

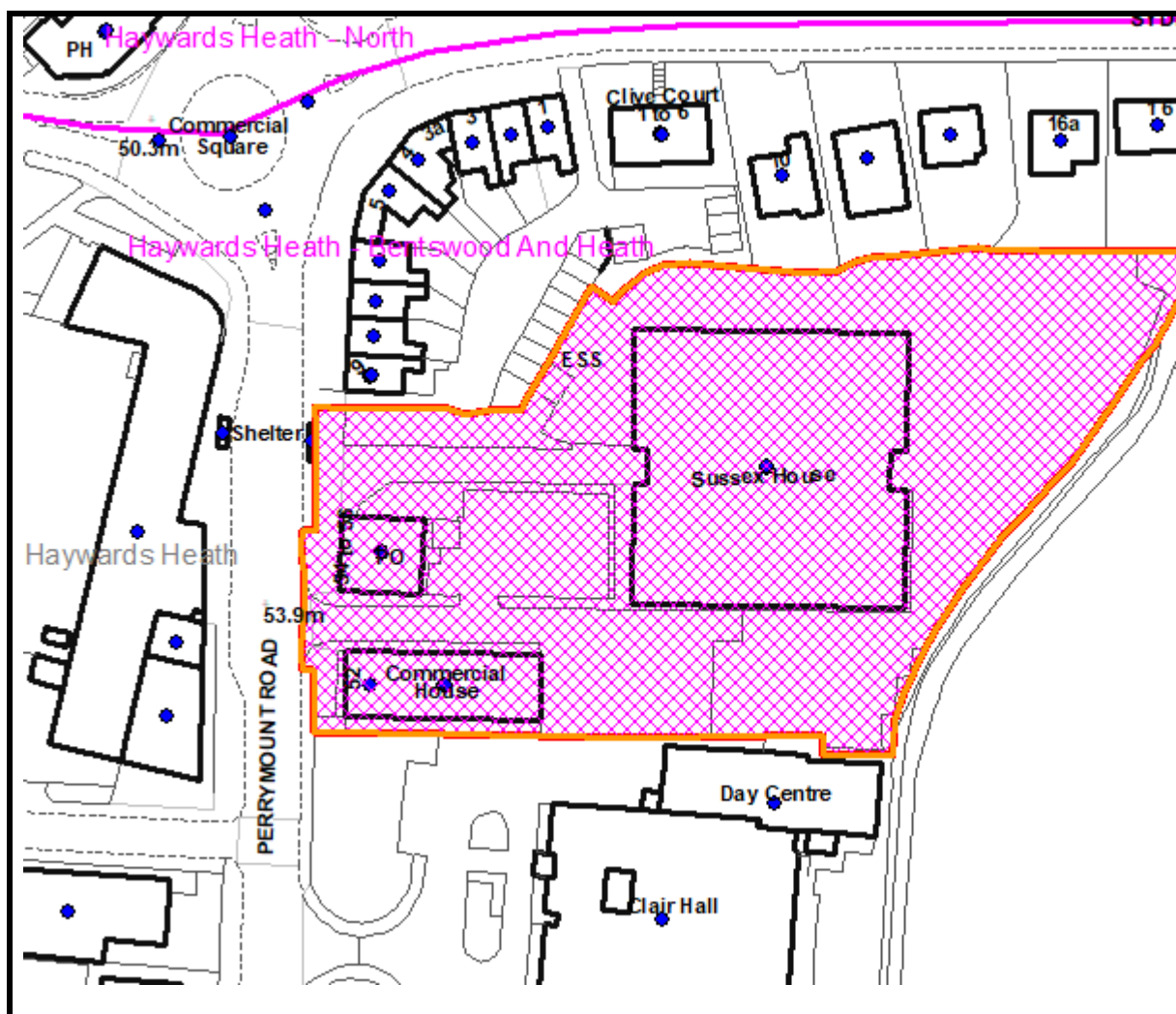
District Planning Committee



Recommended for Permission

22nd January 2026

DM/24/3077



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Site:	Sussex House Perry Mount Road Haywards Heath West Sussex RH16 1DN
Proposal:	Demolition of the existing buildings and construction of a new food store (Use Class E(a)), with access, car and cycle parking, landscaping and associated works. A 'Copenhagen' crossing along the site entrance and the installation of cricket nets.
Applicant:	Aldi Stores Ltd
Category:	Smallscale Major Retail
Target Date:	30th January 2026

Parish:	Haywards Heath
Ward Members:	Cllr Anthony Platts / Cllr Alison Rees /
Case Officer:	Susan Dubberley

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SONBRIKT04L00>

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 This application seeks planning permission for demolition of the existing buildings and construction of a new food store (Use Class E(a)), with access, car and cycle parking, landscaping and associated works. Also proposed is a 'Copenhagen' crossing along the site entrance and the installation of cricket nets.
- 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 National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Haywards Heath Neighbourhood Plan (HHNP).
- 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 proposed development is considered acceptable in principle. As the site is located outside the town centre boundary a sequential test and a retail impact assessment were submitted with the application. Policy DP2 requires a sequential test to be applied as this application is for a main town centre use that is not within a defined town centre boundary. The sequential test requires applications for main town centre uses to be located in town centres; or, if suitable sites are not available in edge of centre locations where the site is accessible and well connected to the town centre.
- 2.5 It is considered that the submitted sequential test and a retail impact assessment show that there are no suitable alternative vacant units and that the development would not have significant adverse impacts on vitality and viability of Haywards Heath town centre. The site is also accessible and well connected to the town centre.

- 2.6 The proposals would also involve the loss of the existing employment uses on the site and policy DP1 seeks to protect employment land. It is considered that the applicant has demonstrated through the marketing of the site that there is no reasonable prospect of the use or continued use of the offices on the site, in accordance with policy DP1. The alternative use as retail is considered an appropriate use for the site in this location and will be a source of employment.
- 2.7 It is also a material consideration that there have been two prior approval applications granted on the site for a change of use from office to residential at Commercial House and at Sussex House for residential use (app refs: DM/24/1702 and DM/24/1097). Therefore, the office uses on the site could also be lost through a change to residential, if the prior approvals were to be implemented.
- 2.8 Policy DP25 relates to the loss of a community use and the preamble to the policy which lists the community facilities and services includes 'Local shops including banks and post offices'. The policy seeks to retain community uses unless; the use is no longer viable; or that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or that a replacement facility will be provided. In this case the existing local Budgens store on the site this would be replaced by a larger retail unit and there are also other retail stores in the vicinity. While there have been several objections to the loss of the post Office formerly within the Budgens store, it is noted that a new Post Office has recently opened in Commercial Square, within the Londis store, which is only short walk away from the site. It is therefore considered that the application would comply with policy DP25.
- 2.9 The proposed design, layout and scale of the development is considered acceptable, and it would not cause harm to the character and appearance of the area. It is not considered to cause significant harm to the neighbouring amenities.
- 2.10 It is considered that the proposed netting would detract from the views from the Heath Conservation Area and therefore this aspect of the proposal is not considered to comply with policy DP35. In accordance with the guidance in the NPPF, a balance must be reached against the benefits of the application and the identified harm. There are public benefits that would in this case outweigh the harm identified, including the positive economic benefits for the town, employment opportunities and the development of a well-known national supermarket on the site.
- 2.11 It is not considered to cause a significant detrimental impact upon neighbouring amenities. The scheme would not cause harm in terms of parking or highway safety. The scheme is also acceptable impact in respect of landscaping, arboriculture, ecology and drainage subject to conditions.
- 2.12 The development is not considered to have any significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.
- 2.13 The proposal would not comply with policy DP35 however it is considered that the adverse impacts of granting consent would not significantly and demonstrably outweigh the benefits of this development.

