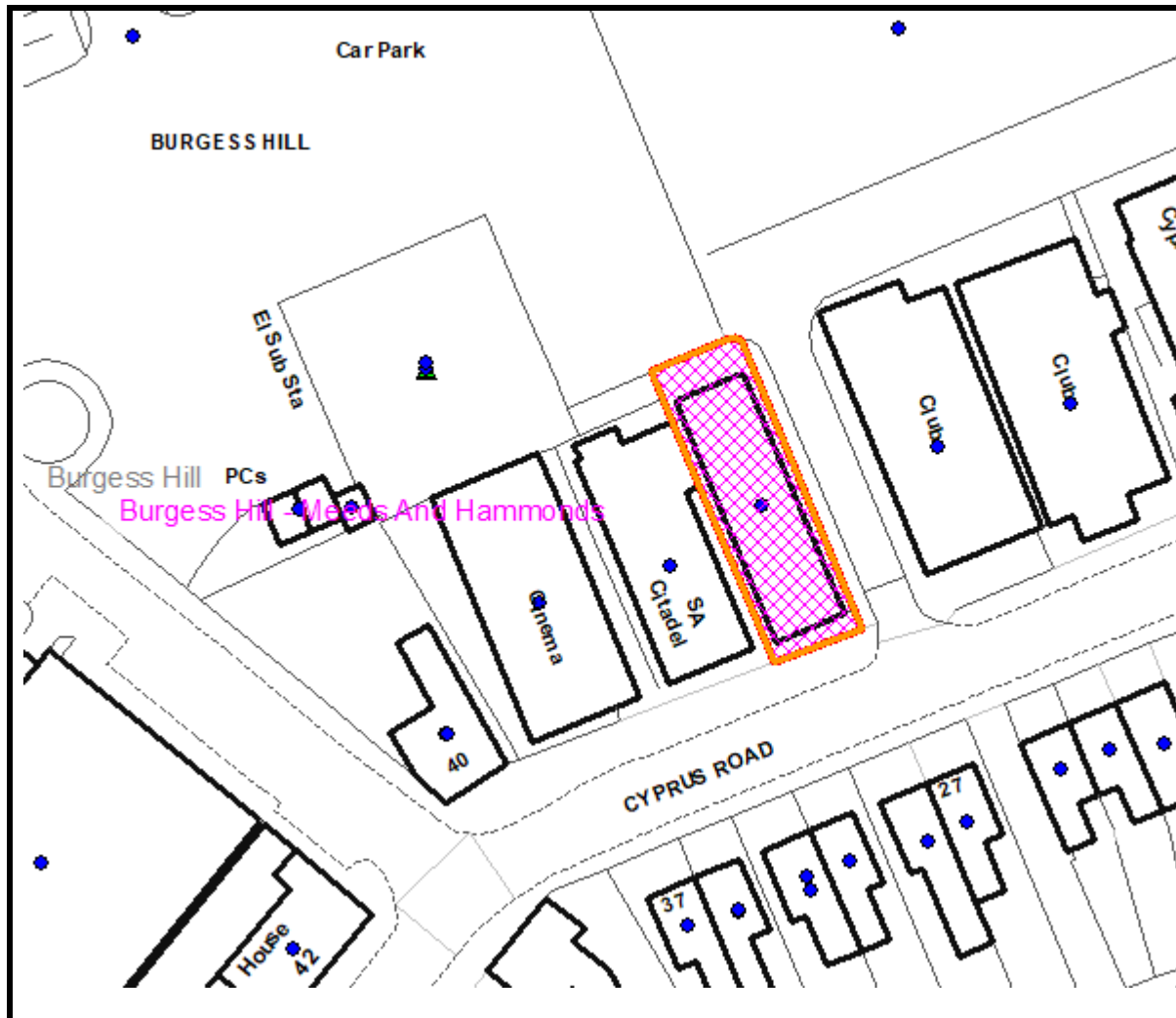


Planning Committee

Recommended for Permission

12th March 2026

DM/25/0582



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Site:	Incorpore Ltd 34 Cyprus Road Burgess Hill West Sussex RH15 8DX
Proposal:	Demolition of existing building, erection of a part 4, part 5 storey building for assisted living accommodation for up to 14 occupiers and on-site staff facilities (Use Class C2) and commercial space on the lower ground floor (Use Class E).
Applicant:	Mr Sanj Rajput
Category:	Minor Other
Target Date:	27th February 2026

Parish:	Burgess Hill
Ward Members:	Cllr Robert Eggleston / Cllr Tofojjul Hussain /
Case Officer:	Katherine Williams

