

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0196	Case Officer:	Katherine Williams
Application Type:	Full Application		
Proposal:	Demolition of existing redundant single storey buildings to the rear. Erection of a four-storey rear extension and re-configuration work to convert existing commercial use to Use Class E a-c, e and g and 4 No. residential flats together with associated refuse and cycle storage. (Amended plans received 16.10.2025 to remove off street parking and create refuse collect point)		
Site:	Thai Crystal, 45 The Broadway, Haywards Heath, West Sussex, RH16 3AS, , ,		
Validation Date	18 Feb 2025	Overall Expiry Date:	4 Nov 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	25 Sep 2025
Target Date:	15 Apr 2025	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	3
--	--	-------------------------------	---

Signed and Agreed By:	Steven King	Date:	5 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0196

**Thai Crystal, 45 The Broadway, Haywards Heath, West Sussex, RH16 3AS, ,
Demolition of existing redundant single storey buildings to the rear. Erection of a four-storey rear extension and re-configuration work to convert existing commercial use to Use Class E a-c, e and g and 4 No. residential flats together with associated refuse and cycle storage. (Amended plans received 16.10.2025 to remove off street parking and create refuse collect point)
Hammer It Homes Properties Ltd**

SUMMARY OF REPRESENTATIONS

A letter of representation was received from The Old Bakehouse, 43B The Broadway, which raised the following concerns:

- Overbearing impact on property
- Loss of light and privacy
- Current extension is a party wall
- Impact of construction works on the property
- Overdevelopment

Following these comments amended plans have been provided, which included a reduction to the size of the proposed extension and reduction in the number of proposed units, along with restrictions on the proposed commercial use. The application was then re-advertised and two further letters of representation were then received which raised the following concerns:

- Upper and lower ground floors are now proposed to be attached to The Old Bakehouse, these two levels would be 1.5 metres higher than the existing house (*Officer Comments: The proposal would not be attached to the neighbouring dwelling*)
- Impact on maintenance and repair
- Impact from run off rainwater from property
- Demolition and rebuilding of the party wall on property (*Officer Comments: Alterations to party walls are covered by The Party Wall Act 1996, and is not a planning matter*)
- Loss of light
- Creation of parking area to the front of the building, impact on the streetscene

Following these comments, the proposed parking and EV charger to the front of the building was removed and replaced by a refuse collection point, with additional refuse and recycling storage to the rear. Following these changes the application was re-advertised further letter of representation was received from The Old Bakehouse, who raise the following concerns:

- Insufficient room for 5 bicycle sheds
- Impact on access to side wall of The Old Bakehouse for maintenance
- Request waste is stored to the front of the property
- Food waste will attract rats
- Impact on daylight and sunlight to property

SUMMARY OF CONSULTEES

MSDC Flood Risk and Drainage Team - No objection following further information, recommend condition

Network Rail - No objection

MSDC Environmental Health - No objection subject to conditions

MSDC Environmental Health (Housing) - Information provided

WSCC Highways Authority - No objection subject to conditions

Southern Water - Information provided

MSDC Contaminated Land - No objection

Street Naming and Numbering Officer - recommend informative

TOWN COUNCIL OBSERVATIONS

24.03.2025:

The Town Council has no comment to make on this application, except with regards to the parking spaces. These involve the loss of two on-street spaces and the creation of a dropped kerb, meaning people will have to drive across a public pavement. The Council does not want these parking spaces to be approved, so the ambiance of the Broadway can be maintained.

The Town Council notes the representations from the resident of The Old Bakehouse and asks that the concerns raised be given due weight and, where possible, resolved prior to the application being determined.

15.07.2025:

The Town Council has no further comment to make, but wishes to repeat its comments submitted on 24/03/2025

29.10.2025:

The Town Council welcomes the amended plans and is pleased to see its concerns about the previously proposed parking and dropped kerb have been addressed in these.

