

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2029	Case Officer:	Joseph Swift
Application Type:	Reserved Matters Application		
Proposal:	Reserved matters application pursuant to outline planning permission ref DM/18/5114 (as amended by planning application ref DM/23/0747) for the construction of two dwellings on the former Lowlands Farm Barn site within Sub-Phase P1.3 at the Northern Arc development (now Brookleigh) on land north and north-west of Burgess Hill.		
Site:	Site Of Lowlands Farm, Freeks Lane, Burgess Hill, West Sussex, , , ,		
Validation Date	4 Sep 2025	Overall Expiry Date:	31 Oct 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	12 Nov 2025
Target Date:	30 Oct 2025	Recommending Officer Signature:	Joseph Swift

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Stephen Ashdown	Date:	13 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2029

**Site Of Lowlands Farm, Freeks Lane, Burgess Hill, West Sussex, , ,
Reserved matters application pursuant to outline planning permission ref DM/18/5114 (as
amended by planning application ref DM/23/0747) for the construction of two dwellings on the
former Lowlands Farm Barn site within Sub-Phase P1.3 at the Northern Arc development (now
Brookleigh) on land north and north-west of Burgess Hill.
Ms Olivia Armitage-Hobbs**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Street Naming and Numbering Officer: Informative 29 (address allocation)

Ecology Consultants: No objections, will require discharge of outline conditions.

TOWN/PARISH COUNCIL OBSERVATIONS

Burgess Hill Town Council: The Committee of 27th October noted the application but had a number of enquiries.

Firstly, they believe this site is in Burgess Hill Parish in the Brookleigh East Ward. MSDC are asked to please clarify this.

Secondly, the Committee expressed their concerns regarding access to the properties from East Bridge Avenue given the one metre difference in levels where Freeks Lane crosses the access road. The development should not go ahead until access is satisfactorily determined.

Mid Sussex District Plan

DP26 Character and Design

DP21 Transport - There was concern that one bike space would not be sufficient for these premises and is there an electric vehicle charging facility?

Mid Sussex Design Guide

DG37 Deliver high quality buildings that minimise their environmental impact

DG47 Provide homes with sufficient daylight and sunlight - did the front elevation allow enough light into the property at all times of the day and year?

INTRODUCTION

The application seeks reserved matters approval pursuant to outline planning permission ref DM/18/5114 (as amended by planning application ref DM/23/0747) for the construction of two dwellings on the former Lowlands Farm Barn site within Sub-Phase P1.3 at the Northern Arc development (now Brookleigh) on land north and north-west of Burgess Hill.

RELEVANT PLANNING HISTORY

The wider development of Brookleigh (formerly Northern Arc) has an extensive planning History. However, the applications most relevant to this application are as follows: the original outline permission for the site was granted under application DM/18/5114 on the 04/10/2019 for:

Comprehensive, phased, mixed-use development comprising approximately 3,040 dwellings including 60 units of extra care accommodation (Use Class C3) and 13 permanent gypsy and traveller pitches, including a Centre for Community Sport with ancillary facilities (Use Class D2), three local centres (comprising Use Classes A1-A5 and B1, and stand-alone community facilities within Use Class D1), healthcare facilities (Use Class D1), and employment development comprising a 4 hectare dedicated business park (Use Classes B1 and B2), two primary school campuses and a secondary school campus (Use Class D1), public open space, recreation areas, play areas, associated infrastructure including pedestrian and cycle routes, means of access, roads, car parking, bridges, landscaping, surface water attenuation, recycling centre and waste collection infrastructure with associated demolition of existing buildings and structures, earthworks, temporary and permanent utility infrastructure and associated works.

