

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0009	Case Officer:	Stefan Galyas
Application Type:	Full Application		
Proposal:	Installation of blind to front window.		
Site:	98A South Road, Haywards Heath, West Sussex, RH16 4LJ, , , ,		
Validation Date	21 Jan 2025	Overall Expiry Date:	13 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	13 Mar 2025
Target Date:	18 Mar 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	17 Mar 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0009

**98A South Road, Haywards Heath, West Sussex, RH16 4LJ, , ,
Installation of blind to front window.
Miss Daisy Tompsett**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the current proposal.

SUMMARY OF CONSULTEES

No responses received.

TOWN/PARISH COUNCIL OBSERVATIONS

Town Council: No comment.

INTRODUCTION

The application seeks planning permission to install a blind/ awning above the front window.

RELEVANT PLANNING HISTORY

DM/24/2121 - Proposed shop front replacement. Permission 30.10.2024.

SITE AND SURROUNDINGS

The application relates to No.98A South Road, a mid-terrace three storey building set to the north-eastern side of South Road. The building has a blank glazed shop frontage at ground floor level with an inset doorway and features light grey render above. The existing unit utilises a hipped roof and is linear in format, a style commonly found throughout the streetscene. The existing building is composed of glass and aluminium framed windows and doors in a white finish to the ground floor level. There are a number of other vendors and services positioned to both sides of South Road featuring shop frontages displaying an eclectic mix of colours and external finishes.

With regard to policy constraints, the site is located within the built-up area for Haywards Heath

APPLICATION DETAILS

The development proposal would install an awning above the existing shop front window fronting towards the highway. The awning would measure at approximately 2.5m in depth and 5.6m wide. The proposed awning would be constructed from a powder coated aluminium framework, a woven Sunacryl solution-dyed acrylic fibre and a Cleangard special dirt resistant and water-resistant treatment.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Haywards Heath Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

Mid Sussex District Plan

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

Relevant policies:

DP26: Character and Design

Site Allocations DPD

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

No relevant policies.

Neighbourhood Plan

Haywards Heath Neighbourhood Plan (Made 2016)

Relevant policies:

Policy E9

Policy H9

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the

NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 11, 39, 48, 141, 131, 135 & 139.

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

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 39 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

National Design Guide

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

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

ASSESSMENT

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

- Impact on Character and Design
- Impact on Neighbouring Amenities
- Biodiversity Net Gain

Impact on Character and Design

Policy DP26 of the District Plan states, in part,:

'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;*
- *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'*

Policy E9 of the Haywards Heath Neighbourhood Plan states that:

'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- *height, scale, spacing, layout, orientation, design and materials of buildings,*
- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- *creates safe, accessible and well-connected environments that meet the needs of users,*
- *will not result in unacceptable levels of light, noise, air or water pollution,*
- *Makes best use of the sites to accommodate development,*
- *Car parking is designed and located so that it fits in with the character of the proposed development.'*

Furthermore, Policy H9 of the Neighbourhood Plan states that:

'Extensions to existing dwellings will be permitted where it meets the following criteria:

- *The scale, height and form fit unobtrusively with the existing building and the character of the street scene.*
- *Spacing between buildings would respect the character of the street scene.*
- *Gaps which provide views out to surrounding countryside are maintained.*
- *Materials are compatible with the materials of the existing building.*
- *The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'*

The National Design Guide (2021) states in Paragraph 44 that:

'to communicate the benefits of a scheme, it is important to explain how the design of a development relates to context and local character.' It adds that

'well-designed places and buildings are influenced positively by:

- *The history and heritage of the site, its surroundings and the wider area, including cultural influences;*
- *The significance and setting of heritage assets and any other specific features that merit*

- *conserving and enhancing;*
- *The local vernacular, including historical building typologies such as the terrace, town house,*
- *mews, villa or mansion block, the treatment of facades, characteristic materials and details'*
- (Paragraph 46).

Among other matters, Principle DG40 requires buildings to be designed so that open active frontages engage with the public on the streetside.

The sites locality is characterised by a range of other shops and services with shop frontages featuring regularly throughout the streetscene to both sides of the road. It is noted that there is an existing awning used at the adjoining site to the north-west which features a black and generally darker colourway than the application site.

The proposed awning would likely project over into the pavement and would feature a grey colour throughout. The lower segment of the blind would feature the name of the shop in the bottom left corner. Given the existence of the neighbouring awning and within the context of other retail units throughout the street, it is not considered that the proposal would appear incongruous.

In view of the above, the proposal is considered to comply with Policy DP26 of the District Plan and Policies E9 and H9 of the Haywards Heath Neighbourhood Plan.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, Policy DP26 in part seeks to ensure that development: *'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see DP29);'*

Principle DG47 of the Mid Sussex Design Guide SPD relates to neighbouring amenities in terms of light and states:

'All dwellings should benefit from daylight and sunlight levels that conform to BRE (Better Regulation Executive) standards.'

The proposed awning would be set at a high level above the existing doorway and therefore is not considered to result in a significant obstruction towards pedestrians. Furthermore, the proposal is not considered to give rise towards an overshadowing impact towards the neighbouring sites and would likely mirror the impact currently incurred from the awning at the site immediately to the north-west.

Accordingly, the proposal is considered to comply with the provisions of DP26 of the Mid Sussex District Plan in terms of neighbouring amenities.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposed alterations are considered acceptable in terms of exterior design within the surrounding context and the amenities of the neighbouring occupiers. The proposal therefore accords with Policy DP26 of the Mid Sussex District Plan and Policies E9 and H9 of the Haywards Heath Neighbourhood Plan and the relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas