

Mid Sussex Site Allocation DPD Examination


Policy SA15 Land South of Southway, Burgess Hill

Response to Inspector's Matters, Issues and Questions

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1.0 INTRODUCTION

- 1.1 The Inspector conducting the Examination into the Mid Sussex Site Allocation DPD has published a set of Matters, Issues and Questions for the Council.
- 1.2 This document provides a response to the questions under point 3.3 'Housing Delivery over the Plan Period' in relation to policy SA15 Land South of Southway, Burgess Hill (30 dwellings) on behalf of the site promoters.

2.0 RESPONSE TO QUESTIONS

2.1 The Matters, Issues and Questions document states at point 3.3 Housing Delivery over the Plan Period:

Does the Plan provide sufficient evidence to demonstrate that the proposed new homes total in each of the allocations can be implemented over the plan period, in accordance with the housing trajectory? Can each of the following housing allocations demonstrate their sustainability and deliverability in relation to the following considerations:

2.2 A response to each of the considerations in respect of policy SA15 is provided below.

(i) the willingness (or otherwise) of the landowner(s) to implement their sites on the basis of the relevant policy

2.3 Sunley Estates Ltd, as joint site promoter, are working with Croudace Homes to deliver the site on the basis of the policy. Croudace carried out the development immediately to the south and west of the site.

(ii) safe and secure access, which can be provided within the ownership of the allocated site, or does the scheme rely on the acquisition of off-site land

2.4 The site comprises a single title (WSX118349) which is owned by Fern Investments Ltd and is being promoted jointly by Sunley Estates Ltd and Hargreaves Management.

2.5 The site shaded red within the draft DPD document extends a little further south and west of the boundary of the site shown on the Title plan. However, the extent of the red line on the draft indicative layout plan (drawing 02-625-004 rev B) matches the extent of the land within title WSX118349 and this is the land proposed for development. The DPD document could be amended to show the extent of the site covering only the land shown on the Title plan. The land comprising this single Title is sufficient to deliver the proposed development. None of the land within the ownership of the management company for the adjacent development is included within the draft allocation.

2.6 As set out above, Sunley Estates Ltd are working with Croudace Homes to deliver SA15. Croudace own some of the neighbouring land and Sunley Estates Ltd have retained rights of access to enable the allocated development to come forward.

2.7 Consequently, safe and secure access can be provided within the ownership of the allocated site as shown on the draft indicative layout plan previously submitted to the Council as part of the representations regarding the draft DPD.

(iii) any conflict with a made Neighbourhood Plan

2.8 The site has been allocated within the Burgess Hill Neighbourhood Plan (Made January 2016) as part of a Local Green Space (LGS) which incorporates the District Council owned land to the north. However, it forms only a small part of this overall Local Green

Space referred to within the relevant Neighbourhood Plan policy (policy G4, Area 2). It is noted that the majority of this identified LGS is in active public use; for example rugby pitches, allotments and public open space. By contrast, the subject site is overgrown, inaccessible and is within private ownership. There is a Public Right of Way running across part of the site although this is enclosed by fencing.

2.9 At the time of the preparation and adoption of the Neighbourhood Plan, national policy was set out in the 2012 National Planning Policy Framework (NPPF). This guidance has since been updated in July 2018 and February 2019.

2.10 The 2019 NPPF provides guidance on the designation of LGS's at paragraphs 99 and 100 (paras 76 and 77 in the 2012 version). Paragraph 100 states that:

"The Local Green Space designation should only be used where the green space is:

- *in reasonably close proximity to the community it serves;*
- *demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *local in character and is not an extensive tract of land".*

2.11 Whilst the site is in reasonably close proximity to the wider community, it does not exhibit beauty, historic significance, recreational value, tranquillity or richness of its wildlife such that it would be considered demonstrably special to a local community. The land is overgrown and there has been evidence of fly tipping and vandalism.

2.12 Paragraph 99 states that:

"Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services".

2.13 An LGS designation prevents any development of a site. The subject site is immediately adjacent to existing residential development, is within the built up area boundary and is well connected to local facilities and services as well as public transport, pedestrian and cycle links. Therefore, a residential development of this site which (as set out above) has no particular significance or value currently, would be highly sustainable. The inappropriate inclusion of this site as part of the larger LGS would conflict with this stated policy aim of complementing investment in sufficient homes.

2.14 In the report on the Examination of the Burgess Hill Neighbourhood Plan (BHNP) dated August 2015, the Inspector stated that additional supporting text should be added to the BHNP setting out why each LGS was considered especially important to the community. The Inspector required this additional justification in order for the BHNP to meet the

Basic Conditions for neighbourhood plans as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

- 2.15 The relevant justification for area 2 (of which the subject site forms a small part) states that the land parcel is well used for recreation purposes and is an important “green lung” for the west of Burgess Hill. Whilst the recreation ground, allotments and woods to the north may indeed be well used for recreation purposes, this is not the case for the subject site which is overgrown and inaccessible. The development of this small parcel of the larger LGS would not compromise the “green lung”, particularly with the inclusion of areas of informal open green space and the retention of the mature trees on the eastern site boundary. Importantly, the BHNP does not identify this LGS as being rich in wildlife or as having any historic significance, unlike the other 3 LGS’s identified in the Neighbourhood Plan which are located at: Land between Chanctonbury Road and the railway line; Land immediately west of Wivelsfield Station, north and south of Leylands Road; and Green Space and woodland areas to west of railway line adjacent to St. Wilfrid’s Bridge. Policy SA15 includes an area of open space which will be available to the public and this can form part of the larger LGS with appropriate connectivity for pedestrians and cyclists.

