

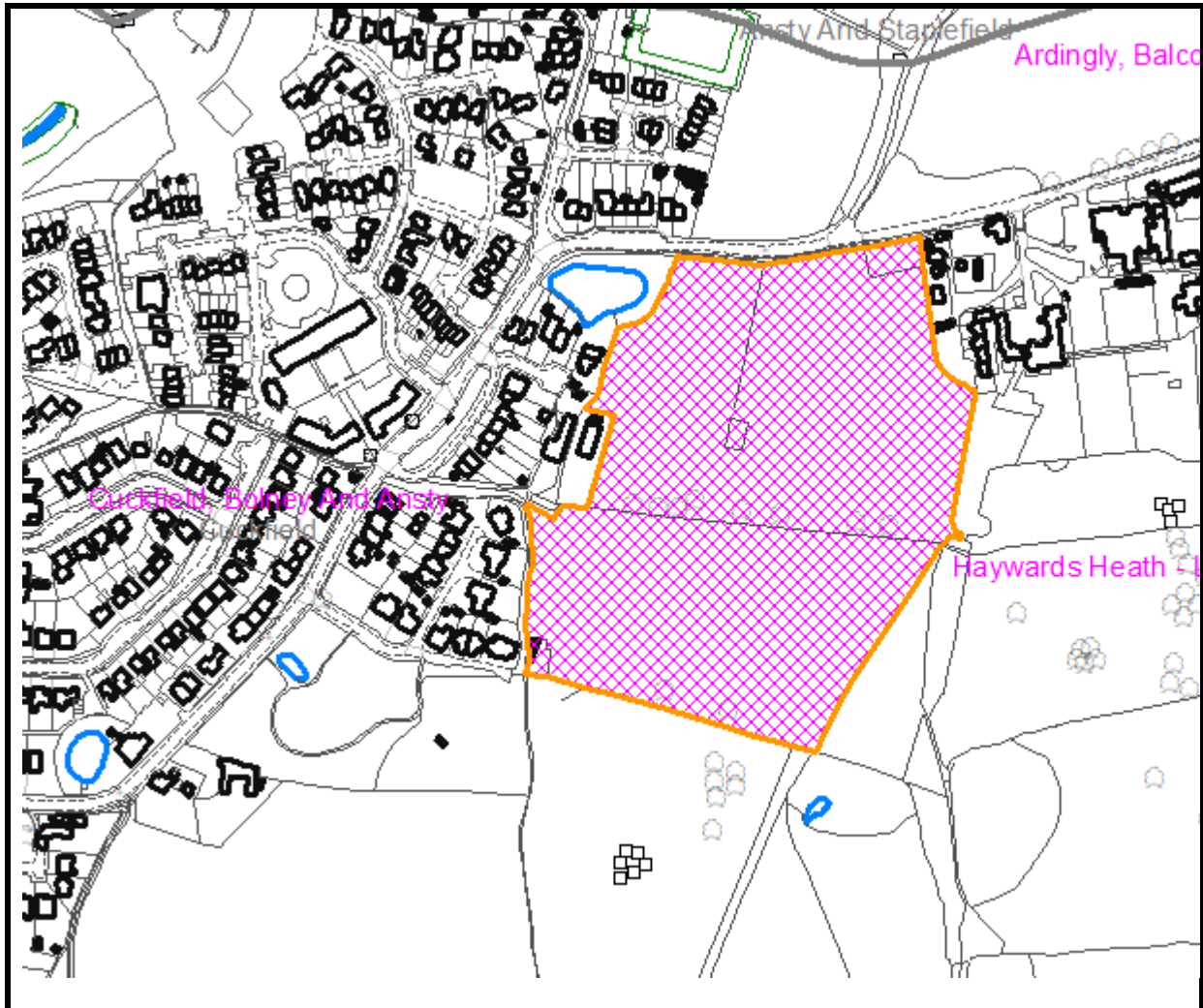
District Planning Committee



Recommended for Permission

12th December 2024

DM/23/2610



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Site:	Land South Of Hanlye Lane Longacre Crescent Cuckfield West Sussex
Proposal:	Residential development of 50 dwellings with vehicular and pedestrian access, car parking, open space, play space, landscaping and all other associated works (Amended description and plans 24/06/2024)
Applicant:	Adam Light
Category:	Smallscale Major Dwellings
Target Date:	16th August 2024

Parish:	Cuckfield
Ward Members:	Cllr Malcolm Avery / Cllr Jim Knight /
Case Officer:	Joseph Swift

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S29QDQKT07E00>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

- 2.1 This application seeks full planning permission for the residential development of 50 dwellings with vehicular and pedestrian access, car parking, open space, play space, landscaping and all other associated works at Land South of Hanlye Lane, Cuckfield.
- 2.2 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Cuckfield Neighbourhood Plan.
- 2.3 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.
- 2.4 National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.
- 2.5 The application site known as SA23, is allocated for 55 dwellings within the Sites Allocation DPD. The principle of development is thus established. The Mid Sussex Site Allocations Development Plan Document was adopted by the Council as part of the Development Plan in June 2022. The built-up area boundary of Cuckfield has been amended by the Sites Allocation DPD to include the site.
- 2.6 The proposal is considered to be of an appropriate design size and scale, that is in-keeping with the existing village of Cuckfield while respecting the wider landscape impacts. The proposal is also considered to preserve the character and appearance of the wider Area of Outstanding Natural Beauty.
- 2.7 The proposal would be providing a net gain of 10 percent Biodiversity Net Gain from a mixture of both on-site and offsite measures.
- 2.8 The proposal has also been found to be acceptable in relation to neighbouring amenities. It is inevitable that there would be some noise and disturbance during

the construction phase, however, conditions would be used to minimise this, and it is only for a temporary period. It is not a reasonable ground to resist the application.

- 2.9 The proposal is considered acceptable in relation to highways, access and parking, the site would allow for safe cycle and pedestrian access into the village with no objection raised from WSCC Highways.
- 2.10 Subject to the recommended conditions, the proposal is also deemed acceptable in relation to the impact of development on trees. It is considered that replacement planting can be provided as part of the proposal, while also providing suitable protection for the identified veteran trees.
- 2.11 The proposal has also been found to be acceptable in relation to housing mix, drainage, sustainable construction, infrastructure contributions, affordable housing, contamination, biodiversity, accessibility, dwelling space standards, water supply and impact on the Ashdown Forest.
- 2.12 Overall, planning officers consider that the scheme meets the key objective of the site allocation SA23 Policy which is:
- ‘To deliver a high quality, landscape led, sustainable extension to Cuckfield, which provides enhanced and accessible open space; respects the character of the village and conserves and enhances the setting of the High Weald AONB; and which is comprehensively integrated with the settlement so residents can access existing facilities.’*
- 2.13 The application therefore complies with policies DP4, DP6, DP13, DP16, DP17, DP20, DP21, DP22, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies SA GEN, SA10, SA11, SA23 and SA38 of the Mid Sussex Site Allocations DPD, Policies CNP1, CNP3, CNP4, CNP5, CNP7, CNP8, CNP16 and CNP21 of the Cuckfield Neighbourhood Plan, the Mid Sussex Design Guide, the High Weald AONB Management Plan, the High Weald Housing Design Guide and the NPPF.
- 2.14 The application is therefore recommended for approval, subject to the suggested conditions and securing the legal agreement.

3.0 Recommendation

Recommendation A

- 3.1 It is recommended that planning permission is granted subject to the conditions listed in Appendix A and the completion of a section 106 legal agreement to secure the required infrastructure contributions, affordable housing and Biodiversity Net Gain.

Recommendation B

- 3.2 If a satisfactory planning obligation has not been completed by 14th July 2023 it is recommended that the application be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reasons:
1. The proposal fails to provide the required affordable housing and infrastructure contributions. The application therefore conflicts with Policies DP20 and DP31

of the Mid Sussex District Plan, Policy SA GEN of the Mid Sussex Site Allocations DPD.

2. The proposal fails to make provisions for securing biodiversity net gain. The application therefore conflicts with Policy SA GEN and SA23 of the Mid Sussex Site Allocations DPD and Policy DP38 of the Mid Sussex District Plan.

4.0 Summary of Representations

- 4.1 35 third party letters of representation have been received which have objected to the proposal for the following reasons:

- Too large/overdevelopment/density
- Impact on neighbouring amenities
- Light pollution
- Blocking gate/easement
- Impact on wildlife/loss of complex ecosystem
- Local services are overburdened/ insufficient infrastructure
- Traffic/highway safety
- Transport links
- Loss of green space
- Not sympathetic/impact on character of the area
- Impact on setting of AONB
- Overlooking
- Loss of privacy
- Noise, disturbance, dust and dirt
- Future development
- Loss of rural outlook
- Impact on trees/loss of hedgerow
- Irreversible damage
- Urban sprawl
- Climate change
- Excellent habitat for biodiversity
- Poor public transport in Cuckfield
- Water supply
- Impacts due to taking several years to build
- Development is on a local, nature re-wilding nature reserve
- Scale of the buildings inappropriate
- Impact on footpaths
- Safeguarding issues with regard to boundaries
- Impact on functionality of existing Scout hut
- Affordable housing not intermixed
- Flooding
- Protected species

1 letter of representation has been received neither objecting or supporting the application, but makes the following points:

- Good to see new quality development being considered
- Objections on the proposed entrance, can it not be moved to Longacre Crescent

5.0 Summary of Consultees

Urban Designer

No Objection

MSDC Tree Officer

Recommendations and suggested conditions

WSCC Highways

Recommended conditions and Travel Plan monitoring fee

WSCC Minerals and Waste

No Objection subject to satisfying policy M9 of the JMLP

WSCC Corporate Patent

Construction Management Plan to avoid deliveries during school drop off and pick up and regular liaison with Manager of Orchard House.

Ecology Consultant

Recommend approval subject to attached conditions

MSDC Drainage Officer

No objections subject to conditions

MSDC Housing Officer

All 15 units now meet the Council's occupancy and minimum floor area requirements. The provision of 5 First Homes rather than 4 has also been agreed in this instance, in order to avoid a situation where a Registered Provider is put off delivering the Social or Affordable Rented units due to one being located in a block where all of the other units are First Homes. Consequently the proposed mix shown below is acceptable.

Landscape Consultant

Supportive subject to recommendations

Historic Environments Consultant

Recommended conditions

Design Panel

Support with amendments

West Sussex County Council Infrastructure

Financial contributions towards infrastructure requested

MSDC Community Facilities and Project Officer

Financial contributions towards infrastructure requested

WSFRS

Hydrant condition

Nature Space

It is recommended the development follow Reasonable Avoidance Measures to minimise the risk of impact on great crested newts. These may come in the form of a Precautionary Working Methods Statement produced by a suitably qualified Ecologist.

Should the developer wish to minimise all risk associated with the development, they can obtain a licence to undertake works.

MSDC Environmental Protection Officer

Recommended conditions.

MSDC Contaminated Land Officer

Recommend approval with conditions

MSDC Street Naming and Numbering Officer

Informative 29 (address allocation)

WSCC Public Rights of Way

No Objections

Sussex Police

No objections subject to the observations.

Southern Water

Requires a formal application for connection to the public foul sewer to be made by the applicant or developer.

6.0 Town/Parish Council Observations

6.1 **Cuckfield Parish Council:** Objects – see Appendix B for full comments

7.0 Introduction

7.1 This application seeks full planning permission for the residential development of 50 dwellings with vehicular and pedestrian access, car parking, open space, play space, landscaping and all other associated works at Land South of Hanlye Lane, Longacre Crescent, Cuckfield.

8.0 Relevant Planning History

8.1 There is no directly relevant development management planning history on the application site.

9.0 Site and Surroundings

- 9.1 The application site is located to the eastern side of the village of Cuckfield, the site is currently a parcel of open land with a site area of approximately 5.75 ha. The northern part of the site is mostly grass, with TPO trees located within the middle, with a mix of boundary treatments including trees and hedgerows. A natural division runs from west to east along the centre of the site in the form of large veteran Oak trees providing a natural, but open boundary.
- 9.2 The southern part of the site is more densely vegetated with large areas of brambles. The site slopes down from north to south with far reaching views to the south. To the north on the opposite side of Hanlye Lane is the boundary from the High Weald Area of Outstanding Natural Beauty (AONB).
- 9.3 On the northern parcel of land, the western (side) boundary at the top (north) is a wooded area and a pond, this western boundary also borders onto the gardens of No. 9 and No.11 Stocklands together with the 1st Cuckfield Scouts Headquarters. While the eastern (side) boundary joins onto a Gypsies and Travellers site, with residential dwellings on Horsegate Mews and specialist child care accommodation beyond.
- 9.4 While the southern parcel shares a boundary to the western side with 15, 17, 19 and 27 Horsefield Green. The southern boundary leads to open countryside, with two sections of Ancient Woodland, while the eastern boundary leads to a wooded area with open land beyond.
- 9.5 The site has been designated within the Sites Allocation DPD and as such the top parcel is now classified as being within the built up area boundary of Cuckfield. Cuckfield itself is designated as a Category 2 Settlement which are categorised as: *'Larger Villages acting as Local Service Centres providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport.'*
- 9.6 Although the site is currently undeveloped, it has three public rights of way running through the site. All three of these rights of way are located within the southern parcel, with CUU/19cCU/1 running west to east, CUU/17CU/1 running west to south east and CUU/18/dCU/1 running north to south, providing links from parts of Cuckfield through to Haywards Heath.
- 9.7 The application site is therefore designated as being within the built-up area boundary of Cuckfield, the site is also subject to a number of Tree Preservation Orders (TPO's).

10.0 Application Details

- 10.1 This application seeks full planning permission for the residential development of 50 dwellings with vehicular and pedestrian access, car parking, open space, play space, landscaping and all other associated works at Land South of Hanlye Lane, Longacre Crescent, Cuckfield.
- 10.2 The proposal would consist of the following mixture of units:
- 9 x 1 bed units
 - 9 x 2 bed units
 - 22 x 3 bed units
 - 6 x 4 bed units

- 4 x 5 bed units
- 10.3 Of these 50 units, 30% will be affordable, with this equating to 15 units comprised of 10 plots for social or affordable rent:
- 1 x 1B/2P maisonette at a minimum of 50m² excluding hall & stairs, with its own private balcony (Plot 5)
 - 1 x 1B/2P Wheelchair Accessible M4(3)(2)(b) maisonette at a minimum of 60m², with its own private patio area (Plot 4)
 - 2 x 2B/4P maisonette at a minimum of 70m² excluding hall & stairs, each with its own private patio area (Plots 33 & 34)
 - 3 x 2B/4P houses at a minimum of 79m² (Plots 36, 49, 50)
 - 3 x 3B/5P houses at a minimum of 93m² (Plots 26, 27, 35)
- 10.4 Five of the units will be provided as first homes comprising of:
- 4 x 1B/2P flats at a minimum of 50m² (Plots 28, 29, 30, 31)
 - 1 x 2B/4P flat at a minimum of 70m² (Plot 32)
- 10.5 The remaining 35 market homes would be providing 3 x 1 bedroom units, 3 x 2 bedroom units, 19 x 3 bedroom units 6 x 4 bedroom units and 4 x 5 bedroom units. The applicant has confirmed that 11 of these units are to be by M4 (2) and one is M4(3) compliant, in line with Part M of the building regulations.
- 10.6 Of the 50 dwellings proposed the proposal is seeking to provide 16 different house types, with a mixture of bungalows, two storey and three storey units. These are a mixture of detached, semi-detached and flatted/maisonette units.
- 10.7 The proposal is seeking to provide a green spine to the centre of the application site, which will provide a green lung to the site and will include planting, natural play, natural play, swale and a LEAP play area at the end, linking onto the existing public rights of way (PROW) on the southern parcel of the site which are to be retained.
- 10.8 The southern parcel is set to be retained as public open space, to allow for an informal place space, as part of the proposal three separate attenuation basins will be formed, and the area will provide opportunity for Biodiversity Enhancement Areas. The proposal is also seeking additional planting to the northern, eastern and western boundaries of the northern parcel of land, with the row of veteran trees running between the northern and southern boundary being given extended buffer zones.
- 10.9 The site access is to the north western part of the site, providing access onto Hanlye Lane, with a 6 metre wide access point, with 2 metre wide pedestrian access to either side. The proposal is seeking to provide a total of 110 parking spaces, of which 91 will be allocated spaces, with 19 unallocated visitor spaces. The proposal is also seeking to provide 2 cycle parking spaces per house and 1 space per flat/apartment. In addition, the proposal is seeking to provide a shared surface to the less frequently used sections of the road to either side of the green lung and to the roads along the southern edge of the site.

