

C/O Agent
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4100 Park Approach
Thorpe Park
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LS15 8GB

CONTACT: Joseph Swift
PHONE: 01444 477319
E-MAIL: joseph.swift@midsussex.gov.uk
REF: DM/25/0305
DATE: 7th May 2025

Dear Sir/Madam

Land To The South Of Kings Way Burgess Hill West Sussex
Variation of conditions 1 and 16 of planning application DM/23/1548 - to amend the plans to allow minor amendments to the approved scheme.

I advise that your application DM/25/0305 was **Granted Permission** on **7th May 2025**.

I enclose a copy of the Decision Notice in relation to the above application. If you are acting as an Agent please ensure that a copy is given to the applicant. **Please read the notes accompanying this decision notice carefully.**

Please also be advised that this permission does not constitute an approval under Building Regulations. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted.

Yours faithfully



Ann Biggs
Assistant Director Planning and Sustainable Economy

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TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015

PERMISSION

REFERENCE: DM/25/0305

DESCRIPTION: VARIATION OF CONDITIONS 1 AND 16 OF PLANNING APPLICATION DM/23/1548 - TO AMEND THE PLANS TO ALLOW MINOR AMENDMENTS TO THE APPROVED SCHEME.

LOCATION: LAND TO THE SOUTH OF KINGS WAY, BURGESS HILL, WEST SUSSEX,

DECISION DATE: 7 MAY 2025

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

The Council hereby notify you that they **GRANT** planning permission for the above development to be carried out in accordance with the submitted application and plans and subject to compliance with the following conditions:-

Conditions

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

2. The development hereby permitted shall be begun before the expiration of 05.09.2025 (3 years from the date of the original permission DM/21/3385)

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. The development shall be carried out in accordance with the schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed care home and bin store as approved under application DM/24/2008.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

4. The development shall be carried out in accordance with the detailed plans and elevations showing location of rainwater down pipes and drainage solutions to roof space, balconies and terraces as approved under application DM/23/2522.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

5. The development shall be carried out in accordance with the plans to show the location of the solar PV and air-source heat pumps and elevations as approved under application DM/23/2296.

Reason: In the interests of achieving an energy efficient, sustainable development and to accord with Policy DP39 of the Mid Sussex District Plan 2014 - 2031.

6. The development shall be carried out in accordance with the detailed drawings for the sections of the entrance zones to the building, sections and front elevations of the typical features, including windows, doors, private terrace, balcony, glazing/blind windows and surroundings as approved under application DM/23/2582.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

7. The development shall be carried out in accordance with the Construction Management Plan as approved under application DM/23/2296.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policy DP21 of the Mid Sussex District Plan.

8. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing ITB16520-GA-002.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan.

9. Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays no work permitted

Reason: To protect the amenities of the surrounding residential dwelling and to accord with MSDC Policy DP29: Noise, Air and Light Pollution.

10. The development shall be carried out in accordance with the scheme for protecting the proposed development from noise, that implements the glazing and background ventilation measures described in the Noise & Vibration Impact Assessment reference RUK2021N00244-RAM-RP-XX-XX-AC-0001 (Ramboll, dated October 2021), as well as an overheating assessment with appropriate mitigation as approved under application DM/23/2522. All works, which form part of the approved scheme shall be maintained in accordance with the approved details.

Reason - To protect the amenities of future occupiers and to accord with MSDC Policy DP29: Noise, Air and Light Pollution

11. The development shall be carried out in accordance with the electric vehicle charging space(s) details as approved under application DM/24/1177.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan.

12. Hours for operational deliveries: No commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled within the application site outside the hours of 07:30 - 18:00 Hours Monday - Friday, 09:00 - 17:00 Hours, Saturday, none permitted on Sundays or Bank/Public Holidays.

Reason: to protect neighbouring amenities and to accord with MSDC Policy DP29: Noise, Air and Light Pollution.

13. The development shall be carried out in accordance with the scheme demonstrating that the noise rating level (L_{Ar},T_r) of on-site plant and machinery shall be at least 5dB below the background noise level (L_{A90},T) at the nearest residential facade as approved under application DM/24/2969. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: to protect neighbouring amenities and to accord with MSDC Policy DP29: Noise, Air and Light Pollution.

14. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Reason: In the interests of health of future occupiers and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

15. The development shall be carried out in accordance with the foul and surface water drainage and means of disposal details as approved under application DM/23/2296. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, and Policy DP41 of the Mid Sussex District Plan (2014 - 2031).