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SSPMS6KT04L00>

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 Planning permission is sought for the demolition of the existing building and the erection of a part 4, part 5 storey building for assisted living accommodation for up to 14 occupiers and on-site facilities (Use Class C2) and commercial space on the lower ground floor (Use Class E), at 34 Cyprus Road, Burgess Hill.
- 2.2 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. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Burgess Hill Neighbourhood Plan.
- 2.3 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.
- 2.4 The development would provide specialist accommodation for vulnerable people, which is a type of accommodation where there is a recognised need (National Guidance in the PPG states that the need to provide housing for people with disabilities is critical). Para 63 of the NPPF seeks to provide a mixture of housing for different groups in the community including people with disabilities. It is clear therefore that national planning policy attaches significant importance to the need to provide accommodation for elderly persons.
- 2.5 Specialist accommodation and care homes are classed as community facilities and local services under policy DP25 of the MSDP. This sets out in part that '*The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.*' As such there is support within the District Plan for such types of development.

- 2.6 Policy SA39 in the SADPD relates to specialist accommodation for older people and care homes. This supports such development in the built-up area. As such the principle of a facility on this site is acceptable.
- 2.7 The site is within the built-up area of Burgess Hill which is a Settlement 1 Category. The site is therefore considered to be a suitable and sustainable location for the proposed facility.
- 2.8 The proposed design and scale of the building is considered to be in keeping with the character of the area, and would not result in significant harm to the amenities of nearby residents through an impact on privacy, overlooking, outlook, daylight and sunlight, noise and light pollution.
- 2.9 The proposal would not include car parking, however given the town centre location of the site this is acceptable. The proposal includes cycle parking.
- 2.10 The proposal will deliver positive social and economic benefits through the delivery of a care facility within the town, which reflects one of the key objectives of the NPPF. It would also provide economic benefits from the employment during the operation of the care home and during the construction phase.
- 2.11 The proposal would not adversely affect any protected species and seeks to secure net gains for biodiversity to ensure wildlife mitigation and enhancements. There would be a neutral impact in respect of the Ashdown Forest.
- 2.12 On the basis of the above, the application is considered to comply with policies DP1, DP2 DP6, DP17, DP20, DP21, DP26, DP29, DP37, DP38, and DP41 of the District Plan, policies SA34 and SA39 of the Site Allocations DPD, policies TC1 and S4 of the Burgess Hill Neighbourhood Plan, and the provisions of the National Planning Policy Framework.
- 2.13 It is therefore recommended that planning permission be approved subject to the conditions set out in Appendix A.

3.0 Recommendation

- 3.1 It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

4.0 Summary of Representations

- 4.1 10 letters of representation have been received which raise the following concerns:

- Drug and alcohol rehab does not fall under use class C2
- Insufficient consultation of the application
- Building height is too imposing, out of character and incongruous to the area
- Design in out of keeping with the area
- Impact on privacy of residents
- Increased noise and disturbance, compound existing impact of neighbouring properties
- Proposed seating area to the front of the proposal would and windows to flats would have an impact on privacy of surrounding properties
- Impact on daylight to surrounding properties

- Safety concerns to residents and possible criminal activity
- Inappropriate use in the locality, other more appropriate site in the wider area
- Impact on access to neighbouring properties from proposed development
- Impact on highway safety, no proposed parking could lead to illegal parking blocking driveways and preventing access
- No justification to position the access facing onto Burgess Hill Constitutional Club
- No access to car park from the lane to the side of the site

5.0 Summary of Consultees (Full comments can be viewed on the planning file)

MSDC Ecology Consultant

No objection subject to conditions

MSDC Urban Designer

No objection following further information and changes, request conditions

MSDC Section 106 & Infrastructure Manager

No contributions required

WSCC Section 106 Officer

Request contributions

WSCC Highways Authority

No objection

MSDC Flood Risk and Drainage Team

No objection subject to condition

Sussex Police

No objection, advice given

Southern Water

No objection, require formal application

MSDC Street Naming and Numbering

Request informative

MSDC Environmental Protection

No objection subject to conditions

6.0 Burgess Hill Town Council Observations

6.1 Recommend Refusal. The Committee felt it contravened:

Mid Sussex District Plan:

DP26 – Character and Design including over development of the plot and being out of keeping with the streetscene.

Mid Sussex Design Guide:

DG21 – it is not clear as to how access is allowed for refuse collection and deliveries nor construction.

Burgess Hill Neighbourhood Plan:

H1 – Protecting and Enhancing Heritage Assets and Conservation Areas in relation to the Orion Cinema.

The Committee felt the application required a noise impact assessment and a contaminated land assessment.

7.0 Introduction

- 7.1 The application seeks planning permission for the demolition of existing building, erection of a part 4, part 5 storey building for assisted living accommodation for up to 14 occupiers and on-site staff facilities (Use Class C2) and commercial space on the lower ground floor (Use Class E).

