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Planning Statement

**Land East of Keymer Road and South
of Folders Lane, Burgess Hill**

September 2022



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Project Name: Keymer Road, Burgess Hill

Location Land East of Keymer Road and South of Folders Lane, Burgess Hill

Client: Thakeham Homes Limited and Charles Church Developments Ltd

File Reference: P1953

Issue	Date	Author	Checked	Notes
PL1	14/07/2022	T Deacon	S Sykes	Initial Draft
PL2	12/09/2022	S Sykes	C Barker	Second Draft
PL3	15/09/2022	S Sykes	C Barker	Third Draft
PL4	29/09/2022	S Sykes	H James	Planning Issue
PL5	30/09/2022	S Sykes	H James	Revised Planning Issue

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1. Introduction

- 1.1. This Planning Statement ('Statement') has been produced on behalf of our clients, **Thakeham Homes Limited** and **Charles Church Developments Ltd** in support of a full planning application for the development of Land East of Keymer Road and South of Folders Lane, Burgess Hill (the 'Site'). The development description for the proposal ('Proposed Development') is set out as follows:

'Residential development with vehicular, pedestrian and cycle access; car parking; open space, play space; ecological areas; attenuation ponds; landscaping and all other associated works.'

- 1.2. Thakeham Homes Limited ('Thakeham') is an industry-leader nationally on biodiversity, the environment and zero carbon community creation. A Home Builders Federation 5* builder and an infrastructure-led placemaker, it creates new, exemplary places, where the highest attention to detail makes a positive difference. Thakeham is committed to providing policy-compliant affordable homes which are always delivered tenure blind to ensure integrated and well mixed community housing.
- 1.3. Charles Church Development Ltd ('Charles Church') is part of Persimmon, one of the UK's most successful house builders. Charles Church is an HBF 5* homebuilder and are committed to the highest standards of design, construction and service. Persimmon have invested £2.6Bn in communities over the last six years and continues to support people and places through employment and skills initiatives.
- 1.4. The key objective to this development is to deliver a sympathetic and well-integrated addition to Burgess Hill, informed by a landscape-led masterplan, which responds to the setting of the South Downs National Park ('SDNP').
- 1.5. Key to this is responding to the site-specific Policy SA13 set out within the Mid Sussex Site Allocations Development Plan Document ('Site Allocations DPD') adopted on 29th June 2022. The Site Allocations DPD alongside the Mid Sussex District Plan 2014 – 2031 ('MSDP') and the Mid Sussex Local Plan 2004 forms the 'Development Plan' in this instance. Principles and policies established in Supplementary Planning Documents, the National Planning Policy Framework ('Framework') and National Planning Policy Guidance ('NPPG') are all material considerations that have, in combination, fed into the design process of this development.
- 1.6. Adopted policy requires that the layout of any proposal should meet numerous criteria with regards to ecology, arboriculture, vehicular and pedestrian / cycle access, landscape and visual impacts and open space provision. The layout must respond to the findings of a Landscape and Visual Impact Assessment ('LVIA') (which is submitted as part of this application) which itself must take into account an Opportunities and Constraints Plan ('OCP') to deliver a landscape-led scheme.
- 1.7. As set out in further detail within this Statement, the proposal is considered to balance the requirements of delivering much needed housing, including a policy compliant level of affordable and accessible housing, whilst respecting the ecological and landscape constraints of the site. In so doing, the Proposed Development will deliver the following key benefits:

10% Biodiversity Net Gain - A sensitively designed and landscape-led proposal that protects the most important habitats and landscape features on site and provides for a 10% net gain in biodiversity overall.

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Zero Carbon Development – we understand that this planning application will be Mid Sussex's first net zero carbon scheme. This is a significant benefit in delivering a highly sustainable form of development.

Sustainably Located - Development in a highly sustainable location on an adopted allocated housing site (SA13) at the edge of Burgess Hill.

New Homes - A total of 264 new dwellings catering for a range of housing requirements, assisting the Council to meet its local housing needs.

Affordable and Accessible Homes – A total of 30% affordable new dwellings meeting a policy compliant tenure mix. Accessible housing provision addressing local needs.

Open Space and Play Space Provision – A Locally Equipped Area of Play ('LEAP'), a Local Area of Play ('LAP'), a nature trail and a significant amount (46%) of ecological / open space provision, retained and enhanced throughout the site.

High Quality Architecture – A high quality new development that will be in-keeping with the character of the area and which reflects and responds to local vernacular.

Sustainable Transport Improvements – Improvements to the pedestrian and cycle network outside of the site in addition to improvements to local bus stops making sustainable modes of transport more attractive for existing and future residents.

Economic Benefits – Increased residential population within proximity of Burgess Hill, increasing footfall and spending in shops, restaurants and facilities within the town centre in addition to New Homes Bonus.

Infrastructure - Contributions to improve the local social, physical and environmental infrastructure of the local area.

- 1.8. This Statement will consider the relevant background for the determination of the planning application including a description of the Site and its surroundings, the planning history, relevant planning policy and an appraisal of the proposal in planning terms.
- 1.9. The application is accompanied by the following documents and drawings:

Planning Application Form

Planning Application Notice - Certificate B and Certificate C

Planning Application Covering Letter

EIA Screening Decision (Included in Appendix C)

Planning Obligation Instruction Form

Statement of Community Involvement

Planning Statement

Affordable Housing Statement (set out within this Planning Statement Section 6.11)

Minerals Resource Assessment (set out within this Planning Statement (Section 6.16)

Heritage Statement

Archaeological Desk Based Assessment

Architectural Plans and Drawings

Design and Access Statement

Landscape Master Plan

Landscape and Visual Impact Assessment

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Ecological Impact Assessment
Biodiversity Net Gain Feasibility Note
Arboricultural Impact Assessment
Transport Assessment
Residential Travel Plan
Designers Response to Stage 1 Road Safety Audit
Flood Risk Assessment
Desk Study and Ground Appraisal Report
Ground Investigation Report
Energy Statement
Air Quality Assessment
Environmental Noise Impact Assessment

2. The Site

- 2.1. The Site is located in a sustainable location on the southern edge of the settlement of Burgess Hill entirely within the built-up area boundary of Burgess Hill by virtue of it forming an allocation (Policy SA13) in the Mid Sussex Site Allocations DPD. The Site has an area of approximately 15.5 hectares.

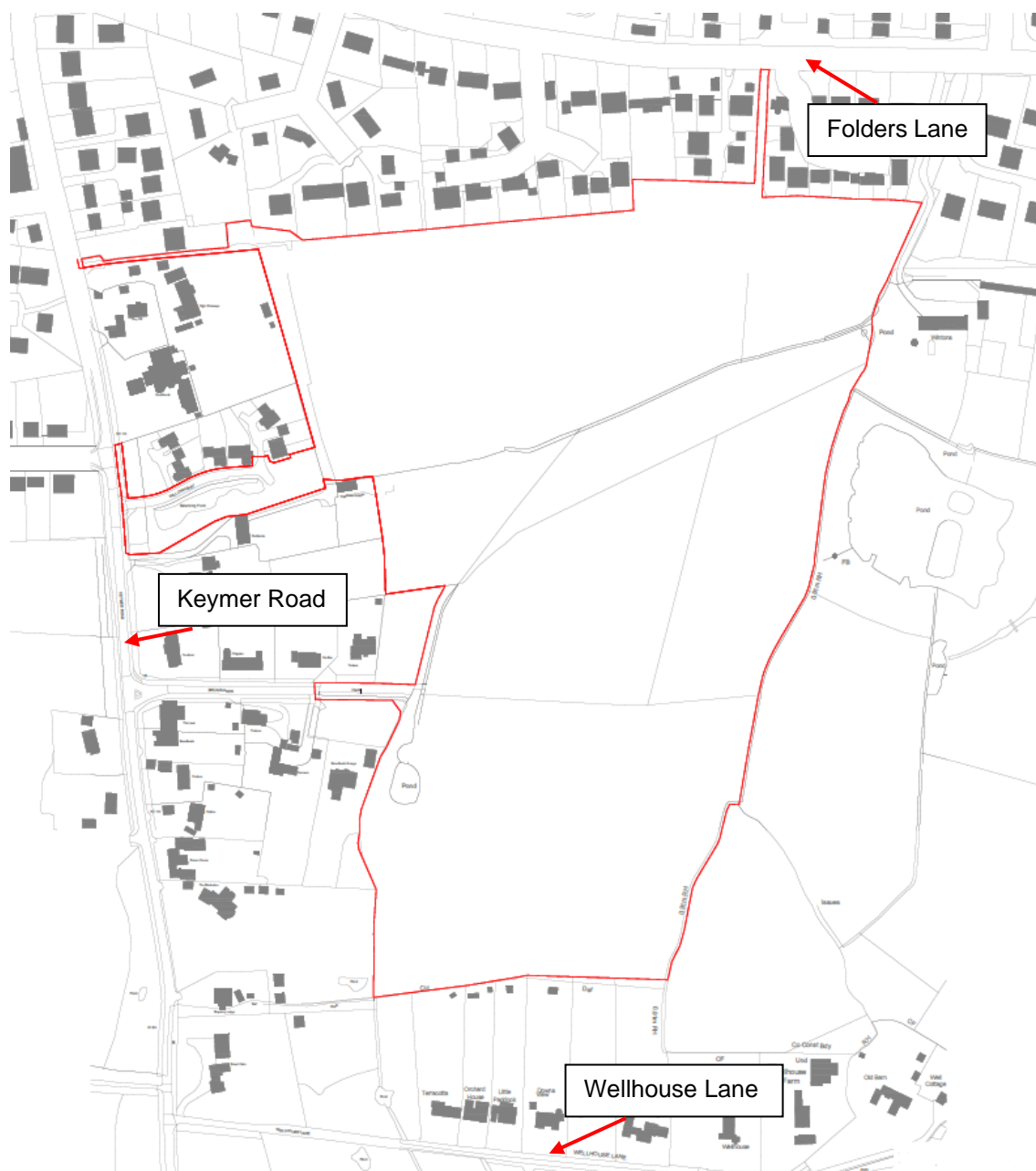


Figure 1 Site Location

- 2.2. Burgess Hill benefits from regular, fast and direct train services to coastal towns such as Brighton, and elsewhere to London and Gatwick Airport. The Site is well located in relation to:
- Burgess Hill railway station (circa 1km away);
 - Bus routes on Keymer Road and Folders Lane; and

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- Accessible road links with direct access via the to the A23 (and onward links to the M23 and M25).

- 2.3. Burgess Hill offers a range of local facilities including schools, a leisure centre, health facilities, community facilities, shops, and other services.
- 2.4. The Site itself comprises seven fields sub-divided by hedgerows and trees marking field boundaries. It is bordered on three sides (north, west and south) by built development, and by fishing lakes and fields to the east (Figure 3).



Figure 2 Field Divisions

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- 2.5. The northern part of the Site (Fields 1 – 3) are currently used for grazing by sheep with existing housing backing on to the Site on the northern and western extent.
- 2.6. The southern part of the Site has previously been used as grazing land and is well contained by vegetation with reduced levels of intervisibility from surrounding development (Fields 5 – 7). Existing houses on Folders Lane and Wellhouse Lane back onto the Site from the east and south respectively.
- 2.7. There is a central belt of trees and vegetation that divides the northern and southern parts of the site (Field 4). A ditch runs broadly through this central belt of land from an east to west direction before turning southwards and skirting the western boundary of the Site.
- 2.8. Housing within the locality is traditional in form and character and feature typically large detached and semi-detached properties. These are finished predominantly in a common red brick or tile hung exterior, with clay roof tiling. Roof forms are a mix of hipped and gable fronted. The Design and Access Statement (DAS) that accompanies this application provides a greater consideration of the character of the area.
- 2.9. There are no statutory or non-statutory designations for landscape quality or value within the Site. It is very well contained in views by a combination of existing built form, mature vegetation and topography which largely restricts views to neighbouring properties.
- 2.10. There are no listed buildings present within the Site. However, there are two grade II listed buildings in close proximity as follows:
- High Chimneys** - located approximately 40m west at the north end of the Site's boundary screened by a line of trees forming the boundary.
- Well Cottage** - located approximately 120m south east of the Site's boundary screened by vegetation.
- 2.11. The Site is located in Flood Zone 1 (i.e. the at the least risk of flooding), an area identified by the Environment Agency as having a low probability of flooding albeit with some areas affected by surface water flood risk.

3. Planning History

- 3.1. This section sets out the planning history relevant to the determination of this planning application. This includes details of planning applications which have recently been submitted within the locality.
- 3.2. A search of the Local Planning Authority's (LPAs) online planning register has been undertaken, which highlighted there was no planning history directly related to the Site.
- 3.3. Details relating to a screening request for Environmental Impact Assessment in addition to pre application advice are set out below.

Site History

- 3.4. **Pre-Application meeting reference DM/22/2340.**
- 3.5. Pre-application meetings and discussions have been held with Council officers in the preparation of this planning application. A pre application response is appended to this Statement at Appendix B. The proposal has been amended to address comments raised in this letter and as set out in detail in the DAS accompanying this application.
- 3.6. **Reference - DM/22/1837 - Land East Of Keymer Road Burgess Hill West Sussex. Screening Request for the Proposed Construction of a Residential Development of approximately 300 dwellings and associated infrastructure.**
- 3.7. The Screening Opinion provided by the council (letter dated 29th June 2022 Appendix C), notes that the Proposed Development is not located within a 'sensitive area' in the context of the EIA Regulations but does exceed the thresholds of the Schedule 2 EIA Regulations for this type of development, and one of the thresholds set out in the PPG. The letter concludes that the need for an Environmental Impact Assessment (EIA) has been regarded unnecessary.

Surrounding Area

- 3.8. The following planning application is relevant to the determination of the Proposed Development given the proximity adjacent to Field 3 to the east of The Site. At the time of writing the application is undetermined however the proposal has been considered with regards to cumulative impacts in visual terms and with regards to residential amenity considerations.
- 3.9. **Reference - DM/21/3311 - Land At Wintons And Wintons Fishery Folders Lane Burgess Hill West Sussex RH15 0DR. Erection of 8 dwellings, alterations to site access, provision of car parking along with hard and soft landscaping. AMENDED PLANS received 5/1/2022 in relation to access road, amendment to layout to plots 1 and 2, replacement of garden wall with fencing and revised Arboricultural Impact Assessment. Currently pending consideration.**

4. The Proposed Development

Introduction

- 4.1. This Planning application seeks full planning permission for the following development:

Residential development with vehicular, pedestrian and cycle access; car parking; open space, play space; ecological areas; attenuation ponds; landscaping and all other associated works.