16. The development shall be carried out in accordance with the hard and soft landscaping details submitted as part of this application. The works shall be carried out prior to the occupation of any part of the development or in accordance with the 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.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

17. The development shall be carried out in accordance with the fire hydrants or stored water supply details as approved under application DM/24/1177.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

18. Prior to the first occupation of any building forming part of the proposed development the developer will at their own expense install the fire hydrant in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and to accord with policy DP20 in the Mid Sussex Local Plan 2014-2031 and in accordance with The Fire & Rescue Service Act 2004.

19. The development shall be carried out in accordance with the Sustainability Statement submitted as part of the application. On completion of the development, an independent final report shall be prepared and submitted to the Local Planning Authority to demonstrate that the care home has been constructed in accordance with the Sustainability Statement.

Reason: In the interests of achieving an energy efficient, sustainable development and to accord with Policy DP39 of the Mid Sussex District Plan 2014 - 2031.

20. The development shall be carried out in accordance with the wildlife mitigation and habitat protection plan, habitat enhancement and management plan and external lighting assessment demonstrating as approved under application DM/23/2522. All works shall be implemented in full unless otherwise approved in writing by the local planning authority.

Reason: To prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP37, DP38 of the Mid Sussex District Plan and 180 of the NPPF.

21. The development shall be carried out in accordance with covered and secure cycle parking spaces plans and details as approved under application DM/24/2055.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan.

22. The obligations under the planning obligation by way of Agreement dated 05.09.2022 pursuant to the previous application DM/21/3385, will be equally applied to and satisfy the requirements necessitated under this application DM/23/0305.

Reason: To comply with policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.

Biodiversity Net Gain

1. This permission is considered to be one which **will not require the approval of a biodiversity gain plan before development is began** because it is considered that one or more of the statutory exemptions or transitional arrangements is considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

. Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.

- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.

. No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

3. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
4. Exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The 150 mm public surface water sewers requires a clearance of 3 metres on either side of the public surface water sewers to protect it from construction works and to allow for future maintenance access.

- No development or tree planting should be carried out within 3 metres of the external edge of the public surface waters sewer without consent from Southern Water.

- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public surface water sewer .

- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

5. Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

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.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Landscaping Details	201224-TMA-XX-DR-L-4000	P05	11.02.2025
Landscaping Details	201224-TMA-XX-DR-L-4001	P05	11.02.2025
Landscaping Details	201224-TMA-XX-DR-L-4200	P08	11.02.2025
Landscaping Details	201224-TMA-XX-DR-L-4201	P08	11.02.2025
Landscaping Details	201224-TMA-XX-DR-L-4300	P08	11.02.2025
Location Plan	L01	-	06.02.2025
Proposed Site Plan	PA01	E	06.02.2025
Existing Block Plan	A-01.101	P1	21.09.2021
Illustration	PA17	A	21.07.2023
Existing Sections	A-04-101	P1	21.09.2021
Location Plan	A-01-100	A	12.06.2021
Proposed Floor Plans	PA02	C	13.06.2023
Proposed Floor Plans	PA03	C	13.06.2023
Proposed Floor Plans	PA04	C	13.06.2023
Proposed Floor Plans	PA05	C	13.06.2023
Proposed Roof Plan	PA06	C	13.06.2023
Proposed Elevations	PA07	D	21.07.2023
Proposed Elevations	PA08	D	21.07.2023
Proposed Elevations	PA09	D	21.07.2023
Other	PA10	C	21.07.2023
Other	PA11	C	21.07.2023
Other	PA12	C	21.07.2023
Other	PA13	C	21.07.2023
Other	PA14	C	21.07.2023
Other	PA15	C	21.07.2023
Other	PA16	C	21.07.2023



Ann Biggs
Assistant Director Planning and Sustainable Economy

PECNDZ

APPEALS TO THE SECRETARY OF STATE

Notes for Applicants

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice;

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
 - 28 days of the date of service of the enforcement notice, or
 - within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.uk](#).

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Mid Sussex District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition that apply in this instance

The planning permission was granted on an application made under Section 73 of the Town and Country Planning Act 1990 and

- (i) The original planning permission to which the Section 73 planning permission relates* was granted before 12th February 2024, or
- (ii) The application for the original planning permission* to which the Section 73 planning permission relates was made before 12th February 2024.

* "original planning permission means the permission to which the Section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are Section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the replaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and

- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

The effect of Paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

Purchase Notices

If either the Local Planning Authority or Secretary of States refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.