

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0049	Case Officer:	Peter Davies
Application Type:	Full Application		
Proposal:	An additional mechanical extraction required as part of the ongoing Ground Floor CAT B refurbishment		
Site:	Roche Diagnostics Ltd, Roche House, Charles Avenue, Burgess Hill, West Sussex, RH15 9UF, ,		
Validation Date	8 Jan 2026	Overall Expiry Date:	19 Feb 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	24 Feb 2026
Target Date:	5 Mar 2026	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	26 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0049

**Roche Diagnostics Ltd, Roche House, Charles Avenue, Burgess Hill, West Sussex, RH15 9UF,
An additional mechanical extraction required as part of the ongoing Ground Floor CAT B
refurbishment
Roche Diagnostics Ltd**

REPRESENTATION RECEIVED

None received.

SUMMARY OF CONSULTEES

Environmental protection: No objection

TOWN COUNCIL OBSERVATIONS

The Committee of the 27th January would Recommend Approval.

INTRODUCTION

The application seeks planning permission for a mechanical extraction in connection with a ground floor internal refurbishment.

RELEVANT PLANNING HISTORY

No relevant history.

SITE AND SURROUNDINGS

The application property is a three-storey office building located on the west side of Charles Avenue, within the built-up area boundary of Burgess Hill.

The application building is a large flat roof office building constructed with dark grey metal rain screen cladding and buff coloured terracotta tile rain screen cladding and grey aluminium fenestration. The building is set well back from the highway with car parking to the front and north side of the building. The locality is characterised by large industrial and commercial units.

APPLICATION DETAILS

The application seeks planning permission for a mechanical extraction in connection to a ground floor refurbishment. The extraction will replace an existing ground floor window on the southern side elevation located towards the rear of the building with the window to be replaced with an infill panel to match the existing cladding panels. The main ductwork will protrude approximately 0.75 metres and have a width of 0.95 metres. The ductwork will have a maximum height of 4.10 metres above ground level and a minimum height of 2.44 metres above ground level. The ductwork will be mild steel powder coated to match the existing cladding panels.

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) And 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 Allocations Development Plan Document (DPD) and Burgess Hill 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
DP29 - Noise, Air and Light Pollution

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.

Burgess Hill Neighbourhood Plan (made January 2016)

No relevant policies

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

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 stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to the some of 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 polices of the adopted District Plan.

Relevant Policies:

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPN7 - Noise Impacts

DPn9 - Air Quality

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

ASSESSMENT

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

- Design and Character
- Impact on neighbouring properties
- Biodiversity Net Gain

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.'

The proposed alteration is small in scale and considered acceptable in terms of design and form to the existing building. The alteration would be visible from the highway of William Way which serves commercial buildings. The alteration would match in material and colour to the existing cladding of the building. Due to the small scale nature of the alterations, they will not have a harmful impact on the character of the area. The proposal therefore is considered to comply with policy DP26 of the District Plan.

Impact on neighbouring properties

DP26 of the Mid Sussex District Plan seeks to ensure that development '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);'

Policy DP29 in part 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;*

...

Air Pollution:

- *It does not cause unacceptable levels of air pollution;*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'

Environmental Protection have commented on the application and have raised no objection to the proposal in terms of noise impact or unacceptable odour impacts. The extraction vent would be facing towards the highway of William Way within a commercial and industrial area. The closest units are approximately 35 metres away to the south. Due to the nature of the works the proposal would not cause significant harm in terms of privacy and outlook.

The proposal is therefore, considered to comply with the above-mentioned part of Policies DP26 and DP29 of the Mid Sussex District Plan.

Biodiversity Net Gain

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 comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

In conclusion, the proposal is considered to be acceptable in terms of design and form to the building and locality. It would not cause significant harm on the amenities of neighbouring properties. Therefore, the proposal complies with Mid Sussex District Plan policies DP26 and DP29, and with the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Peter Davies