

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0110	Case Officer:	Joseph Swift
Application Type:	Full Application		
Proposal:	Widening and extension of the existing footway for creation of a shared footway/cycleway along the western side of the A273 between Gatehouse Lane and A272 roundabout via the removal of the carriageway hard strip, relocation of existing bus stop bench, lighting, landscaping and associated works.		
Site:	Land Adjacent To Jane Murray Way And North Of , Gatehouse Lane, Goddards Green, Hassocks, West Sussex, BN6 9LD, ,		
Validation Date	25 Feb 2025	Overall Expiry Date:	19 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	14 Oct 2025
Target Date:	22 Apr 2025	Recommending Officer Signature:	Joseph Swift

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Steven King	Date:	15 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0110

Land Adjacent To Jane Murray Way And North Of , Gatehouse Lane, Goddards Green, Hassocks, West Sussex, BN6 9LD,

Widening and extension of the existing footway for creation of a shared footway/cycleway along the western side of the A273 between Gatehouse Lane and A272 roundabout via the removal of the carriageway hard strip, relocation of existing bus stop bench, lighting, landscaping and associated works.

Mr Rob Morley

SUMMARY OF REPRESENTATIONS

No third party letters of representation have been received.

SUMMARY OF CONSULTEES

MSDC Tree Officer: No objection

TOWN/PARISH COUNCIL OBSERVATIONS

Twineham Parish Council: No objections

Hurstpierpoint and Sayers Common Parish Council: Recommend permission is granted.

INTRODUCTION

This application seeks planning permission for widening and extension of the existing footway for the creation of a shared footway/cycleway along the western side of the A273 between Gatehouse Lane and A272 roundabout via the removal of the carriageway hard strip, relocation of existing bus stop bench, lighting, landscaping and associated works.

RELEVANT PLANNING HISTORY

Although not within the redline boundary of the strategic development of Brookleigh, the proposal is being brought forward as part of the pedestrian and cycle way improvements between Brookleigh and Burgess Hill. The following Reserved Matters application was approved in July 2025 and will connect into this piece of infrastructure:

DM/25/0109: Reserved Matters relating to application DM/21/3279 (Outline application DM/18/5114) for WBLR Phase 3 (A2300 pedestrian/cycle improvement), comprising the construction of a segregated 2 metre footway and 3 metre cycle track (Green Superhighway) and 2.75 metre verge along the northern side of the A2300, construction of a 3-metre shared use route with up to up to 1 metre verge along the southern side of the A2300, construction of a 3 metre shared use route along the western side of the A273 Jane Murray Way with up to 2.75 metre verge drainage works, fencing, lighting, landscaping and associated works.

SITE AND SURROUNDINGS

The application site is currently the grassed verge starting at Gate House Lane to the south west, running along the north western side of Jane Murray Way past the dwelling Springfield to the west and connecting onto the cycleway and footpath being delivered as part of the wider strategic Brookleigh development.

The application site is designated within the Mid Sussex District Plan as being within the Built up Area Boundary, with Jane Murray Way being a classified road. The red line of the application site falls both within the Burgess Hill Neighbourhood Plan area and within the Hurstpierpoint and Sayers Common Neighbourhood Plan area. However, there is no development taking place within the Burgess Hill Plan area.

APPLICATION DETAILS

The proposal would result in the widening and extension of the existing footway along the north western side of Jane Murray Way. The footway would be widened to 3.29 metres in width and extended to a length of 68 metres, replacing the existing grass verge and creating a shared footway/cycleway which will provide a connection between the Strategic development of Brookleigh and Burgess Hill.

In order to facilitate the changes, the proposal would include the installation of new street lighting, the existing bus stop would be relocated by keeping it within the same location compared to the road, but by moving the flag sign and bench as close to the fence line as possible. In addition, to facilitate the widening, the kerb will extend into the carriageway removing the hard strip, however this will not impact on the width of the existing carriage way.

The existing verge drains into the highway drainage network and the proposal is for this to continue with the shared footway and cycleway. In order to allow for the widening two trees will need to be removed and pruning of lower branches is required to provide headroom.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

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

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

Mid Sussex District Plan

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

Relevant policies:

DP7 - General Principles for Strategic Development at Burgess Hill
DP9 - Strategic Allocation to the north and north west of Burgess Hill
DP21 - Transport
DP22 - Rights of Way and other Recreation Routes
DP26 - Character and Design
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP41 - Flood Risk and Drainage

Site Allocations DPD

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

None relevant.

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan was made by the Council on the 28th January 2016. It forms part of the Development Plan for the district and its policies can be afforded full weight.