- 4.2. The following sections consider the key elements of the Proposed Development in greater detail.

Amount and Form of Development

- 4.3. Table 1 sets out the amount of development and mix split by size and tenure. The housing mix ranges from one- and two-bedroom properties to three- and four-bedroom family homes and is generally in accordance with the housing need identified in the SHMA.
- 4.4. A total of four of the affordable units will be provided as wheelchair accessible dwellings (i.e. M4(3) building regulation standards). A total of 53 properties (20% of the total housing provision) will meet the M4(2) standard.

House Size	Private	Affordable Housing		Total
		Affordable Rent	Shared Ownership and Affordable Home Ownership	
1 Bed	6	21		27
2 Bed	40	32	19	91
3 Bed	84	3	5	92
4 Bed	54	0		54
Total	184 (70%)	56 (70%)	24 (30%)	264 (100%)
		80 (30%)		

Table 1: Quantum of Development and Housing Mix

- 4.5. The proposal includes a mix of properties including flats and detached, semi-detached and terraced housing. Most of the dwellings will be two storeys with some two and a half and three storey development also proposed.

Layout, Form and Appearance

- 4.6. The site layout is shown in Figure 5. Three distinct character areas are proposed (Urban Edge, Semi Urban and Semi Rural – please refer to the DAS for further details). Dwellings shall be traditional in form.
- 4.7. A red/brown and red roof tile and grey slate tile is proposed. Facades are treated in mix of orange / red facing brick, brown tile hanging and timber boarding.



Figure 3: Proposed Site Layout

Landscaping and Ecology

4.8. A Landscape Masterplan has been produced to support the application. The masterplan sets out the approach to hard and soft landscaping across the site. A number of open and play spaces are proposed across the site including:

- **Central open space** (Field 4). This area provides for a significant green infrastructure corridor running east to west across the site. Footpaths and cycle links are proposed through this area in the form of boardwalks. Green corridors extend north and southwards from Field 4. The western end of this central area of open space will be publicly accessible.

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- **North west corner** (Field 1). A small area of open space with existing boundary vegetation retained and enhanced.
- **Locally Equipped Area of Play** (Field 7). This is aimed at older children and is designed to have a natural character in keeping with its setting. It will include timber play structures and natural play features, including mounds, logs and artistic play installations. An area of accessible open space is proposed surrounding the LEAP alongside areas of retained ecology land.
- **Local Area of Play** (Field 2). This is aimed at small children and toddlers. The play areas are sensitively designed to retain areas of young trees and scrub vegetation where possible.

- 4.9. As demonstrated in the Landscape Masterplan, significant areas of the Site are retained and proposed to be managed to protect and enhance existing ecology. A 10% BNG will be delivered through offsite mitigation.

Sustainable Transport and Access

- 4.10. Vehicular access is provided via Willowhurst. There are no proposals to alter the existing junction of Willowhurst with Keymer Road, as the junction has sufficient capacity to accommodate the Proposed Development. Dedicated pedestrian and cycle access is provided via Broadlands Road, and to Folders Lane in the north, with an additional pedestrian access proposed at the north west corner of the Site.
- 4.11. A total of 493 car parking spaces will be provided in accordance with the West Sussex County Council Guidance (Sept 2020). A total of 34 of these spaces will be visitor spaces.
- 4.12. One active Electric Vehicle (EV) charging space shall be provided for each dwelling. All other spaces will be provided as passive spaces. A total of 264 EV spaces shall be provided.
- 4.13. Offsite improvements to the local footway and cycle network as well as potential bus stop amendments and improvements have been identified. These improvements include:
- Increasing the widths of footways, providing tactile paving at bell mouth crossings and introducing new uncontrolled drop kerb crossings on Keymer Road
 - Highway improvements to enable a bus stop shelter to be implemented.
 - Bus stop cages, bus stop kerbing and Real Time Passenger Information (RTPI) at the existing bus stops on Keymer Road and Folders Lane

Flood Risk and Drainage

- 4.14. The surface water drainage strategy will restrict discharge rates to the greenfield run-off rates to ensure the scheme does not increase flooding beyond the boundary. Sustainable Drainage Systems (SuDS) will be provided in the form of attenuation basins to manage surface water discharge rates beyond the site boundary.

Energy and Sustainability

- 4.15. We understand that this planning application will be Mid Sussex's first net zero carbon scheme. This is a significant benefit in delivering a highly sustainable form of development.

5. Policy Overview

5.1. Introduction

- 5.1.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that where the Development Plan contains relevant policies, an application for planning permission shall be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.1.2. In this case the Development Plan for the area consists of the Mid Sussex District Council Site Allocations DPD 2022, the Mid Sussex District Plan 2014-2031, and saved policies from the Local Plan 2004.
- 5.1.3. The National Planning Practice Guide (NPPG), the National Planning Policy Framework (the Framework), and the Council's adopted Supplementary Planning Guidance are material considerations.

5.2. Mid Sussex District Council Site Allocations Development Plan 2022

- 5.2.1. The Site Allocations DPD identifies sufficient housing sites to provide a five-year housing land supply to 2031 and also makes sure that enough land is allocated to meet identified employment needs. The document includes mainly site specific policy although it also updates the housing requirements for the District previously set out within the MSDP. As such the following policies are considered most pertinent:

SA10 Housing

SA11 Additional Housing Allocations

SA13 Land East of Keymer Road and South of Folders Lane, Burgess Hill.

- 5.2.2. Policy SA13 is the site-specific policy applicable to the application site. It is a detailed criteria based policy which sets out that any development must follow a **landscape-led approach**.
- 5.2.3. The policy describes the allocation as:

Housing allocation with on-site open space and children's equipped play space.

- 5.2.4. The Site is allocated for 300 new dwellings. The objective is set out as follows:

To deliver a sympathetic and well-integrated extension to Burgess Hill, informed by a landscape led masterplan, which responds to the setting of the South Downs National Park in its design creating a focal point with a central open space incorporating attractive and convenient pedestrian and cycle routes throughout the site providing good connections to local services and facilities.

- 5.2.5. The site-specific policy is considered in greater detail within the Appraisal section of this report and Appendix A of this Statement.

5.3. Adopted Mid Sussex District Plan 2014-2031

- 5.3.1. The MSDP 2014-2031 was adopted in 2018. The Plan sets out a vision for Mid Sussex and a delivery strategy for how that will be achieved. Relevant policies are set out below:

DP4: Housing

DP5: Planning to Meet Future Housing Need

DP6: Settlement Hierarchy

DP18: Setting of the South Downs National Park

DP20: Securing Infrastructure

DP21: Transport

DP24: Leisure and Cultural Facilities and Activities

DP25: Community Facilities and Local Services

DP26: Character and Design

DP27: Dwelling Space Standards

DP28: Accessibility

DP30: Housing Mix

DP31: Affordable Housing

DP34: Listed Buildings and Other Heritage Assets

DP37: Trees, Woodland and Hedgerows

DP38: Biodiversity

DP39: Sustainable Design and Construction

DP41: Flood Risk and Drainage

DP42: Water Infrastructure and the Water Environment

5.4. Saved Policies from the Mid Sussex Local Plan 2004

- 5.4.1. The Mid Sussex Local Plan (adopted on May 27 2004) is largely replaced by the Mid Sussex Local Plan 2018, although some policies in the Mid Sussex Local Plan 2004 have been saved on adoption of the District Plan. Relevant policies are considered in the following chapters of this Statement.

5.5. Supplementary Planning Documents

- 5.5.1. The following Supplementary Planning Documents are relevant to this application:

Affordable Housing Supplementary Planning Document (Adopted 2018)

Planning Noise Advice Document: Sussex (September 2021)

Mid Sussex Design Guide SPD (2020)

Development Infrastructure and Contributions SPD (2018)

5.6. National Planning Policy Framework (NPPF)

- 5.6.1. Updated in July 2021, the following are considered the most relevant sections of the Framework applicable to the Proposed Development:

Chapter 2 – Achieving Sustainable Development

Chapter 5 – Delivering a Sufficient Supply of Homes

Chapter 8 – Promoting Healthy and Safe Communities

Chapter 9 – Promoting Sustainable Transport

Chapter 11 – Making Efficient Use of Land

Chapter 12 – Achieving Well Designed Places

Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 15 – Conserving and Enhancing the Natural Environment

5.7. Planning Practice Guidance (PPG)

- 5.7.1. The PPG was published by the Government in March 2014 and is updated regularly. The PPG supplement those overarching objectives of The Framework. The guidance provided by the PPG has been fully considered in the creation of this application and the Proposed Development is seen to be fully compliant with it.

6. Planning Appraisal

6.1. Introduction

- 6.1.1. The principal matters which relate to the proposal are set out under the following subheadings which and considered in greater detail below.

Principle of Development and Housing Need

Landscape and Visual Impact

Ecology and Arboriculture

Flood risk and Drainage

Open Space and Play Space Provision

Architectural Design, Form and Appearance

Residential Amenity (Including Noise and Air Quality)

Affordable Housing and Housing Mix

Heritage and Archaeology

Access, Highways and Sustainable Transport

Energy and Sustainability

Contamination

Minerals Resources

6.2. Principle of Development

- 6.2.1. The Site is allocated within the adopted Mid Sussex Site Allocations DPD for the development of 300 dwellings, and as such the principle of development is clearly established.
- 6.2.2. Policy SA13 of the DPD sets out the key criteria by which any planning application is expected to be assessed against. Appendix A to this Planning Statement provides a detailed response as to how the application addresses each part of the site-specific policy.
- 6.2.3. A key requirement of Policy SA13 is however to ensure that the scheme delivers a landscape-led approach to development. As demonstrated below the proposals have sought to balance the protection of the most important ecological and landscape features of the Site whilst respecting the character of the area, limiting impact in landscape and visual terms (particularly with respect to the setting of the SDNP) whilst also delivering the on-site policy requirements of the Development Plan (including housing delivery).
- 6.2.4. A key benefit of the scheme relates to increasing housing delivery to help meeting identified local housing need. The Inspector's report into the Mid Sussex Development Plan, at paragraph 84, states:

The Council's summarised calculation gives a 5-year land supply figure of 5.59 years. The Council has also included an appendix to this document, which is a detailed site-by-site analysis of every planning permission, including sites under construction, major (10+ dwellings) and minor sites, together with an assessment of site allocations which it is considered are likely to yield dwellings within the 5-year period. I am satisfied that this level of detail is sufficient to demonstrate that the Council's estimates on future delivery are reliable beyond reasonable doubt.

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- 6.2.5. As part of the Examination of the Site Allocations DPD, the Council produced a Housing Land Supply - five year Housing Land Supply Statement (document MSDC – 06 a Response to AP4 Matter 3.4). The appendix to this statement (referred to within paragraph 84 of the Inspector's Report) noted that 110 dwellings would be delivered within the first five-year period for the SA13 site.
- 6.2.6. Clearly the Site plays an important role in enabling the Council to deliver housing in the short term. Paragraph 60 of the Framework is clear that the Government's objective is to significantly boost the supply of homes and paragraph 74 requires Local Authorities to identify and update a supply of deliverable sites sufficient to meet at least five years' worth of housing measured against their housing target. Delivery of housing on allocated sites such as SA13 is therefore absolutely essential in the short term if the Council is to deliver housing aligned with their housing trajectory. Meeting housing needs also relates to affordable housing and accessible housing. The scheme in this respect will assist in ensure local needs are met.
- 6.2.7. The Proposed Development has been careful to balance numerous competing requirements. Section 7 of this Statement provides a conclusion and planning balance summary which demonstrates why the Proposed Development is acceptable in planning terms.

6.3. Landscape

- 6.3.1. The principal objective of SA13 is to deliver a development following a **landscape-led** masterplan. However, there is no definition within the Development Plan as to what constitutes a 'landscape-led' approach to development.

- 6.3.2. The Inspector's Report into the Mid Sussex Site Allocations DPD helpfully considers this at paragraph 130:

I am satisfied that policy SA13, together with the requirement in MM4 to incorporate the findings of the OCP and the LVIA, will ensure that the final layout on allocation SA13 will be genuinely landscape-led.

- 6.3.3. On the basis that proposals follow the criteria of Policy SA13, including being based on an LVIA incorporating the findings of the Opportunities and Constraints Plan (OCP), the proposals shall be considered to be landscape-led.
- 6.3.4. The OCP referred to above provided an overview of on-site ecology and landscape constraints and opportunities related to future development of the Site.
- 6.3.5. Policy SA13 requires that the LVIA takes full account of the OCP. It requires that important landscape features (such as mature trees, boundary vegetation and historic field boundaries) are retained and enhanced. The policy also requires that a holistic approach to Green Infrastructure is taken and that the proposal conserves and enhance areas of wildlife value. Development should also avoid any loss of biodiversity through ecological protection and enhancement, and good design. This is reflected also in paragraph 180 of the Framework.
- 6.3.6. Since the work undertaken in support of the allocation, further ecological surveys have been carried out which demonstrate the extent of important habitats. This is considered below; however, such updated information is a material consideration of some significant weight in the determination of the application in order to meet the requirements of SA13 and paragraph 180 of the Framework.
- 6.3.7. The OCP has subsequently been updated to reflect the findings of the more recent ecological surveys (please refer to Appendix I of the LVIA for the updated OCP). The site layout has responded to this new OCP and the LVIA has been produced on the basis of this updated OCP also.

