for a significant increase in the developable area of the site, it is envisaged that the housing development and supporting open space would not need to extend further east than the existing belt of mature trees which runs north-south through the centre of Site SEH7. This tree belt provides a logical new, defensible settlement boundary, and could be reinforced with additional screen hedgerow and tree planting, if required.
- 3.69 **Planning Merits:** In summary, the planning merits of Site SEH7 as a reserve housing site are as follows:
- **Land uses to meet a local need** – A housing-led development providing market housing, a planning-policy compliant quantum of affordable housing, with the opportunity to provide high-quality open space.

A sustainable location – Local facilities and services of Horley within 1km of the site, and bus services which stop on Smallfield Road.
 - **Low flood risk** – Housing would be located within Flood Zone 1, with the opportunity to provide open space and landscaping improvements on areas of the site within Flood Zones 2 and 3.
 - **No detrimental landscape impact** - The development would represent a logical 'rounding off' of the settlement. Housing would not breach the existing easternmost extent of the settlement, which is defined by Clifton Close and Furze Close (to the north of Smallfield Road). The mature tree belt running north-south through the centre of the site would create a new defensible settlement boundary.

- **No physical constraints** - We are not aware of any physical constraints which would otherwise prevent any of these uses being delivered on this site.
- **Available** - The site is in single ownership and is being promoted by the landowner.
- **Deliverable** - Vehicular access to the development can be taken directly from Smallfield Road. The DMP evidence base identifies there to be a 'significant residual capacity' in local water supply infrastructure before strategic reinforcements would be required.

Site SEH9 ('Land east of Wilgers Farm')

- 3.70 We understand that an engineering solution in respect of flood alleviation for the wider Rural Surrounds of south-east Horley is being considered by a local landowner, albeit this work, including engagement with the Environment Agency, is at a very early stage.
- 3.71 In the event that a suitable and deliverable flood alleviation strategy can be agreed with the relevant authorities, Site SEH9 could come forward as part of a housing-led development alongside adjacent land to the south of Smallfield Road.

Planning merits: In summary, the planning merits of Site SEH9 are as follows:

- **No physical constraints** – With the exception of flood risk, we are not aware of any other physical constraints which would otherwise prevent development of this site.
- **Available** – The site is in single ownership and is being promoted by the landowner.
- **Deliverable** - Vehicular access and egress is achievable from Smallfield Road on the site's northern boundary.

'Wilgers Farm Buildings and Land'

- 3.72 This parcel includes an existing courtyard of farm buildings which are locally listed, and an area of grassland, trees and vegetation to the east and south. The majority of the site is in Flood Zone 1. The existing farmhouse would be retained.
- 3.73 Whilst no detailed architectural studies have been undertaken, it is anticipated that the conversion could deliver up to 4 dwellings.
- 3.74 The size and configuration of the land to the east and south of the existing farm buildings provides flexibility to deliver houses of varying types and sizes. However, a review of existing housing along Silverlea Gardens suggests that a mix of detached and semi-detached two-storey dwellings houses may be most appropriate for this site. A planning application submitted in 2000 included nine detached dwellings on this part of the site.
- 3.75 Overall, it is estimated that through conversion of the existing buildings and new-build development the site could accommodate up to circa 18 dwellings.
- 3.76 Whilst this site could be allocated as one distinct parcel, there are clearly synergies with Site SEH7 which adjoins part of the site's northern boundary. Therefore, the site could reasonably be promoted jointly as one coherent development, with vehicular access and egress taken from Smallfield Road to the north.
- 3.77 **Planning merits:** In summary, the planning merits of 'Wilgers Farm Buildings and Land' as a reserve housing site are as follows:
- **A sustainable location** - A small-scale release of well-screened land adjoining the existing settlement, and providing a logical and complementary extension to the urban grain running east-west on Silverlea Gardens.
 - **Low flood risk** - The majority of the site is located within Flood Zone 1, making this a sequentially-preferable site for housing in flood risk terms.
 - **Beneficial reuse of locally-listed buildings** - The existing farm buildings can be converted to provide characterful dwellings in an attractive courtyard setting.

- **No physical constraints** - We are not aware of any constraints which would otherwise prevent development on this site.

