

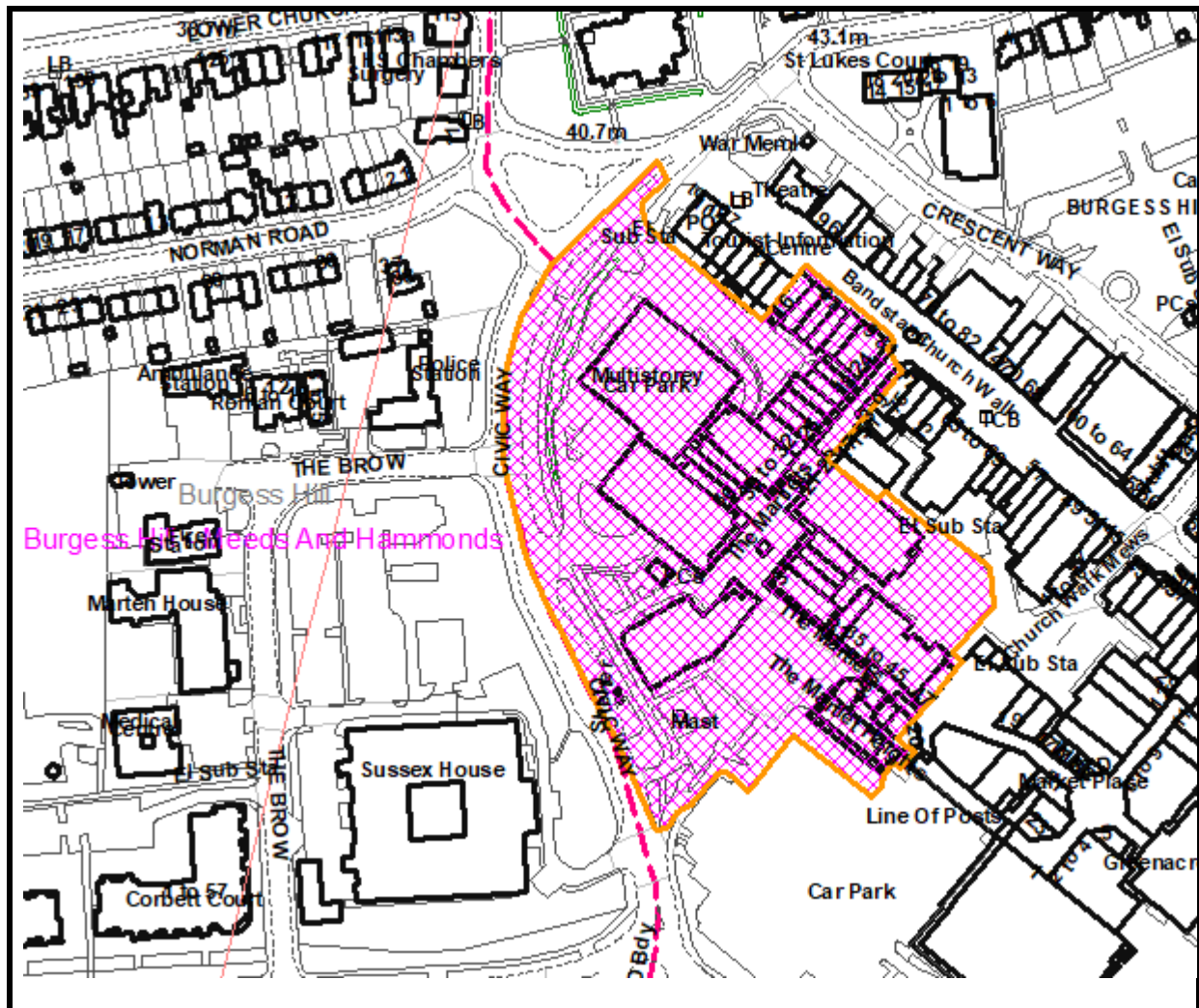
District Planning Committee



Recommended for Permission

19th February 2026

DM/25/3261



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Site:	The Martlets Shopping Centre Burgess Hill West Sussex RH15 9NN
Proposal:	Variation of condition no 14 relating to planning application DM/25/1327 - to extend the hours in the condition to between 06:00 - 20:00 hours Monday to Saturday.
Applicant:	C/O Agent
Category:	Largescale Major Other
Target Date:	23rd March 2026

Parish:	Burgess Hill
Ward Members:	Cllr Robert Eggleston / Cllr Tofojjul Hussain /
Case Officer:	Steven King

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T7OFWGKT04L00>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

- 2.1 This application seeks planning permission for a variation of condition 14 relating to planning application DM/25/1327 - to extend the hours in the condition to between 06:00 - 20:00 hours Monday to Saturday. This is to allow greater use of the service yard for the development.
- 2.2 It should be noted that while the Council has an interest as a landowner, this report represents your officers' views in relation to the Council's role as the Local Planning Authority (LPA). It is important to highlight that these are two wholly separate functions.
- 2.3 Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF).
- 2.4 The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Burgess Hill Neighbourhood (BHNP). Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan in order to comply with the Development Plan.
- 2.5 This application seeks to amend one condition attached to a previously approved extant planning permission for the redevelopment of the Martlets Shopping Centre in the centre of Burgess Hill, which granted consent for additional retail floorspace, a cinema, a bowling alley, a gymnasium, a hotel and 172 residential units, along with the reconfiguration of a public carpark and public realm improvements. The purpose of the application is to amend condition 14, which relates to the hours of use that are permitted for the use of the service yard in the development.
- 2.6 As this application is submitted under section 73 of the Town and Country Planning Act (TCPA) 1990 and seeks to amend a condition attached to a previous planning

permission, it is not necessary to reassess all the issues associated with the planning application afresh. The assessment of this application should focus on the condition that is proposed to be changed and the issues that arise from the changes that this would make to the previously approved scheme. The legal effect of approving this application would be a new standalone planning permission that sits alongside the previously approved scheme.