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- 6.3.8. Appendix A to this Statement demonstrates how the scheme meets the requirements of Policy SA13 in detail. The accompanying LVIA sets out how the Proposed Development has incorporated the findings of the OCP. **Therefore, the Proposed Development is demonstrably and clearly landscape-led.**

6.4. Landscape Visual Impact

- 6.4.1. Development can have visual effects on landscapes and landscape character. Assessing how a proposed development could affect the existing landscape setting is an important part of the planning process. Some developments can have visual effects but none on landscape character and some vice versa. An assessment of landscape effects considers the proposed change on a landscape and how it will impact on the elements that make up the landscape, its aesthetic aspects, perceptual aspects and distinctive character. In this instance, the setting of the SDNP has been an important consideration in the design process.
- 6.4.2. The Landscape and Visual Impact Assessment (LVIA) that supports this application has been an integral tool used to inform the Proposed Development (along with other technical documents). The LVIA has built upon the work that was submitted to support Policy SA13 of the Site Allocation DPD. The work has considered in greater detail the current landscape condition of the Site as well as the ability of the Site to accommodate the proposed development, and the landscape and visual effects on the Site and identified receptors.
- 6.4.3. The Site is very well contained by existing built form to the north and by housing and existing mature vegetation to the west and south. To the east, the Site is contained by the established vegetation at the Site boundary and within the neighbouring farmland and fishery. Views of the Site are generally limited to the adjoining properties to the immediate north and west.
- 6.4.4. The site lies some 139m away from the nearest part of the SDNP boundary to the south of Wellhouse Lane but is screened not only by vegetation but by a line of dwellings on Wellhouse Lane which forms a low-density visual barrier between the proposed development and the edge of the National Park.
- 6.4.5. The Site is discernible only therefore in more distant views (i.e. from the ridgeline of the South Downs) due to topography, boundary screening and intervening development as set out above. Whilst this is the case, The Site reads as part of the well vegetated area to the immediate south of Burgess Hill.
- 6.4.6. The importance of landscape and visual impact is considered in Paragraph 174 of the Framework which states that the planning system should contribute to the protection and enhancement of the natural and local environment through, among other things, protecting and enhancing valued landscapes, (in a manner commensurate with their statutory status or identified quality in the development plan).
- 6.4.7. The LVIA has assessed the Site and the potential impact of the Proposed Development particularly on the setting of the SDNP as a valued landscape. Whilst the LVIA accepts that the Proposed Development would lead to limited harm, this must be considered in the context of the nature of the site as a housing allocation for in excess of the 264 homes that are proposed here. The relatively small landscape harm caused by the scheme must be considered in this context.
- 6.4.8. Notwithstanding this position, Paragraph 176 of the Framework is of relevance and states:

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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. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

- 6.4.9. Paragraph 176 helpfully clarifies that development within the setting of a national park should be sensitively located and designed to avoid / minimise adverse impacts. This requirement was considered as part of the allocation process for Policy SA13 which requires applicants to pay particular attention to the increasing sensitivity moving through the Site towards the south, as well as ensuring that any development is informed by an LVIA. Both these requirements were included in the criteria of SA13 to minimise impact to the SDNP.
- 6.4.10. The LVIA recognises these constraints, in addition to the importance of retaining the treed field boundaries, field pattern and other important features of the site (much of which is referred to elsewhere in Policy SA13). The LVIA recognises that landscape sensitivity increases southwards through The Site with the three northern fields assessed as being of medium – low landscape sensitivity and the remainder of the Site is assessed as being of medium landscape sensitivity.
- 6.4.11. The Proposed Development has responded to policy requirements and particularly the sensitivity of the southern part of the Site in the following ways:
- **Reduced capacity** – the Inspector considered that allocation SA13 could accommodate around 450 dwellings. This was reduced to 300 dwellings for the allocation. Through the application process this has been reduced again to 264.
 - **Lower density in the south** – Large areas of the site (particularly the more sensitive area in the south) shall remain vegetated. This is clearly beneficial in visual terms. The gross density of development on land south of Field Four is 14.36 dwellings per hectare (dph) (vs an overall density of 17.36 dph). The net density of the southern parcel is lower (20 – 30 dph) compared to elsewhere (densities of 45 – 55dph within Field 5) Please refer to the Density Plan in the DAS for further information on net densities.
 - **Retention of landscape features** – including important trees, boundary features, respecting the field patterns of the site and landform / topography.
 - **Buffers to boundaries** – offset buffers to site boundaries are proposed to reduce impact of built form.
 - **Significant retention / provision of open space / ecology land** - a total of 46% of the site will be undeveloped.

- 6.4.12. Policy DP18: Setting of the South Downs National Park of the MSDP requires:

Development within land that contributes to the setting of the South Downs National Park will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park, and in particular should not adversely affect transitional open green spaces between the site and the boundary of the South Downs National Park, and the views, outlook and aspect, into and out of the National Park by virtue of its location, scale, form or design.

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- 6.4.13. With regards to the setting of the SDNP, in visual terms the LVIA finds that impacts are assessed as neutral and no greater than negligible adverse due to the lack of intervisibility and limited views of the Site. The LVIA also however considers tranquillity and dark night skies with regards to setting. The LVIA states:

...the Site is also located adjacent to the built up edge of Burgess Hill and perceptual qualities such as tranquillity are not strongly evident, as they are within more remote parts of the National Park. The Site is also located 2.5km from the Zone of Intrinsic Rural Darkness and is bordered by light sources within the neighbouring urban area. It does not therefore contribute materially to the intrinsic dark night skies which are a characteristic of parts of the National Park. As noted in the 2014 LUC study, the special qualities of the National Park are not particularly evident in the area of National Park adjacent to the Site, and this is also the case with the Site itself.

- 6.4.14. It is the case that sensitive / limited lighting is proposed as part of the Proposed Development. The roads are not proposed for adoption in the first instance which means that more limited and low-level lighting can be accommodated. Such provision is recommended in the Ecological Impact Assessment (EclA) and LVIA.
- 6.4.15. Given the findings of the LVIA and the landscape-led approach following the requirements of Policy SA13 (Appendix A), it is clear that:
- a) there is limited visual interconnectivity with the designation and impact in other setting matters including tranquillity / dark night sky terms;
 - b) the sensitive approach to layout and form has meant that the proposal has been designed to avoid or minimise adverse impacts on the designated areas (following paragraph 176 of the Framework); therefore
 - c) resulting in a very limited impact.
- 6.4.16. In landscape and visual terms, the Proposed Development is considered to follow the requirements of policy to deliver a truly landscape-led scheme.

6.5. Ecology

- 6.5.1. A significant amount of updated ecological work has been undertaken which has informed the Proposed Development and which has built upon on the information gathered for the Examination of the Site Allocations DPD.
- 6.5.2. An EclA forms part of the application submission alongside a Biodiversity Net Gain Feasibility Report. The EclA sets out the significant amount of work that has been undertaken to inform the scheme including a series of field / habitat surveys and investigations associated with specific species including:
- Bat
 - Badger
 - Dormouse
 - Breeding Bird
 - Reptile
 - Great Crested Newt

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- 6.5.3. Such investigations are necessary to understand the potential harm that the Proposed Development might have on ecology. Paragraph 180 of the Framework sets out the overarching framework in relation to harm and states:

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;

- 6.5.4. The Proposed Development has been fully informed throughout the design process by ecological input to reduce harm to habitats and species in the first instance. Significant areas of land are proposed to be retained and enhanced. The hierarchy set out here has been followed.

- 6.5.5. Policy DP38 of the MSDP is also of relevance and requires biodiversity to 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);

- 6.5.6. Policy SA13 of the Sites Allocation DPD furthermore requires Habitats of Principle Importance (HPIs) to be retained and protected (with a minimum of 5m buffer to be provided).

- 6.5.7. HPIs on site relate to woodland, ponds and hedges. HPIs are retained with generous buffers of up to 50m in some instances (such as around the ponds) at the advice of our ecologist to protect such habitats.

- 6.5.8. The ECiA sets out that access roads and footpath provision will impact on parts of the woodland HPI where they cross through the habitat area. It must be noted that provision of such infrastructure is essential to adequately access the Site (i.e. linking the north and south parcels via the access point) and provide cycle and pedestrian connectivity (as required by SA13). The extent of this infrastructure is limited in scale, with just one vehicular and one pedestrian / footpath proposed within the HPI (rather than multiple linkages).

- 6.5.9. Some hedgerow loss is required as set out within the ECiA to facilitate the development. No impact to the ponds is identified (and indeed significant buffers are proposed around ponds to ensure species such as great crested newts are protected).

- 6.5.10. With regards to fauna, the ECiA notes evidence or potential for the following species on site: bats, badgers, dormice, hedgehog, breeding bird (including nightingale), reptiles, amphibians (including great crested newts), and invertebrates.

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- 6.5.11. In addition to safeguarding the HPIs the proposed layout has been designed to avoid significant harm to protected species through retaining other important habitats/areas of the Site (for instance in relation to nightingales and great crested newts etc) and ensuring that any future development is sensitively designed. In this respect, the EclA sets out mitigation measures that will be developed further within a Habitats Management Plan (or Landscape and Ecological Management Plan).
- 6.5.12. The report recommends that a Construction Environmental Management Plan, detailed Lighting Strategy and Ecological Mitigation Strategy should be produced to ensure impacts to ecology are minimised.
- 6.5.13. Impacts to habitats and species are considered in detail within the report alongside mitigation measures, enhancement measures and potential compensation measures.
- 6.5.14. A Biodiversity Net Gain Report has also been produced which sets out how the BNG net gain target of 10% will be achieved (secured through a S106 legal agreement through offsite provision). This provision goes beyond the requirement in DP38 which is an unspecified % net gain provision and must be considered positively in the planning balance. It should also be noted that the proposed provision of off-site mitigation is compliant with the Policy SA13 allocation and MSDP.
- 6.5.15. Whilst the Proposed Development shall alter on on-site habitats, the proposals have sought to follow the hierarchy set out within Policy SA13 and the Framework to avoid loss of biodiversity and where it is not possible, mitigate and as a last resort, compensate for any loss. The EclA sets this out in detail. Overall, the proposal shall lead to a net gain in biodiversity.

6.6. Arboriculture

- 6.6.1. Policy DP37 in the MSDP relates to trees, woodland and hedgerows. It requires developments not to 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 contextual importance. The policy also states that:

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.

- 6.6.2. The policy requires that important trees and hedgerows should be incorporated into the design of the scheme particularly in areas of open space (rather than private gardens).
- 6.6.3. Policy SA13 of the Site Allocations DPD requires the retention and enhancement of existing landscape features and structure of the Site, safeguarding and integrating mature and established trees.
- 6.6.4. The Framework also requires that trees are “retained where possible and that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused” (paragraph 180).
- 6.6.5. Ancient or veteran trees are defined in the Framework as:

A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

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- 6.6.6. The Proposed Development has been informed by an Arboricultural Impact Assessment ('AIA'). The AIA sets out which trees and groups of trees are required for removal.
- 6.6.7. The Proposed Development retains **all category A and B trees** on-site. Only category C and U trees and groups are proposed for removal. The AIA notes that the features of these trees are set within the confines of the Site and are largely obscured from view beyond the Site boundaries. As such, their removal will have negligible impact on the amenity value and scene of the wider surrounding area.
- 6.6.8. In addition, the AIA notes that all of the Site's high and moderate quality tree cover would be retained, including most importantly the veteran and notable trees at the Site, owing to the landscape-led design process taken.
- 6.6.9. With regards to the potential impacts on the Root Protection Areas of retained trees, the AIA notes that the RPAs for most trees are likely to be unaffected. Where RPAs are impacted, in the majority, a large percentage of the RPA's shall remain untouched. The AIA states that impact is likely to be minimal because the significant structural roots are unlikely to be impacted by the Proposed Development and in any case can be mitigated through above soil construction methods (which can be secured through an appropriately worded condition).
- 6.6.10. The Proposed Development will protect the most important trees and has sought to retain as much on-site tree cover as possible following sensitive approach to layout design. The Proposed Landscape Masterplan details areas for retention of trees and woodland area and indicates where sensitive management to improve the health of areas of retained habitat and woodland is proposed (particularly in Field 7).
- 6.6.11. The Landscape Masterplan also identifies residential planting schemes and infill thicket planting to reinforce existing vegetation. Such measures are considered to mitigate in part for the loss of on-site tree and woodland cover.
- 6.6.12. It is considered therefore that the Proposed Development has sought to address the requirements of Policy SA13, Policy DP37 and of the Framework.

6.7. Flood Risk and Drainage

- 6.7.1. Policy DP41 Flood Risk and Drainage of the MSDP states:

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.

- 6.7.2. Development should furthermore look to reduce run-off rates, incorporate Sustainable Drainage Systems (SuDS) and follow a drainage hierarchy that prioritises infiltration measures followed by attenuation and discharge to watercourses and failing this, discharge to surface water only sewers.
- 6.7.3. Policy SA13 of the Site Allocations DPD also requires particular consideration with regards to the watercourse which runs across the Site and down the western boundary. The policy requires development to avoid areas adjacent to the existing watercourse and those at risk of surface water flooding. The policy requires that drainage infrastructure must be designed to minimise run off, to incorporate SuDS and to ensure that Flood Risk is not increased.

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- 6.7.4. At a national level, the Framework and the Planning Practice Guidance (PPG) to the Framework requires flood risk to be considered at all stages of the planning process, to avoid inappropriate development in areas at risk of flooding and to direct development towards areas at lowest flood risk. The Framework promotes a risk-based approach to the planning process and defines four Flood Zones to be used as the basis for applying the sequential test to consider a development in terms of Flood Risk Vulnerability Classifications, which define the type of development that is considered appropriate within each zone.
- 6.7.5. The Proposed Development is informed by a Flood Risk Assessment (FRA) which has fully considered the existing surface water and drainage constraints.
- 6.7.6. The Site is at very low risk from all sources of flooding, including when an allowance for the potential effects of climate change has been factored in, with the exception of surface water. Following a landscape-led approach, the flood risk associated with surface water and the watercourse that runs through the Site has been avoided to ensure that a sequential approach to development is taken.
- 6.7.7. With regards to drainage, the FRA sets out that due to the underlying geology (mudstone) the results from soakage tests have confirmed that infiltration is not feasible. Instead, it is proposed to discharge surface water run-off from the development into the existing watercourses that pass through the Site at rates restricted to the equivalent pre-development greenfield run-off rates. This strategy is in accordance with the drainage hierarchy and demonstrates that disposal of surface water run-off from the development is feasible within the Site constraints.
- 6.7.8. Attenuation basins and sub-surface attenuation crates are proposed across the Site to facilitate this approach. Storage is sufficient to cater for a 1 in 100-year event including an allowance for climate change. Other SuDS features (such as permeable paving) is proposed as set out within the FRA accompanying this application. The overall approach to drainage follows the requirements of adopted policy.
- 6.7.9. With regards to foul drainage, the FRA includes a foul drainage strategy that confirms that foul effluent from the Proposed Development will need to be pumped and discharged into the existing Southern Water manhole TQ31179801 located in Willowhurst, which in turn connects to Southern Water Manhole 8802 in Keymer Road. Three options for dealing with foul water are proposed in the FRA which are expected to be either considered further through the determination period of the application and / or dealt with subsequently through a suitably worded planning condition.
- 6.7.10. In conclusion, the Proposed Development is aligned with planning policy with regards to flooding and drainage considerations which have been factored into the layout and design of the proposal from the outset.