8.0 Relevant Planning History

- 8.1 BH/100/90 – New shop windows. Granted
- 8.2 08/00293/FUL - A three storey (with basement) building containing 7 apartments comprising 6 x 2 bed and 1 x 1 bed units with basement parking for 10 bicycles and 6 powered two wheelers together with refuse and recycling. Refused
- 8.3 09/01680/FUL - A three storey (with basement) building containing 7 apartments comprising 6 x 2 bed and 1 x 1 bed units with basement parking for 10 bicycles and 6 powered two wheelers together with refuse and recycling. Granted

9.0 Site and Surroundings

- 9.1 The site is located to the northern side of Cyprus Road, within the town centre and built-up area of Burgess Hill.
- 9.2 The site consists of a large building which consists of a front single storey pitched roof section with a flat roof two storey rear portion which faces onto the Cyprus Road Car Park. The building extends over most of the elongated site and is highway visible within the public realm. An access road is located to the eastern side of the site, which is gated, however pedestrian access accessible along this access leading to the public car park to the north. The building has been most recently used as a gym and wellness facility.
- 9.3 The locality has an edge of town centre character, with mixed commercial properties to the northern side of the highway with residential properties to the

southern side. The residential properties consist of period semi-detached and terrace properties of similar design and appearance, which gives this side of the highway a consistent and uniform character. Contrary to the northern side, with commercial buildings of varying designs and forms.

10.0 Application Details

- 10.1 The proposal seeks the demolition of the existing building and the erection of a part 5 storey part 4 storey building. The building would have a flat roof design with the top floor set in from the edge of the building. Due to the slope of the land the lower ground floor would occupy the rear portion of the building with a terrace area above to serve the upper ground floor. The building would be constructed in brick, standing seam metal cladding on the top floor and aluminium fenestration.
- 10.2 The proposal would be used as an assisted living facility for up to 14 occupiers who require care with on-site facilities for 4-6 No. carers during daytime hours (08:00-20:00) and 1 No. night care staff. The proposal would also include communal facilities for the residents with a lower ground floor rear commercial unit, refuse, recycling and cycle parking.
- 10.3 The facility would be used for vulnerable adults with mental health needs, challenging behaviour, learning disabilities, sensory impairments, Huntington disease, Korsakoff syndrome as well as drug or alcohol related issues, forensic histories and dual diagnoses.

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:
- 11.3 *'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,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

- 11.4 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.'

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.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation DPD and Burgess Hill Neighbourhood Plan.

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

Mid Sussex District Plan

- 11.6 The District Plan was adopted at Full Council on the 28th March 2018. Relevant policies;

DP1 - Sustainable Economic Development
DP2 – Town Centre Development
DP6 - Settlement Hierarchy
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 - Securing Infrastructure
DP21 - Transport
DP26 - Character and Design
DP28 - Accessibility
DP29 - Noise, Air and Light Pollution
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage
DP42 - Water Infrastructure and the water Environment

Site Allocation DPD

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

Relevant policies:

SA34 – Existing Employment Sites
SA39 – Specialist Accommodation for Older People and Care Homes

Burgess Hill Neighbourhood Plan

- 11.8 The Burgess Hill Neighbourhood Plan was made in 2016. Relevant policy include:

TC1 - The civic and cultural quarter
S4 - Parking standards for new developments

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

- 11.9 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:

DPS1: Climate Change
DPS2: Sustainable Design and Construction
DPS4: Flood Risk and Sustainable Drainage
DPS6: Health and Wellbeing
DPN2: Biodiversity Net Gain
DPN3: Green and Blue Infrastructure
DPN6: Pollution
DPN7: Noise Impacts
DPN9: Air Quality
DPC6: Ashdown Forest SPA and SAC
DPB1: Character and Design
DPT1: Placemaking and Connectivity
DPT3: Active Travel
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPH7: Housing Mix
DPH12: Accessibility

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.10 The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (December 2024)

- 11.11 Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the*

starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

- 11.12 Paragraph 39 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'
- 11.13 With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.
- 11.14 National Planning Policy Guidance
- 11.15 *National Design Guide*
- 11.16 *Ministerial Statement and Design Guide*

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

12.0 Assessment

- 12.1 It is considered that the main issues that need to be considered in the determination of this application are as follows;
- Principle of Development
 - Design and Impact on the character and appearance of the area
 - Highways
 - Impact on Residential Amenity
 - Accessibility and Amenities of Occupiers
 - Flood Risk and Drainage
 - Ecology
 - Sustainability
 - Infrastructure

- Ashdown Forest
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principle of Development

12.2 Policy DP6 of the MSDP states:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.

The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:

1. *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
2. *The site is contiguous with an existing built up area of the settlement; and*
3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

The developer will need to satisfy the Council that:

- *The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*
- *A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

12.3 Policy SA39 in the SADPD relates to specialist accommodation for older people and care homes. It states:

'There is an identified need for specialist accommodation for older people comprising at least 665 additional extra care units (Use Class C2) by 2030, of which at least 570 should be leasehold.

