



CUCKFIELD PARISH COUNCIL

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19th November 2019

Dear Sirs

Regulation 18 Site Allocations Development Plan Document - consultation

Please find enclosed Cuckfield Parish Council's submission to the above consultation

Yours faithfully

Andrew Burton

Chair

Cc – Robert Salisbury, Pete Bradbury

Encl

Regulation 18 Site Allocations Development Plan Document

Objection from Cuckfield Parish Council to:

1. Policy SA10 - the Housing Supply in Table 2.3
2. Policy SA11 – the principle of the additional Hanlye Lane housing allocation
3. Policy SA23 – the detailed policy wording of the additional Hanlye Lane housing allocation
4. Site Selection Paper 3 Appendix B - Housing site proformas

1. Policy SA10 - Housing

Cuckfield Parish Council object to Policy SA10 as it is inconsistent with national policy and is not justified. Table 2.3 does not represent an appropriate strategy taking into account the evidence available.

Windfalls

The number of additional dwellings attributed to windfalls is inconsistent with evidence. The windfalls contribution of 588 dwellings shown in Table 2.3 significantly under-represents the supply of housing which is likely to be derived from this source over the plan period.

The estimated 588 dwellings is derived from 7 years at an extremely cautious windfall rate of 84 dwellings per annum. In fact, 9 years of the plan period remain having discounted the first 3 years to avoid double counting those sites already with planning permission. The Windfall Study: 2015 (Table accompanying Para 7.14) shows that this is the approach taken in the adopted District Plan. The Windfall Study Update, 2019, does not supersede or contradict this methodology and the windfall rate should therefore be applied to a period of 9 years. Even if the cautious windfall contribution of 84 dwellings per annum is taken, this would result in a windfall contribution of 756 dwellings rather than the 588 dwellings currently shown in Policy SA10 Table 2.3.

However, the use of 84 dwellings is inappropriate for the following reasons:

- The windfall definition of the NPPF, 2019 has not been used. Since the adoption of the District Plan, the NPPF allows the inclusion of greenfield sites in counting the contribution of windfall sites. The District Council's evidence (Windfall Study 2015) shows that 30 dwellings per annum were derived from sites of 1 – 5 dwellings net (Appendix 2: Past Windfall Delivery Data (2007 – 2014)). This number is likely to be larger if sites of up to 9 dwellings rather than 5 dwellings are included. Policy SA10 Table 2.3 does not include this element. Policy SA10 is therefore inconsistent with national policy and is not justified. With a 20% reduction to ensure a consistent methodology with other windfall contributions, an additional 24 dwellings would be expected from small sites over the remaining 9 year period (216 dwellings). This would result in a total windfall contribution of 972 dwellings.
- Evidence shows that the actual delivery of windfall sites of less than 9 dwellings (even excluding those which were not policy compliant but were allowed on appeal) as 136 dwellings per annum. Following the methodology applied to the adopted District Plan this

can be discounted to 109 dwellings per annum. This would give a total windfall contribution of 981 dwellings from small sites.

- No account is taken of prior notification approvals (office to residential) being made permanent on 6 April 2016 with clear implications for potentially increasing the future delivery of homes. The Windfall Studies (2015 and 2019) do not evidence the contribution from this source, and there is clearly a need to recognise the impact of this new source of windfalls during the remainder of the plan period.
- No allowance has been made for large windfall sites over 9 dwellings as these are all assumed to be allocated in the emerging plan. However, it is difficult to capture all land owners' intentions for the long term and, whilst every effort will have been made to identify and allocate suitable sites of over 9 dwellings, this is based on current known land owners' intentions. For this reason, many Councils include within their adopted district plans a windfall allowance on large sites for the last part of the Plan period (eg 2024/25 – 2030/31) based on the average per annum. The Windfall Study, 2015 shows an average delivery of 125 dwellings per annum on large previously developed windfall sites (2007 – 2014) (Figure 2). The Study states that there is no justification for additional windfall on large previously developed sites **in the short term** (Para 7.13). However, there is a case for including a large site windfall allowance on large sites for at least the last part of the Plan period (eg 2024/25 – 2030/31). At the average rate this would generate an additional 625 dwellings. If this were to be reduced by 20% in common with the small scale allowance, this would amount to 500 dwellings.