- 10.10 The proposal would result in a net loss of Biodiversity Net Gain (BNG) on site. However, the agent has confirmed that onsite improvements will be carried out as well as off-site measure with the use of credits to achieve an overall BNG of 10%.
- 10.11 While the site is allocated for 55 units and the proposal is for only 50 dwellings, this is due to the site constraints of the central band of trees being classed as veteran trees. In line with the requirements for protection of veteran trees they have to be given a larger area of protection, which in turn has reduced the developable area of the site resulting in a slightly lower provision of dwellings. Officers are satisfied with this reduction in light of the physical constraints on site.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:
- 'In dealing with such an application the authority shall have regard to:*
a) The provisions of the development plan, so far as material to application,
b) And local finance considerations, so far as material to the application, and
c) Any other material considerations.'
- 11.3 Section 38(6) Planning and Compulsory Purchase Act 2004 provides:
- 'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*
- 11.4 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.
- 11.5 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.
- 11.6 Using this as the starting point the Development Plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document (SADPD) and the Cuckfield Neighbourhood Plan.
- 11.7 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

Mid Sussex District Plan

- 11.8 The District Plan was adopted in 2018. Relevant policies specific to this application include:

DP4 – Housing
 DP6 – Settlement Hierarchy
 DP13 - Coalescence
 DP16 - High Weald AONB
 DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
 DP20 – Securing Infrastructure
 DP21 - Transport
 DP22 - Rights of Way and other Recreational Routes
 DP26 - Character and Design
 DP27 - Dwelling Space Standards
 DP28 - Accessibility
 DP29 - Noise and Light Pollution
 DP30 – Housing Mix
 DP31 – Affordable Housing
 DP37 - Trees, Woodland, Hedgerows
 DP38 - Biodiversity
 DP39 - Sustainable Design and Construction
 DP41 - Flood Risk and Drainage
 DP42 - Water Infrastructure and the Water Environment

Site Allocations DPD

- 11.9 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. Relevant policies specific to this application include:

SA GEN - General Principles for Site Allocations
 SA10 - Housing
 SA11 – Additional Housing Allocations
 SA23 – Allocation of Land to the east of Ardingly Road, Cuckfield
 SA38 – Air Quality

Cuckfield Neighbourhood Plan

- 11.10 The Cuckfield Neighbourhood Plan was adopted in October 2014. Relevant policies include:

- CNP1- Design of New Development and Conservation
- CNP3- Preventing Coalescence Between Cuckfield and Haywards Heath
- CNP4 – Protect and Enhance Biodiversity
- CNP5 – Protect and Enhance the Countryside
- CNP7 – Housing Development within the Built Up Area Boundary
- CNP8 – Affordable Housing
- CNP16 – Transport Impact of Development
- CNP21 – Securing Infrastructure

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

- 11.11 The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the

relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to the majority of Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan. The relevant policies include:

- DPS1: Climate Change
- DPS2: Sustainable Design and Construction
- DPS4: Flood Risk and Sustainable Drainage
- DPS6: Health and Wellbeing
- DPN1: Biodiversity, Geodiversity and Nature Recovery
- DPN2: Biodiversity Net Gain
- DNP3: Green and Blue Infrastructure
- DPN4: Trees, Woodland and Hedgerows
- DNP6: Pollution
- DPN7: Noise Impacts
- DNP8: Light Impacts and Dark Skies
- DNP9: Air Quality
- DPN10: Land Stability and Contaminated Land
- DPC2: Preventing Coalescence
- DPC4: High Weald Area of Outstanding Natural Beauty
- DPC6: Ashdown Forest SPA and SAC
- DPB1: Character and Design
- DPT1: Placemaking and Connectivity
- DPT2: Rights of Way and Other Recreational Routes
- DPT3: Active and Sustainable Travel
- DPT4: Parking and Electric Vehicle (EV) Charging Infrastructure
- DPH1: Housing
- DPH3: Sustainable Development – Inside the BUA
- DPH7: Housing Mix
- DPH8: Affordable Housing
- DPH9: First Homes
- DPH11: Dwelling Space Standards
- DPH12: Accessibility
- DPI1: Infrastructure Provision
- DPI2: Planning Obligations
- DPI4 Communications Infrastructure

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.12 The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (December 2023)

- 11.13 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning

system needs to perform an economic objective, a social objective and an environmental objective.

- 11.14 Paragraph 12 of the NPPF states *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*
- 11.15 Paragraph 38 of the NPPF states *'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*
- 11.16 With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance (NPPG)

National Design Guide

The High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024

MSDC Developer Infrastructure & Contributions SPD (2018)

MSDC Affordable Housing SPD (2018)

West Sussex County Council Guidance on Parking at Developments (May 2019)

12.0 Assessment

- 12.1 It is considered that the main issues that need to be considered in the determination of this application are as follows:
- Principle of Development
 - Housing Mix
 - Design, Visual Impact and effects on High Weald Area of Outstanding Natural Beauty
 - Highways, Access and Parking
 - Residential Amenity and Pollution
 - Trees
 - Ecology
 - Ashdown Forest
 - Infrastructure
 - Affordable Housing
 - Flood Risk and Drainage
 - Sustainability
 - Water Supply

- Minerals
- Other Issues

Principle of Development

- 12.2 Policy DP4 of the District Plan refers to Housing supply and sets out what the objectively assessed need (OAN) for the District is and how that is intended to be met:

'The District's OAN is 14,892 dwellings over the Plan period. Provision is also made of 1,498 Area. There is a minimum District housing requirement of 16,390 dwellings between 2014 – 2031.

The Plan will deliver an average of 876 dwellings per annum (dpa) until 2023/24. Thereafter an average of 1,090 dpa will be delivered between 2024/25 and 2030/31, subject to there being no further harm to the integrity of European Habitat Sites in Ashdown Forest.

The Council commits to commencing preparation of a Site Allocations DPD in 2017 to be adopted in 2020. The DPD will identify further sites which have capacity of 5 or more residential units. The Council will review the District Plan, starting in 2021, with submission to the Secretary of State in 2023.'

- 12.3 The commitment to a Site Allocations DPD is therefore a requirement of Policy DP4. The Site Allocations DPD was then prepared, consulted upon, independently examined and subsequently adopted by the Council as part of the Development Plan in June 2022.
- 12.4 Policy SA10 of the Site Allocations DPD refers to the DP4 housing requirements and updates the spatial distribution of housing requirement in order to meet the identified housing target for the District within the Plan period.
- 12.5 Policy SA11 (Additional Housing Allocations) states that:
- 'In addition to the strategic site allocations set out in District Plan Policy DP4: Housing, development will be supported at the additional site allocations, through a comprehensive approach involving the community, local planning authority, developer and other stakeholders, where development meets the requirements set out within the Policy Requirements SA12 to 33, SA GEN: General Principles for Site Allocations and are in accordance with the Development Plan read as whole.'*
- 12.6 The application site, known as SA23 in the Site Allocations DPD is allocated for 55 dwellings, with the overall number allocated across the District in the document being 1704.
- 12.7 Planning legislation requires that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the application site is allocated for housing development within the Mid Sussex Site Allocations Development Plan Document by virtue of Policy SA23. It is therefore development plan policy, subject to meeting various criteria, that this site be developed for housing.
- 12.8 Policy SA23 sets the number of dwellings for the site as 55 and states that the objective is:

‘To deliver a high quality, landscape led, sustainable extension to Cuckfield, which provides enhanced and accessible open space; respects the character of the village and conserves and enhances the setting of the High Weald AONB; and which is comprehensively integrated with the settlement so residents can access existing facilities.’

12.9 As well as this objective, Policy SA23 also sets out a number of other criteria that need to be met which fall under the following headings:

- Urban Design Principles
- Landscape Considerations
- Social and Community
- Historic Environment and Cultural Heritage
- Biodiversity and Green Infrastructure
- Highways and Access
- Flood Risk and Drainage
- Contaminated Land
- Minerals
- Utilities

12.10 As well as these criteria specific to the Policy SA23 allocation, the Sites DPD also sets out a number of General Principles that are relevant to all allocated sites within the document. These are also referred to in more detail within the relevant sub-sections of the assessment section but fall within the following headings:

- Key Objectives
- Urban Design Principles
- Landscape Considerations
- Social and Community
- Historic Environment and Cultural Heritage
- Air Quality, Light, Noise and Amenity
- Biodiversity and Green Infrastructure
- Access and Highways
- Flood Risk and Drainage
- Ashdown Forest
- Utilities

- Sustainability
 - Contaminated Land
 - Minerals Safeguarding
- 12.11 With the site being allocated for housing by SA23, it has also amended the built-up area boundary, so the application site is designated as being within the built up area boundary of Cuckfield.
- 12.12 At local level Policy CNP7 of the Neighbourhood Plan states:
- 12.13 *'Housing development within the Cuckfield built-up area boundary, as defined, will be permitted including infill development and change of use or redevelopment to housing outside the designated Cuckfield village centre and Whitemans Green neighbourhood centre where it meets the following criteria:*
- a) The scale, height and form fit unobtrusively with the existing building, or curtilage for new dwellings, and the character of the street scene.*
 - b) Spacing between buildings would respect the character of the street scene.*
 - c) Gaps which provide views out of the village to surrounding countryside are maintained.*
 - d) Materials are compatible with the materials of the existing building.*
 - e) The traditional boundary treatment of an area is retained and, where feasible, reinforced and*
 - f) The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'*
- 12.14 A similar ethos is found within DP6 of the Mid Sussex District Plan which states:
- 'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.*
- The growth of settlements will be supported where this meets identified local housing, employment and community needs.'*
- 12.15 At national level, the NPPF makes clear the importance of significantly boosting the supply of homes. Para 60 of the NPPF states that:
- 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.'*
- 12.16 As such, the principle of development on this site is considered acceptable, subject to the assessment of the detailed considerations assessed in the sections below.

Housing Mix

- 12.17 Policy DP30 (Housing Mix) states in part that housing development will:
- 'provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;'*
- 12.18 SA GEN also requires the proposal to provide a mix of dwelling types and sizes. The proposed mix is:
- 9 x 1 bed (18%)
 - 9 x 2 bed (18%)
 - 22 x 3 bed (44%)
 - 6 x 4 bed (12%)
 - 4 x 5 bed (8%)
- 12.19 Consequently, the proposed mix is considered acceptable, and the proposal is considered to comply with Policy DP30 of the District Plan and SA23 and SA GEN of the Sites Allocation DPD.

Design, Visual Impact and effects on High Weald Area of Outstanding Natural Beauty

- 12.20 As identified above, the application site is located within the setting of the High Weald Area of Outstanding Natural Beauty, which is located to the north of the site on the opposite side of Hanlye Lane. The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: *'to conserve and enhance natural beauty'*. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*.
- 12.21 In this respect DP16 of the District Plan states that:
- 'Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design..'*
- 12.22 There is a similar requirement in CNP1 of the Neighbourhood Plan which in part states:
- 'c) Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan,'*
- 12.23 Paragraph 182 of the NPPF states that *'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.'*
- 12.24 In more general design and visual amenity terms, Policy DP26 of the District Plan states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- is of high quality design and layout and includes appropriate landscaping and greenspace,*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance,*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape*
- protects open spaces, trees and gardens that contribute to the character of the area,*
- protects valued townscapes and the separate identity and character of towns and villages,*
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29),*
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible,*
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed,*
- positively addresses sustainability considerations in the layout and the building design,*
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre, larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element,*
- optimises the potential of the site to accommodate development.'*

12.25 At Neighbourhood Plan level, Policy CNP1 (Design of New Development and Conservation) and CNP7 (Housing Development within the Built Up Area Boundary) state that:

CNP1

'New development in accordance with the Neighbourhood Plan will be permitted where it:

a) Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of;

i. height, scale, spacing, layout, orientation, design and materials of buildings,

ii. the scale, design and materials of the public realm (highways, footways, open space and landscape), and

b) Is sympathetic to the setting of any heritage asset and

c) Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan, and

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

e) Creates safe, accessible and well-connected environments that meet the needs of users, and

f) Will not result in unacceptable levels of light, noise, air or water pollution, and

g) Makes best use of the site to accommodate development.'

CNP7

'Housing development within the Cuckfield built-up area boundary, as defined, will be permitted including infill development and change of use or redevelopment to housing outside the designated Cuckfield village centre and Whitemans Green neighbourhood centre where it meets the following criteria:

a) The scale, height and form fit unobtrusively with the existing building, or curtilage for new dwellings, and the character of the street scene.

b) Spacing between buildings would respect the character of the street scene.

c) Gaps which provide views out of the village to surrounding countryside are maintained.

d) Materials are compatible with the materials of the existing building.

e) The traditional boundary treatment of an area is retained and, where feasible, reinforced and

f) The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'

12.26 At site allocation level, and in respect of both 'Urban Design Principles' and the 'Landscape Considerations', Policy SA23 requires:

- *'Provide development on the northern part of the site, creating a suitable development edge and transition with the open space that is to be retained to the south. As shown on the policy map, no development is to be provided on the southern field, south of the row of trees protected by Tree Preservation Orders, which is unsuitable for development as it is more exposed to views from the south, contributes to settlement separation and is crossed by rights of way providing scenic views towards the South Downs.*
- *Enhance the connectivity of the site with Cuckfield village by providing pedestrian and/or cycle links to Ardingly Road, Longacre Crescent and adjacent existing networks.*
- *Orientate development to have a positive active frontage in relation to the existing settlement and the wider countryside through careful masterplanning.'*

Landscape Considerations

- *'Undertake a Landscape and Visual Impact Assessment (LVIA) to inform the site layout, capacity and mitigation requirements in order to conserve and enhance the setting of the High Weald AONB adjacent to the north and minimise impacts on the wider countryside.'*

12.27 Similarly, and again in respect of 'Urban Design Principles' and 'Landscape Considerations', Policy SA GEN requires:

'Urban design principles

- *Design new development in accordance with District Plan Policy DP26: Character and Design and with the design principles set out in the Mid Sussex Design Guide SPD.*
- *Sites within the High Weald AONB are to have regard to the High Weald Housing Design Guide.*
- *Provide a high degree of integration and connectivity between new and existing communities.*
- *Design new development at a density that is appropriate for the location.*
- *Make a positive contribution towards local character and distinctiveness.*
- *Create safe communities through appropriate design and layout that reduces the likelihood of crime and anti-social behaviour.*

Landscape considerations

- *Undertake Landscape and Visual Impact Assessment or Appraisal (LVIA) on any rural and edge of settlement sites. In the AONB the LVIA will utilise the AONB Management Plan components as landscape receptors. The LVIA will need to inform the site design, layout, capacity and any mitigation requirements.*
- *Development in the High Weald AONB or within its setting will need to conserve and enhance the natural beauty of the High Weald, as set out in the High Weald Management Plan 2019- 2024 and District Plan Policy DP16: High Weald Area of Outstanding Natural Beauty.*
- *Development within the setting of the South Downs National Park will need to be consistent with National Park purposes and special qualities, as set out in the South Downs Local Plan and South Downs Partnership Management Plan and with District Plan Policy DP 18: Setting of the South Downs National Park.*
- *Provide a Landscape Strategy to identify how natural features on site have been retained and incorporated into the landscape structure and design of the site and informed the landscaping proposals for the site.*
- *Where development is required to adopt a landscape led approach, including all developments within the AONB or its setting; this includes respecting the local character of the area in built form by utilising appropriate architectural design, site layout and density which complements and contributes to the overall character and appearance of the area.*
- *Arboricultural Impact Assessment and Arboricultural Method Statements will be required for all sites where development will be within 5 metres of any trees."*

12.28 The Mid Sussex Design Guide also contains a number of relevant principles with the following being particularly relevant to the application:

Principle DG3 (Work with the site's natural features and resources)
 Principle DG13 (Provide positive frontage to streets)
 Principle DG16 (Create a positive development edge)
 Principle DG38 (Design buildings with architectural integrity and a sense of place)
 Principle DG41 (Addressing sloping sites)

- 12.29 The scheme has been to the Design Panel, who's comments are set out in full within Appendix B. The Design Panel was supportive of the proposal, subject to some amendments. Following these comments, the scheme has been amended. The Council's Urban Designer has provided additional comments on the amendments as set out within Appendix B. The majority of the Urban Designer's comments will be controlled by condition and will be a matter considered as part of the discharge of condition process. In addition the applicant has been made aware of these requirements. In relation to the Urban Designer's comments, the applicant has confirmed with a width of 6.5 metres from the drive, there will be sufficient space to bring the bins in with 2 cars parked on the drive.
- 12.30 In accordance with the requirements of SA23 and SA GEN of the Sites Allocation DPD the application has been supported by a landscape and visual impact assessment which concludes that:
- 'This site has been allocated for residential development and this has been considered. It is the overall conclusion of this landscape and visual impact assessment that the proposed development is anticipated to result in no substantial adverse impacts to the landscape baseline at a residual stage with only material change experienced from within the site boundary from nearby the proposed residential dwellings. Therefore the proposed scheme is judged to be acceptable on landscape and visual grounds.'*
- 12.31 Regarding the wider landscape impact the Council's Landscape Consultant has provided comments on the proposal. Full details are set out within Appendix B. The Landscape Consultant has not objected to the proposal and has recommended planting around the attenuation basins, details of the surface treatment of the visitor bays and hedgerows and planting around the visitor bays. Again the applicant has been made aware and details of this will be required in order to discharge the hard and soft landscaping condition.
- 12.32 The location and scale of the proposal, immediately adjacent to the settlement of Cuckfield, infilling between the dwelling of Stocklands and Longacre Crescent to the west and the dwellings of Horsegate Mews to the east, will also ensure that the coalescence of settlements does not occur as per the requirements of Policy DP13 of the District Plan and CNP3 of the Neighbourhood Plan.
- 12.33 It is noted that the site is sloping and in order to satisfy the requirements of Policy CNP1 (d) of the Cuckfield Neighbourhood Plan and Principle DG41 of the Mid Sussex Guide (to ensure that the proposal respects the natural contours of the site and to minimise the visual prominence of the development) a levels condition will be attached as set out in Appendix A.
- 12.34 To conclude on the landscape issues, it is acknowledged that the site is sensitive, however, it is well screened and closely related to the existing built development of Cuckfield, infilling between existing housing. The proposal is considered to have been designed to respond to its unique characteristics. No objections have been raised by the Council's Urban Designer, Design Panel or Landscape Consultant. As such, subject to a number of recommended conditions which will give further control

over the scheme to ensure that a number of detailed elements are wholly compatible with the site and surroundings, Officers consider that the character and appearance of the High Weald Area of Outstanding Natural Beauty will be preserved.

