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Mid Sussex District Council
Oaklands Road
Haywards Heath
RH16 1SS

22nd November 2023

Dear Sir/Madam

Planning Application DM/23/2610: Residential development of 55 dwellings with vehicular and pedestrian access, car parking, open space, play space, landscaping and all other associated works, land south Of Hanlye Lane, Longacre Crescent, Cuckfield, West Sussex

The Parish Council **OBJECTS** to the application on the following basis:

- 1. The layout and design of the proposed development is not in accordance with Policy DP26: Character and Design, of the Mid Sussex District Council District Plan and is not consistent with the detailed requirements of the Mid Sussex Design Guide Supplementary Planning Document.**
- 2. The application does not satisfy the criteria for an acceptable application set out in policy SA23 of the Mid Sussex District Council Site Allocations Development Plan Document.**
- 3. The proposed layout and design are not consistent with the policy requirements of the Cuckfield Neighbourhood Plan**
- 4. The design principles which inform the application do not accord with the guidance set out in the Cuckfield Village Design Statement**
- 5. The application is not accompanied by information sufficient to assess the impact of the development on protected species or on the biodiversity of the site.**
- 6. The impact of the development on highway access and safety has not been fully assessed.**

Policy Background

The Parish Council objected to the inclusion of the application site in the Mid Sussex Site Allocations Development Plan Document 2022 ('Site Allocations DPD') on a number of grounds. Several of these related to the sensitivity of the landscape setting and the likely impact of development on views across the otherwise open countryside.

Although the site was subsequently allocated with reference SA23, the concerns we raised were recognised by the Inspector during the examination. The proposed wording of SA23 was subject to a minor modification to strengthen its reference to the setting of the High Weald AONB. Policy SA23 therefore provides a robust set of site-specific development plan criteria against which any application must be tested.

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The Cuckfield Neighbourhood Development Plan ('the Neighbourhood Plan') made in 2014 is also part of the development plan for the district (a fact overlooked by the applicant in their Planning Statement¹). It is supported by the Cuckfield Landscape Character Assessment.² The Cuckfield Village Design Statement ('the VDS') is adopted as a supplementary planning document and is therefore a material consideration which should be accorded considerable weight in any decision-making process.

Advice on the character and detailing of new development in the High Weald AONB is provided by the High Weald Housing Design Guide published in 2019. Given the requirement in SA23 that development proposals should 'conserve and enhance the setting of the AONB' the advice given in this document must be an important material consideration in evaluating any proposals.

Overview

Taken in the round the application does not satisfy the criteria set out in SA23. It does not accord with DP26 of the Mid Sussex District Plan ('the District Plan'), the Mid Sussex Design Guide Supplementary Planning Document ('the Design SPD'), the Neighbourhood Plan or the VDS. The applicant's Design and Access Statement (DAS) makes no use of the High Weald Housing Design Guide to inform its approach – in fact it contains just one reference to that document in a bulleted list. This is completely contrary to the requirements of the District Plan and Neighbourhood Plan, which both require careful attention to the character of the area and the setting of the site to inform proposals. Nothing could be more telling of the applicant's disregard for local character and 'by numbers' approach to this site.

Despite the assertions in the application documents, this application is neither 'character' nor 'landscape led'. The proposed layout is not sensitive to the landscape setting. Its design language is not evolved from the character of the local area and does not make any serious attempt to work with its surroundings. In this it differs fundamentally from the same developer's proposals for the redevelopment at Court Meadow, which the Parish Council found generally acceptable.

The VDS contains an important principle (based on established good urban design practice) that:

"Development should be adapted to the site not the site adapted to the development."³

In our judgement this application singularly fails to follow that principle. We urge the local planning authority to invite the applicant to withdraw the application and to redesign

¹ Planning Statement Paragraph 1.4 omits reference to the Neighbourhood Plan as a development plan document.

² Prepared for the Parish Council in support of the Neighbourhood Plan in April 2012.

³ Settlement Guidelines S3



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the scheme so that it meets policy requirements and is therefore capable of being supported. In its current form the application must be refused.

Detailed Comments

Concept and Landscape Context

Policy DP26 of the District Plan requires (inter alia) that development will only be acceptable if it:

“...creates a sense of place while addressing the character and scale of the surrounding buildings and landscape.”

Policy CNP1 of the Neighbourhood Plan specifies that new development will be permitted where it:

“Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield...by way of:

- height, scale, spacing, layout orientation, design and materials of buildings

and

Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site.”

Policy SA23 of the Site Allocations DPD requires that development:

“...conserves and enhances the setting of the High Weald AONB.”

It also requires that an applicant must:

“Sensitively design the layout to take account of the topography of the site, and views into and out of the site”.