It is therefore clear that the windfall allowance shown in Policy SA10 (Table 2.3) is not justified. A contribution of 972 dwellings from small windfall sites (up to 9 dwellings) and 500 from large windfall sites is entirely justified by the evidence. The allowance for windfall development within Policy SA10 Housing (Table 2.3) should be increased to 1472 dwellings from the current 588 dwellings.

Residual Housing Requirement from 2019

The consequence of underestimating the windfall contribution is to overstate the residual housing requirement for the district by 884 dwellings.

Appendix B of the Regulation 18 Site Allocations DPD shows the residual requirement as 1,507 dwellings after taking into account contributions from other commitments and windfall development. As the evidence-based windfall contribution should be increased by some 884 dwellings, this would have the effect of reducing the residual housing requirement for the Regulation 18 Site Allocations DPD.

Allocations

Policy SA10 (Table 2.3) shows the new Site Allocations with a capacity of 1,962 dwellings. The residual need identified in Appendix B is 1,507 dwellings. The Regulation 18 Site Allocations DPD thus identifies sites with an excess capacity of 455 dwellings over the minimum requirement.

Conclusion

Policy SA10 (Table 2.3) is inconsistent with the NPPF and has not been correctly based on the evidence available. This has serious consequences for selecting an appropriate strategy for the future provision of housing in Mid Sussex District. The most obvious conclusion is that many more greenfield sites are allocated in the Draft Plan than are required. It is accepted that the dwelling requirement is expressed as a minimum but it is a legitimate planning strategy not to provide an excessive number of dwellings to meet the identified need. This represents a reasonable alternative approach to plan-making within the District which has not been tested through the Sustainability Appraisal. Once tested, the strategy of underestimating windfall developments and over-allocating sites for housing is likely to be shown to lead to less sustainable development through the use of allocated greenfield sites with landscape, biodiversity and other constraints, often further from facilities than windfall sites.

The Parish Council would strongly urge the District Council to increase the windfall contribution to the housing supply with a consequential reduction in the housing allocations made in the Site Allocations DPD. The specific housing sites to be removed from the Site Allocations DPD is for the District Council to appraise but, in light of the site constraint evidence outlined below under the response to Policy SA11 – Additional Housing Allocations, ***Cuckfield Parish Council would strongly recommend the deletion of Site 23 (Land at Hanlye Lane to the east of Ardingly Road, Cuckfield)***

Policy SA10 Table 2.3 should be revised.

Table 2.3: Housing Supply

Category		Numbers of Dwellings
Housing Requirement for the full plan period (April 2014 to March 2031)		16,390
Housing Completions (April 2014 to March 2019)		3,914
Housing Supply (April 2014 to March 2031)	Known commitments (including Neighbourhood Plan Allocations)	7,094
	District Plan 2014 – 2031 - Allocations	3,287*
	Windfalls	1,472**
	Site Allocations DPD - Allocations	623
Total Supply (at 1 April 2019)		16,390

* The District Plan 2014-2031 allocated 5,080 dwellings. There have been changes in the number of units identified to reflect the amended trajectory for strategic development at Burgess Hill expected within the plan period as confirmed by Homes England.

** Windfall figures are updated to reflect past delivery

2. Policy SA11 - Additional Housing Allocations Land at Hanlye Lane East of Ardingly Road

Cuckfield Parish Council strongly object to Policy SA11 as it is not justified. The site allocation Land at Hanlye Lane East of Ardingly Road is not suitable for development.

Landscape

The Site Selection Paper 3 Appendix B - Housing site proformas accepts that this site (479) has substantial landscape sensitivity. Evidence shows that the site is identified as part of an area of substantial landscape sensitivity and moderate landscape value (Cuckfield Landscape Character Assessment, Hankinson Duckett Associates, 2012). Policy CNP5 of the made Neighbourhood Plan states that a proposal for development will only be permitted where it would not have a detrimental impact on, and would enhance, areas identified in the Cuckfield Landscape Character Assessment as having substantial landscape sensitivity. The site also allows long views to the South Downs and includes TPOs and species-rich hedgerows. These constraints should be added to the site proforma. The site clearly has substantial landscape sensitivity and, as a result, low capacity and the proforma should be amended accordingly. Development of this site with 55 dwellings would have a detrimental impact on this sensitive landscape.