6.8. Open Space and Play Space Provision

- 6.8.1. Policy DP24 (Leisure and Cultural Facilities and Activities) and DP26 (Character and Design) of the MSDP supports the provision of community spaces and the maintenance of open spaces. DP24 of the MSDP requires the on-site provision of play areas and equipment for all new residential development.
- 6.8.2. The pre-application response for this site (Appendix B) sets out that:

'...a development of this scale we would require a LEAP on site which provides equipped play and informal recreation space for younger children. In this instance, we would also require some provision for older children / teenagers, within this LEAP, as there is nothing within the recommended distance threshold which could be extended to meet this need.'

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- 6.8.3. A LEAP has been provided within the southern section of the site as requested by Officers during pre application discussions. The Landscape Strategy sets out that this shall be specifically aimed at older children.
- 6.8.4. The safety of adjacent SuDS feature has been taken into account when considering the suitability of the proposed ponds which have the capability to be wide, planted edges to avoid need for fencing.
- 6.8.5. Policy SA13 requires the scheme to create a focal point around a central open space with higher density housing in close proximity, and with lower density development towards the southern end of the Site.
- 6.8.6. In this regard, the layout has provided generously sized open spaces throughout the Site including a large central belt of open space running the entire width of the Site (running east – west (Field 4)). This area of open space located at Field 4 was identified in the OCP as a potential area for open space (the only area of open space identified on the plan). This open space provides a focal point for the Proposed Development.
- 6.8.7. Flats have been positioned in close proximity to areas of open space to ensure future occupiers have easy access to such areas, in line with Policy SA13.

6.9. Architectural Design, Form and Appearance

- 6.9.1. Chapter 12 of the NPPF relates to 'Achieving well-designed places' with paragraph 134 referring to the significant weight that should be given to Proposed Development that is reflective of local design policies and government guidance as well as design which promotes high levels of sustainability with a standard of design that fits the overall form and layout of their surroundings.
- 6.9.2. Policy DP26: Character and Design of the MSDP requires all development and surrounding spaces to reflect the distinctive character of towns and villages while being sensitive to the countryside.
- 6.9.3. Policy SA13 of the Site Allocations DPD however also sets out design expectations with regards to the 'urban edge, semi urban and semi rural' transitional areas of the Site. This approach to character areas has been central to creating a legible development from the outset and this is considered in detail within the DAS that accompanies the planning application.
- 6.9.4. The landscape-led approach to the scheme has resulted in a less dense southern part of the Site with higher densities within the central and northern parts as required by Policy SA13.
- 6.9.5. The layout encourages pedestrian and cycle movement into and through the Site (again as required by Policy SA13) and provides a number of open green spaces for local residents to enjoy.
- 6.9.6. The Mid Sussex Design Guide SPD (the 'Design Guide') sets out clear principles and objectives that aim to guide applicants to deliver high quality new development across Mid Sussex that responds appropriately to its context and is inclusive and sustainable.
- 6.9.7. Paragraph 1.1.4 of the Design Guide explains why high-quality design is important and states that this is essential to optimise the development potential of sites and to deliver the kind of places that will provide economic and environmental well-being and quality of life for the District's residents both now and into the future. In seeking to meet the housing allocation of 300 dwellings, the proposal has sought to optimise development potential of sites as required by the Design Guide.

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- 6.9.8. Para 1.5.3. notes that the Design Guide provides general guidance on the form that new development should take and provides typologies of development. The 'New urban extensions and large residential developments' typology is relevant to the Proposed Development. Figure 1D of the Design Guide points to the key Design Principles applicable to each typology. Para 1.5.4 explains that Chapters 3 and 4 are most relevant for larger sites.
- 6.9.9. Section 3 is entitled "Establishing the Structure" and is sub divided into sections on Natural Resources, Topography and Views, Movement Network, Townscape and Heritage. A comprehensive site analysis has been undertaken which informs the Proposal and this is dealt with in the technical reports that supports the application, and the DAS explains how requirements have been taken this into account in the design and layout.
- 6.9.10. Section 4 is entitled "Site Layout, Streets and Spaces" and is sub divided into Urban Structure, Street Enclosure, Legibility and Image, Development Edge, Pedestrian Friendly Streets/Street Hierarchy, Parking, Refuse Storage and Utilities, Plan for Cyclists, Open Space and Public Realm. These principles again have been considered in the design process and accommodated where possible.
- 6.9.11. Section 5 deals with Density and Site Optimisation. Section 5.3 deals with optimising the potential of urban extensions and how this can be achieved. Principle DG34 is of particular relevance since it deals with density in urban extensions and requires higher density development in the more accessible locations and lower density development in the peripheral areas.
- 6.9.12. The proposal has considered a range of densities, building types and forms as required by the Design Guide and specified in Policy SA13. Varying densities are proposed through the site with higher density areas located to the centre and north of the site with lower density in the south. Building height and dwelling size varies throughout with some parts of the site displaying a more compact form and others a looser layout. Further details are set out within the DAS.
- 6.9.13. Section 6 deals specifically with Building Design and how high-quality design and sustainability can be achieved. This is considered in greater detail within the DAS and the Energy Statement that accompanies the application.
- 6.9.14. In following the requirements of policy, particularly SA13, and the guidance set out within the Design Guide, the Proposed Development is considered to be high quality in design terms.

6.10. Residential Amenity

- 6.10.1. Chapter 12 of the NPPF refers to the importance of achieving well-designed places. Part f of paragraph 130 sets out the importance of high standard of amenity for existing and future users.
- 6.10.2. The Mid Sussex Design Guide SPD sets out a range of design principles for Residential Amenity within Chapter 8. The key design principles are set out as follows.
- 6.10.3. Privacy is considered in principle DG42 which sets out the considerations for privacy being the design and positioning of windows and doors of buildings (as well as habitable rooms), the topography and height of adjacent buildings, the provision of good noise insulation and the relationship of the parking, gardens, front defensible space, balconies with the adjacent buildings. It is also advised that overlooking of private amenity space is avoided.
- 6.10.4. With regards to existing residents, the layout has been carefully designed to ensure an acceptable form of development that maintains the privacy of existing residents. The key areas of the Site in this regard relates to those properties on the eastern and northern boundaries.

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- 6.10.5. Much of the northern boundary will be screened by new tree planting and hedgerows which assist with reducing the privacy impact of new development on existing properties. In addition, close boarded fencing is proposed throughout thereby protecting the privacy of existing and future residents.
- 6.10.6. The following worst case approximate separation distances on north and eastern boundaries are set out below. Whilst the Council's Design Guide provides no guidance on minimum separation distances, such distances are in excess of what is generally accepted by Local Planning Authorities to be acceptable in residential amenity terms:

Flank to Rear Relationship

- 7 Willowhurst (rear) to proposed plots 1 & 2 (flank) distance= 28m
5 Folders Gardens (rear) to proposed plots 50 (flank) distance= 24m
10 Folders Gardens (rear) to proposed plot 67 (flank) distance= 24m
4 Wintons Close (rear) to proposed plot 88 (flank) distance= 15m

Rear to Rear Relationship

- Ashridge (rear) to proposed plots 41-42 (rear) distance= 30m (offset relationship)
6 Folders Gardens (rear) to proposed plot 59 (rear) distance= 24m
6 Wintons Close (rear) to proposed plot 89 (rear) distance= 20m

- 6.10.7. The Proposed Development has been designed to consider the privacy of future residents also. Rear gardens are proposed to be bounded by close boarded fences offering privacy to future residents. In addition, the worst case rear to rear relationships of circa 20m and worst case rear to flank separation distances of circa 10m are considered to be entirely acceptable in planning terms.
- 6.10.8. It is considered that by virtue of the separation distances and the proposed intervening screening proposed (for existing residents), the privacy of future and existing residents shall be maintained as required by the Mid Sussex Design Guide principles.
- 6.10.9. External amenity space is considered under principle DG43 of the Mid Sussex Design Guide. This principle highlights the requirement for the provision of private outdoor amenity space being designed as an extension of the living space. Ground floor apartment blocks should have access to a rear private area that provides good quality external amenity.
- 6.10.10. Gardens for residential dwellings have been designed with this principle in mind ensuring that garden spaces are of a good size and orientation. Outdoor amenity space for each property measures approximately 10m from building to rear boundary. Apartment blocks have been positioned near to areas of open space, following the requirements of the SPD.
- 6.10.11. Daylight / Sunlight is considered under principle DG44 of the Mid Sussex Design Guide. This principle requires that single aspect north-facing apartments should normally be avoided as they receive insufficient sunlight. South facing apartments will need to be carefully designed to avoid overheating problems. This has been taken into account in the design process and demonstrated by the layout plans and layout.
- 6.10.12. The Proposed Development shall have no significant impacts in daylight / sunlight terms on surrounding properties by virtue of the height of the buildings and proposed separation distances. This is equally the case when considering the relationship between the proposed new dwellings also.

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- 6.10.13. Noise, air and light pollution is considered under principle DG45 of the Mid Sussex Design Guide. This principle sets out that the reduction in noise disturbance and air/light pollution can be reduced through the orientation and organisation of buildings so that habitable rooms do not face the source of pollution, design features such as recessed balconies are incorporated, barriers in the form of garages or walls are constructed between the source of pollution and dwellings, landscape features are used to absorb noise/air as well as deflect light.
- 6.10.14. The application is supported by an Air Quality Assessment which considers the dust effects during the construction phase and the air quality impacts during the operational phase of the development.
- 6.10.15. With regards to the construction phase, assuming mitigation measures are implemented as set out in the report then the risk of dust impacts will be 'not significant'. Such measures can be secured through an appropriately worded condition to protect the amenity of existing residents.
- 6.10.16. With regards to the suitability of the Site itself for residential development, the report finds that pollutant concentrations are well within relevant health-based air quality objectives and future occupiers shall not be exposed to unacceptable air quality.
- 6.10.17. In terms of the impact of development on existing residents (predominantly resulting from traffic movements locally) the Proposed Development is found to have a 'negligible' impact.
- 6.10.18. Subsequently, the Proposed Development is entirely acceptable in air quality terms and is consistent with local and national policy.
- 6.10.19. An Environmental Noise Impact Assessment has been produced in support of this planning application. This assessment concludes that for both the daytime and night-time periods, the Risk Assessment Category is Low. Glazing and ventilation specification is proposed for new dwellings to ensure that internal noise levels are acceptable. This can, if considered necessary, be secured by a suitably worded condition. For external living spaces noise levels are likely to be below the lower World Health Organisation guideline level of 50 dB.
- 6.10.20. The Proposed Development is considered to be acceptable in noise terms.
- 6.10.21. In light of the Mid Sussex Design Guide design principles, the Proposed Development is considered to be acceptable in residential amenity terms.

6.11. Affordable Housing and Housing Mix

- 6.11.1. Policy DP31 of the MSDP requires the provision of a minimum of 30% on-site affordable housing for developments of 11 or more dwellings. This policy further stipulates that a mix of tenure of affordable housing (approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes) should be delivered unless the best available evidence supports a different mix.
- 6.11.2. Since this policy has been adopted, the Government has set out within a Written Ministerial Statement and update to National Planning Policy Guidance that 25% of all affordable housing should be in the form of First Homes (a form of discounted market sale housing).
- 6.11.3. In Affordable Housing terms, the Proposed Development is considered to be policy compliant with the minimum on-site provision of 30%. This equates to 80 dwellings.
- 6.11.4. Of the 80 dwellings proposed, 25% will be First Homes (20 dwellings). A further 5% (four dwellings) are proposed as Shared Ownership properties with 70% (56 dwellings) proposed as affordable rented accommodation.

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- 6.11.5. The Mid Sussex Design Guide SPD requires affordable housing to be ‘pepper-potted’ throughout the Site and have the same external appearance and quality of finishes as private housing. As demonstrated by the proposed street scenes, layout and elevations, the scheme proposes a ‘tenure blind’ development which is well integrated and appropriately ‘pepper potted’ throughout.
- 6.11.6. The Mid Sussex Affordable Housing SPD requires that development shall not be clustered by more than 10 dwellings in one area. The layout plan demonstrates compliance with this clustering requirement.
- 6.11.7. The SPD also sets out a preferred mix (approximately 25% x 1B/2P, 65% x 2B/4P and 10% x 3B/5P units in accordance with known affordable housing need.) The proposal meets the mix requirements as set out in the schedule below.

1 bedroom – 26%

2 bedroom – 64%

3 bedroom – 10%

- 6.11.8. With regards to accessible homes standards, Policy DP28 of the MSDP requires that 20% of all new dwellings will meet the Category 2 – accessible and adaptable dwellings under Building Regulations – Approved Document M Requirement M4(2) requirements. For wheelchair users, Category 3 Wheelchair-user dwellings under Building Regulations – Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time.
- 6.11.9. Discussions with the Council's Housing Officer has confirmed that four M4(3) dwellings are required for this scheme (and these are proposed as set out earlier in this statement).
- 6.11.10. With regard to Housing Mix for the private dwellings, Policy DP30 of the MSDP requires that schemes provide a mix of dwelling types and sizes from new development that reflects current and future local housing needs. The policy also requires that “*evidence of housing need will be based on the best available evidence*”.
- 6.11.11. In this respect, the latest Strategic Housing Market Assessment (2021) sets out the following mix:

1 bedroom – 5-10%

2 bedroom – 20-25%

3 bedroom – 40-45%

4+ bedroom – 25-30%

- 6.11.12. The proposal broadly accords with this split as follows:

1 bedroom – 3%

2 bedroom – 22%

3 bedroom – 46%

4+ bedroom – 29%

- 6.11.13. It is considered that with regards to the affordable housing provision and housing mix, the Proposed Development broadly meets policy requirements. The Proposed Development is able to achieve a very close fit with identified needs (both in terms of size for market, affordable and accessible dwellings), which can be much harder to do with smaller sites. This is a clear benefit of the scheme.

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6.12. Heritage and Archaeology

- 6.12.1. Policy DP34 requires that development will be required to protect listed buildings (including their settings). The policy also states:

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.

- 6.12.2. The Framework considers the Historic Environment (Section 16). Paragraph 194 requires the following:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

- 6.12.3. The Framework also requires that where a proposal will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

- 6.12.4. Policy SA13 of the Site Allocations DPD requires applicants to ensure that development protects the rural setting of the Grade II Listed High Chimneys ensuring development is not dominant in views from the building or its setting and by reinforcing the tree belt on the western boundary. This policy also requires that a geophysical survey is undertaken.

- 6.12.5. This planning application is supported by a Heritage Statement and Archaeological Desk Based Assessment (ADBA) which consider the impacts of development on Heritage Assets addressing both local and national policy requirements. The reports also provide an assessment of the setting of nearby heritage assets and impact of the Proposed Development on the significance of heritage assets.