The Parish Council does not recognise how this application can meet these requirements.

The site occupies a ridge-top setting as identified in the Landscape Character Assessment carried out for the Neighbourhood Plan⁴ and assessed as having ‘substantial’ sensitivity and ‘low’ capacity to change. It provides extensive views across the Scrase Stream valley and Weald into the South Downs National Park and therefore, of course, occupies a potentially prominent position when viewed from the south.

⁴ Page 49



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A policy compliant design response to this site must therefore begin (as required by DP26 and CNP1) from an understanding of the potential impact on that setting. Whilst it is inevitable that introducing built form into a rural landscape will result in major change, it could be carefully designed to take account of the most important views and characteristics. Having carried out a Landscape Visual Impact Assessment (LVIA) we would have expected to see an obvious and clearly explained design response. In fact, the proposed layout largely ignores the views identified in the LVIA from Hanlye Lane (and Horsgate Twitten) in particular. Although these are mainly glimpsed during summer, views of open countryside which help to define the separation of Cuckfield from Haywards Heath are possible from several points.

The proposed layout should have been guided by the importance of conserving at least some of these far-reaching, South Downs views. Instead, it is defined by a large central linear gap which divides development from north to south and is further spoilt by the inclusion of car parking bays. No explanation is provided in the DAS of how or why this central feature is derived from existing views or assists in integrating the development into the landscape. Since it is offset from the proposed site entrance it provides no line of sight from the new opening to be created in Hanlye Lane. The internal compartments of development make no provision for existing views identified in the LVIA and show no response whatsoever to its analysis.

This is specifically contrary to advice given in the High Weald Housing Design Guide which says:

“... sites should be arranged to allow views through and out to the wider landscape rather than placing buildings where they block the view.”⁵

The absence of the landscape led approach is further exemplified by the applicant's proposal to incorporate 2.5 and 3 storey buildings on the site. There is no precedent for domestic buildings of this height on a volume basis in or around Cuckfield. It is wrong for the applicant to cite exceptional examples which have a specific context and purpose (the nearby Grade 2 listed Victorian workhouse) as indicative of their general use. They are uncharacteristic of the AONB as indicated in the High Weald Housing Design Guide.⁶ Contemporary buildings of this height would be intrusive even within the existing urban boundary, and to incorporate them into new development which extends the settlement into the countryside is entirely inappropriate. The visual impact of placing 2.5 storey buildings with a 3 storey element adjacent to Hanlye Road would be unacceptable, exceeding the horizontal lines of existing hedgerows to an excessive and unnecessary degree.

We are also very concerned that taller buildings placed towards the southern edge of the site may be visible from established viewpoints looking north, especially in winter when foliage cover is limited. This would have the effect of creating an intrusive hard edge to the development particularly given the use of steep roof pitches, balconies and large

⁵ Page 11 Para 3

⁶ Page 27 Bullet 1



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areas of glazing in 2.5 storey buildings. This is contrary to the guidance given in the High Weald Housing Design Guide which says:

"Where sites form a new edge to the countryside, transitions need to be soft so that development sits appropriately in the landscape."⁷

The applicant has provided no photomontage or other visualisations to inform the assessment of the impact on views looking up towards the ridge and we consider that these are essential to properly assess the visual impact and ensure policy compliance. To support our concern we draw attention to the High Weald Housing Design Guide which states:

"...new development should be good enough to be seen, not justified on the basis that existing or proposed planting will screen it from view."⁸

The VDS also makes clear that:

"Well considered landscape architecture will be used rather than reliance on vegetation to simply screen buildings."⁹

Development on this site will constitute a significant extension of the existing urban area. Whilst that is inevitable given that an allocation has been made, it does not mean that this needs to be excessively intrusive. As a cul-de-sac the site will be 'discovered' mainly by visitors rather than the passers-by, but should nevertheless be a surprise only in the sense that it is there at all and is of unexpected quality. The character should not be radically unfamiliar or discontinuous from anything experienced in the adjoining neighbourhood. It need not be pastiche (which the Parish Council would not support) but it should have familiar elements and references through which it bonds to the existing settlement, and this is required by all relevant policies.

With those observations in mind, we are disappointed with the comments on the LVIA made by the Place Services officer as consultee. Her response amounts mainly to a commentary on relevant documents and process of LVIA. There is almost no analysis of the content of those documents, the impact of the development on the setting or the merits of the proposals. We wonder whether the officer has made a site visit and would be pleased to have this confirmed either way. She does however correctly draw attention to the fact that it is contrary to good practice for the applicant's LVIA to be based on summer views only. Given the reliance (mistaken, but nevertheless key to their own analysis) the applicant places on screening, this should have been conducted in winter when the screen effect of foliage is at its most limited. The applicant must be asked to provide an updated set of LVIA supporting views without foliage, something which is possible now or will be shortly.