(iv) any conflict with national planning policy

- 2.16 The draft policy does not conflict with national planning policy.

(v) any significant infrastructure considerations, including vehicular access, traffic circulation and highway and pedestrian safety, flooding, drainage and sewerage implications; are any of these ‘showstoppers’

- 2.17 There are no infrastructure ‘showstoppers’ in relation to the site allocated in policy SA15. Submissions made during the consultation process have included details of pre-application submissions to West Sussex County Council Highways and their confirmation that there is no objection in principle to the proposed access from Linnet Lane to the west. The proposed access provides a suitable visibility splay and the proposed additional vehicle movements would be acceptable in terms of the impact on the local highway network.

(vi) any significant impact on the living conditions of neighbouring occupiers, or future occupiers of the proposed development

- 2.18 It is not considered that there would be any significant impact on the living conditions of neighbouring occupiers.

(vii) any significant impact on the quality of the landscape, e.g. the integrity of any green gaps, and the ecology of the site and the surrounding area, and proximity to ancient woodland

- 2.19 The ecological data search identifies various habitats present within a 1km radius of the site. This includes an area of UK BAP deciduous woodland adjacent to the site to the north with ancient woodland in the wider area.
- 2.20 The submitted Preliminary Ecological Appraisal goes into further detail, identifying the specific habitats present on the site. This includes a small area of mature woodland at the eastern boundary, immature woodland and dense mixed scrub. The area of UK BAP deciduous woodland immediately adjacent to the site to the north is noted, however, there is no protected or designated habitat present on the development site.
- 2.21 A number of protected species have been recorded as present within a 1km radius of the site. Therefore, prior to the grant of any planning permission for the site further surveys would need be undertaken as follows:
- Reptile presence / likely absence survey
 - Great Crested Newt surveys of nearby ponds
 - Dormouse nest tube surveys
 - Bat activity surveys
 - Breeding bird surveys
- 2.22 Depending on the results of these surveys (to be undertaken at the relevant optimal time of year for each species), appropriate protection and mitigation measures would be included within any development scheme to ensure there would be no harm to protected species as a result of development of the site.
- 2.23 The proposals for the site include the retention of the mature woodland on the eastern boundary together with the area of scrub between the PROW (that diagonally crosses the site) and the woodland – refer to the submitted indicative layout (drawing no. 02-625-004 Rev B). This would limit development to the areas currently occupied by scrub of lesser biodiversity value. Suitable supplementary planting would also be proposed to enhance the site's biodiversity along with additional measures such as bat and bird boxes.
- 2.24 Improvements to the green infrastructure in the locality would be achieved by incorporating the informal paths adjacent to the north, west and eastern boundaries of the site into the design of the scheme. These enhancements are annotated on the indicative layout plan. They will provide much enhanced connectivity for new and existing residents in the vicinity travelling through the site to the wider area (including Southway to the north) on foot and by bicycle. It would also link the green spaces to the north-west (Snake Wood and the recreation ground) to the proposed informal open space on the site via the shared foot and cycle path off Linnet Lane which would be extended across the site.

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- 2.25 In addition, the proposals would include contributions towards off-site habitat enhancement projects (such as, for example, an extension to the existing Bedelands Local Nature Reserve). This, and other initiatives, provide scope for development of the site to achieve a net gain in biodiversity.
- (viii) any impact on Conservation Areas, heritage assets or areas of archaeological significance*
- 2.26 There would be no impact on any Conservation Areas, heritage assets or areas of archaeological significance as a result of development of this site.
- (ix) access to shops, schools, health provision and services, community facilities, public transport and employment, i.e. is the location sustainable*
- 2.27 The site is within the built up area of Burgess Hill and is considered to be in a highly sustainable location. Burgess Hill is one of 3 'Category 1' settlements in Mid Sussex as defined by the settlement hierarchy in Policy DP6 of the Mid Sussex District Plan. This is the most sustainable type of settlement with a comprehensive range of facilities, services and public transport links. The closest bus stops are less than 500m to the south of the site and there are two schools (infant and junior) within 1km to the north. There are several industrial parks to the south with a range of employment opportunities within 1km and just over 1km to the south is a large supermarket.
- (x) contamination or other ground or stability issues*
- 2.28 There are no contamination or other ground or stability issues in relation to this site.
- (xi) any other material considerations which could impact on the sustainability of the proposed allocation*
- 2.29 The site is considered to be well located for new housing and a proposed layout plan has been produced demonstrating how the site could accommodate new housing as well as providing enhanced footpath and cycle links whilst preserving the existing small area of mature woodland on the site. Development on the site could achieve a net gain in biodiversity and could be deliverable within 5 years. Consequently, the site and the proposed allocation is sustainable and the development is deliverable.

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