- 12.35 Accordingly, it is considered that the application complies with Policies DP13, DP16 and DP26 of the District Plan, Policies SA28 and SA GEN of the Site Allocations DPD, Policies CNP1, CNP3 and CNP7 of the Neighbourhood Plan, the Mid Sussex Design Guide, the NPPF and the High Weald AONB Management Plan.

Highways, Access and Parking

- 12.36 Policy DP21 in the District Plan states that:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011 - 2026, which are:

- *A high quality transport network that promotes a competitive and prosperous economy,*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time,*
- *Access to services, employment and housing, and*
- *A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport, and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*

- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

- 12.37 At Neighbourhood Plan level, Policy CNP16 (Transport Impacts of Development) states that:

'Proposals will be permitted where they meet the following criteria:

a) Safely located vehicular and pedestrian access with adequate visibility exists or could be created; and

b) Development proposals would ensure sustainable transport links to the principal village facilities including the village centre, the primary and secondary schools and recreation open space are provided; and

c) Where adequate transport infrastructure is not available to serve the development, the development would provide, or contribute towards, appropriate measures which will address the identified inadequacy and assist walking, cycling, public transport and other highway improvements; and

d) Where development would add to traffic congestion in the village or inappropriate traffic on rural lanes, proposals should be brought forward to mitigate any traffic impact or contribute funding towards local transport schemes

e) Development proposals for new developments should include secure cycle storage and ideally storage for children's buggies and mobility scooters where appropriate f) Development proposals would maintain or enhance the existing routes of the twittens (public rights of way).'

- 12.38 At site allocation level, and in respect of the Highways and Access, Policy SA23 requires:

'Provide access from Hanlye Lane, the details of which need to be investigated.

Investigate whether any highway measures are required to mitigate impacts at the intersection of London Road (B2036) and Ardingly Road (B2114).

Provide a sustainable transport strategy to identify sustainable transport infrastructure improvements and how the development will integrate with the existing network, providing safe and convenient routes for walking, cycling and public transport through the development and linking with existing networks.'

12.39 Similarly, and again in respect of Access and Highways, Policy SA GEN requires:

- *'Ensure development contributes towards delivering sustainable development and appropriate infrastructure in accordance with District Plan Policy DP21: Transport and the objectives of the West Sussex Transport Plan 2011 – 2026.*
- *Provide a Transport Assessment and Sustainable Transport Strategy to identify appropriate mitigation and demonstrate how development will be accompanied by the necessary sustainable infrastructure to support it.*
- *Highway infrastructure mitigation is only considered once all relevant sustainable travel interventions (for the relevant local network) have been fully explored and have been taken into account in terms of their level of mitigation.*
- *Identify how the development will provide safe and convenient routes for walking and cycling through the development and linking with existing networks beyond. Create a permeable road network within the site with clearly defined route hierarchies.*
- *Safeguard Public Rights of Way (PRoW) and protect their amenity.*
- *Provide adequate car parking in accordance with District Plan Policy DP21: Transport.'*

12.40 Plans show that the proposed access is able to provide visibility splays of 44 metres in both directions, with the proposal also providing off road parking for 110 cars (91 will be allocated spaces, with 19 unallocated visitor spaces). The proposal is also seeking to provide 2 cycle parking spaces per house and 1 space per flat/apartment. The application has also been submitted within a swept path analysis to show how a refuse vehicle and a Fire applicant can enter turn and exist the site in a forward gear.

12.41 West Sussex County Council as the highways authority have been consulted on the merits of the application. A copy of their full comments are set out within Appendix B. It has confirmed that the proposed access arrangements are acceptable, subject to them being delivered in accordance with the submitted plans. The proposal is therefore considered to provide a suitable access from Hanlye Lane in accordance with the requirement of SA23 of the Sites Allocation DPD

12.42 While the scheme is providing 110 car parking spaces, in accordance with the WSCC Parking Guidance it would require a development of this size to provide 129 parking spaces. As such the scheme is 19 spaces short. Nonetheless, the proposal will be meeting the cycle parking requirements, and the application has been supported by a Travel Plan which seeks to monitor and manage travel demand and promote sustainable travel modes.

12.43 Furthermore, West Sussex County Council have raised no objections to the proposal. Therefore, subjected to the recommended conditions there is no highway reason to resist the proposal.

- 12.44 In relation to the third requirement of SA23, to provide a sustainable transport strategy and to integrate into the existing infrastructure, as set out in Appendix A, a condition is recommended requiring a Travel Plan Statement which WSCC Highways will audit as part of a 5 year monitoring period. The proposal is considered to comply with the requirement of SA23 of the Sites Allocation DPD.
- 12.45 In addition WSCC PROW Officer has been consulted on the proposal and as set out within their comments, that there is no development directly impacting the 3 public rights of way. In line with these comments an informative has been added to require the applicant to agree the specification of the resurfacing works to the PROW.
- 12.46 Accordingly, in light of the comments provided by the highways authority confirming no technical objections, it can be concluded that the application complies with Policy DP21 of the District Plan, Policies SA23 and SA GEN of the Site Allocations DPD, Policy CNP16 of the Neighbourhood Plan and the NPPF.
- 12.47 **Residential Amenity and Pollution**
- 12.48 As noted within the summary of representation set out towards the beginning of the report, concerns have been raised in regards to overlooking, loss of privacy and a reduction in outlook.
- 12.49 District Plan Policy DP26 is applicable and this states, where relevant, that:
- 'All applicants will be required to demonstrate that development.....does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29).'*
- 12.50 Policy CNP1 however refers to: *'f) Will not result in unacceptable levels of light, noise, air or water pollution, and'*
- 12.51 While policy CNP 7 states: *'The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'*
- 12.52 Under section 38(5) of the Planning and Compulsory Purchase Act 2004, if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. The *'significant harm'* test of the District Plan adopted in 2018 is therefore the correct test to apply in this case.
- 12.53 It is accepted that a number of existing neighbours will be able to see the new development and it will be a change to the appearance of the site as they see it currently, but this does in itself not constitute unacceptable harm to their amenity, while loss of a view is not a material planning consideration.
- 12.54 In addition to DP26, Policy DP29 applies in respect of noise and light pollution. This states that development will only be permitted where:
- 'Noise pollution:*
- It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*

If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;

Light pollution:

The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;

The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;'

- 12.55 The previous air pollution element of DP29 has been superseded by Policy SA38 from the site allocations DPD. This policy states in part that:

'The Council will require applicants to demonstrate that there is not unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.'

- 12.56 In respect of Air Quality, Light, Noise and Amenity, Policy SA GEN requires:

'Investigate any potential adverse air, light and noise pollution impacts from the development itself and from neighbouring uses, ensuring that these are avoided, or appropriately mitigated, in accordance with District Plan Policy DP29: Noise, Air and Light Pollution and SA38 relating to Air Quality as set out in this Site Allocations DPD.'

- 12.57 In respect of overlooking and loss of privacy, the generally accepted minimum back to back distances between dwellings to ensure that significant harm could not occur is 21 metres. Principle DG45 from the Mid Sussex Design Guide is also a relevant consideration as this looks to protect the privacy of both existing and future residents.

- 12.58 In respect of future amenity, Policy DP27 of the District Plan states:

'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- Open market dwellings and affordable housing;*
- The full range of dwelling types; and*
- Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'

- 12.59 The neighbouring properties most likely to be impacted by the proposal are No. 9 and No. 11 Stocklands. As the proposal is seeking to place 3 bungalows with rear gardens adjoining their rear gardens along the western (side) boundary. At closest

they would have a back to back distance of approximately 14.5 metres. The proposed dwellings will be set back over 22 metres from the dwellings on the eastern (side) with a road and planting between.

- 12.60 Owing to the distances and screening it is not considered that the proposal would cause significant harm in terms of reduction in sunlight and daylight and loss of outlook. Although units 1, 2, and 3 would be closer than the recommended 21 metres, these properties are all bungalows, the plans show planting to the rear boundary, details of which can be controlled by condition and the permitted development rights of these three units can be removed to provide control of any future alterations. As a result and subject to the recommended conditions to provide adequate screening it is not considered that the proposal would cause significant harm in terms of overlooking and a loss of privacy.
- 12.61 The application has been supported by a Road Traffic Noise Survey and the Council's Environmental Protection Officer has been consulted to help inform the assessment in respect of the impact on neighbouring amenity and their comments are set out in full within Appendix B.
- 12.62 It is acknowledged that there would be a degree of disruption during construction work, nonetheless, this is typical for all development proposals which are related to existing development. But this would only be for a temporary period during construction. In addition, the Council's Environmental Protection Officer has recommended a Construction Environmental Management Plan condition aimed at minimising the construction impacts by securing details such as measures to control noise and vibration, dust control measures and site contacts details in case of nuisance occurring.
- 12.63 In addition, given that this development proposes the provision of 50 residential units, a condition is recommended requiring the submission of a scheme of mitigation measures to improve air quality relating to the development. This will ensure compliance with Policy SA38 of the Site Allocations DPD.
- 12.64 In respect of future amenity, all of the proposed dwellings have access to outdoor amenity space, either private or communal, and the proposed dwellings are considered to meet or exceed the National Floor Space Standards referenced by Policy DP27.
- 12.65 It is noted that the LEAP (Local Equipped Areas of Play) would come within 17.5 metres of the residential dwellings, and guidance recommends they should be set back by a minimum of 20 metres, this shortfall is only minimal and is considered acceptable in this instance due to the site constraints, while also providing natural surveillance of this area. Furthermore, a condition requires details of the LEAP to be submitted and approved, and it is considered the final approved layout can be sensitively designed to locate any play equipment that might be noisy further away from the dwellings.
- 12.66 Due to the sensitive nature of the site in relation to its wildlife setting, details of a lighting scheme has been requested to be submitted and approved by condition by the Ecology Consultant. While this is not necessarily for the benefits of surrounding occupiers, it does provide limits on the external lighting and as a result it is considered that a lighting scheme that would be sensitive to the wildlife would also be sensitive to its edge of village location. As such, it is not considered that the external lighting would have an unacceptable impact on neighbouring amenity.

- 12.67 The neighbouring residents will clearly be able to see the new development and it will be a change to the appearance of the undeveloped site. A change of character is inevitable where a green field is being developed for housing. The demonstration of 'significant harm' as per DP26 of the Mid Sussex District Plan is a high bar and your Planning Officer does not consider that threshold has been reached, particularly on a site that is allocated for development through the Development Plan process.
- 12.68 The proposal therefore complies with the Development Plan in respect of the effects on neighbouring residential amenity issues as unacceptable harm cannot be demonstrated.

Trees

- 12.86 Policy DP37 of the District Plan states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected. Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.'

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.'

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme, and*
- *prevents damage to root systems and takes account of expected future growth, and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management, and*
- *has appropriate protection measures throughout the development process, and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change, and*
- *does not sever ecological corridors created by these assets.'*

- 12.69 At Neighbourhood Plan level Policy CNP1 requires in part that development to:

'd) Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site, and'

- 12.70 Within SA23 trees are references within the Landscape section which sets out:
- *'Protect the rural character of Hanlye Lane and the approach to Cuckfield village by minimising the loss of the existing hedgerow and trees along the northern boundary.'*
 - *'The site contains a number of trees many with Tree Preservation Orders. Retain and enhance existing mature trees and hedgerows on the site, and on the boundaries, and incorporate these into the landscaping structure and Green Infrastructure proposals for the site in order to minimise impacts on the wider countryside. Open space should be provided as an integral part of this landscape structure.'*
- 12.71 Policy SA GEN requires arboricultural information under the landscape considerations:
- 'Arboricultural Impact Assessment and Arboricultural Method Statements will be required for all sites where development will be within 5 metres of any trees.'*
- 12.72 As part of the proposal the application has been supported by an Arboricultural Impact Assessment and Preliminary Method Statement. As set out within this report the proposal will require the removal of two individual trees (T12 and T31) which are both category U trees. The removal of three groups G38, G40 and G45 (two category C groups and one category B group), together with the partial removal of groups G41 and G43 (both category C). All other trees are to be retained and protected.
- 12.73 To inform the assessment of the impact of the development, the expert view of the Council's Tree Officer has been sought and their comments are set out in full within Appendix B. As you can see from these comments there is a regrettable loss in relation to the TPO trees in the middle of the northern parcel, However, it is noted that the number of units have been reduced in order to protect the veteran trees. In accordance with these comments a number of conditions, as set out in Appendix A have been recommended, which will include details of replacement planting in recognition of the lost trees.
- 12.74 In line with these comments and subject to the recommended conditions, your Planning Officer is satisfied that the veteran trees will be protected, and that the proposal is providing significant additional planting which will be controlled by condition. The application therefore accords with Policy DP37 of the District Plan, Policies SA23 and SA GEN of the Site Allocations DPD, Policy CNP1 of the Neighbourhood Plan and the NPPF.

Ecology

- 12.92 Policy DP38 of the District Plan states:
- 'Biodiversity will be protected and enhanced by ensuring development:*
- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments, and*
 - *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to*

sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances), and

- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience, and*
- *Promotes the restoration, management and expansion of priority habitats in the District, and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation, nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty, and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

12.75 At Neighbourhood Plan level Policy CNP4 sets out:

'Proposals should protect and enhance biodiversity by:

- a) Protecting designated sites, protected species and ancient or species-rich hedgerows, grasslands and woodlands, and*
- b) Preserving ecological networks, and the migration and transit of flora and fauna, particularly between urban areas, and*
- c) Protecting ancient trees or trees of arboricultural value, and*
- d) Promoting the mitigation, preservation, restoration and re-creation of wildlife habitats, and the protection and recovery of priority species and*
- e) Providing a net gain in flora and fauna, in particular those defined on Map 6 - Biodiversity, and*
- f) Adopting best practice in Sustainable Urban Drainage.'*

12.76 At site allocation level, and in respect of Biodiversity and Green Infrastructure, Policy SA23 requires:

- *'The land to the south, as indicated on the Policies Map, is designated as a Semi Improved Grassland Priority Habitat. Manage this area to promote its conservation, restoration and enhancement in accordance with the Natural England management objectives for this type of habitat.'*
- *Undertake a holistic approach to Green Infrastructure provision through biodiversity and landscape enhancements within the site that connect to the surrounding area.*
- *Conserve and enhance areas of wildlife value to ensure there is a net gain to biodiversity overall. Avoid any loss of biodiversity through ecological protection and enhancement, and good design. Where this is not possible, mitigate and as a last resort, compensate for any loss.*
- *Incorporate SuDS within the Green Infrastructure to improve biodiversity and water quality.*
- *Maintain a minimum buffer of 15 metres between the development and the north of Horsegate Wood ancient woodland.'*

12.77 Similarly Policy SA GEN requires:

- *'Carry out and submit habitat and species surveys at the earliest opportunity in order to inform the design and conserve important ecological assets from negative direct and indirect effects.'*
- *Conserve and enhance areas of wildlife value and ensure there is a net gain to biodiversity, using the most up-to-date version of the Biodiversity Metric. Avoid an loss of biodiversity through ecological protection and enhancement, and good design. Where it is not possible, mitigate and as a last resort compensate for any loss. Achieve a net gain in biodiversity (measured in accordance with Government guidance and legislation), for example, by incorporating new natural habitats, appropriate to the context of the site, into development and designing buildings with integral bat boxes and bird nesting opportunities, green/brown roofs and green walling, in appropriate circumstances in accordance with District Plan Policy DP38: Biodiversity.*
- *Protect and enhance Green Infrastructure (GI) and corridors by ensuring built development avoids and integrates existing GI into the layout of the scheme, reinforcing and providing new connections to existing corridors to develop a connected network of multi-functional greenspace, including incorporating opportunities to contribute to strategic GI.*
- *Improve access to, and understanding of natural greenspace and nature conservation features, including recognising the importance and role of green infrastructure to the ecosystem, biodiversity, public rights of way, health and well-being, the water environment, community facilities and climate change. Green Infrastructure is to be incorporated with SuDS, where possible, to improve biodiversity and water quality.'*

12.78 At national level, the NPPF states at paragraph 180 that:

'When determining planning applications, local planning authorities should apply the following principles:

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused,*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest,*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists, and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

12.79 The application has been submitted with the following reports: Agent Response (23rd October 2024), Agent Response (Urban Edge Environmental Consulting, 30th September 2024), Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024), Confidential Technical Note – Badger Survey (Urban Edge Environmental Consulting, June 2024), Preliminary Ecological Appraisal Report Revision 4 (Urban Edge Environmental Consulting, June 2024) and Preliminary Ecological Appraisal Report (Urban Edge Environmental Consulting, October 2023), which set out the likely impacts of development and identification of the proportionate mitigation.

