

ECE Planning

Planning and Sustainability Statement

Land at Milbank Bungalow

March 2024



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Project Name: Land at Milbank Bungalow

Location Land to the rear of 99 Leylands Road, Burgess Hill, RH15 8AA

Client: Watling

File Reference: P1877i

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1. Introduction

- 1.1. This Planning and Sustainability Statement has been produced by **ECE Planning** on behalf of Watling in support of a Full Planning Application for the development of the Land to the rear of 99 Leylands Road, Burgess Hill ('the Site'). The description of development for the proposal reads:

'Demolition of existing garage and shed and erection of a 2no. bedroom dwelling with associated landscaping, parking for two cars and erection of a new shed'.

- 1.2. A Full Planning Application has previously been submitted under planning application reference (DM/24/0578) which was subsequently refused on the 1 October 2024 for the following reasons:

1. The proposed development would be of a harmful scale and form, resulting in a contrived layout that would be out of keeping with the character of the surrounding area. The design would present a stark side elevation to Millbank, where the property would be publicly visible, and have an unbalanced and poorly proportioned front elevation, thereby failing to create a dwelling of a high design quality. As a result, the proposal would not comply with Policy DP26 of the Mid Sussex District Plan, Policy H2 of the Burgess Hill Neighbourhood Plan, the Mid Sussex Design Guide SPD and the National Planning Policy Framework
2. The scale, height and position of the proposed dwelling in relation to 101A and 101B Leylands Road, would create an imposing feature that would be increased by the changing land levels between the site and these neighbours. Furthermore, the location of the property frontage facing these rear gardens and the associated comings and goings is considered to be unneighbourly and, overall, these issues would result in significant harm to their privacy and outlook. As a result, the proposal would not comply with Policy DP26 of the Mid Sussex District Plan, the Mid Sussex Design Guide SPD and the National Planning Policy Framework.

- 1.3. Since the refusal, we have sought Pre-Application advice for a reduced scale scheme. Although it was noted that the proposals would be unlikely to be supported at Full Application Stage, we have sought to reduce the scale of the scheme presented further in this application. Further details of the Pre-Application can be found at **Appendix B** of this statement.

- 1.4. This statement sets out relevant background for determination of the planning application, including a description of development of the Site and its surroundings, the relevant planning history and planning policies, details of the proposed development, and an assessment of relevant planning policies and material considerations.

- 1.5. The proposals have also been informed by the National Planning Policy Framework (December 2023 version), the Planning Practice Guidance, Mid Sussex Local Plan, Design Guide and Burgess Hill Neighbourhood Plan.

- 1.6. The application for Full Planning should be considered with full regard to the following suite of supporting documents, drawings, and plans:

Planning Application and Notice Forms

Planning Statement

Location and Block Plans, Proposed and Existing Floorplan and Elevations

Drainage and Flood Risk Documentation

2. The Site

- 2.1. The site is located in close proximity to the centre of Burgess Hill to the south of Leylands Road. The site is situated approximately 1.1km from the town centre. The application site is located within the Built-up Area Boundary of Burgess Hill and is not situated within a Conservation Area designation.
- 2.2. The area of the site is approximately 0.04ha and its current uses is as a garden which has a shed to the western boundary, as demonstrated in Figure 1 below.



Figure 1- The Site (Red Line)

- 2.3. The site is located within a residential area which comprises of predominantly two storey properties and bungalows. Along Leylands Road there are examples of bungalows as well as 2 storey semi-detached and detached dwellings. In the direct locality there are multiple examples of 1.5 storey chalet style bungalows.
- 2.4. There is no uniform character to Leylands Road, with a varied mix of properties ranging in height, bulk, and mass. The dwellings to the immediate north and south of the site are predominantly two storey detached dwellings, however, do also include bungalows and chalet style properties.
- 2.5. The architectural detail within the locality is also varied with a wide range of design. Within Millbank there are many examples of traditional buildings with hanging tiles and red brick. To the north of the proposed site on Leylands Road there is no set character. There are chalet style bungalows which are mainly rendered with tiled roofs or red brick, the 2 storey dwellings have a mix of red brick and cladding as well as entirely red brick. To the west there are further examples of a varying character with exposed timbers on a featured gable.
- 2.6. The site is in a sustainable location with a bus stop approximately 200m from the site on Mill Road and Wivelsfield Train Station located approximately 860m away. In addition to this, the site is located approximately 1.1km from the Burgess Hill Town Centre and therefore benefits from close proximity to an abundance of local services.
- 2.7. The site is identified by the Environmental Agency's Flood Map for planning as falling in Flood Zone 1 and is within an area of low risk of surface water flooding.

3. Planning History

- 3.1. A search of the Council's online register of planning applications has been. Please refer to the most relevant applications below.

Planning Applications

- 3.2. **Reference 13/01598/FUL.** Erect chalet bungalow to rear of property (amended Location/ Block Plan and Design and Access Statement submitted 23/07/2013) at 99 Leylands Road, Burgess Hill, West Sussex, RH15 8AA. **Withdrawn.**
- 3.3. **Reference DM/24/0578.** Demolition of existing garage and shed and erection of a 2no. bedroom dwelling with associated landscaping, parking for two cars and erection of a new shed (updated site plan received 23.04.2024. notice and certificate b received 29.04.2024. updated site plan received 14.05.2024. updated plans and drainage strategy received 25.06.2024. updated planning statement received 09.07.2024). **Refused 2 October 2024** for the following reasons,

1. The proposed development would be of a harmful scale and form, resulting in a contrived layout that would be out of keeping with the character of the surrounding area. The design would present a stark side elevation to Millbank, where the property would be publicly visible, and have an unbalanced and poorly proportioned front elevation, thereby failing to create a dwelling of a high design quality. As a result, the proposal would not comply with Policy DP26 of the Mid Sussex District Plan, Policy H2 of the Burgess Hill Neighbourhood Plan, the Mid Sussex Design Guide SPD and the National Planning Policy Framework
2. The scale, height and position of the proposed dwelling in relation to 101A and 101B Leylands Road, would create an imposing feature that would be increased by the changing land levels between the site and these neighbours. Furthermore, the location of the property frontage facing these rear gardens and the associated comings and goings is considered to be unneighbourly and, overall, these issues would result in significant harm to their privacy and outlook. As a result, the proposal would not comply with Policy DP26 of the Mid Sussex District Plan, the Mid Sussex Design Guide SPD and the National Planning Policy Framework.



Figure 2- Proposed North and East Elevations

- 3.4. For further details, please refer to the Decision Notice and Officer Report at **Appendix A** of this Planning Statement.

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Pre-Application

3.5. **Pre-Application Advice (no reference) dated 3 January 2025.** Pre-application advice was sought for a smaller-scale option (Figure 3) in response to the reasons for refusal provided. The key changes to the scheme are as follows:

- The roof pitch has been lowered, and the footprint widened to create a chalet bungalow arrangement with reduced first-floor accommodation. The proposed ridge height is now 1.25m lower than before.
- The footprint has been extended by 1.35m to the north to accommodate the chalet bungalow's head heights on the first floor. The roof pitch, building width, and eaves height have been adjusted to reduce the ridge height as much as possible.
- The entrance has been moved to the front of the house with a recessed porch (to ensure the side cannot be interpreted clearly as the front of the house)
- Total GIA for this option is 112.3sqm / 1,208sqft

3.6. While it was noted that the proposals were unlikely to be supported at the full application stage, we have further reduced the scale of the scheme in this submission. Further details on the pre-application advice can be found in **Appendix B** of this statement.

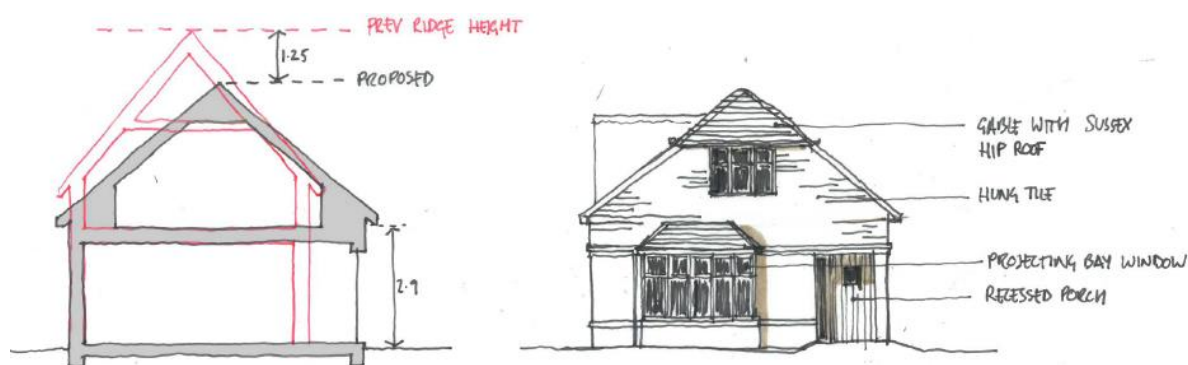


Figure 3 - Pre-Application Proposals

4. The Proposal

4.1. This application seeks **Full Planning Permission for:**

'Demolition of existing garage and shed and erection of a 2no. bedroom dwelling with associated landscaping, parking for two cars and erection of a new shed'. Please refer to Figure 4 which visually details the proposals.

