

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2908	Case Officer:	Catherine Cardin
Application Type:	Full Application		
Proposal:	Proposed construction of an external plant room with an acoustic enclosure to the west of the existing building,		
Site:	Duaris House, Imberhorne Way, East Grinstead, West Sussex, RH19 1RL, , ,		
Validation Date	18 Nov 2025	Overall Expiry Date:	15 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	7 Jan 2026
Target Date:	13 Jan 2026	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:	7 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2908

**Duaris House, Imberhorne Way, East Grinstead, West Sussex, RH19 1RL, ,
Proposed construction of an external plant room with an acoustic enclosure to the west of the
existing building,
G And G Food Supplies Ltd**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Environmental Protection

There appears to be residential accommodation on the school premises opposite the site. This could be affected by plant noise or construction noise. Accordingly, we recommend the following conditions:

Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted

Plant and machinery - The rating level of the noise emitted from fixed plant and equipment (mechanical and electrical) hereby approved shall not exceed the existing background level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

Reasons - To accord with MSDC Policy DP29: Noise, Air and Light Pollution

WSCC Highways

This application seeks the construction of an external plant room with acoustic enclosure. The site is located on Imberhorne Way, an unclassified road subject to a speed restriction of 30 mph.

A new dropped kerb will be provided on Imberhorne Way, to facilitate access for a proposed roller shutter door. From inspection of local mapping, there are no apparent visibility concerns with the proposed point of access on Imberhorne Way. The proposed access works will be subject to a licence obtained from WSCC, and constructed to a specification agreed with a local WSCC Highway Area Engineer.

From inspection of the plans, the proposed siting of the plant room may result in the loss of at least one existing car parking space. As such, any displaced parking would have to be accommodated on-street as a result. The LHA would not anticipate that this would lead to a highway safety concern, but the LPA may wish to consider the potential impacts on onstreet parking from an amenity point of view.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The application seeks planning permission for the construction of an external plant room with acoustic enclosure at Duaris House, Imberhorne Way, East Grinstead.

RELEVANT PLANNING HISTORY

13/03341/FUL- 2 storey extension and change of use to mixed use of B1 and Sui Generis as showroom for building products. Permission.

DM/15/1759- Company signage fixed to mansard roof elevation facing Imberhorne Way. Permission.

DM/15/4190- Proposed increase in footprint and appearance of two storey rear extension yet to be implemented under planning. Permission.

DM/17/4452- Alterations to ground floor fenestration facing Imberhorne Lane. Construction of two storey extensions to southeast. Permission.

DM/20/3615- Conversion and change of use of the first floor of building to residential comprising 5 apartments with associated parking spaces. Withdrawn.

DM/21/2052- Lawful Development Certificate for existing extensions as completed. Permission.

SITE AND SURROUNDINGS

The application site consists of a two-storey commercial building with a large parking area to the western side. The existing building is characterised by bare brown brick, metal sheeting and grey upvc window and door frames. The premises operate as offices, showrooms and workshops for Duaris Ltd, East Grinstead based building contractors.

The site is located within the East Grinstead built up area boundary. The building occupies a prominent position at the entrance to Imberhorne Way, where a number of commercial business units are located. The site lies opposite Imberhorne School in an area with a concentration of commercial uses.

APPLICATION DETAILS

The application seeks full planning permission for the construction of an acoustic enclosure to the west of the existing building which would consist of some 4-metre-high steel mesh acoustic fencing. The enclosure would surround a Heating, Ventilation and Air Conditioning (HVAC) system and a Dust Collection Unit.

The proposed HVAC system would measure some 6.4 metres in width, some 2.1 metres in depth and some 3.4 metres in height. The proposed steel kiosk would measure some 2.2 metres in width, some 0.5 metres in depth and some 1.5 metres in height. The dust collection unit would measure some 2.6 metres in width, some 2 metres in depth and a total height of some 3.5 metres.

The proposed enclosures and units would be characterised by a mixture of coloured steel.

It is also proposed to install no.7 windows and one set of doors on the side (south-western) elevation. The application also seeks to install 2 no. roller shutters, 2 no. windows and 2 no. doors on the front (north-western) elevation. The proposal seeks to install one door and one window on the side (north-eastern) elevation. The proposed windows and doors would match the existing.