⁷ Page 15 Para 1

⁸ Page 11 Para 2

⁹ Landscape Guidelines L2



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Building Form

There is a clear requirement in the District Plan (supplemented by the Design DPD) and the Neighbourhood Plan that the design of new dwellings should represent an evolution based on existing forms and materials. All the relevant policy documents (as well as urban design good practice) point to the fact that references and cues should be found in the setting and character of the area in which development is located. Despite the allusion to these policy requirements in the applicant's submission there is little evidence that they have actually followed this approach. The absence of any discussion of how the proposals accord with the High Weald Housing Design Guide in the DAS is telling of their regard for policy requirements.

As previously mentioned, Cuckfield has only rare examples of buildings constructed for domestic purposes at more than two storeys. They are not typical of the High Weald. The listed former workhouse building cannot reasonably be used as a reference point in this regard, except perhaps in the immediate vicinity of the building (though the Chapelfields estate is all 2 storey). Whilst the inclusion of a small number of bungalows is welcome, taller dwellings are inappropriate and should be removed in a future design iteration.

Although double pitched roofs are typical of the area, the exaggerated roof pitch on a number of the properties is so extreme as to lose touch with those local reference points. The use of balconies has no reference anywhere in the area and the introduction of large glass panels as balcony features is not appropriate. It is obvious that the design of individual properties has been considered more from the perspective of maximising sales values than respecting character and setting.

The form of this development might be acceptable as an extension to an existing urban area or brownfield redevelopment where the site itself has no defining characteristics or design cues. But in this setting, it is poorly considered and contrasts unfavourably with the development at Court Meadow which, though also undoubtedly contemporary, took its site context and the local vernacular as a genuine 'platform' for its expression. A consequence of form proposed and the absence of any roots in local character would be to excessively urbanise the space between Cuckfield and Haywards Heath over and above the impact that must inevitably arise from introducing housing into the area. This would have the effect of significantly increasing the sense of coalescence between settlements which is also contrary to policy CNP3 of the Neighbourhood Plan.

Materials

The Design SPD stresses that materials:

"...used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings."¹⁰

The VDS also requires that development should consider:

¹⁰ Principle DG38

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“using materials sympathetic to Cuckfield’s built environment.”¹¹

The proposed palette of materials is not drawn from the local vernacular or typical High Weald references. The use of slate or zinc as a roofing material has little precedent outside of occasional commercial and agricultural buildings and is not supported by the High Weald Housing Design Guide. Large areas of steeply sloped zinc roofing would be (literally) ‘out of place’ on domestic buildings in this area especially in such a sensitive setting. The use of locally appropriate clay tiles should be considered essential and the development at Court Meadow demonstrates that this can be achieved with more contemporary forms.

The extensive use of grey brick in unrelieved elevations is not typical of the area, which generally mixes grey brick with softer red brick to create interesting pattern work. The proposal ignores the opportunity to use clay tile hanging and soft brick elevations which are typical of the area, and which is promoted in all the relevant design guidance. Overall the choice of materials is misconceived for the construction of a large-scale extension into the High Weald landscape. We do not believe that it meets the requirement in SA23 that proposals for the site should ‘conserve and enhance the setting of the High Weald AONB’.

Affordable Housing

We welcome the fact that the applicant proposes a policy compliant provision of affordable housing on the site. As the Mid Sussex housing officer has already noted, the clustering proposed does not comply with the requirements of the District Plan and we would expect to see this corrected through negotiation to achieve a more balanced layout.

Ecology and Biodiversity

The Preliminary Ecological Appraisal Report (PEAR)¹² submitted with the application highlights the fact that crucial information necessary for the determination of the application has not been obtained or submitted. This has been noted by the Mid Sussex District Council ecological advisor in his consultation response. In particular, the PEAR points out the requirement for surveys in relation to the presence of bats and dormice, which are legally required before any decision can be reached. Surveys are also required in relation to badgers, reptiles, invertebrates and great crested newts. Since it will have been made clear to the applicant by its own advisors that the application cannot be determined in the absence of such information, it is difficult to understand why it has been submitted so prematurely. The application is lacking in any detail in relation to the impact of development on the biodiversity of the area. The Parish Council takes considerable exception to an applicant proceeding on this basis on such an important site.

¹¹ Building Guidelines B1

¹² Urban Edge Environmental Consulting October 2023



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The applicant's apparent rush to submit their application may be explained by its anxiety to do so before the requirement of the Environment Act 2021 for development proposals to demonstrate at least 10% biodiversity net gain (BNG) engages with this proposal. We note that no BNG assessment has been provided when it is standard practice for applicants to do so on a voluntary basis. The local planning authority should insist on the submission of a BNG assessment using Metric 4.0 to demonstrate compliance with the requirement of SA23 to achieve a net gain to biodiversity overall through a 'positive' BNG assessment.

