

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1396	Case Officer:	Joseph Swift
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 4 relating to planning application DM/23/0023 - Update to reflect a proposed change to remove the grey chippings from the footway surfacing and removal of bridleway.		
Site:	Land West Of Burgess Hill Between The A273 And A2300, Burgess Hill, West Sussex, , , , ,		
Validation Date	2 Jun 2025	Overall Expiry Date:	4 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	16 Dec 2025
Target Date:	1 Sep 2025	Recommending Officer Signature:	Joseph Swift

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	17 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1396

**Land West Of Burgess Hill Between The A273 And A2300, Burgess Hill, West Sussex, , , ,
Variation of condition no 4 relating to planning application DM/23/0023 - Update to reflect a
proposed change to remove the grey chippings from the footway surfacing and removal of
bridleway.**

Mr Rob Morley

SUMMARY OF REPRESENTATIONS

No third party letters of representation have been received in regards to this application

HURSTPIERPOINT AND SAYERS COMMON PARISH COUNCIL

The committee do not object to the grey chippings being removed, but they do object to the removal of the bridleway. The bridleway must be retained and delivered.

INTRODUCTION

This application seeks to amend condition 4 (Approved Plans) relating to Reserved Matters application DM/23/0023 to make the following changes to the development:

- o proposed change to remove the grey chippings from the footway surfacing.
- o Omit the bridleway from the proposal.

RELEVANT PLANNING HISTORY

Relevant history on application site

Due to the scale of the wider Brookleigh development it has a complex history of associated planning applications, as such the following history has been limited to those more directly related to the current application.

Brookleigh Outline Application

DM/18/5114 - Comprehensive, phased, mixed-use development comprising approximately 3,040 dwellings including 60 units of extra care accommodation (Use Class C3) and 13 permanent gypsy and traveller pitches, including a Centre for Community Sport with ancillary facilities (Use Class D2), three local centres (comprising Use Classes A1-A5 and B1, and stand-alone community facilities within Use Class D1), healthcare facilities (Use Class D1), and employment development comprising a 4 hectare dedicated business park (Use Classes B1 and B2), two primary school campuses and a secondary school campus (Use Class D1), public open space, recreation areas, play areas, associated infrastructure including pedestrian and cycle routes, means of access, roads, car parking, bridges, landscaping, surface water attenuation, recycling centre and waste collection infrastructure with associated demolition of existing buildings and structures, earthworks, temporary and permanent utility infrastructure and associated works - Approved 04/10/2019

DM/21/3279 - Application under Section 73 of the Town and Country Planning Act 1990 (as amended) seeking alterations to conditions 5 (approved parameter plans), 6 (accordance with Design Guide) , 7 (requirement for a Design Principles Statement), 11 (archaeological investigation), 22 (sustainable drainage) and 35 (restriction of development within 15m of ancient woodland) on planning permission DM/18/5114 to allow amendments to parameters of road layout, proposed land uses, right of way improvements & drainage outfalls, require general accordance with the Street Design and Adoption

Manual and allow phased submission details for archaeology and drainage details - Approved
08/12/2023

DM/23/0747 - Planning application under Section 73 of the Town and Country Planning Act 1990 (as amended) seeking alterations to conditions 4 (approved plans) and 5 (approved parameter plans) of planning permission DM/21/3279 (itself a section 73 approval that permitted a variation of the conditions attached to planning permission DM/18/5114), to allow amendments to the planning application site boundary and the Access and Movement Parameter Plan (004) to clarify the approach to the Green Superhighway link over and in the vicinity of the western bridge on the Northern Arc Avenue. Approved 03/10/2025.

Western Link Road

DM/20/0254 - Reserved Matters application for DM/18/5114 - the first phase of the Western Link Road, comprising the construction of a new all-movements roundabout on the A273 Jane Murray Way, a single-carriageway 7.3-metre wide highway link with two 3-metre shared footways/cycleways and two 2.75-metre verges, connecting to the A2300 via a new all-movements roundabout, junction to the UKPN electricity substation, junction to future employment uses, zones for two minor junctions, signalised crossing points, earthworks, surface water and foul drainage infrastructure, utilities corridors, lighting, and landscaping. Amended plans and updated supported documents received 17th March 2020 detailing amendments including the extension of the southern boundary of the site to accommodate increased drainage basins and inclusion of bridleway on north side of A2300. (Transport note received 30th April, Amended plans received 12th May showing minor increase in width of application site area either side of the proposed link road corridor and amended biodiversity report, planning statement and additional sections received 29th May) - Approved 10/07/2020

DM/23/0023 - Variation of condition 5 (Approved Plans) relating to Reserved Matters application DM/20/0254, including updates to red line boundary, road design, road infrastructure, attenuation basins and landscaping, and removal of condition 3 (Timetable for Public Art) (Amended plans/documents received and amendment to description) - Approved 07.07.2024

DM/25/1395- Non Material Amendment to application DM/20/0254 - Variation of the wording of the Planning Permission
DM/20/0254 to omit the reference to the bridleway and reference to amended plans. - Approved 02.06.2025

DM/25/1127- Discharge of condition no 3 of planning application DM/23/0023 WBLR Substation-
Approved 26.06.2025

DM/25/0911 - Discharge of planning condition no 2 relating to planning application DM/23/0023.
26.08.2025

SITE AND SURROUNDINGS

The site is located on the north western side of Burgess Hill, extending from the A2300 in the north to the A273 (Jane Murray Way) to the south east.

