

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/0882	Case Officer:	Caroline Grist
Application Type:	Full Application		
Proposal:	Proposed single storey extension to existing building for the use to remain as a workshop.		
Site:	Land To The Rear Of 18-26 Railway Approach, East Grinstead, West Sussex, RH19 1BP, , , ,		
Validation Date	11 Dec 2024	Overall Expiry Date:	1 Jan 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	14 Apr 2025
Target Date:	5 Feb 2025	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	14 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/0882

**Land To The Rear Of 18-26 Railway Approach, East Grinstead, West Sussex, RH19 1BP, , ,
Proposed single storey extension to existing building for the use to remain as a workshop.
BETSA Developments Ltd**

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

Southern Water

Surface water discharge proposed to existing watercourse

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Existing Southern Water Assets

Please see the attached extract from Southern Water records showing the approximate position of our existing sewer in the vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Ecological Consultant

We have reviewed the Ecological Constraints & Biodiversity Net Gain Assessment Version 2 (Deepdene Ecology Ltd., November 2024) and Ecological Constraints & Biodiversity Net Gain Assessment Version 1 (Deepdene Ecology Ltd., September 2024), relating to the likely impacts of development on designated sites, protected and Priority species & habitats, identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.

In addition, we have reviewed the submitted Statutory Biodiversity Metric (November 2024), relating to mandatory biodiversity net gains.

We note from the Ecological Constraints & Biodiversity Net Gain Assessment Version 2 (Deepdene Ecology Ltd., November 2024) that the existing outbuilding has negligible bat roost potential and that there are no trees onsite. Therefore we agree that no further surveys for bats are required.

As there may be mobile species onsite (including Hedgehog, which is a Priority species), we support the Precautionary Method Statement in Section 5 of the Ecological Constraints & Biodiversity Net Gain Assessment Version 2 (Deepdene Ecology Ltd., November 2024). This should be secured by a condition of any consent.

We are satisfied that there is sufficient ecological information available for determination of this application. However, please note we have no comments on Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation and enhancement measures identified in the Ecological Constraints & Biodiversity Net Gain Assessment Version 2 (Deepdene Ecology Ltd., November 2024) should be secured by a condition

of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

With regard to mandatory biodiversity net gains, it is highlighted that there will be a loss of -100% BNG (which does not comply with Mid Sussex District Council DP38 which requires no net loss) and the trading rules have not been met. We understand that a 10% Biodiversity Net Gain can be achieved by planting trees onsite or through offsite habitat creation. However, we are satisfied that the pre-development baseline is appropriate and in line with the Ecological Constraints & Biodiversity Net Gain Assessment Version 2 (Deepdene Ecology Ltd., November 2024). Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. Therefore, we are satisfied that submitted information provides sufficient information at application stage.

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. However, we note that the post-intervention values have been provided and that no significant on-site enhancements are proposed in the proposals. As a result, we are satisfied that HMMP is not likely to be required by legal obligation or a condition of any consent for a period of up to 30 years.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Layout and secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

TOWN COUNCIL OBSERVATIONS

Committee recommended approval subject to no adverse biodiversity impacts arising. Committee wished to note the difficult access to the site, but also felt this would improve an existing inadequate building which was within an area identified for development within the Neighbourhood Plan.

INTRODUCTION

Planning permission is sought for a single storey extension to existing building, for the use to remain as a workshop.

RELEVANT PLANNING HISTORY

GR/169/75 - Change of use to repair of motor cycles. Refused.
12/01434/FUL - New dwelling to replace existing workshop. Refused.
DM/16/4155 - New detached two bedroom dwelling to replace existing workshop. Refused.
DM/21/4241 - Construction of one 2 bedroom dwelling. Refused.
DM/22/0923 - Construction of one 2 bedroom. Refused.