- 6.12.6. With regards to archaeology, the ADBA concludes that the Site has a low to moderate potential for archaeological remains of medieval and post-medieval date with a low potential for **all** other periods. It concludes that:

....archaeological field evaluation is likely to be required by the Local Planning Authority's archaeological advisor. Should this be the case, this will comprise geophysical survey followed by evaluating trenching should the geophysical survey have positive results (i.e.), reveal anomalies of archaeological origin. Given the low potential for archaeological remains of significance it is recommended that further archaeological evaluation and mitigation works can be secured by a suitably worded condition attached to planning permission.

- 6.12.7. In this regard, we consider the Proposed Development to be acceptable at this stage with regards to archaeological impact. Any further survey work can be secured through an appropriately worded condition.

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- 6.12.8. With regards to other heritage assets, the Heritage Statement finds that the significance of all nearby heritage assets will be preserved / not impacted. The Site contains no heritage assets itself and therefore impact was assessed with regards to those surrounding assets.
- 6.12.9. With regards to the nearest asset (High Chimneys), the Statement notes that the character of the Site will change from open / rural pastureland to a residentially developed site. The Heritage Statement finds that the level of existing screening to the east of the asset will largely filter the Proposed Development. Proposed landscaping shall further buffer this boundary and as shown on the layout, development is set back significantly on the north-west corner to further ensure there is no impact. The report states:

The asset is predominantly experienced in the context of its immediate setting which relates to its secluded garden plot. As outlined above, the asset and the Subject Site share some historic functional and land ownership ties which add a level of illustrative value to the asset's significance. Given the severance of these ties, the loss of rural context through the existing surrounding development and the limited intervisibility the asset shares with the Subject Site, the proposals will constitute a change within the wider setting of the asset. Policy relating to the Subject Site requires that a buffer is located to the north-western area of the site and that the existing tree-screening is reinforced. The proposals comply with these requirements, with the development also being for a lesser quantum than allocated. It is therefore considered that the proposals, whilst instituting a change in the wider context, provide the requisite buffer which includes an area of open space in the north-west corner of the site to preserve significance. It is also noted at this point that the historic garden plot of High Chimneys had been extended eastward in the direction of the site, and the current position is therefore not truly reflective of the historic state.

- 6.12.10. The Proposed Development will, in our view, preserve the significance of nearby heritage assets and is entirely acceptable in heritage terms.

6.13. Access, Highways and Sustainable Transport

- 6.13.1. Chapter 12 of the Framework refers to the importance of achieving well-designed places. The Framework establishes that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.13.2. Policy DP21: Transport of the MSDP seeks to promote sustainable forms of transport, promote safe transport provision and reduce traffic impacts and congestion.
- 6.13.3. Policy SA13 of the Site Allocations DPD requires cycle and pedestrian connectivity through the Site as well as promoting sustainable transport modes.
- 6.13.4. The Proposed Development is supported by a Transport Assessment, Travel Plan, Construction Traffic Management Plan and Road Safety Audit.
- 6.13.5. The Stage 1 Road Safety Audit submitted with the application was produced to support the allocation for the site within the Site Allocation DPD. This has been undertaken with respect to the safety of the Keymer Road / Willowhurst junction, to cater for 300 dwellings, which did not highlight any material concerns, and is considered to be acceptable by WSCC Highways.
- 6.13.6. The Proposed Development has been tracked to demonstrate that the layout is suitable for large vehicles including refuse vehicle, fire tender and tanker.

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- 6.13.7. The traffic impact of the Proposed Development has been analysed using 2022 traffic survey data. It has been determined that the Site access (Keymer Road / Willowhurst) junction would operate comfortably within capacity. It has been further demonstrated that the development traffic impact at the off-site junctions would not be 'severe' as set out in the Transport Assessment.
- 6.13.8. Offsite sustainable transport improvements are identified including improvements to the off-site pedestrian environment between the Site accesses and Burgess Hill town centre through footway widening, implementing tactile paving at existing drop kerb crossings and introducing new crossings. Local bus stops on Keymer Road have been identified that could be repositioned to enable a bus stop shelter to be provided.
- 6.13.9. Such improvements where implemented would encourage a modal shift in favour of cycle, pedestrian and bus as sustainable forms of transport.
- 6.13.10. Overall, the Proposed Development is considered acceptable in highways, access and sustainable transport terms.

6.14. Energy and Sustainability

- 6.14.1. Policy DP39 of the MSDP sets out the requirements for 'Sustainable Design and Construction'. All development proposals must seek to improve the sustainability of development and where appropriate and feasible minimise energy use through design and layout. The incorporation of renewable energy into development proposals is also sought in order to provide climate change mitigation measures at all stages of development.
- 6.14.2. The Mid Sussex Design Guide (MSDG) (2020) also refers to energy efficiency throughout the document. Principle DG37 specifically requires applicants to demonstrate how sustainability considerations have informed their design. It sets out numerous considerations which have been taken into account during the design process (measures and design principles adopted are set out further below and within the DAS).
- 6.14.3. We understand that this planning application will be Mid Sussex's first **net zero carbon** scheme. This is a significant benefit in delivering a highly sustainable form of development.
- 6.14.1. Net Zero shall be achieved through:
- Following a fabric first approach which involves maximising the performance of the components and materials that make up the building fabric itself, before considering the use of mechanical or electrical building services systems.
 - U values significantly above the minimum required by Building Regulations 2021 (refer to Energy Statement for details).
 - Specification low energy LED lighting throughout and the delivery of an air-tight build.
 - The installation of air source heat pumps, waste-water heat recovery and solar photovoltaic panels. No gas boilers are proposed.
 - Dwellings orientated within east to west where possible optimising solar gain and potential for roof mounted renewables
- 6.14.2. With regards to water use the proposal will adhere to a 110 l/p/d water consumption standard in addition to provision of water butts for garden irrigation.

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- 6.14.3. Composting bins are proposed for all dwellings.
- 6.14.4. All dwellings shall furthermore surpass West Sussex County Council Standards and provide one EV space per dwelling.
- 6.14.5. Please refer to the Design and Access Statement and the Energy Statement for further details however clearly the development is considered to be highly sustainable, going beyond local policy requirements in the net zero carbon ambition and this must weigh heavily as benefit in the planning balance.

6.15. Contamination

- 6.15.1. The MSDP does not contain any specific contamination policy in relation to greenfield sites. The Local Plan policy CS20 (Derelict and Contaminated Land) requires an assessment to be carried out on land that 'may be contaminated'.
- 6.15.2. Chapter 15, paragraph 183 of the Framework sets out that planning policies and decisions should ensure that Proposed Developments should consider the ground conditions and risks associated with instability or contamination and any proposals for mitigation including any potential land remediation impacts.
- 6.15.3. In addition, the NPPG sets out guidance for 'Land affected by Contamination' referring to what is required as part of a risk assessment which should be undertaken as follows:

'to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and to whom/what (the 'receptors') so that these risks can be assessed and satisfactorily reduced to an acceptable level.'

- 6.15.4. The guidance sets out that a risk assessment should also 'identify the potential sources, pathways and receptors ('pollutant/ contaminant linkages') and evaluate the risks.'
- 6.15.5. As part of this submission, two Ground Investigation Reports have been produced to support this planning application.
- 6.15.6. For the northern part of the Site (Fields 1 – 3) the Ground Investigation Report by Geo-Environmental found that no remedial measures are considered necessary to protect end users of the Proposed Development from soils on the Site and that that gas protection measures are not required for the Proposed Development and no further monitoring were considered necessary.
- 6.15.7. With regards to the southern part of the site (Fields 5 – 7), the Desk Study and Ground Appraisal Report by Ibex Consulting Engineers found that elevated concentrations of contamination were not identified as part of the chemical analysis. It is considered unlikely that the site poses any significant risk to human health, end users, groundwater chemical quality and the surrounding environs. The risk to controlled waters and groundwater from soils was also found to be considered negligible.
- 6.15.8. In ground contamination terms, the Proposed Development is considered acceptable.

6.16. Minerals Resources

- 6.16.1. Policy SA13 requires that consideration of the potential for mineral sterilisation should be considered in accordance with Policy M9 of the West Sussex Joint Minerals Local Plan (2018) and the associated Safeguarding Guidance.
- 6.16.2. Policy M9 of the Minerals Local Plan states:

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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.*

- 6.16.3. Under criterion i) while the Site lies within a Mineral Safeguarding Area in relation to Weald clay, given the size and nature of the Site, any sterilisation of the mineral is not considered to have a likely significant effect on its availability across the County. In this respect the loss of the Site on wider brick clay supplies would be inconsequential.
- 6.16.4. With regards to criterion ii) clearly the development of up to 300 dwellings is of strategic importance for housing delivery for Mid Sussex District Council and ensuring that the Council can demonstrate a deliverable five-year supply of housing. This need would in our view override the safeguarding of brick clay.
- 6.16.5. However, Policy SA13 also requires applicants to demonstrate that they have respected the existing landscape and topography across the Site avoiding the need for cut and fill. Significant mineral extraction in our view is contrary to such policy requirements and in our view, greater weight to the delivery of a landscape-led development would carry greater weight in the decision-making process.
- 6.16.6. In minerals extraction terms the Proposed Development is considered acceptable.

7. Conclusions and Planning Balance

- 7.1. This Planning Statement has been produced on behalf of our clients, **Thakeham Homes Limited** and **Charles Church Developments Ltd** in support of a full planning application for the development of Land East of Keymer Road and South of Folders Lane, Burgess Hill. The development description for the Proposed Development is set out as follows:

'Residential development with vehicular, pedestrian and cycle access; car parking; open space, play space; ecological areas; attenuation ponds; landscaping and all other associated works.'

- 7.2. The principle of residential development is established on-site by virtue of the allocation of the Site under Policy SA13 of the adopted Site Allocations DPD.
- 7.3. The Proposed Development has demonstrated that it has taken a landscape-led approach to development as:
- It has followed the criteria of Policy SA13;
 - Is based on an LVIA; and
 - Incorporates the findings of the OCP.
- 7.4. In landscape and visual terms, the proposal would provide a well contained extension to existing housing areas at the edge of Burgess Hill, set within an established landscape framework of mature trees and densely vegetated boundaries. The Site has been shown that it is capable of accommodating development in line with that shown on the Site Layout, without resulting in significant harm to the surrounding local landscape character, or views from the surrounding area.
- 7.5. The Proposed Development will have only a very limited degree of impact with regards to the setting to the SDNP. Impact has been reduced through retention of important landscape features and large areas of ecological land in addition to following Policy SA13 criteria to reduce development density on the southern-most elements of the proposal. The proposal is furthermore not considered to have an impact in lighting or tranquillity terms.
- 7.6. In ecological terms, the proposals have demonstrated how every effort has been made to protect the most important habitats and species and avoid impact where possible. Where this has not been possible, the proposals set out how it is intended to mitigate and as a last resort, compensate for any loss. Habitats of Principle Importance have been retained with limited impact.
- 7.7. The Proposed Development retains all category A and B trees on-site. Only category C and U trees and groups are proposed for removal to accommodate housing provision. The loss of trees and vegetation has been minimised as far as possible, and the layout has been careful to ensure the most important veteran and notable trees are retained.
- 7.8. With regards to flood risk and drainage, the proposals meet the requirements of policy to avoid areas at risk of flooding in the first instance and ensure that surface water drainage designs follow the SuDS hierarchy.

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- 7.9. With regards to highways and access, the Proposed Development is considered acceptable with regards to junction capacity and access safety considerations. The layout promotes pedestrian and cycle activity and off-site sustainable transport measures shall assist in delivering improvements to sustainable modes of transport for existing and future residents.
- 7.10. The Proposed Development has also demonstrated that the significance to heritage assets shall be maintained.
- 7.11. The Proposed Development undoubtedly delivers many benefits which are set out as follows:
- 10% Biodiversity Net Gain** - A sensitively designed and landscape-led proposal that protects the most important habitats and landscape features on site and provides for a 10% net gain in biodiversity overall.
- Zero Carbon Development** – we understand that this planning application will be Mid Sussex's first net zero carbon scheme. This is a significant benefit in delivering a highly sustainable form of development.
- Sustainably Located** - Development in a highly sustainable location on an adopted allocated housing site (SA13) at the edge of Burgess Hill.
- New Homes** - A total of 264 new dwellings catering for a range of housing requirements, assisting the Council to meet its local housing needs.
- Affordable and Accessible Homes** – A total of 30% affordable new dwellings meeting a policy compliant tenure mix. Accessible housing provision addressing local needs.
- Open Space and Play Space Provision** – A Locally Equipped Area of Play ('LEAP'), a Local Area of Play ('LAP'), a nature trail and a significant amount (46%) of ecological / open space provision, retained and enhanced throughout the site.
- High Quality Architecture** – A high quality new development that will be in-keeping with the character of the area and which reflects and responds to local vernacular.
- Sustainable Transport Improvements** – Improvements to the pedestrian and cycle network outside of the site in addition to improvements to local bus stops making sustainable modes of transport more attractive for existing and future residents.
- Economic Benefits** – Increased residential population within proximity of Burgess Hill, increasing footfall and spending in shops, restaurants and facilities within the town centre.
- Infrastructure** - Contributions to improve the local social, physical and environmental infrastructure of the local area.
- 7.12. In all other respects the Proposed Development is considered to be acceptable. Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that where the Development Plan contains relevant policies, an application for planning permission shall be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

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- 7.13. to It is considered that the Proposed Development is in accordance with Policy SA13 alongside complying with relevant policies of the Development Plan when read as a whole. There are no material considerations that indicate that permission should not be granted for any reason. Indeed, it is considered that the Framework, a material consideration of some considerable weight, weighs heavily in favour of granting permission. Therefore, it is clear that the benefits of the Proposed Development outweigh the potential impacts, which will be mitigated as part of planning permission.
- 7.14. We respectfully request therefore that permission is granted.

Appendix A - Site Allocations DPD Policy SA13 Compliance

Introduction

- 1.1. This Appendix demonstrates how the Proposed Development complies with Policy SA13 of the Mid Sussex Site Allocations DPD. Clearly any proposal must also comply with the Development Plan when read as a whole and the Planning Statement Appraisal Section and Conclusion considers SA13 alongside other policy requirements in this respect.