The site is approximately 5 hectares and the road is currently operational and open to the public.

A Public Right of Way (PRoW) footpath (14Hu) runs parallel to the north of the A2300. Footpath 14Hu leads onto footpath 98CR which provides access into Burgess Hill to the east.

The nearest residential properties outside of the Northern Arc boundary are located on Gatehouse Lane to the southwest and across the A273 to the east on The Oaks. Both St Pauls College and the UKPN Goddards Green substation are located to the east of the site.

The Arc Centre for Outdoor Sports which lies to the south west of the site, is substantially complete.

APPLICATION DETAILS

This application seeks to amend condition 4 of DM/23/0023 which sets out:

'The development hereby permitted shall be carried out in accordance with the plans listed below:

General Arrangements

WBLR-CAP-HPN-03-DR-C-0364 Rev P02,
WBLR-CAP-HPN-03-DR-C-0365 Rev P01,
WBLR-CAP-HPN-03-DR-C-0366 Rev P01,
WBLR-CAP-HPN-03-DR-C-0367 Rev P01,
WBLR-CAP-HPN-03-DR-C-0368 Rev P01,

Cross sections

WBLR-CAP-HGN-02-DR-C-0263 Rev C01
WBLR-CAP-HGN-02-DR-C-0264 Rev C01
WBLR-CAP-HGN-03-DR-C-0265 Rev P03
WBLR-CAP-HGN-03-DR-C-0266 Rev P02
WBLR-CAP-HGN-03-DR-C-0267 Rev P02
WBLR-CAP-HGN-03-DR-C-0268 Rev P02

Earthworks cross sections

WBLR-WSP-HPN-03-DR-C-0380 Rev P01
WBLR-WSP-HPN-03-DR-C-0381 Rev P01

Geotechnical Cross Sections

WBLR-WSP-HPN-03-DR-C-0378 Rev P01
WBLR-CAP-HGT-03-DR-GE-0189 Rev P09

Long sections

WBLR-WSP-HPN-03-DR-C-0374 Rev P01
WBLR-WSP-HGN-03-DR-C-0375 Rev P01

Contours

WBLR-WSP-HPN-02-DR-C-0369 Rev P01
WBLR-WSP-HPN-03-DR-C-0370 Rev P01
WBLR-WSP-HPN-03-DR-C-0371 Rev P01
WBLR-WSP-HPN-03-DR-C-0372 Rev P01
WBLR-WSP-HPN-01-DR-C-0373 Rev P01
WBLR-CAP-HGN-03-DR-C-0143 Rev P06
WBLR-CAP-HGN-03-DR-C-0144 Rev P05

Isopachytes

WBLR-CAP-HGN-03-DR-C-0151 Rev P06

Vertical profile

WBLR-CAP-HGN-03-DR-C-0159 Rev P06
WBLR-CAP-HGN-03-DR-C-0160 Rev P05

Landscaping

WBLR-CAP-EXX-02-DR-L-0086 Rev P11
WBLR-CAP-EXX-03-DR-L-0087 Rev P11
WBLR-CAP-EXX-03-DR-L-0088 Rev P10
WBLR-CAP-EXX-03-DR-L-0089 Rev P10
WBLR-CAP-EXX-01-DR-L-0090 Rev C02

Planting

WBLR-CAP-EXX-01-DR-L-0204 Rev C03
WBLR-CAP-EXX-01-DR-L-0205 Rev C05
WBLR-CAP-EXX-03-DR-L-0206 Rev P12

WBLR-CAP-EXX-03-DR-L-0207 Rev P10
WBLR-CAP-EXX-03-DR-L-0208 Rev P11
WBLR-CAP-EXX-03-DR-L-0209 Rev P13
WBLR-CAP-EXX-02-DR-L-0210 Rev P14

Drainage

WBLR-CAP-HDG-02-DR-D-0070 Rev C01
WBLR-CAP-HDG-03-DR-D-0071 Rev P19
WBLR-CAP-HDG-03-DR-D-0072 Rev P15
WBLR-CAP-HDG-01-DR-D-0074 Rev C08
WBLR-WSP-HDG-03-DR-D-0376 Rev P01
WBLR-WSP-HDG-03-DR-D-0377 Rev P01

Bus shelter

WBLR-CAP-HGN-00-DR-C-0252 Rev C01

Bridleway Detail

WBLR-CAP-HGN-02-DR-C-0262 C01

Reason: For the avoidance of doubt and in the interest of proper planning.'