Principal Views

One of the distinctive features of Cuckfield village is the visual connectivity with the surrounding countryside from public places. These distinctive views combine shorter uncluttered views of the more immediate setting of the village with views across the Low Weald to the South Downs National Park to the south.

Views south from Hanlye Lane through the hedgerow, across open fields, towards a sweep of the South Downs, over 10km away



View south from footpath (numbers 17CU, 19b-cCU) off Longacre Crescent, across shorter uncluttered views to Ouse / Adur ridge and Warden Park school. The southern part of Cuckfield village can be seen nestling in the surrounding countryside with the South Downs framing the view in the distance.



The made Cuckfield Neighbourhood Plan identifies the view from Hanlye Lane as one of the principal views in Cuckfield which should be maintained (View 5, Map 5). Policy CNP5 states that development should only be permitted where it would maintain the distinctive views of the surrounding countryside from public vantage points within, and adjacent to, the built up area, in particular those defined on Map 5. The construction of 55 dwellings on this site would not maintain one of the principal views of the village.

Development of this greenfield site would also reduce settlement landscape distinctiveness by diminishing further the coalescence gap between Cuckfield and Haywards Heath (already significantly reduced by the Penland Farm development), as per District Plan policy DP13 and CNP3.

Biodiversity and environment

The site is fringed with, and dissected by, species rich hedgerows with mature trees. The site is also species rich with potential for the introduction of additional species.

The made Cuckfield Neighbourhood Plan Policy CNP 4 states that proposals should protect and enhance biodiversity by protecting species-rich hedgerows, grasslands and woodlands. There is a concern that development of 55 dwellings on this site would result in the loss of hedgerows and trees and would diminish the biodiversity of the site.

Development of this site would also not assist in achieving the net gain in biodiversity highlighted in SA23, or to meet District Plan policy DP12.

Conclusion

The inclusion of Land at Hanlye Lane East of Ardingly Road in Policy SA11 is not justified and should be deleted.

3. Policy SA23 - Land at Hanlye Lane to the east of Ardingly Road, Cuckfield

The Parish Council objects in principle to the allocation of Land at Hanlye Lane East of Ardingly Road (as highlighted above in Policy SA11).

Should the principle of developing this site not be conceded, it is important that the detailed considerations expressed in Policy SA23 are correct. The Parish Council object to the detailed wording of Policy SA23. The landscape, ecology and features on this site are particularly sensitive to change and the site should not be expected to accommodate 55 dwellings.

Urban Design Principles

The draft Policy states that the southern field is unsuitable for development as it is more exposed to views from the south, contributes to settlement separation and is crossed by rights of way providing scenic views towards the South Downs. The Parish Council supports this 'design principle' but would wish to see the addition of a more definitive policy statement after it:

'No built development will be permitted on the southern field south of the row of Tree Preservation Orders.'

Landscape Considerations

This section of the policy seeks to *'protect the rural character of Hanlye Lane and the approach to Cuckfield village by minimising the loss of the existing hedgerow and trees along the northern boundary'*. This is incompatible with the Urban Design Principles which seek to *'concentrate higher density development towards the northern part of the site, creating a suitable development edge...and orientate development to have a positive active frontage in relation to the existing settlement'*. It is similarly incompatible with the requirement to: *'Sensitively design the layout to take account of the topography of the site, and views into and out of the site'*.

Whilst the above landscape considerations are supported, higher density development in this prominent location facing, and accessed from, Hanlye Lane will not protect the rural character of Hanlye Lane, the distinctive views through the site towards the South Downs to the south or this rural approach to Cuckfield.

Even if partially shielded by the hedge, a higher density development served by a new access road, footpaths, lighting and signage would be highly visible in this location. Development as proposed would urbanise this rural approach to Cuckfield and would not maintain the distinctive views of the surrounding countryside.

It is therefore clear that no part of the northern field which has substantial landscape sensitivity can accommodate higher density development whilst achieving the stated design principles. All references to higher density development should be deleted and substituted with ***'low density development'***.

