

New River Retail (GP3) Ltd And Mid Sussex District Council
Michael Wood
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London
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TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 96A)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE
ENGLAND) ORDER 2015

REFERENCE: DM/24/3117

DESCRIPTION: NON MATERIAL AMENDMENT TO PLANNING APPLICATION
DM/19/3331 : AMENDMENT TO PROPOSED DESCRIPTION OF
DEVELOPMENT TO REMOVE THE LAST SENTENCE
REFERENCING AMENDED PLANS.

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

DECISION DATE: 14 MAR 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 20 December 2024 for the following reason(s):

1. This application seeks to amend the wording the description of development to remove unnecessary references to the submission of amended plans.

Full planning permission (ref. DM/19/3331) was granted on 2nd July 2021 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 (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)'

This application seeks to amend the wording of the above description of development to remove the last sentence: *'(Amended plans received 19th June including one additional residential units, design amends and additional transport information)'*.

National guidance in the PPG on 'Flexible Options for Planning Permissions' states that there is no statutory definition of 'non-material', because the definition would be dependent on the context of the overall development as approved. The PPG states that a local planning authority (LPA) must be satisfied that the amendment sought is non-material in order to grant an application under Section 96A of the Town and Country Planning Act 1990, and that LPA's must have regard to the effect of the change, together with any previous changes made under Section 96A, on the planning permission as originally granted.

The additional wording that is to be removed was provided to assist with communication to members of the public when amended plans and documents were received. The proposed change will not result in a material change to the original planning permission. As such, this can be approved as a non material amendment to planning permission DM/19/3331. The revised description for the development would therefore be 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).'

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
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Ann Biggs
Assistant Director Planning and Sustainable Economy

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