Policy G6 - Footpath and cycle links

Hurstpierpoint and Sayers Common Neighbourhood Plan

The Hurstpierpoint and Sayers Common Hill Neighbourhood Plan was made by the Council on the 19th March 2015. It forms part of the Development Plan for the district and its policies can be afforded full weight. However, there are no policies considered relevant to this application.

Other Material Considerations

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

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

Relevant policies:

- DSP4: Flood Risk and Drainage
- DPN1 - Biodiversity, geodiversity and nature recovery
- DPN4 - Trees, woodland and hedgerows
- DPB1: Character and Design
- DPT1: Placemaking and Connectivity
- DPT3: Active and Sustainable Travel

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 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.

Northern Arc Masterplan (2018)

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

- SDP1 Access and Strategic Movement
- SDP4 Pedestrian and Cycle Links
- SDP5 Centres and Walkable Neighbourhoods
- SDP7 Place-making objectives
- SDP10 Integration with Established Communities

Northern Arc Infrastructure Delivery Plan and Phasing Strategy (2018)

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

ASSESSMENT

The site is located within the built up area as defined by the Mid Sussex District Plan, policy DP6 of the Mid Sussex District Plan states in part 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.'

Policy DP21 deals with general transport matters and sets out a number of criteria against which development proposals will be considered against, these include *'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'*.

While policy DP22 goes on to state:

'Access to the countryside will be encouraged by:

- Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes;*
- Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible;*
- Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders').'*

Although not technically within the red line of the Strategic Development of Brookleigh, the proposal is being brought forward to connect to the footway and cycleway connections provided as part of Brookleigh and in line with the WBLR reserved matters application.

Policy DP9 of the Mid Sussex District Plan sets out the following sustainable transport measures and other infrastructure requirements and seeks:

'improved links across the A2300 and A273 Sussex Way/Jane Murray Way to improve integration with the remainder of Burgess Hill;'

Policy DP7 of the District Plan sets out general principles for strategic development at Burgess Hill. A similar ethos to DP9 in that the policy requires development to:

'- Improve public transport, walking and cycling infrastructure and access to Burgess Hill and Wivelsfield railway stations and Burgess Hill Town Centre, including the provision of, or contributions to enhancing transport interchanges;'

An allocation wide Masterplan and Infrastructure Delivery Plan and Phasing Strategy (IDP) were approved on the 24th September 2018 by Cabinet. These documents are therefore material considerations, within the IDP it sets out the following objective:

'Gatehouse Lane and Sussex Way Walking and Cycling Improvements - Delivery of improved walking and cycling facilities on Gatehouse Lane and A273 between Gatehouse Lane and A2300'

A similar ethos is set out within the Development Principles of the Northern Arc Master Plan. While at local level Policy G6 of the Burgess Hill Neighbourhood Plan in part requires:

'New development will be expected to provide links to the existing network where appropriate.'

In the context of the above, the principle of development is considered acceptable and the proposed footpath/cycle link supports alternative means of transport to the private car and provides a convenient and safe link between the approved residential development and Burgess Hill while also helping facilitate further onward travel onto the wider ProW network. It is therefore considered that the application complies with policies DP6, DP7, DP9, DP21 and DP22 of the District Plan, Policy G6 of the Burgess Hill Neighbourhood Plan and the Objectives of the IDP and Northern Arc Master Plan.

Design and Character

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. All applicants will be required to demonstrate that development:

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*
- protects valued townscapes and the separate identity and character of towns and villages;*
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- positively addresses sustainability considerations in the layout and the building design;*
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- optimises the potential of the site to accommodate development.'*

The introduction of a shared footpath and cycleway will change the character of the area, as the area to the north western side of Jane Murray Way is mostly comprised of undeveloped grass verge, with the existing footway only extending a short distance.

However, owing to the fact that footpaths and cycleways are typically located adjacent to roads, it is a common sight and will not be considered to be out of character, furthermore, this is also only a small section of shared footpath and cycleway that will infill into the wider provision that has either been granted consent or already constructed.

Taking the above into account, it is considered to be of an appropriate design size and scale that would be in-keeping with the character of the wider locality and therefore is deemed to comply with the above mentioned policy.

Neighbouring Amenity

Policy DP26 of the District Plan states in part that proposals should *'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 similar ethos is found within Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.

With the proposal being for the provision of a shared footway and cycleway adjacent to an existing highway, it is not considered to impact on overlooking and loss of privacy or a reduction in sunlight and daylight. Furthermore, it is not considered that the use would lead to an intensification of noise or disturbance over the existing highway, as a result it would not cause a significant detrimental impact upon neighbouring amenities and would comply with the above mentioned policy.