12.80 Within the supporting documents it sets out the proposed mitigation measures which include:

- Ancient woodland buffered from increased public access
- Removal of nesting bird habitats undertaken outside of nesting seasons
- Standard site procedures to protect trees and aquatic environments during construction
- Work carried out in accordance with an Construction Environmental Management Plan
- Minimised use of external lighting, which will not be directed towards habitats
- Small gaps provided at boundary fencing to allow continued dispersal of small mammals
- End of each working day excavations will be covered over and open pipework capped to prevent entrapment of mammals, amphibians and other fauna.

- Green spaces will be sown with native wildflower and grass mix
- Hedgerow creation will use a range of native fruit, seed, nut and nectar-bearing shrub species
- New wetland habitat created
- Landscape planting will utilise plant species which encourage bats by providing additional food sources or roosting opportunities
- Habitat piles for amphibians, invertebrates and reptiles
- Installation of a range of artificial nest boxes onto new buildings and trees for birds
- Installation of a range of artificial nest boxes onto new buildings and trees for bats

- 12.81 The Council Ecology Consultant has reviewed all the submissions, included the amendments/updates made during the life of the application. A full set of the comments are set out within Appendix B. However, it is worth noting that within their comments they consider that there is sufficient ecological information available for determination and are recommending approval subject to conditions.
- 12.82 In relation to Biodiversity Net Gain (BNG) Policy DP38 requires that there is no net loss of biodiversity on the site, Policy SA GEN requires sites allocated in the Site Allocations DPD to provide a net gain to biodiversity. Policy CNP4 of the Neighbourhood Plan also states that development proposals should deliver a net gain in flora and fauna. The provision of Biodiversity Net Gain through these planning policies is not the same as the mandatory requirement that came into force with the Environment Act legislation in 2024. However, this application was submitted prior to the mandatory BNG requirements, there is thus no specific BNG figure that must be achieved currently with such applications.
- 12.83 Despite not being required to provide a set amount of BNG, the application has been supported by a Biodiversity Net Gain Assessment as well as supporting documents confirming that with the above mentioned measures together with the use of off-site credits from a habitat bank the proposal will achieve a BNG of 10%.
- 12.84 The Councils Ecological Consultant is satisfied with the BNG details provided and details of which can be secured through the Legal Agreement.
- 12.85 Given the comments from the Council's Ecological consultant, and because the mitigation and enhancement measures can be secured via condition, with the biodiversity net gain requirements being secured via the legal agreement, it can be concluded the application complies with Policy DP38 of the District Plan, Policies SA GEN and SA23 of the Site Allocations DPD, Policy CN4 of the Neighbourhood Plan and the NPPF.

Ashdown Forest

- 12.86 Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority – in this case, Mid Sussex District Council – has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse

effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

- 12.87 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.
- 12.88 A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational disturbance

- 12.89 Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.
- 12.90 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.
- 12.91 The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

- 12.92 Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.
- 12.93 The proposed development was modelled in the Mid Sussex Transport Study as a development allocated through the Sites Allocation DPD such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

- 12.94 The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.
- 12.95 No mitigation is required in relation to the Ashdown Forest SPA or SAC.

- 12.96 A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.
- 12.97 **Infrastructure**
- 12.98 Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the District Plan (see sub section 12:10). Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.
- 12.99 Policy SA GEN of the Site Allocations DPD sets out one of the Key Objectives that requires allocated sites to: *'Contribute towards necessary infrastructure provision, including transport, education, health, community and leisure facilities as required by District Plan Policy DP20: Securing Infrastructure, the Mid Sussex Infrastructure Delivery Plan (IDP) and the Mid Sussex Development Infrastructure and Contributions Supplementary Planning Document (SPD).'*
- 12.100 The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:
- A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
 - An Affordable Housing SPD
 - A Development Viability SPD
- 12.101 The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 55 and 57 which state:
- '55. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*
- 57. Planning obligations must only be sought where they meet all of the following tests:*
- a) necessary to make the development acceptable in planning terms;*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development.'*
- 12.102 These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).
- 12.103 The additional population from this development will impose additional burdens on existing infrastructure and the monies identified will mitigate these impacts. As Members will know, developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.
- 12.104 In this case, the following contributions are sought:

West Sussex County Council Contributions

- Library provision: £22,234 (Additional facilities at Haywards Heath Library)
- Education Primary: £202,164 (Additional facilities at Holy Trinity or other primary school within the planning area)
- Education Secondary: £217,574 (Additional facilities at Warden Park Academy)
- TAD: £205,667 (cycle, pedestrian and Public Rights of Way improvements which promote sustainable movement between the development and local infrastructure in accordance with the West Sussex Walking and Cycling strategy)

Mid Sussex District Council Contributions

- Formal sport: £57,440 (sports facilities at Whitemans Green/or Cuckfield Recreation Ground)
- Community buildings: £32,944 (Improvements to 1st Cuckfield Scout Group Hut and/or Cuckfield Village Hall and/ or Queens Hall or village hall facilities within Cuckfield)
- Local community infrastructure: £37,348 (TBC with Parish Council.)

- 12.105 It is considered that the above infrastructure obligations would meet policy requirements and statutory tests contained in the CIL Regulations. A section 106 legal agreement would need to be completed to secure these contributions and as such the application accords with Policy DP20 of the District Plan and Policy SA GEN of the Site Allocations DPD.

Affordable housing

- 12.106 Policy DP31 of the District Plan makes clear that:

'The Council will seek:

The provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m²;

For residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 – 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;

On sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;

A mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and

Free serviced land for the affordable housing.

All affordable housing should be integrated with market housing and meet national technical standards for housing including "optional requirements" set out in this District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and

DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.'

- 12.107 A similar ethos is found within Policy CNP8 of the Cuckfield Neighbourhood Plan.
- 12.108 Policy SA GEN of the Site Allocations DPD sets out one of the Key Objectives that requires allocated sites to: *'Provide 30% affordable housing and a suitable mix of housing in line with District Plan Policies DP30: Housing Mix and DP31: Affordable Housing and the Mid Sussex Affordable Housing SPD.'*
- 12.109 As indicated previously in this report, the applicant is proposing 30% affordable housing on site which equates to:
- 15 units comprised of 4 x 2 bed maisonette, 4 x 1 bed apartments, 1x 2 bed apartment, 3 x 2 bed houses and 3 x 3 bed houses. Six of which are to be first homes while the remaining 9 will be affordable rent.
- 12.110 The Housing Enabling Team supports the scheme due to this provision and has commented that:

'I am pleased to confirm that following the change of Plots 33 and 34 from 2B/3P to 2B/4P dwellings at a minimum of 70m² (excluding the staircase & hallway), all 15 units now meet the Council's occupancy and minimum floor area requirements. The provision of 5 First Homes rather than 4 has also been agreed in this instance, in order to avoid a situation where a Registered Provider is put off delivering the Social or Affordable Rented units due to one being located in a block where all of the other units are First Homes. Consequently the proposed mix shown below is acceptable.'

Social or Affordable Rent – 10 Plots comprising:

1 x 1B/2P maisonette at a minimum of 50m² excluding hall & stairs, with its own private balcony (Plot 5)
1 x 1B/2P Wheelchair Accessible M4(3)(2)(b) maisonette at a minimum of 60m², with its own private patio area (Plot 4)
2 x 2B/4P maisonettes at a minimum of 70m² excluding hall & stairs, each with its own private patio area (Plots 33 & 34)
3 x 2B/4P houses at a minimum of 79m² (Plots 36, 49, 50)
3 x 3B/5P houses at a minimum of 93m² (Plots 26, 27, 35)

First Homes – 5 Plots comprising:

4 x 1B/2P flats at a minimum of 50m² (Plots 28, 29, 30 ,31)
1 x 2B/4P flat at a minimum of 70m² (Plot 32)

I can also confirm that the amended plans provided for the Wheelchair Accessible Unit have also now been approved and the applicant has certified that all items identified on the compliance checklist as "confirmation required" will be complied with. The following Planning Condition has also been agreed as previously advised.

1 x 1B/2P flat (Plot 4) shall be provided as a wheelchair accessible dwelling which meets all of the requirements contained in Part M4(3)(1)(a) and(b) and Part M4(3)(2)(b) of Schedule 1 of the Building Regulations 2010 as amended.

Reason : to ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan'

- 12.111 This level of affordable housing, including the mix and tenure, will be secured through the legal agreement. As such the application accords with Policy DP31 of the District Plan and Policy SA GEN of the Site Allocations DPD.

Flood Risk and Drainage

- 12.112 Policy DP41 of the District Plan states in part:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates. Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

SuDS should be sensitively designed and located to promote improved biodiversity and enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses, and if these cannot be met,*
- 3. Discharge to surface water only sewers.'*

- 12.113 At site allocation level, and in respect of Flood Risk and Drainage, Policy SA23 requires:

- 'The site is situated next to the village pond. The culverted pipe taking the outflow of the pond to the watercourse along the western boundary of the site to the southern field is in poor condition. Consider drainage works to improve the situation such as creating an open watercourse to avoid future blockage and capacity issues.*
- Design surface water drainage to minimise run off, to incorporate SuDS and to ensure that Flood Risk is not increased.*
- Incorporate Sustainable Drainage Systems in the southern part of the site as an integral part of the Green Infrastructure proposals to improve biodiversity and water quality.'*

- 12.114 Similarly Policy SA GEN requires:

- *'Provide a site-specific Flood Risk Assessment (FRA)/surface water drainage strategy in areas at risk from fluvial or surface water flooding to inform the site layout and any appropriate mitigation measures that may be necessary. Areas at risk of flooding should be avoided in the first instance.*
- *Undertake a sequential approach to site layout by avoid developing areas at risk of flooding including climate change allowance.*
- *Priority will be given to use of Sustainable Urban Drainage Systems (SuDS) principles and methods where possible to drain the surface water from the development. SuDS features shall be designed and managed to provide, where possible, an ecological and water quality enhancement, providing areas for amenity and recreation, in accordance with District Plan Policy DP41: Flood Risk and Drainage and the West Sussex Lead Local Flood Authority (LLFA) Policy for the Management of Surface Water and the Mid Sussex Drainage Advice for Developers.'*

- 12.115 Owing to the poor infiltration properties of the underlying geology the proposal is seeking to manage the surface water with attenuation of site using a series of basins before being discharged to the watercourse on the western site boundary restricted to the QBAR greenfield runoff rate which mimics the existing scenario and can accommodate flows for all rainfall events up to and including the 1 in 100 year plus 45% climate change storm. In addition a swale would be provided within the centre of the site for surface water conveyance owing to the topology of the site.
- 12.116 The proposal is seeking to discharge the majority of the sites foul water drainage into the public sewer located to the west of the site by gravity, while foul flows from the south east of the site would drain to a package pumping station due to the topology and then pumped north to connect to the foul gravity system serving the rest of the site.
- 12.117 Southern Water have confirmed that they can facilitate foul sewerage disposal to service the proposed development, and the applicant will need to submit a formal application for the connection to them directly. While the Councils Drainage Officer has been consulted on the proposal and they have confirmed that information is sufficient and have recommended conditions.
- 12.118 With such conditions in place as recommended by the Council's Drainage Officer, it can be concluded that the application therefore accords with Policy DP41 of the District Plan, Policies SA GEN and SA23 of the Site Allocations DPD.

Sustainability

- 12.119 Policy DP39 (Sustainable Design and Construction) states that:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*

- *Use renewable sources of energy,*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation,*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment,*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

12.120 At site allocation level, Policy SA GEN requires:

‘ Design development to be resilient to climate change, minimise energy and water consumption and mitigate against flood risk in line with DP39: Sustainable Design and Construction, DP41: Flood Risk and Drainage and DP42: Water Infrastructure and the Water Environment.

• Address sustainability at the conception stage of development proposals to exploit the benefits of passive design and orientation, fabric performance, energy efficiency measures and low carbon solutions; and wherever possible include on-site low or zero carbon technologies in accordance with District Plan policies DP39: Sustainable Design and Construction and DP40: Renewable Energy Schemes.’

12.121 The application has been supported by an Energy Statement which sets out that the proposal is seeking to include the following measures:

- Part L 2021 Building Regulation compliance
- Apply Energy efficiency design principles
- Adopt enhanced fabric specifications
- Install high efficiency heating systems
- 100% energy efficient lighting
- Adopt principles for airtight construction
- All windows double glazed
- Natural/passive ventilation strategy
- Passive solar design
- Solar PV
- ASHP (Air Source Heat Pumps)
- Achieve a EPC rating of B minimum on all dwellings
- Meet the requirements of 110 litres/person/day on water usage

12.122 The Energy Statement has also set out that every dwelling will have an EV charging point in line with current Building Regulations. A planning condition is

recommended that will ensure the development proceeds in accordance with the details submitted in a new Energy Statement. With this condition in place, the application complies with Policy DP39 of the District Plan and Policy SA GEN of the Site Allocations DPD.

Water Supply

12.123 Policy DP42 of the District Plan states in part that:

'Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation, and that there is adequate water supply to serve the development.'

12.124 Policy SAGEN requires:

'Demonstrate that there is adequate water supply capacity and/or waste water capacity both on and off the site to serve the development and that it would not lead to problems for existing or new users in accordance with District Plan policy DP42: Water Infrastructure and the Water Environment.'

12.125 The applicants have provided details of a quote from South East Water for the connection. The proposal is therefore considered to comply with Policy DP42 of the District Plan and SA GEN of the Sites Allocation DPD.

Minerals

12.126 Policy M9 of the West Sussex Joint Minerals Local Plan (JMLP) states:

'Soft sand (including potential silica sand), sharp sand and gravel, brick-making clay, building stone resources and chalk reserves are safeguarded against sterilisation. Proposals for non-mineral development within the Minerals Safeguarded Areas (as shown on maps in Appendix E) will not be permitted unless:

(i) Mineral sterilisation will not occur; or

(ii) it is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or

(iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.'

12.127 SA GEN also refers to Minerals Safeguarding and provides a requirement to:

12.128 *'Consult with West Sussex County Council regarding any applications for development in a Minerals Safeguarding Zone or Consultation Area and address the requirements of Policy M9 West Sussex Joint Minerals Local Plan – 2018.'*

12.129 West Sussex MWPA has though confirmed there is no objection to the proposed subject to the LPA being satisfied that the proposal meets the criteria of Policy M9 of the JMLP.

- 12.130 The applicant has been supported by a mineral resource statement section within the planning statement which sets out:
- Given the size of the site any sterilisation of the building stone mineral would not have a significant effect on its availability across the County,
 - The site is of strategic importance for housing delivery for Mid Sussex being allocated
- 12.131 Having regard to the size of the site it is not practicable to extract the minerals prior to the development taking place, it is an allocated for housing within the Sites Allocation DPD. On this basis the proposed sterilisation of the mineral is acceptable and the proposal would be in accordance with Policy M9 of the West Sussex Joint Minerals Local Plan.

Other Issues

- 12.132 All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.
- 12.133 The Council's Contaminated Land Officer has not raised any objection and suggested the use of conditions to deal with the risks associated with contamination of the site.
- 12.134 The West Sussex Water and Access Officer has requested conditions to secure the provision of fire hydrants for the development.
- 12.135 A condition will be used to ensure that the proposal provides appropriate accessible dwellings in accordance with Policy DP28.
- 12.136 Within the consultee comments the WSCC Corporate Patent have requested that the Construction Management Plan avoids deliveries during school drop off and pick up and regular liaison with Manager of Orchard House. Details of which have been included within the condition to secure this.

