

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2824	Case Officer:	Stefan Galyas
Application Type:	Full Application		
Proposal:	Installation of a new scissor lift in store service yard in Haywards Heath Sainsbury's		
Site:	Sainsbury's, Bannister Way, Haywards Heath, West Sussex, RH16 1DG, , ,		
Validation Date	6 Nov 2025	Overall Expiry Date:	19 May 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	27 May 2026
Target Date:	1 Jan 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	<i>Steven King</i>	Date:	27 May 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2824

**Sainsbury's, Bannister Way, Haywards Heath, West Sussex, RH16 1DG, ,
Installation of a new scissor lift in store service yard in Haywards Heath Sainsbury's
Sainsbury's Supermarkets Ltd**

SUMMARY OF REPRESENTATIONS

There were two letters of representation received in response to the original submission. Both letters raised concerns for the following reasons:

- The site being subject to pre-existing issues with lorries parking outside the store resulting in an adverse impact on noise and traffic congestion.
- The delivery bay already causing disruption.
- New scissor lifts potentially resulting in further noise generated.

The application was subsequently revised to include an updated Plant Noise Assessment. Two further letters of representation were received in light of the revised information. Both letters raised further concerns:

- The proposed scissor lift potentially being used outside of operational hours still.
- There not being evidence that the lifts will reduce or better manage HGV movements.
- The noise assessment not being fully robust as it was only taken over a limited weekend period and fails to account for weekdays.
- No detailed or enforceable Noise Management Plan has been provided which limits the certainty of long term control.
- The report does not confirm that any noise measurements were undertaken at the nearest residential properties.

SUMMARY OF CONSULTEES

Mid Sussex Environmental Protection: Recommended construction hours, deliveries and plant noise information conditions.

TOWN/PARISH COUNCIL OBSERVATIONS

Town Council: No comment.

INTRODUCTION

The application seeks planning permission for the development of a new scissor lift to be sited within a storage yard.

RELEVANT PLANNING HISTORY

14/01408/FUL - Revisions to the front of the store which result in a GEA increase of 665sqm facilitating new customer services, which include a new coffee shop, a new entrance lobby and a new ATM room. This application also involves the installation of a wood pellet Biomass Boiler Unit which is to be installed at ground level to the rear of the store. Permission 03.07.2014.

14/02629/ADV - 1x Illuminated standard double sided totem. 2x Pedestrian Totem. 1x Pedestrian Totem with bespoke direction double sided. 10x Covered Trolley Bays. 4x Sainbury's Sky Signs. 2x Pharmacy sign. 1x ATM Branding Wall sign. 1x ATM Projecting sign. 2x Branding wall. Permission 14.10.2014.

14/03179/ADV - Retrospective Advertisement consent for Information board. Permission 24.10.2014.

14/03295/FUL - Installation of plant machinery; 4 x refrigeration units on the existing flat roof.
Permission 30.10.2014.

DM/17/2381 - Proposed 1 no. amended illuminated totem, 3 no. amended non-illuminated pedestrian totems, 1no. illuminated fascia signs, 6no. non-illuminated new, amended or relocated, welcome wall signs. Permission 03.08.2017.

SITE AND SURROUNDINGS

The application relates to Sainsburys, a commercial superstore set to the northern side of Bannister Way. The superstore is served by a car park set to the northern and eastern sides of the shop. The building is largely composed of brickwork and tile cladding to the walls and a tiled roof. Various gables and tile hanging patterns add visual interest throughout the building. The shop is supplied by a service yard to the south-western side.

With regard to policy constraints, the site is set within the Haywards Heath Built Up Area boundary.

APPLICATION DETAILS

The development proposal would remove one of the existing scissor lifts and would develop a new yard mounted scissor lift and pod. The proposed pod would measure at circa 3.5m in depth, 3.8m wide and 5.5m in maximum height.

Proposed external materials would comprise profiled metal cladding panels to the sides the pod in goosewing grey for both the walls and the roof.

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:

DP1: Sustainable Economic Development

DP26: Character and Design

DP29: Noise, Air and Light Pollution

DP39: Sustainable Design and Construction

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 March 2016)

Relevant policies:

Policy E9 - Protection and Reinforcement of Local Character

Objective 6E - Encouraging Energy Efficient and Sustainable Development

Objective 6F - Character and Quality of the Locality

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 hearings were concluded on the 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time 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:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPN6 - Pollution

DPN7- Noise Impacts

DPB1 - Character and Design

DPE4 - Town and Village Centre Development

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, 85, 131, 134, 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

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
- Sustainability
- Biodiversity Net Gain

Impact on Character and Design

Policy DP26 of the District Plan states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high-quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *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:

o 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.'*

The proposed scissor lift and pod would be sited within an existing service yard which is partly screened from the roadside to the south by an existing brick built boundary wall and planting. As the entrance gate to the service yard uses a rail design, it is permeable and the service yard can partially be viewed from Harlands Road when looking to the north-east.