This outline permission was amended under application DM/21/3279 on the 09/12/2022 for:

Planning Application under Section 73 of the Town and Country Planning Act 1990 (as amended) seeking alterations to conditions 5 (approved parameter plans), 6 (accordance with Design Guide) , 7 (requirement for a Design Principles Statement), 11 (archaeological investigation), 22 (sustainable drainage) and 35 (restriction of development within 15m of ancient woodland), removal of conditions 50 (public transport strategy) and 51 (phase public transport strategy), addition of new conditions relating to public art on planning permission DM/18/5114, to allow amendments to site boundary, densities and heights, parameters of road layout, proposed land uses, right of way improvements and drainage outfalls, require general accordance with the Street Design and Adoption Manual, allow phased submission of details for archaeology and drainage details and require a public transport strategy and financial contributions towards the public transport strategy to be secured in the legal agreement. Amendments to the legal agreement associated with the amendments to the conditions and additional amendments related to the delivery of open space parcels OS1.2N, OS1.2S, OS3.3 and OS3.4, the Centre for Outdoor Sports, Employment Strategy, the Secondary School, Mobility Corridors, payment of financial contributions and monitoring fees (Amendments received, including an addendum to the Environmental Statement)

A further section 73 application (DM/23/0747) was submitted to vary DM/21/3279 and was approved 03/10/2025 for the following:

Planning application under Section 73 of the Town and Country Planning Act 1990 (as amended) seeking alterations to conditions 2 (phasing), 4 (approved plans) and 5 (approved parameter plans) of planning permission DM/21/3279 (itself a section 73 approval that permitted a variation of the conditions attached to planning permission DM/18/5114), to allow amendments to the planning application site boundary, update to the phasing of development and the Access and Movement Parameter Plan (004) to clarify the approach to the Green Superhighway link over and in the vicinity of the western bridge on the Northern Arc Avenue.

A Reserved Matters application was approved under DM/21/3870 on the 24/05/202 for:

Reserved Matters Application pursuant to Outline application DM/18/5114, to consider access, appearance, landscaping, layout and scale with respect to the erection of 247 dwellings and associated car parking, open space and infrastructure, including an extension to Bedelands Nature Reserve and provision of the Green Circle and pedestrian/cycle route for Sub-Phases P1.3, P1.5, P1.6, OS1.1a, OS1.1b, OS1.1N, OS1.5 and OS1.6

In addition a prior approval was granted under application DM/25/0843 for the demolition of the barns on the 22/04/2025.

SITE AND SURROUNDINGS

The site forms part of the Brookleigh (formerly known as Northern Arc) a strategic development located to the north of Burgess Hill. The strategic site largely comprises agricultural land interspersed with hedgerows and scattered woodland. While Lowlands Farm Barns formed part of Lowlands Farm, which when last in use was used as a dogs kennel, however, it is currently unoccupied and has been vacant for a number of years.

The site lies to the eastern side of the PRow Freeks Lane with the Freeks Farm Development (DM/18/0509 & DM/19/3845) which is currently under construction beyond the PRow to the west of the site.

The site will form part of the development parcel P1.3 which was granted permission for housing under application DM/21/3870.

The application site is designated within the Mid Sussex District Plan as being within the built up boundaries of Burgess Hill and is not subject to any special designations.

APPLICATION DETAILS

This application seeks Reserved Matters for the approval of the appearance, landscaping, layout and scale for:

The construction of two dwellings on the former Lowlands Farm Barn site within Sub-Phase P1.3 at the Northern Arc development (now Brookleigh). Originally under application DM/21/3870 the proposal was for this building to be converted, as it was considered to be a non-designated heritage asset. However, following a fire the building has now been significantly destroyed and as a result the characteristics that gave it the non designated heritage asset status have been lost.

The proposed dwelling will be located within the same position as the original barns, with the proposed semi-detached dwellings measuring a maximum of some 21.7 metres in width, with a depth of 9 metres and an eaves height of 3 metres to the front (south) and an eaves height of 4.45 metres to the rear (north) and an overall height of some 8.3 metres.

The dwellings have been designed to resemble an agricultural barn conversion with dark stained timber cladding and a brick plinth, rustic red roof tiles with a catslide roof and a set back and limited unobtrusive openings to the front elevation. Internally each dwelling would have an entrance hall, study/bedroom, bathroom, lounge and open plan kitchen/dining room at ground floor and 3 bedrooms an en-suite and a family bathroom at first floor.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application, and*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad

statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Burgess Hill Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

- o DP4 Housing
- o DP6 Settlement Hierarchy
- o DP7 General Principles for Strategic Development at Burgess Hill
- o DP9 Strategic allocation to the north and northwest of Burgess Hill
- o DP21 Transport
- o DP26 Character and Design
- o DP27 Dwelling Space Standards
- o DP37 Trees, Woodland and Hedgerows
- o DP38 Biodiversity
- o DP39 Sustainable Design and Construction
- o DP41 Flood Risk and Drainage

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

However, there are no policies considered relevant to this application.

