

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0071	Case Officer:	Catherine Cardin
Application Type:	Householder Application		
Proposal:	To drop kerb in front of house to allow for parking on driveway.		
Site:	1 Orchard Road, Burgess Hill, West Sussex, RH15 9PG, , , ,		
Validation Date	9 Jan 2025	Overall Expiry Date:	31 Jan 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	20 Feb 2025
Target Date:	6 Mar 2025	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	24 Feb 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0071

**1 Orchard Road, Burgess Hill, West Sussex, RH15 9PG, , ,
To drop kerb in front of house to allow for parking on driveway.
Mr Luke Beasley**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

WSCC Highways Authority

This application seeks a dropped kerb to front of house to allow for parking on driveway. The site is located on Orchard Road, an unclassified road subject to a speed restriction of 30 mph.

A new 6m wide dropped kerb is proposed, facilitating access to off-street parking for at least one car. From inspection of WSCC mapping, there are no apparent visibility concerns with the proposed point of access on Orchard Road. The proposed access works will be subject to a licence obtained through the local WSCC Highway Area Office and constructed to a specification agreed with the local WSCC Highway Area Engineer.

In summary, 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 116), and that there are no transport grounds to resist the proposal.

TOWN COUNCIL OBSERVATIONS

Recommend approval.

INTRODUCTION

Planning permission is sought to drop kerb in front of the property.

RELEVANT PLANNING HISTORY

No relevant planning history.

SITE AND SURROUNDINGS

1 Orchard Road is a two-storey, end of terrace dwelling. The dwelling is constructed of red brick, with white uPVC windows and a pantile roof. Orchard Road is an unclassified road.

The dwelling is set back from the highway by a front driveway, creating an open frontage to the public pavement. The pavement which extends along the front boundary of the house has a high kerb.

The application site lies in the built-up area of Burgess Hill. A neighbouring property is located to the south. There is also a highway to the west of the property and a public open space to the north.

APPLICATION DETAILS

This application seeks planning permission to drop the kerb on a 6 metre wide section of pavement, to allow vehicles to cross and park on the driveway. The submitted plans indicate that this will provide space for at least 1 car to park off the highway at the front of the house.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation Development Plan Document (DPD) and the 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:

DP21: Transport

DP26: Character and Design

Site Allocations DPD

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

There are no relevant policies.

Neighbourhood Plan

Burgess Hill Neighbourhood Plan (made 2016)

Relevant policies:

No relevant policies

Other Material Considerations

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

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

Relevant policies:

DPS2 - Sustainable Design and Construction

DPS6 - Health and Wellbeing

DPB1 - Character and Design

DPT4 - Parking and Electric Vehicle Charging Infrastructure

National Planning Policy Framework (NPPF) (December 2024)

ASSESSMENT

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

- Design and Character
- Impact on Neighbouring Properties
- Highway Issues
- Biodiversity Net Gain

Design and Character

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 DP29);
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.'

The proposed dropped kerb will allow off street parking for the residents of No 1 Orchard Road. These works would reflect other such vehicular parking provision on this part of Orchard Road and, as such, would not appear incongruous within the streetscene. It is therefore considered that this would not have a harmful impact upon the character of the dwelling or upon the character of the area.

The proposed dropped kerb arrangement will accord with the aims of Policy DP26.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, Policy DP26 in part seeks to ensure that development:

'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see DP29);'

The proposed development would not result in the addition of any new built forms and, as such, would not cause a loss of light or outlook to neighbouring houses. Due to the nature of the works, at the front of the property, it would not affect neighbour's privacy. Due to the domestic nature of the development there would not be a significant impact in terms of noise, air or light pollution.

Overall, it is considered that the proposal will accord with DP26.

Highway Issues

The proposal should be considered with reference to District Plan Policy DP21.

Policy DP21 of the District Plan states:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- o A high quality transport network that promotes a competitive and prosperous economy;*
- o A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- o Access to services, employment and housing; and*
- o A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- o The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- o Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- o The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages*
- o The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- o Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- o The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- o The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- o The scheme protects the safety of road users and pedestrians; and*
- o The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles. Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so'.

The proposal does not enlarge the existing property or increase the demand for off street parking for its residents. The provision of the dropped kerb will enable off street parking for the residents and could allow for the provision of EV charging directly from the house, without requiring trailing cables across the pavement to a car parked on the highway.

The area to the front of the house is sufficiently wide enough for at least one car to park off the road, with no apparent visibility concerns, and the Highways Authority has therefore not objected to the proposal. They have advised that as the proposed dropped kerb would not give rise to a highway safety concern in this location, therefore there are no transport grounds to resist the proposal.

The proposed dropped kerb to provide access to the already available off-street parking provision is therefore considered to accord with the aims of District Plan Policy DP21.

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 is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

In conclusion, the proposal is considered to be in character with the streetscene, will not cause harm to highway safety and would result in an acceptable impact on neighbouring amenities.

Therefore, the proposal complies with DP21 and DP26 of the Mid Sussex District Plan and the requirements of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Catherine Cardin