- 2.14 The proposal is considered to accord with relevant policies DP1, DP2, DP17, DP21, DP25, DP26, DP28, DP29, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, policies E9, B1, B2, B3 and T3 of the Haywards Heath Neighbourhood Plan, the principles contained within the Mid Sussex Design Guide, and national policy contained within the NPPF. It is therefore considered that whilst the proposal is not in accordance with policy DP35 the application does comply with the Development Plan when read as a whole and therefore the application can be supported.

3.0 Recommendation

Recommendation A:

- 3.1 It is recommended that planning permission be approved subject to the conditions set in Appendix A and to the completion of the Unilateral Undertaking securing the Travel Plan monitoring fees.

Recommendation B:

- 3.2 It is recommended that if the applicants have not submitted a satisfactory signed Unilateral Undertaking securing the Travel Plan Monitoring fees by 22nd May 2026, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

1. The application Fails to comply with Policy DP21 of the Mid Sussex District Plan and the requirements of the NPPF to promote sustainable transport modes.

4.0 Summary of Representations

- 4.1 41 letters of **objection** received raising the following concerns:
- No need for another supermarket. Already 2 large supermarkets, Sainsburys and Waitrose within 250 metres of proposal, plus smaller supermarkets.
 - With so many supermarkets in area, will just take away business from existing businesses.
 - Proposal will result in loss of essential services, a 24/7 shop and Post Office.
 - Proposal claims to create 40 jobs but is removing 3 substantial buildings that must have more than 40 jobs between them, net loss of employment.
 - Proposal is underdevelopment of a large site in a highly sustainable location. Given huge need for housing in District, development should have higher density with residential units / employment space above shop. Mixed use more in keeping.
 - Affordable housing is badly needed in town. Should redevelop site with Clair House for residential use.
 - Better to build on brownfield site than new housing developments within the countryside.

- Sussex House is a perfectly good building; would be better to convert to residential use, would cause less disturbance.
- Proposal is not compatible with Haywards Heath Masterplan 2021 and need to provide office / residential space near the station. Large retail unit outside of town centre does not comply with Masterplan's aim.
- Site would be more useful as a community centre.
- Horrendous traffic / congestion in area with 2 supermarkets, busy railway station, garage, leisure centre, fire and ambulance stations, Royal Mail delivery office, school / college. There are 2 entrances to Clair Hall, church with a car park, nursery and care home.
- For example, resident in Sydney Road had to wait for 41 vehicles to pass to get out of driveway.
- Proposal will have large impact on traffic congestion, increasing accidents and pollution.
- Assessment only analyses traffic flow between peak hours of 08:30 and 09:30 and 17:00 and 18:00 when commuter traffic entering / leaving Sussex House. In reality, morning traffic peak flow is between 07:00 and 09:00 and afternoon traffic between 15:00 and 19:00 hours. Existing ingress / egress figures are overstated and peak effect of Aldi underplayed.
- Aldi entrance conflicts with existing bus stop; customers turning right when exiting will be obscured by buses; increased risk of collisions.
- Delivery lorries reversing up to loading bay from entrance on Perrymount Road will cause chaos.
- Insufficient parking proposed on site, will lead to shoppers using Clair Park car park, more difficult for park users to park.
- Retail unit should have an active frontage in order to improve street scene.
- Mixed development such as that at Perrymount Apartments would be more in keeping / vibrant.
- Park and green space would be impacted by development.
- Little mention in reports of impacts on houses at Park View; not clear how high buildings will be in relation to houses and impact on light levels.
- As a resident living near the site, am concerned about excessive noise early in morning and late at night.
- Proposal will increase noise from traffic and deliveries with large lorries loading / unloading in evening / early morning.
- Increased noise from pedestrians / customers, shopping trolleys over longer hours.
- Increased pollution from car fumes.

- Refrigeration plant is too close to residential properties, 25 metres from 1 Park View, should be relocated further away.
- 2 no. soakaways proposed to NE corner of site may exacerbate existing flooding of adjoining pathway.
- Concerned about safety of shoppers, given propensity for cricket balls to be hit over fence. Office car park is not currently frequented by people at weekends when cricket games are played. Recommend installation of screening to protect shoppers.
- What security measures will be put in place to ensure car park is not used outside of operation hours? Clair Park car park attracts undesirables.

4.2 432 letters of **support** raising the following points:

- Proposal will bring number of benefits to local area.
- Will make great shopping area close to station.
- Will reduce travel time and improve access to high quality affordable food during cost of living crisis.
- Represents significant investment in local economy.
- Will create up to 40 new jobs, supporting many young people entering employment market.
- Only high-end, expensive supermarkets currently in town, would benefit from better value, budget friendly option and force other stores to price more competitively.
- Supermarket offers a pleasant shopping experience through high design of shop and variety of international produce and special offers.
- Will be visual improvement to a tatty and run down area of Haywards Heath.
- Existing buildings are of little value to town.
- Will bring more vibrancy to Commercial Square.
- More people visiting area, will generate income for other local businesses.
- Removes need to drive to local discount supermarkets elsewhere, less environmental impact.
- Close to station, bus stop, not everyone will use cars to shop
- MSDC should redevelop Clair Hall Site to mixed use scheme to compliment Aldi site.
- Will not result in the loss of any amenities.

5.0 Summary of Consultees

WSCC Lead Local Flood Authority

No objection subject to planning conditions

MSDC Ecology Consultant

Recommends approval subject to planning conditions.

MSDC Conservation Officer

Objects to proposed netting.

MSDC Tree Officer

No objection

MSDC Urban Designer

No objection subject to planning conditions

MSDC Planning Policy Officer

The proposed development is supported in principle and is considered to meet the Sequential Test and Retail Impact Assessment requirements set out in Policy DP2: Town Centre Development.

WSCC Highway Authority

Should permission be granted this should be subject to the satisfactory completion of a S106 Agreement to secure the travel plan and monitoring and planning conditions.

MSDC Environmental Protection

Recommends noise related planning conditions.

MSDC Contaminated Land Officer

Recommends discovery planning condition.

WSCC Lead Local Flood Authority

No objection subject to planning conditions.

Sport England

The proposed development does not fall within our statutory remit (Statutory Instrument 2015/595) and, therefore, Sport England has not provided a detailed response in this case

MSDC Street Naming and Numbering Officer

The proposed development will require formal address allocation informative required.

6.0 Haywards Heath Town Council Observations

Amended plans comments dated 02/09/2025

- 6.1 The Town Council welcomes the inclusion of the proposed cricket nets. However, the Town Council has concerns over the maintenance of these nets and, if planning permission is granted, would like to see a regular 6 monthly or annual maintenance programme stipulated as a condition of permission. The Town Council would like to see the Cricket Club make comment on the suitability of these nets. The Town Council notes the colour options available for the netting and would like to see the least unsightly colour chosen for these nets, as they will be seen clearly from both Clair Park and Perrymount Road.
- 6.2 The Town Council notes noise concerns raised by several residents and wishes to support the Environmental Health Officer's condition stated on documents submitted on 24/12/2024 and 20/08/2025 which states:

'Prior to the commencement of the development hereby permitted, a scheme for protecting the nearest residential properties from noise from mechanical services and refrigeration plant that takes account of the conclusions in the noise assessment by Sharps Redmore dated December 2024 (Project no. 2422720), shall be submitted and approved in writing by the Local Planning Authority.'