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan was made in 2016. Although the application site is within the Burgess Hill the Burgess Hill Neighbourhood Plan does not cover the whole of Burgess Hill and this site actually falls out of the designated area of the neighbourhood plan.

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

- DPS2: Sustainable Design and Construction
- DPS4: Flood Risk and Sustainable Drainage
- DPN1: Biodiversity, Geodiversity and Nature Recovery
- DPN2: Biodiversity Net Gain
- DPB1: Character and Design
- DPH1: Housing
- DPH3: Sustainable Development - Inside the BUA
- DPH11: Dwelling Space Standards
- DPH12: Accessibility

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

Northern Arc Masterplan (2018)

The Northern Arc Masterplan (Masterplan) was approved at the Mid Sussex District Council Cabinet Meeting on 24th September 2018 as a material consideration for all forthcoming planning applications in relation to the Northern Arc. The Masterplan sets out a vision for the Northern Arc along with the following Strategic Development Principles that are relevant to this application:

- SDP6 Housing Mix, Density and Capacity
- SDP7 Place-making objectives
- SDP8 Northern Arc Design Guide
- SDP9 Built for Life
- SDP14 Landscape and Green Infrastructure
- SDP21 Climate resilient development
- SDP22 Low carbon energy
- SDP23 Integrated Water Management
- SDP24 Construction and Material Use

Northern Arc Infrastructure Delivery Plan and Phasing Strategy (2018)

The Northern Arc Infrastructure Delivery Plan (IDP) was approved at the Mid Sussex District Council Cabinet Meeting on 24th September 2018 as a material consideration for all forthcoming planning applications in relation to the Northern Arc. The IDP identifies the infrastructure necessary to facilitate and support the development of Burgess Hill Northern Arc.

Northern Arc Design Guide (2019)

The Northern Arc Design Guide sets out the Design Principles to be applied across the Northern Arc. The document was approved as part of the Northern Arc Outline Planning Application. A condition was attached to the Outline Planning Application requiring compliance with this document in reserved matters applications.

National Planning Policy Framework (NPPF) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

Paragraph 12 of the NPPF states;

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 39 of the NPPF states;

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

Chapter 11 of the NPPF deals with making effective use of land and paragraph 125 c) sets out that decisions should;

'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals should be approved unless substantial harm would be caused...'

National Design Guide

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

Technical Housing Standards

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- o Principle
- o Design and Impact on the character and appearance of the area
- o Highways
- o Impact on Residential Amenity
- o Housing Standards
- o Flood Risk and Drainage
- o Ecology

- o Sustainability
- o EIA Regulations
- o Planning Balance and Conclusion

Principle

The principle of the development has been established by the granting of the outline planning application DM/18/5114 which granted planning permission for: *'Comprehensive, phased, mixed-use development comprising approximately 3,040 dwellings including 60 units of extra care accommodation (Use Class C3) and 13 permanent gypsy and traveller pitches, including a Centre for Community Sport with ancillary facilities (Use Class D2), three local centres (comprising Use Classes A1-A5 and B1, and stand-alone community facilities within Use Class D1), healthcare facilities (Use Class D1), and employment development comprising a 4 hectare dedicated business park (Use Classes B1 and B2), two primary school campuses and a secondary school campus (Use Class D1), public open space, recreation areas, play areas, associated infrastructure including pedestrian and cycle routes, means of access, roads, car parking, bridges, landscaping, surface water attenuation, recycling centre and waste collection infrastructure with associated demolition of existing buildings and structures, earthworks, temporary and permanent utility infrastructure and associated works.'*

This was further amended by Section 73 applications DM/21/3729 and DM/23/0747. In addition the site was included within the Reserved Matters approval DM/21/3870, where it was proposed for the building to be converted. However, following the fire the building is no longer capable of conversion and as such a separate Reserved Matters application has been submitted to replace the barn.