- 2.7 The principle of development has been established by virtue of the planning permission that has been granted for the development under DM/25/1327. It is considered that the only issues to consider in this case are the impact of the proposed change to the condition with regards to the impact on the amenities of neighbouring occupiers and the impact in relation to highways matters.
- 2.8 The applicants have proposed a number of measures in their Noise Management Plan to mitigate the impact of the proposed change on the amenities of the adjoining residential properties. With the measures the applicants have proposed in their Noise Management Plan, your Environmental Health Officer (EHO) has no objection to the application. Your Planning Officer has no reason to disagree with this assessment. It is considered that with the measures outlined in the Noise Management Plan being secured by condition, the proposed change to the hours of use of the service yard would not cause either significant or substantial harm to either the amenities of the existing occupiers that adjoin the site, or the amenities of the future occupiers of the apartments that are permitted by application DM/25/1327. As such the proposal would comply with policies DP26 and DP29 and the guidance in the NPPF.
- 2.9 There is no evidence that the proposed change to the hours of use in the Service yard from those permitted by application DM/25/1327 would result in an unacceptable impact on air quality. The EHO has raised no concerns in relation to this matter, and your Planning Officer considers that the application complies with policy SA38.
- 2.10 The Local Highway Authority (LHA) have raised no objections to the proposed change. Your Planning Officer has no reason to disagree with their assessment. It is considered that the proposed change to the hours of use of the service yard would not have any material impact on the operation of the road network and would not result in any highway safety issues.
- 2.11 The principle of development has been established by virtue of the planning permission that has been granted for a similar type of development under DM/19/3331, which has commenced implementation and is extant. A subsequent planning permission for a similar development has been approved under DM/25/1327. The redevelopment of the town centre is supported by policy DP2 of the MSDP and policies TC2, TC3 and TC4 of the BHNP. The scheme would represent a significant investment in the town centre of Burgess Hill and would provide significant economic benefits both during the construction phase and the subsequent operational phase of the development.

- 2.12 This application does not propose any physical changes to the scheme approved under DM/25/3127. That was found to be appropriate in its scale and form and there are no grounds to come to a different view now.
- 2.13 The proposed change to the condition regarding the permitted hours of operation for the servicing yard will make no difference to the impact of the permitted scheme on the setting of the identified heritage assets compared to the consented schemes. Therefore, there are no grounds to come to a different conclusion on this issue in relation to this application.
- 2.14 In the assessment of the previously approved schemes DM/19/3331 and DM/25/1327 it was found that the development complied with policy DP26 in the MSDP in respect of the overall design of the scheme and its impact on the character of the area, but there was a conflict with part of policy DP26 (in relation to the impact on the residential amenities of existing residents to the north, particularly 105 and 107 Church Walk and future residents of the development in respect of achieving desirable levels of sunlight). As the physical development is not changing as a result of this application, this assessment remains the same and there are no grounds to come to a different conclusion on this issue now.
- 2.15 The key issue is the impact of the proposed increase in the use of the service yard on the amenities of the adjoining properties. Given the fact that the NPPF is a more recent document than the MSDP, it is considered that greater weight should be afforded to paragraph 125 of the NPPF and therefore the test of this application in residential amenity terms is therefore whether or not the proposal causes substantial harm.
- 2.16 In this case neither significant nor substantial harm has been demonstrated. With the proposed conditions recommended by the EHO, it is considered that the proposed change to the hours of operation of the service yard will be acceptable in relation to the impact on the amenities of the neighbouring residential properties. These changes will be beneficial for the future operator of the retail occupier of the redeveloped site, and this should be afforded positive weight in the planning balance.
- 2.17 The proposed change will not result in a highway safety issue or have a material impact on the operation of the highway network.
- 2.18 In light of all the above it is considered that this proposal complies with the development plan when read as a whole and planning permission should be granted.

3.0 Recommendation

- 3.1 It is recommended that permission be granted, subject to the conditions listed at Appendix A.

4.0 Summary of Representations

None received.

5.0 Summary of Consultees

Highway Authority

The extended hours could give rise to the site generating a small increase in vehicular traffic over an extended period. However, the number of movements would not be anticipated to be particularly significant and would not be expected to exacerbate any existing issues, nor warrant an objection based on safety or capacity. Whilst the Planning Authority will no doubt wish to consider matters of amenity for local residents, no highway objection would be raised.

Environmental Health Officer

No objection subject to conditions

6.0 Burgess Hill Town Council Observations

The Committee of the 27th January would Recommend Approval.

7.0 Introduction

7.1 This application seeks planning permission for a variation of condition 14 relating to planning application DM/25/1327 - to extend the hours in the condition to between 06:00 - 20:00 hours Monday to Saturday. This is to allow greater use of the service yard for the development.