The Landscape Considerations state that *'Open space should be provided as an integral part of this landscape structure'*. It is important that Policy SA23 makes it clear how this should be achieved. Reference has already been made to the need for additional text: ***'No built development will be permitted on the southern field south of the row of Tree Preservation Orders.'***

Additional criteria should be added to the Landscape Considerations section:

Within the northern field

- ***The landscape should dominate the built form.***
- ***Low density development should be well screened by vegetation and narrow entrances and be well set back from the boundary.***
- ***Additional trees should be provided between and behind buildings forming the backdrop and setting for development and a skyline feature.***
- ***Development should be served by narrow and hedge lined access drives.***

Social and Community

The Parish Council supports the creation of a well-connected area of open space on the southern field, suitable for informal and formal recreation, which enhances and sensitively integrates the existing rights of way.

The Parish Council would wish to see this field ***'provided as public open space and transferred to the Parish Council with sufficient financial provision to enable future maintenance'***. Text should be added to Policy SA23.

The made Cuckfield Neighbourhood Plan has identified infrastructure requirements needed to support new development. In the case of this proposed development, text from the Neighbourhood Plan, alongside further infrastructure requirements identified by Cuckfield Parish Council in its current published Business Plan should be added to the Social and Community section.

Site Dwelling Capacity

Given the above amendments, it is clear that development could only be sited in the northern field and that, given the site location, constraints and design and landscape requirements only low density development would be suitable.

For these reasons, the Parish Council strongly objects to the inclusion in the draft plan of a capacity of 55 dwellings on this site.

The net developable area of this site must exclude the southern field and provide sufficient space for access; views through the site; enhanced hedgerow and tree corridors and substantial landscaping. The northern field is some 3ha but the above factors would make the net developable area approximately 2ha. The low density heavily landscaped layout required in this sensitive location would equate to a net density of approximately 10 dwellings per hectare. The capacity of this site should therefore be amended to 20 dwellings.

If the District Council insist on the retention of this site within the Site Allocations DPD, the ***Number of Units should be amended to 20 dwellings.***

4. Site Selection Paper 3 Appendix B - Housing site proformas

Cuckfield Parish Council request factual updates to the proformas relating to sites within the Parish.

Site 479 - Land at Hanlye Lane to the east of Ardingly Road, Cuckfield

Planning Constraints

8 Landscape

The site allows long views to the South Downs and includes TPOs and species-rich hedgerows. These constraints should be added to the site proforma. The site clearly has substantial landscape sensitivity and, as a result, low capacity and the proforma should be amended accordingly.

9 Trees/TPOs

It should be noted that the site contains many TPOs.

Other Considerations – Neighbourhood Plan

Add CNP4 – Biodiversity

Recommendation

Amend to site is not proposed for allocation

Site 63 – Broad Street, Cuckfield

Planning Constraints

8 Landscape

The text currently states: 'Recent development at Denning Place is consistent with the linear pattern and does not indicate that development at Site 63 is acceptable in principle.'

The following text should be added:

...as confirmed on appeal (Appeal Ref APP/D3830/W/15/3038217). The site would not maintain the distinctive view from Broad Street (View 9 of Neighbourhood Plan). Development would close the only gap along Broad Street between Cuckfield and Haywards Heath and would increase the coalescence of these settlements.

Deliverability Considerations

12 – Deliverability

The text currently states 'Site in control of housebuilder.' This is questioned as the land appears to have become part of a domestic garden and car park for the adjoining dwelling to the south.

Other Considerations – Neighbourhood Plan

Add CNP3 – Preventing Coalescence between Cuckfield and Haywards Heath

The Parish Council supports the recommendation.

Site 420 - Land north of Brainsmead, Cuckfield

Deliverability Considerations

12 – Deliverability

The text should state that the site was dedicated to the Parish Council as part of a Section 106 agreement in association with the Buttinghill development and, whilst extensive delays have occurred by the developer in making the fields suitable for transfer, it is therefore not available for housing development.

Other Considerations – Neighbourhood Plan

Add CNP5 – Protect and Enhance the Countryside

The Parish Council supports the recommendation.