The Housing and Economic Development Needs Assessment Addendum (August 2016) identified forecast demand for care homes (Use Class C2) at 2031 as 2,442 bedspaces.

The Council will support proposals that will contribute to meeting these types of specialist accommodation.

Proposals for specialist accommodation for older people and care homes will be supported where:

- a. *It is allocated for such use within the District Plan, Site Allocations DPD or Neighbourhood Plan, or*
- b. *It forms part of a strategic allocation, or*

- c. *It is located within the Built-Up Area Boundary as defined on the Policies Map, or*
- d. *Where the site is outside the Built-Up Area, it is contiguous with the Built-Up Area Boundary as defined on the Policies Map and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy (policy DP4).*

In all circumstances, the site must be accessible by foot or public transport to local shops, services, community facilities and the wider public transport network. Proposals must demonstrate how reliance on the private car will be reduced and be accompanied by a Travel Plan which sets out how the proposal would seek to limit the need to travel and how it offers a genuine choice of transport modes, recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.'

- 12.4 This policy directly relates to specialist accommodation for older people, however given the proposed C2 Use Class of the current proposal, this policy is considered to apply.
- 12.5 In terms of policy designations, the starting point for this assessment is that the application site falls inside of the built-up area of Burgess Hill, in accordance with policy SA39. The site is also accessible to local shops, services and community facilities and public transport. As such the principle of a care home in this locality is acceptable.
- 12.6 The development would provide specialist accommodation for vulnerable adults, which is a type of accommodation where there is a recognised need. National Guidance in the PPG states that the need to provide housing for people with disabilities is 'critical'. Para 63 of the NPPF seeks to provide a mixture of housing for different groups in the community people with disabilities. It is clear therefore that national planning policy attaches significant importance to the need to provide accommodation for people with disabilities.
- 12.7 The proposal would result in the loss of the existing commercial building with the proposed building providing a rear commercial unit of a reduced floorspace to the existing building.
- 12.8 Policy DP1 of the Mid Sussex District Plan permits appropriate conversions for employment uses provided it is in accordance with other policies of the Plan.
- 12.9 Policy DP2 of the Mid Sussex District Plan refers to town centre development, and states that:

'These are defined as the town centres of Burgess Hill, East Grinstead and Haywards Heath which meet the needs of their communities and those of the surrounding large and small villages and countryside areas.

To support the regeneration and renewal and environmental enhancement of the town centres as defined on the Policies Map – development, including mixed use and tourism related development, will be permitted providing it:

- *is appropriate in scale and function to its location including the character and amenities of the surrounding area;*

- *has regard to the relevant Town Centre Masterplans and is in accordance with the relevant Neighbourhood Plan.*

Primary Shopping Frontages

Primary shopping frontages are areas considered to be the principal shopping areas, predominantly for retailing. Proposals should enhance the shopping facilities available and not undermine the retail function of the area. Within primary shopping frontages as defined on the Policies Map change of use will be permitted where:

- *A clear predominance of Class A1 shop uses would be maintained;*
- *The nature of the proposed use would sustain and enhance the vitality and viability of the centre; and*
- *The location and prominence of the proposed use would not lead to a significant break in the continuity of the shopping facilities.*

Changes of use to B1a offices or residential use at ground floor level will be resisted.

Secondary Shopping Frontages

Secondary shopping frontages are the smaller areas on the edge of, or beyond, the primary shopping frontages. A high proportion of Class A1 – A5 uses appropriate to a shopping area, which contribute to the pedestrian flow and attractiveness of the area, should be retained. Within secondary shopping frontages as defined on the Policies Map change of use will be permitted where:

- *The proposal would sustain and enhance the vitality and viability of the shopping area;*
- *The cumulative effect of non-Class A1 – A5 shop uses is not so great as to undermine the attractiveness of the shopping area.*

In exceptional circumstances change of use to B1a office, health or medical use or residential use, at ground floor level, will be permitted where:

- *It can be shown that an A1 – A5 use is no longer viable;*
- *An unacceptable break in the frontage of A1 – A5 uses would not occur; and*
- *The cumulative effect of the proposal would not be so great as to undermine the vitality and viability of the shopping area.*

The town centre boundaries and Primary and Secondary Shopping frontages in the three towns are shown on the Policies Map. These may be revised through Neighbourhood Plans for those areas.'

- 12.10 The ethos of these policies are reflected in policy SA34 of the Site Allocation DPD.
- 12.11 Burgess Hill Neighbourhood Plan policy TC1 states:

'This Quarter is focused on the Cyprus Road car park area with links through to Church Walk. Development that provides new, high quality and accessible community resources such as a new library, arts centre/theatre, civic offices and police station will be supported. Any development proposals will be required to provide public realm space including green areas, seating and outdoor space to create a focus for the community activities. New housing development will be acceptable in principle as part of a mixed use scheme only where it will facilitate the provision of the aforementioned community facilities. The existing level of car parking will be maintained within the area and the quality improved. A heritage centre is to be provided within one of the proposed civic buildings and the façade of the Orion Cinema will be retained.'