7.2 Planning permission DM/25/1327, which was approved on 17th September 2025, granted consent for the following development:

Variation of conditions 6, 21 and 29 relating to planning application DM/19/3331 - amendment of approved drawings to improve the viability and deliverability of the scheme.

7.3 Planning permission DM/19/3331, which was approved on 2nd July 2021, granted consent for the following development:

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.

8.0 Relevant Planning History

8.1 DM/15/3858 - Demolition of multi-storey car park, public library, community building and offices. Provision of additional retail floor space (Class A1-A5), residential units (Class C3), a multi-screen cinema (Class D2), public library (Class D1), a hotel (Class C1), the reconfiguration and expansion of existing car park, amendments to the site access, public realm improvements including landscaping and other associated works. Approved 14th March 2016.

- 8.2 DM/16/3314 - Non-material amendment to planning application DM/15/3858 to request that 'plans referred to in consideration of this application' are included as a condition. Approved 7th September 2016.
- 8.3 DM/18/1580 - Application to vary Condition 33 of planning ref: DM/15/3858 as amended by application ref: DM/16/3314 to allow amendments to the approved plans. Approved 13th July 2018.
- 8.4 DM/19/3331 - 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). Approved 2nd July 2021.
- 8.5 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 11th July 2022. This NMA solely relates to changes to the approved Block A2 basement, ground and first floors.
- 8.6 DM/24/1064 - Non-Material amendment to planning application DM/19/3331 - to amend the wording of Condition 8 (contamination). Approved 07th May 2024. 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.
- 8.7 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 14th March 2025.
- 8.9 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 18th February 2025.
- 8.10 DM/25/1327 - Variation of conditions 6, 21 and 29 relating to planning application DM/19/3331 - amendment of approved drawings to improve the viability and deliverability of the scheme. Approved on 17th September 2025.
- 8.11 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 28th March 2023. 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 20th May 2024. Condition 2 relates to construction management plan; Condition 3 relates to phasing and Condition 10 relates to site levels.

- 8.12 A Certificate of Lawfulness (DM/24/1465) was approved on 16th August 2024 to implement the planning permission DM/19/3331 through the partial demolition of buildings with the removal of canopies. As implementation of the permission has commenced it remains extant.
- 8.13 DM/26/0256 - Non Material Amendment to application DM/25/1327 - minor amendments to approved drawings to assist with the deliverability of the approved development. Approved on 4th February 2026.

9.0 Site and Surroundings

- 9.1 The site consists of approximately 2.46 ha of land in the middle of Burgess Hill town centre and consists of a number of buildings and structures, including a multi storey car park. Due to the implementation of the extant permission the majority of the commercial units are now vacant.
- 9.2 The site is bounded by Church Walk to the north and Civic Way to the south and east. Adjoining the site to the east is the Market Place Shopping Centre, a covered shopping centre containing amongst other occupiers, Waitrose. To the south of the application site is largest of the town centre car parks.
- 9.3 The Martlets is an open-air shopping centre comprising relatively small single storey units fronting the open-air pedestrian arcades with a mix of commercial, leisure and residential units above.
- 9.4 The largest building on the application site is Martlets Height, an 8-storey former office building that is now vacant, the remainder of the site is of a much lower scale, although the multi-storey car park is equivalent to 4 storeys (including a lower ground floor). Due to the fall in levels across the site the apparent scale of the existing built form is masked to a degree, although it is more noticeable when viewed from Civic Way.
- 9.5 There are existing residential units above the retail units in Church Walk immediately to the north of the site, as well as two at ground floor level to the rear of the 105/107 Church Walk.
- 9.6 St John's Church, a Grade II* listed building, is located to the northwest of the application site and it, along with the area to beyond, lies within the St Johns' Conservation Area. The site is within the built-up area as defined in the Mid Sussex District Plan.

10.0 Application Details

- 10.1 This application seeks planning permission for a variation of condition 14 relating to planning application DM/25/1327 - to extend the hours in the condition to between 06:00 - 20:00 hours Monday to Saturday. Condition 14 states:

'No commercial goods or commercial waste shall be loaded or unloaded onto or from a delivery or collection vehicle and no such vehicles shall arrive or depart, within the application site except between the hours of 07:30 - 20:00 hours Monday to Saturday and 08:00 - 18:00 hours Sunday and Bank Holidays.'

Reason: To safeguard the amenity of adjacent occupiers and to accord with Policies DP26 and DP26 and DP29 of Mid Sussex District Plan 2014-2031.'

- 10.2 The application seeks to amend the condition to extend the hours in the condition to between 06:00 to 20:00 Monday to Saturday. The applicants state that the additional 1.5 hours in the morning will allow the prospective convenience retailer to take morning deliveries which is crucial for their operating model.
- 10.3 The application is supported by a Noise Impact Assessment (NIA) which finds that the noise within the existing service yard during this early morning period is low, however these findings are reflective of the fact that the service yard is not operating to any significant level because the majority of the units that it serves are now vacant pending the redevelopment of the site.
- 10.4 The applicants have therefore proposed an additional condition to secure further noise mitigations. These comprise the following:
- No petrol/diesel vehicles shall be used for deliveries before 7am
 - No reversing alarms to be used on vehicles before 7am
 - Vehicle engines shall not be left running idle for more than two minutes
 - All loading and unloading to be undertaken internally through the use of loading pods
 - Management measures to control external noise through reasonable endeavours such as:

