

Planning Application

REFERENCE: DM/23/0140

DESCRIPTION: REDEVELOPMENT OF AN EXISTING TWO STOREY COMMERCIAL BUILDING TO CREATE A FOUR STOREY MIXED USE BUILDING THROUGH THE ADDITION OF NEW FLOORS OVER THE EXISTING BUILDING FOOTPRINT (WITH PARTIAL DEMOLITION OF THE EXISTING 1ST FLOOR) TO ACCOMMODATE 10 NO. FLATS OVER THE TOP THREE FLOORS, RETAINING THE EXISTING COMMERCIAL/RETAIL USE AT GROUND FLOOR

LOCATION: 68 - 70 CHURCH WALK BURGESS HILL WEST SUSSEX RH15 9AS

Since the Planning Committee resolved to grant planning permission for the above application, subject to the completion of a Section 106 Agreement, the NPPF August 2026 has been published and came into effect on 17th August 2026. In accordance with the principles established in *R (Kides) v South Cambridgeshire District Council*, the Local Planning Authority has considered whether these changes constitute material considerations of such significance that the application should be returned to Committee for further determination.

The Authority's duty is to have regard to all material considerations existing at the date the decision is issued. However, there is no automatic requirement for an application to be referred back to Committee whenever a new material consideration arises following a resolution to grant planning permission. The relevant question is whether the new consideration is such that it could realistically have led the Committee to reach a different decision.

Officers have reviewed the changes in planning policy alongside the Committee's original assessment, resolution and planning balance. Having undertaken this review, it is considered that the policy changes do not materially alter the conclusions reached in the officer report or the Committee's decision. The development remains acceptable in planning terms and the overall planning assessment remains unchanged.

Accordingly, officers are satisfied that, had the updated policy position been before Members at the time of determination, it would not have resulted in a different recommendation or decision. As such, there is no requirement for the application to be reported back to Committee and the decision may be issued under the existing resolution upon completion of the Section 106 Agreement.