



New River (GP3) Ltd

---

# REDEVELOPMENT OF THE MARTLETS - S73

Planning, Heritage and Affordable Housing  
Statement





New River (GP3) Ltd

---

# REDEVELOPMENT OF THE MARTLETS - S73

Planning, Heritage and Affordable Housing Statement

TYPE OF DOCUMENT (VERSION) PUBLIC

PROJECT NO. 62262205\_2

DATE: MAY 2025

WSP

WSP House  
70 Chancery Lane  
London  
WC2A 1AF

Phone: +44 20 7314 5000

WSP.com

# CONTENTS

---

|          |                                               |           |
|----------|-----------------------------------------------|-----------|
| <b>1</b> | <b>INTRODUCTION</b>                           | <b>1</b>  |
| <b>2</b> | <b>BACKGROUND</b>                             | <b>3</b>  |
| <b>3</b> | <b>PROPOSED AMENDMENTS</b>                    | <b>5</b>  |
| <hr/>    |                                               |           |
| 3.2      | BLOCK A1 – RESIDENTIAL                        | 5         |
| 3.3      | BLOCK A2 – RETAIL/HOTEL                       | 5         |
| 3.4      | BLOCK B – LEISURE BLOCK                       | 6         |
| 3.5      | PUBLIC REALM, LANDSCAPING ACCESS, AND PARKING | 7         |
| 3.6      | SUMMARY OF CHANGES                            | 7         |
| <b>4</b> | <b>POLICY AND LEGISLATIVE FRAMEWORK</b>       | <b>9</b>  |
| <hr/>    |                                               |           |
| 4.1      | POLICY FRAMEWORK                              | 9         |
| 4.2      | S.73 APPLICATION                              | 9         |
| <b>5</b> | <b>PLANNING CONSIDERATIONS</b>                | <b>10</b> |
| <hr/>    |                                               |           |
| 5.1      | PRINCIPLE OF DEVELOPMENT                      | 10        |
| 5.2      | DESIGN AND LAYOUT                             | 11        |
| 5.3      | HERITAGE STATEMENT                            | 12        |
| 5.4      | TRANSPORT AND PARKING                         | 13        |
| 5.5      | HOUSING                                       | 14        |
| 5.6      | DAYLIGHT SUNLIGHT                             | 14        |
| 5.7      | ECOLOGY                                       | 14        |
| 5.8      | TREES AND LANDSCAPING                         | 14        |
| 5.9      | ENERGY AND SUSTAINABILITY                     | 15        |
| 5.10     | OTHER MATTERS                                 | 15        |
| <b>6</b> | <b>CONCLUSION</b>                             | <b>16</b> |
| <hr/>    |                                               |           |

# 1 INTRODUCTION

---

- 1.1.1. On behalf of New River (GP3) Ltd, please find enclosed an application made under Section 73 of the Town and Country Planning Act (1990) (as amended) to planning permission DM/19/3331 to propose minor material amendments to the approved development. The Section 73 application seeks to amend the approved drawings to improve the viability of the development and ensure it is deliverable, accordingly, this S73 application seeks to vary conditions 6, 21 and 29 of the planning permission
- 1.1.2. The planning permission secures a significant redevelopment of Burgess Hill town centre, permitting the erection of over 9,000 sqm of new retail / commercial floorspace, a 10-screen cinema, a 16-lane bowling alley, an 89-bed hotel, and 172 residential apartments. The masterplan development for the site is made-up of three separate blocks A1, A2 and B. Block A1 is a proposed residential building, and Block A2 is approved as a mixture of retail / commercial uses at ground floor levels and a hotel above. Block B is a separate block that will host retail accommodation at ground floor level and a cinema above.
- 1.1.3. Since the planning permission DM/19/3331 was approved in 2021, the retail and economic landscape has changed for a number of reasons, including the impact of the Covid-19 pandemic, falling levels of consumer spending, changes in people's approach to retailing and there is currently very little operator appetite for new multiplex cinemas across the UK.
- 1.1.4. Several changes are required to the approved development drawings to help the deliverability and viability of the scheme. The section 73 route is the most appropriate mechanism to obtain permission for the proposed amendments, as discussed with Council Officers.
- 1.1.5. The changes sought within this S73 application will significantly improve the deliverability of the scheme and comprise the following:
- Relatively minor amendments to the external elevations of the proposed residential block A1
  - Reconfigured internal arrangements to the residential block to allow for additional fire stair-core in response to changes to Building Regulations.
  - Amended design of basement parking courtyard to account for detailed structural design inputs resulting in reduction in basement car parking (offset by increases to the surface parking area).
  - Removal of green wall feature between blocks A1 and A2.
  - Reconfiguration of proposed hotel arrangements to increase number of rooms from 89 to 102.
  - Reduction in the size of proposed block B to provide a smaller cinema, bowling and retail offer (total reduction of 3,484 sqm of retail / restaurant floorspace and 8,374 sqm of proposed leisure space).
  - Increased amount of parking within the surface car park.
  - Introduction of larger area public realm within the centre of the site.
  - Details of the proposed cycle hub.
  - Revised access configurations on to Civic Way to allow for an access and egress junction.
- 1.1.6. In addition to this Planning, Heritage and Affordable Housing Statement, the application submission comprises the following documents:
- Completed and signed application form
  - Site Location Plan



- Final approved plans and elevations
- Proposed amended plans and elevations
- Drawing Issue Sheet
- Design and Access Statement Addendum
- Townscape and Visual Impact Assessment
- S73 Transport Assessment (including Stage 1 Road Safety Audit)
- Non-Residential Framework Travel Plan
- Residential Framework Travel Plan
- Car Park Management Plan
- External Lighting Report
- Ecology Note
- Daylight / Sunlight Assessment

## 2 BACKGROUND

---

- 2.1.1. The Martlets is a key part of Burgess Hill town centre and has been the subject of redevelopment proposals for several years. Planning permission DM/19/3331 was granted for the site on 2 July 2021, permitting a mixed-use development with the approved description of development as follows:

*Demolition of multi-storey car park, public library and offices. The conversion of existing buildings and erection of new buildings to provide, additional retail floor space (Classes A1 and A3), residential units (Class C3) with undercroft car parking, a multi-screen cinema (Class D2), bowling alley (Class D2), gymnasium (Class D2), a hotel (Class C1), the reconfiguration and expansion of existing public car park, amendments to the site access, public realm improvements including landscaping, and other associated works (revision of DM/15/3858 and DM/18/1580). (Amended plans received 19th June including one additional residential units, design amends and additional transport information)*

- 2.1.2. Following the approval of DM/19/3331, four non-material amendment applications have been approved, with details below:

- DM/22/1892. Non-Material Amendment relating to planning application DM/19/3331 to amend the approved drawings within the permission to make minor non-material changes to the proposed scheme. Approved 11.07.22. This NMA solely relates to changes to the approved Block A2 basement, ground and first floors.
- DM/24/1064 - Non-Material amendment to planning application DM/19/3331 - to amend the wording of Condition 8 (contamination). Approved 07.05.24. The NMA amended the wording of Condition 8 to allow for facilitating demolition works to occur prior to intrusive investigations to be undertaken on the wider site.
- DM/24/3117 - Non-Material Amendment to planning application DM/19/3331: Amendment to proposed description of development to remove the last sentence referencing amended plans. Approved 14.03.25.
- DM/25/0290 - Non-Material Amendment to application DM/19/3331 - Amending wording of conditions 4,5,22 and 23 to allow demolition works to occur prior to providing technical information and to allow the partial discharge of condition 23 - please refer to the cover letter for further details. Non-material amendment relating to planning permission ref. DM/19/3331 to amend the wording of condition 8 (contamination). Amend the approved drawings within the permission to make minor non-material changes to the proposed scheme (condition 29). Approved 18.02.25.

- 2.1.3. In addition, the following conditions have been discharged:

- DM/23/0220 - Discharge of planning condition no. 11 relating to planning application DM/19/3331. Approved 28.03.23. Condition 11 related to the Ecological Impact Assessment and an Ecological Mitigation Plan was submitted.
- DM/24/0608 – Discharge of conditions 2, 3 and 10 in relation to DM/19/3331 approved 20.05.24. Condition 2 relates to construction management plan, Condition 3 relates to phasing and Condition 10 relates to site levels.

- 2.1.4. A Certificate of Lawfulness (DM/24/1465) was approved on 16 August 2024 to implement the planning permission DM/19/3331 through the partial demolition of buildings with the removal of canopies. As the permission has been implemented it remains extant.

### 3 PROPOSED AMENDMENTS

---

- 3.1.1. The proposed amendments to the existing planning permission will enhance the deliverability of the entire project and help to secure this important redevelopment for Burgess Hill town centre.