Limit use of metal trolleys

Encourage unloading of trolleys within the store demise

Ensure staff awareness to limit external noise.
- 10.5 The applicants make the point that the site has a lawful use as a service yard with the attendant noise and that there are no restrictions on the servicing of the existing units on the site, meaning that in theory, deliveries could take place throughout the night. They state that if this application is not approved, it is unlikely that a key operator for the retail accommodation proposed would be able to operate within the site. If that occurred, the applicant suggests that it is unlikely that the scheme would be viable and that the existing accommodation within the site would be refurbished and occupied. The applicant states that this scenario is a fallback position that is a relevant material planning consideration.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:
- 'In dealing with such an application the authority shall have regard to:*
a) The provisions of the development plan, so far as material to application, and
b) Any local finance considerations, so far as material to the application, and
c) Any other material considerations.'
- 11.3 Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

- 11.4 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

- 11.5 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

- 11.6 This application is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. The Act states that:

'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and-

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

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

- 11.7 Using the above as the starting point the Development Plan for this part of Mid Sussex consists of the Mid Sussex District Plan (MSDP), Site Allocations Development Plan Document (SADPD) and the Burgess Hill Neighbourhood Plan (BHNP).

- 11.8 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

11.9 Mid Sussex District Plan (MSDP)

- 11.10 The District Plan was adopted at Full Council on 28th March 2018. Relevant policies:

DP21 - Transport

DP26 - Character and Design

DP29 - Noise, Air and Light Pollution

DP34 - Listed Buildings and Other Heritage Assets

DP35 - Conservation Areas

11.10 Site Allocations DPD

- 11.11 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. Relevant policies:

SA38: Air Quality

11.12 Neighbourhood Plan

- 11.13 The Burgess Hill Neighbourhood Plan (BHNP) was made on the 28th of January 2016. Relevant policies:

TC2 - The Leisure and Entertainment Quarter

TC3 - The Brow Quarter

TC4 - The Retail Quarter

11.14 Other Legislation

- 11.15 *Planning (Listed Buildings and Conservation Areas) Act 1990*

11.16 Other Material Considerations

- 11.17 *Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)*

- 11.18 The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination, and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPN7: Noise Impacts

DPB1; Character and Design

DPB2: Listed Buildings and Other Heritage assets

DPB3: Conservation Areas

DPE1: Sustainable Economic Development

DPE4: Town and Village Centre Development

DPE6: Development within Primary Shopping Areas

DPH3: Sustainable Development-Inside Built-up Area

- 11.19 *Mid Sussex Design Guide Supplementary Planning Document (SPD)*

- 11.20 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.

11.21 National Planning Policy Framework (NPPF) (December 2024)

11.22 National Planning Policy Guidance (PPG)

12.0 Assessment

12.1 This application is made under section 73 of the TCPA 1990 to vary or remove conditions associated with a planning permission.

12.2 In light of the wording of section 73 as set out in para 11.6 of this report, it is not necessary to reassess all the issues from the original planning application. It is only necessary to assess the issues that are relevant in relation to the condition that is proposed to be amended.

12.3 It is considered that the main issues to consider in this application are firstly the impacts of the proposed change to the hours of operation of the service yard on the amenities of existing and proposed residential properties and secondly, the highway impacts of the proposed change.

12.4 Residential Amenity

12.5 The impact of the proposed development on the amenities of the occupiers of the existing properties that adjoin the site was carefully considered in the reports that assessed the previous applications DM/19/3331 and DM/25/1327. This application does not propose any changes to the physical development that was approved under application DM/25/1327. Therefore, the impact of the buildings themselves on these properties will remain the same as the consented scheme and there is no need to reassess this issue. The assessment in this case needs to focus on the change to the condition that would allow an extra 1.5 hours of operation of the service yard.

12.6 Policy DP26 of the MSDP states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*

- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

12.7 Policy DP29 states in relation to noise and light pollution:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

- *an assessment of the impact of noise generated by a proposed development; or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development;*

Light pollution:

- *The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

12.9 The air pollution element of policy DP29 has been superseded by policy SA38 in the SADPD.

12.10 Notwithstanding the requirements of the development plan of the assessment of 'significant harm' in respect of the impact of a development on residential amenity, paragraph 125 of the NPPF establishes a material planning consideration that affects the test to be applied on developments on brownfield land like this. Criteria c). of paragraph 125 states that decisions should:

'...give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.'

12.11 Given the fact that the NPPF is a more recent document than the MSDP, it is considered that greater weight should be afforded to paragraph 125 of the NPPF and therefore the test of this application in residential amenity terms is therefore whether the proposal causes substantial harm.

12.12 It must be noted that the impacts of the proposed development in terms of the design and layout of the proposed buildings are not to be reassessed in this application. The assessment in relation to impacts on residential amenity must focus solely on the change proposed to the hours of operation of the service yard.

12.13 The nearest existing residential properties are located adjacent to north of the application site above the retail units in Church Walk. In addition, there are two units at ground floor level behind 105/107 Church Walk, adjacent to the exit of the existing multi-storey car park.

12.14 Under the consented scheme the yard can be used between 07:30 - 20:00 hours Monday to Saturday and 08:00 - 18:00 hours Sunday and Bank Holidays.. This proposal would allow it to be used between the hours of 06:00 - 20:00 hours Monday to Saturday and 08:00 - 18:00 hours Sunday and Bank Holidays. The applicants also propose additional measures, as outlined in paragraph 10.4 of this report to minimise the impact of the additional use of the service yard on the amenities of the adjoining properties.

