

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1524	Case Officer:	Susan Dubberley
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition no 2 relating to planning application DM/24/3077 - To allow for design changes. Removal of condition nos 10 and 13.		
Site:	Sussex House, Perrymount Road, Haywards Heath, West Sussex, RH16 1DN, , ,		
Validation Date	23 Jun 2026	Overall Expiry Date:	24 Jul 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	17 Sep 2026
Target Date:	22 Sep 2026	Recommending Officer Signature:	<i>Susan Dubberley</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	17 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1524

**Sussex House, Perrymount Road, Haywards Heath, West Sussex, RH16 1DN, ,
Variation of condition no 2 relating to planning application DM/24/3077 - To allow for design
changes. Removal of condition nos 10 and 13.
Aldi Stores Ltd**

SUMMARY OF REPRESENTATIONS

None

SUMMARY OF CONSULTEES

West Sussex Fire & Rescue Service

No objection

TOWN COUNCIL OBSERVATIONS

None received.

INTRODUCTION

This application seeks permission under section 73 of the Town and Country Planning Act 1990, to vary condition no 2 relating to planning application DM/24/3077 - To allow for design changes and also for the removal of condition nos 10 and 13, which relate to the provision of a fire hydrant.

RECENT PLANNING HISTORY

DM/26/1097 - Advertisement consent for the installation of no.3 non-illuminated vinyl sign, no.3 internally illuminated signcase, no.3 internally illuminated totem H mounted sign and no.1 non-illuminated warning sign. Approved.

DM/24/3077 - Demolition of the existing buildings and construction of a new food store (Use Class E(a)), with access, car and cycle parking, landscaping and associated works. A 'Copenhagen' crossing along the site entrance and the installation of cricket nets. Approved.

SITE AND SURROUNDINGS

The application site is located on the east side of Perrymount Road and previously contained a, two-storey, vacant office building located to the rear of the site, with two further buildings located on the frontage of the site either side of the access road, as well as associated car parking. All of the the existing buildings on the site have been demolished and construction of the new store has commenced.

Immediately to the east of the site is the Heath recreation ground which is also the home of Haywards Heath Cricket club, and there are some three-storey residential dwellings, located on Park View and accessed from Sydney Road. The site is set on higher ground to the recreation ground and there are mature trees along the boundary. To the west on the opposite side of Perrymount Road is the rear of the Waitrose store. To the north of the Site are a mix of two and three storey detached residential properties and flats with residential and commercial uses located at ground floor level, with a row of lock up garages sited along the boundary. To the south of the site, is Clair Hall.

The site lies within the built up area boundary of Haywards Heath and the rear of the site adjoins the boundary of The Heath Conservation Area.

APPLICATION DETAILS

The application seeks permission, under section 73 of The Town and Country Planning Act 1990, to vary condition no. 2 of planning permission approved under DM/24/3077 and also for the removal of condition no's 10 and 13.

Condition no. 2 of the planning permission states that:

'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'.

While conditions 10 and 13 state:

10: No development shall be carried out above ground slab level unless and until details showing the proposed location of the required fire hydrants has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

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.

13: Prior to the first occupation of the new food store, the applicant 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 no less than 90mm in size, which is also 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 in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

The proposed changes are relatively minor in nature and include:

- o Details of boundary treatments to south & east boundary. To include 1m high black railings and 2m high paladin fencing.
- o The base of the external plant compound has been updated to reflect the requirements of adequate air flow to equipment to ensure compliancy with acoustic conditions.
- o Minor changes to fenestration on the storefront glazing
- o Door widths amended to comply with building regulations
- o Brickwork increased on North elevation wall
- o Details of substation

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Haywards Heath Neighbourhood Plan and Site Allocations Development Plan Document.

National policy (which is contained in the National Planning Policy Framework 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:

DP26 - Character and Design

Site Allocations Development Plan Document

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

There are no relevant policies.

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was formally made on 15th December 2016.