- 12.12 The application property is located with the town centre of Burgess Hill. The proposal would result in the demolition of the existing building, which has most recently been used as a gym and wellness facility (Use Class E), and would be replaced by a new smaller commercial unit (Use Class E). A mixed use development is considered to form part of the established character of the town centre and is acceptable in principle.

Design and Impact on the character and appearance of the area

- 12.13 Policy DP26 of MSDP deals with 'Character and Design' and 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.'*

12.14 The Council's Design Guide is also of relevance and a number of sections relate specifically to layout and design features within a proposed development, specifically sections 4, 5, 6 and 8.

12.15 Section 12 of the NPPF sets out the governments approach to achieving high quality design and creating beautiful and sustainable places and buildings.

12.16 The Council's Urban Design has been consulted on the application and raises no objection to the proposal subject to conditions to ensure the high quality of the design of the development.

12.17 The proposal would be of an individual design and appearance within the streetscene, which reflects the varied appearance of the properties along the northern side of the highway. The building would also be seen against the built form of the larger buildings to the west. It is noted that the proposal would be a floor height than other buildings within the locality, however given the setback position of the top floor the height or scale of the building is not considered to be out of keeping with the existing character and density of the area.

12.18 Accordingly, it is considered that the application complies with Policy DP26 of the District Plan, the Mid Sussex Design Guide, and the NPPF.

12.19 **Highways**

12.20 Policy DP21 in the MSDP states;

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- *A high quality transport network that promotes a competitive and prosperous economy;*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- *Access to services, employment and housing; and*
- *A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the*

countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);

- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

- 12.21 With regard to the NPPF, section 9 deals with 'promoting sustainable transport' and paragraphs 115-118 directly relate to the 'consideration of development proposals', and they are set out below;

'115. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) *safe and suitable access to the site can be achieved for all users;*
- c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be*

cost effectively mitigated to an acceptable degree through a vision-led approach.

116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, taking into account all reasonable future scenarios.

117. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

118. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored.'

12.22 WSCC Highways Authority were consulted on this application and raise no objection the application. They note that the proposal would not provide any car parking, however given the location of the site, the proposed use and the local parking restrictions the proposal is unlikely to give rise to any highway safety issues and there are no highway grounds to resist the proposal.

12.23 The site is located within the town centre of Burgess Hill with a wide range of facilities and sustainable transport options within reasonable walking distance. Cycle parking is also proposed within the building.

12.24 The property currently has a dropped kerb to the front of the building to discourage any parking full height kerbs would be required to be installed, which would require a minor highway works license, and would be controlled by condition.

12.25 It is considered that the application complies with policy DP21 of MSDP and the requirements of the relevant parts of the NPPF.

Impact on Residential Amenity

- 12.26 Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do *'...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'*.

- 12.27 Policy DP29 relates to noise and light pollution and states:

'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;'*

- 12.28 The Council's Environmental Protection Team have been consulted on the application and have provided the following comments:

'Having reviewed the application for the demolition of the existing building and the erection of a part 4, part 5 storey building for assisted living accommodation for up to 14 occupiers and on-site staff facilities, along with commercial space on the lower ground floor, I have several concerns.

Firstly, the broad nature of Use Class E on the lower ground floor makes it difficult to attach specific conditions without knowing the exact type of use. Therefore, I recommend that prior to the commencement of any commercial use, a condition be

attached requiring the submission of a Noise Management Plan. This plan should include details on hours of operation and measures to mitigate noise impact on the residents. Additionally, an acoustic report should be undertaken to determine the necessary sound insulation between the proposed commercial use and the residential areas. In the absence of specific use details, it is advisable to assume a worst-case scenario, such as a gym with music, and insulate accordingly.'

