

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2884	Case Officer:	Catherine Cardin
Application Type:	Full Application		
Proposal:	Proposed alterations to existing shopfront.		
Site:	32 - 36 South Road, Haywards Heath, West Sussex, RH16 4EA, , , ,		
Validation Date	26 Nov 2024	Overall Expiry Date:	4 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	5 Feb 2025
Target Date:	21 Jan 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:	7 Feb 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2884

32 - 36 South Road, Haywards Heath, West Sussex, RH16 4EA, , ,
Proposed alterations to existing shopfront.
Coffee #1 Limited

SUMMARY OF REPRESENTATIONS

None received.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The proposal seeks planning permission to carry out alterations to the shop front, including the installation of two new stallrisers and a new door.

RELEVANT PLANNING HISTORY

HH/212/97- Display of one non illuminated fascia sign and one no side projecting sign. Split decision.

HH/091/98- Change of use from class 1A to class A2 (financial and processional service) use.

Permission.

HH/225/99- 1 no. fascia sign (internally illuminated) and 1 no. projecting sign (internally illuminated).

Permission.

HH/224/99- New shopfront including cash machine. New brick face to rear elevation. External plant and satellite dish to rear yard. Permission.

03/00226/ADV- New corporate signage internally illuminated. Permission.

03/02544/COU- Change of use from B1 (Office use) to D2 (Ladies Fitness Centre). Permission.

04/01310/FUL- Change of use of 2nd floor offices to night club and new fire escape. Refused.

13/01735/ADV- New fascia, projecting sign and new ATM collar to replace existing shopfront signage- Permission.

DM/16/0616- Convert 1st floor to 4no. flats and external changes to fenestration and cladding to 1st and 2nd floor. Permission.

DM/16/2805- Proposal to add a mansard roof above an existing flat roof. The new roof space will accommodate 3 new apartments. Permission.

DM/17/2560- Non Material Amendment to application DM/16/2805 - To add a plan condition to the original permission. Permission.

DM/23/1537- Restaurant / Coffee Shop. Permission.

DM/24/2882 - 1 No Fascia Sign and 1 No Projecting Sign. Permission.

SITE AND SURROUNDINGS

No. 32- 36 South Road is a ground floor commercial unit within a three-storey terrace building located on the north side of South Road. The retail unit is currently vacant. The property benefits from a mansard roof extension, with flats located at first and second floor levels.

Greggs lies to the south of the site, with HSBC UK to the north.

The surrounding area is mainly commercial, with some residential uses at first floor.

In terms of planning policy, the site lies within the Haywards Heath primary town centre, as defined in the Neighbourhood Plan, and is considered a primary shopping frontage.

APPLICATION DETAILS

The proposed development seeks consent to install two new stallrisers and a new external front seating area. The proposed signage is considered under the separate application for advertisement consent, reference DM/24/2882.

The western stallriser will measure some 4.6 metres in width and some 0.7 metres in height. The eastern stallriser will measure some 3.2 metres in width and some 0.7 metres in height.

The proposed door will be a single outward facing door, with fixed side screens and fixed glazing above.

The stallrisers and door would be finished in a dark matte green paint colour.

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) 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 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:

E9 - 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 the majority of 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

DPS6: Health and Wellbeing

DPB1: Character and Design

DPE6: Development within Primary Shopping Areas

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 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/Code

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

The proposed development is not considered to affect neighbouring amenities. The main issues are therefore:

- Design and the impact upon the character of the area
- Biodiversity Net Gain

Design and impact on the character of the area

Policy DP26 of the Mid Sussex 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 protects valued townscapes and the separate identity and character of towns and villages;*
- 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 (see Policy DP29);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- o optimises the potential of the site to accommodate development.'*

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,*

o the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,
o respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,
o creates safe, accessible and well-connected environments that meet the needs of users,
o Will not result in unacceptable levels of light, noise, air or water pollution,
o Makes best use of the site to accommodate development,
o Car parking is designed and located so that it fits in with the character of the proposed development.
Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character'.

The application submitted seeks to consent to install new stallrisers and a new door. The site is located within Haywards Heath Town Centre, where there is a variety of shop front designs.

It is considered that the overall changes to the shop front would be appropriate and proportionate to the character of the existing building in their size, nature and design. In addition, the proposed materials are considered appropriate and, overall, the proposed design would represent a positive addition to the area. Furthermore, given the varied streetscene, the proposal is considered to respond positively to the surrounding buildings and is considered to have an acceptable impact on the character of the area.

The proposal is therefore considered to comply with policy DP26 of the Mid Sussex District Plan and policy E9 of the Haywards Heath Neighbourhood 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 comprises development less than 25 square metres of habitat 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 works to the shopfront would relate appropriately in design terms to the existing building and the proposal is not considered to be harmful to the appearance and character of the area. As such the development would accord with policy DP26 of the Mid Sussex District Plan and policy E9 of the Haywards Heath Neighbourhood Plan.

Decision: Permission

Case Officer: Catherine Cardin