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:

DP1 - Sustainable Economic Development

DP21 - Transport

DP26 - Character and Design

DP29 - Noise, Air and Light Pollution

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:

EG3 - Promoting Good Design
EG10 - Employment Provision

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
DPE1 - Sustainable Economic Development
DPS2 - Sustainable Design and Construction
DPN6 - Pollution
DPN7 - Noise Impacts
DPT4 - Parking and Electric Vehicle Charging Infrastructure

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

Principle

The proposed development would be located on part of an Employment Site. Policy DP1 of the Mid Sussex District Plan seeks to ensure there is sufficient supply of employment sites over the plan period. The proposed development would not result in the loss of employment land and can be viewed as an addition to the existing building. As such it is considered that the proposed development would not conflict with the aims of Policy DP1.

At local level policy EG10 states:

'Proposals for mixed-use redevelopment of 'previously developed' business sites will be permitted providing the proposal includes a qualitative enhancement in the business floorspace being provided.'

As such the principle of a plant room within this location is therefore deemed acceptable.

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 and the Mid Sussex Design Guide SPD.

The proposed works will not be characterised by external materials similar in appearance to those used in the building. The site is located within an existing industrial estate where development of a similar appearance and external materials are common. As such the proposed external materials are considered to address the character of the existing buildings and surrounding landscape.

The proposed works will predominantly be screened by the proposed fencing and would be of a modest scale. The proposed HVAC system is not modest in height but is considered to be relatively small-scale. The system would be subordinate in height to the existing building, and its nature is considered appropriate in an industrial estate setting.

As such the proposed works are considered to address the character and scale of the existing and surrounding buildings and landscape. The proposal includes a dropped kerb to facilitate access for proposed roller shutter doors and the resulting parking arrangement is to be considered in a subsequent section of this report. Therefore, the proposal is considered to comply with the above part of policy DP26 of the Mid Sussex District Plan, policy EG3 of the Neighbourhood Plan and the Mid Sussex Design Guide SPD

Impact on Neighbouring 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.

Policy DP29 of the Mid Sussex District Plan in part states:

'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:

- o It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- o If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;'*

A similar ethos is contained within the Mid Sussex Design Guide SPD.

The Council's Environmental Health Officer has been consulted on the proposal and raised no objection subject to the imposition of a planning condition to secure the hours of use of any ventilation and extraction equipment. The proposal is set a significant distance from Imberhorne Upper School and there is a highway between the proposal and the school. As such the proposal is considered to protect the quality of people's lives from unacceptable levels of noise and it would not cause significant harm to the amenities of nearby residents.

Consequently, the proposal is not considered to cause a significant detrimental impact upon neighbouring amenities and is deemed to comply with Policies DP26 and DP29 of the Mid Sussex District Plan.

Transport

Policy DP21 of the Mid Sussex District Plan seeks to ensure that *'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.*

The proposed enclosure would be located within the existing car park that services the existing building. There are an existing 12 off-street parking spaces at the site and the enclosure would be sited on one existing parking space. As such the resulting off-street parking provision would be some 11 spaces. The West Sussex County Council Parking Guidance states that some 36 parking spaces should be provided at a site of this use and size.

Whilst it is noted that the resulting parking arrangement would be below the level set out within the above guidance, the existing parking arrangement is also below that level and the number of parking spaces that are to be lost are modest in their number. The site is located within the built-up area boundary of East Grinstead which is considered to be a sustainable location and the Council records show a bus route with a bus stop directly outside the application site. As such whilst the parking arrangement is below the above guidance the off-street parking provision is considered to be adequate taking into account the above assessment.

The proposal also includes a new dropped kerb on Imberhorne Way, to facilitate access for a proposed roller shutter door. The Local Highway Authority was consulted on the application and have provided a response. They have advised that there are no apparent visibility concerns with the proposed point of access on Imberhorne Way and that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

Your Planning Officer has no reason to disagree with this assessment. The proposal is therefore considered to comply with policy DP21 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 would address the character and scale of the existing surrounding building and landscapes and would not cause significant harm to the amenities of existing nearby residents in terms of overlooking and loss of privacy, reduction in sunlight and daylight and a loss of outlook. It would also protect people's quality of lives from unacceptable levels of noise. The resulting parking arrangement is also considered to be acceptable. Therefore, the proposal complies with policies EG3 and EG10 in the East Grinstead Neighbourhood Plan, policies DP21, DP26 and DP29 of the Mid Sussex District Plan, the Mid Sussex Design Guide SPD and with the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Catherine Cardin