12.15 The proposed change has been carefully considered by the Councils Environmental Health Officer (EHO). He has stated:

'I have reviewed the submitted Noise Impact Assessment prepared by KP Acoustics Ltd, Ref: 31390.NIA.01 Rev B, and dated 19 December 2025 in support of the

proposed variation of Condition 14 of planning permission DM/25/1327 to extend servicing hours to 06:00–20:00 Monday to Saturday.

The assessment has been undertaken in accordance with BS 4142:2014 and demonstrates that, with appropriate mitigation, the predicted rating level for deliveries between 06:00 and 07:00 will be significantly below the representative background sound level at the nearest residential receptors. This indicates a low or no adverse impact during the proposed extended hours, provided the recommended controls are implemented.

To ensure noise impacts remain acceptable, I recommend the following conditions:

1) All deliveries taking place between 06:00 and 07:00 shall be undertaken in full accordance with the Noise Management Plan set out in Section 6.0 of the Noise Impact Assessment prepared by KP Acoustics Ltd, Ref: 31390.NIA.01 Rev B, and dated 19 December 2025.

2) All deliveries taking place between 06:00 and 07:00 shall be undertaken using electric vehicles only.

Subject to the above conditions, Environmental Health has no objection to the proposed variation of hours.'

- 12.16 The approved development, including the service yard with its operating hours would have some impact on the amenities of the existing residential properties that will adjoin the site. The issue for consideration now relates to the impact solely from the proposed change to the hours of use of the service yard that were permitted under planning permission DM/25/1327.
- 12.17 With the measures the applicants have proposed in their Noise Management Plan, which are set out in para 10.4 of this report, your EHO has no objection to the application. Your Planning Officer has no reason to disagree with this assessment. It is considered that with the measures outlined in the Noise Management Plan being secured by condition, the proposed change to the hours of use of the service yard would not cause either significant or substantial harm to either the amenities of the existing occupiers that adjoin the site, or the amenities of the future occupiers of the apartments that are permitted by application DM/25/1327. As such the proposal would comply with policies DP26 and DP29, and the guidance in the NPPF.
- 12.18 With regards to air quality, policy SA38 states in part that *'The Council will require applicants to demonstrate that there is not an unacceptable impact on air quality'*. The Noise Management Plan proposes that deliveries taking place between 06:00 and 07:00 shall be undertaken using electric vehicles only. There is no evidence that the proposed change to the hours of use in the Service yard from those permitted by application DM/25/1327 would result in an unacceptable impact on air quality. The EHO has raised no concerns in relation to this matter, and your Planning Officer considers that the application complies with policy SA38.

12.19 **Transport Impacts**

- 12.20 There would be no change to the buildings and layout of the site from what was approved under application DM/25/1327. Therefore, the only issue that needs to be assessed in relation to transport matters is the impact of the proposed change in respect of highway safety and the operation of the road network.
- 12.21 Policy DP21 in the MSDP seeks in part to ensure that development ‘...avoids severe additional traffic congestion, individually or cumulatively, taking into account of any proposed mitigation’. This reflects the guidance in paragraph 116 of the NPPF, which states ‘Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios’.
- 12.22 The Local Highway Authority (LHA) have raised no objections to the proposed change. Your Planning Officer has no reason to disagree with their assessment. It is not considered that the proposed change to the hours of use of the service yard would have any material impact on the operation of the road network and would not result in any highway safety issues.
- 12.23 **Other matters**
- 12.24 **Impact on Heritage Assets**
- 12.25 It has been identified that the application site lies adjacent to St Johns Church, a Grade II* listed building. Furthermore, the development has the potential to impact on the setting of the St Johns Conservation Area.
- 12.26 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
- ‘In considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’*
- 12.27 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
- ‘In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of that area.’*
- 12.28 Policies DP34 and DP35 of the MSDP reflect these requirements.
- 12.29 In the assessment of the previously permitted schemes (DM/19/3331 and DM/25/1327) it was considered that there would be some harm to the setting of the heritage assets and that this would fall into the category of ‘less than substantial’ as defined by the NPPF. In the balance that is required under paragraph 215 of the NPPF, this less than substantial harm was considered to be outweighed by the public

benefits of the proposal, even when giving 'considerable importance and weight' to the desirability of preserving the setting of listed buildings when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

- 12.30 The proposed change to the condition regarding the permitted hours of operation for the servicing yard will make no material difference to the impact of the permitted scheme on the setting of the identified heritage assets compared to the consented schemes. Therefore there are no grounds to come to a different conclusion on this issue in relation to this application.

12.31 Infrastructure

- 12.32 Policy DP20 in the MSDP relates to infrastructure and states that developers will be expected to provide for or contribute towards the infrastructure and mitigation measures made necessary by their development. The LPA accepted that the previously approved scheme was not viable to provide either infrastructure contributions or any affordable housing. In accordance with Council policy, there is a review clause within the section 106 legal agreement attached to planning permission DM/19/3331 that will re-assess the viability of the scheme again, at a set point, and should there be additional value in the scheme, then monies may be reclaimed in-line with the terms of the clause. Any monies received this way would be allocated depending on the priority needs at the time.

- 12.33 There is a clause in the section 106 legal agreement that means that the obligations in the legal agreement would also apply to any subsequent planning permission granted under 73 of the Town and Country Planning Act 1990. Viability is a material planning consideration, and Officers consider that remains an acceptable approach in line with Council policy.