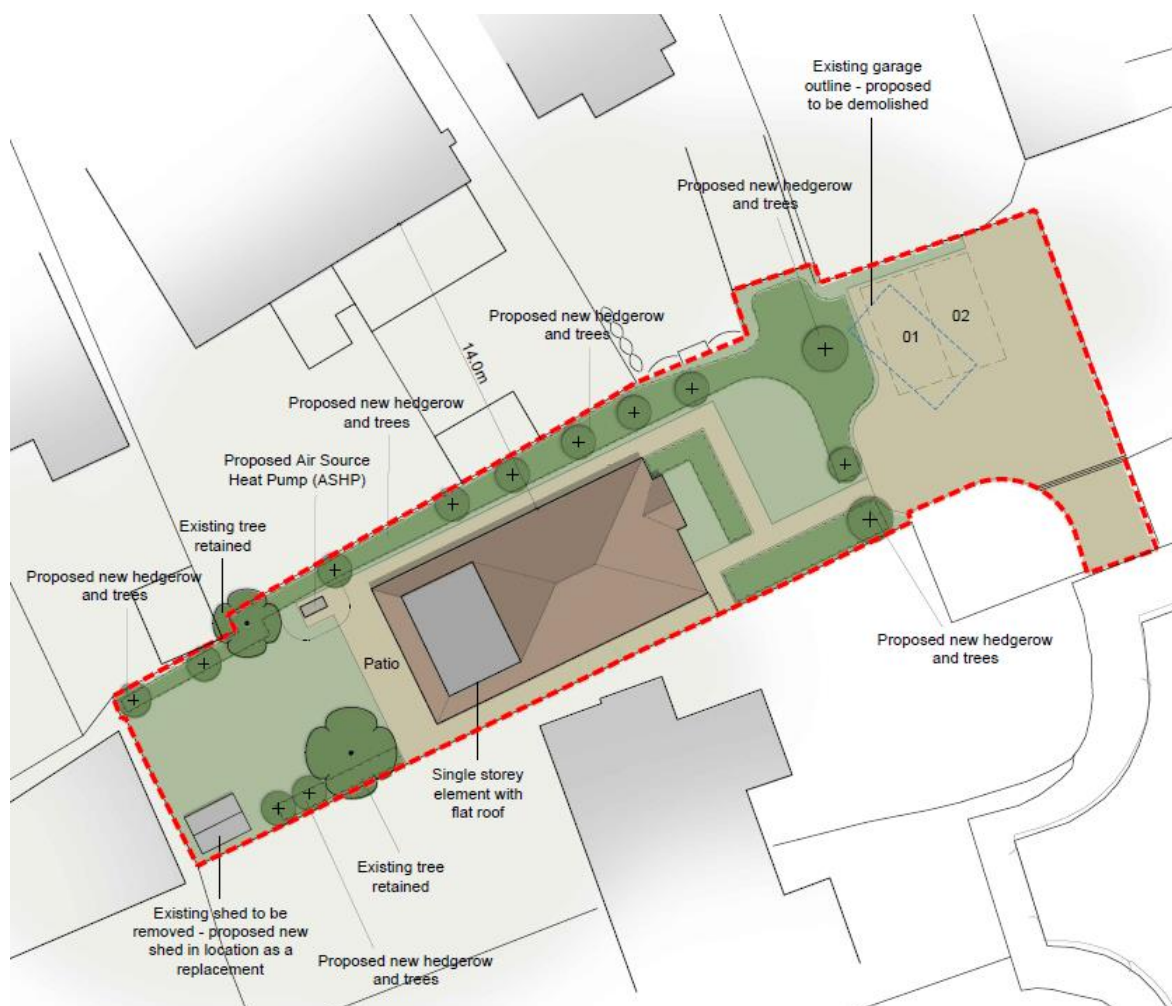


Figure 4 - Proposed Site Plan

- 4.2. The existing access currently serving the Land will be retained along Milbank. Demonstrated above, the proposal will provide 2no parking spaces for the new dwelling, in line with Guidance. The proposal also seeks to provide cycle parking with the shed to the rear of the garden. An electric vehicle charging point could be provided and will be secured by way of condition.
- 4.3. The proposed dwelling presents a **single-storey bungalow** which is traditional in architectural form with contemporary detailing, designed to sit comfortably within its surroundings. The building features a pitched red clay tile roof, which has been significantly lowered from the previous refusal.
- 4.4. The elevations are predominantly constructed in brick, incorporating decorative brick detailing to add texture and interest to the façade. The use of tile-hung cladding on specific sections introduces variation, breaking up the massing and creating a visually engaging composition.

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- 4.5. The openings are well-balanced, with white-framed windows and doors providing contrast against the brickwork. A timber entrance door adds warmth and complements the material palette. Brick cills and headers enhance the detailing, while black rainwater goods integrate subtly into the design. Refer to Figure 5.

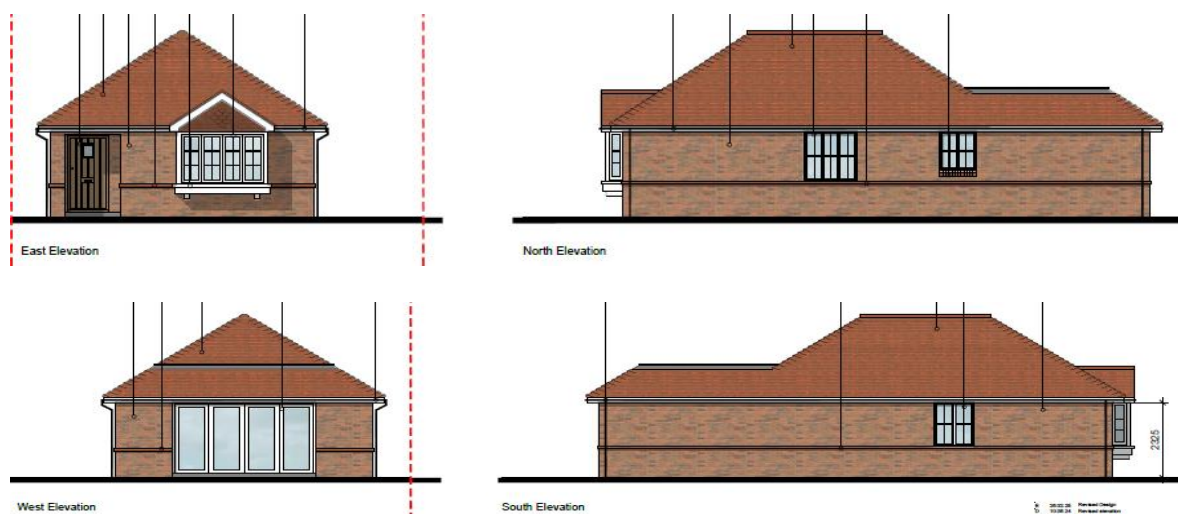


Figure 5 - Proposed Elevations

- 4.6. Internally, the bungalow provides two bedrooms, a spacious open-plan kitchen and dining area, and a bathroom all efficiently arranged within a 72.52 sqm (781 sqft) footprint on the site. Refer to Figure 6.

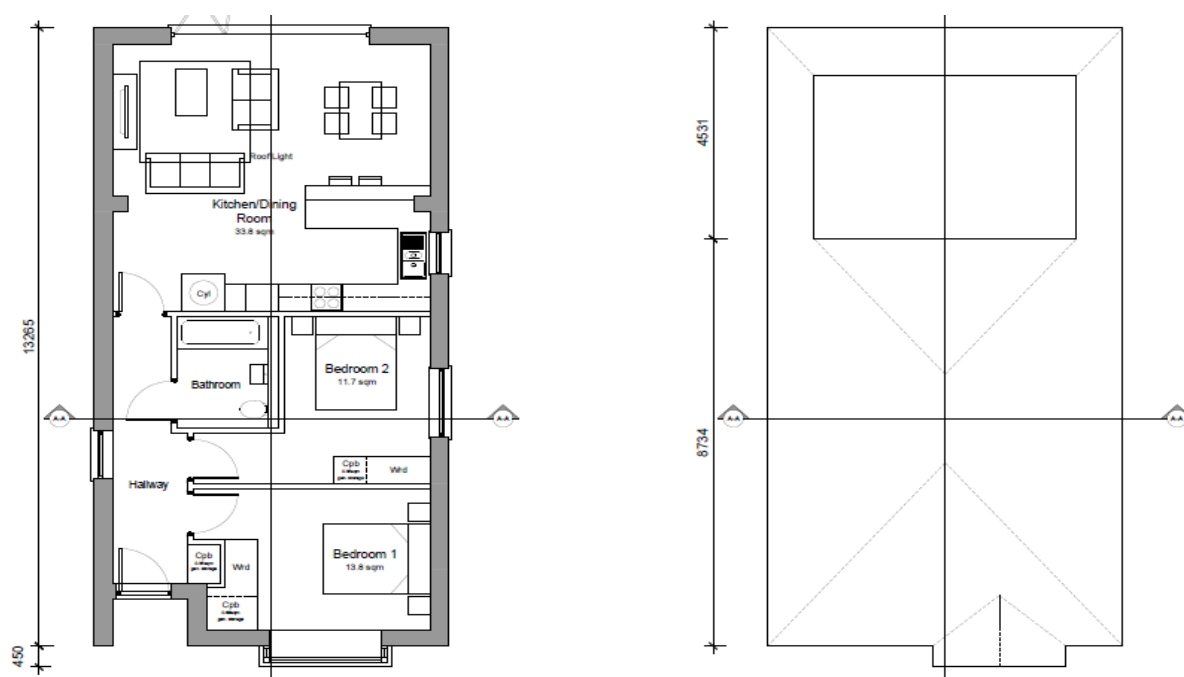


Figure 6 - Proposed Floorplan

- 4.7. Sufficient space is available on site for the storage of bin/recycling bins. The collection of these bins will be to the front of the property. These arrangements are considered easily accessible and suitable for the scale/usage of the proposal.
- 4.8. Please refer to the accompanying floor and elevation plans for greater detail on the scheme.

5. Policy Overview

5.1. Introduction

- 5.1.1. A key role of the planning system is to regulate the development and use of land in the public interest. At the heart of the planning framework are Statutory Development plans, which seek to guide the decision-making process. 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 consists of the following:

Mid Sussex District Plan (2018)

Burgess Hill Neighbourhood Plan (2015)

5.2. National Planning Policy Framework (NPPF)

- 5.2.1. The NPPF, most recently amended in December 2024, sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced.

- 5.2.2. The following extracts of the NPPF are considered most relevant in the determination of this application. The below are not explored in detail within this Statement but have been fully reviewed in preparation of this application.

Chapter 2 (Achieving Sustainable Development)

Chapter 5 (Delivering a Sufficient Supply of Homes)

Chapter 9 (Promoting Sustainable Transport)

Chapter 11 (Making Effective 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)

5.3. Planning Practice Guidance (PPG)

- 5.3.1. The PPG supplements the overarching objectives of the National Planning Policy Framework. The guidance provided by the PPG has been fully considered in the creation of the application and the proposed plans are seen to be fully compliant with it.