Relevant policies:

Policy E9 - Design

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 is currently at Examination with initial hearings held in February/March 2026. The Council is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. The District Plan remains at Examination until the Inspector has published his report, until that time 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

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) (August 2026)

The National Planning Policy Framework (NPPF) 2026 is a material consideration. Policies DP3 and L2.

ASSESSMENT

This application seeks permission to vary condition no 2 relating to planning application DM/24/3077 - To allow for design changes and also for the removal of condition 10 and 13, which relate to the provision of a fire hydrant, as set out under Section 73 of The Town and Country Planning Act 1990.

Section 73 (2) of the said Act states that:

'73 Determination of applications to develop land without compliance with conditions previously attached.

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) 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. As such it is only necessary to consider the specific changes that are proposed to the previously approved development.

The main issues to be considered are therefore, design and impact on the character of the area, residential amenity and fire hydrant provision.

Design, impact on character of area

Policy DP26 of the District Plan relates to character and design. The ethos of policy DP26 is echoed within Policy E9 of the Haywards Heath Neighbourhood Plan. However, both policy DP26 and Policy E9 are considered to have very limited weight as they are materially inconsistent with the NPPF, and greater weight should be given to policy DP3 of the NPPF.

Policy DP3 of the NPPF sets out the key principles for well-designed places. This sets out in part that proposals should respond to their context, so that they integrate with and enhance their surroundings; such as through the use of materials and architectural features.

It is considered that the proposed changes to the elevations of the store are sensitive to the design of the larger development as a whole and therefore would not result in harm to the character of the area. It is noted that no changes to the footprint or height of the retail unit, the substation or materials are proposed.

In regard to the boundary treatment, as submitted the proposal included a 2m high black paladin fencing which extended along the eastern and southern boundary. While the fencing along the eastern boundary would be located within a mature tree belt that faces onto the Heath recreation ground, the paladin fencing along the southern boundary would be on the boundary with Clair Hall and would be clearly visible from Perrymount Road. The paladin fencing along the southern boundary was considered to be inappropriate in this location and would have appeared incongruous and give an institutional feel to the site.

Following negotiations the plans have been amended so that on the southern boundary the proposed 1m high black galvanised fencing now continues along the southern boundary with only a small section of the paladin fencing remaining close to the eastern boundary. This aspect of the proposal is now considered acceptable following the receipt of the amended plans.

As such it is considered that the development would accord with policy DP3 of the NPPF, policy DP26 of the Mid Sussex District Plan, and policy E9 of the Haywards Heath Neighbourhood Plan.

Impact to amenity

Policy DP26 in part seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings. As already identified, this policy is considered to be materially inconsistent with the NPPF and greater weight should be given to the relevant policies in the NPPF.

Policy L2(dii) of the NPPF, requires proposals to have '*acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space*'.

It is not considered that the proposed relatively minor changes to the elevations of the store and substation will give rise to any significant concerns in regard to impact on residential amenity. Accordingly, the proposal is considered to comply with the provisions of policy L2 of the NPPF and policy DP26 of the District Plan.

Fire hydrant provision

WSSC Fire and Rescue have raised no objection to the removal of conditions 10 and 13. The Fire and Rescue service have commented that the need for the applicant to provide a fire hydrant is no longer necessary, because following the approval of the application, they have reviewed the site and are content that there is a fire hydrant within 90m of the store entrance. There is also a suitable turning facility for a fire appliance to turn and make their exit, so their requirements have been met.

In view of the above it is considered that the removal of conditions 10 and 13 is acceptable.

PLANING BALANCE AND CONCLUSION

In conclusion, the proposal would not result in changes that would be harmful in design terms to the approved development, to the character of the surrounding area or in relation to the amenities of neighbouring dwellings. The need for the applicant to provide a fire hydrant is no longer necessary, as there is an alternative close to the site. The proposal therefore accords with policy DP26 of the Mid Sussex District Plan, policy E9 of the Haywards Heath Neighbourhood Plan and policies DP3 and L2 of the NPPF.

Decision: Permission

Case Officer: Susan Dubberley