Taking into account the above and the fact that the site has an outline permission, it can be reasonably concluded that the principle of the development has already been determined.

Design and Impact on the character and appearance of the area

DP9 requires proposals to be carried out in accordance with the allocation-wide masterplan and the Infrastructure Deliver Strategy.

Within the Masterplan Principles SD6, SD7 and SD8 require high standards of design with create distinctive and legible character areas and that respond to the Design Guide. While the Design Guide sets out *the key urban design, public realm and place-making principles that will be applied across the whole of the new community'*

Policy DP26 of the District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*

- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

The original proposal was for the conversion of the existing Lowlands Farm Barns, however, as this is no longer possible the proposed replacement buildings have been designed to reflect that of a barn conversion, with the catslide roof to the front and the set back with the higher eaves to give the impression of former barn doors and to add some interest to the building. Even the proposed pallet of materials is considered to be reflective of a traditional barn, with the brick plinth and dark stained timber walls and the rustic red roof tiles.

Furthermore, the proposal has been designed with limited opening to the front and side elevations which further adds to impression of a barn conversion. It is therefore considered that the agricultural design responds positively to the original character of the area as an agricultural farm, while at the same time providing a pair of semi detached dwelling that are of an appropriate design, size and scale that is in-keeping with the wider parcel of development. Consequently, the proposal is considered to comply with the above mentioned policies.

Highways

Policy DP21 of the District Plan sets out a number of objectives in order to provide a high quality transport network, which complements the built and natural environments whilst reducing carbon emissions over time as well as providing access to services, employment and housing that feels and is safe and healthier to use.

The Masterplan sets out the following at SDP1:-

- *'Permeable layout that integrates with the surrounding highway network*
- *Maximise sustainable patterns of movement*
- *Highway design will direct traffic to the A2300 via the A273 and the Northern Arc avenue and minimise movement through the villages to the north of the site*
- *Northern Arc avenue to provide a new through connection between A273 Jane Murray Way and A2300 in the west and A273 and Maple Drive in the east*
- *Priority junctions and traffic signals favoured over roundabouts to support permeability for pedestrians and cyclists*
- *Two strategic pedestrian and cycle links: enhancing the existing Green Circle; and a new Green Super Highway*
- *Network of secondary pedestrian and cycle links will be provided throughout the Northern Arc linking the area to the wider town to provide attractive, convenient and safe routes to facilitate sustainable movement*
- *Three neighbourhood centres, connected to each other by the Northern Arc avenue, located so people can walk to local facilities and services within 5 to 10 minutes of their home, as well as being accessible by cycle, public transport and car.'*

The strategic development of Brookleigh incorporates two strategic pedestrian and cycle links - an enhancement of the Green Circle and a Green Super Highway, it also looks to provide a network of pedestrian and cycle links between the development and into the existing town. This proposal is only seeking alterations to two dwellings that were previously approved as a conversion under DM/21/3870, as a result it does not result in an increase in the number of units, while at the same time it does not alter the access and strategic links being provided as part of the wider strategic development or that of the approval of parcel P1.3.

Furthermore, while the comments of the Town Council are noted, it does not make any alterations to the already approved access arrangements from the Vistry development over Freeks Lane, in addition, it is worth noting that there is a condition on the outline permission in relation to site levels that will address the level changes between the two developments.

Taking into account the above, the fact that it will also not alter the car parking provision and the fact that WSCC Highways raised no technical objection to DM/21/3870 and this is not making any changes to number of units, access and parking it can be reasonably concluded that there are no suitable reasons to object to the proposal on highways grounds. The proposal is therefore considered to comply with the above mentioned policies.

Impact on Residential Amenity

Policy DP26 of the District Plan states, *'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development...does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.'*

Policy DP29 of the District Plan states in part that:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution'

The proposed dwellings are located within the same location as the barns that were to be converted, as such, would provide a similar relationship to and from neighbouring dwellings. Furthermore, the dwellings are set over 21 metres from the dwellings being delivered as part of the Vistry development to the north, with established screening between and would be set approximately 10.5 metres from the dwelling to the south, which are being delivered as part of the wider P1.3 development parcel, however this is a front to side relationship.