Comments dated 20/01/2025:

- 6.3 The Council supports this application and acknowledges that this proposal complies with the Haywards Heath Neighbourhood Plan, which promotes the best use of brown field sites in the Town Council's designated Town Centre, for economic restoration.
- 6.4 However, it wishes to raise to make the following comments:
- 6.5 There is uncertainty about the Section 106 Contributions that this store would make to the Town Council and community.
- 6.6 There is a safety concern regarding the Cricket Club that plays on Clair Park which is adjacent to the proposed site. This Club is a community asset which has over 350 juniors and multiple adult teams. The office and car park currently situated on the site are empty at weekends when the Cricket Club plays and there is no risk of injury to people, however the proposed supermarket brings different weekend conditions. The Cricket Club are also concerned about the loss of green buffer between the cricket field and the proposed site which may exacerbate the problem. The Council would like to reiterate support for the Cricket Club's concerns and recommend that Aldi work with the Cricket Club to provide adequate safety netting around the site, as the Cricket Club cannot be liable for any harm or damage that may occur on the proposed Aldi site as this would put the Cricket Club at risk of closure.
- 6.7 There is concern about the loss of the Post Office currently housed in the Budgens. Closure of this would leave only one Post Office for the whole of Haywards Heath, which the Council feels does not provide adequate facilities for the whole town.
- 6.8 There is concern about the proposal exacerbating traffic on an already busy road. Haywards Heath train station, a Category B station and the second busiest in the

South East is situated close to the proposed site. Although the proposal has included a Traffic Consultation there is concern that this has not gone far enough or looked at current traffic during the busiest time periods.

7.0 Introduction

- 7.1 This application seeks planning permission for demolition of the existing buildings and construction of a new food store (Use Class E(a)), with access, car and cycle parking, landscaping and associated works. The application also proposes a 'Copenhagen' crossing along the site entrance and the installation of cricket nets.

Relevant Planning History

- 8.1 DM/24/1702 - Change of Use from office (Class E) to residential (Class C3), 16 flats. Prior approval given.
- 8.2 DM/24/1097 - Change of use of the site from retail and office use (Class E) to a residential use (Class C3), this application seeks to convert the property into 8x flats (4x 1-bedroom flats and 4x 2-bedroom flats). Prior approval given.
- 8.3 DM/24/1111 - Change of Use from office (Class E) to residential (Class C3). Prior approval refused.

9.0 Site and Surroundings

- 9.1 The application site is located on the east side of Perrymount Road and contains a two-storey, vacant office building located to the rear of the site, with two further buildings located on the frontage of the site either side of the access road, as well as associated car parking. The frontage units being a two-storey detached retail unit with office uses at first floor and a two-storey Budgens and Post Office retail unit.
- 9.2 All of the units are now vacant with the site currently secured by hoardings around the perimeter.
- 9.3 The site has level changes such that across the site frontage there is an increase in level of 2.26m from north to south, over the 49.6m frontage. The site level also rises to the east as it moves away from the road towards the rear of the site. The site sits at a higher level than Clair Park, with a retaining wall forming part of the boundary. At the south corner the level difference from the park up to the site is 1.14m, at the north corner the level difference 2.14m. The level changes limit the opportunities for creating links from the site to the park.
- 9.4 Immediately to the east of the site is the Heath recreation ground which is also the home of Haywards Heath Cricket club, and there are some three-storey residential dwellings, located on Park View and accessed from Sydney Road. The site is set on higher ground to the recreation ground and there are mature trees along the boundary. To the west on the opposite side of Perrymount Road is the rear of the Waitrose store. To the north of the site are a mix of two and three storey detached residential properties and flats with residential and commercial uses located at ground floor level, with a row of lock up garages sited along the boundary. To the south of the site, is the Clair Hall.
- 9.5 The site lies within the built up area boundary of Haywards Heath and the rear of the site adjoins the boundary of The Heath Conservation Area.

10.0 Application Details

- 10.1 The application is for the demolition of the existing buildings and construction of a new food store (Use Class E(a)), with access, car and cycle parking, landscaping and associated works. The application also proposes a 'Copenhagen' crossing along the site entrance and the installation of cricket nets.
- 10.2 The retail unit would be single storey with a maximum ridge height of some 6.2m and a total GIA of 1,940sqm. This includes a retail area of 1,154sqm, 639sqm warehouse, delivery and loading bay and ancillary staff facilities. The unit would be occupied by Aldi.
- 10.3 The plans show that the retail unit would be located to the rear northeast corner of the site, with car parking positioned along the south and west of the building with access from Perrymount Road. A soft landscape buffer is shown along to the eastern boundary. The servicing and delivery area for the store would be located adjacent to the south of the building and comprises a ramp down to the dedicated loading/unloading area within the warehouse.
- 10.4 The design has a contemporary approach with simple detailing, including a low mono pitched roof sloping with photovoltaic panels on the roof. The materials proposed show a mix of red and buff bricks and grey-coloured cladding, with full height glazing to the shop frontages on the west and south elevations. The store entrance would have a glazed lobby and canopy. The aluminium canopy, finished in anthracite, would wrap around the west and south elevations and offer weather protection to the trolley bays and cycle stands.
- 10.5 Air Source Heat Pumps (ASHPs) and other plant would be located to the rear of the building and enclosed by secure timber acoustic fencing.
- 10.6 A 'Copenhagen' style raised pedestrian crossing will be added at the site access along Perrymount Road. The crossing will be raised 7.5mm above the normal road level, and the footway will be lowered slightly to match, forming a continuous pavement.
- 10.7 The application proposes a car park with 97 parking spaces, including six disabled spaces and 10 parent and child spaces. The car park will also include six active electric vehicle charging spaces, four regular, one disabled and one parent and child space, and 20 passive spaces for future use.
- 10.8 The cycle parking provision is shown as 30 cycle spaces, consisting of 10 long stay staff spaces and 20 short stay customer spaces. The staff spaces will consist of five Sheffield stands located in a secure covered locker, and the short stay spaces will consist of 10 Sheffield stands covered by the store's canopy.
- 10.9 Cricket Nets are also proposed to be constructed along the boundary of the site with the Heath recreation ground. The proposed nets have been designed following discussions with the Haywards Heath Cricket Club and are proposed to be 28m long, consisting of two pylons which are 14 metres tall, with the netting starting three metres off the ground, in order to provide protection for the proposed Aldi car park from stray cricket balls. The nets would be constructed with black netting and would be sited within the existing treeline.
- 10.10 The application submission states the new Aldi stores generally employ some 40 staff, albeit some of these positions would be part-time with 15, 20 or 25 hour contracts usually offered.

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:
- '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.'*
- 11.3 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.'*
- 11.4 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.
- 11.5 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.
- 11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and Haywards Heath Neighbourhood Plan (HHNP).
- 11.7 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.

11.8 Mid Sussex District Plan

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

Relevant policies:

DP1: Sustainable Economic Development

DP2: Town Centre Development

DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP21: Transport

DP25: Community Facilities and Local Services

DP26: Character and Design

DP28: Accessibility

DP29: Noise, Air and Light pollution

DP35: Conservation Areas

DP37: Trees, Woodland and Hedgerows

DP38: Biodiversity

DP39: Sustainable Design and Construction

DP41: Flood Risk and Drainage

11.10 Site Allocations Development Plan Documents

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

Relevant policy:

SA38: Air Quality.

11.12 Haywards Heath Neighbourhood Plan

11.13 The Haywards Heath Neighbourhood Plan was made on 15th December 2016.

Relevant policies:

E9 – Design and Character

B1 - New retail development in town centre

B2 - Encourages a diverse range of uses in the Town Centre including new office, leisure, community, hotel, retail and residential

B3 – Employment

T3 – Car Parking

11.14 Other Material Considerations

11.15 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 majority 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 policies of the adopted District Plan.

Relevant policies:

DPS2: Sustainable Design and Construction

DPS4: Flood Risk and Drainage

DPN6: Pollution

DPN7: Noise Impacts

DPN9: Air Quality

DPC6: Ashdown Forest SPA and SAC

DPB1: Character and Design

DPE1: Sustainable Economic Development

11.16 Mid Sussex Design Guide Supplementary Planning Document (SPD)

11.17 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

11.18 The Haywards Heath Town Centre Masterplan

The Haywards Heath Town Centre Masterplan was adopted as a supplementary planning document (SPD) in March 2021.

11.19 West Sussex County Council Guidance on Parking at New Development, September 2020

11.20 National Planning Policy Framework (NPPF) (December 2023)

11.21 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. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently.

11.22 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.”

11.23 With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

11.24 National Planning Policy Guidance

11.25 National Planning Practice Guidance – Town Centres and Retail

11.26 National Design Guide

11.27 Ministerial Statement and Design Guide

11.28 Planning (Listed Buildings and Conservation Areas) Act 1990

11.29 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.

11.30 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 / Impact on Town Centre
- Design and Impact on Character of the Area
- Impact on the Conservation Area
- Residential Amenity
- Highways
- Flood Risk and Drainage
- Ecology and Biodiversity Net Gain
- Trees and Landscaping
- Sustainability

- Ashdown Forest

Principle / Impact on Town Centre

- 12.2 Policy DP2 (Town Centre Development) of the MSDP relates to town centre development and states in part 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...

Sequential Test for Town Centre Uses

A sequential test must be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with the District Plan and the relevant Neighbourhood Plan. The sequential test will require:

Applications for main town centre uses to be located in town centres; or, if suitable sites are not available

In edge of centre locations where the site is accessible and well connected to the town centre; or, if suitable sites are not available

At accessible out of centre sites that are well connected to the town centre

Where an application fails to satisfy the sequential test, or fails to meet other requirements of this policy, it should be refused.

For the purposes of the sequential test, Neighbourhood Centres do not perform the same function as Town Centres. Proposals in Neighbourhoods should reflect their role in meeting the day to day needs of the local community.

Local Threshold for Retail Impact Assessments

Planning applications proposing the construction of 500m² or more gross floorspace for the sale of convenience or comparison goods outside a town centre must be accompanied by a Retail Impact Assessment in order to demonstrate that they would not have a significant adverse impact on a town centre, either on their own or cumulatively in the area.'

- 12.3 In addition, the site is located within the town centre as defined by the neighbourhood plan and Policy B1 is relevant which states:

'Planning permission for new retail development will be granted within the town centre as defined in figure 5 provided it can be demonstrated, that it is in accordance with policies E9, and E10, and that

- the scheme has satisfactory access and servicing arrangements,*
- the design will enhance the visual appearance of the town centre,*
- it is supported by an appropriate level of car and cycle parking and*
- any harm to local amenity can be mitigated'*

12.4 Paragraph 91 of the NPPF states:

'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

12.5 Paragraph 92 of the NPPF states:

'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'

12.6 Paragraph 94 of the NPPF states:

'When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:
a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).'

12.7 Paragraph 95 of the NPPF states:

'Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.'

12.8 For retail purposes the NPPF defines the edge of centre as being a location that is well

connected to, and up to 300 metres from the primary shopping area. In this case, the site, lies outside approx. 45m north of the Haywards Heath town centre boundary as defined by the district Plan and is located within the town centre masterplan boundary in the Haywards Heath Town Centre Masterplan Supplementary Planning Document 2021.

- 12.8.1 It is also of relevance that while the site is located outside the town centre boundary, the site is surrounded by town centres uses including a large Waitrose store opposite and a large Sainsburys store. There was also previously the Budgens store which sits in the southwest corner of the site fronting Perrymount Road which is to be replaced by the Aldi store.
- 12.8.2 Policy DP2: Town Centre Development, requires a sequential test to be applied as this application is for a main town centre use that is not within a defined town centre boundary. The sequential test requires applications for main town centre uses to be located in town centres; or, if suitable sites are not available in edge of centre locations where the site is accessible and well connected to the town centre.
- 12.8.3 A sequential test and a retail impact assessment were submitted with the application. It is acknowledged that the results of the impact assessment indicate that the Iceland, M&S and Tesco Express located in the town centre are under trading when considered against company average turnover levels. However, in response to comments from Waitrose, the applicant has updated the turnover of the proposed store with the most recent available data, which shows that turnover of the store has decreased from that included within the submitted impact assessment. The applicant has also stated that even in the worst-case scenario where all 100% of the turnover of the store was drawn from the existing food stores in Haywards Heath town centre this would only amount to an impact of 7.1% on the overall turnover of the centre.
- 12.12. The above retail reports have also been reviewed by planning policy who have raised no objections and consider that both reports meet the requirements set out in Policy DP2, commenting:

Sequential Test

The applicant has set out in their supporting information that 7 sites and a number of vacant units in Haywards Heath have been assessed for their suitability. With regards to the vacant units, a total of 12 vacant units were identified within Haywards Heath town centre, the largest of which extends to 210 sq m. A unit of this size is not suitable for the proposed development and therefore vacant units are not considered further as part of the sequential test.

With regards to the 7 sites identified, none of them are considered suitable for the proposed development due to being too small, not being available or not suitable, therefore there are no sequentially preferable sites within or on the edge of Haywards Heath town centre that could accommodate the proposed development.

It is considered that the sequential test undertaken meets the requirements set out in Policy DP2: Town Centre Development.

Retail Impact Assessment

Policy DP2: Town Centre Development, requires that proposals for the construction of 500m² or more gross floorspace for the sale of convenience or comparison goods outside a town centre must be accompanied by a Retail Impact Assessment in order to demonstrate that they would not have a significant adverse impact on a town centre.

The retail development proposed comprises a retail area of 1,940 sq m (GIA) including a sales area of 1,154 sq m. This is above the 500 sq m set out in Policy DP2, therefore a Retail Impact Assessment is required.

The applicant has undertaken a Retail Impact Assessment as part of their supporting information which is considered to follow the methodology for retail impact set out in the Planning Practice Guidance (PPG) and meets the requirements set out in Policy DP2: Town Centre Development.

12.13 The Mid Sussex Retail Study was prepared on behalf of the Council by Nexus Planning and published in March 2022, which has been published alongside the District Plan review as part of the evidence base. The Nexus report looked at vacant retail units in the town centre of Haywards Heath and states that: *'at the time of the site visits in November 2021, there were 19 vacant units (8.5%), a lower proportion than the UK average (14.2%). This demonstrates the success of the large number of independent retailers and services available in the centre. The majority of the vacant units were located on the southern end of the Broadway as well as a few along South Road.'*

12.14 The applicant carried out their own survey in November 2024 and identified 12 vacant units.

12.15 In view of the above, it is therefore considered that the submitted evidence shows that there are no suitable alternative vacant units and that the development would not have significant adverse impacts on vitality and viability of Haywards Heath town centre. The site is also accessible and well connected to the town centre.

