

Mid Sussex District Council
Mr Brett Moore
SHW
Corinthian House
17 Landsdowne Road
Croydon
CR0 2BX

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

REFERENCE: DM/25/0290

DESCRIPTION: 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).

LOCATION: THE MARTLETS SHOPPING CENTRE, BURGESS HILL, WEST SUSSEX, RH15 9NN

DECISION DATE: 18 FEB 2025

CASE OFFICER: STEVEN KING - STEVEN.KING@MIDSUSSEX.GOV.UK

In pursuance of its powers under the aforementioned Act, the Council hereby notify you that they **APPROVE** the Non-Material Amendment for the above development in accordance with the plans and particulars submitted with your application received on 11 February 2025 for the following reason(s):

1. It is considered that the proposed amendments to the wording of conditions 4, 5, 8, 22 and 23 of the planning permission DM/19/3331 do not materially alter their requirements or purpose, and as such can be treated as a non-material amendments.

For the sake of clarity the revised wording of the conditions is as follows;

Condition 4

No development (excluding demolition), in each respective phase of the agreed programme, shall be carried out unless and until samples of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority.

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.

Condition 5

The development hereby permitted shall not commence (excluding demolition) unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. 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, Policy DP41 of the Mid Sussex District Plan.

Condition 8

Prior to the commencement of development (excluding demolition) approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

- a) A site investigation scheme, based on the BJB Consulting Phase 1 Desk Top Study, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: In the interests of health of future occupiers and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 170 of the National Planning Policy Framework.

Condition 22

No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with the approved Plans. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the uses and to accord with policy DP21 of the Mid Sussex District Plan.

Condition 23

No part of any major use class or group of use classes within the proposed development hereby approved shall be occupied until:

(a) A Travel Plan for that major use class or group of use classes of the development has been submitted to and approved in writing with the Local Planning authority. The Travel Plan(s) shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

(b) The Travel Plan(s) once completed shall be implemented as specified within the document.

Reason: To ensure the adequate account is made of sustainable transport measures and to accord with Policy DP21 Mid Sussex District Plan.

Condition 29

It is considered that the changes shown on the drawings listed below, which consist of internal changes to the proposed uses with the amalgamation of proposed units 14 and 15 to create a larger retail unit, a slight reduction in the size of the floor area of the proposed bowling alley in the basement to enable some ancillary space for the retail unit above and the relocation of the entrance of the enlarged retail unit to southeast elevation, do not materially alter the scheme as approved in either its design, form or function. Therefore it is considered that they can be treated as non-material amendments and thus do not require the benefit of a formal planning permission.

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

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

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	19017 0309	P04	11.02.2025
Site Plan	19017 0310	P03	11.02.2025
General	19017 0311	P05	11.02.2025
Site Plan	19017 0312	P03	11.02.2025
General	19017 0330	P03	11.02.2025
General	19017 0331	P04	11.02.2025
General	19017 0332	P03	11.02.2025
Proposed Elevations	19017 0351	P04	11.02.2025
Sections	19017 0361	P04	11.02.2025

A handwritten signature in black ink, appearing to read 'ABiggs'.

Ann Biggs
Assistant Director Planning and Sustainable Economy

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