The proposal seeks to amend the general arrangement plans from what is listed above to the following:

WBLR-CAP-HPN-03-DR-C-0364 Rev P06,
WBLR-CAP-HPN-03-DR-C-0365 Rev P05,
WBLR-CAP-HPN-03-DR-C-0366 Rev P05,
WBLR-CAP-HPN-03-DR-C-0367 Rev P05,
WBLR-CAP-HPN-03-DR-C-0368 Rev P05,

The proposed amendment to the plans would remove the reference on the plans to grey chippings for the footway surfacing and instead an asphalt finish is now shown, together with the removal of the bridleway from the north eastern side of the A2300 roundabout.

LEGAL FRAMEWORK AND DEVELOPMENT PLAN

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, Hurstpierpoint and Sayers Common Neighbourhood Plan, the Site Allocations Development Plan Document, the West Sussex Joint Minerals Local Plan 2018 Partial Review (2021) and the West Sussex Waste Local Plan (2014).

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 2019 and should be afforded full weight. The relevant Policies are:

- DP7 General Principles for Strategic Development at Burgess Hill
- DP21 Transport
- DP22 Rights of Way and other Recreational Routes
- DP26 Character and Design

Site Allocations Development Plan Document (2022)

The Site Allocations DPD was adopted on 29th June 2022. There are no policies relevant to this application.

Hurstpierpoint and Sayers Common Neighbourhood Plan

The Hurstpierpoint & Sayers Common Neighbourhood Plan was made in February 2015. The relevant policies are considered to be consistent with the NPPF and should be afforded full weight. There are no policy relevant to this application.

Burgess Hill Neighbourhood Plan 2015-2031 (2016)

The Burgess Hill Neighbourhood Plan was made in January 2016. The policies are considered to be consistent with the NPPF 2019 and should be afforded full weight.

It should be noted that the Burgess Hill Neighbourhood Plan only covers a very small part of the application site, where it adjoins Jane Murray Way.

There are not considered to be any Policies in the Burgess Hill Neighbourhood Plan that are relevant to the very small areas covered by the Neighbourhood Plan.

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:

- DPB1: Character and Design
- DPT1: Placemaking and Connectivity
- DPT2: Rights of Way and Other Recreational Routes

DPT3: Active and Sustainable Travel

Other material considerations relevant for this application are as follows:

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 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 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)

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:

- SDP1 Access and Strategic Movement
- SDP3 Strategic Green Connections
- SDP8 Northern Arc Design Guide

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.

Northern Arc Design Guide (2019)

The Northern Arc Design Guide sets out the Design Principles to be applied across the Northern Arc. The document was approved as part of the Northern Arc Outline Planning Application (DM/18/5114). A condition was attached to the Outline Planning Application requiring compliance with this document in reserved matters applications. Whilst this application is a full planning application rather than a reserved matters application to that outline, and the condition does not therefore apply, this document is considered to be a material planning consideration for this application.

ASSESSMENT

This application has been submitted under Section 73 of the Town and Country Planning Act and seeks planning permission to vary condition 4 of planning permission reference DM/23/0023.

S.73 of the Act states that *'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and-*

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.'

The principle of the development has been established by virtue of the previous permission. The current proposal is seeking to remove the grey chip from the footway surface and remove the bridleway from the roundabout the main issues for consideration are:

- Design and character
- Transport, Highways and Movement

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 proposal is seeking to remove the grey chip from the surface of the footpaths, overall this change is not considered to have a significant impact on the design and character of the scheme and a similar change is being sought for the EBLR and will also be included for the applications for the WBLR phase 2 and the Central Avenue so that all sections of the road network would have the same finish. In light of the above it is considered to be of an appropriate design and appearance in accordance with the above mentioned policy.

Transport, Highways and Movement

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 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').'*

Policy DP7 states that strategic development will, inter alia:

- '- 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;*
- Provide necessary transport improvements that take account of the wider impact of the development on the surrounding area;*
- Provide highway improvements in and around Burgess Hill including addressing the limitations of the A2300 link road and its junction with the A23 and east-west traffic movements across Burgess Hill and, where necessary, improvements across the highway authority boundary in East Sussex;'*

Principles SDP1, SDP3 and SDP8 of The Northern Arc Masterplan sets out a number of objectives, which in relation to access and movement seeks to create a permeable and integrated layout to actively encourage and maximise sustainable patterns of movement.

As part of the Section 73 application to the original outline planning permission the Access and Movement Parameter Plan was updated removing the Bridleway leading south along the A2300 from the WBLR roundabout to the roundabout by St Pauls and the Triangle. Further to this the application for WBLR phase 3 (DM/25/0109) was approved in line with the most recent Access and Movement Plan and does not contain the bridleway provision along this route. Therefore, the bridleway on the roundabout no longer serves a purpose.

This route continues to provide pedestrian and cycle access, with the wider green circle providing a bridleway connection from east to west across Brookleigh and connecting into the wider network. As such, it is considered that the strategic development would continue to provide a permeable and integrated layout that supports sustainable patterns of movements and the proposal is considered to comply with Policies DP7, DP21 and DP22 of the Mid Sussex District Plan, the principles of the Northern Arc Masterplan together with the relevant paragraphs of the NPPF.

Conclusion

To summarise it is considered that the proposed amendments are acceptable. As such this application can be approved

Decision: Permission

Case Officer: Joseph Swift