Loss of the existing employment uses on the site

12.16 The proposals would also involve the loss of the existing employment uses on the site and policy DP1 seeks to protect employment land and in part states:

Effective use of employment land and premises will be made by:

- *Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;*
- *Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan;*

12.17 In terms of the loss of the office uses on the site the submission includes marketing details produced by Crickmay, which show that the site has been marketed since November 2023. There have been only a limited number of enquires received for the lease of the building but have been dismissed due to Sussex House being too large for the required operations. Crickmay note that there is a continuous trend of office downsizing within Haywards Heath, leading to a shift for higher density occupation and increasingly agile working environments which can be achieved through smaller scale, high quality office space. Crickmay's market research is finding that large office buildings such as Sussex House are difficult to let in the current marketplace, and they do not anticipate this changing within the mid to long term future.

12.18 It is therefore considered that the applicant has demonstrated through the marketing of the site that there is no reasonable prospect of the use or continued use of the offices on the site, in accordance with policy DP1. The alternative use as retail is considered an appropriate use for the site in this location. The site will also continue to offer employment opportunities. The application submission states the new Aldi stores generally employ some 40 staff, albeit some of these positions would be part-time with 15, 20 or 25 hour contracts usually offered.

12.19 It is also a material consideration that there have been two prior approval applications granted on the site for a change of use from office to residential at Commercial House and at Sussex House for residential use (app refs: DM/24/1702 and DM/24/1097). Therefore, the office uses on the site could also be lost through a change to residential, if the prior approvals were to be implemented.

The loss of a community use

12.20 Finally, Policy DP25 relates to the loss of a community use and the preamble to the policy which lists the community facilities and services includes 'Local shops including banks and post offices'. The policy in part states:

The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.

Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:

- *that the use is no longer viable; or*
- *that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or*
- *that a replacement facility will be provided in the locality.*

12.21 In this case it is considered that in regard to the local Budgens store, this would be replaced by a larger retail unit and there are also other retail stores in the vicinity. While there have been several objections to the loss of the post Office formerly within the Budgens store, it is noted that a new Post Office has recently opened in Commercial Square within the Londis store, which is only short walk away from the site. It is therefore considered that the application would comply with policy DP25.

12.22 In view of the above it is considered that the principle of a retail unit on the site is acceptable and in compliance with DP1, DP2 and DP25 of the MSDP, policy B1 of the HHNP and the aims of the NPPF.

Design and Impact on Character of the Area

12.23 Policy DP26 in the MSDP 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.'*

In addition, policy E9 of the HHNP requires proposals to protect and reinforce the local character within the locality of the site. This will include amongst other criteria having regard to the height, scale, spacing, layout, orientation, design and materials of buildings.

12.24 The MSDC Design Guide has been adopted and is a material consideration in the determination of the application. This document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that respond appropriately to its context and is inclusive and sustainable. Within the Design Guide there is support for site optimisation.

12.25 Paragraph 131 of the NPPF states that:

'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

- 12.26 The plans show that the single storey retail unit would be located to the rear north east corner of the site, with car parking positioned along the south and west of the building with access from Perrymount Road. A soft landscape buffer is shown along to the eastern boundary. The servicing and delivery area for the store would be located adjacent to the south of the building and comprises a ramp down to the dedicated loading/unloading area within the warehouse.
- 12.27 The design has a contemporary approach with simple detailing, including a low mono pitched roof sloping with photovoltaic panels on the roof. The materials proposed show a mix of red and buff bricks and grey-coloured cladding, with full height glazing to the shop frontages on the west and south elevations. The store entrance would have a glazed lobby and canopy. The aluminium canopy, finished in anthracite, would wrap around the west and south elevations and offer weather protection to the trolley bays and cycle stands.
- 12.28 The character, appearance, and uses, within the immediate vicinity are mixed comprising residential and commercial uses in buildings of varying building forms and scale and of a mixed palette of materials. It is considered that the proposed development in this location would be in keeping with the existing character and appearance of the locality.
- 12.29 The Council's Urban Designer has reviewed the application and while expressing disappointment that an opportunity has been missed for placing the building to the front of the site with car parking at the back, has raised no objection overall to the scheme, commenting:
- 'However, what is proposed in design terms is acceptable. The scheme sufficiently addresses the principles set out in the Council's Design Guides and accords with policy DP26 of the District Plan; I therefore raise no objection to this planning application.'*
- 12.30 There were however some changes to the scheme that the Urban Designer recommended which included the introduction of a 'Copenhagen' crossing at the junction of Perrymount Road and strengthen of the landscaping at the front of the site with a row of trees to prevent a gap in the streetscape.
- 12.31 In response to these comments the plans have been amended to include both the 'Copenhagen' crossing and enhanced landscaping with trees to the footage of the site. The Urban Designer has reviewed the amendments and has stated that:
- 'the addition of the Copenhagen crossing is a highly positive and welcome improvement. This will create a clear visual cue that pedestrians and cyclists have priority.'*
- 12.32 In view of the above the proposal is considered to comply with, policy DP26 of the MSDP, Policy E9 of the HHNP, the Mid Sussex Design Guide SPD and the requirements of the NPPF.

Impact on the Heath Conservation Area

- 12.33 The site backs directly onto the Heath Conservation Area and specifically onto the open space of the Heath itself, at the cricket ground.

12.34 Policy DP35 of the MSDP requires developments in a conservation area to conserve or enhance its special character, appearance and the range of activities which contribute to it: It states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'

12.35 Paragraphs 215 of the NPPF is relevant and state that: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

12.36 The Conservation Officer Council initially raised no objection and made the following comments prior to the cricket nets being included in the application, as set out below:

'the Heath Conservation Area, which sets out the key features contributing to its character and appearance, and identifies management issues and potential areas for improvement. The importance of the heath and the cricket ground to the Area are highlighted, as well as the need to protect views into and out of the Conservation Area, and to promote good design in new development within it and its setting.

The existing substantial building at Sussex House is not of any particular architectural interest, and makes at best a neutral contribution to the setting of the adjacent CA. In this context, the principle of a replacement building of the scale shown is not considered contentious. Although the current proposal sets the bulk of the new store

building closer to the CA boundary, this is not considered problematic in heritage terms due to its single storey height and the screening on the boundary.

I will not comment further on specifics of the design or layout of the scheme, which will be the remit of the Council's Urban Design Officer. However, I note that following on from pre-application advice, the current submission includes further details of enhanced planting to the eastern boundary of the site, and a number of verified views which demonstrate that the new store building will be well screened in views from within the Conservation Area and in some cases less visually prominent than the existing building on the site.

In my opinion, therefore, the proposal will preserve the setting of the Heath Conservation Area, and the contribution which this makes to its character and appearance. This will meet the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.

I note that the submitted Heritage Statement also include consideration of potential impact on the setting of St Richard's Church, which is a Grade II listed building located on Sydney Road to the north of the site. However, I would agree with the findings of that Statement that due to the existing building at Sussex House, and the intervening development between the listed building and the site the proposal will not materially impact on the Church's setting or significance.'