12.34 Biodiversity Net Gain

- 12.35 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This planning permission is being granted on an application made under Section 73 of the Town and Country Planning Act 1990 and the original planning permission to which the Section 73 planning permission relates was granted before 12th February 2024. This application is therefore exempt from the requirement to provide biodiversity net gain.

13.0 Planning Balance and Conclusion

- 13.1 Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF.
- 13.2 The Development Plan in this instance consists of the MSDP, the SADPD and the BHNP. Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case

that a proposal must accord with each and every policy within the Development Plan in order to comply with the Development Plan.

- 13.3 As this application is submitted under section 73 of the Town and Country Planning Act (TCPA) 1990 and seeks to amend a condition attached to a previous planning permission, it is not necessary to reassess all the issues associated with the planning application afresh. The assessment of this application should focus on the condition that is proposed to be changed and the issues that arise from the changes that this would make to the previously approved scheme. The legal effect of approving this application would be a new standalone planning permission that sits alongside the previously approved scheme.
- 13.4 The principle of development has been established by virtue of the planning permission that has been granted for a similar type of development under DM/19/3331, which has commenced implementation and is extant. A subsequent planning permission for a similar development has been approved under DM/25/1327. The redevelopment of the town centre is supported by policy DP2 of the MSDP and policies TC2, TC3 and TC4 of the BHNP. The scheme would represent a significant investment in the town centre of Burgess Hill and would provide significant economic benefits both during the construction phase and the subsequent operational phase of the development.
- 13.5 This application does not propose any physical changes to the scheme approved under DM/25/3127. That was found to be appropriate in its scale and form and there are no grounds to come to a different view now.
- 13.6 The proposed change to the condition regarding the permitted hours of operation for the servicing yard will make no difference to the impact of the permitted scheme on the setting of the identified heritage assets compared to the consented schemes. Therefore there are no grounds to come to a different conclusion on this issue in relation to this application.
- 13.7 In the assessment of the previously approved schemes DM/19/3331 and DM/25/1327 it was found that the development complied with policy DP26 in the MSDP in respect of the overall design of the scheme and its impact on the character of the area, but there was a conflict with part of policy DP26 (in relation to the impact on the residential amenities of existing residents to the north, particularly 105 and 107 Church Walk and future residents of the development in respect of achieving desirable levels of sunlight). As the physical development is not changing as a result of this application, this assessment remains the same and there are no grounds to come to a different conclusion on this issue now.
- 13.8 The key issue is the impact of the proposed increase in the use of the service yard on the amenities of the adjoining properties. Given the fact that the NPPF is a more recent document than the MSDP, for the reasons set out in paragraph 12.10 of this report, it is considered that greater weight should be afforded to paragraph 125 of the NPPF and therefore the test of this application in residential amenity terms is therefore whether or not the proposal causes substantial harm.

- 13.9 In this case neither significant or substantial harm has been demonstrated. With the proposed conditions recommended by the EHO, it is considered that the proposed change to the hours of operation of the service yard will be acceptable in relation to the impact on the amenities of the neighbouring residential properties. These changes will be beneficial for the future operator of the retail occupier of the redeveloped site and this should be afforded positive weight in the planning balance.
- 13.10 The proposed change will not result in a highway safety issue or have a material impact on the operation of the highway network.
- 13.11 In light of all the above it is considered that this proposal complies with the development plan when read as a whole and planning permission should be granted.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. The obligations under the planning obligation by way of Agreement dated 2nd July 2021 pursuant to the previous application DM/19/3331 will be equally applied to and satisfy the requirements necessitated under this application DM/25/1327.

Reason: To ensure the provision of transport and other infrastructure and to comply with policies DP20 and DP21 of the Mid Sussex District Plan 2014-2031.

2. The development shall take place in accordance with the Construction Management Plan by Construction Safety Solutions received on the 7th March 2024 and the phase 1 CMP plan drawing no. 21366-0341 rev P-01 in respect of phase 1 only as set out in conditions discharge application reference DM/24/0608, unless otherwise agreed in writing by the Local Planning Authority.
Please note that further information is required to be submitted and approved prior to the commencement of development of phases 2 and 3.

Reason: To ensure safe and neighbourly construction in the interests of amenity and road safety and to accord with Policies DP21, DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

3. The development shall take place in accordance with the programme for phasing of the development as set out in conditions discharge application reference DM/24/0608, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is delivered in cohesive manner to accord with policies DP2, DP26 and DP31 of the Mid Sussex District Plan 2014-2031.

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.

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.

