

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2406	Case Officer:	Catherine Cardin
Application Type:	Removal/Variation of Condition		
Proposal:	Variation of Condition 2 relating to planning reference DM/15/1483 to extend operating hours.		
Site:	Pizza Hut, 86 London Road, East Grinstead, West Sussex, RH19 1EP, , ,		
Validation Date	23 Sep 2025	Overall Expiry Date:	15 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	16 Dec 2025
Target Date:	18 Nov 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>Stephen Ashdown</i>	Date:	18 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2406

**Pizza Hut, 86 London Road, East Grinstead, West Sussex, RH19 1EP, ,
Variation of Condition 2 relating to planning reference DM/15/1483 to extend operating hours.
Mr Bhavin Patel**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Environmental Protection

No objection as additional controls believed to be available via the Licensing regime.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The application is for a variation of Condition 2 relating to planning reference DM/15/1483 to extend operating hours.

RELEVANT PLANNING HISTORY

DM/15/1483- Change of Use from A3 to A5 and addition of 2 no.condenser units and new extract system to replace existing. Permission.

DM/15/1479- New finishes to shopfront. Permission.

SITE AND SURROUNDINGS

86 London Road is a two-storey terraced property. The property consists of a Pizza Hut business on the ground floor and flat above. It is characterised by grey tiles to the ground floor elevation and cream coloured render to the first-floor elevation.

A shared parking area is accessed from the rear via Dellaway Gardens.

The application site lies within the built-up area boundary of East Grinstead. To the southeast, southwest and opposite are retail units, generally arranged over 2-storeys.

APPLICATION DETAILS

The application seeks planning permission to extend operating hours at Pizza Hut, 86 London Road, East Grinstead.

Planning permission for Change of Use from A3 to A5 was originally granted under planning permission DM/15/1483. Under this permission the hours of operation were restricted to: Sunday to Thursday: 1100 - 2300 hrs; Friday to Saturday: 1100-2400 hrs

This application seeks to extend the hours of operation to: Sunday to Thursday: 1100 - 2400 hrs; Friday to Saturday: 1100 - 0100hrs.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation Development Plan Document (DPD) and East Grinstead 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.

There are no relevant policies.

Neighbourhood Plan

East Grinstead Neighbourhood Plan made in 2016.

No relevant policies.

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

DPS6 - Health and Wellbeing

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)

ASSESSMENT

The result of this application would be to issue a new planning permission, so it is not considered necessary to go through all of the original planning issues in this report. The specific changes to the plans that are now proposed are considered below with regards to the neighbouring amenity. It is necessary to consider the application against the relevant policies of the development plan and any other material planning considerations.

Neighbouring amenities

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states proposals should

'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'.

The application site lies within the Town Centre Boundary as defined within the East Grinstead Neighbourhood Plan.

This part of London Road is predominantly commercial in nature, with a parade of commercial units with flats above located on both sides of the road. The property has a flat above. The Council's Environmental Protection team has been consulted on the matter and has raised no objection as additional controls are believed to be available via the Licensing regime. Although the proposal seeks to extend the existing opening hours, the proposed revised opening hours are not considered to be significantly harmful to neighbouring amenities in terms of creating noise, disturbance and odours. Similar opening hours can be found in businesses in this part of London Road so it is not considered that the proposal would cause significant harm above the existing neighbouring opening hours.

The proposal is therefore considered to accord with policy DP26 of the 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

The proposal to extend the operating hours are deemed acceptable in that the proposal should not be harmful to neighbouring amenities in terms of creating noise and disturbance. The proposal is therefore deemed to comply with policy DP26 of the Mid Sussex District Plan.

Decision: Permission

Case Officer: Catherine Cardin