

FAO Joesph Swift
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex RH16 1SS

02 May 2025
Ref: SL/Let/P2229

Dear Joesph,

Section 73A Retrospective Planning Application: Proposed Variation of Conditions 1, 4, 5, 9 and 10 and submission of details of Conditions 3 and 7 pursuant to Planning Application (reference DM/22/3241) at Earthingleigh, College Road, Ardingly, Haywards Heath, West Sussex, RH17 6SA.

Introduction

We are writing on behalf of our client, **Remmus** in support of a Section 73A Retrospective Planning Application to the previously approved scheme ref: **DM/22/3241** at Earthingleigh, College Road, Ardingly, Haywards Heath.

The application has been submitted to Mid Sussex District Council via the Planning Portal under reference **PP-XXXXXXX**.

The following documents which have been submitted in support of this application:

- **Application Forms and Notices**
- **Planning Covering Letter**
- **563 111 I PLAN Front Elevation**
- **563 105 N PLAN Roof Plan**
- **Garage Plan Plot 1 and 2 563109 F**
- **11109_101_P2 Site Access Assessment**
- **P2229 Sustainability Statement 250417 SL**
- **LLD2443-ARB-REP-001-00-AIA**
- **LLD3487-LAN-DWG-100-01 – GA**
- **LLD3487-LAN-DWG-200-00 – IPP**
- **LLD3487-LAN-DWG-201-00 – DPP**
- **LLD3487-LAN-SCH-001-00 - DPS&S**
- **LLD3487-LAN-SCH-002-00 – HLS**
- **LLD3487-LAN-SPE-001-00 SLS**

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The site has recently been acquired by a new developer, Remmus, who now owns both this site and the adjacent site, having recently taken it over from the previous developer. It is important to highlight that **the dwellings have already been constructed.**

This Retrospective Application has been submitted by Remmus in order to regularise and rectify discrepancies arising from the actions of the previous developer, who failed to deliver certain elements of the scheme in accordance with the approved plans and associated condition applications.

Accordingly, this Section 73A Retrospective Application seeks to consolidate and resolve those inconsistencies and to secure a decision notice that accurately reflects the development as built on site. The submitted information represents the completed scheme, and this application ensures that the planning documentation aligns with what has been delivered on the ground.

Condition 1 - Approved Plans

This application seeks to amend the list of ‘approved plans’ attached to the extant planning consent to include the installation of solar panels on the roofs of each dwelling which have already been installed. This change will ensure alignment between the planning documents and the development as built.

To facilitate this amendment, approval is sought to revise the approved plans list, specifically by updating the proposed elevation and roof plans to reflect the inclusion of the solar panels. The proposed changes are summarised in Table 1 below:

Approved Plans reference DM/22/3241	Amended Plans
Proposed Elevations 563-P111	563 111 I PLAN Front Elevation
Proposed Roof Plan 563 105 B	563 105 N PLAN Roof Plan

Table 1 - Approved and Superseeded Plans

The amendment to Condition 11 sustainability measures will be listed below.

Condition 4 - Road Widening and Vehicle Parking

The **approved condition wording** is as follows,

No part of the development shall be first occupied until the access road widening and vehicle parking and turning areas serving the development have been constructed, surfaced and drained in accordance with plans and details submitted to and approved by the Local Planning Authority.

An updated access drawing has been submitted, reflecting the road as it has been constructed on site. The key differences between the approved and as-built design are that the carriageway width has been built at 3.9m rather than the approved 4.2m, however, the updated drawing has included the addition of a passing bay as shown on the submitted plan. The 3.9m is not sufficient for 2 cars to pass so it is important to note the passing bay has been incorporated into the design for this reason. In addition, the southern radius measures 7m as built compared to the approved 8m.

The footway crossing, which was indicated on the approved plans, has not yet been provided. To address this, a footway crossing is now proposed to be delivered as part of a Section 278 agreement. This forthcoming Section 278 application will run in parallel with the current Section 73A application and is intended to resolve the outstanding access issue.

The amended plan which overcomes these changes is as follows,

- 11109_101_P2 Site Access Assessment

On the basis of the submitted information it is considered that this condition can be reworded as a compliance as all information has been provided.

Condition 5 - Visibility Splays

The **approved condition wording** is as follows,

No part of the development shall be first occupied until visibility splays of 2.4 metres by 60 metres have been provided at the proposed site vehicular access onto College Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

The **suggested amended condition wording** is as follows,

No part of the development shall be first occupied until visibility splays of 2.4 metres by 47 metres have been provided at the proposed site vehicular access onto College Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

The revised wording seeks to align the condition wording with application (reference DM/22/0752) which seeks the visibility splays to be of **2.4 metres by 47 metres**. Importantly this site utilises the same access and therefore this has been built to the standards referenced in application (reference DM/22/0752) which differs between the consents although the scheme utilises the same access road and visibility splays associated with these.

The 47m visibility is based upon the speed limit of the road at 30mph which is considered appropriate and was previously accepted at the neighbouring application. The amended plan which overcomes this change in length of visibility splays is as follows,

- 11109_101_P2 Site Access Assessment

Based on the submitted information, this condition can also be reworded as a compliance condition.

Condition 9 – Sustainability

The **approved condition wording** is as follows,

No dwelling shall not be occupied unless and until an independent final report has been prepared and submitted to the Local Planning Authority to demonstrate that the development has complied with the criteria as set out within the Sustainability Statement.