6. No development (excluding demolition), in each respective phase of the agreed programme, shall commence unless and until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - a) 1:50 scale plans, elevation, and sections of entrance zones to the buildings
 - b) 1:20 drawing vignettes of the full height elevations and sections relating to each respective phase of development.
 - c) Details of the proposed renovations/changes to all existing front elevations must be provided. These should clearly illustrate and describe the full scope of works, specifying the materials to be used and RAL colour references for all elements of the front façades. The submission should address:
 - o Enhancements to signage design
 - o Specification of framing materials
 - o Colour selection and coordination.
 - o Brick restoration techniques
 - o Use of contrasting mortar colours for repointing to update the look and reduce the visual monotony of the existing long façades.
 - d) Drawings that show how the rainwater discharge arrangements will be provided and accommodated on the buildings.
 - e) Drawings showing all sustainability measures and their locations: solar panels, heat pumps etc.
 - f) Close up drawings (1/50 and 1/20 plans and elevations) of all important elements of the landscape, such as design of the main square, design of all ramps, steps, crossings, resting spaces, gathering spaces, frontage solutions to verge along Block A1, all works outside the red line boundary to tie into existing public realm and works along all existing buildings and their thresholds, passage from the existing public to a new square, path linking the square to a bus stop and the terraced zone.
 - g) Separate landscape drawing for street furniture, with schedule and details of all benches, resting spaces, bins etc.
 - h) Details and location diagram of any external railing with RAL colours provided
 - i) Details of all louvers
 - j) Details of the railing to the balconies
 - k) Details of all the external railings used for landscape design with RAL colours
 - l) Details of a gate between the two buildings that will have controlled access for residents (linked buildings)

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

7. Prior to the commencement of development (excluding demolition), details of the mitigation measures to address the issues raised within the Wind Microclimate Desktop Study by BMT dated 16th August 2019 submitted with application DM/19/3331, shall be submitted to and approved in writing with the Local Planning Authority. The submission will be supported by a timetable for implementation and the scheme shall only be implemented in accordance with the approved details.

Reason: To ensure that an acceptable public environment is created and to accord with Policy DP26 of Mid Sussex District Plan 2014 - 2031.

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 To 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.

9. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall only then be recommenced in accordance with the approved details.

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.

10. The development shall be carried out in accordance with the levels details that were approved under conditions discharge reference number DM/24/0608 unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

11. The development shall be carried out in accordance with the details that were approved under conditions discharge reference number DM/23/0220 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the ecological value of the site and to accord with Policy DP38 of the Mid Sussex District Plan 2014-2031.

12. No development (excluding demolition) shall take place until a scheme for protecting the residential and any other noise sensitive units from noise generated by road traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise 2017. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB L_{Amax} when measured in bedrooms internally between 23:00 and 07:00, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period.

Reason: To safeguard the amenity of residents and accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

13. No part of the commercial elements of the development hereby approved shall be first occupied until such time as until a Servicing Management Plan for has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason: To safeguard the operation of the highway and to protect residential amenity and to accord with policies DP21 and DP26 of the Mid Sussex District Plan 2014-2031.

14. No commercial goods or commercial waste shall be loaded or unloaded onto or from a delivery or collection vehicle and no such vehicles shall arrive or depart, within the application site except between the hours of 06:00 - 20:00 hours Monday to Saturday and 08:00 - 18:00 hours Sunday and Bank Holidays.
All deliveries taking place between 06:00 and 07:00 shall be undertaken in full accordance with the Noise Management Plan set out in Section 6.0 of the Noise Impact Assessment prepared by KP Acoustics Ltd, Ref: 31390.NIA.01 Rev B, and dated 19 December 2025.
All deliveries taking place between 06:00 and 07:00 shall be undertaken using electric vehicles only.

Reason: To safeguard the amenity of adjacent occupiers and to accord with Policies DP26 and DP26 and DP29 of Mid Sussex District Plan 2014-2031.

15. Unless otherwise agreed in writing, noise associated with fixed plant and machinery incorporated within the development shall be controlled such that the Rating Level,

measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall achieve at least 5dB below the background noise levels. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014. Details of fixed plant or machinery and any mitigation measures required to achieve this standard shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the commercial operation concerned begins operating on site, and thereafter be maintained in accordance with the approved details. Details of post installation testing shall be submitted to the LPA upon request.

Reason: To protect residential amenity and to accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

16. Prior to the commencement of construction of any building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. In addition, a plan/strategy that demonstrates how the planting of the proposed line of trees along the Civic Way frontage will be coordinated with the underground services and is acceptable to the utility companies. All these works shall be carried out as approved.

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. Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To preserve the amenity of local residents regarding air quality and missions and to accord with policy DP29 of the Mid Sussex District Plan.

18. External lighting at the development hereby permitted shall not be brought into use until a lighting scheme has been submitted and approved in writing by the Local Planning Authority. The lighting scheme installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Note 1 for the Reduction of Obtrusive Light 2020" for Environmental zone E3. Thereafter the approved installation shall be maintained and operated in accordance with zone E3 requirements unless the Local Planning Authority gives its written consent to a variation.

Reason: To protect the amenity of local residents and to accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

19. Unless otherwise agreed in writing by the LPA, prior to the use of any business or commercial premises that involve the cooking of food, measures shall be implemented in accordance with an Odour Control Scheme submitted to, and approved in writing by, the Local Planning Authority, to prevent odour from cooking at the premises affecting neighbouring residential premises. The agreed measures shall be fully completed and operational prior to the first use of the unit and thereafter maintained unless any variations are approved in writing by the Local Planning Authority.

Reason: To protect residential amenity and to accord with policies DP26 and DP29 of the Mid Sussex Local Plan.

20. Unless otherwise agreed in writing by the LPA, prior to the occupation of the cinema, gym or bowling alley, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall assess the likely risks posed to residential amenity from the emission of noise from the intended use and shall include measures to protect residential amenity. The approved mitigation measures shall be implemented prior to the first use of the unit and thereafter maintained unless any variations are approved in writing by the Local Planning Authority.