Comments on Site (Policy) SEH10: Rural Surrounds of Horley

- 3.78 Proposed Policy Approach HOR10 identifies that the preparation of the DMP presents an opportunity to consider whether the Rural Surrounds of Horley (excluding any land required to deliver the development needs in the Core Strategy) should be designated as Green Belt.
- 3.79 We do not currently consider there to be any need to afford additional protection to land outside of the settlement boundary in the form of a Green Belt designation. There are already other planning policy constraints on the land which place significant restrictions on the use and form of development permissible.
- 3.80 For example, much of the land around Horley is within Flood Zones 2 and 3 which is not sequentially preferable for housing development. In addition, the site allocations identified in the DMP are to meet strategic employment needs and any additional land requirements arising from a shortfall in RBBC's five-year housing in the remainder of the Plan period. Therefore, notwithstanding the consideration of a development potentially leading to countryside encroachment or settlement coalescence, the emerging Development Plan will have a presumption against development which is not compatible with its countryside location.
- 3.81 In terms of the Green Belt Review which forms part of the DMP evidence base, we note that Site SEH7 is assessed as having a 'higher' contribution in respect of Green Belt Purpose 3 ('To assist in safeguarding the countryside from encroachment'). Appendix 1 of the Green Belt Review states that part of the reason for this score is that the loss of openness from the parcel itself would be 'appreciable from approaches to Horley along Smallfield Road'. We do not consider that this is an accurate representation of site conditions. The northern boundary of the site includes a mature tree belt which provides an effective natural screen between the road and the site, and therefore the extent to which there would be a loss of openness when viewed from the north has, we consider, been overstated. We contend that the contribution to Purpose 3 should be downgraded to 'lower', or certainly at least to 'moderate'.

4.0 Conclusions

- 4.1 These representations have been prepared on behalf of Messers S and A Marshall, and provide comments on the DMP insofar as the objectives and policies affect their landholdings adjoining the south-east of Horley.
- 4.2 Comments have been made in relation to open space provision, particularly pertaining to the emerging recommendations on formal provision (Objectives SC4 and SC5); housing site allocations (Objective PS3 and the policies contained therein); strategic employment provision (Proposed Policy Approach HOR9); and the Green Belt Review for the Rural Surrounds of Horley (Proposed Policy Approach HOR10).
- 4.3 The representations set out our observations and recommendations on each of these objectives and the proposed policies, and each section includes a summary of the key points.
- 4.4 The most salient points can be summarised as follows:

Open Space

- The continued and prolonged uncertainty over the future of Site SEH7 has left the landowners severely and unjustly disadvantaged. The Town Park allocation has been a significant encumbrance, precluding the opportunity to consider alternative development opportunities.
- Limited background work appears to have been undertaken in the two years since the Core Strategy's adoption to consider alternatives to the Town Park on Site SEH7. Detailed site-assessment work and a sustainability appraisal on this specific matter should therefore be prepared to underpin the preparation of the Regulation 19 DMP, and this work must be prioritised so as to avoid any further delay.

- We nevertheless endorse the direction of travel identified in the Horley Open Space Assessment, whereby requirements for formal open space should first be met by seeking to 're-purpose' existing areas of informal open space (where there is an identified surplus).
- In term of sites to meet formal open space requirements, including the Town Park, we endorse the Assessment's recommended re-purposing of part of the Horley Recreation Ground and part of the Riverside Green Chain in the North East and North West sectors.
- It is noted that the S.106 Agreement attached to the outline planning permission for the North West sector neighbourhood specifies that the Town Park will be located either on a safeguarded site in the application boundary, on Site SEH7, or on an alternative site in Horley. This decision needs to be taken by RBBC as part of this DMP process.
- Part-Fishers Farm/Bayhorne Farm would be a suitable location for any additional open space allocation which may be required to serve Horley, and could also be an alternative location for the Town Park.
- Land west of Balcombe Road (which includes Fishers Farm and Bayhorne Farm) should also be considered as a strategic open space allocation, including the Town Park as an alternative to the strategic employment use identified for the site in the DMP (HOR9). Land at Bonehurst Road is also another potential location for the Town Park which would merit further consideration.
- There is no requirement for Site SEH7's existing BLP Town Park allocation and Riverside Green Chain designation to be 'rolled forward', and both should therefore be deleted.

Housing

- There are considerable question marks over whether the sites recommended as reserve housing allocations in the DMP are deliverable or developable. Further site-specific feasibility work is required as part of RBBC's preparation of the Regulation 19 DMP.
- Sites SEH7 and 'Wilgers Farm Buildings and Land' are both sustainable locations for housing development and open space which would 'round off' the settlement.
- Further work is to be commissioned by the landowners to consider whether the construction of the M23 motorway has potentially changed the flood risk profile of the area, and reduced the extent of site which is in Flood Zone 2.
- In addition, we understand that an engineering solution in respect of flood alleviation for the wider Rural Surrounds of south-east Horley is being considered by a local landowner, albeit this work is at a very early stage. In the event that a flood alleviation strategy can be agreed with the relevant authorities, Site SEH9 could come forward as part of a housing-led development alongside adjacent land to the south of Smallfield Road.

Green Belt Review

- We do not currently consider there to be any need to afford additional protection to land outside of the Horley settlement boundary in the form of a Green Belt designation. There are already other planning policy constraints on the land which place significant restrictions on the use and form of development permissible.
- We contend that the contribution of Site SEH7 to Purpose 3 of the Green Belt should be downgraded from 'higher' to 'lower', or at least to 'moderate'.

4.5 As part of RBBC's preparation of the Regulation 19 DMP, we would welcome an opportunity to discuss with officers the matters we have raised in these representations.