These resulting relationships are not considered to result in significant harm to neighbouring amenities in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook.

Concerns have been raised by the Town Council about sufficient natural light with regards to DG47. However, all habitable rooms have openings and in line with DG37 the opening, it is not single aspect and the limitation of the openings to the south will help avoid overheating.

As such, the proposal is not considered to have a significant impact on neighbouring amenities and is therefore considered to comply with the above mentioned policies.

Housing Standards

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

A 3 bedroom, 6 person 2 storey dwelling is required to provide a minimum of 102 square metres of gross internal floor area with 2.5 square metres with 2.5 metres of built in storage.

Having checked the floor area of the dwellings, both exceed the minimum floor area and are therefore considered to comply with the Governments Technical Housing Standards and Policy DP27 of the Mid Sussex District Plan.

Flood Risk and Drainage

Policy DP9 requires the relevant land uses and infrastructure delivery for each phase, to, in part:

- 'Take account of on-site flood plains and avoid areas of current and future flood risk through a sequential approach to site layout to comply with Policy DP41: Flood Risk and recommendations in the Strategic Flood Risk Assessment;

- Identify, avoid, mitigate and manage the risks posed to water quality associated with the historic land uses and support the delivery of 'Good' ecological status of the River Adur and Copyhold Stream in accordance with DP42: Water Infrastructure and the Water Environment;...'

Policy DP41 of the District Plan 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.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

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

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

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

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

Policy DP42 of the District Plan states:

'New development proposals must be in accordance with the objectives of the Water Framework Directive, and accord with the findings of the Gatwick Sub Region Water Cycle Study with respect to water quality, water supply and wastewater treatment and consequently the optional requirement under Building Regulations - Part G applies to all new residential development in the district. Development must meet the following water consumption standards:

- Residential units should meet a water consumption standard of 110 litres per person per day (including external water use);*
- Non-residential buildings should meet the equivalent of a 'Good' standard, as a minimum, with regard to the BREEAM water consumption targets for the development type.*

Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate;

- that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation; and*
- that there is adequate water supply to serve the development.*

Planning conditions will be used to secure necessary infrastructure provision.

Development should connect to a public sewage treatment works. If this is not feasible, proposals should be supported by sufficient information to understand the potential implications for the water environment.

The development or expansion of water supply or sewerage/sewage treatment facilities will normally be permitted, either where needed to serve existing or proposed new development, or in the interests of long term water supply and waste water management, provided that the need for such facilities outweighs any adverse land use or environmental impacts and that any such adverse impact is minimised.'

SDP20 of the Masterplan states that green infrastructure will help to reduce flood risk and manage storm water through an extensive network of SuDS.

The IDP identifies that the Northern Arc will deliver potable water, surface water and foul water projects to the development.

A sequential test has already been carried out as part of the site allocation process for the District Plan.

The proposal has been supported by a plan which shows the wider drainage layout for parcel P1.3, although not within the red line of the applications, it shows how the proposal will be linked to the wider system, as well as the provision of the surface water attenuation pond. These details have are being considered as part of the discharge of conditions for the wider site.

In light of the above, the proposal is considered to be in accordance with Policies DP9, DP41 and DP42 of the District Plan, Principle SDP20 of the Masterplan, the IDP and the NPPF.

Ecology & Biodiversity

Policy DP7 states in part that strategic development will: *'Identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity and contribute to the delivery of green infrastructure in and around the town in accordance with policies elsewhere in the Plan including DP38: Biodiversity;...'*

DP9 also makes clear that *'the relevant land uses and infrastructure delivery for each phase: Identify and take account of environmental, landscape and ecological constraints including where possible avoiding or minimising harm to sensitive receptors and appropriately responding to the landscape setting including retention of woodland, hedgerows and other important natural features wherever possible and appropriate landscaping and safe design of balancing ponds and water/drainage features; and deliver opportunities and requirements as set out in Policy DP7: General Principles for Strategic Development at Burgess Hill and DP38: Biodiversity...'*