INTRODUCTION

The application seeks planning permission for the demolition of the existing redundant single storey buildings to the rear and the erection of a four-storey rear extension and re-configuration work to convert existing commercial use to Use Class E a-c, e and g and 4 No. residential flats together with associated refuse and cycle storage.

RELEVANT PLANNING HISTORY

04/02795/FUL - Demolition of rear prefabricated building. Erection of two storey rear extension to Bar Boo. Granted

SITE AND SURROUNDINGS

The application property is located on the western side of The Broadway, within the built up area, town centre and Secondary Shopping Frontage area of Haywards Heath.

The application site consists of a three storey end terrace property, which consists of a ground floor restaurant with associated storage and accommodation above. The property is of some age with a separate pitched gable roof form which is of a design that is reflected within the other properties of the terrace. To the rear of the property is an existing large flat roof single storey projection which backs onto the London to Brighton railway line beyond.

The locality is characterised by a mixture of commercial properties with residential properties above, the buildings are of varying designs and forms which are positioned close to the highway, which gives the locality a close knit urban character.

The building is constructed in brick, plain roof tiles and white fenestration.

APPLICATION DETAILS

The proposed rear extension would replace the existing flat roof rear projection and would have a depth and width of some 9.8 metres and 6 metres. This extension would have a flat roof and would run its full depth at two storey level with an overall height of 5.78 metres. The third and fourth storeys of the

extension would be set back some 6.18 metres from the furthest end of the extension, and would have an overall height of 11.23 metres.

The third floor would be served by a roof terrace which would be set away from southern boundary of the site by 2.6 metres.

This proposed extension along with the conversion of the existing first and second floors of the building would create 4 No. residential flats, comprising 1 No. 1-bed unit and 3 No. 2-bed units.

The proposed extension would be constructed in brick, hanging tiles, aluminium fenestration and flat roofing.

The existing ground floor restaurant (Use Class E(b)) would be changed to E a-c, e and g, which would include:

- E(a) Display or retail sale of goods, other than hot food
- E(b) Sale of food and drink for consumption (mostly) on the premises
- E(c) Provision of:
 - o E(c)(i) Financial services,
 - o E(c)(ii) Professional services (other than health or medical services), or
 - o E(c)(iii) Other appropriate services in a commercial, business or service locality
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
 - o E(g)(i) Offices to carry out any operational or administrative functions,
 - o E(g)(ii) Research and development of products or processes
 - o E(g)(iii) Industrial processes

The existing shopfront and canopy would be removed, and a replacement shopfront would be installed, which would be of a design and appearance to reflect that of No. 43 The Broadway. The terrace walls to the front of the building would also be removed to allow the parking of 2 No. cars.

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 Allocation DPD, and 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

DP2 - Town Centre Development

DP4 - Housing

DP5 - Planning to Meet Future Housing Need

DP6 - Settlement Hierarchy

DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP21 - Transport

DP26 - Character and Design

DP27 - Dwelling Space Standards

DP28 - Accessibility

DP29 - Noise, Air and Light Pollution

DP39 - Sustainable Design and Construction

DP41 - Flood Risk and Drainage

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.

Haywards Heath Neighbourhood Plan (made December 2016)

Relevant policies:

E7 - Flooding and Drainage

E9 - Design

E13 - Amenity Space

B2 - Town Centre

H8 - Housing

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 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:

DPS1: Climate Change

DPS2: Sustainable Design and Construction

DPS5: Water Neutrality

DPN2: Biodiversity Net Gain

DPC4: High Weald Area of Outstanding Natural Beauty

DPC6: Ashdown Forest SPA and SAC

DPB1: Character and Design

DPT3: Active and Sustainable Travel

DPT4: Parking and Electric Vehicle Charging Infrastructure

DPE1 - Sustainable Economic Development

DPE4 - Town and Village Centre Development

DPE5 - Within Town and Village Centre Boundaries

DPH1: Housing

DPH3: Sustainable Development - Inside the Built-up Area

DPH7: Housing Mix

DPH11: Dwelling Space Standards

DPH12: Accessibility

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 (Where being referred too)

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.