It is considered that whilst the pod would be relatively bulky and use a utilitarian design with industrial metal cladding to be used throughout, this would not appear out of context within the service yard. The pod would be set at a lower height than the supermarket building, although the double decker shroud would be set above the host buildings eaves height.

In view of the above, the proposal is considered to comply with Policy DP26 of the District Plan and Policy E9 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);'*

Policy DP29 then relates to noise and light pollution and states in part:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*
- *Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.*
- *In appropriate circumstances, the applicant will be required to provide:*
- *an assessment of the impact of noise generated by a proposed development; or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development;*
- *Light pollution:*
- *The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;'*

The Council's Environmental Health Officer (EHO) has been consulted with regard to the proposal with their full comments available to view on the Planning Case File.

It is noted that the current loading area is not subject to any time restrictions under the original outline and reserved matters permissions conditions (HH/113/88 and HH/104/90). Accordingly, the area could be used over a 24 hour period without time restrictions in planning terms. However, other statutory noise nuisance controls, which falls outside of planning can be used to enforce unduly unacceptable noise generated.

Originally, it was considered by the EHO that insufficient supporting information was provided within the application submission, including hours of operation, noise levels from the lift and noise from crate and transportation trolleys.

A revised Plant Noise Assessment was provided by the Applicant which compared the proposed lift and associated loading/ unloading activities to the existing background noise levels. It was thus concluded that the predicted noise rating would result in a low impact and be 5db below the existing background noise level.

It was also clarified that the hours of operation would be between 07:00 - 02:45 subject to delivery requirements in the noise assessment. Further correspondence from the Applicant noted that current delivery times with single deck trailers are staggered to target the following times: 19:45, 21:30, 00:30, 02:45, 12:00, 15:00. It was asserted that the proposed lift would improve unloading efficiency from deliveries and reduce the number of lorry comings and goings. Thus, the proposed staggered target times would be restricted to the following hours: 00:30, 02:45, 12:00, 15:00. It was also clarified that Saturday is expected to be the busiest day with deliveries taking anywhere within a period of 60-90 minutes to complete.

A number of measures to reduce the noise impact of the lift have been identified within the submitted Plant Noise Assessment. This includes; an enclosure to be installed around the lift motor and the ground surface on the path for stock cages to the warehouse to be smoothed to reduce the rattling noise from cages.

In light of the additional information, the EHO recommended that a number of conditions be appended should planning permission be granted. This included restrictions to construction hours, delivery hours restrictions throughout the construction phase and requirements for the lift to be built in accordance with the Plant Noise Assessment. These conditions are considered to be necessary and relevant should permission be granted.

It is considered that the current application does not seek to change the use of the site and is plant machinery commonly associated with large supermarket service areas. Accordingly, whilst there may be some noise generated from the machinery, this does not necessarily correlate to an intensification of the site with more deliveries. As noted within the submitted Planning Statement, the lifts will allow for more efficient loading and unloading of goods. It also states that due to this efficiency, there would be a reduced number of HGV trips between the Sainsburys network.

Accordingly, following consultation with the Council's Environmental Health Officer, the proposal is considered to comply with the provisions of policies DP26 and DP29 of the Mid Sussex District Plan in terms of neighbouring amenities.

Sustainability

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It 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'*

The application is accompanied by a Sustainability Statement which notes that a number of different measures will be taken to improve the developments sustainable credentials. It states that the lift will improve goods handling efficiency and allow for larger quantities of goods to be loaded and unloaded. In turn, this would reduce the number of HGV trips and reduce carbon emissions. Furthermore, pre-fabricated materials would be used and reduce construction waste and disruption.

The proposal is therefore considered to comply with the provisions of policy DP39 of the District Plan and would result in an acceptable impact in terms of sustainability.

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

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 Mid Sussex District Plan, the Site Allocations Development Plan Document and the Haywards Heath Neighbourhood Plan.

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.

The proposed alterations are considered acceptable in terms of exterior design within the surrounding context, the amenities of the neighbouring occupiers and sustainability. The proposal therefore accords with Policies DP1, DP26, DP29 and DP39 of the Mid Sussex District Plan, Policy E9, Objective 6E and Objective 6F of the Haywards Heath Neighbourhood Plan and the relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas