

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2731	Case Officer:	Catherine Cardin
Application Type:	Full Application		
Proposal:	Removal of a canopy and replacement with new shroud and related works		
Site:	Sainsbury's, Brooklands Way, East Grinstead, West Sussex, RH19 1DD, , ,		
Validation Date	30 Oct 2025	Overall Expiry Date:	21 Nov 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	10 Dec 2025
Target Date:	25 Dec 2025	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	10 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2731

**Sainsbury's, Brooklands Way, East Grinstead, West Sussex, RH19 1DD, ,
Removal of a canopy and replacement with new shroud and related works
Sainsbury's Supermarkets Ltd**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

None received.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

Planning permission is sought for the removal of a canopy and replacement with new shroud and related works.

RELEVANT PLANNING HISTORY

DM/17/1109- 1 no. amended totem sign, 3 no. amended way finder signs, 1 no. new direction sign, 1 no. new illuminated fascia sign, 4 no. new concession panel signs and 1 no. replacement pharmacy hatch sign. Permission.

DM/18/5112- Construction of a concession pod with associated signage adjacent to the entrance of existing foodstore. Permission.

DM/18/5113- Display of 3x illuminated Fascia signs with non illuminated 2x Wall sign and 2x Poster sign .(Description and plans updated). Permission.

DM/19/3800- Erection of a 'click & collect' canopy and associated signage. Permission.

DM/19/3804- Consent to display 4no. canopy adverts and 2no. perimeter panel signs. All non-illuminated. Permission.

SITE AND SURROUNDINGS

The application site forms a section of the Sainsbury's unloading bay of Sainsbury's supermarket in East Grinstead. It is located in the northeastern side of the supermarket and lies to the east of the service yard.

The application site is designated within the Mid Sussex District Plan as being within the built-up area boundary of East Grinstead.

APPLICATION DETAILS

This application seeks planning permission for the removal of a canopy and the erection of new shroud and related works at j Sainsbury PLC, Brooklands Way, East Grinstead.

It is proposed to install a new double decker suitable black upvc shroud to the façade of the building and for the existing unloading bay shroud to be maintained on the right-hand bay.
The proposal includes installing new guttering and fascia which would match the existing.

The proposed shroud would surround an existing entrance to the unloading bay within the service yard.

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, and*
- b) Any 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 East Grinstead Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework (NPPF) 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.

East Grinstead Neighbourhood Plan

The East Grinstead Neighbourhood Plan was made in 2016.

Relevant policies:

Policy EG3 - Promoting Good Design

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:

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 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 overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

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;

- o Design and Impact on the character and appearance of the area
- o Impact on Residential Amenity
- o Biodiversity Net Gain
- o Planning Balance and Conclusion

Design and Impact on the character and appearance of the area

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:

- o is of high-quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o 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'*

This ethos is also reflected under policy EG3 of the Neighbourhood Plan.

The proposed shroud would be viewed in context of Sainsbury's and its car park, while also being fairly modest in scale. It is considered that this design, in the proposed location, would not cause harm to the character of the area. It is therefore considered that the application would accord with policy DP26 of the District Plan and policy EG3 of the Neighbourhood Plan.

Impact on Residential Amenity

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 EG3 of the Neighbourhood Plan states that development should not harm adjoining amenity.

In cases where there is a discrepancy between District and Neighbourhood Plan policies, it is considered that greater weight should be given to the Plan (and policy) that has been adopted at a later date. In this instance the East Grinstead Neighbourhood Plan was made in November 2016 and the Mid Sussex District Plan adopted in March 2018. As such, it is considered that greater weight should be given to the District Plan policy, DP26, with the test being whether the proposal would result in significant harm to neighbouring amenities.

The application site is surrounded on all sides by highway. Consequently, the proposal is not considered to cause a significant detrimental impact upon neighbouring amenities and is deemed to comply with Policy DP26 of the Mid Sussex District Plan.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application 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 East Grinstead Neighbourhood Plan.

In conclusion, the proposal is considered to be appropriate in terms of its design, size and scale to the locality and would not have an adverse impact on the amenities of neighbours. The proposal therefore complies with Mid Sussex District Plan policy DP26, East Grinstead Neighbourhood Plan policy EG3 as well as with the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Catherine Cardin