#### 3.2 BLOCK A1 – RESIDENTIAL

- 3.2.1. The residential block A1 has needed to be amended to address the updated fire regulations which have been put in place since the original planning permission. This has required an additional stair and lift core being designed into the taller element of the proposed block which has resulted in a need to redesign the internal layout of the block.
- 3.2.2. The reconfigured residential layout retains 172 apartments but the mix of the size of the units has needed to slightly change from the permitted scheme from 100 one-bedroom and 72 two-bedroom apartments to 106 one-bedroom and 66 two-bedroom apartments. In addition to this primary alteration, the internal and external walls have also been increased in thickness to accommodate structure and satisfy thermal requirements, and all bedroom and living room sizes have been standardised to meet national standards.
- 3.2.3. Following more detailed design of the residential block other alterations to the layout and elevations have also been identified as being required. Firstly, the basement configuration has needed to be amended due to greater clarity on M&E and structural requirements, this has resulted in a reduction in the amount of car parking that can be serviced in the basement to 48 spaces. To offset this, an additional 23 spaces are proposed within the surface car park to be designated as residential parking spaces as set out within the accompanying Car Park Management Plan prepared by Connect.
- 3.2.4. The proposed bin store has been split into two separate stores to ensure all apartments are within 30m travel distance of a waste/recycling disposal point.
- 3.2.5. In addition some relatively minor alterations are proposed to the exterior of Block A1 including a slight revision to the material details on the elevations and an increased parapet height on the northern elevation fronting Church Way to screen the plant required on the roof.
- 3.2.6. The final change to Block A1 is that the proposed green wall that was proposed to separate Block A1 and Block A2 has been replaced with a metal fin arrangement. Following advice from the Fire Engineer Orion Fire it was identified that the green wall would conflict with Regulation 7(2) of The Building (Amendment) Regulations 2018 and therefore would not be a suitable feature for this part of the site. This letter is provided at **Appendix 1**.

#### 3.3 BLOCK A2 – RETAIL/HOTEL

- 3.3.1. Block A2 has also been amended to optimise its layout in response to the needs of the identified tenants. At basement level, the proposed basement level bowling alley / leisure space has been removed as the identified tenant for this area is no longer interested in taking up this space. The basement in this location is existing void space which will remain but the fit-out and allocation of this space has been removed, as has the ground floor entrance to this space.
- 3.3.2. The omission of the basement bowling alley simplifies the external ground floor service yard requirements to the rear of Block A2 as shown on the amended drawings.

- 3.3.3. The main retail unit in Block A2 (Unit 15) has been enlarged to encompass the previously identified Unit 14 (as approved previously under NMA DM/22/1892 and minor internal and external arrangements (as detailed within the supporting DAS Addendum) have been incorporated to meet the requirements of the proposed tenant.
- 3.3.4. Alterations to the layout of the hotel are also proposed and these are detailed in the accompanying DAS. The result of these alterations is an increase in the total number of hotel rooms from 89 to 102 facilitated primarily through the relocation of plant areas and the extension of the hotel into the previously identified adjoining retail demise at first floor level.
- 3.3.5. Externally, the elevations of Block A2 have also been amended to reflect the changes to the internal layouts and the proposed material palette has been slightly altered to provide a better relationship with the rest of the development.
- 3.3.6. Block A2 also includes the existing retail units on Church Walk and The Martlets. Previously Unit 8 was identified as being an amalgamation of existing retail units to provide a gym. This has been revisited with the proposed gym now moved to the redesigned Block B (see below) and the retail units retained in their existing form of seven x smaller units.
- 3.3.7. The permitted scheme also identified office space above Unit 01 the former New Look retail unit and Units 9-12 the other side of The Martlets. The amended scheme removes this proposed office floorspace and instead uses this space as amalgamated retail floor space to provide 2 storey retail accommodation.

## **3.4 BLOCK B – LEISURE BLOCK**

- 3.4.1. The consented permission includes a 10-screen multiplex cinema within a large block above four large retail units. Given market conditions this block is no longer feasible and has been reduced in size to accommodate a consolidated leisure block. The reduced building footprint is roughly half of the permitted block resulting in significantly larger area of public realm between Block A2 and Block B. The height of the proposed Block B has also been reduced, with the revised Block being reduced to two-storeys.
- 3.4.2. The revised Block B will provide a centralised leisure facility incorporating the proposed bowling alley (no longer provided in the basement of Block A2) on the ground floor of Block B along with two new retail units at ground floor level, both intended for food & beverage use. At first floor level the relocated gym is now proposed for Block B along with a consolidated boutique cinema with four screens.
- 3.4.3. Given the significant changes to the composition of Block B, the external elevational changes are also reasonably substantial. The height of the proposed building has been significantly reduced from five-storeys to two (23.5m to 13m) and the design of the building has accordingly needed to change.
- 3.4.4. The revised architectural detailing of the proposed Block has been altered. The previous materiality used stone effect cladding with a variety of patterns/textures. The revised proposals balance silver corrugated metal panels with coloured aluminium glazing to create a more simplified and regular elevational solution.