Housing Capacity

- 1.2. The Site Allocations DPD allocates additional development sites to meet the residual housing requirements of the District Plan 2014-2031. Policy SA11 of the DPD identifies a housing provision of 1,704 dwellings to be delivered through the site allocations.
- 1.3. In the Inspector's Report on the Examination of the Mid Sussex Site Allocations DPD, the Inspector commented in paragraph 40 that the DPD has catered for a 'reasonable amount of flexibility' in uplifting the District Plan Housing Requirement. In this respect, it is set out that the DPD would lead to an oversupply of 907 dwellings giving a buffer of 5.5%.
- 1.4. The Site is allocated for 300 dwellings, although the Inspector considered that *allocation SA13 could accommodate around 450 dwellings, at a density of around 30 dph*. The 300-home dwelling figure however was considered to be acceptable since such a low density would give *a strong indication that the allocation has been prepared along landscape-led principles*. Refer to Paragraph 131 of the Inspector's Report on the Examination of the Mid Sussex Site Allocations DPD for further details.
- 1.5. The dwelling allocation for each site is however a high-level assessment of capacity to be refined by a planning application. The Inspector's Report noted at paragraph 128 that the evidence supporting the allocation at that stage:

...provides an indication of the scale of development that could be acceptable in terms of landscape and visual character on all or part of a site and assesses the level of landscape suitability that would apply to that scale of development.

- 1.6. The Inspector also noted that:

...sufficient and proportionate evidence has been prepared and submitted to the examination in relation to both the principle of the two allocations [SA12 and SA13] and the housing yields proposed.

- 1.7. As demonstrated by the Site Layout Plan, the Proposed Development will deliver 264 dwellings, 36 dwellings fewer than the target figure identified within the allocation. The Site Layout Plan demonstrates that the proposal has struck a delicate balance between delivering housing to meet the allocation figure (including the provision of a number of higher density apartment blocks and terraced housing) whilst ensuring also that development is truly ecology and landscape-led, responding to the matrix of challenges faced including ensuring development is in-keeping with the character of the area.
- 1.8. Whilst the proposal will lead to a small shortfall of 36 dwellings measured against the allocation figure of 300 dwellings, this would not lead directly to any supply shortfall for the District Council since the Site Allocations DPD included an overprovision as set out above allocating sufficient sites to meet the housing requirement overall.

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- 1.9. The next sections respond to each subheading of policy SA13 in detail before concluding as to how on balance the scheme is in accordance with adopted policy.

SA13: Objectives

- 1.10. The objective for SA13 is set out as follows:

SA13: The objective of Policy SA13 is to deliver a sympathetic and well-integrated extension to Burgess Hill, informed by a landscape led masterplan, which responds to the setting of the South Downs National Park in its design creating a focal point with a central open space incorporating attractive and convenient pedestrian and cycle routes throughout the site providing good connections to local services and facilities.

- 1.11. The text below sets out how this objective is achieved.

SA13: Urban Design Principles

SA13: Comprehensively master-planned development across the entire site, designing a fully integrated scheme which optimises the potential for the whole site as a single development, under the same planning application(s). Piecemeal development will be resisted.

- 1.12. The site layout has clearly been master-planned across the entire site as a single development under one application. Development parcels shown on the layout plan are the outcome of a significant amount of landscape visual assessment and ecology work that establishes a landscape-led master plan for the site as a whole. This is considered further below.

SA13: Development shall be sympathetic to the transitional, urban edge, semi-urban to semi-rural character of Keymer Road/Folders Lane whilst protecting the landscape setting.

- 1.13. Development has been sympathetic to these areas whilst also protecting the landscape setting of the site. The Inspector's Report into the Mid Sussex Site Allocations DPD noted the following with regards to density for a 300 dwelling allocation across the site:

The proposed density of 19.73 dph for allocation SA13, i.e. at a significantly reduced density, is classified as within the LUC 'low medium' density classification, which gives a strong indication that the allocation has been prepared along landscape-led principles.

- 1.14. The overall gross density of the proposal is 17.36 dwellings per hectare (dph), lower now due to the reduction of housing provision across the site.
- 1.15. The gross density of development on land south of Field Four is 14.36 dph. This is very low, even when compared against the very low gross density considered acceptable by the Inspector and as considered further below has been proposed following a landscape and ecology-led approach ensuring the landscape setting of the site is retained.
- 1.16. The southern parts of the Site demonstrate a looser form of development responding to the more rural character of the peripheral parts of the site. Such areas also demonstrate a lower net density of built form as set out within the Design and Access Statement.
- 1.17. Mature and important veteran trees, particularly on field boundaries, are retained with a central belt of ecological land retained again respecting the landscape setting.

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SA13: Existing landscape features and established trees shall be integrated with enhanced green infrastructure, open space provision and movement strategy that encourages pedestrian and cycle use.

- 1.18. The most important trees are retained. Boundary vegetation has been retained where possible with some loss of hedgerows / vegetation. Development has been sympathetic to these areas whilst also protecting the landscape setting of the site. Some areas of field boundary hedgerow / vegetation is required to be removed to accommodate access and pedestrian / cycle connectivity – this has been minimised as far as possible. The layout clearly respects the historic field patterns of the site.
- 1.19. On all boundaries, the landscape strategy proposes additional planting enhancing the green infrastructure of the site. Ponds are also retained, as are important landscape features and areas of habitat retention particularly at Field 7. The proposed layout has had regard to the updated OCP produced by CSA (which sets out the ecological and landscape constraints to the site).
- 1.20. The landform / topography generally slopes towards the ditch within the centre of the Site and the proposals take this into account. The ditch shall be retained as an important landscape feature (albeit culverted to accommodate a new access road – footpath crossings will be provided by clear span footbridges).
- 1.21. Pedestrian and cycle links are proposed throughout the site as demonstrated by the layout plan enabling connection through from the western edge (Broadlands Road access, Willowhurst and a pedestrian only link at the north-west corner adjacent to High Trees (this is restricted to pedestrian only due to the available width limiting cycle connectivity)). A pedestrian and cycle link from Folders Lane in the north is also proposed connecting the site. In total there will be four access points into the site for pedestrians, three of which are also for use by cyclists. All development parcels are linked through the site to these access points with numerous paths running through areas of open space providing attractive and inviting routes through the site.
- 1.22. In our view the layout shall encourage pedestrian and cycle use.

SA13: Establish a strong sense of place through the creation of a main central open space to provide a focus for the development with higher density housing in close proximity to benefit from the provision with lower density development towards the southern end of the site to reflect the existing settlement pattern.

- 1.23. As demonstrated by the density plans within the submitted Design and Access Statement, the southern aspect of the site has a lower net density than other parcels with much larger areas retained as ecology areas (thereby significantly reducing the gross density of the southern part of the site).
- 1.24. A central element of ecology and natural amenity space is maintained at Field 4 with board walks proposed to allow a north / south access through this. The majority of this area will be fenced off respecting the ecological importance. In addition to this, Field 4 becomes very wet particularly in winter months and its useability for publicly accessible open space is therefore limited. Whilst this is the case, it does provide a visual amenity benefit in maintaining natural open space and alongside the attenuation basin provides for focal point for the development on entry into it from Willowhurst. Green corridors and areas of open space extend northwards and southwards from this central area (which respect the field boundaries and important trees on site).
- 1.25. The south-western corner of Field 2 includes a Local Area of Play (LAP) and area of open space. Additionally, natural open space throughout the site is proposed serving the dual function of ecology land and amenity / leisure for the benefit of future residents.

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- 1.26. Flatted development is generally arranged around areas of open space as demonstrated on the layout plan.

SA13: Orientate development to have a positive edge to proposed open space and to the countryside by fronting onto retained field boundaries/ mature trees.

- 1.27. Development is positively fronted onto open space and the wider countryside by virtue of the perimeter block form of development. All development fronts onto field boundaries / mature trees with the exception of the northern and western boundaries where development more logically backs / flanks existing development.

SA13: Landscape Considerations

SA13: Undertake a Landscape and Visual Impact Assessment (LVIA) to inform the site layout, capacity and mitigation requirements, in order to minimise impacts on the most visible parts of the site on the wider countryside and the setting of and any potential views from the South Downs National Park to the south. Any external lighting scheme shall be designed to minimise light spillage to protect dark night skies.

- 1.28. An LVIA has been undertaken. This has informed, alongside updated ecological evidence, the site layout and capacity. The LVIA has been careful to ensure that impacts from the most visible parts of the site on the countryside and setting of / views from the SDNP have been minimised.
- 1.29. Significant parcels of vegetation are retained in the southern part of the site. Development within the southern section is of a reduced overall scale compared to the northern parcels respecting the ecological constraints associated with land in the south.
- 1.30. There is in our view capacity for further development in the southern part of the site in visual / landscape terms however clearly a spin-off benefit of reduced development here is that the scheme further reduces any perceived impact to the setting of the SDNP (including in relation to the tranquillity, light spill and impact on dark night skies).
- 1.31. Sensitive lighting and architectural design across the development will ensure that light spill is minimised. Please refer to the Site Layout Plan, landscape proposals, and DAS for further details.

SA13: The LVIA will incorporate the findings of the Opportunities and Constraints Plan, paying particular attention to the increasing sensitivity moving through the site towards the south, and acknowledge its position as an edge of settlement development to Burgess Hill that reflects the characteristics of its immediate area.

- 1.32. The OCP has been updated to reflect the current position with regards to ecology on site (as set out further within the Planning Appraisal Section of the Planning Statement) and the need to retain areas of important habitat in the southern section of the Site. Development to the land to the south of the Site has been restricted to ensure larger areas of ecologically sensitive land is retained. As set out within the LVIA, the document has taken into account the findings of the OCP.

SA13: The design will take account of and respond to the findings of the LVIA.

- 1.33. The scheme has been designed to ensure visual impacts are minimised and respect the findings of the LVIA. Please refer to the LVIA for further details.

SA13: Ensure the design and layout of the development works with the natural grain of the landscape following the slope contours of the site, minimising cut and fill.

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- 1.34. The Proposed Development will respect the natural grain of the landscape. In general terms the proposals are following the site topography however further work would be necessary to look at areas where cut and fill is required to consider how this could be avoided.

SA13: Retain and substantially enhance existing landscape structure, particularly along the southern and eastern boundary. Safeguard mature trees and landscaping along the boundaries, within the site and along historic field boundaries, incorporating them into the landscape structure and layout of the development with new native tree planting throughout the layout, to contain new housing and limit the impact on the wider landscape.

- 1.35. Mature and veteran trees are to be retained throughout the site including along historic field boundaries. The field boundaries have been incorporated into the layout design following the OCP to contain new development and limit the impact on the wider landscape.

SA13: Protect the character and amenity of the existing PRow to the south of the site.

- 1.36. Development will not be visible from the Public Right of Way (PRow) to the south of the Site. The character and amenity of the PRow shall be protected. The LVIA considers this in further detail.

SA13: Social and Community

SA13: Provide a suitably managed and designed on site public open space, equipped children's play space/kickabout area.

- 1.37. As set out above, open spaces are provided throughout the site. A LEAP is furthermore proposed in Field 7.

SA13: Mitigate increased demand for formal sport to the satisfaction of the Local Planning Authority.

- 1.38. It is considered that any residual requirement for formal sports provision, can be dealt with through S106 contributions (for instance to improve the quality and accessibility of existing sports provision).

SA13: Historic Environment and Cultural Heritage

SA13: Provide appropriate layout, design and landscaping, particularly within the north west corner of the site, to protect the rural setting of the Grade II Listed High Chimneys, ensuring development is not dominant in views from the building or its setting and by reinforcing the tree belt on the western boundary.

- 1.39. The tree belt on the western boundary has been reinforced as demonstrated by the landscape plans through enhanced planting. Development is set well back from High Chimneys in the north west corner which features an area of open space provision and physical separation of built form from the Heritage Asset. The Heritage Statement considers the layout to preserve the significance of the setting of the heritage asset.

SA13: Archaeological field evaluation (geophysical survey) shall be undertaken to inform an archaeological mitigation strategy.

- 1.40. The application is supported by Desk Based Assessment which identifies a low potential for buried archaeological remains. This assessment concludes that a suitably worded condition should be included as part of a planning permission to secure further on-site surveys including a geophysical survey. It is not considered necessary at this stage that this be carried out.

SA13: Biodiversity and Green Infrastructure

SA13: Undertake an holistic approach to Green Infrastructure and corridors, including; retention of existing landscape features and enhancement with new native species-rich hedgerows, native tree planting and wildflower seeding in areas of open space to provide a matrix of habitats with links to the surrounding landscape.

The proposal has retained the majority of the most important habitats and landscape features. New native species rich hedgerows, trees and wildflower planting is proposed on areas of amenity open space. Buffers to ecology areas and sensitive boundaries shall be planted with suitable species where appropriate.

SA13: Provide a Habitat Management Plan detailing conservation and enhancement of all areas of Habitat of Principle Importance (HPI) (woodland, hedgerows and standing water); this shall include retention of a minimum of a 5 metre buffer around the HPI.

- 1.41. At least a five metre buffer (further in some instances) to HPIs has been included in the layout plan wherever possible shown on the landscape strategy and discussed in detail in the EcIA. A Habitat Management Plan shall be secured by planning condition and is not necessary at this stage in the planning process. This will however detail the conservation and enhancement plans for such areas.

SA13: Conserve and enhance areas of wildlife value and ensure there is a net gain to biodiversity overall. Avoid any 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.

- 1.42. The scheme has taken into account the parts of the site with the most significant ecology constraints. The layout has sought to ensure the most important habitats are retained and negative impacts to such habitats avoided as far as possible. The landscape assessment and more recent ecological surveys have informed the detailed design process.

- 1.43. The Proposed Development will lead to impacts on the ecology of the Site, and mitigation and compensation measures are proposed across the site to reduce such impacts as follows:

- Retain veteran and mature trees / line of trees and the majority of hedgerows
- Retain Habitats of Principle Importance (HPI) wherever possible (including lowland mixed deciduous woodland, priority hedgerows and priority ponds)
- Provide appropriate buffers to retained trees (in accordance with BS5837:2012 and Government Standing Advice) and HPI hedgerows / ponds (minimum 5m buffer).
- Retain and enhance areas of other broadleaved woodland, scrub other neutral grassland within areas of landscaping / public open space alongside development with the aim of maintaining green corridors across the Site.
- Provide supplementary and infill planting to provide nesting, foraging and refigure habitats
- Enhance areas of retained and newly created habitat through implementation of a suitable Habitat Management Plan.
- Seek to limit adverse impacts to existing biodiversity on site (e.g. bats, badgers, birds, reptiles and amphibians) through habitat retention and creation; with disturbance to key habitat areas being limited through fencing / discouragement of public access

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- Avoid direct adverse impacts to protected species through the implementation of a robust Biodiversity Mitigation Strategy, which will details habitat protection areas, seasonal timing of works, habitat creation, reptile and great crested new trapping and translocation measures and any further mitigation requirements to be subject to European / domestic wildlife legislation derogation licencing.