SUDs and Surface Water Drainage

We are unclear, even after reading the documents prepared by Odyssey in support of the application¹³, as to how it is intended that the SUDs features on the site would operate. Calculations are sparse and watercourse discharge options highlighted on drawing 23-148-001 are not confirmed (and one does not actually exist). Given the low capacity of the site for infiltration, is it intended or possible that one or more of these would remain permanently wet? Has consideration been given to their potential role in promoting biodiversity and other environmental outcomes? Is the proposed location (on the flatter part of the southern area) essential to their operation or would it be possible for them to be located further to the south – which would allow the flatter areas to be better used for public and informal play uses.

We would also seek further assurance that the final design of these features would be subject to detailed approval and based on sufficiently detailed contour modelling, as notes on some drawings appear to indicate otherwise.

Connectivity, Transport and Highways

We acknowledge that the cumulative impact of the development on the local road network is unlikely to be of significance. However, as the consultation response from West Sussex Highways indicates, the applicant has not yet provided sufficient evidence to demonstrate that a safe access onto Hanlye Lane can be created. There is a well-founded local concern that reported accident figures do not accurately reflect the 'near misses' on a stretch of road which is rural in character but in part subject to a 60mph speed limit. The introduction of a new access must be very carefully assessed for practical, as well as theoretical, safety.

It is very important that there is sensitive treatment of the improvements necessary to create a safe link between the site and the Lullings Lane bridlepath to the north as proposed in the application. Whilst we support the principle, there should be minimal loss of any hedgerow at this point and the rural character of the road must be preserved. SA23 requires that as one of its urban design principles that any scheme should 'enhance the connectivity of the site with Cuckfield village'. Based on the evidence from the DAS this requirement does not appear to have informed the design to any significant degree. No consideration is given to whether there are options to facilitate movement across the western boundary of the site where it abuts the current settlement edge, or to

¹³ Flood Risk Assessment and Drainage Strategy October 2023



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improve active travel links other than by improvements to footpath surfacing. Opportunities to improve permeability between the southwestern boundary and Horsefield Green have not been explored.

The applicant makes much of the link to be created between Hanlye Lane and footpath FP19cCu. However, the proposal carefully avoids any mention of the proposed status of this link, and whether it is intended to be offered for adoption as part of the rights of way network (we assume not). If the footpath link is intended to be permissive then arrangements for its management and the mechanism by which it will be kept open for public use must be clarified. The opportunity to improve public access linkages to the surrounding countryside and AONB must not be missed.

As it is not proposed that the roads within the development be offered for adoption as public highway, it is important that there are appropriate restrictions on the installation of inappropriate or intrusive lighting which may otherwise have a detrimental effect. Low level bollards (as at Horsefield Green) would help prevent light pollution in this highly visible location.

Open Space and Play Facilities

The proposed layout and arrangements for the management of the open space and landscaped elements of the scheme are either unclear or unacceptable.

The consultation response from Mid Sussex's Community Facilities Project Officer points out that the proposed siting of the 'locally equipped area for play' (LEAP) in an isolated location in the southern part of the site is not in accordance with the Design Guide. It might also be visually intrusive in the otherwise undeveloped southern part of the site. It should be integrated within the built-up northern section so that it is naturally overlooked and supervised and this will also require a significant redesign of the proposed layout.

We urge the local planning authority to agree with the applicant that the most sustainable long-term management of any open spaces and play areas would be provided by transfer to the Parish Council with an appropriate commuted sum. This would also assist with integrating the new development into the community as a whole. The requirement of policy SA23 that the land to the south of the built up area is managed for conservation and biodiversity purposes can only be assured by its transfer to and management by the Parish Council. We have considerable experience of managing such areas including any features which serve a joint purpose as open space/biodiversity enhancement and the management drainage and flood risk.

Conclusion

Paragraph 134 of the National Planning Policy Framework sets out the importance of good design in the planning system and says:

"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking

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into account any local design guidance and supplementary planning documents such as design guides and codes.”

The Parish Council considers this application to be a clear example of design failing to reflect the principles established in a multitude of local design related policies. Most of the points in this letter have previously been made to the applicant and could have helped to inform the proposals. Instead, we have a scheme which is clearly ‘developer led’ rather than ‘landscape and character led’. It lacks essential detail, is insensitive to the setting of the High Weald and fails to satisfy the requirements of SA23, wider District Plan policies and the Neighbourhood Plan.

We ask that the application be refused (or withdrawn) so that a scheme which is compliant with those policies can be prepared.

Yours sincerely

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