### 3.5 PUBLIC REALM, LANDSCAPING ACCESS, AND PARKING

- 3.5.1. Revised landscape plans have been provided with this S73 application, developed by specialist landscape architects LDA Design.
- 3.5.2. The result of the reduced Block B is that the central area of public open space, identified as “Event Space” has significantly increased providing an opportunity for a greater amount of public realm and amenity space. The “Event Space” was 20m wide and 25m deep, the revised area is now 63m wide and 45m deep allowing for far more meaningful public realm. The revised concept for this space is to recreate it as “The Common”, to provide space for the community to come together with multi-generational spaces.
- 3.5.3. The increased scale of The Common presents an opportunity for much greater variety of landscaping including areas of significant green spaces, play spaces and flexible event zones.
- 3.5.4. The revised landscaping design also includes a re-interpretation of the central The Martlets walkway known as “The Lane”. This revised design incorporates small pockets of greenery and trees to break up the space and create a more dynamic pedestrian experience.
- 3.5.5. An important aspect of the amendments to the development is an alteration to the main access to the surface car park on to Church Walk. The permitted scheme has designed this as an egress only design, with the access to the car park obtained from the existing access next to Waitrose, off Queen Elizabeth Avenue. Since the permission was granted, it is understood that this access could not 100% be relied upon and, therefore, there is a need for this access to be redesigned to allow both access and exit to and from the car park.
- 3.5.6. In regards to parking, as noted above, the number of parking spaces within the residential basement of Block A1 has reduced. To compensate for this, the surface car-park has increased by 23 spaces. In addition to this, 4 active electric vehicle charging spaces have been identified (the remaining will remain as passive spaces with the ability to be made active spaces in the future) and 10 accessible spaces are also proposed.
- 3.5.7. The consented scheme identified the potential for a Cycle Hub to be provided within the development, and this was secured via a S106 agreement to be secured under a separate planning application. At the time, it was anticipated that this cycle hub would be located towards the northern end of Church Walk, outside of the red line boundary. The increased public realm now available at The Common presents an opportunity to locate this cycle hub within the site boundary and this application includes details of the proposed Cycle Hub in this centralised location.

### 3.6 SUMMARY OF CHANGES

- 3.6.1. The proposed amendments comprise several different factors but can be summarised as follows:
- Relatively minor amendments to the external elevations of the proposed residential block A1
  - Reconfigured internal arrangements to the residential block to allow for additional fire stair-core in response to changes to Building Regulations.
  - Amended design of basement parking courtyard to account for detailed structural design inputs resulting in reduction in basement car parking (offset by increases to the surface parking area).
  - Removal of green wall feature between blocks A1 and A2.
  - Reconfiguration of proposed hotel arrangements to increase number of rooms from 89 to 102.

- Reduction in the size of proposed block B to provide a smaller cinema, bowling and retail offer (total reduction of 3,484 sqm of retail / restaurant floorspace and 8,374 sqm of proposed leisure space).
- Increased amount of parking within the surface car park.
- Introduction of larger area public realm within the centre of the site.
- Details of the proposed cycle hub.
- Revised access configurations on to Civic Way to allow for an access and egress junction.

## 4 POLICY AND LEGISLATIVE FRAMEWORK

---

### 4.1 POLICY FRAMEWORK

4.1.1. The Development Plan for Mid Sussex comprises the following:

- Mid Sussex District Plan 2014-2031
- Burgess Hill Neighbourhood Plan

4.1.2. The Council has a new Local Plan which is currently at examination in public. Given the nature of this S.73 application and the draft status of the emerging plan, it has limited weight to the determination of these proposals.

4.1.3. The following national planning policy guidance and guidance documents are material considerations in the determination of the application:

- National Planning Policy Framework (NPPF); and
- Planning Practice Guidance (PPG).

4.1.4. Site Designations

- Primary shopping frontage
- Town Centre Boundary;
- Retail Quarter;
- Leisure and Entertainment Quarter; and
- The Brow Quarter.

### 4.2 S.73 APPLICATION

4.2.1. The following section assesses the proposed minor material amendments against the Development Plan. These amendments have been agreed with Officers through the pre-application process.

4.2.2. Section 73 of the Town & Country Planning Act 1990 allows a Local Planning Authority to approve material amendments to an existing planning permission by varying or removing conditions associated with the permission. The LPA is required to consider only the question of conditions subject to which the permission should be granted, thereby allowing a more proportionate approach to changes in development proposals when planning permission has been granted. A section 73 application should consider the proposed amendments against the approved development and is not an opportunity to seek to re-open the overriding principles of the original permission.