Technical Housing Standards

West Sussex County Council Guidance on Parking at New Developments

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- The principle of development;
- Design and Character
- Impact on the amenities of neighbouring properties
- Impact on future occupants of the development
- Highway Safety and Parking
- Ashdown Forest
- Sustainability
- Flood Risk and Drainage
- Biodiversity Net Gain
- Other Matters
- Planning Balance and Conclusion

Principle of Development

As noted above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

In terms of policy designations, the starting point for this assessment is that the application site falls inside of the built-up area of Haywards Heath as defined by the District Plan. The proposal would result in the conversion and extension to the existing building to form 4 No. residential units. This would result in a reduced commercial floor space and the change of use of the remain commercial floor space to use classes E a-c, e and g from a restaurant (E(b)).

Policy DP1 of the Mid Sussex District Plan permits appropriate conversions for employment uses provided it is in accordance with other policies of the Plan.

Policy DP2 of the Mid Sussex District Plan refers to town centre development, and states that

'These are defined as the town centres of Burgess Hill, East Grinstead and Haywards Heath which meet the needs of their communities and those of the surrounding large and small villages and countryside areas.'

To support the regeneration and renewal and environmental enhancement of the town centres as defined on the Policies Map - development, including mixed use and tourism related development, will be permitted providing it:

- o is appropriate in scale and function to its location including the character and amenities of the surrounding area;*
- o has regard to the relevant Town Centre Masterplans and is in accordance with the relevant Neighbourhood Plan.*

Primary Shopping Frontages

Primary shopping frontages are areas considered to be the principal shopping areas, predominantly for retailing. Proposals should enhance the shopping facilities available and not undermine the retail function of the area. Within primary shopping frontages as defined on the Policies Map change of use will be permitted where:

- o A clear predominance of Class A1 shop uses would be maintained;*
- o The nature of the proposed use would sustain and enhance the vitality and viability of the centre;*
and
- o The location and prominence of the proposed use would not lead to a significant break in the continuity of the shopping facilities.*

Changes of use to B1a offices or residential use at ground floor level will be resisted.

Secondary Shopping Frontages

Secondary shopping frontages are the smaller areas on the edge of, or beyond, the primary shopping frontages. A high proportion of Class A1 - A5 uses appropriate to a shopping area, which contribute to the pedestrian flow and attractiveness of the area, should be retained. Within secondary shopping frontages as defined on the Policies Map change of use will be permitted where:

- o The proposal would sustain and enhance the vitality and viability of the shopping area;*
- o The cumulative effect of non-Class A1 - A5 shop uses is not so great as to undermine the attractiveness of the shopping area.*

In exceptional circumstances change of use to B1a office, health or medical use or residential use, at ground floor level, will be permitted where:

- o It can be shown that an A1 - A5 use is no longer viable;*
- o An unacceptable break in the frontage of A1 - A5 uses would not occur; and*
- o The cumulative effect of the proposal would not be so great as to undermine the vitality and viability of the shopping area.*

The town centre boundaries and Primary and Secondary Shopping frontages in the three towns are shown on the Policies Map. These may be revised through Neighbourhood Plans for those areas.'

This ethos is echoed in Policy B2 of Haywards Heath Neighbourhood Plan, which states:

'Planning permission will be granted for development or change of use that will encourage a diverse range of uses in the Town Centre including new office, leisure, community, hotel, retail and residential which can be shown to support the core retail offer and generate vitality and add viability to the Town Centre whilst avoiding harm to existing businesses and residential properties. Schemes that result in the loss of residential accommodation in the town centre will only be granted

- in cases of upper floor accommodation where an independent access does not exist and cannot be provided,*
- in cases where there are insurmountable environmental factors which mitigate against continued residential use,*

- *where an employment or retail use is proposed, providing that use would enhance the vitality and viability of the town centre.*
- *where additional residential accommodation is being provided.'*

The application property is located with the town centre of Haywards Heath. The proposal would result in external changes to the commercial unit, including the removal of the existing front canopy and replacement shopfront. The proposed uses would include many of the uses that fell under the old A1 to A5 use classes, now use classes E and sui generis, along with other business, medical and health services which also now fall under class E. The locality is characterised by a variety of commercial properties, and the proposed uses would be compatible with surrounding uses that are expected in a town centre location. This would also make a continued contribution to the vitality and viability of the town centre. As such the proposed change of use is considered acceptable and complies with policy DP2 of the Mid Sussex District Plan and B2 of the Haywards Heath Neighbourhood Plan.

Paragraph 232 of the NPPF clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states;

'For decision-taking this means;

c) approving development proposals that accord with an up-to-date development plan without delay;
or

d) where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;

i. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.

Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of delivery housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.

Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.

In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily

in favour of granting permission in the paragraph 11(d) balance. If however the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).

As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.

Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application.

Therefore the key test that must be undertaken when assessing this application is as set out within para 11(d) of the NPPF.

The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF in order to undertake the necessary tilted balance assessment outlined above.

Assessment

Design and Character

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:

- *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;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *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 DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *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;*
- *optimises the potential of the site to accommodate development.'*

Policy E9 of the Haywards Heath Neighbourhood Plan states:

'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:

- *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 site to accommodate development,
- 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.'

Policy H8 of the Neighbourhood Plan states:

'Housing Development within the Built up Area Boundary - Housing development within the Haywards Heath built-up area boundary, as defined, will be permitted including infill development and change of use or redevelopment to housing where it meets the following criteria:

- *The scale, height and form fit unobtrusively with the existing buildings and the character of the street scene.*
- *Spacing between buildings would respect the character of the street scene.*
- *Gaps which provide views out of the Town to surrounding countryside are maintained.*
- *Materials are compatible with the materials of the existing building.*
- *The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded'*

Paragraphs 131 and 135 of the NPPF state:

'131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

135. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

Principle DG38 of the Mid Sussex Design Guide states *'Applicants should establish an architectural approach and identity in the design of building that is borne from the place. The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated. Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony*

with its whole while appropriately responding to both its context and modern living requirements. This includes:

- *The elevational treatment and overall façade design;*
- *The placement, proportions and design of windows, doors and balconies;*
- *A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- *The appropriate incorporation of dormer windows and chimneys;*
- *An appropriate palette of good quality materials that are preferably locally sourced.'*

The proposed extension to the existing property would be located to the rear of the building and consists of flat roof projections with the larger part of the extension extending to two storey level and the shorter projection to four storey level. This extension would replace an existing single storey flat roof extension to the rear of the property which is of a similar design and form to the proposed two storey element of the extension, although the proposed would have a greater width, height and depth. The proposed four storey element is comparable to the approved extension granted at the adjoining property, No. 43 The Broadway (DM/22/1462). The initial works for this permission have begun. It is considered that due to the rear position of the proposed extension, with the railway beyond, the visibility of the extension would be limited to glimpsed views along the side elevation of property from The Broadway. Taking this into account, along with the existing permission for a flat roof extension to No. 43 and similarly designed buildings within the locality, it is considered that the proposed extension would be of an acceptable design and form which would be in keeping with the existing character of the area.

The proposal also includes the removal of the existing front canopy and a replacement shopfront. These works would restore the original facade of the building and reflect the design of the existing shop to No. 43 The Broadway. These alterations are considered to make a significant improvement to the appearance of the building and the contribution it makes to the character of streetscene.

Impact on the amenities of neighbouring properties

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do '*...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 DP29 of the Mid Sussex District Plan 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:

- *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;*

...

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'

Environmental Health have been consulted on the application and following the removal of the proposed use classes which are considered to generate unacceptable levels of noise and disturbance to the future occupiers of the proposed apartments, no objection is raised to the application subject to condition.