5.4. Strategic Planning Policy – Mid Sussex District Plan (2018)

- 5.4.1. 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

DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP21: Transport

DP26: Character and Design

DP27: Dwelling Space Standards

DP37: Trees, Woodland and Hedgerows

DP38: Biodiversity

DP39: Sustainable Design and Construction

DP41: Flood Risk and Drainage

DP42: Water Infrastructure and the Water Environment

5.5. Strategic Planning Policy- Burgess Hill Neighbourhood Plan (2016)

5.5.1. Burgess Hill's Neighbourhood Plan was adopted in January 2016 to provide the main planning framework for the Town to 2031. The relevant policies are detailed below.

5.5.2. **Policy S4 (Parking Standards for New Development)** Outlines the minimum number of parking spaces required for the development to be compliant. For this development within parking zone 4, this requires 1.1 spaces per 2-bedroom dwelling which the proposal meets.

5.5.3. **Policy H2 (Backyard Development)** states that *development in back gardens in residential areas of Burgess Hill will generally not be supported. Exceptionally, proposals to intensify existing residential areas will only be supported where this can be achieved through good design and without harming local amenities. Any attractive prevailing character and appearance of the area must be protected.*

Where back garden development is proposed; special regard must be paid to:

- i. The density and height of the proposal;*
- ii. The privacy and outlook from existing dwellings and, in particular, gardens;*
- iii. Any proposed demolition of existing dwellings or parts of dwellings to form access. If this would create an unattractive breach in a consistent street frontage then this will not be permitted;*
- iv. Access arrangements that would cause significant nuisance to neighbouring properties will not be permitted;*
- v. Sufficient garden depth and area should be retained by existing dwellings commensurate with their size and character;*
- vi. The layout, scale, and form of housing visible from the street should be compatible with the predominant scale of housing on the street; and,*
- vii. The effect and cumulative impact of the development on the loss of garden habitat/biodiversity.*

5.5.4. The relevant policies have been reviewed, considered, and are explored further within the appraisal section of this statement.

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

5.5.6. 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.

5.5.7. The draft District Plan 2021-2039 (Regulation 19) was published for public consultation on 12th January 2024 for six weeks and as a result of this consultation there are unresolved objections to the majority of Policies in the draft District Plan. As such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan. The relevant policies are as follows,

DPS2 - Sustainable Design and Construction

DPS4 - Flood Risk and Drainage

DPS6 - Health and Wellbeing

DPN2 - Biodiversity Net Gain

DPB1 - Character and Design

DPT1 - Placemaking and Connectivity

DPT4 - Parking and Electric Vehicle Charging Infrastructure

DPH2 - Sustainable Development - Outside the Built-up Area

DPH3 - Sustainable Development - Inside the Built-up Area

DPH11 - Dwelling Space Standards

5.6. Supplementary Planning Documents

5.6.1. 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)

6. Planning Appraisal

6.1. Introduction

- 6.1.1. This section of the statement details how the proposed development complies with the policies set out within the Development Plan. The following matters are the principal considerations with regards to the proposal:

Principle of Development

Design, Form and Appearance

Residential Amenity

Access and Parking

Drainage

Sustainability

Biodiversity Net Gain

6.2. Principle of Development

- 6.2.1. The proposal seeks permission for the construction of a 2no. bedroom dwelling to the rear of 99 Leylands Road. As identified within Mid Sussex's Policy Maps and set out previous within this statement the site lies within the built-up area boundary of Burgess Hill where development is encouraged, subject to consideration against other policies in the Local Plan.
- 6.2.2. Policy DP4 states that *'development will be permitted within towns and villages with defined built-up area boundaries. Any **infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale** (with particular regard to DP26: Character and Design) and not cause harm to the character and function of the settlement'*.
- 6.2.3. Paragraph 73 of the National Planning Policy Framework (recently revised in December 2024) states that *'small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. To promote the development of a good mix of sites local planning authorities should:*
- c) support the **development of windfall sites** through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.'*
- 6.2.4. As identified in this letter, the site falls within the designated built-up area boundary of Burgess Hill which is categorised as a 'Category 1 Settlement' within Policy DP6 of the Local Plan. The settlement there provides a comprehensive range of employment, retail, health, education leisure services and facilities. The settlement also benefits from good public transport provision and will act as a main service centre for the smaller settlements.
- 6.2.5. The site is located within an existing settlement where development proposals that are of an appropriate nature and scale and maintain characteristics and function of the settlement are considered acceptable. There is a presumption in favour of sustainable development within the built-up area, and as such, the proposal is considered acceptable in principle, subject to other considerations (explored below).

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6.2.6. Overall, the proposal is considered to be entirely acceptable, representing an appropriate form of windfall development and has no detrimental impact on the surroundings. The proposal would make effective use of land (in accordance with Section 11 of the NPPF) and is within a highly sustainable location. In addition, accompanying plans illustrate that a sensitively designed dwelling can be comfortably accommodated on the land which would have no detrimental impact on surrounding dwellings (as discussed in further detail below). The dwelling would make a small but valuable contribution towards the District's housing need.

6.2.7. Further to the above, it should be noted that the Officer stated in the Officer Report reference DM/24/0578 that,

'As the proposed development is within the built up area of Burgess Hill, a Category 1 settlement, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement

*As such the **principle of development is considered to be acceptable** subject to compliance with policy DP26'*

6.2.8. It is therefore considered that the principle of development in this location is entirely appropriate subject to justification of design and character on the area.

6.3. Design, Form and Appearance

6.3.1. Policy DP26 states that *'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'*.

6.3.2. Policy H2 of the Burgess Hill Neighbourhood Plan states *'where **back garden development is proposed**; special regard must be paid to:*

- i. The density and height of the proposal;*
- ii. The privacy and outlook from existing dwellings and, in particular, gardens;*
- iii. Any proposed demolition of existing dwellings or parts of dwellings to form access. If this would create an unattractive breach in a consistent street frontage then this will not be permitted;*
- iv. Access arrangements that would cause significant nuisance to neighbouring properties will not be permitted;*
- v. Sufficient garden depth and area should be retained by existing dwellings commensurate with their size and character;*
- vi. The layout, scale and form of housing visible from the street should be compatible with the predominant scale of housing on the street; and,*
- vii. The effect and cumulative impact of the development on the loss of garden habitat/biodiversity'.*

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- 6.3.3. Mentioned in previous sections, the main reasons for refusal reference DM/24/0578 are predominately related to the design, appearance of the scheme. As part of this application, it is considered that the scheme has fully overcome all the reasons for refusal on design and amenity terms.
- 6.3.4. The dwelling has been significantly reduced to a single-storey bungalow with ground-level accommodation only. This has lowered the roof and eaves to a level that remains subservient to the surrounding dwellings and aligns with the site's lower topography. Designed to be notably lower than neighbouring properties, the dwelling steps down in height, reflecting the characteristics of the area.
- 6.3.5. An indicative section plan has been provided which shows the heights of 15 Millbank and 101 Leylands Road, both two storey dwellings which are shown as 8.5 metres and 6.12 metres high respectively. Within Figure 7, it is demonstrated that the proposals are significantly lower and fits well in the confines of the site while respecting amenity.

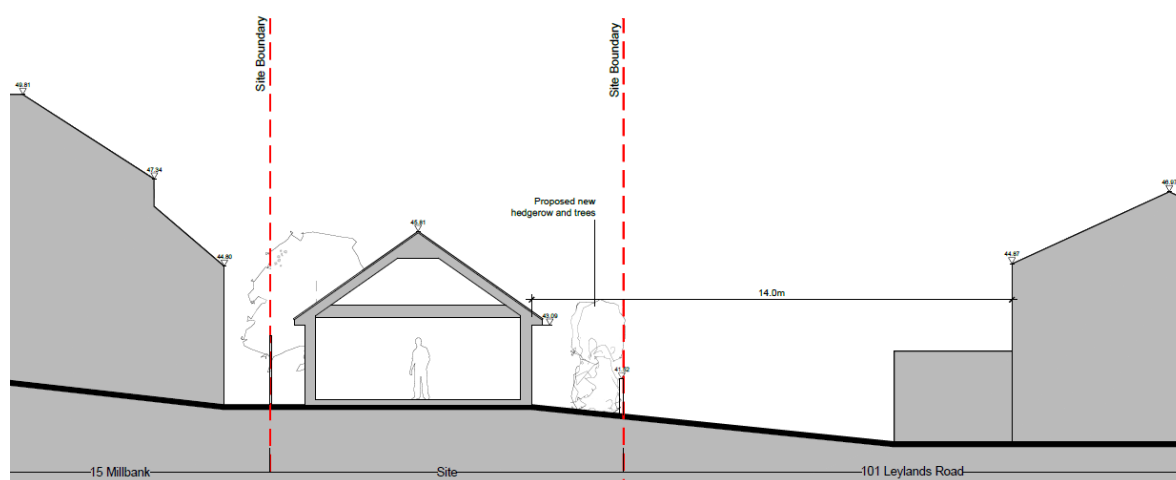


Figure 7 - Site Section

- 6.3.6. One of the main reasons for refusal of the previously refused scheme was focused on the access of the site and the fact the entrance would face the rear gardens of Leylands Road. The Officer stated in the Officer Report reference DM/24/0578 that,
- 'To accommodate the scale of the dwelling on this site, it has been orientated so that the side elevation faces onto Millbank and the front elevation, containing the entrance to the dwelling, would face the rear gardens of Leylands Road. It is considered that this arrangement creates a contrived layout that would not reflect the established character of the area.'*
- This described orientation of the dwelling is also considered to create a stark appearance from public vantage points, as the building turns away from the streetscene and would appear poorly sited'.*
- 6.3.7. As part of this submission, the proposals have sought to amend the access, so the entrance of the dwelling would be accessible from the east elevation, the elevation which faces to Millbank Road as demonstrated in Figure 5 above. This would result in the occupiers accessing their dwelling to the front elevation and therefore no entrance points are proposed to north, a reason which the previous application was refused for on design and amenity terms.
- 6.3.8. Another reason for refusal was to do with design, height and scale of the previously refused application. The Officer stated in the Officer Report reference DM/24/0578 that,

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'With regards to the design of the front elevation, whilst it attempts to present the appearance of a bungalow, the overall building height is not conducive to this, and it creates an unbalanced relationship between the proportions of the wall and roof. It is therefore considered that the proposal would not reflect its surroundings in relation to scale, form and layout and would not be of a high standard of design'.