- 1.44. In addition, the proposal shall deliver a 10% net gain to biodiversity through offsite provision. This shall be secured through a S106 agreement.
- 1.45. Off-site mitigation / compensation is also likely to be required for reptiles and nesting birds. This will need to be dealt with through a Mitigation Strategy that will need to be secured through a suitably worded planning condition and / or S106 legal agreement.

SA13: A Sustainable Transport Strategy will be required identifying sustainable transport infrastructure improvements, demonstrating 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.

- 1.46. The Sustainable Transport Strategy is presented in Section 5.0 of the Transport Assessment Prepared by Odyssey (report reference 14-205-19). This identifies improvements that can be made to the local footway network, providing connection to the improvements currently being implemented in the centre of Burgess Hill (the 'Western Gateway and Station Improvement Scheme').
- 1.47. The Sustainable Transport Strategy further details the correspondence that has been undertaken with local bus companies and WSCC to improve the site's accessibility to public transport. It has been agreed that a bus service would not need to be routed into the site, but that improvements would be made to existing public transport infrastructure in the vicinity of the site to encourage the uptake of existing services.
- 1.48. A Residential Travel Plan is also included as part of the Sustainable Transport Strategy which will seek to promote active and sustainable modes of travel from occupants from the outset. This includes financial incentives, in the form of travel vouchers for public transport tickets or cycling equipment, to help promote walking, cycling and public transport trips, rather than private car trips.

SA13: Provide vehicular access onto Keymer Road and make any necessary safety improvements; access(es) shall include a pedestrian footway connecting to existing footpaths on the highway.

- 1.49. Vehicular access is provided via Willowhurst connecting the site to Keymer Road. As set out previously, pedestrian and cycle access is also provided via Broadlands Road, and to Folders Lane in the north, with an additional pedestrian access proposed at the north west corner of the site to Keymer Road.

SA13: Mitigate development impacts by maximising sustainable transport enhancements; where addition impacts remain, highway mitigation measures will be considered.

- 1.50. It has been demonstrated in the Transport Assessment that the local highway network has the capacity to accommodate the vehicle trips expected to be generated by the development proposal. Where traffic generation from the Proposed Development would have its largest impact on the local highway there are improvements proposed to the footway network, alongside public transport infrastructure improvements, to encourage walking and public transport trips instead of the vehicular trips to mitigate the developments impact. This approach has been discussed and agreed with WSCC Highways.

ECE Planning

SA13: Provide good permeability across the site with attractive and convenient pedestrian and cycle path access connecting onto Folders Lane and Keymer Road to improve links to existing services in Burgess Hill.

- 1.51. As set out previously, further to the main site access with Keymer Road, pedestrian access is also provided at the north western corner of the site to Keymer Road and cycle and pedestrian connectivity via Broadlands (road), and to Folders Lane in the north. The internal site layout has been designed to provide direct and convenient pedestrian and cycle connections to key local destinations (primarily Burgess Hill to the north), via the pedestrian and cycle connections proposed to Keymer Road and Folders Lane. It has been agreed with WSCC Highways that, internal to the site the highway network is suitable to cater for cyclists on carriageway rather than providing dedicated cycleways alongside the carriageways.

SA13: Flood Risk and Drainage

SA13: Informed by a Flood Risk Assessment (FRA), measures are required to address flood risk associated with the site and in particular the watercourse which runs across the site and down the western boundary. Avoid developing areas adjacent to the existing watercourse and those at risk of surface water flooding.

SA13: Surface Water Drainage to be designed to minimise run off, to incorporate SuDS and to ensure that Flood Risk is not increased.

- 1.52. The proposal is informed by a Flood Risk Assessment.
- 1.53. The site is at very low risk from all sources of flooding, including an allowance for the potential effects of climate change, with the exception of surface water. All proposed residential dwellings will be located outside the areas identified to be at risk of surface water flooding, following a sequential approach to the site's development. Flood risk to the site and surrounding area will not increase as a result of the development.
- 1.54. Infiltration drainage is not considered feasible and instead it is proposed to discharge surface water run-off from the development into the existing watercourses that pass through the site at rates restricted to the equivalent pre-development greenfield run-off rates. This strategy is in accordance with the drainage hierarchy and demonstrates that disposal of surface water run-off from the development is feasible within the site constraints.
- 1.55. Storage will be provided in the form of attenuation basins and sub-surface attenuation crates for all rainfall events up to and including the 1 in 100 year event, including an appropriate allowance for climate change.

SA13: Minerals

SA13: The site lies within the brick clay (Weald clay) Minerals Safeguarding Area, therefore the potential for mineral sterilisation should be considered in accordance with policy M9 of the West Sussex Joint Minerals Local Plan (2018) and the associated Safeguarding Guidance.

- 1.56. While the Site lies within a Mineral Safeguarding Area in relation to Weald clay, given the size and nature of the site, any sterilisation of the mineral is not considered to have a likely significant effect on its availability across the County. In this respect the loss of the site on wider brick clay supplies would be inconsequential.

ECE Planning

- 1.57. Clearly the development of 264 dwellings is of strategic importance for housing delivery for Mid Sussex District Council and ensuring that the Council can demonstrate a deliverable five year supply of housing. This need would in our view override the safeguarding of brick clay.
- 1.58. However, Policy SA13 also requires applicants to demonstrate that they have respected the existing landscape and topography across the site avoiding the need for cut and fill. Significant mineral extraction in our view is contrary to such policy requirements and in our view, greater weight to the delivery of a landscape-led development would carry greater weight in the decision-making process.

SA13: Utilities

SA13: Provide necessary water infrastructure reinforcement on Keymer Road.

- 1.59. South East Water (the statutory services provider – potable water mains), has been approached to provide a suitable Point of Connection (POC) for mains water to the development. The POC application has, at the time of writing been made and South East Water has advised that a pressure test is required to be carried out on their water main in Keymer Road.
- 1.60. The pressure test is being commissioned, and then based on the outcome, will determine if network reinforcement is required, or not. Network reinforcement if required is the responsibility of the incumbent supplier once a POC application has been submitted.

SA13: Occupation of development will be phased to align with the delivery of necessary sewerage infrastructure, in liaison with the service provider.

- 1.61. The position is currently being checked with the service provider and will be set out in the planning application submission.

Appendix B - Pre-Application meeting reference DM/22/2340 Response

Contact:

Mr Steve Ashdown, 01444 477326
Steve.Ashdown@midsussex.gov.uk

Your Ref:

Our Ref: DM/22/2340

Date:

18 August, 2022

Mr Sam Skyes
ECE Planning
Email only

Dear Mr Skyes,

RE: PRE-APPLICATION PROPOSALS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 300 DWELLINGS ON LAND EAST OF OCKLEY LANE, BURGESS HILL.

I write with regard to the pre-application meeting held via Teams on the 27th July 2022 to discuss your clients proposals regarding the above site and scheme. I set out below the nature of the discussions held and my informal views on the scheme as presented.

As you will be aware, policy SA13 of the Site Allocations DPD document sets out under the heading 'Landscape Considerations' the following;

- *'Undertake a Landscape and Visual Impact Assessment (LVIA) to inform the site layout, capacity and mitigation requirements, in order to minimise impacts on the most visible parts of the site on the wider countryside and the setting of and any potential views from the South Downs National Park to the south. Any external lighting scheme shall be designed to minimise light spillage to protect dark night skies.*
- *The LVIA will incorporate the findings of the Opportunities and Constraints Plan, paying particular attention to the increasing sensitivity moving through the site towards the south, and acknowledge its position as an edge of settlement development to Burgess Hill that reflects the characteristics of its immediate area.*
- *The design will take account of and respond to the findings of the LVIA.'*

The comments contained in this letter is only based upon the material contained in the pre-application meeting presentation pack, provided by yourselves prior to the meeting, which did not contain the LVIA. In addition, there was no substantive information in relation to ecology, tree and drainage matters, all of which will need feed into the design and layout of this sensitive site. As the LVIA, and other important information as mentioned above, has not been made available to review as part of this process to date, the comments provided in respect of layout and design matters should be considered in this context and are made without prejudice.

Economic Promotion and Planning

Sally Blomfield
Divisional Leader for Planning and Economy

The indicative masterplan provided shows the proposed development contained within the identifiable field parcels organised into a series of perimeter blocks, which enables the tree-lined field boundaries and open spaces to be revealed to the public realm, providing an attractive backdrop to the scheme. This approach is supported in principle.

The Council's Urban Designer has however identified that this perimeter block arrangement unfortunately breaks down at the northern edge of the site and especially in the north-west corner (field 1), which lacks a clear structure with a street pattern that is characterised by a circuitous cul de sac arrangement where parking is dominant, and vehicles appear to take precedence over pedestrian movement. He has also noted that the perimeter blocks unfortunately don't feature looped roads around the perimeter resulting in a plethora of cul de sac roads, which necessitate reversing vehicles / turning heads (which can look engineered and disrupt the geometry of the street and spaces) and generally undermine the legibility of the scheme. The Urban Designer also noted that it was disappointing that the proposed layout of field 6 does not appear to provide a pedestrian link along the attractive tree-lined eastern boundary, which again suggests a scheme that is geared principally to vehicles rather than pedestrians.

It is noted that the scheme is seeking to incorporate additional pedestrian links connecting up with Folders Lane and Ockley Lane, and this again is supported in principle. Consideration needs to be given to making these routes feel as safe as possible and to position the nearest buildings so they can provide some presence / surveillance along the links, to ensure that there is some natural surveillance along them.

To the north-west of field 1 lies High Chimney, a grade II listed building, which shares a mutual boundary with the site. I note from the submission that you are seeking to provide a buffer zone (10m), enhanced vegetation and units of no more than two storeys high in this area, to respect the setting of the heritage asset. There are concerns about the general layout in this location, as set out above, and so care will need to be taken when reviewing this element of the scheme. As part of the application consideration will have to be given to policy DP34 of the District Plan, paragraphs 197 to 202 of the NPPF and the general requirements s66 of the Listed Building and Conservation Area Act 1990. Where less substantial harm is identified to the significance of a heritage asset, the harm will be weighed against the public benefits of the proposal in the planning balance exercise that will need to be taken in the determination of the application.

The scheme as presented appears to lack a central open space that can act as a focal point for the development, which forms part of the 'objectives' of policy SA13. While at the meeting you highlighted field 4 and the space identified within field 7, the former is likely to be constrained by ecological issues that could limit access/recreational value, while the space in field 7 is detached from the northern parts of the site. It would appear that the provision of a centrally located space would be better served being located in field 5 that is conveniently located for residents across the site and would provide a strong community focus that could anchor the whole layout.

Notwithstanding the location of any open space, DP24 of the District Plan requires the on-site provision of play areas and equipment for all new residential development. I have sought the advice of the Council's Community Facilities Project Officer who has confirmed that for a development of this scale we would require a LEAP on site which provides equipped play and

informal recreation space for younger children. In this instance, we would also require some provision for older children / teenagers, within this LEAP, as there is nothing within the recommended distance threshold which could be extended to meet this need.

On the indicative layout, a LEAP is shown in the southern part of the site (field 7) and this location is acceptable in principle (notwithstanding comments above in relation to the provision of a central open space), however, it is unclear at present whether what is shown meets the minimum size requirements, as the minimum size of the activity area of a LEAP should be 400sqm, with a 20m buffer provided to the nearest habitable room (pge 50 of the Council's Development Infrastructure and Contributions SPD). In addition, the safety of any adjacent SuDS feature will need to be taken into account when considering the suitability of the proposals. It is noted that reference is made to the provision of nature play features, which is acceptable in principle, however there will be a requirement to provide a range of play equipment offering different experiences. The final design of the play area and its future management/maintenance will need to be agreed and secured through the application process. It should be noted that the LAP indicated in the northern part of the site (field 4) is not necessary.

As identified at the beginning of this response, policy SA13 requires a scheme that follows a landscape led approach but at present it is not possible to advise whether the indicative layout, and the analysis that underpins it, convincingly provides this. The following information will be important to fully understand this;

- An LVIA is needed to help inform the shape of the development (including building heights) and demonstrate its impact of the scheme on the surrounds especially the South Downs National Park;
- A Tree Survey is needed to show all the existing tree RPA's and canopies, and establish which ones are worthy of retention which again will influence the shape of the layout;
- The results of the ecology survey works undertaken are needed, which along with LVIA and Tree Survey will help determine the extent of the site that needs to be retained as a natural habitat; and
- The drainage/attenuation requirements are needed to show where the SuDS are best located and what the site coverage is likely to be.

It is appreciated that once all the above matters have been fully considered that the developable area of the site may be impacted, which could have a knock on impact on other elements of the scheme. I am aware that the indicative layout shows a total of 283 dwellings, which is already below the allocated 300 set out in policy SA13, however, it is important to get a scheme that is acceptable in planning terms, even if the overall number of 300 dwellings cannot be achieved on site.

I'm also aware that the matrix of issues (ecology, landscape, drainage and arboriculture) that need to be considered in respect of the layout is complex and that once you have undertaken all the necessary work to understand how they interact with and impact upon each other, there may be certain aspects of policy SA13 that cannot be fully achieved. While these should certainly be limited (and a clear explanation given within the final submission as for the reasoning), it will be for planning balancing exercise to weigh these issues up against the scheme as a whole.

In terms of design, limited information has been provided, however based on the information provided the Urban Designer is concerned that the elevations appear ubiquitous and utilitarian, apart from those shown on street scene AA. The Urban Designer is concerned that the elevations fail to convincingly illustrate that the building design distinguishes one area of the scheme from the next and considers that more effort needs to be invested in terms of the layout and landscaping, as well as the elevations and the building typologies to give each part of the scheme its own distinctive character. It is considered that density should play a part in this and taking forward the comments previously made regarding a central open space, the scheme would benefit from apartment blocks being centrally located adjacent to and defining such a space, where they can contribute to providing some sense of a neighbourhood centre and benefit from the proximity of the open space.

It noted on page 33 of your submission, 'energy and sustainability', the measures that you are looking to incorporate into the scheme, and it needs to be demonstrated how sustainability has informed the scheme through the design proposals. Where renewable technologies are to be used, this should be clearly identified, and specifications provided to enable their potential impact to be considered alongside all the other relevant issues.

In conclusion on these matters, based on the information provided to date, it is considered the layout and design of the scheme needs to do more to address the DPD objectives for site SA13 and to address the design principles in the Council's Design Guide in chapters 2,3, 4 and 6.