13.0 Planning Balance and Conclusion

- 13.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Cuckfield Neighbourhood Plan.
- 13.2 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.
- 13.3 National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.
- 13.4 The application site known as SA23, is allocated for 55 dwellings within the Sites Allocation DPD. The principle of development is thus established. The Mid Sussex

Site Allocations Development Plan Document was adopted by the Council as part of the Development Plan in June 2022. The built-up area boundary of Cuckfield has been amended by the Sites Allocation DPD to include the site.

- 13.5 The proposal is considered to be of an appropriate design size and scale, that is in-keeping with the existing village of Cuckfield while respecting the wider landscape impacts. The proposal is also considered to preserve the character and appearance of the wider Area of Outstanding Natural Beauty.
 - 13.6 The proposal would be providing a net gain of 10 percent Biodiversity Net Gain from a mixture of both on-site and offsite measures.
 - 13.7 The proposal has also been found to be acceptable in relation to neighbouring amenities. It is inevitable that there would be some noise and disturbance during the construction phase, however, conditions would be used to minimise this, and it is only for a temporary period. It is not a reasonable ground to resist the application.
 - 13.8 The proposal is considered acceptable in relation to highways, access and parking, the site would allow for safe cycle and pedestrian access into the village with no objection raised from WSCC Highways.
 - 13.9 Subject to the recommended conditions, the proposal is also deemed acceptable in relation to the trees. It is considered that replacement planting can be provided as part of the proposal, while also providing suitable protection for the identified veteran trees.
 - 13.10 The proposal has also been found to be acceptable in relation to housing mix, drainage, sustainable construction, infrastructure contributions, affordable housing, contamination, Biodiversity, Accessibility, dwelling space standards, water supply and impact on the Ashdown Forest.
 - 13.11 Overall, planning officers consider that the scheme meets the key objective of the site allocation SA23 Policy which is:

‘To deliver a high quality, landscape led, sustainable extension to Cuckfield, which provides enhanced and accessible open space; respects the character of the village and conserves and enhances the setting of the High Weald AONB; and which is comprehensively integrated with the settlement so residents can access existing facilities.’
 - 13.12 The application therefore complies with policies DP4, DP6, DP13, DP16, DP17, DP20, DP21, DP22, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies SA GEN, SA10, SA11, SA23 and SA38 of the Mid Sussex Site Allocations DPD, Policies CNP1, CNP3, CNP4, CNP5, CNP7, CNP8, CNP16 and CNP21 of the Cuckfield Neighbourhood Plan, the Mid Sussex Design Guide, the High Weald AONB Management Plan, the High Weald Housing Design Guide and the NPPF.
 - 13.13 The application is therefore recommended for approval, subject to the suggested conditions and securing the legal agreement.
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APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Prior to the commencement of development a schedule of materials and finishes of the external facing of the proposed buildings has been submitted to and approved by the local planning authority. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan and Policy CNP7 Neighbourhood Plan.

3. No development above slab level unless and until detailed drawings showing front elevations of the typical features (shown in context) and of a scale of 1:20 have been submitted and approved by the local planning authority. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan and Policy CNP7 Neighbourhood Plan.

4. The development hereby permitted shall not commence unless and until detailed design drawings of the LEAP Play area have been submitted and approved by the Local Planning Authority, this area shall be provided in accordance with the approved plans prior to the occupation of any of the residential units or in accordance with a programme to be approved with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan and Policy CNP7 Neighbourhood Plan.

5. Archaeological Evaluation and Excavation
 - (i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the local planning authority.
 - (ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part 1 and confirmed by the local authority archaeological advisors. The development hereby permitted shall not commence unless and until detailed drawings at a scale of 1:50 have been submitted and approved for elevations and sections of typical entrance zones to the building. The works shall be carried out in accordance with the approved plans unless otherwise agreed with the Local Planning Authority.

Reason: The site is of archaeological significance, and it is important that it is recorded by excavation before it is destroyed by development and to accord with Policy DP35 of the Mid Sussex District Plan 2014 -2031.

6. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the District Plan (2014 - 2031).

7. No building is to be occupied, or brought into use, until a Verification Report pertaining to the surface water drainage system, carried out by a competent Engineer, has been submitted to the Local Planning Authority. The Verification Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets, and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features. The Verification Report should also include an indication of the adopting or maintaining authority or organisation.

Reason: To ensure that the constructed surface water drainage system complies with the approved drainage design and is maintainable and to accord with the NPPF requirements, Policy DP41 of the District Plan (2014 - 2031).

8. Glazing and trickle vents must be installed in accordance with the requirements outlined in the Road Traffic Noise Survey and Assessment by Acoustic South East, dated June 2024 unless otherwise agreed upon with the local planning authority.

Reason: to protect the amenity of residents and to accord with DP26 and DP29 of the Mid Sussex District Plan.

9. Prior to the commencement of development a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 shall have been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities, this should also include details of the suitable replacement planting for the TPO trees to be felled as part of the development.

The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five

years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To achieve a development of visual quality and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan

10. Prior to the commencement of development details of a hard landscaping scheme for the site shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding (where appropriate); surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example refuse and / or other storage units, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant.

The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: To achieve a development of visual quality and to accord with Policy and DP26 of the Mid Sussex District Plan.

11. Prior to the commencement of development a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than privately owned plots) together with a timetable for the implementation, monitoring and review of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority.

The Landscape Management Plan shall be carried out in accordance with the approved details and timetable.

Reason: To achieve a development of visual quality and to protect neighbouring residential amenity and to accord with Policy and DP26 of the Mid Sussex District Plan.

12. Prior to commencement of development (including any demolition, groundworks and site clearance) an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

- a. Measures for the protection of those trees and hedges on the application site that are to be retained;
- b. Details of all construction measures within the 'Root Protection Area' of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstanding, roads and footpaths;
- c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

Reason: To achieve a development of visual quality and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan.

13. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall address control of noise and vibration from demolition and construction work, dust control measures, policy for burning on site, and site contact details in case of complaints. The approved Plan shall be adhered to throughout the construction period.

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the District Plan.

14. Prior to the commencement of any residential part of the development hereby permitted, the applicant shall submit an emissions mitigation calculation, in accordance with the Air Quality & Emissions Mitigation Guidance for Sussex which is current at the time of the application, the purpose of which is to assess the emissions relating to the development and to determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment. The emissions mitigation assessment must use the most up to date emission factors. A Mitigation Scheme to the calculated value shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with the approved scheme.

Reason: to preserve the amenity of local residents regarding air quality and emissions and to accord with Policy DP26 and DP29 of the District Plan.

15. Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the District Plan.

16. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,

- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works,
- details of times of deliveries, due to proximity to Orchard House this should avoid key drop off and pick up times for children (8am to 9am and 3pm to 4pm)
- details of engagement with the manager of Orchard House

Reason: in the interests of highways safety and to protect the amenity of local residents and to accord with Policies DP21 and DP26 of the District Plan.

17. Prior to the commencement of any development details showing the proposed location of required fire hydrants or stored water supply shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Reason: In the interests of amenity and in accordance with The Fire and Rescue Service Act 2004.

18. Prior to the first occupation of any dwelling/residential unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with The Fire & Rescue Service Act 2004.

19. The development shall not be occupied until the sustainability measures set out in the accompanying Energy Statement have been implemented in full.

Reason: In the interests of achieving an energy efficient, sustainable development and to accord with Policy DP39 of the Mid Sussex District Plan 2014 - 2031

20. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations). These shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority. Unless an exception is otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

21. In accordance with the approved details Plot 4 shall be provided as a wheelchair accessible dwelling which meets all of the requirements contained in Part M4(3)(1)(a)

and(b) and Part M4(3)(2)(b) of Schedule 1 of the Building Regulations 2010 as amended.

Reason: to ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District.

22. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the District Plan.

23. The development hereby permitted shall be occupied until the refuse/recycling storage facilities have been provided in accordance with the approved plans and thereafter retained.

Reason: In the interests of the amenities of the area, to comply with Policy DP26 of the Mid Sussex District Plan.

24. Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, shall each be submitted to and approved, in writing, by the local planning authority:

a) A site investigation, based on the combined phase 1 desktop study and phase 2 Site investigation report by Leap Environmental, ref: LP3210/DSP2, dated the 14th March 2023 to investigate previously inaccessible areas of the site, and provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the Local Planning Authority,

b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

25. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the NPPF.

26. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the Local Planning Authority.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the NPPF.

27. No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with the approved plans. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide adequate on-site car parking and turning space for the development and to accord with Policy DP21 of the District Plan and SA GEN and SA23 of the Site Allocations DPD.

28. No part of the development shall be first occupied until such time as the access serving the development, including footway connections and visibility splays, have been constructed in accordance with the details shown on the approved drawings, and including recommendations contained in any associated Road Safety Audits.

Reason: In the interests of road safety and to accord with Policy DP21 of the District Plan and SA GEN and SA23 of the Site Allocations DPD.

29. No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development and to accord with Policy DP21 of the District Plan and SA GEN and SA23 of the Site Allocations DPD.

30. No part of the development shall be first occupied until such time as the Travel Plan Statement to support and encourage sustainable and active travel has been submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the District Plan and SA GEN and SA23 of the Site Allocations DPD.

31. No development shall take place unless and until full details of the existing and proposed site levels (to include finished floor levels) have been submitted to and

approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality or amenities of existing or future residents and to accord with Policy DP26 of the District Plan.

32. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024), Confidential Technical Note - Badger Survey (Urban Edge Environmental Consulting, June 2024), Preliminary Ecological Appraisal Report Revision 4 (Urban Edge Environmental Consulting, June 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Reptile Mitigation Strategy in Section 5.2.17 of the Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024), which avoids impacts on protected species.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and to accord with Policy DP38 of the Mid Sussex District Plan.

33. Any works which will impact the breeding / resting place of Hazel Dormouse shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 and to accord with DP38 of the Mid Sussex District Plan.

34. Prior to the commencement of development construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities.

b) Identification of "biodiversity protection zones".

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timing of sensitive works to avoid harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and to accord with DP38 of the Mid Sussex District Plan.

35. Prior to development above slab level A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (as amended) and to accord with DP38 of the Mid Sussex District Plan.

36. Prior to the occupation of any dwellings a lighting design scheme for biodiversity based on Guidance Note: 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and to accord with DP38 of the Mid Sussex District Plan.

37. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Schedule 2, Classes A, B, C, D and E, Part 1 of the Order shall be carried out to units 1, 2 and 3 as identified on the proposed planning layout (Drawing No. PL-04 Rev. S) without the specific grant of planning permission by the Local Planning Authority.

Reason: To prevent a harmful overdevelopment of the site and to protect the amenities of neighbouring dwellings and to accord with Policy and DP26 of the Mid Sussex District Plan 2014-2031.

38. Prior to the occupation of units 1, 2 and 3 as identified on the proposed planning layout (Drawing No. PL-04 Rev. S), details of the proposed boundary treatment/screening to the western (rear) boundary with No. 9 and 11 Stocklands Close shall be submitted and approved by the Local Planning Authority and these units shall not be occupied until the approved boundary treatment/screening has been carried out in full.

Reason: To protect the amenities of neighbouring dwellings and to accord with Policy and DP26 of the Mid Sussex District Plan 2014-2031.

Biodiversity Net Gain

Informatives

1. The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing, should such works be required. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
2. The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
3. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the access and any related off-site highway works. As such, the applicant should contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

4. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the access and any related off-site highway works. As such, the applicant should contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
5. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
6. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
7. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements
8. No works to the surface of the PROW can take place without prior approval by WSCC PROW team.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Drainage Details	23-148-001	K	15.10.2024
Other	7343 - PL-14	A	15.10.2024
Proposed Floor Plans	7343 - PL-58	A	30.08.2024
Other	UE0566ECO-HanlyeLane_240614	Habitat Enhancement Plan	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL56 - Unit type D2	A	24.06.2024
Illustration	7343 - PL13	B	24.06.2024
Location Plan	7343 - PL-01 - Location Plan	C	24.06.2024
Block Plan	7343 - PL-02_ Block Plan	G	15.10.2024
Topographical Survey	7343 - PL-03_ Layout with Topo Overlay	F	15.10.2024
Site Plan	7343 - PL-04_Proposed Site	S	15.10.2024

Site Plan	Layout 7343 - PL-05_Proposed Presentation Layout	G	15.10.2024
Site Plan	7343 - PL-06_Detailed Site Layout	G	15.10.2024
Site Plan	7343 - PL-07_Proposed Tenure Plan	F	15.10.2024
Site Plan	7343 - PL-08_Proposed Materials Plan	F	15.10.2024
Site Plan	7343 - PL-09_Proposed Parking Plan	F	15.10.2024
Illustration	7343 - PL-10 - 3D Visual - Viewpoint 1	B	24.06.2024
Illustration	7343 - PL-11 - 3D Visual - Viewpoint 2	B	24.06.2024
Illustration	7343 - PL-12 - 3D Visual - Viewpoint 3	B	24.06.2024
Street Scene	7343 - PL-20 - Street Elevations - Sheet 1	C	24.06.2024
Street Scene	7343 - PL-21 - Street Elevations - Sheet 2	B	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-30 - Unit Type A - Plans Elevations	C	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-31 - Unit Type B - Plans Elevations	C	12.08.2024
Proposed Elevations	7343 - PL-32 - Unit Type C - Plans Elevations	B	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-33 - Unit Type D - Plans Elevations	C	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-34 - Unit Type E - Plans Elevations	C	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-35 - Unit Type F1 - Plans Elevations	C	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-36 - Unit Type F2 - Plans Elevations	B	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-37 - Unit Type G1 - Plans Elevations	B	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-38 - Unit Type G2 - Plans Elevations	B	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-40 - Unit Type I - Plans Elevations	B	24.06.2024

Proposed Floor and Elevations Plan	7343 - PL-41 - Unit Type J - Plans Elevations	B	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-42 - Unit Type K - Plans Elevations	B	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-43 - Unit Type L - Plans Elevations	B	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-44 - Unit Type M - Plans Elevations	B	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-45 - Unit Type P - Plans Elevations	B	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-46 - Unit Type Q - Plans Elevations	B	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-47 - Unit Type R1 - Plans Elevations	B	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-48 - Unit Type R2 - Plans Elevations	B	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-50 - Unit Type T - Plans Elevations	B	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-51 - Unit Type U - Plans Elevations	B	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-52 - Cycle and Refuse Store - Plans Elevations	A	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-53 - Storage Shed - Plans Elevations	B	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-54 - Single Garage - Plans Elevations	A	24.06.2024
Proposed Floor and Elevations Plan	7343 - PL-55 - Double Garage - Plans Elevations	double garage	09.10.2023
Landscaping Details	SIG1407-11 Sheet 1		15.10.2024
Landscaping Details	SIG1407-11 Sheet 2		15.10.2024
Landscaping Details	SIG1407-11 Sheet 3		15.10.2024
Landscaping Details	SIG1407-11 Sheet 4		15.10.2024
Landscaping Details	SIG1407-11 Sheet 5		15.10.2024

APPENDIX B – CONSULTATIONS

MSDC Housing Officer:

Please see my final comments below

DM/23/2610 - Land South of Hanlye Lane, Longacre Crescent, Cuckfield, West Sussex
Residential development of 50 dwellings with vehicular and pedestrian access, car parking, open space, play space, landscaping and all other associated works (Amended description and plans 24/06/2024)

I am pleased to confirm that following the change of Plots 33 and 34 from 2B/3P to 2B/4P dwellings at a minimum of 70m² (excluding the staircase & hallway), all 15 units now meet the Council's occupancy and minimum floor area requirements. The provision of 5 First Homes rather than 4 has also been agreed in this instance, in order to avoid a situation where a Registered Provider is put off delivering the Social or Affordable Rented units due to one being located in a block where all of the other units are First Homes. Consequently the proposed mix shown below is acceptable.

Social or Affordable Rent – 10 Plots comprising:

- 1 x 1B/2P maisonette at a minimum of 50m² excluding hall & stairs, with its own private balcony (Plot 5)
- 1 x 1B/2P Wheelchair Accessible M4(3)(2)(b) maisonette at a minimum of 60m², with its own private patio area (Plot 4)
- 2 x 2B/4P maisonettes at a minimum of 70m² excluding hall & stairs, each with its own private patio area (Plots 33 & 34)
- 3 x 2B/4P houses at a minimum of 79m² (Plots 36, 49, 50)
- 3 x 3B/5P houses at a minimum of 93m² (Plots 26, 27, 35)

First Homes – 5 Plots comprising:

- 4 x 1B/2P flats at a minimum of 50m² (Plots 28, 29, 30, 31)
- 1 x 2B/4P flat at a minimum of 70m² (Plot 32)

I can also confirm that the amended plans provided for the Wheelchair Accessible Unit have also now been approved and the applicant has certified that all items identified on the compliance checklist as "confirmation required" will be complied with. The following Planning Condition has also been agreed as previously advised.