- 6.3.9. It is demonstrated in the description of the development and the submitted plans that this scheme represents a well thought out and balanced design which is single storey in form with no accommodation proposed in the roof of the dwelling. All elevations proposed are considered to be balanced and represent the characteristics of a bungalow which is seen in neighbouring roads.
- 6.3.10. This application has dramatically modified the design to meet the requirements suggested by officers while producing a well design scheme which is full functional and meets national described space standards.
- 6.3.11. As a comparison, please refer to Figure 8 and 9 which shows the elevations of the refused and proposed scheme.



Figure 8 – Elevations of refused Scheme



Figure 9 - Elevations of proposed Scheme

- 6.3.12. The proposed scheme has been carefully revised to address all previous reasons for refusal, particularly in terms of design, scale, and access. The development now presents a single-storey bungalow that is subservient to its surroundings, respecting both the topography of the site and the established character of the area. The revised design ensures the dwelling sits comfortably within its context, responding positively to neighbouring properties and integrating seamlessly into the residential cul-de-sac.
- 6.3.13. Key modifications include lowering the roof and eaves, refining the orientation and access to align with Milbank Road, and ensuring a balanced and proportionate form that reflects the characteristics of a bungalow. The new layout avoids previous concerns regarding poor siting and contrived appearance, while also adhering to nationally described space standards.

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6.3.14. The submitted sections and elevations (Figures 7, 8, and 9) illustrate how the proposal now sits significantly lower than surrounding properties, achieving an appropriate scale and form that blends naturally with the streetscape. By implementing the suggested design changes, the scheme now aligns with policy DP26 of the Mid Sussex District Plan, policy H2 of the Burgess Hill Neighbourhood Plan, and the Mid Sussex Design Guide SPD.

6.3.15. This application demonstrates a well-considered and high-quality design that successfully overcomes all previous concerns, resulting in a fully compliant and well-integrated infill development.

6.4. Residential Amenity

6.4.1. Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do '*...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*'.

6.4.2. Mentioned in previous sections, the main reasons for refusal reference DM/24/0578 related to the impact the proposed scheme would have on 101A and 101B Leylands Road as the scheme was previously orientated to have the entrance to the dwelling to the north elevation which would be to the rear of 101A and 101B Leylands Roads gardens.

6.4.3. The Officer stated in the Officer Report reference DM/24/0578 that,

'To the north of the application site are the rear of properties on Leylands Road, which are at a lower land level than the site. The proposed dwelling is to be located to the rear of 101A and 101B Leylands Road. It should be noted that No. 101B benefits from a single storey projection, which does not appear to be present in all of the submitted drawings. Whilst it is noted that the submitted plans show a distance of some 15.0 metres between the front elevation and rear elevation of these neighbours, the proposed dwelling is to be some 3.0 to 3.5 metres from the shared boundary.

Given the changing land levels, size of the dwelling, the space between the house and the boundary in addition to the dwelling's height, more akin to a two storey property, it is considered that it would create an imposing feature to these neighbours. In addition to this, the proposed house has been orientated so that the front of the dwelling would face these rear gardens. It is considered that this would be significantly unneighbourly to have future occupiers' comings and goings so close to the private amenity space of these neighbours'.

6.4.4. As mentioned in previous sections of this Statement and visually demonstrated in Figure 7, the proposals have sought to lower the scale of scheme to fit with the lower topographical constraints of the site and therefore it is considered that only the roof would be able to be seen from 101A and 101B Leylands Road given the extensive amount of vegetation proposed and reduced roof form.

6.4.5. In addition, now the proposed dwelling has been scaled back and is a bungalow structure there will be no storey element, nor would there be any rooms in the roof which would cause any overlooking issues into the surrounding properties. The entrance of the scheme has also been changed to be located to the east elevation of the site and would therefore not cause any significant or '*unneighbourly*' impacts from the future occupier's comings and goings so close to the private amenity space of 101A and 101B Leylands Road.

6.4.6. The revised proposal has fully addressed the previous concerns raised regarding the height, scale, and orientation of the dwelling. By reducing the scheme to a single-storey bungalow, repositioning the entrance to the east elevation, and aligning with the lower topography of the site, the development now avoids any imposing or overbearing presence on 101A and 101B Leylands Road.

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- 6.4.7. With no upper storey or rooms in the roof, there are no overlooking concerns, and the carefully considered design ensures that only the roofline will be visible, further softened by extensive vegetation. The comings and goings of future occupants will no longer impact neighbouring private amenity space, as the front elevation no longer directly faces these properties.
- 6.4.8. Further to the above, the distance between the site and 101A and 101B Leylands Road is approximately 14m. In terms of the separation distance above, we recently secured planning approval for a scheme in Mid Sussex where a separation distance of 14.5m was deemed acceptable by Officers at the Land South of Hanlye Lane reference DM/23/2610.
- 6.4.9. Within the Committee Report it should be noted that that Officer states that,
- 6.4.10. *'The neighbouring properties most likely to be impacted by the proposal are No. 9 and No. 11 Stocklands. As the proposal is seeking to place 3 bungalows with rear gardens adjoining their rear gardens along the western (side) boundary. At closest they would have a back to back distance of approximately 14.5 metres'.*
- 6.4.11. This scheme is considered to align with this precedent application at Hanlye Lane reference DM/23/2610.
- 6.4.12. As a result, the proposal now complies with Policy DP26 of the Mid Sussex Plan, demonstrating a sensitive and well-integrated design that respects both neighbouring amenity and the character of the area.

6.5. Access and Parking

- 6.5.1. The proposed development is located in a highly sustainable area, owing to its short walking distance to Burgess Hill Town Centre and its transport connectivity to the wider area; as well as its close proximity to key local services. The location of surrounding public transport options and the close proximity of local services sets the proposal in accordance with Policy DP21 of the Mid Sussex Local Plan.
- 6.5.2. The proposed access of the land is sought to be retained as part of this proposal, with the inclusion of an upgraded footpath serving pedestrian access to the property.
- 6.5.3. Due to the small scale of the scheme and with regard to Paragraph 111 of the NPPF, this will not lead to any severe highway safety impacting the existing dwelling or other residences in the area and therefore the provision of an additional dwelling in this location is considered to be acceptable.
- 6.5.4. The proposed dwelling comprises 2no. bedrooms and has sufficient space available on site, for at least 2no. vehicles and cycle spaces which is in line with WSCC standards An EV charging point can also be include on-site for each dwelling and can be secured via an appropriately worded condition if necessary.
- 6.5.5. It is therefore concluded that the proposal would meet the requirements of policy DP21 of the District Plan and policy S4 of the Burgess Hill Neighbourhood Plan.

6.6. Sustainability

- 6.6.1. Policy DP39 of the Mid Sussex 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:

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- *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.*

6.6.2. As a part of the proposals, the applicants seek to implement the following sustainability measures into the development including.

- Sustainable drainage techniques will be used where practical to fully disperse surface water (SUDS), including permeable paving below block paved areas/ washed gravel areas.
- Refuse and recycling bins are to be accommodated within their rear gardens.
- The proposed landscaping set within the garden areas and to the open spaces will be used to encourage and improve ecological diversity.
- Appliances will be energy efficient with low NOx levels. Heating and hot water will be provided with Air Source Heat Pumps.
- Water consumption in all dwellings will be reduced through the use of practical and hygienic water saving measures.
- High quality materials are proposed that will age gracefully and require the minimum of maintenance. Materials will be specified where possible to minimise their travel distance to site, ensuring where relevant that materials are specified from recognised sustainable sources with the appropriate certification.

6.6.3. It is considered that the proposed development would include sustainability measures to accord with Policy DP39 of the Local Plan.

6.7. Drainage

6.7.1. Policy DP41 of the District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate.

6.7.2. A drainage strategy and flood risk assessment were submitted in response to the Council's Drainage Engineer as part of the previous application (reference DM/24/0578) and have also been reviewed by the Drainage Engineer.

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- 6.7.3. Overall, it is concluded that the previous outstanding matters have been addressed. It has also been advised that the method of surface water disposal cannot be objected to as permission would be required to connect and discharge to the local public foul sewer from the sewerage undertaker. This consent would need to be secured prior to the commencement of development, to ensure that the site can be adequately drained.
- 6.7.4. A sensibly worded pre-commencement condition is recommended to secure the foul and surface water drainage and means of disposal details.
- 6.7.5. It is therefore considered that, with the inclusion of this condition, the proposed development would comply with Policy DP41 of the Local Plan.

6.8. Biodiversity Net Gain

- 6.8.1. Policy DP38 of the Mid Sussex 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.

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).

- 6.8.2. The proposals seek to erect a bungalow within the existing underutilised garden and therefore ecology surveys are not required for a scheme of this scale. Additionally, the application has been submitted as a 'self-build/custom build' project, which falls under the Biodiversity Net Gain (BNG) exemption category.
- 6.8.3. Although the scheme does not seek to achieve the 10% BNG requirement, the proposals include biodiversity enhancements in line with Policy DP38. These enhancements could involve the installation of bird / bat boxes on the dwellings as well as insect hotels, which can be secured through an appropriately worded planning condition prior to the occupation of the dwelling.
- 6.8.4. It is considered that the proposed development would accord with Policy DP38 of the Local Plan.

7. Conclusions

- 7.1. This Planning and Sustainability Statement has been produced by **ECE Planning** on the behalf of **Watling** in support of a Full Planning Application for the development of the Land to the rear of 99 Leylands Road, Burgess Hill ('the Site'). The description of development for the proposal reads:

'Demolition of existing garage and shed and erection of a 2no. bedroom dwelling with associated landscaping, parking for two cars and erection of a new shed'.