Policy DP38 of the District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- Promotes the restoration, management and expansion of priority habitats in the District; and*
- Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

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

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

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

SDP14 (Landscape and Green Infrastructure) of the Masterplan states that: *'The Masterplan will preserve landscape features and wherever possible respect the landscape setting of nearby listed buildings and non-designated heritage assets. It will also deliver a net gain in biodiversity. This will be achieved by delivering ecological enhancements within the green infrastructure areas, such as ecologically valuable SuDS systems, private and shared garden and amenity space, and passive measures elsewhere such as green and brown roofs and the creation of new habitats through measures to support wildlife such as, for example, bat boxes. The development provides an opportunity to increase the diversity and resilience of tree cover, particularly in relation to climate change, pests and disease, as well as delivering a range of amenity benefits.'*

It is important to highlight that the proposal does not result in the loss of any ancient woodland.

In support of the application, the applicant has submitted a Biodiversity Net Gain Statement, this sets out that the legal agreement as part of the outline permission secures a biodiversity net gain across the whole of the outline application site area and with the reserved matters application approved for P1.5, P1.6 and P1.3 it would deliver in excess of 10 per cent net gain.

In addition, only a small net gain was being provided as part of P1.3 and given the small size of this site, which was previously developed and further damaged by a fire, the biodiversity value of this is negligible.

The Councils Ecology Consultant has been consulted on this application and have noted that as part of the outline permission Condition 8 requires a Construction Management Plan, Condition 19 requires a full soft landscaping scheme and condition 20 requires an ecological impact assessment that will all need to be submitted and reviewed. As such they have raised no objections to the proposal and the subsequent discharge of condition requirements will ensure that no unacceptable impacts will occur to protected and priority species.

The reserved matters submission is therefore considered to be in accordance with Policies DP7, DP9 and DP38 of the District Plan, Principle SDP14 of the Masterplan and the NPPF.

Sustainability

Policy DP39 of the District Plan states:

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

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

The application has been supported by a Sustainability Statement, this will need to be formally discharged as part of the condition attached to the outline permission, nonetheless it sets out the proposal will meet the sustainability policy requirements owing to the following measures:

- High level of insulation
- Air tight
- No requirement for mechanical ventilation
- Internal layout will allow for good natural ventilation
- Photovoltaic panels on the roof
- Air source heat pump
- Fitted with low water usage facilities

In light of the above it is reasonable to conclude that the proposal will not result in significant environmental effects in relation to sustainability and is therefore considered to be in accordance with Policy DP39 of the District Plan and relevant paragraphs of the NPPF.

Other Issues

Burgess Hill Town Council have raised concerns with the Parish boundaries, the address point was historic and as such reflected historic parish boundaries. This has now been updated and the correct Parish Council was consulted on the application.

Condition will be attached to secure parking, EV charging and cycle parking provision.

EIA Regulations

The outline planning permission, DM/18/5114, was EIA development and was therefore subject to an Environmental Statement. Paragraph 9 of Part 3 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 refers to the procedures for determining subsequent applications where environmental information has previously been provided. In this case the applicants have submitted a statement of conformity and the local planning authority considers that the environmental information before the Council is adequate to assess the significant effects of the development of the environment. It is considered that the development is in broad accordance with the outline planning permission and as such the conclusions of the Environmental Statement submitted under that application remain relevant.

PLANNING BALANCE AND CONCLUSION

To summarise, the principle of this development has been established by the grant of outline planning permission. In addition, with this development only forming a small area of the approved development parcel P1.3 a number of the main issues, such as highways, access and parking, drainage and biodiversity have been addressed as part of the wider site approval or will be secured as part of the conditions attached to the outline permission.

Furthermore, the proposed replacement rather than conversion of Lowlands Farm Barns is considered to be of an appropriate design size and scale that is in-keeping with the character of the wider development and the original agricultural appearance of the building, it is not considered to cause a significant detrimental impact on neighbouring amenities, while also being acceptable in regards to sustainable construction and dwelling space standards.

Overall, it is considered that the reserved matters are acceptable and comply with the development plan when read as a whole. Therefore, this scheme can be approved.

Decision: Permission

Case Officer: Joseph Swift