1 x 1B/2P flat (Plot 4) shall be provided as a wheelchair accessible dwelling which meets all of the requirements contained in Part M4(3)(1)(a) and(b) and Part M4(3)(2)(b) of Schedule 1 of the Building Regulations 2010 as amended.

Reason : to ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan

Ecology Consultant:

Holding Objection pending further information	
No ecological objection	
Recommended Approval subject to attached conditions	Yes
Recommended Discharge of condition	

Summary

We have reviewed the Agent Response (23rd October 2024), Agent Response (Urban Edge Environmental Consulting, 30th September 2024), Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024), Confidential Technical Note – Badger Survey (Urban Edge Environmental Consulting, June 2024), Preliminary Ecological Appraisal Report Revision 4 (Urban Edge Environmental Consulting, June 2024) and Preliminary Ecological Appraisal Report (Urban Edge Environmental Consulting, October

2023) supplied by the applicant, relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of proportionate mitigation.

We have also reviewed the information submitted to meet the requirements of mandatory biodiversity net gains. This includes the Statutory Biodiversity Metric (June 2024) and Biodiversity Net Gain Assessment (Urban Edge Environmental Consulting, June 2024). We note from the Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024) that no roosting bats were recorded using tree TN1 (Black Pine), which is due to be removed. We therefore agree that no further surveys for bats are required for this tree. We also understand from the Agent Response (Urban Edge Environmental Consulting, 30th September 2024) that all trees with bat roost potential will be retained. We therefore agree that no further surveys are required for bats.

We also note from the Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024) that a European Protected Species Mitigation Licence for Hazel Dormouse will be required before commencement of any works and recommend that a copy of this is secured by a condition of any consent. We support the outline mitigation measures in Section 5.2.15 of the Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024).

We also support the recommendation in the Confidential Technical Note – Badger Survey (Urban Edge Environmental Consulting, June 2024) for a pre-commencement check prior to commencement of works.

We also support the outline measures for the Reptile Mitigation Strategy in Section 5.2.17 of the Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024). We understand that the receptor site will be located within the southern boundary field and is considered suitable with sufficient carrying capacity for the translocation. The Reptile Mitigation Strategy should be secured by a condition of any consent and implemented in full.

We understand that there were no records for Brown Hairstreak butterfly during the invertebrate survey, although we welcome the incorporation of habitat management for this species in Sections 5.2.9 to 5.2.12 of the Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024). We understand from the Agent Response (Urban Edge Environmental Consulting, 30th September 2024) that the majority of habitat suitable for Purple Emperor butterfly, including mature Oak trees, will be retained and buffered. We also understand that the deadwood habitat for Stag beetle around the edges of the site, particularly on the southern boundary, will be retained and protected. We therefore agree that no further surveys are required for these species.

We note that ancient woodland (irreplaceable habitat) lies adjacent to the south and the east of the site (Horsgate West and Horsgate East respectively). We welcome the installation of a c 125m buffer between the works and the woodlands (Table 6.1 Section 6.3 of the Preliminary Ecological Appraisal Report Revision 4 (Urban Edge Environmental Consulting, June 2024). This is in accordance with Government Standing Advice which recommends a buffer of at least 15m between any works and an ancient woodland.

We are satisfied that there is sufficient ecological information available for determination of this application. We have no objections on ecological matters excluding Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024), Confidential Technical Note – Badger Survey (Urban Edge Environmental Consulting, June 2024), Preliminary Ecological Appraisal Report Revision 4 (Urban Edge Environmental Consulting, June 2024) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species, particularly those recorded in the locality. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024) to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by Guidance Note:08/23 (Institute of Lighting Professionals) will be implemented:

- Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.
- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Statutory Biodiversity Metric (June 2024) and Biodiversity Net Gain Assessment (Urban Edge Environmental Consulting, June 2024). We note that there will be a net loss of - 34.39% for habitat units, but we understand that the BNG Letter (Batcheller Monkhouse, 9th October 2024) confirms the availability of Biodiversity Net Gain Units at Beeches Farm Ecosystems Ltd., within the High Weald National Character Area and that this is acceptable to the LPA. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values. Pre and post development habitat plans.

- Legal agreement(s)
- Biodiversity Gain Site Register reference numbers (if using off-site units).
- Proof of purchase (if buying statutory biodiversity credits at a last resort).

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. The HMMP should be in line with the approved Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent for a period of up to 30 years. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 2, 5, 10, 15, 20, 25, 30. Any remedial action or adaptive management will then be agreed with the LPA to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

We also support the proposed reasonable biodiversity enhancements for protected and Priority species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 180d and 186d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024), Confidential Technical Note – Badger Survey (Urban Edge Environmental Consulting, June 2024), Preliminary Ecological Appraisal Report Revision 4 (Urban Edge Environmental Consulting, June 2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Reptile Mitigation Strategy in Section 5.2.17 of the Protected Species Report Revision 2 (Urban Edge Environmental Consulting, June 2024), which avoids impacts on protected species.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended).

1. ACTION REQUIRED: SUBMISSION OF A COPY OF THE EPS LICENCE FOR HAZEL DORMOUSE

“Any works which will impact the breeding / resting place of Hazel Dormouse shall not in any circumstances commence unless the local planning authority has been provided with either:

- . a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- . a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”*

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

1. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- . Risk assessment of potentially damaging construction activities.*
- . Identification of “biodiversity protection zones”.*
- . Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- . The location and timing of sensitive works to avoid harm to biodiversity features.*
- . The times during construction when specialist ecologists need to be present on site to oversee works.*
- . Responsible persons and lines of communication.*
- . The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.*
- . Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

1. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

“A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs to achieve stated objectives;
- locations of proposed enhancement measures by appropriate maps and plans;
- persons responsible for implementing the enhancement measures;

- details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (as amended).

1. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity based on Guidance Note: 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended).

Biodiversity Gain condition

Natural England advises that the biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

Local planning authority are strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using draft text provided by the Secretary of State:

"Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- . a Biodiversity Gain Plan has been submitted to the planning authority, and
- . the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Mid Sussex District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply."

MSDC Drainage Officer:

The flood risk and drainage team have reviewed the additional information and can provide the following comments.

We consider that the information provided is now sufficient with the below condition applied.

Condition Recommendations

C18F - Multiple dwellings/units

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

Application specific comment

To ensure the drainage hierarchy is followed, the results of onsite infiltration testing are required. These tests will need to be carried out within the application boundary with enough tests to represent the whole site.

Information into our general requirements for detailed surface water drainage design is included within our 'General Drainage Requirement Guidance'. However, we would advise that discharge rates should be limited to as close as practical to the Greenfield QBar runoff rate for each area being drained. Where variation from this rate is proposed then justification will need to be provided.

To ensure the final surface and foul drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required prior to undertaking detailed design.

MSDC Community Facilities Project Officer:

Thank you for the opportunity to comment on the amended designs submitted on 24 June 2024 for 50 dwellings with vehicular and pedestrian access, car parking, open space, play space, landscaping and all other associated works on Land South Of Hanlye Lane, Longacre Crescent, Cuckfield. The following leisure contributions are required to enhance capacity

and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

Appendix 2 of the Council's Development and Infrastructure SPD states that developments of 50 homes or more are normally expected to provide children's playing space on site. The requirement for Mid Sussex fall into two categories: LEAPs (Local Equipped Areas for Play) and NEAPs (Neighbourhood Equipped Areas for Play). LAPs are not required as they are too small, do not have to include any play equipment and are only intended to provide informal play for toddlers. LEAPs are defined as equipped play areas for children aged 4-8 years; the main activity area should be a minimum of 400m² with a 20 metre minimum buffer zone between it and the habitable room façade of dwellings.

In the detailed site plan, the developer has indicated that they intend to provide a 'green lung' including natural playspace and two LAPs but these proposals are not sufficient. There are no play areas within walking distance of the development site so adequate on site play provision is necessary. A 400m² LEAP should be delivered as a minimum requirement in accordance with the SPD and full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition.

FORMAL SPORT

In the case of this development, a financial contribution of £57,440 is required toward formal sport facilities at Whitemans Green and / or Cuckfield Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £32,944 is required to make improvements to the 1st Cuckfield Scout Group Hut and / or Cuckfield Village Hall and / or Queens Hall OR village hall facilities within Cuckfield.

Nature Space:

Recommendations:

- It is recommended the development follow Reasonable Avoidance Measures to minimise the risk of impact on great crested newts. These may come in the form of a Precautionary Working Methods Statement produced by a suitably qualified Ecologist.
- Should the developer wish to minimise all risk associated with the development, they can obtain a licence to undertake works.

These comments are in relation to DM/23/2610 | Residential development of 50 dwellings with vehicular and pedestrian access, car parking, open space, play space, landscaping and all other associated works (Amended description and plans 24/06/2024) | Land South Of Hanlye Lane Longacre Crescent Cuckfield West Sussex

Ecological Summary:

The development is situated in the red impact risk zone indicating that suitable habitat is present in the surrounding landscape.

Site context:

Ten ponds have been identified within 500m of the proposed development boundary.

Please note that not all ponds are shown on the map below.

Suitable habitat on site includes scrub, woodland and grazed grassland. Four ponds identified within 250m of the survey area boundary were subject to eDNA sampling for great crested newts. Ponds P1, P3 and P10 returned a negative survey result. Pond P2 was dry at the time of survey and likely remains dry for most of the year.

The survey area is considered to be of negligible importance for great crested newt and no impacts to this species are anticipated.

Conclusion:

The development lies within the red impact risk zone as per the modelled district licence impact map, which indicates that there is highly suitable habitat for great crested newts within the area surrounding the application site. The site contains grassland, scrub and woodland, and potentially other suitable habitat features that great crested newts would use during their terrestrial period.

There are ten ponds within 500m of the proposed development, with the closest falling 5m northwest of the site. The landscape shows some connectivity with other potentially suitable habitat and ponds.

The applicant has submitted a Protected Species Report, Land at Hanlye Lane, Cuckfield, West Sussex, (*Urban Edge Environmental Consulting, June 2024*). This report states:

Although the results of these surveys came back as negative, there is suitable terrestrial habitat within the site boundary which is being removed. The site scoped out ponds beyond 250m and while we agree that the majority are beyond barriers to great crested newts, pond 8, located to the south, has connectivity to the site and has not been surveyed. Therefore, it is recommended that the development follow reasonable avoidance measures to minimise the risk to great crested newts. These could come in the form of a Precautionary Working Methods Statement produced by a suitably qualified Ecologist.

Should the developer wish to eliminate all risk associated with great crested newts. The developer can obtain a license for the works. There are 2 licensing options available, the District Licence, or traditional European Protected Species Licensing.

MSDC Tree Officer:

I am pleased to note the relocation of the development away from the veteran trees, within the tolerance previously specified. However, the footpath traversing the RPA of T20, a class A veteran tree is contrary to this, even with the provision of no dig surfacing. Would it be possible to relocate the footpath slightly so that it runs adjacent to the scout hut and avoids the RPA ?

I note the loss of the TPO pines, Cat B and G45, Cat B trees and, whilst this is regrettable, I recognise that it is more important to retain the veteran oaks. I note the reduction in dwelling numbers to accommodate this also. However, in accordance with our policy DP37 we require native tree replacements and I would expect that these be substantial trees, in recognition of the lost trees.

I note that there is some recognition of this following my previous comments, although there is still a predominance of *Betula pubescens* and *Sorbus aucuparia*, which I do not consider

suitable on this type of soil, nor possessing sufficient longevity. There are opportunities for native hedgerows around some car parking areas, as indicated, even if this be single species, such as hornbeam. A landscape condition may be applied. I am not concerned with more internal landscaping proposals.

Landscape specification and maintenance details are satisfactory, however, could planting pits within hard surfacing areas be detailed please.

WSCC S106:

Summary of Contributions

Education			
School Planning Area	Haywards Heath		
Population Adjustment	114.8		
	Primary	Secondary	6th Form
Child Product	1.3108	1.3108	0.0000
Total Places Required	9.1759	6.5542	0.0000
Library			
Locality	Haywards Heath		
Contribution towards Hassocks/Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£22,234		
Population Adjustment	114.8		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	50		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	114.8		
Net Parking Spaces	129		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		
Summary of Contributions			
S106 type	Monies Due		
Education - Primary	£202,164		
Education - Secondary	£217,574		
Education - 6 th Form	No contribution		
Libraries	£22,234		
Waste	No contribution		
Fire & Rescue	No contribution		
No. of Hydrants	Baired under Condition		
TAD	£205,667		
Total Contribution	£647,639		

Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the *National Planning Policy Framework, 2019*.

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2024 West Sussex County Council will increase the S106 monitoring fee to £260 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £780 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1560.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions July 2018.

All TAD contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 50 net dwellings, and an additional 129 car parking spaces.

Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the West Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2025. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.
- e) Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

The primary education contribution generated by this proposal shall be spent on additional facilities at Holy Trinity C of E Primary School, or another primary school in the planning area of Haywards Heath/Cuckfield should this be more suitable at the time that the contribution is made.

The secondary education contribution generated by this proposal shall be spent on additional facilities at Warden Park Secondary Academy.

The library contribution will be spent on additional facilities at Haywards Heath Library.

The TAD contribution will be spent on cycle, pedestrian and Public Rights of Way improvements which promote sustainable movement between the development and local infrastructure in accordance with the West Sussex Walking and Cycling strategy.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not

specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and include indexation arrangements whereby all financial contributions will be index linked from the date of this consultation response to the date the contributions become due.

Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, nature or tenure, may generate a different population and thus require re-assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as TPR- Total Places Required). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (cost multiplier).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

TPR is determined by the number of year groups in each school category multiplied by the child product.

$$\text{TPR} = (\text{No of year groups}) \times (\text{child product})$$

Year groups are as below:

- Primary school- 7 year groups (aged 4 to 11)
- Secondary School- 5 year groups (aged 11 to 16)
- Sixth Form School Places- 2 year groups (aged 16 to 18)

Child Product is the adjusted education population multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

$$\text{Child Product} = \text{Adjusted Population} \times 14 / 1000$$

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. Affordable dwellings are given a 33% discount.

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2023/2024, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- £22,032 per child
- Secondary Schools- £33,196 per child
- Sixth Form Schools- £36,002 per child

2. Library Infrastructure

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

$$\text{Contributions} = \text{SQ M Demand} \times \text{Cost Multiplier}$$

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The local floorspace demand (LFD) figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

$$\text{Square Metre Demand} = (\text{Adjusted Population} \times \text{LFD}) / 1000$$

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £6,456 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2024/2025 period.

3. TAD- Total Access Demand

The methodology is based on total access to and from a development. An Infrastructure Contribution is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The Sustainable Transport Contribution is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2024/2025 is £1,687 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£842).

Sustainable transport contribution = (net car parking – occupancy) x £842

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

Historic Environment Consultant:

Thank you for reconsulting the Historic Environment Consultant to Mid Sussex District Council on the above application.

This office has reviewed the revised documentation submitted and has found no reason to amend the recommendations made in our previous letter, which are repeated below for convenience.

This office recommends that the following conditions are placed on any consent, in accordance with Mid Sussex District Plan policy D34 and the National Planning Policy Framework, paragraph 211:

RECOMMENDATION: Archaeological Evaluation and Excavation

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the local planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part 1 and confirmed by the local authority archaeological advisors.
3. A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.
4. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.
5. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

WSSC Minerals and Waste Safeguarding:

TO:	Mid Sussex District Council
FROM:	WSSC - Minerals and Waste Safeguarding
DATE:	6 November 2023
LOCATION:	Land South Of Hanlye Lane Longacre Crescent Cuckfield West Sussex
SUBJECT:	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.
DATE OF SITE VISIT:	n/a
RECOMMENDATION:	No Objection subject to satisfying policy M9 of JMLP

Thank you for consulting West Sussex County Council, Minerals and Waste on the above application.

The proposed development involves the erection of 55no. residential dwellings, including vehicular and pedestrian access, with other associated works, 5.75 hectares on a parcel of land to the south of Hanlye Lane, just outside Cuckfield. The application site is located

within the Building Stone Safeguarding and Consultation Area, the applicant has submitted a Minerals Resource Assessment (MRA) although it is part of the planning statement. The MRA makes reference to the loss of building stone within the site being 'inconsequential' does not provide evidence as to the quality and quantity of the mineral resources and therefore the extent of the underlying resource has not been sufficiently demonstrated. However, the MRA express that the development can prove overriding need due to the five year housing supply and that any extraction would be contrary to landscape and other environmental factors.

Please note consideration should be given to the potential usefulness of this resource within the local built landscape or the proposed development itself, and the MWPA would recommend that the LPA contact their Conservation Officer to fully assess the level of weight to afford the safeguarding of this resource (see 2.5 of the [MWS Guidance](#)). If necessary, the applicant should update the MRA to include an assessment of the quality/quantity of the underlying building stone and identify any potential outcrops that may be suitable for prior extraction. Please re-consult the MWPA as appropriate.