- 7.2. The principle of development has been previously accepted in the refused application DM/24/0578 which confirmed that the application for development on site is acceptable given its designation within the Built-Up Area Boundary and its sustainability link being a Category 1 settlement.
- 7.2.1. The proposed scheme has been carefully revised to address all previous reasons for refusal, particularly in terms of design, scale, and access. The development now presents a single-storey bungalow that is subservient to its surroundings, respecting both the topography of the site and the established character of the area. The revised design ensures the dwelling sits comfortably within its context, responding positively to neighbouring properties and integrating seamlessly into the residential cul-de-sac.
- 7.2.2. In addition, the revised scheme has fully addressed the previous concerns raised regarding the height, scale, and orientation of the dwelling. By reducing the scheme to a single-storey bungalow, repositioning the entrance to the east elevation, the development now avoids any imposing or overbearing presence on 101A and 101B Leylands Road.
- 7.2.3. All other matters, including access, parking, sustainability, drainage, and ecology, are considered acceptable and can be appropriately managed through suitably worded planning conditions throughout the course of the application.
- 7.3. In conclusion, the development is considered to be consistent fully with the aims and objectives of both the National Planning Policy Framework, Mid Sussex Local Plan and Burgess Hill Neighbourhood Plan. The Council is therefore respectfully requested to grant full planning permission for this development.

Appendix A – Refusal Notice and Officer Report DM/24/0578

Remmus
Mr Chris Barker
ECE Planning Ltd
64-68 Brighton Road
Worthing
BN11 2EN

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

REFUSAL

REFERENCE: DM/24/0578

**DESCRIPTION: DEMOLITION OF EXISTING GARAGE AND SHED AND
ERECTION OF A 2NO. BEDROOM DWELLING WITH
ASSOCIATED LANDSCAPING, PARKING FOR TWO CARS AND
ERECTION OF A NEW SHED (UPDATED SITE PLAN RECEIVED
23.04.2024. NOTICE AND CERTIFICATE B RECEIVED 29.04.2024.
UPDATED SITE PLAN RECEIVED 14.05.2024. UPDATED PLANS
AND DRAINAGE STRATEGY RECEIVED 25.06.2024. UPDATED
PLANNING STATEMENT RECEIVED 09.07.2024)**

LOCATION: LAND TO R/O, 99 LEYLANDS ROAD, BURGESS HILL, RH15 8AA

DECISION DATE: 2 OCT 2024

CASE OFFICER: CAROLINE GRIST - CAROLINE.GRIST@MIDSUSSEX.GOV.UK

The Council hereby notify you that they **REFUSE** to permit the above development as shown in the submitted application and plans.

The reasons for the Council's decision are:-

1. The proposed development would be of a harmful scale and form, resulting in a contrived layout that would be out of keeping with the character of the surrounding area. The design would present a stark side elevation to Millbank, where the property would be publicly visible, and have an unbalanced and poorly proportioned front elevation, thereby failing to create a dwelling of a high design quality. As a result, the proposal would not comply with Policy DP26 of the Mid Sussex District Plan, Policy

H2 of the Burgess Hill Neighbourhood Plan, the Mid Sussex Design Guide SPD and the National Planning Policy Framework.

2. The scale, height and position of the proposed dwelling in relation to 101A and 101B Leylands Road, would create an imposing feature that would be increased by the changing land levels between the site and these neighbours. Furthermore the location of the property frontage facing these rear gardens and the associated comings and goings is considered to be unneighbourly and, overall, these issues would result in significant harm to their privacy and outlook. As a result, the proposal would not comply with Policy DP26 of the Mid Sussex District Plan, the Mid Sussex Design Guide SPD and the National Planning Policy Framework.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, it has not been possible to resolve them. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	PL-01	B	25.06.2024
Block Plan	PL-02	D	25.06.2024
Existing Site Plan	PL-03	B	25.06.2024
Proposed Site Plan	PL-04	I	25.06.2024
Proposed Floor Plans	PL-05	D	25.06.2024
Proposed Elevations	PL-06	D	25.06.2024
Proposed Sections	PL-07	C	25.06.2024
Drainage Details	PL-09	F	25.06.2024
Proposed Floor and Elevations Plan	PL-10		25.06.2024
Sections	PL-11		25.06.2024



Ann Biggs
Assistant Director Planning and Sustainable Economy

REFULZ

APPEALS TO THE SECRETARY OF STATE

Notes for Applicants

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice;

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
 - 28 days of the date of service of the enforcement notice, or
 - within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.uk](#).

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/0578	Case Officer:	Caroline Grist
Application Type:	Full Application		
Proposal:	Demolition of existing garage and shed and erection of a 2no. bedroom dwelling with associated landscaping, parking for two cars and erection of a new shed (Updated site plan received 23.04.2024. Notice and Certificate B received 29.04.2024. Updated site plan received 14.05.2024. Updated plans and drainage strategy received 25.06.2024. Updated Planning Statement received 09.07.2024)		
Site:	Land To R/O, 99 Leylands Road, Burgess Hill, RH15 8AA, , , ,		
Validation Date	2 Apr 2024	Overall Expiry Date:	30 Jul 2024
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	1 Oct 2024
Target Date:	28 May 2024	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	21
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	2 Oct 2024
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/0578

**Land To R/O, 99 Leylands Road, Burgess Hill, RH15 8AA, , ,
Demolition of existing garage and shed and erection of a 2no. bedroom dwelling with associated landscaping, parking for two cars and erection of a new shed (Updated site plan received 23.04.2024. Notice and Certificate B received 29.04.2024. Updated site plan received 14.05.2024. Updated plans and drainage strategy received 25.06.2024. Updated Planning Statement received 09.07.2024)
Remmus**

SUMMARY OF REPRESENTATIONS

Seventeen representations, from 15 different addresses, have been received in objection to this proposal. In summary, the following issues have been raised:

- o Proposal does not comply with policy H2 of the Burgess Hill Neighbourhood Plan;
- o Inconsistencies in the submission as to whether the property has two or three bedrooms;
- o Proposal is not a single storey dwelling but a chalet bungalow;
- o Details of the air source heat pump have not been provided;
- o Dwelling will not be sited where the garage currently is;
- o Cannot see how the dwelling can be positioned on the land retaining the separation distances;
- o Insufficient space to site a house on this site;
- o Submitted information makes comparisons with properties on Leylands Road, however the proposed dwelling is being built on Millbank;
- o Confused by dwelling size;
- o Do not consider the proposal would enhance the area;
- o Will result in overcrowding of the area;
- o Will result in an overdevelopment of the site;
- o Proposed building height is out of keeping;
- o Separation distances for properties on Millbank are greater than 2 metres;
- o Application will severely impact the existing residents at the bottom of Millbank;
- o Proposal would form an unsatisfactory and unneighbourly development, having regard to its proximity to other existing adjoining dwellings;
- o The application site is on higher land than Leylands Road thereby giving direct views to 101A Leylands Road, regardless of proposed planting, particularly as the front of the property would face this neighbour where there are associated windows;
- o Loss of privacy of bedroom windows and rear gardens of properties on Leylands Road;
- o Loss of privacy to 32 Millbank as windows will be looking directly at the property;
- o Will overlook 103A Leylands Road and affect the privacy of a bedroom window;
- o Would have a severe impact, imposing view and affect the privacy of the garden of 15 Millbank;
- o Cause overlooking and a loss of privacy to direct neighbours;
- o Planting would not overcome privacy concerns;
- o Would create an imposing building to properties on Leylands Road;
- o Would create a blank wall view from the landing window from 15 Millbank;
- o Have a significant overbearing impact on 101B Leylands Road;
- o Reduction of light and sun to the rear garden of 101A Leylands Road;
- o Will reduce light to the landing and utility room windows of 15 Millbank;
- o Loss of view;
- o Eaves and guttering may overhang or cause rain to overflow into 15 Millbank;
- o All existing fences should remain;
- o Proposal would not create an accessible dwelling;
- o Increased noise and disturbance from new house;
- o Access will be from Millbank, not Leylands Road;
- o Construction works would be unneighbourly;

- o Working hours and days should be restricted;
- o Insufficient space for the delivery of materials and workforce;
- o There is only a single point of access;
- o Delivery and placemen of goods should be strictly controlled;
- o No delivery vehicles should be parked on Millbank and be restricted to the site;
- o Access to the site is extremely limited and only available from Millbank, creating daily interruption and traffic problems for an extended period of time;
- o Would result in additional traffic being driven through Millbank, a cul-de-sac;
- o Limited parking currently available therefore the proposal causes traffic concerns e.g. trades people and additional pressure from new dwelling;
- o Flooding concerns;
- o Drainage concerns;
- o Application does not comply with Southern Waters requirements, as set out in their consultation response;
- o Impact to wildlife;
- o Previously refused and withdrawn applications of a similar nature have been made and previous issues have not been addressed;
- o Following the Planning Committee recommending refusal of the 2013 application, the application was withdrawn;
- o Proposed parking area crosses land that 32 Millbank has a right of access over;
- o Proposed soakaway would be positioned on land owned by 32 Millbank;
- o Construction will likely require access to land owned by 30 and 32 Millbank;
- o Scaffolding or similar should not extend over 15 Millbank;
- o Construction works will likely result in an highways obstruction;
- o Concern that there would be a future application for a first floor extension to the rear of the dwelling;
- o Question if ownership documents and certificates have been provided;
- o Question if permission will still be required from Southern Water; and
- o Concern that objections and comments will not be attributed to this application, which has previously happened.

One further letter was received in support of the proposal, which sets out the following:

- o Proposal would be an improvement to the area;
- o No. 32 was built in the rear garden of 95 Leylands Road and how No. 32 got the access to their property;
- o Allowing for servicing, refuse collection and deliveries, cannot see what difference the scheme would make as most people have deliveries and refuse collection;
- o Parking will not be a problem as they will be able to park on their own land;
- o There must have been construction traffic on Millbank when No. 32 was built;
- o Confirmed land ownership; and
- o 32 Millbank does not own land that would facilitate access to the new dwelling.

