

Mr James McConnell  
McConnell Planning  
20 Niagara Avenue  
Ealing  
W5 4UD

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 96A)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE  
ENGLAND) ORDER 2015**

**REFERENCE: DM/25/1991**

**DESCRIPTION: NON MATERIAL AMENDMENT TO APPLICATION DM/21/3870 -  
TO CHANGE THE WORDING OF CONDITION 8 TO REMOVE THE  
REQUIREMENT TO SUBMIT THE FOLLOWING DETAILS:  
BOUNDARY TREATMENTS AND SECTION DRAWINGS OF THE  
ATTENUATION PONDS/SWALES**

**LOCATION: BURGESS HILL NORTHERN ARC, LAND NORTH AND NORTH  
WEST OF BURGESS HILL, BETWEEN BEDELANDS NATURE  
RESERVE IN THE EAST AND, GODDARD'S GREEN WASTE  
WATER TREATMENT WORKS IN THE WEST, , ,**

**DECISION DATE: 15 AUG 2025**

**CASE OFFICER: JOSEPH SWIFT - JOSEPH.SWIFT@MIDSUSSEX.GOV.UK**

In pursuance of its powers under the aforementioned Act, the Council hereby notify you that they **APPROVE** the Non-Material Amendment for the above development in accordance with the plans and particulars submitted with your application received on 7 August 2025 for the following reason(s):

1. The applicant is proposing to amend condition 8 of planning permission DM/21/3870. The original wording of condition 8 of this consent reads:

*"8. Prior to commencement of development on Parcel P1.3 (as shown on plan 022106-BEL-SL-LPP) and notwithstanding any information submitted to the contrary, full details of a hard and soft landscaping scheme for Parcel P1.3 shall be submitted to and approved in writing by the Local Planning Authority. This shall include:*

- New planting
- Indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development.
- Hard surfacing
- Boundary treatments
- Section drawings of the attenuation ponds/swales

*These works shall be carried out as approved. The works shall be carried out in accordance with a programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are*

*removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. In addition, all planting either in the verge adjoining the cycleway or in any visibility splay informed by Manual for Streets design must be kept below 600mm in height*

*Reason: In the interests of visual amenity and to ensure an acceptable impact on the heritage asset and retained trees in accordance with DP9, DP26, DP34 and DP37 of the District Plan."*

The applicant's justification for the proposed amendment to this condition includes the following:

*"The change seeks to remove the requirement to submit the following details:*

- Boundary treatments*
- Section drawings of the attenuation ponds/swales*

*The application is submitted on the basis that this information is already required to be submitted under conditions 22 and 44 of outline planning permission ref DM/18/5114 as amended by DM/21/3279."*

Accordingly, the following variation of condition 8 is proposed:

*"8. Prior to commencement of development on Parcel P1.3 (as shown on plan 022106-BEL-SL-LPP) and notwithstanding any information submitted to the contrary, full details of a hard and soft landscaping scheme for Parcel P1.3 shall be submitted to and approved in writing by the Local Planning Authority. This shall include:*

- New planting*
- Indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development.*
- Hard surfacing*

*These works shall be carried out as approved. The works shall be carried out in accordance with a programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. In addition, all planting either in the verge adjoining the cycleway or in any visibility splay informed by Manual for Streets design must be kept below 600mm in height*

*Reason: In the interests of visual amenity and to ensure an acceptable impact on the heritage asset and retained trees in accordance with DP9, DP26, DP34 and DP37 of the District Plan."*

As this information is already required by conditions 22 and 44 of outline planning permission ref DM/18/5114 as amended by DM/21/3279, it is not considered necessary for the information to be submitted separately for the reserved matters application. The removal of this requirement is considered to be a non-material amendment to the DM/21/3870 as details of the boundary treatment and attenuation ponds will still be controlled by condition attached to the outline consent.

**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.

**Please note that the existing planning permission still stands, and that the conditions imposed upon it continue to apply, except that the plans listed below can be substituted for the originally approved plans.**

A handwritten signature in black ink, appearing to read 'ABiggs', with a stylized, cursive script.

Ann Biggs  
Assistant Director Planning and Sustainable Economy

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