The **suggested amended condition wording** is as follows,

No dwelling shall be occupied unless and until an independent final report has been prepared and submitted to the Local Planning Authority, demonstrating that the development has complied with the criteria as set out within the amended Sustainability Statement, which now includes the provision of PV Panels on the roofs of main dwellings.

An updated Sustainability Statement has been submitted, which now includes the provision PV on the roofs of the main dwellings, a feature that was not previously accounted for in the original application.

This addition represents an improvement in the sustainability strategy for the development, aligning with current best practice and enhancing energy efficiency. To ensure consistency and reflect this updated approach, amended elevation and roof plan drawings have been prepared, clearly demonstrating the PV installations on the roofs of the dwellings as built.

The amendment to Condition 1 (approved plans) is listed above.

Condition 10 – Hard and Soft Landscaping

The **approved condition wording** is as follows,

The development shall be delivered in accordance with the hard and soft landscaping details, which includes 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 as submitted and approved under application DM/21/3902 unless otherwise agreed in writing with the Local Planning Authority.

The **suggested amended condition wording** is as follows,

The development shall be carried out in accordance with the revised hard and soft landscaping details as set out in the amended plans submitted as part of this application, which include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection during the course of development. These revised details supersede those previously approved under application DM/21/3902, unless otherwise agreed in writing by the Local Planning Authority.

The landscaping proposals have been revised to reflect the as-built condition of the site. The updated condition wording seeks to regularise the hard and soft landscaping details to match those implemented on site by the previous developer. These changes provide clarity and ensure that the approved plans accurately represent the completed development.

As part of the revised submission, the arboricultural assessment has been updated to reflect the removal of a small number of trees. Notably, the removal of trees located to the north of the site is necessary due to concerns raised by a neighbouring property owner regarding the potential risk of the trees falling towards their dwelling.

The amended plans and documents which overcome these changes are as follows,

- LLD2443-ARB-REP-001-00-AIA
- LLD3487-LAN-DWG-100-01 – GA
- LLD3487-LAN-DWG-200-00 – IPP
- LLD3487-LAN-DWG-201-00 – DPP
- LLD3487-LAN-SCH-001-00 - DPS&S
- LLD3487-LAN-SCH-002-00 – HLS
- LLD3487-LAN-SPE-001-00 SLS

On the basis of the submitted information it is considered that this condition can be reworded as a compliance as all information has been provided.

Condition Submission to Existing Permission

In addition to the proposed minor amendments, this application seeks to provide sufficient information for the effective discharge of the following conditions:

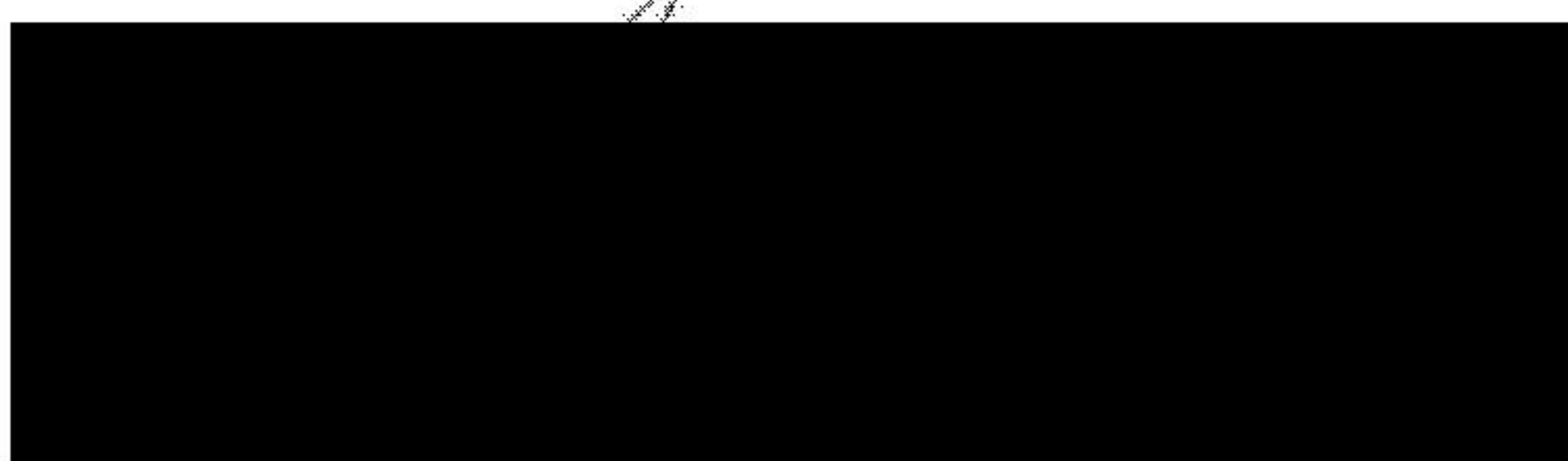
- Condition 3 - Cycle Spaces
- Condition 7 - Bin Hardstanding Collection Area

Conclusion

In conclusion, this **Section 73A application** seeks to regularize and amend certain conditions attached to the previously approved scheme under reference DM/22/3241 at Earthingleigh, College Road, Ardingly, to reflect the development as built. We trust that the supporting documents and plans submitted will allow the Council to successfully consider the changes and implement a planning permission under a **Section 73A**.

If you have any further queries or require further information, please contact me on 01903 248777.

Yours sincerely
ECE Planning



Chris Barker MATP MRTPI
Managing Director