SITE AND SURROUNDINGS

The application site is situated to the rear of 18-26 Railway Approach, that predominantly contains a former workshop building. Access to the site is via a passageway to the side of 16 and 18 Railway Approach, which are both in commercial use, 18 as a fish and chip shop at ground floor and 16 as a restaurant. Both have flats above, as well as to the rear of No. 16 (16D-E). The access route is used to store refuse and also contains a fire escape for No. 18. There are gates onto Railway Approach.

Properties along Railway Approach are generally three storey, with commercial uses on the ground floor and residential above. Some have large flat roof extensions. These properties also have rear gardens, however they do not all appear to be used by residents. To the south of the site is Dallaway Gardens, comprising pairs of semi detached dwellings with deep gardens to the rear.

The application site is situated within the built up area of East Grinstead and is also within the East Grinstead Town Centre.

APPLICATION DETAILS

Planning permission is sought for extensions to the existing workshop building, which is currently an 'L' shape. The extension would provide more workshop space as well as a W.C.

It is firstly proposed to enlarge the length of the existing horizontal section from some 5.4 metres to 7.7 metres. A second horizontal addition is also proposed that would be some 7.6 metres long. The space between these projections is to be used as a courtyard, with steps to the access. A gabled roof design is proposed that would measure approximately 2.6 metres to the eaves and 3.6 metres to the ridge.

The application form states that the building is currently finished in brick and corrugated metal. It is proposed to finish the extension in corrugated metal.

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 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:

DP1 - Sustainable Economic Development

DP2 - Town Centre Development

DP26 - Character and Design

DP38 - Biodiversity

Mid Sussex Site Allocations Document (DPD)

The Site Allocations DPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

East Grinstead Neighbourhood Plan

The East Grinstead Neighbourhood Plan was made in November 2016.

Relevant policies:

EG3 - Promoting Good Design

SS1 - Railway Approach

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

DPN2 - Biodiversity Net Gain

DPB1 - Character and Design

DPE1 - Sustainable Economic Development

DPE4 - Town and Village Centre Development

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

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 impact on neighbouring amenity
- Biodiversity Net Gain

The Principle of Development

Planning permission is sought to undertake a single storey extension to a building, whose use is to remain as a workshop. The building is sited to the rear of Railway Approach and is within the East Grinstead Town Centre.

Policy DP1 of the Mid Sussex District Plan relates to sustainable economic development. In part it states that:

'The total number of additional jobs required within the district over the plan period is estimated to be an average of 543 jobs per year. This will be achieved by:

- o Encouraging high quality development of land and premises to meet the needs of 21st century businesses;*
- o Supporting existing businesses, and allowing them room to expand;*
- o Encouraging inward investment, especially the location, promotion and expansion of clusters or networks of knowledge, creative or high technology industries; and*
- o Seeking the provision of appropriate infrastructure to support business growth - in particular high speed broadband connections'.*

In terms of the town centre, policy DP2 of the Mid Sussex District Plan sets out:

'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'.*

Policy SS1 of the East Grinstead Neighbourhood Plan relates to development along Railway Approach:

'Planning permission will be granted for the redevelopment of the site for a mixed use scheme providing the following criteria are met:

- 1) The ground floor should comprise predominantly A Class type uses along the Railway Approach frontage to encourage an active street scene;*
- 2) The upper floors and any development to the rear should comprise residential uses in the form of flats and apartments*
- 3) The development should, where possible, retain the existing building line and include proposals to enhance the pedestrian environment through new surfacing and landscaping.*
- 4) Development should not exceed three storeys unless a compelling case can be made via a visual and amenity impact assessment, which has regard to local character and context.*

Alternative mixes of uses, including leisure and community buildings will be considered where evidence is provided that they meet a particular need and would not cause harmful amenity impacts to nearby and proposed residential development'.

It was noted during the Case Officer's site visit that the building to which the application relates is in poor repair. Additionally the application form it states that there are currently no employees at the premises, however it is considered that there is insufficient evidence to conclude that the property has been abandoned. It is therefore concluded that the proposal would assist in enabling a business at this location and the application form notes that there is to be 3 full time and 1 part time employee as a result of the proposed development.