4.2.3. The Government's Planning Practice Guidance states that there is no statutory limit on the degree of change permissible to conditions under section 73, however the amendment must relate only to conditions and not to the operative part of the permission. The Local Planning Authority must exercise reasonable planning judgement to determine whether the proposed amendments will result in a development that is 'substantially different' to the one they consented. Clearly in this instance, the resultant development is similar to that of the approved scheme. The description of development is retained and the essence of the proposed scheme as a regeneration of Burgess Hill town centre remains. A S73 application is, therefore, entirely appropriate in this instance.

## 5 PLANNING CONSIDERATIONS

---

### 5.1 PRINCIPLE OF DEVELOPMENT

- 5.1.1. Paragraph 90 of the NPPF identifies that “planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptations”.
- 5.1.2. The fundamental development composition remains as per DM/19/3331, delivering a town-centre regeneration through a mixed use retail, residential and leisure proposal. However, as noted above, the circumstances of the development, the market and wider changes such as legislative requirements around fire safety have required these amendments to the development proposals to be made.
- 5.1.3. As with the approved development, the application site is located within the settlement boundary of Burgess Hill wherein Policies DP4 and DP6 confirm development can be appropriate in principle subject to their impacts on character and function of the settlement.
- 5.1.4. The Burgess Hill Neighbourhood Plan (NP) identifies Burgess Hill town centre for a specific study area with five separate quarters identified with prospects for development and different uses. Importantly, however, the NP notes at paragraph 5.6 that:
- “It is recognised that in regenerating the town centre over a period of time it will be necessary to be able to approach opportunities for redevelopment in a flexible way across the Quarters to secure a successful regeneration.”*
- 5.1.5. The application site is located within the Leisure and Entertainment Quarter, the Brow Quarter and the Retail Quarter as defined in the NP. The Committee Report for the original consent DM/19/3331 acknowledges that some of the proposed uses are not necessarily located within each ‘Quarter’ designated by the Plan, however the report recognises that a ‘flexible approach needs to be taken when considering the redevelopment proposals across the ‘Quarter’s as a whole’. The Committee Report states that the proposed uses are consistent with those identified for the town centre and confirms that the principle of the proposed development should be supported.
- 5.1.6. Clearly, the changes sought to the extant planning permission accord with the principles of this paragraph in applying flexibility to ensure opportunities for redevelopment are secured.
- 5.1.7. Whilst the proposed floor areas of both the retail uses and cinema will be reduced as a response to changing market conditions, these changes will maximise the chances of the scheme being delivered. The reduction in commercial floorspace is also compensated by an increased area of public realm that will enhance the experience of the town centre as an important destination for the local community.
- 5.1.8. It is also worth noting that where there are changes between the different uses on the site, most of these now fall within Class E of the Use Classes Order 2024. Therefore, whilst the original permission has been structured around the previous Use Classes Order, there would be flexibility for these different uses to move within the new Use Class E once constructed. Therefore, the principle of replacing the proposed office floorspace with retail is (and all other changes of floorspace that fit within Class E) is established by the 2024 Use Classes Order

- 5.1.9. In addition, minor amendments are proposed to the layout of the residential component of the development to account for updated fire safety guidance and the requirement for a second staircase when buildings exceed 18 metres.
- 5.1.10. Overall, the proposed changes do not materially alter the principle of the development established by the existing permission.

## 5.2 DESIGN AND LAYOUT

- 5.2.1. Policy DP26 of the District Plan requires developments to demonstrate high quality design and layout, which includes appropriate landscaping and greenspace. Furthermore, it states that development should positively contribute to public and private realms and create a sense of place, while addressing the character and scale of the surrounding area.

### Layout

- 5.2.2. Overall, the revisions to the proposed layout of the development enhance the legibility and usability of the site for the wider public as a key area of public realm. The committee report to the original application identified the area between Block A and B as being a positive space with its widening (from the previously 2015 permission) identified as a positive intervention to improve the “overall function of the town centre”. The further enhancement of this space and the creation of The Common is, therefore, a clear betterment for the scheme that should be viewed favourably.