- 12.37 Following the submission of the revised plans which included the cricket nets the Conservation Officer was reconsulted and has objected to the cricket nets, stating:

'The revised plans do not generally impact on the previous conclusions drawn in terms of the heritage impacts of the proposal, however the inclusion of the now proposed 14m high by 28m wide cricket netting introduces a visually prominent and intrusive feature to the scheme, which will detract from views from the adjacent Heath Conservation Area, as is demonstrated by the photomontages supplied, and admitted within the addendum Heritage Statement. This will be contrary to the requirements of District Plan Policy DP35, and in terms of the NPPF would result in a low-mid level of harm to the character and appearance of the Conservation Area, such that the balancing exercise set out in paragraph 215 will apply, bearing in mind the great weight that must be attached to the conservation of the heritage asset (para. 212).

Paragraph 213 of the NPPF states that any harm to a heritage asset will require clear and convincing justification. Given that the existing and proposed uses of the site are, it would seem, similar in terms of potential risks to persons or property from cricket balls (given that Sussex House is a building with car parking around it, as is the proposed development, and both existing and proposed site plans include car parking to the south east corner of the site where the netting is now proposed), the justification for this proposal seems questionable. This is however a matter for the Case Officer's judgement.'

- 12.38 The views of the Conservation Officer are noted and a low-mid level of harm to the setting of the Conservation Area has been identified, which your Planning Officers would agree with. However, while it is clear that the netting would be visible from the Heath Conservation Area, it is also relevant that the netting would be a lightweight structure with visibility though the netting.

12.39 It is also relevant that the existing office uses on the site meant that the car park and buildings on the site were empty at weekends when the Cricket Club plays and therefore there was no risk of injury to people, however the proposed supermarket would be open and generally the weekends are the busiest times for supermarkets.

12.40 A balanced must therefore be reached against the benefits of the application and the identified low-mid level of harm to the setting of the Conservation Area. In this case is not considered that the harm identified would outweigh the public benefits of a new supermarket on the site, which would have positive economic benefits for the town including employment opportunities and the development of a well-known national supermarket on the site. It is considered that the netting would detract from the views from the Heath Conservation Area and therefore this aspect of the proposal is not considered to comply with policy DP35, however as identified above there are public benefits that would in this case outweigh the harm identified.

Residential Amenity

12.41 Policy DP26 of the District Plan, in part, states that;

‘Proposals for new development, including alterations and extensions to existing buildings, will need to demonstrate that it does not cause significant harm to the amenities of nearby residents and future occupants of new dwellings, including taking into account of the impact on privacy; outlook, daylight and sunlight; and noise, air and light pollution.’

12.42 While policy E9 of Haywards Heath Neighbourhood Plan requires development to safeguard the privacy, daylight, sunlight and outlook of adjoining residents, 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. 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. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

12.43 In this case there are residential properties are located to the north of the site above the commercial units in commercial Square and there are residential houses in Sydney Road. While the retail unit will be closer to the northern boundary the ridge of the proposed building has an approximate maximum height of 6.3m, this is lower than the existing building on the site, Sussex House which is some 7m higher.

12.44 There would be a distance of some 16 m from the nearest property in Sydney Road and some 28m to the nearest property in commercial Square and it is noted that there are no windows on either the rear elevation or the part of the side elevation that faces the rear of Commercial Square properties. Therefore, it is considered that there would be no overlooking and loss of light given the above distances and proposed elevational treatment.

12.45 In terms of noise, the objections regarding the potential for noise from deliveries along with mechanical services and refrigeration plant are noted. Environmental Health Officers have reviewed the submitted noise report and have not raised any

objections subject to conditions to control delivery times and in regard to mechanical services and refrigeration plant have commented:

'It is noted that precise details of mechanical services plant and refrigeration equipment are not known at this stage. In order to ensure there is no significant adverse noise impact arising from the mechanical services plant, careful selection of plant will need to be made and the outcome of the noise assessment taken into account. Localised sound mitigation may be required. I therefore recommend that a condition is included that requires a noise mitigation scheme which is based on the mechanical services to be installed and the noise assessment conclusions.'

12.46 Environmental Health have also recommended further planning conditions to include a Construction Environmental Management Plan (CEMP), conditions are also recommended to ensure the mitigation measures to improve air quality are implemented which include, EV charging points and solar panels.

12.47 Therefore, given the above it is considered that, subject to the recommended conditions, the development would not result in any significant harm to the occupants of the adjoining properties, and that the proposal complies with policy DP26 of the MSDP.

Transport

12.48 Policy DP21 of the MSDP deals with transport matters and sets out criteria against which decisions on development proposals will be assessed. It 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.

12.49 Policy T3 of the HHNP requires sufficient on site car parking and states:

'Planning applications which result in the loss of existing off-street parking provision will be resisted unless it can be demonstrated that the development will enhance the vitality and viability of the town centre and, where possible, such schemes should aim to improve parking provision in the town centre. Development outside the defined town centre boundary should provide on-site parking in accordance with the standards adopted by MSDC.'

12.50 Paragraph 116 of the NPPF states that:

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, following mitigation, would be severe, taking into account all reasonable future scenarios.'

12.51 The objections to the scheme, and the comments of Haywards Heath Town Council, regarding the increase in traffic and potential impact on the highway are noted. However, WSCC Highways as the Local Highways Authority (LHA) has considered the Transport Assessment and the information submitted in regard to Highways, Access, parking and Transport and has not raised an objection to the development.

12.52 The LHA are satisfied with the proposed access, which will use the existing access onto Perrymount Road, with proposed widening on the northern side. The access is designed to accommodate a 16.5m articulated delivery vehicle turning in and out of the site. The LHA has checked the most recently available accident data and within the last 3 years there have not been any recorded Road Traffic Collisions in the vicinity of the existing access point. The LHA have also commented that the works to widen the access will need a licence from the LHA's Highway Agreements Team via a Section 278 Agreement. The visibility splays are also considered appropriate for the location.

12.53 During the course of the application assessment the plans have been amended by the applicant to include a Copenhagen Crossing at the site entrance following the comments of the Urban Designer, which is essentially a continuous pavement giving pedestrians priority. The LHA have stated that they would support a Copenhagen Crossing in this location subject to the detailed design and materials, and that this could be completed as part of the Section 278 works, stating:

'It is located in a town centre location with consistent pedestrian foot fall; the speed limit of the road would be in its favour plus overall pedestrian activity using the proposed Aldi. The LHA has assessed a Stage 1 Road Safety Audit (RSA) for the proposed crossing and all points within the RSA have been addressed.'

12.54 In terms of trip generation, the TA sets out that the proposed development could attract up to 26 and 91 additional traffic movements during the weekday AM and PM peak hours respectively, and an additional 205 traffic movements during the Saturday peak hour. It is considered that the proposed development does not have a 'severe', impact upon the operation of the adjoining highway network and the LHA are in agreement with this assessment.

12.55 The application proposes a car park with 97 parking spaces, including six disabled spaces and 10 parent and child spaces. The car park will also include six active electric vehicle charging spaces, four regular, one disabled and one parent and child space, and 20 passive spaces for future use.

12.56 The cycle parking provision is shown as 30 cycle spaces, consisting of 10 long stay staff spaces and 20 short stay customer spaces. The staff spaces will consist of five Sheffield stands located in a secure covered locker, and the short stay spaces will consist of 10 Sheffield stands covered by the store's canopy.

12.57 The TA acknowledges the proposed car parking provision is under the LHA's parameters for the type of development proposed by some 42 spaces, however justification for this level of parking is provided by a TRICS assessment for the parking allocation. The assessment shows that the accumulation peaks at 51 vehicles during weekdays and 52 vehicles on Saturdays which would be within the proposed parking allocation. The TA also states that the average customer occupies the space for around 20 minutes. The LHA are satisfied with the justification submitted for the lower parking provision.

12.58 In addition, it is also relevant that the site is in a highly sustainable town centre location. The LHA have commented:

'The site has good access to the existing pedestrian network that includes a number of signalised and un-signalised crossing facilities. There are existing bus stops within close proximity to the site which are served by frequent bus services, which provide access to and from Haywards Heath and the surrounding areas. Haywards Heath rail

station is within walking and cycling distance of the site; journeys for staff could easily be accessible to and from the proposed development by train. The train station can be reached by foot or cycle.'

12.59 Finally, it is noted while the LHA are satisfied with the submitted Travel Plan, a monitoring fee is now also payable to County Council for monitoring the delivery the Travel Plan over the lifetime of the Development. The applicants have agreed to the fee and a draft unilateral undertaking between the developer and WSCC Highways has been drawn up.

12.60 Given the above, it is considered that, subject to the completion of the Unilateral Undertaking the proposal is considered to comply with the proposal is deemed to comply with policy DP21 of the MSDP, policy T3 of the HHNP and paragraph 116 of the NPPF.

Flood Risk and Drainage

12.61 Policy DP41 of the MSDP deals with flood risk and drainage matters and states the following:

'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.'

12.62 The application is accompanied by a Drainage Strategy. The strategy states that the Proposed Development is at a low risk of flooding from all sources and that no specific flood mitigation measures are proposed. Surface water will be drained through the use of below ground attenuation storage and in addition, permeable paving construction is proposed for the majority of the parking bays to the south of the store. Foul drainage will be provided through an existing foul connection to the north of the site.

12.63 The Drainage Engineer has considered the information submitted in regard to flood risk, surface water and foul water drainage and having initially requested further information they are now satisfied with the drainage strategy proposed and have raised no objection subject to condition. It is therefore considered that this matter can be suitably dealt with by condition, so there should be no conflict with these policies.

12.64 It is therefore considered that the proposal complies with Policy DP41 of the MSDP.

Ecology and Biodiversity Net Gain

12.65 Policy DP38 of the MSDP requires developments to contribute and take opportunities to improve, enhance and, where appropriate, restore biodiversity and green infrastructure, so that there is a net gain in biodiversity. Policy DP38 also seeks to protect existing biodiversity.

12.66 Paragraphs 179 - 182 of the NPPF sets out how planning decisions can conserve, protect and enhance habitats and biodiversity. Planning decisions should protect and enhance valued sites of biodiversity value and recognise the wider benefits from natural capital and ecosystem services. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

12.67 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless;

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan

12.68 There are statutory exemptions and transitional arrangements which means that the biodiversity gain condition does not always apply.

12.69 The statutory requirement is that the relevant development must deliver at least 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

12.70 The application is supported by an Interim Ecological Assessment Report and biodiversity net gain statement/assessment and metric test, these have been reviewed by the Councils Ecological Consultant and no objections have been raised, subject to a condition to ensure that all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Interim Ecological Assessment.

12.71 The Consultant Ecologist was reconsulted following the addition of the cricket nets on the site and has responded stating that it is considered that the risk of impacts upon wildlife to be extremely low. Therefore, no specific measures to protect wildlife will be required, providing that the proposed netting specifications remain as shown on the plans.

12.72 Having regard to the above, it is therefore considered that there are no grounds for refusal in terms of ecology matters and the application on this issue is compliant with policy DP38 and national policy contained within the NPPF.

Trees

12.73 Policy DP37 of the MSDP states in part that: *‘The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.’*

12.74 An Arboricultural Impact Assessment has been submitted with the application which shows that eleven trees will be lost to facilitate the proposal, which includes ten category C trees, and one category B tree. However, some 30 new trees would be planted as part of the landscaping scheme. Details for the protection of the boundary trees during construction has also been submitted.

12.75 The report has been reviewed and considered by the Tree Officer who has raised no objection subject to a condition to ensure that the report is adhered to during the development of the site.

12.76 In view of the above it is considered that the proposal would comply with policy DP37 of the MSDP.

Sustainability

12.77 Policy DP39 of the MSDP 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.'*

12.78 Principle DG37 of the Council's Design Guide deals with 'sustainable buildings' and states;

'The Council welcomes innovative and inventive designs that respond to the sustainability agenda by minimising the use of resources and energy both through building construction and after completion.' It lists a number of issues that designers should consider, including, amongst others, the incorporation of renewable energy technologies.

12.79 Paragraph 154 of the NPPF seeks to ensure new development helps, *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* In determining planning applications paragraph 157 expects new development to, *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

12.80 The application is accompanied by a sustainability statement that sets out how energy use for the development has been minimised through the implementation of passive design measures to reduce the requirement of both heating & cooling systems.

- 12.81 In addition, building-integrated low and zero carbon (LZC) technologies are proposed including an ASHP system for heating and cooling, with the support of refrigeration heat recovery, and 80kWp solar PV panels on the roof of the building.
- 12.82 It should be noted that in respect of policy DP39 of the MSDP, the wording of this policy is supportive of improving the sustainability of developments, but there are no prescriptive standards for developments to achieve in respect of carbon emission reductions.
- 12.83 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.
- 12.84 The submitted Sustainability assessment is therefore considered acceptable in meeting the above policies and guidance in terms of sustainable design and construction.

Ashdown Forest

- 12.85 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).
- 12.86 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.
- 12.87A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

- 12.88 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.
- 12.89 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.
- 12.90 This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

Atmospheric pollution

- 12.91 Increased traffic emissions as a consequence of new development may result in additional 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.
- 12.92 The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Mid Sussex Transport Study, 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

- 12.93 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.

- 12.94 No mitigation is required in relation to the Ashdown Forest SPA or SAC.

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 MSDP, the SADPD and the HHNP.
- 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 proposed development is considered acceptable in principle. As the site is located outside the town centre boundary a sequential test and a retail impact assessment were submitted with the application. Policy DP2 requires a sequential test to be applied as this application is for a main town centre use that is not within a defined town centre boundary. The sequential test requires applications for main town centre uses to be located in town centres; or, if suitable sites are not available in edge of centre locations where the site is accessible and well connected to the town centre.
- 13.4 It is considered that the submitted sequential test and a retail impact assessment show that there are no suitable alternative vacant units and that the development would not have significant adverse impacts on vitality and viability of Haywards Heath town centre. The site is also accessible and well connected to the town centre.
- 13.5 The proposals would also involve the loss of the existing employment uses on the site and policy DP1 seeks to protect employment land. It is considered that the applicant has demonstrated through the marketing of the site that there is no reasonable prospect of the use or continued use of the offices on the site, in accordance with policy DP1. The alternative use as retail is considered an appropriate use for the site in this location. The site will also continue to offer

Employment opportunities. The application submission states the new Aldi stores generally employ some 40 staff, albeit some of these positions would be part-time.