Reason: To protect residential amenity and to accord with policies DP26 and DP29 of the Mid Sussex Local Plan 2014-2031.

21. Prior to first occupation of any part of the development hereby approved the proposed modifications to the public highway, including accesses onto Civic Way, shall be designed/constructed, in general accordance with drawing 14091-012 rev F. A final scheme design shall be submitted to and approved in writing by the Local Planning Authority prior to construction. Thereafter, the scheme shall only be implemented in accordance with the approved details.

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

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.

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.

24. Prior to the commencement of construction of any building subject of this permission, including the construction of foundations, plans and details of operational electric charging vehicle points shall be submitted to and approved in writing with the Local Planning Authority. The development shall not be occupied until the approved details have been fully completed and are operational.

Reason: To provide sustainable travel options and to accord with policies DP21 and DP39 of the Mid Sussex District Plan 2014-2031.

25. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policy DP21 of the Mid Sussex District Plan.

26. Units A-005, 006, 009, 011, 012, 015, 025, 026, 033, 035, 036, 039, 049, 050, 057, 059, 060, 063, 073, 074, 081, 083, 084, 087, 097, 098, 105, 107, 108, 111, 124, 127, 130, 146, 149 and 152 hereby permitted shall be Part M4(2) (Adaptable and Accessible) compliant, and shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the local planning authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

27. In respect of the units identified as Class E(b) (formally Class A3 use) on drawings hereby permitted, the premises shall be limited to the following hours of use:

Monday to Thursday: 0730 - 2330 hrs
Friday and Saturday: 0730 - 0000 hrs
Sunday & Public/Bank holidays: 0800 - 2330 hrs.

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

28. No burning materials: No burning of demolition/construction waste materials shall take place on site.

Reason: To protect the amenity of local residents from smoke, ash, odour and fume and to accord with policy DP29 of the Mid Sussex District Plan.

29. 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.

30. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Briefing Note (Rev 1) (ECOSA Ltd, July 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities and works shall be carried out in accordance with the approved details.

Reason: To protect the ecological value of the site and to accord with Policy DP38 of the Mid Sussex District Plan 2014-2031.

31. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Briefing Note (Rev 1) (ECOSA Ltd, July 2025), shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) Detailed designs or product descriptions to achieve stated objectives;
 - c) Locations of proposed enhancement measures by appropriate maps and plans (where relevant);
 - d) Persons responsible for implementing the enhancement measures; and
 - e) Details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect the ecological value of the site and to accord with Policy DP38 of the Mid Sussex District Plan 2014-2031.

32. No commercial or residential units shall be occupied until a satisfactory Planning Obligation/Unilateral Undertaking has been completed to secure the Travel Plan auditing fees that are required by West Sussex County Council.

Reason: To ensure the sustainability of the development and to accord with policy DP21 of the Mid Sussex District Plan 2014-2031.

Informatives

1. 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.
2. Any changes to the Use Classes Order 1987 Use Classes Order (as amended) - notably those contained within the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 - only apply once any building/planning unit has been brought into use for its permitted purposes, as set out in the application and shown on the approved drawings.

3. In respect to condition 19, the submitted Odour Control Scheme should include an odour "risk assessment" and should be in line with current best practice.
4. In respect of condition 20, the cinema noise management plan (NMP) should align with recommendations in 5.13 and 5.14 of Environmental Noise Report submitted with application DM/19/3331 by Sharps Redmore dated 16th August 2019, gym NMP to align with 5.16, bowling alley NMP to align with 5.18 to 5.19.
5. In respect of condition 5, please note the comments from the Council's Drainage Officer on application DM/19/3331 in regard to the matters that will to be addressed in the submission details.

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	10152-LDA-00-XX-M2-LA-1101		02.02.2026
Proposed Block Plan	BHL-CWA-ZZ-ZZ-	PO3	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-00-DR-A-0310	PO5	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-01-DR-A-0311	PO6	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-03-DR-A-0313	PO5	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-04-DR-A-0314	PO5	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-05-DR-A-0315	PO5	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-06-DR-A-0316	PO5	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-07-DR-A-0317	PO5	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-08-DR-A-0318	PO5	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-09-DR-A-0319	PO5	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-10-DR-A-0320	PO5	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-11-DR-A-0321	PO5	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-12-DR-A-0322	PO5	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-02-DR-A-0312	PO6	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-01-DR-A-0324	PO5	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-02-DR-A-0325	PO3	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-03-DR-A-0326	PO2	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-04-DR-A-0327	PO2	02.02.2026

Proposed Floor Plans	BHL-CWA-ZZ-05-DR-A-0328	PO2	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-06-DR-A-0329	PO2	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-72-DR-A-0330	PO2	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-08-DR-A-0331	PO2	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-09-DR-A-0332	PO4	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-10-DR-A-0333	PO4	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-11-DR-A-0334	PO3	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-12-DR-A-0335	PO2	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-01-DR-A-0336	PO3	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-01-DR-A-0337	PO3	02.02.2026
Proposed Floor Plans	BHL-CWA-ZZ-03-DR-A-0338	PO3	02.02.2026
Proposed Elevations	BHL-CWA-ZZ-ZZ-DR-A-0340	PO5	02.02.2026
Proposed Elevations	BHL-CWA-ZZ-ZZ-DR-A-0342	PO4	02.02.2026
Proposed Sections	BHL-CWA-ZZ-ZZ-DR-A-0344	PO3	02.02.2026