To the northern side of the property is No 47 The Broadway which is used as a nail salon, beyond which is No.s 49 and 51 which includes 4 No. flats. These flats include windows facing towards the application which serve as secondary windows to habitable rooms and hallways. It is noted that the proposal includes north facing windows to habitable rooms, however given the separation distance of some 10.9 metres and the nature of the rooms which the closest windows would serve, it is considered that the proposal would not result in overlooking. Given the separation between the proposal and the neighbouring residential properties to the north, it is considered that the proposal would not cause harm to the amenities of these neighbours.

The approved extension to No. 43 The Broadway has not been completed, however some initial works have begun. The rear elevation of this proposed extension includes secondary rear windows to serve kitchen living rooms with the main windows to the south elevation. Given the position of the proposed extension in relation to the openings of these units, it is considered that the proposal will not cause harm to the amenities of these future occupiers.

To the rear of No. 43 is The Old Bakehouse, a detached one and a half storey dwelling. This property is orientated to face onto No. 43 with front and rear openings. The lower two storeys of the proposed extension would extend beyond the front elevation of this dwelling, as does the existing single storey extension to the building, and would have a height greater than the existing extension by some 1.4 metres. The top two levels of the extension would be set back to be in a similar position as the proved extensions at No. 43, and would be some 3.9 metres from the front elevation of this neighbour, with the rear windows and balcony set away from this neighbour. Given the existing relationship between this neighbour and the application property, it is considered that the proposal would not result in an overbearing impact, loss of outlook or overlooking to this neighbour.

In terms of light impact to the rear windows, guidance is taken from the BRE "Site Layout Planning for Daylight and Sunlight: A guide to good practise". The "45 degree approach" should be taken whereby a 45 degree line is drawn from the top of the elevation, or when the proposal has a pitched roof, from half way down the roof slope, and a second 45 degree line is taken from the end of the projection. If the centre of the window of the neighbouring property lies within both lines this is an indication that the building may cause a significant reduction in light to the window in question. This guidance is taken as a rule of thumb and each application is considered on its own merits. The openings on the front elevation of the Old Bakehouse include first floor windows to the bedroom and ground floor windows to the kitchen diner and living room. These rooms are served by multiple windows on the front and rear elevations. Having assessed these windows of the neighbouring property, the windows on the front elevation would fall within both 45 degree lines. The proposal would be located to the northern side of this neighbouring property and would be largely seen against the existing form of the building. In addition to this, the rooms are also served by windows on the rear elevation of the dwelling. Due to this, it is considered that the proposal would not cause a significant loss of light.

The application is therefore considered not to cause significant harm to the amenities of neighbouring properties and accords with policies DP26 and DP29 of the Mid Sussex District Plan.

Impact on future occupants of the development

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the Council's adopted Dwelling Space Standards Supplementary Planning Document on 1st October 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents.

The proposal is to provide a one bed, two person flat, a two bed, three person flat and 2 No. two bed, four person flats which from Officer calculations would meet the floor space standards and therefore comply with policy DP27 of the District Plan and the National Dwelling Space Standards.

Highway Safety and Parking

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking.

Paragraph 115 of the NPPF is relevant in respect of transport matters and states that:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

In addition, para 116 states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'*

WSCC Highways Authority has been consulted on the application and has provided the following comments:

'The applicant proposes a new parking area to the front of the property which will require a new vehicular access on to The Broadway. The proposed access works will be subject to a licence obtained through the local Highway Area Office and constructed to a specification agreed with the local Highway Area Engineer.'

From inspection of local mapping, there are no apparent visibility concerns at the proposed vehicular access point. The LHA does not anticipate that the proposed development would give rise to a significant material intensification of movements to or from the site.'

The applicant proposes two car parking spaces for this development. The WSCC Car Parking Demand Calculator indicates that the residential development of this size in this location would require at least six car parking spaces. The class E commercial unit would also generate a parking provision requirement dependent on the type of business.'