It is noted that that your clients are aiming to deliver 10% Biodiversity Net Gain. Policies SA GEN and SA13 of the DPD and the policy DP38 of the District Plan set out the current MSDC policy context in respect of biodiversity. It is not clear from the submissions how your clients will achieve this, and it will be for your application to clearly demonstrate how the 10% net gain will be achieved and the mechanism(s) for securing it.

In respect of policies DP30 (Housing Mix) and DP31 (Affordable Housing) of the District Plan, I am aware that you have previously sought comments and you confirmed at the meeting that you would be providing a private mix that reflects the SHMA and an affordable housing mix that reflects the advice given by Helen Blackith, the Councils Housing Enabling team leader.

Policy DP42 of the District Plan deals with water infrastructure and the water environment and it will be expected that as part of your submission that you can demonstrate that there is sufficient capacity for off-site foul / surface water provision and that there is adequate water supply to serve the development. You will need to liaise with the relevant service provider to confirm these matters.

In order to satisfy policy DP20 of the District Plan (Securing Infrastructure) your clients will need to provide for, or contribute towards, infrastructure and mitigation measures made necessary by the proposed development. I would draw your attention to the Councils SPD 'Development Infrastructure and Contributions' which sets out the range, rationale and level of contributions that will be expected. Such matters, along with affordable housing and any necessary highway works, will be secured through a s106 Legal Agreement.

The views expressed in this letter do not prejudice the Council from taking any decision it considers appropriate in respect to any application subsequently submitted.

If you require clarification on any of the above matters, please do not hesitate to contact me

Yours Sincerely,

S. Ashdown

Steve Ashdown
Team Leader Major Applications and Investigation

Appendix C - Screening Request Opinion Letter DM/22/1837



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DATE: 29th June 2022

Dear Sir/Madam

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended

Reference: DM/22/1837

Location: Land East Of Keymer Road Burgess Hill West Sussex

Proposal: Screening Request for the Proposed Construction of a Residential Development of approximately 300 dwellings and associated infrastructure

I refer to your letter dated the 8th June 2022 regarding the above site and your request for the Council's formal Screening Opinion.

The Council is required to determine whether the application should be accompanied by an Environmental Impact Assessment, in accordance with Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended.

In the opinion of the Local Planning Authority, having taken into account the criteria in Schedule 3 of the 2017 Regulations, the proposed development, while constituting a Schedule 2 development, would not be likely to have a significant effect on the environment by virtue of the factors such as its characteristics, location and characteristics of potential impacts.

To determine whether the proposed development constitutes 'EIA development', regard must be had to the EIA Regulations, as well as the supporting Planning Practice Guidance (PPG). The EIA Regulations define 'EIA development' as development which is 'likely to have significant effects on the environment by virtue of factors such as its nature size or location'. The Regulations indicate that EIA development falls within two 'Schedules'. Schedule 1 concerns development projects for which EIA is a mandatory requirement.

Proposals that fall within Schedule 2 only require EIA if they would lead to likely significant effects on the environment. Development proposals that fall within Schedule 2 must therefore be assessed against a number of relevant thresholds and criteria, set out in Regulation 5(4).

The request for a Screening Opinion relates to a proposed residential development of approximately 300 dwellings and associated infrastructure (access roads, drainage works, play space and strategic landscaping). As such the proposal is above the threshold set out in Part 10, Schedule 2 of The Town and Country Planning (Environmental Impact Assessment)

Regulations 2017 relating to (b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas.

The Local Planning Authority (LPA) has considered the application against the selection criteria in Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The site is adjacent to the built up area boundary of Burgess Hill, as defined in the District Plan (DP). The site area for this Screening Opinion is 15.2 hectares. It is proposed to be allocated for 300 dwellings in the Sites Allocations Development Plan Document (DPD), which following its Examination, the Inspector has issued his report where he found that the DPD is sound. The DPD is to be presented to a meeting of the Council on the 29th June 2022, where it will be recommended that the DPD is adopted. Should the DPD be adopted, the site will be allocated for residential development and the built area boundary of the DP will be revised so that the site will be within the built up area.

While the site itself is not subject to any national designation, the boundary to the South Downs National Park (SDNP) is located approximately 140m to the south-east. The site is made up of several field parcels separated and defined by hedgerow and trees, and sits behind existing residential development (primarily to the north and west). Site access onto Keymer Road will be taken from Willowhurst and a secondary access from Broadlands. There is an ordinary watercourse that runs across the site north to east.

The Planning Practice Guidance (PPG) provides guidance on the EIA Regulations. Paragraph: 018 Reference ID: 4-018-20170728 Revision date: 28/07/2017 provides a table containing indicative thresholds to aid LPAs to determine whether significant environmental effects are likely. For Urban Development projects the table states that the indicative threshold for sites such as this which have not been previously intensively developed is if the area or the scheme is more than 5 hectares, or the development would have a significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).

The PPG goes on to state that;

"it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits."

Whilst it is recognised that the proposal exceeds the site area threshold, it is considered that the key issue is whether the proposal would have significant urbanising effects in a previously non-urbanised area. The development is well below the indicative threshold of 1,000 dwellings. It is also the case that the site is bounded by residential development to the north and west and similar residential development (albeit on a smaller scale) has taken place further to the east behind properties fronting Folders Lane. The site is also in close proximity to the existing built up area of Burgess Hill to the north.

The PPG at Paragraph: 057 Reference ID: 4-057-20170720 states that '*when considering the thresholds, it is important to also consider the location of the proposed development. In general, the more environmentally sensitive the location, the lower the threshold will be at which significant effects are likely*'. These are all factors that need to be taken into account.

The threshold is guidance and in order to consider whether significant environmental effects are likely, the LPA need to consider the proposal in the context of the criteria set out in Schedule 3 of the EIA Regulations.

Schedule 3 of the EIA Regulations sets out the Selection Criteria for Screening Schedule 2 Development as follows:

'Characteristics of development

1. *The characteristics of development must be considered with particular regard to—*
 - (a) *the size and design of the whole development;*
 - (b) *cumulation with other existing development and/or approved development;*
 - (c) *the use of natural resources, in particular land, soil, water and biodiversity;*
 - (d) *the production of waste;*
 - (e) *pollution and nuisances;*
 - (f) *the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;*
 - (g) *the risks to human health (for example, due to water contamination or air pollution).'*

Taking these in turn:

(a) The site of the proposed development is on the edge of Burgess Hill, which is categorised as a top tier settlement in the DP. The proposed development would represent a small addition to the existing built up area of Burgess Hill. There are no reasons why a well-designed scheme cannot come forward on the site, which would be appropriate to the character of the area.

(b) The development will change the character of the site itself from a greenfield site to a housing development. The site is bounded by existing residential development to the north and west and there is a similar development (i.e. development on land to rear of existing properties in Folders Lane) to the east (with a further site SA12 also proposed in the DPD). It is not considered that the proposal would have a significant urbanising effect on the local locality.

(c) The proposal would use land that is currently made up of several field parcels. While the site lies within a Mineral Safeguarding Area in relation to Weald clay, given the size and nature of the site, any sterilisation of the mineral on this is not considered to have a likely significant effect on its availability. The scheme will result in the consumption of water during the construction phase and subsequent occupation of the dwellings. There are no reasons to suggest that this would have significant environmental effects. There are no protected areas which are designated or classified for their terrestrial, avian and marine ecological value, or any non-designated / non-classified areas which are important or sensitive for reasons of their terrestrial, avian and marine ecological value, located on or around the location. As such, no significant effect is likely.

(d) The development would produce waste during the construction phase and then normal domestic refuse once the dwellings are occupied. No significant effect is likely from this.

(e) Pollutants will be released to air from exhaust emissions from the vehicles moving to, from and within the application site during construction and there will be exhaust emissions

from vehicles belonging to future occupiers of the dwellings and those visiting the dwellings. There are no Air Quality Management Areas in the locality of the site and no significant effect is likely.

There will also be temporary noise impacts during the construction phase, possible dust emissions and possible pollution of the adjacent watercourse. However, these risks can be controlled by appropriate construction management procedures and no significant effects are likely.

With regards to the operational phase, an emission mitigation assessment will need to be undertaken to provide a valuation of additional emissions related to traffic from the development scheme. The damage cost calculation is a recognised way to provide a basis for quantifying the financial commitment required for offsetting potential development-generated emissions. The monies collected by this process will be used for mitigation projects such as Electric Vehicle charging points, interventions to change behaviour, contributions to cycle storage and routes. Such mitigation can be secured as part of the planning permission, either through planning conditions or within a section 106 legal agreement. With such mitigation in place there should be no likely significant cumulative effects in relation to air quality from this development.

(f) The risk of accidents during the construction phase can be managed through appropriate construction management procedures. No significant effect is likely.

(g) The risks to water contamination can be managed through appropriate construction management procedures. There are no air quality management areas in the immediate locality of the site and no significant effect is likely.

'Location of development

2.—(1) The environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular regard, to—

(a) the existing and approved land use;

(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;

(c) the absorption capacity of the natural environment, paying particular attention to the following areas—

(i) wetlands, riparian areas, river mouths;

(ii) coastal zones and the marine environment;

(iii) mountain and forest areas;

(iv) nature reserves and parks;

(v) European sites and other areas classified or protected under national legislation;

(vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;

(vii) densely populated areas;

(viii) landscapes and sites of historical, cultural or archaeological significance.'

Taking these in turn:

(a) The land is currently made up of several field parcels. It is bounded by residential development to the north and west and lies adjacent to the built up area boundary of the

Burgess Hill (as defined in the DP). The land is not within a nationally designated landscape, although the boundary to the SDNP lies 140m to the southeast of the site. As such whilst there will be a change on the site from a greenfield to a housing development, this would not have a significant urbanising effect given the close proximity of other urban development.

(b) The land and its surrounds are not subject to national designations. There are no areas on or around the site which contain important high quality or scarce resources which could be affected by the project. The nearest SSSI is at Ditchling Common which is approximately 930m away to the north-east.

(c)

i) A ordinary water course runs through the site and adjacent to eastern boundary of the site is Winston Fisheries consisting of three lakes, but no significant effect is likely on these features.

ii) The site is not in a Coastal zone so this is not applicable.

iii) The site is not a Mountain or Forest area so this is not applicable.

iv) The site is not within a Nature Reserve or Park, although the boundary to the SDNP lies approximately 140m to the southeast. It is considered that development can be accommodated on the site without having a likely significant effect on the national park.

v) There are no European sites or other areas protected under national designation in close proximity to the site.

vi) The site is not within an area that has failed to meet environmental quality standards in Union legislation. There are no Air Quality Management Areas (AQMA) located within the immediate area of the site.

vii) The site lies adjacent to the town of Burgess Hill. The proposed development would be of a scale and proportion that would be appropriate to the surrounding urban development in the locality and no significant effect is likely.

viii) The site is not located within an area of historical, cultural or archaeological significance.

'Types and characteristics of the potential impact

3. The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(2), taking into account—

(a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);

(b) the nature of the impact;

(c) the transboundary nature of the impact;

(d) the intensity and complexity of the impact;

(e) the probability of the impact;

(f) the expected onset, duration, frequency and reversibility of the impact;

(g) the cumulation of the impact with the impact of other existing and/or approved development;

(h) the possibility of effectively reducing the impact.'

Taking these in turn:

a) The impact of the development will be localised. During construction, the effect on the population will be limited to those that are close to the site and these construction impacts can be mitigated through a Construction Management Plan.

b) There should be no significant impacts as a result of the development on population and human health. The proposal is for approximately 300 dwellings on a site in close proximity to the town of Burgess Hill and would not result in a substantial change to the size of the town.

The site is not nationally designated in relation to its ecological or landscape value, although it is recognised the SDNP boundary is located approximately 140m to the southeast, and no significant effect is likely in relation to biodiversity and landscape. There is an opportunity for biodiversity enhancements through the planning process. The site does not contain scarce resources and there are no likely significant effects in relation to water, air and climate.

There is a designated heritage asset adjacent to the site, located approximately 50m from the western boundary, however regard to the nature of the proposals and the current vegetated boundary, no significant effect is likely in relation to cultural heritage.

c) The development will not lead to any transboundary effects.

d) It is not considered that the proposal is a complex development.

e) There are not likely to be significant effects from the development. During the construction phase there will be localised impacts, but these can be mitigated through a Construction Management Plan.

f) Subject to a planning permission being granted, it is expected that construction works could last for a 4 year period, commencing in 2023. The frequency of different construction works will depend on the stage of works within the site. The scheme will result in irreversible impacts as the site will change from being a greenfield site to a housing development.

g) During the construction phase, the impact of the development with other schemes that could be built/approved in the locality could be mitigated through a construction management plan.

h) The scheme would need to obtain planning permission. There would be a requirement within the planning application for the development to provide infrastructure and/or make contributions towards infrastructure to mitigate the impact of the development (for example, contributions to provide infrastructure to serve the development, such as towards school places, library provision, leisure and play space facilities). There would also be a requirement to mitigate the impact on air quality, which can objectively be assessed and provided for by a damage cost calculation, with the monies generated going towards projects such as interventions to change behaviour, for example, cycle storage facilities, cycle route contributions, EV charging points. There would also be a requirement to maintain or enhance biodiversity at the site.

All of these mitigations can be secured by way of planning conditions or through a section 106 legal agreement attached to the planning permission.

The guidance (PPG) also advises that the key issues to consider are the "physical scale of such developments, potential increase in traffic, emissions and noise." These issues have been considered in the above and the proposal is not considered to result in likely significant

effects on these issues. In addition, and having reference to the previously set out indicative thresholds, it is not considered that the proposal would have significant urbanising effects in a previously non-urbanised area.

Conclusion

The proposed development is not located within a 'sensitive area' in the context of the EIA Regulations, but does exceed the thresholds of the Schedule 2 EIA Regulations for this type of development, and one of the thresholds set out in the PPG.

Whilst there may be some effects upon the environment as a result of the proposed development, having regard to the selection criteria in Schedule 3 of the EIA Regulations, it is considered that given the scale and nature of the development, both on its own and in combination with the other consented schemes that have been identified above (plus the proposed allocation at SA12), the proposed development would not have likely significant effects on the environment within the meaning of the EIA Regulations.

Accordingly, the Local Planning Authority directs that the development above for which planning permission is sought is **not EIA development**. Consequently no Environmental Impact Assessment is required to be submitted with any subsequent planning application.

This letter will be placed on the public register and on the Council's website, in accordance with Regulation 28(2).

Please do not hesitate to contact me if you have any further queries.

Yours faithfully

A handwritten signature in black ink, appearing to read 'SA Blenheim', written in a cursive style.

Divisional Leader for Planning and Economy

EISCRZ