- 12.29 No objection is raised subject to conditions regarding a noise management plan and an acoustic report regarding the proposed Class E commercial use on the lower ground level.
- 12.30 Comments on the proposal have also been received from Sussex Police, who raise no major concerns regarding the proposal and recommend that additional measures to mitigate against any identified local crime trends and site-specific requirements should be considered. The consultee makes a number of requirements from the application to consider implementing, but raise no objection to the application.
- 12.31 The application site is located within the built up area of Burgess Hill with a number of surrounding businesses, due to this it is considered that the proposed use of the site would not cause undue noise and disturbance.
- 12.32 Located on either side of the application site are commercial premises, Salvation Army to the west and Burgess Hill Constitutional Club to the east. To the north is the Cyprus Road carpark.
- 12.33 To the north-west is a four storey building consisting of 10 No. residential flats. This building is some 10.5 metres from the application site and located to the rear of Orion Cinema. The proposal would have no openings on the western side but would include windows and terrace area to the northern elevation along with the proposed Class E commercial unit. Given the orientation and separation distance it is considered that the proposal would not cause significant harm to the amenities of these neighbouring properties.
- 12.34 Along the southern side are the residential properties which face onto southern side of Cyprus Road, which includes No's 31-27 (odd numbers) that face onto the application site. A daylight impact assessment has been submitted as part of this application in relation to the loss of daylight and skylight from these neighbours. BRE guidance sets out the assessment of the impact on an existing building. A perpendicular line is taken from the front wall of the existing buildings and measure the angle to the horizontal subtended by the new development at the level of the centre of the lowest window. If this angle is less than 25 degrees for the whole development then it is unlikely to have a substantial effect on the diffuse skylight of the existing building. As submitted the majority of the proposed building would be below the 25 degree angle with the front elevation of the top recessed floor exceeding this to 27 degrees. Given this marginal encroachment above the 25 degree line along with northern position of the site to the neighbouring residential dwellings and the narrow proportions of the site, it is considered that the proposal would not result in a substantial effect of skylight and daylight to these neighbouring properties.
- 12.35 It is noted that this building would be visible from the residential properties on the southern side of Cyprus Road, however, given the separation with the highway in between it is considered that the proposal would not have an overbearing impact or

result in a loss of privacy which would cause significant harm to the amenities of these neighbouring properties.

- 12.36 It is therefore considered that the proposal would not result in significant harm to the amenities of neighbouring residential properties and complies within policies DP26 and DP29 of the Mid Sussex District Plan.

Accessibility and Amenities of Future Occupiers

- 12.37 Policy DP26 of the District Plan also relates to future occupants and requires proposals not to cause significant harm to their amenities.
- 12.38 Concerns were originally raised regarding the light to the proposed accommodation units given the depth of the units and those with north facing windows only. There were also concerns regarding the light to Well-being Room. Following these concerns a Daylight Report was received to confirm that the proposal would provide adequate light levels to the units, the Wellbeing Room was swapped with the Staff Room to allow dual aspect.
- 12.39 Given the additional information and the amended layout, the proposal is considered not to result in significant harm to the amenities of the future occupiers of the building.
- 12.40 Policy DP28 of the District Plan relates to accessibility and requires all development to meet and maintain high standards of accessibility so that all users can use them safely and easily.
- 12.41 The proposal would create 14 accommodation units, of which 2 No. wheelchair accessible. All floors would be accessed by stairs and a lift. Given this, it is considered that the proposal would be accessible for all users and complies with policy DP28.

Flood Risk and Drainage

- 12.42 Policy DP41 of the MSDP states;

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed

development²² unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

12.43 Paragraphs 181 and 182 of the NPPF state;

'181 When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment (footnote 63). Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*

Footnote 63: A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage

problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

182. *Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should:*

- a) take account of advice from the Lead Local Flood Authority;*
- b) have appropriate proposed minimum operational standards; and*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.'*

- 12.44 The site is located within flood zone 1, and at a very low surface water flood risk. MSDC's records do not contain records of the site flooding or flooding within the immediate area surrounding the site. These records are not complete and flooding may have occurred which was not recorded. A site having never flooded in the past does not mean it won't flood in the future. The Council's Flood Risk and Drainage Team have been consulted on the application and raise no objection subject to conditions.
- 12.45 Southern Water have commented on the application and advise that they require a formal application for a connection to the public sewer to be made by the applicant or developer. They also require a condition relating to the proposed rainwater harvesting system.
- 12.46 Having regard to the above, it is considered that subject to the use of appropriate conditions flood risk and drainage of the site can be suitably controlled and that the application complies with policy DP41 of the MSDP.

Ecology

- 12.47 Policy DP38 in the MSDP states:

'Biodiversity will be protected and enhanced by ensuring development:

- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*

- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

12.48 Paragraph 187 of the NPPF sets out the ways planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 193 of the NPPF states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and*

around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

12.49 The Environmental Act 2021 has amended section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and places a general duty on a public authority to conserve and enhance biodiversity. A public authority must, in exercising its functions, have regard, as far as is consistent with the proper exercise of those functions, to the purpose of conserving and enhancing biodiversity.

12.50 In support of the application a number of ecological surveys have been provided, which have been considered by the Council's Ecological Consultant, who have provided the following final comments:

'We have reviewed the Bat Emergence and Re-Entry Surveys (Arbtech, May 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.

We have also reviewed the information submitted relating to mandatory biodiversity net gains.

We are now satisfied that there is sufficient ecological information available to support determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted documents. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.*
- b) Pre and post development habitat plans.*
- c) Legal agreement(s)*
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).*
- e) Proof of purchase (if buying statutory biodiversity credits at a last resort).*

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements.