Following the submission of updated plans and documents, as well as a drainage strategy, a re-consultation was issued. A further eleven letters of objection were received that, in summary, raise the following additional matters:

- o Contrary to policies DP22, DP26 and DP29 of the Mid Sussex District Plan;
- o Contrary to policy H2 of the Burgess Hill Neighbourhood Plan;
- o Contrary to principles DG21 and DG47 of the Mid Sussex Design Guide;
- o Question if the site is large enough to accommodate the proposed house;
- o Significant loss of privacy to 32 Millbank;
- o Noise concerns from the air source heat pump on 32 Millbank;
- o Environmental Protection's requests should be stipulated;
- o Access issues for No. 32;
- o Access will be gained from Millbank, which is a small cul-de-sac;
- o Concern regarding the noise, pollution and inconvenience to residents regarding the parking of cars and site traffic and machinery;
- o Pedestrian safety concerns from additional traffic and parking;

- o Flooding, drainage and sewerage concerns;
- o Does not address the issues and concerns previously submitted;
- o Question if the applicant owns all relevant land;
- o Resident had not received consultation letter;
- o The final decision should lie with the Council, not the Planning Consultant; and
- o Previous issues from past applications have not been addressed.

It should be noted that each application is required to be assessed in accordance with relevant planning policies and any other material considerations. As such, concerns relating to matters such as a loss of view cannot be taken into account as they are not material. Furthermore only planning matters can be taken into account, as such concerns relating to other legislation cannot be considered. Any planning permission would also not negate the applicant's responsibility with regards to civil matters, the Highways Act or Southern Water's requirements.

SUMMARY OF CONSULTEES

Health and Safety Executive

HSE is the statutory consultee for planning applications that involve or may involve a relevant building.

Relevant building is defined as:

- o contains two or more dwellings or educational accommodation and
- o meets the height condition of 18m or more in height, or 7 or more storeys.

"Dwellings" includes flats, and "educational accommodation" means residential accommodation for the use of students boarding at boarding school or in the later stages of education (For definitions see article 9A (9) of the Town and Country Planning Development Management (England) Procedure Order 2015 as amended by article 4 of the 2021 Order.

However, from the information you have provided for this planning application, it does not appear to fall under the remit of planning gateway one because the purpose of a relevant building has not been met.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites / pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Mid Sussex District Council.

HSE's Advice: Do Not Advise Against: consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Southern Water

Protection of Public Apparatus

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul sewers within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 150 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" (southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf) and the Sewerage Sector Guidance (water.org.uk/sewerage-sector-guidance-approved-documents/) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

In order to protect public sewers, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.

Foul and Surface Water Drainage

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

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

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer

Guidance on Building Regulations is here:

gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Highways Authority

This proposal is for the demolition of existing garage and shed and erection of a 2no bedroom dwelling with associated landscaping, parking for two cars and erection of a new shed. The site is located on Millbank, an unclassified road subject to a speed restriction of 30 mph. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

The LHA previously provided consultation advice for this site for application 13/01598/FUL, raising no highway safety concerns. This application was withdrawn by the applicant.

Access and Visibility

The applicant proposes a new vehicular access for this dwelling on to Millbank using an existing drop kerb shared by the neighbouring property. From inspection of the plans, there appears to be no visibility issues at the point of access onto Millbank. In addition, the proposed development is not anticipated to give rise to a material intensification of use of the existing access point.

Parking and Turning

The applicant proposes two car parking spaces for this development on the proposed driveway. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size in this location would require at least two car parking spaces. Therefore, the LHA is satisfied with the proposed level of parking provision.

From inspection of the plans, the proposed parking bays are suitably sized and on-site turning appears achievable. Regarding cycle parking, the applicant has demonstrated a cycle store to the rear of the site, which will provide secure cycle parking provision in accordance with WSCC Parking Standards.

Sustainability

The site is situated in a sustainable urban location within walking/cycle distance of local services and amenities. Cycling is a viable option in the area. The site is also well connected by public transport, with regular buses available from Mill Road. Wivelsfield Train Station is situated approximately 850m east of the site.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions to secure cycle and vehicular parking should be imposed.

Street Naming and Numbering Officer

Informative requested.

Environmental Protection Officer

Contaminated Land:

The proposed development involves the demolition of an existing garage, and given the low potential for contamination associated with such structures (e.g., from oil, fuel, or other hazardous substances), we recommend the inclusion of a discovery condition for contaminated land. This condition would require an immediate stop of works and notification to the local authority if contamination is found during development, followed by appropriate investigation and remediation measures.

Noise:

The application indicates that the new dwelling will include an air source heat pump (ASHP). To ensure that the noise impact of the ASHP on neighbouring properties is acceptable, I would ask that the applicant provide detailed specifications of the proposed ASHP, including manufacturer, model, noise output levels, and location relative to property boundaries. If the details provided indicate that the noise impact is within acceptable limits, the need for further assessment may not be necessary.

In the absence of sufficient details about the ASHP, I would recommend a condition for a BS4142 noise assessment to evaluate the impact of the ASHP on the nearest noise-sensitive receptors. The condition can be structured with a caveat that allows for its removal if satisfactory details of the ASHP are submitted at a later date, demonstrating that the assessment is unnecessary.

Construction Environmental Management Plan (CEMP):

Given that residential properties surround the proposed development, it is important to minimise the impact of construction activities on neighbouring residents. I recommend conditioning a Construction Environmental Management Plan (CEMP). The CEMP should include measures to control construction:

Working Hours: Restrictions on working hours to minimise disturbance to residents.

Noise: Mitigation measures to reduce noise from demolition and construction activities.

Dust: Dust suppression techniques to prevent dust from affecting neighbouring properties.

We acknowledge that there are limitations on the extent to which noise and dust can be controlled during demolition and construction. However, the CEMP should aim to minimise these impacts as much as reasonably possible.

Recommendation: approve with conditions relating to the identification of contaminated land, noise scheme, construction hours and to secure a Construction Environmental Management Plan.

Drainage Engineer

The MSDC Flood Risk and Drainage team previously requested on 03.05.2024:

Further information is required at this time in relation to:

- o Flood risk and access/egress,
- o Surface water drainage, and
- o Foul water drainage.

The development has submitted a drainage strategy and flood risk assessment document, which we have read.

We conclude that the above points from 03.05.2024 have been covered.

Following negative infiltration testing, the development proposes to attenuate surface water for up to the 1 in 100 chance with climate change with a controlled flow of 0.4 ls-1 to the local public foul sewer.

The MSDC Flood Risk and Drainage team cannot object to this method of disposal, as permission to connect and discharge this way will be at the discretion of the sewerage undertaker.

Therefore, the MSDC Flood Risk and Drainage team advise that the matter of obtaining consent to connect and specifically discharge surface water to the public foul must be sought immediately.

The MSDC Flood Risk and Drainage team advise that a condition to secure details of the foul and surface water drainage and means of disposal.

TOWN COUNCIL OBSERVATIONS

First Response

Recommend Refusal. The Committee stated the application contravened:

Mid Sussex Design Guide;
DG21: Consider and allow for servicing, refuse collection and deliveries
DG47: Provide homes with sufficient daylight and sunlight

Mid Sussex District Plan;
DP22: Rights of Way and other Recreational Routes
DP26: Character and Design
DP29: Noise, Air and Light Pollution

Burgess Hill Neighbourhood Plan;
Policy H2: Back Garden Development

The Committee also noted there was no noise impact assessment in regard to air source heat pumps.

Second Response

RECOMMENDATION: Recommend Refusal. The Committee felt the application contravened:

Mid Sussex Design Guide;

DG21: Consider and allow for servicing, refuse collection and deliveries
DG47: Provide homes with sufficient daylight and sunlight

Mid Sussex District Plan;
DP22: Rights of Way and other Recreational Routes
DP26: Character and Design
DP29: Noise, Air and Light Pollution
DP41: Flood Risk and Drainage

Burgess Hill Neighbourhood Plan;
H2: Back Garden Development

The Committee also expressed concerns in regards to the contradictions in the flood risk reports and actions to improve, as well as the suggested planting scheme contradicting guidance from South East Water.

INTRODUCTION

Planning permission is sought to demolish an existing garage and shed and erect a 2no. bedroom dwelling with associated landscaping, parking for two cars and erection of a new shed.

RELEVANT PLANNING HISTORY

13/01598/FUL - Erect chalet bungalow to rear of property. Withdrawn.

Land to the rear of 97 Leylands Road

BH/254/85 - Outline application - Proposed bungalow. Refused.

Reason for refusal: *'Having regard to the limited area of the site and its relationship to existing residential properties the proposed dwelling would result in a cramped layout, with inadequate parking and turning facilities and garden space, and would have an unneighbourly effect on the amenities of adjacent properties'.*

BH/185/92 - Outline application for a two bedroom bungalow with parking space. Refused.

Reason for refusal: *'Having regard to the limited area of the site and its relationship to existing residential properties the proposed dwelling would result in a cramped layout, with inadequate parking and turning facilities and garden space, and would have an unneighbourly effect on the amenities of adjacent properties, and would be contrary to Local Plan Policy BH3/6'.*

SITE AND SURROUNDINGS

The application predominantly relates to an area of land that is situated behind the rear gardens of 99, 101A, 101B and 103 Leylands Road. This land is currently associated with 99 Leylands Road and is used as part of their garden. The site also includes an area of land to the rear of 97 Leylands Road that currently contains a flat roof garden and is finished in hardstanding. This area of the site is accessed from Millbank, which is a residential cul-de-sac to the south.

The application site is located within the built up area of Burgess Hill. Residential dwellings are located to all sides of the site. Additional information has been supplied, during the course of the application, to confirm ownership and that notice has been served on all relevant parties.

APPLICATION DETAILS

The application seeks to demolish an existing garage and shed and construct a new dwelling, with associated landscaping, parking and a new shed. In terms of the new dwelling, the ground floor is to contain a living room, w.c., kitchen and dining room, whilst two bedrooms, one of which is to contain an en-suite, and a bathroom are proposed on the first floor. The ground floor is to be some 12.8 metres deep and the first floor 10.1 metres. Both levels are to be some 5.6 metres wide. A barn hip roof is proposed over the two storey section and would measure approximately 3.8 metres to the eaves and 7.5

metres to the ridge. A flat roof is proposed over the single storey section that would have a height of approximately 2.9 metres.