### Massing

- 5.2.3. The taller element of Block A1 is unchanged from the approved 11-storey massing. The lower element of the residential block fronting Civic Way remains at seven-storeys with the top two floors set back, however, the parapet above the set-back seventh storey has been increased in height from 150mm to 1,100mm to screen the plant and solar panels identified for the roof and to provide appropriate edge protection. Whilst the massing of this element of Block A1 has, therefore, slightly changed, the alteration is minor and does noticeably alter the impact on the wider visual amenities of the area.
- 5.2.4. The massing of Block B has clearly changed from the approved scheme. The reduction in the massing of Block B and the enhancement of the surrounding public realm landscaping space is an improvement on the approved development. The revised proposed massing of Block B sits much more comfortably with the existing retail units to the east and the south.
- 5.2.5. The revised massing and designs have been tested with an updated Town and Visual Impact Assessment (TVIA) which is included within this application. The revised TVIA compares all of the views assessed within the original application against the existing photography, the approved visual and the revised proposals, demonstrating very minor differences in the townscape impacts.
- 5.2.6. Overall, the changes the massing of the development improve the development’s contribution to the wider street-scene and are, therefore entirely appropriate.

### Design and materiality

- 5.2.7. Whilst minor changes to the proposed elevations and materiality are proposed to Blocks A1 and A2, they largely remain of the same character and appearance to that of the approved development.
- 5.2.8. The green wall has had to be replaced due to the new fire regulations. This was identified as an important feature of the permitted design with the Design Review Panel noting that it “provides an

appropriate and much needed punctuation” between the residential and hotel blocks. The loss of the green wall cannot be avoided but the revised design has sought to retain this element of the elevation using vertical metal fins to provide a suitable transition between the two buildings.

- 5.2.9. Block B has been altered more significantly to address the change in massing of this building but the proposed corrugated silver metal panels and aluminium glazing provide an appropriate contemporary design for the proposed leisure building.

## 5.3 HERITAGE STATEMENT

- 5.3.1. The proposed development site is not a listed or locally listed building nor is it within a conservation area. The site is, however, close to the Grade II\* listed St John’s Church and the development proposals will have an impact on its setting. This section provides an assessment the significance of this heritage asset to enable us to understand the impacts of the development on this significance.
- 5.3.2. When dealing with development that is within or adjacent to a conservation area and which involves the setting of listed buildings, the Council must follow a hierarchy of legislative tests and guidance. In this instance, these are (in diminishing order of importance):
- S66 and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
  - National Planning Policy Framework (NPPF) (2018); and
  - The Mid Sussex Development Plan
- 5.3.3. Other material considerations include the recently published national Planning Practice Guidance (PPG).
- 5.3.4. Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) state that in considering applications which affect listed buildings, special regard must be had to the desirability of preserving or enhancing its setting or any features of special architectural or historic interest which it possesses.
- 5.3.5. In accordance with this, both the NPPF and Policy DP34 of the MSDP require the conservation and enhancement of the setting of listed buildings.
- 5.3.6. The NPPF states that the applicant should “describe the significance of any heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”
- 5.3.7. When determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
  - The desirability of new development making a positive contribution to local character and distinctiveness.
- 5.3.8. The original Planning, Heritage and Affordable Housing Statement provided a full assessment of significance and impact of St John’s Church. There have been no material changes in circumstances since this assessment was undertaken to alter the findings of the assessment of significance.

- 5.3.9. In terms of the revised development's impacts on the setting of the Church, this is largely unchanged within the revised development. The main alteration affecting this relationship is the slightly increased parapet height on the set-back seventh storey. This impact is marginal given it is proportionally such a small addition to the building, is already well set back from the front edge of the building and sits well below the 11-storey corner tower.
- 5.3.10. The conclusions, therefore, of the previous Heritage Assessment stand and that the development would cause less than substantial harm to the setting of St John's Church and this harm would be outweighed by the significant public benefits that the development will provide.

## **5.4 TRANSPORT AND PARKING**

### Access arrangements and Trip Generation

- 5.4.1. The main vehicular access to the proposed development off Civic Way has been amended to allow access and egress into the car-park via this junction. The access arrangements have been tested, as set out within the accompanying Transport Assessment, via pre-application engagement with West Sussex County Council Highway Authority and through a Stage 1 Road Safety Audit (RSA). The revised junction design would not result in any highway related harm and is therefore compliant with Policy DP21.
- 5.4.2. The Transport Assessment that accompanies this application includes an analysis of the development's impacts on the wider highway network. The changes to the proposed development result in a net reduction in anticipated trips to and from the site and, therefore, do not materially impact the development's impact on highway function or safety.

### Car parking

- 5.4.3. The car parking arrangements on the site have been altered with a reduced amount of parking within the proposed residential basement and increased number of spaces within the surface parking area. To offset the loss of proposed spaces within the basement, 23 spaces have been allocated for residential parking within the surface parking area. As the level of residential parking is retained this consideration is unchanged within the S73 application.
- 5.4.4. The amount of commercial parking spaces is actually increased within the revised proposals as a result of the increased area of surface parking and public realm. An additional 2 spaces are provided to serve the wider town centre public car park.
- 5.4.5. Furthermore, the scheme introduces nine active EV charging spaces which is an improvement over the current permission which has no active EV spaces.

