

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1317	Case Officer:	Joseph Swift
Application Type:	Full Application		
Proposal:	Proposed Pipe Bridge, to be attached to the north side of Eastern Bridge.		
Site:	Adj To Marketing Suite, Platinum Way, Burgess Hill, West Sussex, RH15 8RY, , ,		
Validation Date	20 May 2025	Overall Expiry Date:	11 Jun 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	26 Jun 2025
Target Date:	15 Jul 2025	Recommending Officer Signature:	Joseph Swift

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
--	--	-----------------------------------	---

Signed and Agreed By:	Stephen Ashdown	Date:	27 Jun 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1317

**Adj To Marketing Suite, Platinum Way, Burgess Hill, West Sussex, RH15 8RY, ,
Proposed Pipe Bridge, to be attached to the north side of Eastern Bridge.
Mr Phil Jameson**

Environment Agency

No objections subject to condition

LETTERS OF REPRESENTATION

No representations have been received.

TOWN/PARISH COMMENTS

MSDC Burgess Hill Town Council

Recommend approval.

INTRODUCTION

Planning permission is sought for a foul sewage pipe to be located to the northern side of the Eastern Bridge on Fairbridge Way, opposite the marketing site off Platinum Way, Burgess Hill.

RECENT PLANNING HISTORY

Permission was granted for the associated foul pumping station within sub-phase P1.8 of the wider Brookleigh development under:

DM/24/2010: Reserved Matters Application pursuant to outline application DM/21/3279, to consider access, appearance, landscaping, layout and scale for the installation of a foul pumping station on Sub-Phase P1.8, to the north of Fairbridge Way and the east of Isaacs Lane at Brookleigh.

SITE AND SURROUNDINGS

The application site is located to the northern side of the Fairbridge Way Bridge over the River Adur. The application site is designated as being within the built up area boundary of Burgess Hill, it is also within the red zone for Great Crested Newts and within Flood Zone 2 and 3.

APPLICATION DETAILS

Planning permission is sought for a foul sewage pipe to be located to the northern side of the Eastern Bridge on Fairbridge Way, opposite the marketing site off Platinum Way, Burgess Hill.

The proposed polyethylene pipe would have a diameter of 180mm, it will be enclosed within a 300mm flanged iron pipe sleeve and will be attached to the bridge-deck structure using pipework supports. The pipe would be constructed through the existing concrete wing walls on each side of the bridge and would measures a length of approximately 14.7 metres, plans show that the pipe on the bridge will be shielded by a cover to conceal the pipework on the bridge.

The pipe work is part of an integral new sewer that is being installed to connect development on land to the east of Isaacs Lane, which forms part of the wider Brookleigh Development, allowing wastewater flows from the development parcels from the new proposed pumping station to the existing Fairplace Hill

WSP approximately 330 metres to the east and then onto Goddards Green Wastewater Treatment works.

The other pipework between the new pumping station and the existing pumping station will all be installed underground and as such will benefit from permitted development.

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) Any local finance considerations, so far as material to the application, and
c) Any other material considerations.'

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

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

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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

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

Mid Sussex District Plan 2014-2031 (2018) (District Plan)

The District Plan was adopted on 28th March 2018. The relevant policies are considered to be consistent with the NPPF and should be afforded full weight. The relevant Policies include:

- o DP20 Securing Infrastructure
- o DP26 Character and Design
- o DP38 Biodiversity
- o DP41 Flood Risk and Drainage
- o DP42 Water Infrastructure & the Water Environment

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan has been made on the 28th January 2016. However, there are no policies that are considered relevant to this application.

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the

emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.
Relevant policies:

DSP2: Sustainable Design and Construction
DSP4: Flood Risk and Drainage
DNP2: Biodiversity Net Gain
DPB1: Character and Design
DPT1: Placemaking and Connectivity

OTHER MATERIAL CONSIDERATIONS

National Planning Policy Framework (NPPF) (December 2024)

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

Paragraph 9 of the NPPF states;

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

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

Paragraph 12 of the NPPF states;

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

Paragraph 39 of the NPPF states;

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

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

National Planning Policy Guidance (NPPG)

Mid Sussex Design Guide

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.

ASSESSMENT

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

- o Principle of Development
- o Design and Character
- o Neighbour Amenity
- o Ecology & Biodiversity
- o Impact on the water environment
- o Other Matters

Principle of Development

The application has been submitted by Southern Water in order to provide the necessary infrastructure to support the need generated by the Brookleigh Development to the west. Policy DP20 of the Mid Sussex District Plan in part states:

'Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing communities will be encouraged and permitted, subject to accordance with other policies within the Plan.'

On the basis of the above, the principle of the development is considered to be acceptable subject to the detailed considerations discussed below.

Design and Character

Policy DP26 of the District Plan states:

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

- 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 pipe is to be attached to the existing bridge, owing to the modest nature of the proposal which will be viewed in context of the existing bridge, it is therefore considered to be of an appropriate design size and scale that is in-keeping with the character of the bridge and the wider locality. The proposal is considered to comply with Policy DP26 of the Mid Sussex District Plan.

Neighbour Amenity

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

The pipework is small in scale, while being set back by approximately 32 metres from the closest residential dwellings, as such would not impact on the residential occupiers of the nearby properties in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook. For these reasons, the proposal would not impact on any nearby residential amenities in accordance with Policy DP26 of the District Plan.

Ecology & Biodiversity

Policy DP38 of the District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

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

The proposal is located within an area where there is a high likelihood of newt presence. however, the development as proposed is not impacting on any habitats, and instead will be located in a raised position attached to the bridge. As such the proposal is not considered to impact upon newts and is also unlikely to impact on any other protected species.

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

The proposal is considered to be in accordance with Policy DP38 of the District Plan in relation to ecology and biodiversity.

Impact on the water environment

Policy DP42 of the District Plan states:

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

The proposal would facilitate part of the strategic development of Brookleigh being connected to the public sewerage network. The proposal would be in accordance with Policy DP42 in this regard.

Policy DP41 of the District Plan states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.'

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

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

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

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

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

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

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

Where the proposal crosses the bridge, due to the very fact that it is a river it is unavoidable that it goes into Flood Zones 2 and 3. The application has been supported by a flood risk assessment that makes the following conclusions:

- Is appropriate for its location from a flood risk perspective,
- Will not result in an increase flood risk to people,
- Will not impede the flow of flood water,
- Will not increase flood risk elsewhere.

In addition, the Environment Agency have been consulted on the proposal and subject to a condition to secure the development being carried out in accordance with the submitted Flood Risk Assessment have raised no objections to the proposal. The application is therefore considered to comply with Policies DP41 and DP42 of the Mid Sussex District Plan.

Other Matters

The proposal is set approximately 160 metres to the south east of Firslands Court, which is a grade II Listed Building. However, owing to the separation and modest nature of the proposal it is not considered to impact upon the setting of the Listed Building.

CONCLUSION

The proposal is considered to be acceptable in principle, owing to the modest nature of the pipe which would be viewed in context of the bridge, it is considered to be of an appropriate design size and scale, while also not impacting on neighbouring amenities. Subject to the recommended condition, it is acceptable in relation to flood risk and drainage and is not considered to impact upon protected species. In conclusion, the proposal would accord with the requirements of policies DP20, DP26, DP38, DP41 and DP42 of the Mid Sussex District Plan

Decision: Permission

Case Officer: Joseph Swift