Based on the above; The MWPA would therefore not object to the proposed development, subject to the LPA being satisfied that the proposal meets the criteria of Policy M9 of the JMLP.

The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23 of the West Sussex Waste Local Plan, 2014).

Sussex Police:

12/07/2024

Thank you for your correspondence of 03rd July 2024, advising me of a full planning application for a residential development of 50 dwellings with vehicular and pedestrian access, car parking, open space, play space, landscaping, and all other associated works (Amended description and plans 24/06/2024) at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the amended description and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments.

This application now relates to a residential development for 50 dwellings (a reduction of 5 from the previous application of 55) with vehicular and pedestrian access, car parking, open space, play space, landscaping, and all other associated works at Land South of Hanlye Lane, Longacre Crescent, Cuckfield West Sussex.

Following a Design Review Panel held on 5th December 2023 changes have been made to enhance the overall scheme. The outline of changes is discussed in the Design and Access Statement Addendum (DASA) document alongside the associated substitute drawings submitted in support of this application.

The DASA states - The site layout has been amended to address the key points raised by the DRP along with comments from Mid Sussex consultees. The Proposed Site Plan incorporates the following alterations:

- Additional PV panels predominantly to the southern, eastern, and western boundaries.

- Road network to accommodate the provision for Veteran Tree offsetting.
- Improvements to the landscaping strategy and enhanced planting.
- Reduction of the number of plots to accommodate the veteran tree offsetting.

I have concluded that other than to inform the applicant or their agent of the following, the amended application warrants no further crime prevention advice from this office.

- The current version of the SBD residential document is now SBD Homes 2024.
- Where developments have e-bike storage facilities within the buildings, it is recommended that the developer or developer's agent's inform the Responsible Person(s), Fire and Rescue Service and Building Control of the cycle storage facility, to ensure that the necessary fire suppression measures for the charging and storage of lithium-ion e-bikes have been considered and specified.

My previous crime prevention comments within my correspondence of PE/MID/23/12/A dated 31/10/2023 remain extant.

I thank you for allowing me the opportunity to comment.

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

Sussex Police would have no objection to the proposed application as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations having been given due consideration.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

31/10/2023

Thank you for your correspondence of 18th October 2023, advising me of a full planning application for a residential development of 55 dwellings with vehicular and pedestrian access, car parking, open space, play space, landscaping, and all other associated works at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments using Crime Prevention Through Environmental Design (CPTED) principles and from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security – Dwellings), that recommends a minimum standard of security using proven, tested, and accredited products. Further details can be found at www.securedbydesign.com

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and

cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

The level of crime and anti-social behaviour in the Mid Sussex district is below average when compared with the rest of Sussex, as indicated within Police.uk. I have no major concerns with the proposals at the location. However, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered and I would like to raise the following observations.

I would like to direct the applicant or their agent to the SBD website where the residential SBD Homes 2023 document can be found. The Secured by Design scheme is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. SBD is owned by the UK Police Service and is supported by the Home Office, Building Control departments in England (Part Q Security – Dwellings). The advice given in this guide has been proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure, and sustainable environments.

The application seeks Full Planning for the development of land south of Hanlye Lane, Cuckfield for the construction of 55 dwellings: comprising a mixture of bungalows, houses and apartments and vehicular access from Hanlye Lane. The site incorporates a public footpath to the south and a connection to the north on to the High Weald Landscape Trail which takes pedestrians across East and West Sussex. There are also Cuckfield Trails which run along the north of the site. There are proposals for additional footpaths to link into the development from the southern Public Right of Way PROW).

The development is accessed off Hanlye Lane. In the main the dwellings face out onto the street or vehicle manoeuvring areas, creating good active frontage. Back-to-back gardens have eliminated vulnerable rear garden pathways. Good demarcation of the dwelling's front boundaries is evident. Parking has been provided with garage, on-curtilage, overlooked and rear parking courts, overlooked, and a number of on-street bays, this should leave the street layout free and unobstructed. Each of the dwellings has access to secure cycle storage.

Defensible space has the simple aim of designing the physical environment in a way which enables the resident to control the areas around their home. This is achieved by organising all space in such a way that residents may exercise a degree of control over the activities that take place there. I have no concerns over the front, rear and side boundary treatments.

Where communal parking areas occurs, bays should be sited in small groups, close and adjacent to homes, be within view of active rooms (Note 16.2) and allocated to individual properties. Note 16.2: The word 'active' in this sense means rooms in building elevations from which there is direct and regular visual connection between the room and the street or parking court. Such visual connection can be expected from rooms such as kitchens and living rooms, but not from more private rooms, such as bedrooms and bathrooms. For information on Electric vehicle charging areas. See section 16.12 -16.16.

Gates to the front and side of the dwelling that provide access to rear gardens or yards must be robustly constructed, be the same height as the fence (minimum height 1.8m) and be capable of being locked (operable by key from both sides of the gate). Such gates must be located on or as near to the front of the building line as possible. Hinge systems must not allow the gate to be 'lifted off' and therefore should employ a method to restrict the removal of the gate from the fence post or wall. The gates must not be easy to climb over, crawl under. The gates must be placed as near to the front building line as possible, so that attempts to climb them will be in full view of the street. Where possible the street lighting

scheme should be designed to ensure that the gates are well illuminated. SBD Homes 20123 section 13.2.

The presence of the existing Public Rights of Way (PROW) and the proposed footpath links into and across the development make this quite a permeable development with access points leading from the development from all elevations to link with adjacent and potential footpaths and roads. SBD acknowledges / recognises the need for the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space which encourages the active and continual use of public areas. Therefore, in order to create a safe and secure environment SBD offers the following advice.

The Design Council's/CABE's Case Study 6 of 2012 states that: "Permeability can be achieved in a scheme without creating separate movement paths" and notes that "paths and pavements run as part of the street to the front of dwellings reinforces movement in the right places to keep streets animated and does not open up rear access to properties." SBD Homes 2023 Note 8.3:

A review of available research in this area concluded that: "Neighbourhood permeability is one of the community level design features most reliably linked to crime rates, and the connections operate consistently in the same direction across studies: more permeability, more crime. Several studies across several decades link neighbourhood property crime rates with permeability versus inaccessibility of neighbourhood layout. Neighbourhoods with smaller streets or more one-way streets, or fewer entrance streets or with more turnings have lower property crime rates" SBD Homes 2023 section 8.4

Source: Taylor R B 2002 "Crime Prevention Through Environmental Design (CPTED): Yes, No, Maybe, Unknowable, and all of the above" in Bechtel RB (ed) "Handbook of Environmental Psychology", John Wiley, New York, Pages 413 – 426. Cited by Professor Ted Kitchen Sheffield Hallam University 2007.
Footpaths Open Spaces

Routes for pedestrians, cyclists and vehicles should be integrated and assist easy, intuitive wayfinding through the application of inclusive design by increasing activity and therefore natural surveillance, proven deterrents for crime and anti-social behaviour. SBD Homes 2023 section 8.8.

When introducing public footpaths into development caution should be used as the introduction of a footpath into or through a development has the potential to generate crime if not adequately designed

Where a segregated footpath is unavoidable, for example where there is a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they are:

- As straight as possible.
- Wide.
- Well lit (see paragraphs 8.20 to 8.22.
- Devoid of potential hiding places.
- Overlooked by surrounding buildings and activities.
- Well maintained so as to enable natural surveillance along the path and its borders.

SBD Homes 2023 section 8.11.

Where isolated footpaths are unavoidable, and where space permits, they should be at least 3 metres wide (to allow people to pass without infringing personal space and to accommodate passing wheelchairs, bicycles, and mobility vehicles). If footpaths are designated as an emergency access route they must be wide enough to allow the passage

of emergency and service vehicles and have lockable barriers. SBD Homes 2023 section 8.13. The Manual for Streets (Communities and Local Government) recommends a minimum width of 2 metres for a pedestrian footway.

- Walking with stick – 0.75m.
- Wheelchair – 0.9m.
- Couple with pushchair – 1.5m.
- Adult and Child – 1.2m.

These distances will assist in the design and layout of the proposed footpaths.

The provision of inclusively designed public open amenity space, as an integral part of residential developments, should make a valuable contribution towards the quality of the development and the character of the neighbourhood. In order to do this, it must be carefully located to suit its intended purpose – mere residual space unwanted by the developer is very unlikely to be acceptable.

- The open space must be inclusively designed with due regard for wayfinding, permeability, and natural surveillance.
- Adequate mechanisms and resources must be put in place to ensure its satisfactory future management and maintenance.
- Care should be taken to ensure that a lone dwelling will not be adversely affected by the location of the amenity space.

It should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance. Additionally, consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be subject to surveillance but sited so that local residents will not suffer from possible noise pollution. In addition, they should be sited in such a way that those using adjacent foot and bicycle paths will not be subject to harassment or otherwise be put in fear. SBD Homes 2023 section 9.3. Planting should not impede the opportunity for natural surveillance and wayfinding and must avoid the creation of potential hiding places. As a general recommendation, where good visibility is needed, shrubs should be selected to have a mature growth height no higher than 1m, and trees should have no foliage, epicormic growth or lower branches below 2m, thereby allowing a 1m clear field of vision. As a general rule, building frontages should be open to view except, for example, houses standing in their own private grounds. Attention should be given to the location of walls and hedges so that they do not obscure doors or windows, and the position of trees that may become climbing aids into property or obscure lights or CCTV cameras.

Following these arrangements will provide a window of observation throughout the area. This will then allow for the interaction of capable guardians across the site to observe and report any incidents and occurrences. A capable guardian has a 'human element', that is usually a person who, by their mere presence, would deter potential offenders from perpetrating a crime. However, a capable guardian could also be CCTV, providing that someone is monitoring it at the other end of the camera at all times. SBD offers specific advice to shed construction and cycle containers in order to provide an adequate and fit for purpose secure environment for the cycles.

- SBD Homes 2023 - section 17, section 57 - Internal cycle parking.
- External cycle parking for residents in public places. SBD New Homes section 64.
- Sheds used for bicycle parking - SBD New Homes section 64.4.

Lighting is an effective security measure and a useful tool for public reassurance in that it enables people to see at night that they are safe or, to assess a developing threat and if necessary to identify a route they could take to avoid such a potential. Recent events that have made national news and become the focus of concern over safety in public places means that there is merit in recognising the enormous value people place on being able to move around in public places at night under high quality lighting systems.

I recommend that the dwelling exterior lighting is switched by dusk to dawn lighting as opposed to passive infrared (PIR). Secured by Design has not specified PIR activated security lighting for a number of years following advice from the Institute Lighting professionals (ILP) and Police concern regarding the increase in the fear of crime (particularly amongst the elderly) due to repeated PIR lamp activations. Research has proven that a constant level of illumination is more effective at controlling the night environment. See SBD homes 2023 section 27.9.

It is recognised that some local authorities have 'dark sky' policies and deliberately light some of their rural, low crime areas to extremely low levels of illumination. If this is the case, it is acceptable.

However, between them, modern specialist lighting and lighting engineers are capable of achieving sufficient lighting levels without encroaching on some dark sky policies and where possible this should be explored. Where lighting is implemented and it is recommended for this application, it should conform to the recommendations within BS5489-1:2020. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

Construction sites whether exceptionally large developments or small 2-3 dwelling developments, often suffer from theft, criminal damage, arson, and anti-social behaviour, all of which can have a major impact on completion dates and overall development costs.

SBD Construction Site Security Guide 2021 is designed to be risk commensurate and provides advice on how to secure the site from the moment the hoarding goes up until the moment the development is handed over to the client or end user. The advice is based on proven crime prevention principles that are known to reduce criminal opportunity by creating safer, more secure, and sustainable environments. It applies to all construction sites regardless of their size and is intended for all staff including security personnel. It can be found on the SBD website.

It is recommended that contact is sought by the developer with the local Neighbourhood Police Team (NPT) and Rural crime Team to establish good relations and rapport whilst the development is in the construction phase.

Further advice on construction site security can be obtained from the Secured by Design Website:

www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

Sussex Police would have no objection to the proposed application as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations having been given due consideration.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Landscape Consultant:

Thank you for re-consulting the Landscape Advisor to Mid Sussex District Council on the above application. With reference to the above-named application and submitted documents received by Place Services on the 18/10/2023 asking for Landscape comments, our comments are made below. This application follows our previous consultation response dated 07/11/2024.

Review of submitted information

We note the removal of all built form from the extended buffer zones to T16, T17, T19 and T20 which has resulted in the reduction of from 55 dwellings to 50 dwellings. We support this amendment to design and layout of the scheme.

As per our previous response, if minded for approval, we advise the following recommendations are considered:

- The submitted Cover Letter states that *"in response to the specific landscape comments above, additional planting has been introduced in and around the attenuation basins at the south of the site. Betula Pubescens are proposed around the basins"*. However, we note that the planting has not been marked on the Hard and Soft Landscape Plan indicating its location and area (Sheet 3 and 4).
- Clarification is required regarding the proposed surface treatment of the visitor bays on the north and eastern boundaries. The submitted Hard and Soft Landscape Plan currently does not indicate which treatment has been used. In our previous response, we recommended the visitor spaces are proposed as block paving and include additional landscape planting.
- As per our previous response, the Proposed Site Layout Presentation includes a number of indicative hedgerows and planting surrounding the visitor parking bays and adjacent to the roadways. We recommend that some of these are applied to the submitted Hard and Soft Landscape Proposals.

07/11/2023

Summary

Not supportive on landscape grounds	
Supportive subject to attached recommendations and / or conditions	X
Further information required prior to determination	
No landscape comments / does not wish to comment	

We recognise the policy position of the Site under SA23 of the Mid Sussex Site Allocations (2022) and consider that the LVIA successfully assesses the potential impact of the development on the local landscape. We have however made a number of recommendations that address some of our initial concerns regarding the coalescence of the two villages and other considerations for the design of the scheme.

Site Context

The application is for 55 dwellings located to the north-east of Cuckfield village and on the northern edge of Hanlye Road. The Site comprises two grassland fields with trees, scrub and two public rights of way crossing, which includes the Sussex Diamond Way. The Site is bound by vegetation on all sides creating an enclosed landscape.

The High Weald AONB is located north of the Site on the opposite side of Hanlye Road. Two parcels of Ancient Woodland are located directly adjacent to the south-eastern corner of the Site.

Planning Policy

Mid Sussex Site Allocations Development Plan (2022)

The Site is allocated within SA23 'Land at Hanlye Lane to the east of Ardingley Road, Cuckfield'. The allocations objectives include providing a high quality, landscape led, sustainable extension to Cuckfield and enhances the setting of the High Weald AONB.

Cuckfield Neighbourhood Plan (CNP) (2014)

The Site is located within the zone subject to Policy CNP3 'Preventing Coalescence between Cuckfield and Haywards Heath', where development is not permitted outside the built-up area boundary if it contributes to the coalescence between the two villages. This also includes increasing the density of development between the two curtilages.

Under Policy CNP5 'Protect and Enhance the Countryside', the Site falls within key external view 5, where maintaining the distinctive views of the surrounding countryside from public vantage points is important. The Site is located within view of View 5. The High Weald AONB is also located directly adjacent to the Site on the opposite side of Hanlye Road.

Cuckfield Landscape Character Assessment (2012)

The Site is located with the northern section of LCA 13 'Horsegate Farmland' which is part of the Gap Local Policy area. This LCA is characterised by medieval assarts, informal parkland, undulating land, farmyards, well vegetated boundaries and good enclosure and PRoWs. The LCA is assessed as having moderate value and substantial sensitivity, with low capacity for development owed to forming the separation between Cuckfield and Haywards Heath.

Review of submitted information

The Landscape and Visual Impact Assessment (LVIA) has been undertaken by LVIA Ltd. The LVIA has made reference to the principles set out within the 'Guidelines for Landscape and Visual Impact Assessment' Third Edition (GLVIA3) prepared by the Landscape Institute (LI) and Institute of Environmental Management and Assessment (IEMA), however the submitted LVIA has not consistently followed the guidelines for undertaking the assessment.

The viewpoint photography (Pages 29-36) has not been undertaken in alignment with LI TGN 06/19: 'Visual Representation of Development Proposals'. Clearly identifying the selected Visualisation Type within the LVIA in accordance with TGN 06/19 (Para 3.7.5) would have been appreciated for review.

As acknowledged in the LVIA, the Site visit and photography used to inform the assessment were undertaken in summer (August 2023) and the LVIA recognises that the photographs do

not represent the worst-case scenario in Paragraph 11.1.13. It is best practice to undertake photography assessment in winter.

Despite being subject to Policy CNP3 'Preventing Coalescence between Cuckfield and Haywards Heath' and being located within an LCA with low capacity for development, the Site has been allocated within the Mid Sussex Site Allocations Development Plan (2022) under Site Allocation 23. Whilst we recognise the policy position of the allocation, incorporating and considering the sensitive features of the landscape is particularly important in this instance.

