

Steven King

From: [REDACTED]
Sent: 30 June 2025 19:17
To: Steven King
Cc: planninginfo
Subject: DM/25/1327 - Variation of conditions 6,12, and 29 of DM/19/3331

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Dear Mr King,

Thanks you for your time this afternoon. Here is my comment on the planning Application DM/25/1327 that you said I could send to you direct.

Name: [REDACTED]
Address: 10 Wyvern Way, Burgess Hill, RH15 0GB
Date 30 June 2025

Comments:

Application Number: DM/25/1327

I object to this application as in my view it represents a substantial and significant change to the original application (DM/19/3331) and thus needs dealing with through a new planning application and not by variation in conditions to the existing scheme.

I hold this view because the Courts have established considerable constraints on the way that variation in conditions can be used to amend planning applications that have been granted permission. MidSussex legal team will be familiar with these constraints and exceeding them risks the Council acting unlawfully. If this new application is approved via amended conditions I believe there is a real risk of that.

Essentially, conditions can be amended provided that the description and purposes of the original scheme are still to be met. This is not the case here.

Further, in their application documents (for example in the Planning, Heritage and Affordable Housing Statement) and in publicity about the development the applicant says the changes are to improve the viability of the scheme. But what the amendments would result in for the people of Burgess Hill would be much reduced facilities compared to the original application some of which simply are not viable as set out (especially the bowling alley and cinema).

Also, the external appearance of the development is also substantially altered such that where at present there was a mass of building around the tower block this has now been reduced so that the tower block will even more overprominent than it would have been already. This is an opportunity missed to provide some affordable housing that is sadly still lacking from the proposal, quite against government policy.

The easiest way to see what has been lost for the people of Burgess Hill is to look at the Table provided by the Applicant as part of the Design and Access Addendum (p46) 6.0 Summary of revised proposal. This makes clear that (i) the Office provision has been entirely removed; (ii) the cinema is one eighth of the original size - raising questions about viability without substantial ancillary facilities; and (iii) the bowling alley - already only just big enough in the original plans - would now be too small to be viable as it has too few lanes (only four shown on the plan for Building B) and would possibly more likely become a gaming/gambling centre. In summary, business and leisure opportunities have been substantially reduced.

There are some gains and as shown in the same Table in Part 6.0. These mostly involve retail and hotel accommodation and not the affordable housing that is needed.

However, once again these are substantial changes to the proposed development and surely need to be dealt with by a new full application so that all the relevant issues can be fully considered. By trying to go down the conditions route, matters relevant to planning have not been considered and consultation has been limited to issues linked only to these conditions, important as they are. The increase in the public realm (if it is truly public realm and not private land that looks like public realm) is to be welcomed provided existing trees are retained and the area planned to allow adaptation to climate change.

I was surprised to see that the rooftops do not incorporate solar panels or hot water heating facilities. Perhaps I have missed these. It would be good to see these included if they are absent.

I would like to raise one final point - the plans for the tower block now include an extra stairwell. I was surprised to see this appears to be adjacent to the original single stair well. If this is the case, then it might represent a problem because, if there were a fire, then, depending on its origins and nature, adjacent stairwells could both be affected, thus reducing the building's safety. I am not an expert in fires in residential buildings but have worked on industrial fires. I would have thought separate stairwells represent less risk to residents.

Regards,