### Cycle parking

- 5.4.6. The proposed development provides a total of 172 cycle parking spaces for the residential element of the proposal, split between a cycle store within the under-croft parking area and one within the residential courtyard. An excess of 75 cycle spaces are proposed for the commercial element of the development. These consist of Sheffield stands outside of individual uses and a proposed cycle hub.
- 5.4.7. The application includes the details of the proposed Cycle Hub that was identified within the original application. The current application and S106 seeks to secure the Cycle Hub within Burgess Hill town centre as a benefit of the proposed development. At the time this was envisaged as being located on the northern end of Church Walk, however, as the area of public realm between Blocks A

and B has increased significantly it is considered more appropriate that the Cycle Hub is located within this new proposed heart of the town centre.

## **5.5 HOUSING**

- 5.5.1. The approved scheme included 100 one-bedroom and 72 two-bedroom apartments. At the time the development was assessed as being compliant with Policy DP30 in regards to housing mix given the nature of the development. The revised proposal alters this mix slightly but not materially so there is no reason why a similar conclusion would not be reached.
- 5.5.2. As with the approved development, the revised layout fully meets the national space standards and meets the target of Policy DP21 for 20% of the units to meet Building Regulations M4(2) standards.

## **5.6 DAYLIGHT SUNLIGHT**

- 5.6.1. In assessing the development's impacts on residential amenity in the context of Policy DP26, the original application was assessed with a Daylight/Sunlight Assessment. An updated Assessment has been carried out for the revised massing and demonstrates again that the revised design of the development would not alter that impacts of the development's massing on any of the adjoining existing residential properties.
- 5.6.2. Similarly, the assessment demonstrates that the proposed layout of the development would retain good levels of daylight and sunlight to the proposed residential units also.

## **5.7 ECOLOGY**

- 5.7.1. The updated Ecology Note has found the site having suitability for nesting and roosting birds. Adverse impacts on ecological features have been identified and appropriate mitigation measures proposed. Post development, no residual or cumulative impacts are anticipated, and the site will be enhanced through new habitat creation comprising native species and through the installation of additional bird nesting features, resulting in an overall net gain for biodiversity.

## **5.8 TREES AND LANDSCAPING**

- 5.8.1. Policy DP37 of the District Plan states that development that will damage or lead to the loss of trees, woodland or hedgerows that contribute positively to the character of the area of have historic/wildlife importance will not normally be permitted. Policy DP26 promotes high quality design including appropriate landscaping.
- 5.8.2. There have been no material changes to the on-site trees within the site compared to the original permission. The 14 trees identified and permitted for removal remain required to be removed as a result of the proposed development changes sought within this S73 application. However, the revised landscaping strategy submitted within this S73 application proposes a significant increase in proposed tree planting as a result of the increased Common public space between blocks A2 and B. Accordingly, the revised S73 proposals represent betterment over the existing permission in regards to tree-loss and compensation.
- 5.8.3. LDA Design have prepared a proposed revised landscape design for the site incorporating high-quality landscape principles particularly to the two main areas of public realm "The Common" and "The Lane". These design principles are embellished within the DAS Addendum and will significantly enhance the biodiversity and usability of the public space compared with the extant

permission. Again, the revised landscape design shows betterment compared to the existing permission, in full accordance with Policy DP26.

## **5.9 ENERGY AND SUSTAINABILITY**

- 5.9.1. The Energy and Sustainability Statement submitted to support this minor material amendment application states that the recommended sustainability features for the proposed development, based on a Part L-compliant SBEM model, will allow a 2.38% carbon reduction for the commercial part of the development compared to a baseline Part L1 2021-compliant building, and a 61.25% carbon reduction for the residential part of the development compared to a baseline Part L2 2021-compliant building.
- 5.9.2. The higher savings in the updated Energy Statement are largely due to the updated SAP carbon factors introduced in Part L 2021, which places a stronger emphasis on electricity over gas. As a result, the proposed electricity-led system can more easily achieve a higher percentage of carbon reduction when compared to the 2013 baseline.
- 5.9.3. The energy and carbon savings are to be achieved through passive design, energy efficient measures incorporating design features such as energy efficient lighting, submetering of relevant areas, upgrading of 'U' values and occupancy sensing in relative areas, as well as the incorporation of an Air Source Heat Pump.

## **5.10 OTHER MATTERS**

- 5.10.1. No other material considerations that formed part of the original assessment are changed as a result of the revised proposals. The reduction in overall trip movements would mean an improvement in regards to air quality impacts, there are no new noise generating uses that would likely cause noise related amenity issues, and no existing trees would be affected any differently compared to the approved development. The infrastructure and affordable housing considerations all remain as per the existing permission.