Trees

Policy DP37 of the Mid Sussex District Plan in part states:

'Proposals for works to trees will be considered taking into account:

- the condition and health of the trees; and*
- the contribution of the trees to the character and visual amenity of the local area; and*
- the amenity and nature conservation value of the trees; and*
- the extent and impact of the works; and*
- any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties. Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

The application has been supported by an Arboricultural Impact Assessment (AIA) which sets out that two category C trees (group G9) will need to be removed to facilitate development. The AIA also sets out that some low level branches will need to be pruned and seeks to utilise precautionary construction methods to areas with the RPAs to minimise excavation.

The Council's Tree Officer has reviewed the details and has recommended that a condition is attached to ensure the proposal is carried out in accordance with the AIA, furthermore, the Tree Officer would like to see replacement planting. However due to the limited space available replacement planting is not possible within this location, nonetheless, as set out within BNG section of the report, the development will need to provide a 10 percent increase in Biodiversity Net Gain (BNG), this is secured by condition and will be off site, which subject to the details to be submitted, will provide compensation for the lost trees.

In light of the above and subject to the recommended condition the proposal is considered acceptable and is deemed to comply with Policy DP37 of the Mid Sussex District Plan.

Ecology

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Act, all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Act, certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

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; and*
- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*

- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and
- Promotes the restoration, management and expansion of priority habitats in the District; and
- Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.
- Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks. Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.'

Para 193 of the NPPF states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁷⁰ and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

The application has been supported by an Ecological Impact Assessment and a Outline Construction Environmental Management Plan, which identifies the protected and priority species and habitats and sets out the appropriate mitigation measures.

The Councils Ecology consultant has reviewed the details and has confirmed that there is sufficient ecological information to support the determination of the application and have raised no objections to the proposal subject to the conditions to secure the development is carried out in accordance with the Ecological Appraisal and the submission of an Biodiversity Enhancement Strategy.

Furthermore, as this site is located within a red impact zone, which indicated it is a highly suitable habitat is present within the surround landscape for Great Crested newts the LPA have also consulted NatureSpace. The submitted ecological information has recommended a series of precautionary working methods to minimise the impact. NatureSpace have recommended a condition that the development is carried out in accordance with the submitted details.

In accordance with the above and subject to the recommended conditions, the proposal is considered acceptable in relation to the impact on protected species and is therefore considered to comply with Policy DP38 of the Mid Sussex District Plan.

Biodiversity Net Gain

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 is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

'The condition is that the development may not be begun unless—

- (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and
- (b) the planning authority has approved the plan (see paragraph 15)'.

The applicant is seeking to provide the 10 percent BNG by providing both onsite and offsite enhancement, details of which will be submitted as part of the details to discharge the BNG condition.

Transport matters

Policy DP21 in 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 proposed shared footway and cycleway complies with the overall objective of the above mentioned policy to promote a safe alternative to the private car. In addition, WSCC Highways have been consulted on the proposal and they have raised no objections to the proposal and have recommended a condition to secure the provision of a Construction Management Plan.

Therefore, in accordance with these comments and subject to the recommended condition to secure the construction management plan the proposal is considered to comply with Policy DP21 of the Mid Sussex District Plan and the relevant paras of the NPPF.

Drainage

Policy DP41 of the District Plan seeks to ensure that sites can be satisfactorily drained and not cause drainage problems off site.

The current grass verge drains to the carriageway where run-off is collected via gullies that discharge into the existing highway network. A drainage strategy and maintenance plan has been submitted as part of the application which sets out that there is limited space on site to provide any forms of SuDs, with the underlying ground conditions being unsuitable for infiltration. Owing to the small scale nature of the footway/cycleway it is also not practicable for attenuation of surface water run off and discharge at a controlled rate.

In line with the above limitations, the proposal is therefore seeking to continue the current drainage, with the footway and cycleway draining into the highways gullies and into the highway drainage network. The Lead Local Flood Authority have been consulted on the application and have not provided any objections, combined with no objections being raised by WSCC Highways, it is considered that this approach is acceptable and the proposal would comply with Policy DP41 of the Mid Sussex District Plan.

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. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Burgess Hill and the Hurstpierpoint and Sayers Common Neighbourhood Plans.

The proposal is seeking to provide the footpath link from Gatehouse Lane, along Jane Murray Way to link into the shared Footway and Cycleway of the WBLR. The proposed route will help deliver the accessibility and sustainability aspirations of the wider strategic development of Brookleigh, providing an alternative to the private car, while also providing a link to Burgess Hill.

The proposal is considered to be of an acceptable design, size and scale being of a common design and feature visible adjacent to the highway, it is not considered to impact on neighbouring amenities and is also considered to be acceptable in relation to trees, highway safety, ecology and drainage. The application complies with the Development Plan and should be approved.

Decision: Permission

Case Officer: Joseph Swift