Landscape Character

The LVIA makes reference to The West Sussex Landscape Land Management Guidelines and LCA HW4 (High Weald Fringes) and A Landscape Character Assessment for Mid Sussex and LCA 10 (High Weald Fringes). The Site possesses a number of key characteristics including the wooded confined landscape, significant woodland cover and assart fields.

Cuckfield Landscape Character Assessment has not been referenced within the assessment, which is key in assessing the impact on landscape character for the proposed development from a localised perspective. Considering the judged moderate value, substantial sensitivity, and low capacity for development within LCA 13 'Horsegate Farmland', we would have expected the LVIA to reference and include this within the assessment.

Whilst an assessment is provided of the susceptibility, value and sensitivity of identified landscape receptors (including vegetation pattern, land use, settlement pattern, designations, overall character), we would expect this level of assessment to be provided for each of the landscape character areas (LCA) identified within the Baseline (Section 8.2).

Visual Effects

The assessment has identified 12 receptors, located on public rights of way (PRoW) and surrounding roads in the landscape. Considering the characteristic well-defined field boundaries, we agree with the selected viewpoints and the localised assessment the LVIA provides.

We would however have appreciated the inclusion of annotations to illustrate the extent of development and the total site area within the photographs. We would also have appreciated the location maps of each viewpoint to be displayed on the same page as the viewpoint photography for easy review.

Table 15 provides a Summary and Comparison Residual Visual Significance of Effect (Page 46). Given

the topographical nature of the site and natural vegetated buffer which intercepts potential visual receptors of the proposed development, we agree with the overall judgements and conclusions made that views are limited to the PRoWs and Hanlye Lane which are in close proximity of the Site, based on the operational phase and residual phase (Year 15).

We therefore judge that the LVIA provides an appropriate assessment of the landscape and visual impacts of the proposed development in this location.

Conclusion

We recognise the policy position of the Site under SA23 of the Mid Sussex Site Allocations (2022) and

consider that the LVIA successfully assesses the potential impact of the development on the local landscape. We have made several recommendations that seek to address our initial concerns regarding the coalescence of the two villages and other considerations for the design of the scheme.

If minded for approval, we advise the following recommendations are considered:

- The Cuckfield Landscape Character Area (2012) states that the areas has an enclosed nature with minor urban influences with limited development. Considering the Site is located outside of the built-up area boundary (BUAB), the vegetated enclosed nature of the Site can be utilised within the soft landscaping to mitigate against the impacts of the urban area extending into countryside. Therefore, the southern boundary could be enhanced with further tree planting which extends into the public open space.
- Whilst we support the inclusion of three attenuation basins located within the public open space (POS), there are substantial opportunities available for planting within the basins to integrate the SuDS system into the POS and create an ecological habitat. For this reason, we would recommend that additional planting is proposed. This should include shrubs and trees that are tolerant to both drought and water logging conditions.
- Reconfiguration of the turning heads which project into the public open space could be explored to lessen their impact.
- Considering the inclusion of a public open space and a green spine within the soft landscaping for the scheme, there are opportunities to include natural play which can be distributed throughout the open areas.
- We recommend the visitor spaces are also proposed as block paving and include additional landscape planting, in the interest of visual amenity.
- A green roof species mix has been included on the Planting Schedule however this is not included on the key to indicate where this may be proposed within the soft landscape plans.
- Different options and surface treatments should be explored for the proposed crossing of the swale within the green spine, since the proposed bitmac surface does not match the crushed aggregate hoggin or block paving used on either side.
- The Proposed Site Layout Presentation includes a number of indicative hedgerows and planting surrounding the visitor parking bays and adjacent to the roadways. We recommend that some of these are applied to the submitted Hard and Soft Landscape Proposals.

WSCC Highways

TO:	Mid Sussex District Council FAO:
FROM:	WSCC Highways - Public Rights of Way
DATE:	11 July 2024
LOCATION:	Land South Of Hanlye Lane Longacre Crescent Cuckfield West Sussex
SUBJECT:	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. (Amended description and plans 24/06/2024)
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	Footpaths 17CU, 18dCU and 19dCU
RECOMMENDATION:	No Objection
S106 CONTRIBUTION TOTAL:	n/a

Thank you for the opportunity to comment on the above numbered planning application. This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. In respect to the above planning application I would provide the following comments.

Although I have not conducted a site visit specifically in relation to this application there are matters relating to 19dCU that result in my having visited the site recently and having a good knowledge of the immediate area.

I have noted the comments of WSCC PROW submitted on 24/10/2023 and further reviewed the later documentation.

I do not wish to submit any further comments to those of my colleague other than to emphasis that Footpath 19dCU forms a significant link between the residential areas of Cuckfield and Haywards Heath and in particular represents a popular route to Harlands Primary School.

It follows that every opportunity should be taken to preserve and enhance the quality and accessibility of that Public Right of Way.

Furthermore, as the land is no longer required for agricultural purposes, any existing gates and/or stiles should be removed.

MSDC Environmental Protection Officer:

Comments made by Oliver Benson dated 23/10/23 regarding noise, air quality, the need for a CEMP and construction hours remain the same.

It should be noted that the latest Road Traffic Noise Survey and Assessment by Acoustic South East, dated 24/06/24 has identified properties that will be unable to rely on open windows if guideline noise levels are to be achieved. The report has identified that standard thermal double glazing together with standard trickle vents with a free area of 8000mm² are sufficient to allow acceptable internal sound levels. I therefore recommend a condition that ensures glazing and ventilation to the dwellings complies with that outlined in this assessment by Acoustic South East.

25/10/2023

Noise

I have reviewed the Road Traffic Noise Survey and Assessment by Acoustic South East, dated the 5th of October 2023, ref: J3707. The report indicates that, for the majority of the properties, windows can be opened while still maintaining noise levels within the specified criteria for both daytime and nighttime Leq sound levels, as well as nighttime Lmax levels. However, a few properties (specifically 7, 8, 9, 19, 21, 22) are unable to rely on open windows.

The most challenging situation in terms of sound reduction (SRI) of the building envelope is observed for Plot 19, specifically its Front Façade at the 1st-floor level, with a sound attenuation requirement of 17.5dB.

To address this concern, a rigorous calculation following BS8233 standards was performed for the worst-case property, which is Plot 19, Front 1st Floor. This calculation aimed to determine if trickle vents (with a free area of 8000mm², as required by Approved Document L) could provide sufficient sound reduction while in the open position. The results of this calculation show that even with such a ventilator in the open position, the 1st floor of Plot 19 facing Hanlye Lane would comfortably meet the criteria outlined in BS8233:2014 for Leq,T sound levels during both daytime and nighttime, as well as the ProPG:2017 requirements for Lmax during the nighttime.

Regarding overheating compliance, the report outlines that there are no issues with meeting the requirements of Approved Document O, as detailed in Sub Section 7.7.

Considering that standard double glazing and ventilation in accordance with Approved Document L are sufficient for this site, it appears that noise-related conditions are not necessary.

Air Quality

With regard to air quality, an assessment of the operational use has been conducted, and the overall impact on air quality is deemed negligible. However, no damage cost calculation has been performed in alignment with the Sussex Air Guidance and Defra's damage cost

values. Consequently, a condition should be imposed requiring a cost calculation be performed and that a mitigation scheme be established in accordance with the calculated value. I would direct the applicant's attention to the Sussex Air Guidance for a list of potential mitigation measures. Our preferred options include the installation of electric vehicle (EV) charging points, utilisation of ultra-low NOx boilers, and provision of secure cycle storage.

Recommendation: approve with the following conditions:

1. Air Quality - The applicant shall submit an emissions mitigation calculation, in accordance with the Air Quality & Emissions Mitigation Guidance for Sussex which is current at the time of the application, the purpose of which is to assess the emissions relating to the development and to determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment. The emissions mitigation assessment must use the most up to date emission factors. A Mitigation Scheme to the calculated value shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with the approved scheme.

2. Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase necessary for implementation of this consent shall be limited to the following times:

Monday – Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted

3. Construction Environmental Management Plan (CEMP): No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall address control of noise and vibration from demolition and construction work, dust control measures, policy for burning on site, and site contact details in case of complaints. The approved Plan shall be adhered to throughout the construction period.

Design Review Panel

The Panel commended an enjoyable presentation and welcomed the non-pastiche architecture, which drew on the richness of Cuckfield's vernacular. Some of the proposed elevations, particularly the contemporary interpretation of a Kentish oast house, were beautiful. The proposal would thereby have a sense of place.

The Panel were not convinced by the severance of the highway in the central part of the site, as this would result in an inefficient layout and cars needing to reverse frequently and in close proximity to a number of dwellings. The Panel also queried the juxtaposition of roads running along both sides of the new central green lung. Consideration could instead be given to incorporating much of this as a shared surface without pavement, and otherwise limiting the use of tarmac elsewhere. Overall, the permeability through the site, connecting existing public rights of way from the west and the north, would be a clear benefit.

The Panel agreed that the landscaping for the scheme would be proportionate and generous, which would filter views of the built forms through the trees from the south. The scheme would be fairly well spaced out and the play spaces (which should be natural play) appropriately sited.

The Panel queried whether the development as a whole was too overwhelming in its elevations, noting that there were 23 different house types for 55 dwellings. They felt that this could be simplified and made more subtle, by relying on a reduced palette of texture and tone, particularly as it was otherwise clear there was sufficient visual interest in the structures. Care should also be taken to ensure that the detailing for the angled / cut brickwork shown in Elevations 1 and 4 would be neatly finished. In addition, there were concerns that the large windows on the south-facing properties looking out to the roads would result in adverse impacts to future occupants, such as overheating, privacy and headlight nuisance.

The Panel requested consideration be given to the location of the solar panels and air source heat pumps, as well as overheating analysis to inform the final sustainability strategy.

Overall Assessment

Support, with amendments

MSDC Urban Designer Comments:

This is a well-thought-through scheme that had addressed most of the concerns raised at the previous consultations and DRP.

The scheme sufficiently addresses the principles set out in the Council's Design Guides and accords with policy DP26 of the District Plan; I therefore raise no objection to this planning application.

To secure the quality of the design, I would nevertheless recommend conditions requiring the approval of the following details/information:

- Details and samples of the facing materials.
- 1:20 sections and front elevations of the typical features (shown in context) such as windows and doors and surrounding.
- Provide a detailed Landscape plan. Plan should include any relevant suggested improvements (as listed below) and more detail on following: materials, lighting, resting spaces along PRow and Green Lung, signage for PRow and any play equipment and structures. Also please note following:
 - We would expect a formal pedestrian link in front of the unit 43
 - We would expect hedging/planting to be introduced to all front gardens to allow for better screening and softening of the parking. This is particularly important everywhere where parked cars will likely break the continuity of building lines.
 - Green Lung hedging should be minimal (as shown on 3D Visual - Viewpoint 3 and not as shown on the plans) to keep the feeling of openness.
 - Street elevations EE, FF and GG expose uninterrupted views towards garden fences stepping up behind the houses. To prevent unattractive vistas all year around, evergreen trees should be introduced along the brick garden walls etc. to (See units 06, 09, 11, 14, 17, 28-32, 48)
 - Introduction of small trees to the front gardens would add rhythm and interest to the streets and help with drawing the eye away from the projecting carparking bays (see units 01 to 05, 08 to 10, 17 to 20, 28-32)

- All parking bays should be marked in such way that it can be clearly visible how they can accommodate refuse and cycle storage being taken out for collection. If needed, they must be widened to prevent bins being stored at the fronts of the properties.

WSCC Fire and Rescue:

This application has been dealt with in accordance with the statutory obligation placed upon Fire and Rescue Service by the following act;

Fire and Rescue Services Act 2004

Part 5, 38: Duty to secure water supply etc.

- 1) *A fire and rescue authority must take all reasonable measures for securing that an adequate supply of water will be available for the authority's use in the event of fire.*

This proposal has been considered by means of desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC mapping and Fire and Rescue Service information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments:

- 1) Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.
- 2) Prior to the first occupation of any dwelling forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 – 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.

Southern Water:

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

MSDC Contaminated Land Officer:

I have reviewed the combined phase 1 desktop study and phase 2 Site investigation report by Leap Environmental, ref: LP3210/DSP2, dated the 14th of March 2023.

The desk study has revealed the potential presence of contaminants on the site. This potential contamination stems from previous agricultural activities, possible infilling of a historic pit, the presence of a historical tank on site, existing made ground, and the presence of bonfires and fly-tipped waste on the site. Consequently, it was recommended that an intrusive investigation be conducted to determine the extent of contamination, if any.

Thus far, the intrusive investigation has not identified any issues with contaminants exceeding the general assessment criteria on the site. It's worth noting that some fly-tipping was observed in the northern part of the site, and there may be localised contamination beneath these materials. The report makes it clear that it is advisable to conduct testing in this area once these materials are removed. Similarly, the small historical tank and relic structure in the southwestern corner may have localised made ground and possible localised contamination. Therefore, it is prudent to perform an inspection and consider testing beneath their footprint when they are removed.

Based on the findings, I recommend approving the application with the condition that appropriate measures be put in place to ensure that these sections of the site are thoroughly investigated before any development proceeds, in accordance with the recommendations outlined in the report.

Recommendation: approve with the following conditions

1. Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, shall each be submitted to and approved, in writing, by the local planning authority:

a) A site investigation, based on the combined phase 1 desktop study and phase 2 Site investigation report by Leap Environmental, ref: LP3210/DSP2, dated the 14th March 2023 to investigate previously inaccessible areas of the site, and provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the Local Planning Authority,

- c) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

2. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

3. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the Local Planning Authority.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

WSCC PROW Officer:

TO:	Mid Sussex District Council FAO: Joseph Swift
FROM:	WSCC Highways - Public Rights of Way
DATE:	24 October 2023
LOCATION:	Land South Of Hanlye Lane Longacre Crescent Cuckfield West Sussex
SUBJECT:	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.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	FP's 17Cu, 18dCu & 19cCu
RECOMMENDATION:	No Objection
S106 CONTRIBUTION TOTAL:	n/a

Thank you for the opportunity to comment on the above numbered planning application. This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. In respect to the above planning application I would provide the following comments.

Having looked at the online documents it seems that there is no development directly impacting the three public footpaths referenced therefore we do not have any objection to the proposals however please see my comments below.

There appears to be reference to resurfacing FP19cCu (east to west) with an aggregate surface. This would be welcomed and a clear specification of these works must be approved by WSCC's PRow team prior to any works taking place on the ground. Further to this however it would also be appropriate to resurface FP's 17Cu and 18dCu (heading south east and south west respectively) to the same standard yet to be agreed. With this development proposed and links from the site into this area will inevitably increase the footfall in this area so expectations will be higher. Therefore resurfacing of these routes to a rolled stone all weather surface would make sense.

Another point that isn't clear from the plans is whether there is a proposal to dedicate the NMU routes north from the existing FP19cCu through the development as Public Rights of Way (PRow) or whether they will remain private routes for residents only. There are links to the north of the site which public users could continue on so something that would be useful for the applicant to clarify.

Other than this there is some general advice that must be noted by the applicant and this is detailed below:

* At no time can any of the existing PRow be restricted or blocked during development works without prior consent of WSCC's PRow team and a formal temporary path closure being in place. These can only be granted if any works on or alongside the PRow put lawful path users at risk;

* The surface of a PRow is Highway therefore no works can take place without prior approval of WSCC's PRow team. Any unlawful disturbance of the surface would be an offence under the Highways Act 1980. If the surface is disturbed, even with consent, reinstatement must be done to a standard agreed with WSCC's PRow team and must be agreed before any works take place;

* At no time can the legal line of the public footpaths be changed as part of this proposed development. If it is unclear where the legal lines run (not the used routes but the legally recorded PRow) then we would strongly recommend you consult WSCC's PRow team for clarification prior to any works starting. At present the routes represented on the drawings provided show a quite windy features however that may not be the legal line recorded on the Definitive Map and Statement (the legal record of PRow) therefore should be clarified;

* At no time can any drainage works take place that will directly impact the PRow network. If there are drainage proposals that may impact the PRow then these will require WSCC's PRow team approval prior to works starting;

* The existence of a Public Right of Way (PROW) is a material consideration. Should planning consent be granted, the impact of development upon the public use, enjoyment and amenity of the PROW must be considered by the planning authority;

* The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980;

* No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980;

* Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing;

* Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment;

* Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed;

* The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury the applicant must consider how access is managed so the public is not endangered or inconvenienced.

MSDC Street Naming and Numbering Officer:

Informative (Info29)

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

Planning applications requiring SNN informative

DM/23/2662

DM/23/2610

DM/23/2586

DM/23/2561

Cuckfield Parish Council:

29/07/2024

Object – The committee resolved to reassert the original objection previously shared and added the further comments from Steve Tilbury which were sent to the Case Officer

24/11/2023

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.

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 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.

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 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.

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:

"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.

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 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 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.