It is proposed to create the access to the property from Millbank, at the northern end of the cul-de-sac. Two parking spaces are proposed to the north of the access and the shed is to be sited in the south western corner. During the course of the application further details in relation to an air source heat pump have been supplied, which is to be sited within the property frontage, adjacent to the southern boundary.

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,*
- b) And 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 Document (DPD) and Burgess Hill Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

DP4 - Housing

DP6 - Settlement Hierarchy

DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP21 - Transport

DP26 - Character and Design

DP27 - Dwelling Space Standards

DP39 - Sustainable Design and Construction

DP40 - Renewable Energy schemes

DP41 - Flood Risk and Drainage

Site Allocations Development Plan Document (DPD)

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

There are no relevant policies.

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan was made in January 2016.

S4 - Parking Standards for new Developments

H2 - Back Garden Development

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) was published for public consultation on 12th January 2024 for six weeks and as a result of this consultation there are unresolved objections to the majority of Policies in the draft District Plan. 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 Drainage

DPS6 - Health and Wellbeing

DPN2 - Biodiversity Net Gain

DPB1 - Character and Design

DPT1 - Placemaking and Connectivity

DPT4 - Parking and Electric Vehicle Charging Infrastructure

DPH2 - Sustainable Development - Outside the Built-up Area

DPH3 - Sustainable Development - Inside the Built-up Area

DPH11 - Dwelling Space Standards

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.

National Planning Policy Framework (NPPF) (December 2023)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

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

With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

Technical Housing Standards

West Sussex County Council Parking Calculator

ASSESSMENT

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

- Principle of development;
- Design and impact on character of the area;
- Impact to neighbouring amenity;
- Highways;
- Flood risk and drainage;
- Dwelling space standards;
- Ashdown Forest;
- Sustainability; and
- Biodiversity Net Gain.

Principle of development

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land. As such the planning balance to be applied in an 'untilted' one.

As the proposed development is within the built up area of Burgess Hill, a Category 1 settlement, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement'.

As such the principle of development is considered to be acceptable subject to compliance with policy DP26.

Design and impact on character of the area

Policy DP26 of the Mid Sussex 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:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o 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 DP27);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development'.*

Policy H2 of the Burgess Hill Neighbourhood Plan, relating to back garden development is also considered to be relevant:

'Development in back gardens in residential areas of Burgess Hill will generally not be supported. Exceptionally, proposals to intensify existing residential areas will only be supported where this can be achieved through good design and without harming local amenities. Any attractive prevailing character and appearance of the area must be protected.

Where back garden development is proposed; special regard must be paid to:

- i.) The density and height of the proposal;*
- ii.) The privacy and outlook from existing dwellings and, in particular, gardens;*
- iii.) Any proposed demolition of existing dwellings or parts of dwellings to form access. If this would create an unattractive breach in a consistent street frontage then this will not be permitted;*
- iv.) Access arrangements that would cause significant nuisance to neighbouring properties will not be permitted;*
- v.) Sufficient garden depth and area should be retained by existing dwellings commensurate with their size and character;*
- vi.) The layout, scale and form of housing visible from the street should be compatible with the predominant scale of housing on the street; and,*
- vii.) The effect and cumulative impact of the development on the loss of garden habitat/biodiversity'.*

Principle DG11 of the Mid Sussex Design Guide states in part:

'new development should generally reflect the scale of adjacent areas and the settlement context within which it is located to deliver a coherent and consistent urban fabric'.

Principle DG38 is also considered to be relevant and states:

'Applicants should establish an architectural approach and identity in the design of building that is borne from the place.

The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated.

Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:

- o The elevational treatment and overall façade design;*
- o The placement, proportions and design of windows, doors and balconies;*
- o A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- o The appropriate incorporation of dormer windows and chimneys;*
- o An appropriate palette of good quality materials that are preferably locally sourced'.*

Whilst the application site is located to the rear of properties that face onto Leylands Road, access is to be gained from Millbank. As such the proposal would be most visible and would form part of the streetscene of Millbank, which is a residential cul-de-sac. It is therefore considered that the development would need to respond appropriately to these surrounding houses. Within Millbank there are predominantly pairs of semi-detached dwellings that are constructed of red brick, with tile hanging at the first floor level, and pantile roofs. Furthermore the houses step down in height, reflecting the changing land levels, and have ground floor, flat roof projections to the front. At the northern end of the cul-de-sac, the area changes to detached garage buildings and a chalet bungalow. This built form, whilst a diversion from the strong semi-detached pairs, respects the character of Millbank in its height, continuing the stepping down, and in terms of design, such as the materials and containing front projections. It is considered that the streetscene is very localised, with limited views to the surrounding built up area.

The supporting documents describe the proposed building as a 1.5 storey dwelling. Whilst it is acknowledged that the first floor accommodation is to be provided within the roofspace, which is visible in the front elevation, the side elevations present the appearance of a fully expressed two storey dwelling. This is due to the inclusion of first floor windows and a barn hip roof, which increases the eaves level, and would be reinforced by the building height, which is to be some 7.5 metres high. To accommodate the scale of the dwelling on this site, it has been orientated so that the side elevation faces onto Millbank and the front elevation, containing the entrance to the dwelling, would face the rear gardens of Leylands Road. It is considered that this arrangement creates a contrived layout that would not reflect the established character of the area.

This described orientation of the dwelling is also considered to create a stark appearance from public vantage points, as the building turns away from the streetscene and would appear poorly sited. With regards to the design of the front elevation, whilst it attempts to present the appearance of a bungalow, the overall building height is not conducive to this and it creates an unbalanced relationship between the proportions of the wall and roof. It is therefore considered that the proposal would not reflect its surroundings in relation to scale, form and layout and would not be of a high standard of design.

In addition the landscaping to the front cannot be guaranteed as it would appear to be within 3.0 metres of a public sewer. Whilst the sewerage and drainage arrangements in relation to landscaping is a matter for Southern Water, it does raise questions regarding this aspect of the proposal.

Concerns regarding the proposed design and layout have been shared with the agent, who has responded to these matters and chose to make no changes to the submission. It is their view that:

- o the scale is consistent with other properties in the vicinity;*
- o the dwelling is of a similar height and footprint to adjacent properties;*

- o properties on Millbank are staggered and the views to the property would be of a similar hipped roof design on a similar plane;
- o changing levels assists in reducing the visual impact of the dwelling;
- o variety of dwellings in the immediate area;
- o schemes should provide consistency with an area rather than create uniformity; and
- o materials and architectural character compliment the characters of both Millbank and Leylands Road.

As initially described, due to the location of the site, it is considered that the proposed dwelling would be seen within a more localised streetscene of the surrounding houses on Millbank. The addition of a dwelling of a similar height to neighbouring properties does not indicate that the dwelling would step down in height, which is a key characteristic of this area. An indicative section plan has been provided, however the heights of 15 Millbank and 101 Leylands Road, both two storey dwellings, are shown as some 8.5 metres and 6.12 metres high respectively. Whilst it is acknowledged that there can be more variety in design, as set out in DG38 it does need to start from key aspects of the site's surroundings. Screening the dwelling is not considered to provide sufficient justification for this design approach and it is therefore concluded that the proposed dwelling would be of a scale, form and layout that would be out of keeping with the surrounding area that would have a stark and contrived appearance.

The proposed would therefore be contrary to policy DP26 of the Mid Sussex District Plan, policy H2 of the Burgess Hill Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Impact to neighbouring amenity

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do '*...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*'.

A range of concerns have been raised regarding the impact of the proposed development on surrounding properties.

It is noted that the nearest neighbour on Millbank to the proposal is No. 15, which is situated at a higher land level. The proposed dwelling has been designed so that the eastern elevation of the dwelling would be sited in a similar position to this neighbour. The two storey section of the western elevation would be positioned in line with the rear elevation of this neighbour. It is noted that there are side windows that face the application site, however the representations received set out that these windows do not relate to habitable rooms. As such, whilst it is considered that there would be some impact to these side windows, given that habitable rooms would not be affected it is not considered that an objection could be substantiated on these grounds. Due to the position of the dwelling it is not considered that the front windows of No. 15 would be adversely affected. Whilst, overall, the proposed dwelling would be longer than this neighbour, given that only the single storey element would protrude to the rear and would be set at a lower ground level, it is not considered that there would be a significant loss of light or outlook in this regard either. In terms of privacy, windows on the southern elevation have been positioned so as not to result in any direct overlooking. The rear garden would be set further back, due to the single storey element, and would remain in garden use. It is therefore concluded that there would not be an harmful loss of privacy to No. 15.

Concern has also been raised regarding the impact to 32 Millbank, the neighbour to the east. The proposed eastern elevation, which is a side elevation, is to be set back some 19.0 metres from the site boundary. This distance is such, particularly within a built up area, that it would not give rise to concerns regarding a significant loss of light, outlook or privacy. It is noted that the parking spaces would be closer to this neighbour, however they would replace a garage that is in separate ownership. Given the similarity of these uses, this arrangement is therefore not considered to result in a loss of amenity to this neighbour.

To the north of the application site are the rear of properties on Leylands Road, which are at a lower land level than the site. The proposed dwelling is to be located to the rear of 101A and 101B Leylands Road. It should be noted that No. 101B benefits from a single storey projection, which does not appear to be

present in all of the submitted drawings. Whilst it is noted that the submitted plans show a distance of some 15.0 metres between the front elevation and rear elevation of these neighbours, the proposed dwelling is to be some 3.0 to 3.5 metres from the shared boundary. Given the changing land levels, size of the dwelling, the space between the house and the boundary in addition to the dwelling's height, more akin to a two storey property, it is considered that it would create an imposing feature to these neighbours. In addition to this, the proposed house has been orientated so that the front of the dwelling would face these rear gardens. It is considered that this would be significantly unneighbourly to have future occupiers' comings and goings so close to the private amenity space of these neighbours.

The Environmental Protection Officer has also commented on the application. With regards to contaminated land it is advised that the proposal involves the demolition of an existing garage. It is advised that these structures have a low potential for contamination and a condition relating to the discovery of any contamination is considered to be sufficient.