The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition.

Therefore, the LPA is encouraged to secure draft heads of terms for this planning

obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined Place Services is a traded service of Essex County Council within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.'

- 12.51 The Council's Ecological Consultant is satisfied that the proposal is acceptable from an ecology and biodiversity perspective, subject to the suitable conditions.
- 12.52 With regards to Great Crested Newts, Nature Space have not been consulted on the application as the proposal does not meet the requirements for consultant.
- 12.53 With regards to the above, it is considered that the application complies with policy DP38 of MSDP, and the relevant paragraphs of the NPFF.

Sustainability

- 12.54 Policy DP39 of the MSDP is titled 'Sustainable Design and Construction, and states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*

- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

12.55 Paragraph 164 of the NPPF seeks to ensure that new developments are planned to help '*reduce greenhouse emissions, such as through its location, orientation and design*'. Paragraph 166 expects new development to, '*take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*'

12.56 It is important to recognise that in respect of policy DP39 of the District Plan, whilst the wording of the policy is supportive of improving the sustainability of developments, there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.

12.57 The application is supported by an energy and sustainability statement that sets out the applicant's intentions with regard to the sustainability for the development. These include;

- Cycle storage
- Mechanical Ventilation with Heat Recovery
- Minimising waste and maximising recycling and re-use of materials on site during construction
- Locality sourced materials where practical
- Materials selected based on low environmental impact from responsible suppliers and sustainable sources
- Low flow rate water appliances
- Dual flush toilets

12.58 Having regard to the above, it is considered that the application complies with policy DP39 of MSDP and the relevant paragraphs of the NPPF.

Infrastructure

12.59 Policy DP20 of the MSDP seeks to ensure that development is accompanied by the necessary infrastructure. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations. The Council has approved a Supplementary Planning Document (SPD) in relation to developer obligations (including contributions). The Development Infrastructure and Contributions SPD sets out the overall framework for planning obligations.

- 12.60 The NPPF sets out the government's policy on planning obligations in paragraphs 56 and 58 which state:

'56. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

and:

58. Planning obligations must only be sought where they meet all of the following tests:

a) necessary to make the development acceptable in planning terms;

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development.'

- 12.61 These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).

- 12.62 Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework' the infrastructure set out below is to be secured via a planning obligation.

West Sussex County Council Infrastructure Requirements:

Libraries provision contribution: £2,781

TAD contribution: £10,364

- 12.63 The Council's Section 106 and Infrastructure Team have been consulted on the application, however given the proposed use would fall under Use Class C2 and not C3 no financial contributions are required due to the unlikely need the proposal would have on local infrastructure.
- 12.64 It is considered that the infrastructure requirements set out above are necessary to mitigate the impact of this development and therefore comply with the above policies and guidance.
- 12.65 The s106 legal agreement to secure the required infrastructure contributions has been completed and the development accords with policy DP20 of the MSDP, the relevant SPD, Regulation 122 and guidance in the NPPF.

Ashdown Forest

- 12.66 Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority – in this case, Mid Sussex District Council – has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The

European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

- 12.67 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.
- 12.68 A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational disturbance

- 12.69 Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.
- 12.70 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.
- 12.71 The proposed development is outside the 7km zone of influence and is for a C2 facility, as such, mitigation is not required.

Atmospheric pollution

- 12.72 Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.
- 12.73 The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

- 12.74 The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.
- 12.75 No mitigation is required in relation to the Ashdown Forest SPA or SAC.

- 12.76 A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Biodiversity Net Gain

- 12.77 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.
- 12.78 The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

‘The condition is that the development may not be begun unless—

(a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and

(b) the planning authority has approved the plan (see paragraph 15)’.

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. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Burgess Hill Neighbourhood Plan.
- 13.2 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.
- 13.3 The development would provide specialist accommodation for vulnerable people, which is a type of accommodation where there is a recognised need (National Guidance in the PPG states that the need to provide housing for people with disabilities is critical). Para 63 of the NPPF seeks to provide a mixture of housing for different groups in the community including people with disabilities. It is clear therefore that national planning policy attaches significant importance to the need to provide accommodation for elderly persons.
- 13.4 Specialist accommodation and care homes are classed as community facilities and local services under policy DP25 of the MSDP. This sets out in part that *‘The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.’* As such there is support within the District Plan for such types of development.