- 13.6 It is also a material consideration that there have been two prior approval applications granted on the site for a change of use from office to residential at Commercial House and at Sussex House for residential use (app refs: DM/24/1702 and DM/24/1097). Therefore, the office uses on the site could also be lost through a change to residential, if the prior approvals were to be implemented.
- 13.7 Policy DP25 relates to the loss of a community use and the preamble to the policy which lists the community facilities and services includes 'Local shops including banks and post offices'. The policy seeks to retain community uses unless; the use is no longer viable; or that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or that a replacement facility will be provided. In this case the existing local Budgens store on the site this would be replaced by a larger retail unit and there are also other retail stores in the vicinity. While there have been several objections to the loss of the post Office formerly within the Budgens store, it is noted that a new Post Office has recently opened in Commercial Square which is only short walk away from the site. It is therefore considered that the application would comply with policy DP25.
- 13.8 The proposed design, layout and scale of the development is considered acceptable, and it would not cause harm to the character and appearance of the area. It is not considered to cause significant harm to the neighbouring amenities.
- 13.9 It is considered that the proposed netting would detract from the views from the Heath Conservation Area and therefore this aspect of the proposal is not considered to comply with policy DP35. In accordance with the guidance in the NPPF, a balance must be reached against the benefits of the application and the identified harm. There are public benefits that would in this case outweigh the harm identified, including the positive economic benefits for the town, employment opportunities and the development of a well-known national supermarket on the site.
- 13.10 It is not considered to cause a significant detrimental impact upon neighbouring amenities. The scheme would not cause harm in terms of parking or highway safety. The scheme is also acceptable impact in respect of landscaping, arboriculture, ecology and drainage subject to conditions.
- 13.11 The development is not considered to have any significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.
- 13.12 The proposal would not comply with policy DP35 however it is considered that the adverse impacts of granting consent would not significantly and demonstrably outweigh the benefits of this development.
- 13.13 The proposal is considered to accord with relevant policies DP1, DP2, DP17, DP21, DP25, DP26, DP28, DP29, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, policies E9, B1, B2, B3 and T3 of the Haywards Heath Neighbourhood Plan, the principles contained within the Mid Sussex Design Guide, and national policy contained within the NPPF. It is therefore considered that whilst the proposal is not in accordance with policy DP35 the application does

comply with the Development Plan when read as a whole and therefore the application can be supported.

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. **Approved Plans**
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. **Pre commencement**
No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
 - o the anticipated number, frequency and types of vehicles used during construction,
 - o the method of access and routing of vehicles during construction,
 - o the parking of vehicles by site operatives and visitors,
 - o the loading and unloading of plant, materials and waste,
 - o the storage of plant and materials used in construction of the development,
 - o the erection and maintenance of security hoarding,
 - o the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway
 - o details of public engagement both prior to and during construction works.The above works, including for deliveries or collection of plant equipment or materials for use during the demolition/construction phases, shall be limited to the following times:
Monday to Friday: 08:00 - 18:00 Hours
Saturday: 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays: no work permitted.
Reason: In the interests of highway safety and the amenities of the area and to accord with policy DP21 of the Mid Sussex District Plan 2014 - 2031.
4. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA and Drawings (Drainage Strategy 13599w0002, P03, 22.05.25 and Ss_15_10_00 0050 S2 P04 Drainage Layout, 07.06.24) and remaining in perpetuity for the lifetime of the

development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with and to accord with policy DP41 of the Mid Sussex District Plan 2014 - 2031 and the NPPF.

5. Prior to first use a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), shall be submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy within the Mid Sussex Local Plan.

6. No development shall be carried out above ground slab level unless and until details of a scheme for protecting the nearest residential properties from noise from mechanical services and refrigeration plant that takes account of the conclusions in the noise assessment by Sharps Redmore dated December 2024 (Project no. 2422720), has been submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme shall be maintained in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to accord with policies DP26 and DP29 of the Mid Sussex District Plan.

7. Deliveries, loading and unloading activities shall be restricted to the following hours:
0600-2300 hours Monday to Saturday
0800-2100 hours Sunday

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to accord with policies DP26 and DP29 of the Mid Sussex District Plan.

8. Prior to the first occupation of the new food store a noise management plan, also known as the delivery management plan, for the reduction and control of noise during deliveries, loading and unloading activities has been submitted in writing and be approved by the LPA. The noise management plan as approved shall be implemented and maintained for the duration of the development hereby permitted.

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

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. No development shall be carried out above ground slab level unless and until details showing the proposed location of the required fire hydrants has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

11. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the 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 Policy DP26 of the District Plan 2014-2031.

12. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority samples and details of materials and finishes to be used for external walls, windows, doors and roofs of the proposed building. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

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.

13. Prior to the first occupation of the new food store, the applicant will at their own expense install the fire hydrant in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply no less than 90mm in size, which is also appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

14. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Interim Ecological Assessment Report (ECOSA Ltd, November 2025) and the Proposed Landscape Plan (1001-P04) 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) and to accord with Policy DP38 of the District Plan 2014-2031.

15. No part of the development shall be first occupied until the vehicle parking, vehicle circulatory area and vehicle turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy DP21 of the Mid Sussex District Plan 2014-2031

16. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the approved drawings.

Reason: In the interests of road safety in accordance with policies DP21, DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

17. No part of the development shall be first occupied until the cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with policy DP21 of the Mid Sussex District Plan 2014-2031.

18. No part of the development shall be first occupied until 'active' and 'passive' Electric Vehicle Charging spaces have been provided in accordance with the approved plans as approved by the Local Planning Authority.

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies and to accord with policy DP21 of the Mid Sussex District Plan 2014 - 2031.

19. No part of the development shall be first occupied until the solar panel shown on the approved drawing have been installed. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To preserve the amenity of local residents regarding air quality and emissions and to accord with policy DP29 of the District Plan 2014-2031.

20. No part of the development shall be first occupied until the Air Source Heat Pumps (ASHPs) system for heating and cooling has been installed. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To preserve the amenity of local residents regarding air quality and emissions and to accord with policy DP29 of the District Plan 2014-2031.

21. The store hereby permitted shall not be open for trade or business except between the hours of 08:00 to 22:00 Monday to Saturdays and 10:00 to 17:00 on Sundays and 08:00 to 18:00 on Bank Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to accord with policies DP26 and DP29 of the Mid Sussex District Plan.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) the site shall be used solely as a retail food store for the purpose of Class E(a).

Reason: To ensure that the proposal does not detract from the viability of the town centre and to accord with policy DP2 of the Mid Sussex District Plan 2014 - 2031 and relevant paragraphs of the National Planning Policy Framework.

Biodiversity Net Gain

Informatives

1. In accordance with Article 35 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.
2. 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.
3. 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:
- No burning of construction waste materials shall take place on site.

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
Location Plan	19971 THPK 00 XX DR A 0100		17.12.2024
Existing Block Plan	19971 THPK 00 XX DR A 0105		17.12.2024
Existing Floor Plans	19971 THPK 00 XX DR A 0106		17.12.2024
Existing Floor Plans	19971 THPK 00 XX DR A 0107		17.12.2024
Existing Elevations	19971 THPK 00 XX DR A 0108		17.12.2024
Existing Elevations	19971 THPK 00 XX DR A 0109		17.12.2024

Existing Floor Plans	19971 THPK 00 XX DR A 0110		17.12.2024
General	19971 THPK 00 XX DR A 0115	demolition plan	17.12.2024
Proposed Site Plan	19971 THPK 00 XX DR A 0120	PO5	04.08.2025
Levels	19971 THPK 00 XX DR A 0121		17.12.2024
Proposed Roof Plan	19971 THPK 00 XX DR A 0123		17.12.2024
Proposed Elevations	19971 THPK 00 XX DR A 0124		17.12.2024
Proposed Elevations	19971 THPK 00 XX DR A 0124		17.12.2024
Proposed Sections	19971 THPK 00 XX DR A 0126		17.12.2024
Proposed Elevations	19971 THPK 00 XX DR A 0127		17.12.2024
Landscaping	19971-SFW-XX-XX- DR-L-1001	PO4	04.08.2025