Concern has been raised regarding the air source heat pump (ASHP) and this feature has been considered by the Environmental Protection Officer. It is advised that no evidence has been provided regarding the ASHP, such as manufacturer, model and noise output levels. Without these details a condition for a BS4142 noise assessment to evaluate the impact of the ASHP, or details of the pump, has been recommended to ensure that it would not cause significant harm to neighbouring dwellings. In addition a condition is recommended to secure a Construction Management Plan, which would agree matters such as working hours, noise and dust control. This condition is also considered to address concerns raised by residents regarding the building works.

It is therefore considered that whilst some matters can be addressed by planning conditions, the harm identified to 101B and 101A Leylands Road cannot be resolved in the same manner. The height and scale of the proposed building in proximity to the rear of these neighbours, and would be increased due to the changing land levels, would create an imposing and significantly harmful addition. Furthermore the front elevation would face these properties and the comings and goings from future residents would be significantly harmful to the private amenity space it would front. It is therefore considered that proposal would fail to comply with the requirements of policy DP26 of the Mid Sussex Plan.

Highway impact and parking provision

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

Policy S4 of the Burgess Hill Neighbourhood Plan establishes its own parking standards for new housing developments.

It is noted that a number of concerns have been raised, including in relation to parking and highways safety. The Highways Authority have also reviewed the proposal and provided comments. With regards to the proposed access onto Millbank, it is advised that no visibility issues have been identified and it is anticipated that the proposal would not give rise to a material intensification in terms of the access point being used.

The proposal seeks to include two parking spaces to the east of the site. This level of parking is advised as being consistent with the West Sussex Car Parking Demand Calculator, which would require at least two car parking spaces. The Burgess Hill Neighbourhood Plan has a parking standard for developments that propose 20 houses or fewer. For two bedroom houses, the allocated provision for a two bedroom house is one designated space and one non-designated space. This standard would be achieved for the proposed development. It further requires a provision of 1.5 non-allocated parking spaces, however it is noted that the scheme only seeks to provide one new dwelling within an existing area of housing. Whilst it is acknowledged that the cul-de-sac has limited off road parking, it is nonetheless available. The Highways Authority have further advised that the proposed parking bays are of an appropriate size and

cycle storage will also be provided as part of the development. Cycling is advised as being viable in this location, as local services and amenities are within an appropriate distance. Walking would also be an option and there are regular buses available from Mill Road as well as the train links available from Wivelsfield station.

Given the scheme would provide the full provision of the designed parking spaces and the sustainable travel links available, in this instance it is considered that an objection on parking could not be substantiated.

Conditions have been recommended by the Highways Authority to secure the car and cycle parking. Given the site constraints, it is considered that these conditions would be necessary. Due to the limited access it is also considered reasonable to include a condition that would require construction details to be provided, such as the details of where building materials are to be stored, to ensure the safe and neighbourly development of the site. It is therefore concluded that the proposal, with the aforementioned conditions, would meet the requirements of policy DP21 of the District Plan and policy S4 of the Burgess Hill Neighbourhood Plan.

Standard of accommodation

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and sets out space standards for all new residential dwellings to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan seeks to ensure that Dwelling space standards comply with The Government's Technical Housing Standards - Nationally Described Space Standards document, which sets out space standards for all new residential dwellings to secure a satisfactory standard of accommodation for future residents.

The proposed house would accord with the requirements in terms of overall floor space, bedroom size and storage space. As such the unit would comply with Policy DP27 of the District Plan.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

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

A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Sustainability

Policy DP39 of the Mid Sussex 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:

- o Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- o Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- o Use renewable sources of energy;*
- o Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- o Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- o 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'.*

Paragraph 157 of the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure'.

Paragraph 162 states:

In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption'.

A Sustainability Statement has been submitted as part of this application that sets out the following:

- o Sustainable drainage techniques are to be used to disperse surface water (SUDS);
- o Refuse and recycling bins are to be accommodated in the rear garden;
- o The proposed landscaping within the garden and open spaces will be used to encourage and improve ecological diversity;
- o Appliances will be energy efficient with low NOx levels;
- o Heating and hot water are to be provided with Air Source Heat Pumps;
- o Water consumption is to be reduced through the use of practical and hygienic water saving measures; and
- o High quality materials are to be used that will be specified, where possible to minimise their travel distance to the site and are from recognised sustainable sources.

Further information has also been provided, during the course of the application, in relation to the air source heat pump.

It is considered that the proposed development would include sustainability measures to accord with local and national policy and, whilst the information is limited, would not be sufficient grounds to justify the refusal of the application for this reason.

Drainage

Policy DP41 of the District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate.

Comments were received from the Council's Drainage Engineer in response to the originally submitted scheme. At this point it was noted that the site is partially located in an area of increased surface water flood risk. Furthermore the only access route to the development is also impacted by surface water flood risk. As such a flood risk assessment was required so that all of these matters could be fully explored. A flood risk assessment was submitted as part of the application, however it did not consider the flood risk posed to the access of the site or the access and egress. Further information was also requested in relation to the proposed surface water and foul water drainage systems as well as drawing the applicant's attention to Southern Water's requirements.

A drainage strategy and flood risk assessment has been submitted in response to these comments, which has also been considered by the Drainage Engineer. Overall it is concluded that the previous outstanding matters have been addressed. It has also been advised that the method of surface water disposal cannot be objected to as permission would be required to connect and discharge to the local public foul sewer from the sewerage undertaker. This consent would need to be secured prior to the commencement of development, to ensure that the site can be adequately drained. A pre-commencement condition has therefore been recommended to secure the foul and surface water drainage and means of disposal details.

It is therefore considered that, with the inclusion of this condition, the proposed development would comply with policy DP41.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This application for planning permission was made before 2nd April 2024 and so is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

The proposed development would result in one new dwelling in a sustainable location, within the built up area of Burgess Hill; this would make a minor but positive contribution to the District's housing supply. The proposal would also result in the employment of contractors for the duration of the build with the increased population likely to spend in the local community, albeit such benefits would be limited given the modest nature of the proposal. These are therefore material considerations with limited weight that weigh in favour of the scheme.

The proposal is also considered not to cause harm to the highway, drainage, or impact on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). These factors are therefore neutral in the planning balance.

Weighing against the scheme is the fact that the proposal would result in a contrived development that would be of a scale, form and design that would not be of a high quality and appear out of keeping with the character of the surrounding area. It would also cause significant harm to the amenities of 101A and 101B Leylands Road. The proposal is therefore considered to be contrary to the requirements of policy DP26 of the Mid Sussex District Plan, policy H2 of the Burgess Hill Neighbourhood Plan, the Design Guide SPD and the relevant provisions of the NPPF. The application is therefore recommended for refusal.

Decision: Refusal

Case Officer: Caroline Grist

Appendix B – Pre Application Response dated 3 January 2025

Dear Saskia,

DM/24/2744 – Land at Grid Reference 531548 119876, Millbank, Burgess Hill, West Sussex.

Many thanks for your pre-application enquiry relating to the site referenced above. It was requested by the Applicant that no policies were referenced within the pre-application response and only feedback on the proposal itself has been provided.

Design and Impact on the Character of the Area

The following paragraph from the previous Officer Report is considered to be pertinent to any future application on site to pay regard to:

“Whilst the application site is located to the rear of properties that face onto Leylands Road, access is to be gained from Millbank. As such the proposal would be most visible and would form part of the streetscene of Millbank, which is a residential cul-de-sac. It is therefore considered that the development would need to respond appropriately to these surrounding houses. Within Millbank there are predominantly pairs of semi-detached dwellings that are constructed of red brick, with tile hanging at the first floor level, and pantile roofs. Furthermore the houses step down in height, reflecting the changing land levels, and have ground floor, flat roof projections to the front. At the northern end of the cul-de-sac, the area changes to detached garage buildings and a chalet bungalow. This built form, whilst a diversion from the strong semi-detached pairs, respects the character of Millbank in its height, continuing the stepping down, and in terms of design, such as the materials and containing front projections. It is considered that the streetscene is very localised, with limited views to the surrounding built up area.”

By virtue of the sites located at the bottom and lowest point of Millbank, it is considered that views towards the site are naturally increased from this context. The stepping down in height amongst the dwellings along the road is considered as a key feature of the locality which a future development proposal on site must respect.

It is noted that the proposed height has been reduced by 1.25m high to the ridge whilst the eaves have been reduced by 0.9m. In order to accommodate the lower ridge, the roof pitch has been lowered to a shallower pitch and the width increased by 1.35m.

Whilst it is recognised that the proposed dwellings height has been lowered, it is considered that the perceived height from the roadside would still appear to be a two-storey property. This is due to the use of window openings at first floor level and the change in use of materials and tile hanging externally indicating accommodation at first floor level.

The re-siting of the front doorway to the eastern elevation is considered to be a more appropriate position for such a feature when compared to the previous arrangement. In addition, the front bay window alongside the doorway is considered to help establish the principal elevation through an architectural feature.

Impact on Residential Amenities

Whilst there would be a reduction in the ridge and eaves height, it is considered that the 1.25m reduction to the ridge combined with the increase in width and footprint would not be sufficient in reducing the buildings overall bulk and massing. Accordingly, it is considered that the dwelling would incur an imposing impact upon the dwellings at 101A and 101B Leylands Road.

It is acknowledged that the site is restricted in width from north to south, and a dwelling on site should be designed in order to reduce this overbearing impact. It is acknowledged that a separation distance of circa 13.65m would remain between the dwelling and the neighbouring dwellings to the north, however, the distance towards the shared boundary would be far shorter.

Conclusion

As outlined, the current proposal is unlikely to be supported at the full application stage. It is considered that the location of the site at lowest part of the slope along Millbank naturally increases the locations prevalence in views offered from the public

domain. Additionally, whilst there has been an increase in the separation distance towards the adjacent neighbouring dwellings at 101A and 101B, it is considered that an adverse imposing impact would still be incurred.

The above represents my informal view only based on the information contained in your enquiry. It does not prejudice the council from making whatever decision it considers appropriate on any application subsequently submitted.

The information contained in pre-planning advice may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information contained is legally exempt from disclosure, we cannot guarantee that we will not provide the whole or part of this advice to a third party making a request for information about the subject matter.