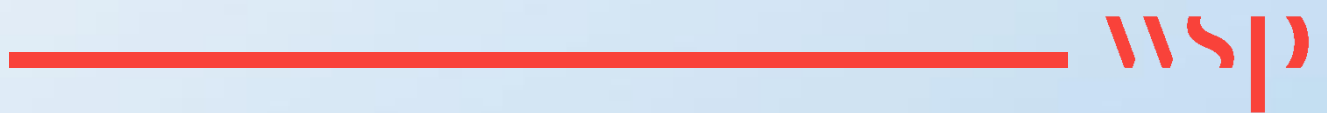
## 6 CONCLUSION

---

- 6.1.1. This Planning, Heritage and Affordable Housing Statement has been prepared to support a S73 application seeking amendments to planning permission DM/19/3331 for the redevelopment of The Martlets in Burgess Hill Town Centre.
- 6.1.2. The redevelopment of The Martlets is a strategic development that is crucial to the health and wellbeing of Burgess Hill Town Centre. Planning permission for the redevelopment has been in place since 2016 in different guises but has never been deliverable due to turbulent economic and market conditions. The most recent 2019 planning permission, however, remains extant and has strong prospects of being delivered subject to the changes sought within this S73 application.
- 6.1.3. The changes proposed are required to ensure the deliverability and viability of the development mainly drive by a need to reduce the amount of proposed retail and leisure floorspace due to the absence of potential operators for these uses. They are also necessitated by a change in the Fire Regulations which has required a slight redesign of the proposed residential block.
- 6.1.4. This Statement and the supporting information submitted with this application have set out the proposed amendments in detail and assessed these against the relevant planning tests. This assessment has demonstrated that the proposed changes do not materially affect the outcome of the relevant policy tests for this development. In fact, in many instances the proposed development will provide betterment through higher quality design details, better standards of living accommodation, higher quality and increased amounts of public open space, increased cycle and car parking and more efficient commercial accommodation.
- 6.1.5. Accordingly, this S73 application should be approved without delay in order to facilitate the delivery of this strategically important development.

# Appendix 1

## **FIRE SAFETY LETTER**



**t:** [+44] 0161 209 3902

**e:** [info@orionfe.co.uk](mailto:info@orionfe.co.uk)

**w:** [orionfe.co.uk](http://orionfe.co.uk)

7<sup>th</sup> April 2025

Rebecca Platt  
Corstorphine & Wright  
21-27 Lamb's Conduit Street  
Holborn  
London  
WC1N 3NL

Ref: OFE-002204-LET-01

Dear Rebecca,

**The Martlets Centre, Burgess Hill – Living/Green Walls and Regulation 7(2) Requirements**

Further to your request during a meeting on the above named project, held via virtual medium on 02/04/2025, I am writing to confirm the requirements regarding Regulation 7(2) as applicable to Living Walls/Green Walls. Please note that the Regulation 7(2) requirements are legislative requirements, not advisory guidance, and therefore must be followed with no alternative solutions or compensatory features being permitted.

Regulation 7(2) was introduced under [The Building \(Amendment\) Regulations 2018](#) and is applicable to any building over 18m in height that contains one or more dwellings. Under Regulation 7(2), all materials used in the construction of external walls, including decorative finishes, should achieve a minimum of an A2-s1,d0 rating as defined in BS EN 13501-1, unless listed as an exempt item in Regulation 7(3). None of the exemptions listed in Regulation 7(3) would encompass living walls/green walls.

The classification of living walls/green walls as part of the external wall construction cannot be easily defined at a system level, even though some components may achieve Class A2-s1,d0, the fact is that the organic materials and features of the green wall cannot, by default, achieve this classification and therefore, are not exempt from the Regulation 7(2) requirements.

Further guidance and information on Green Wall design and it's performance can be found in the [Written evidence submitted by RISC Authority \[EXA 038\]](#) link. Living/green walls are legislatively banned from any building that is classified as a Relevant Building, as described in Regulation 7(4).

Yours sincerely



Oskar Dzielak

Director

e: [oskar.dzielak@orionfe.co.uk](mailto:oskar.dzielak@orionfe.co.uk)

m: +44 (0)7874 654622



WSP House  
70 Chancery Lane  
London  
WC2A 1AF

**wsp.com**

WSP UK Limited makes no warranties or guarantees, actual or implied, in relation to this report, or the ultimate commercial, technical, economic, or financial effect on the project to which it relates, and bears no responsibility or liability related to its use other than as set out in the contract under which it was supplied.