

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1108	Case Officer:	Rachel Richardson
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of condition nos 2 and 8 - To replace approved drawings with new drawings, to amend the materials, layout of staircores and fenestration detail at third floor.		
Site:	Central Education Ltd, Barclay Court, Market Place, Haywards Heath, West Sussex, RH16 1DB, ,		
Validation Date	1 May 2025	Overall Expiry Date:	8 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	19 Aug 2025
Target Date:	31 Jul 2025	Recommending Officer Signature:	Rachel Richardson

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	19 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1108

**Central Education Ltd, Barclay Court, Market Place, Haywards Heath, West Sussex, RH16 1DB,
Variation of condition nos 2 and 8 - To replace approved drawings with new drawings, to amend
the materials, layout of staircores and fenestration detail at third floor.
PR Homes Direct Ltd**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

MSDC Urban Design: No objections after amendments received.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

This application seeks consent for a variation of conditions 2 and 8 to replace approved drawings (from DM/23/3230) with new drawings, to amend the materials, layout of stair cores and fenestration detail at third floor.

RELEVANT PLANNING HISTORY

DM/23/3230 - Conversion of the former educational facility to residential to provide 10 no flats (Use Class C3), including roof extension and alterations. Permission 25.04.2025

SITE AND SURROUNDINGS

The application site lies on the western side of Market Place opposite the secondary entrance/exit of Haywards Heath Train Station (however, pre 1880 this was the main entrance to the Station). For the purposes of planning policy the site lies outside of the town centre boundary (which is located to the southeast), as defined in the District Plan, but within an area of townscape character as designated in the Haywards Heath Neighbourhood Plan (HHNP). Barclay Court is also listed as a cherished place in Appendix 6 of the HHNP. The site is situated within a built up urban area on the eastern edge of a ring road.

Barclay Court, is a short terrace of originally 3 commercial properties, dating from c. 1907 (as confirmed by the former Haywards Heath Society). The terrace has gables running along the frontage, has red brick with stone dressings, and is in a Tudorbethan style. Although there are modern extensions to the rear, the frontage building retains an attractive period character with many original features.

Barclay Court abuts the pavement adjoining Market Place to the east, a vehicular access road is situated to the north, and a vehicle repair garage to the south (comprising a modest single storey white rendered building).

The access road leads to a car park at the rear of Hayworthe House, which adjoins the site boundary to the north. This also allows pedestrian access to the rear of the application site. The access to the south, between 3 Market Place and Owen Garages, allows pedestrian and vehicular access to the rear of the garages and Barclay Court. To the rear of the site there is a hard landscaped courtyard, enclosed with security fences and a high boundary brick wall adjoining the former telecoms building to the west.

The former telecoms building is a two storey flat roofed 1970's building of brick work construction.

The levels go uphill very gradually to the south and also from the front to the rear of the site, in an east-westerly direction.

APPLICATION DETAILS

As this is a section 73 application, national advice is that the LPA should focus attention on any material changes since the previous permission.

The application seeks planning permission to enable the substitution of plans to allow for changes to amend the materials, layout of stair cores and fenestration detail at third floor.

The amended statement confirms:

'Redesign of stair and lift cores

The approved drawings showed a staircase and lift which do not comply with Part K and M of building regulations. The redesign allows for a 1200mm wide staircase and suitable lift, and reduces the length of the Southern stair/lift core, to allow vehicles to enter the site more comfortably. The design also repositions the entrances, so as not to enter the building off a slope on the South side, and to remove the access to the building along the North side, due to it crossing right of access land to which the neighbouring vehicles park across. This right of access would be retained for maintenance only.

Change in cladding design

The cladding design at second and third floor has been changed to Prefa Rhomboid Façade tiles due to difficulties of obtaining a diamond shaped system that was approved. The cladding to the rear stair/lift cores is changed to Cedral Click cladding.

Removal of etching glazing

Etching glazing shown on the proposed third floor has been removed as this considerably increases the cost and complexity of build, and the feature would not be easily seen from the outside.

ASHP positions

Air source heat pumps (ASHP) have been shown on the drawings.' The revised position of the ASHP are on the rear elevation.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

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 Lindfield and Lindfield Rural Neighbourhood Plan.

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

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP26 - Character and Design

Site Allocations DPD

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

There are no relevant policies.

Haywards Heath Neighbourhood Plan)

The Neighbourhood Plan was made in December 2016. It forms part of the Development Plan for the District and can be given full weight.

E9 - Design and Character

Other Material Considerations

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

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:

DPB1 - Character and Design

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

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.*'

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.*'

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.

National Planning Policy Guidance

National Design Guide/Code

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

ASSESSMENT

This application is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. The Act states that '*On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and-*

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

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

As such it is only necessary to consider the specific changes that are proposed to the previously approved development.

This application seeks to vary conditions 2 and 8 of planning application DM/23/3230 to allow changes to the approved plans to amend the materials, layout of stair cores and fenestration detail at third floor.

Condition 2 states:

'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', and Condition 8 states:

'No development shall be carried out unless and until there has been submitted to and approved in writing by the Local Planning Authority 1:20 scale sections and elevations (vignettes) of the following shown in context:

- (a) new stair cores*
 - (b) the proposed second floor facade that sits 400mm lower than the existing ridge,*
 - (c) a perimeter upstand to the terraces at third floor with projecting glass balustrade,*
 - (d) the proposed third floor metal cladding plus screening and windows/doors that include diagonal etching,*
 - (e) series of details of all 4 elevations set-backs where new roof meets the existing fabric.*
- The development shall be carried out in accordance with the approved details.*

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.'

The application form states that under condition 2 the approved drawings 010, 011, 012, 013, 014, 015A, 020A, 022A, 021B, 023B will be replaced with 3428 01, 12D, 13C, 14E, 15, 16C, 17E and 18H.

Condition 8 : seeks permission to remove reference to etched glazing.

It is considered that the main issues that need to be considered in the determination of this application are as follows;

Design and Character

Policy DP26 of the Mid Sussex District Plan 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 DP27);*
- 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.'*

Policy E9 of the HHNP has a similar ethos to DP26.

The proposed alterations to the cladding, colours and fenestration details have been carefully negotiated with the Council's urban design officer and the overall effect of the resulting building on elevation 18H appears similar to that originally approved under the originally approved elevations. The proposed revisions to the staircores have been made to meet building regulation standards.

The revised landscaping will introduce planting at the front of the building which is an improvement to the original scheme and overall the changes would respect the existing character and appearance of the building and locality. It is therefore considered that the proposed changes would be in keeping and would comply with policy DP26 and E9 of the HHNP.

Biodiversity Net Gain

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

CONCLUSION

In conclusion, the proposed alterations are considered to be appropriate in terms of design and the impact on the character of the area. Therefore, the proposal complies with Mid Sussex District Plan policy DP26, E9 of the HHNP and the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Rachel Richardson