Therefore, any overspill parking from the residential or commercial use would have to be accommodated on-street. Comprehensive parking restrictions are in place on the nearby roads prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the proposed shortfall of parking provision would give rise to a detrimental highway safety impact, nor a parking capacity issue. However, the LPA is advised to consider the potential impacts on on-street parking from an amenity point of view.'

From inspection of the plans, the proposed parking area is suitably sized for two car parking spaces. On-site turning does not appear achievable, so cars may have to exit the site in reverse gear. However, this is not anticipated to give rise to an adverse highway safety impact, owing to good forward visibility in this location. The applicant has demonstrated cycle storage which will provide secure cycle parking provision.'

The site is situated in a sustainable town centre location within walking/cycle distance of local services and amenities. Cycling is a viable option in the area. The site is also well connected by public transport, with regular buses available from The Broadway. Haywards Heath Train Station is situated approximately 700m north of the site.'

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.'

Following these comments the proposed parking was removed from the proposal due to concerns relating to the streetscene. Given the town centre location of the property and connection to public transport links, parking provision is not considered to be necessary for the development. The existing on street parking would therefore be retained and would not harm the amenity of the area of highway safety. As confirmed by the LHA, there are comprehensive car parking restrictions on the roads surrounding the site that would prevent on street car parking in areas that would result in a highway safety hazard.

In light of all the above, it is considered that subject to the recommended cycle storage condition the proposal would meet the requirements of policy DP21 of the Mid Sussex District Plan.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Sustainability

Policy DP39 of the Mid Sussex District Plan 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'*

Paragraph 161 of the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

Paragraph 166 states:

'In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

A Sustainability Statement has been submitted with the application which states that the scheme proposes a number of energy efficiency measures to be incorporated within the development. This includes:

- reduced construction waste
- recycling of materials
- reduced water consumption
- High fabric efficiency

The site is located within the built up area of Haywards and is in close proximity to the local services and public transport routes. The proposal also provides cycle storage for the unit. It is therefore considered that the proposal complies with policy DP39 of the Mid Sussex District Plan.

Flood Risk and Drainage

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk and is not within an area identified as having surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this immediate area. The Council's Drainage Engineer has been consulted on the scheme and they raise no objection following the submission of further information and subject to a condition.

Comments have been received from Southern Water who request a New Sewer Connection Application for any new connection to the public sewerage system.

Overall, it is considered that the proposal would not cause an unacceptable risk to flooding. The proposal is thereby considered to comply with policy DP41 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 comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

Other Matters

Additional waste and recycling provision has been provided to meet the current and future requirements. Concerns have been raised regarding the inclusion of a food waste bin and that this would attract rats. It is a District wide requirement for separate food waste bin to be provided for residential properties which is collected weekly. Given this it is not anticipated that this would result in a vermin issue.

A waste collection point has also been provided to the front of the building for residents to bring forward the bins for collection, this is to ensure that the distance from the bins and the refuse vehicle do not exceed maximum travel distances.

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.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP1, DP2, DP4, DP5, DP6, DP17, DP21, DP26, DP27, DP39, and DP41 and Neighbourhood Plan policies E7, E9, E13, B2, and H8.

As a result, it is considered that the application complies with the development plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.

In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

Paragraph 125 states in part (at criteria c) that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. In this case substantial harm has not been demonstrated and as such substantial weight needs to be given in the planning balance to the value of developing this brownfield site.

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, the proposal would result in the provision of 4 new dwellings which will make a minor but positive contribution to the district's housing supply and requirement. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be limited.

The proposed development of this brownfield site in a built up area will ensure that para 125 c of the NPPF is met. This is positive in the planning balance.

The proposal would have a neutral effect in terms of design/character, highways and parking, neighbouring amenity and ecology.

In weighing up these issues, when taken together, it is not considered that there are adverse impacts of the development which would significantly or demonstrably outweigh the benefits of the proposal.

There are no other material considerations that would alter the above planning balance.

Overall, the planning balance is considered to fall significantly in favour of granting planning permission.

Decision: Permission

Case Officer: Katherine Williams