- 13.5 Policy SA39 in the SADPD relates to specialist accommodation for older people and care homes. This supports such development in the built-up area. As such the principle of a facility on this site is acceptable.
- 13.6 The site is within the built-up area of Burgess Hill which is a Settlement 1 Category. The site is therefore considered to be a suitable and sustainable location for the proposed facility.
- 13.7 The proposed design and scale of the building is considered to be in keeping with the character of the area, and would not result in significant harm to the amenities of nearby residents through an impact on privacy, overlooking, outlook, daylight and sunlight, noise and light pollution.
- 13.8 The proposal would not include car parking, however given the town centre location of the site this is acceptable. The proposal includes cycle parking.
- 13.9 The proposal will deliver positive social and economic benefits through the delivery of a care facility within the town, which reflects one of the key objectives of the NPPF. It would also provide economic benefits from the employment during the operation of the care home and during the construction phase.
- 13.10 The proposal would not adversely affect any protected species and seeks to secure net gains for biodiversity to ensure wildlife mitigation and enhancements. There would be a neutral impact in respect of the Ashdown Forest.
- 13.11 On the basis of the above, the application is considered to comply with policies DP1, DP2, DP6, DP17, DP20, DP21, DP26, DP29, DP37, DP38, and DP41 of the District Plan, policies SA34 and SA39 of the Site Allocations DPD, policies TC1 and S4 of the Burgess Hill Neighbourhood Plan, and the provisions of the National Planning Policy Framework.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. 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.
3. No development shall commence unless and until the following information has been submitted to and approved by the Local Planning Authority
 - Details and samples of the facing materials;
 - 1:20 sections and front elevations of the typical features (shown in context) including windows, doors and balcony detail and surrounding.

The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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.

4. Prior to the commencement of the development 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. These and these works shall be carried out as approved. 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 Policies DP26 and DP37 of the Mid Sussex District Plan 2014 - 2031.

5. Prior to the commencement of development, details of the rainwater harvesting system including measures to prevent contamination of the water supply and any discharge to public sewers will need to be submitted to and approved by the Local Planning Authority. Details of the maintenance responsibilities and regimes for the rainwater harvesting system will need to be submitted to and approved by the Local Planning Authority prior to occupation of the development.

Reason: To ensure that the proposed rainwater harvesting system does not contaminate the water supply and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

6. The development hereby permitted shall not commence 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 Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

7. Prior to the commencement of development 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 preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

and unless otherwise agreed in writing by the Local Planning Authority,

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; and, unless otherwise agreed in writing by the Local Planning Authority,

c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the Local Planning Authority.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. Prior to first use of the commercial space (Use Class E) hereby approved a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- Hours of operation,
 - full details of loading/unloading arrangements,

- Noisy activities, and
- Measures to mitigate noise impact on the residential areas.

The Noise Management Plan shall be implemented in full on occupation (initial or subsequent) of the commercial space and complied with thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the locality and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031

11. Prior to first use of the commercial space (Use Class E) hereby approved an acoustic report shall be undertaken and submitted to and approved by the Local Planning Authority. The report shall assess the type of sound insulation required between the commercial space and the residential areas, and provide recommendations on the sound insulation to be installed.

Reason: To safeguard the visual amenities of the locality and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031

12. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arbtech, January 2025) and the Bat Emergency and Re-Entry Survey (Arbtech, May 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 conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

13. 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 Preliminary Ecological Appraisal (Arbtech, January 2025) and the Bat Emergency and Re-Entry Survey (Arbtech, May 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 shall be retained in that manner thereafter.

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

14. No part of the development shall be first occupied until such time as the existing vehicular cross over to the front of the site has been physically closed off, with full height kerbs being reinstated to provide a reinstated footway, in accordance with

plans and details submitted to and approved in writing by the Local Planning Authority.

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

15. Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the lower ground floor commercial space of the premises shall be used only for the purposes which fall under use class E and for no other purpose.

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

16. Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the premises (excluding the lower ground floor commercial space) shall be used only for the purposes which fall under use class C2 and for no other purpose.

Reason: To safeguard the proposed use and to accord with Policy SA35 of the Site Allocation DPD.

Biodiversity Net Gain

1. This permission is considered to be one **which will require the approval of a biodiversity gain plan before development is begun** (which includes demolition) because none of the statutory exemptions or transitional arrangements are considered to apply.

Informatives

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs, Saturdays 0900 - 1300 hrs, No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

2. 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.
3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

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
Proposed Floor Plans	P106	A	15.07.2025
Proposed Sections	P127	A	08.07.2025
Existing Floor and Elevations Plan	P010	A	11.03.2025
Existing Block Plan	P001		06.03.2025
Location Plan			06.03.2025
Proposed Block Plan	P001		06.03.2025
Proposed Floor Plans	P100	A	15.07.2025
Proposed Floor Plans	P101		06.03.2025
Proposed Floor Plans	P102	A	15.07.2025
Proposed Floor Plans	P103	A	15.07.2025
Proposed Floor Plans	P104		06.03.2025
Proposed Roof Plan	P105		06.03.2025
Street Scene	P120		06.03.2025
Proposed Elevations	P121	A	14.08.2025
Proposed Elevations	P122		06.03.2025
Proposed Elevations	P123	A	14.08.2025
Proposed Elevations	P124		06.03.2025
Sections	P125		06.03.2025