Policy SS1 of the Neighbourhood Plan, as identified by the Town Council, supports the redevelopment of Railway Approach and policy DP1 of the District Plan seeks to support existing business, allowing them room to expand, as well as the creation of more jobs. It is therefore concluded that the proposal would accord with the requirements of these policies.

Design and impact to neighbouring amenity

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 DP27);*
- 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'.*

East Grinstead Neighbourhood Plan policy EG3 states:

'Planning permission will normally be granted where development proposals meet the following criteria:

- o The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- o The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- o The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- o The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- o The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- o New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- o The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- o Proposals make provision for green infrastructure and biodiversity enhancement'.*

The application relates to a site situated to the rear of Railway Approach. The existing building is of a simple form and design and has a practical appearance. In terms of the proposed extensions, they would notably enlarge the existing building and fill the majority of the site. It is considered, however, that the overall approach would reflect the character of the building. With regards to the detailing, such as the fenestration, it has been advised that there is no prescriptive design for a workshop and the larger windows would allow for greater natural light. It is proposed to use materials to match the existing building in order to in keeping with the existing and proposed use.

Policy EG3 of the East Grinstead Neighbourhood Plan states that proposals should "not harm" adjoining neighbours amenity whereas policy DP26 of the Mid Sussex District Plan states that development 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. 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. As such, policy DP26 is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

With regards to the impact on neighbouring properties, it is noted that there are a number of uses surrounding the application site. The proposal would enlarge the existing limb along the boundary with properties on Dalaway Gardens. Given the scale of the enlargement and the depth of the rear gardens of the neighbouring properties, it is considered that there would not be a significant loss of light or outlook to these properties. No windows are proposed that would overlook the neighbours to the south.

It is noted that the larger extension would be to the north, which would be closest to the rear of commercial properties on Railway Approach, which are situated at the ground floor level. Given the single storey nature of the extension and that residential properties are generally at a higher level, it is considered that this addition would not significantly harm their light, outlook or privacy.

Windows are also proposed on the western elevation, which would directly face onto the rear amenity space associated with 28 Railway Approach. It is understood, however, that this building is wholly in use

as commercial premises. An application has been submitted to redevelop this site, with commercial at the ground floor level and residential above (DM/24/0830). A decision has not yet been made on this application. The workshop building is located at the end of this amenity space, which would restrict views north towards where any new dwellings would be located as well as the immediate garden space associated with this site.

Consideration also needs to be given to the impact in terms of noise and disturbance. As noted above, it is considered that the premises could not be considered as abandoned and, as such, the existing workshop could be brought back into use. Furthermore the site is also situated within the East Grinstead Town Centre, which includes commercial uses. Due to the position of the building, it is considered that other uses could have an harmful impact to the amenity of neighbouring properties and, as such, a condition could be attached to any consent to restrict the use of the building. Given this situation and that the premises is to remain in the existing use, it is considered that the harm that could occur from the proposed enlargement would not be significant enough to warrant the refusal of this application.

Biodiversity Net Gain and Ecology

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 deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

'The condition is that the development may not be begun unless—

- a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and*
- b) the planning authority has approved the plan (see paragraph 15).'*

The Ecological Consultant has reviewed and commented on the application. With regards to BNG it has been noted that there would be a loss of -100% BNG and the trading rules have not been met. It has been advised, however, that a 10% BNG could be achieved by planting trees onsite or through offsite habitat creation. Additionally the pre-development baseline is appropriate and in line with the Ecological Constraints & Biodiversity Net Gain Assessment Version 2 (Deepdene Ecology Ltd., November 2024).

In terms of other biodiversity matters, no issue has been raised in terms of the submitted information and conditions are recommended to ensure that the recommended mitigation and enhancement measures are secured as well as a biodiversity enhancement layout. It is therefore concluded that, with the recommended conditions, the development would be acceptable in terms of BNG and other biodiversity matters.

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.

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.

It is considered that, in favour of the proposed development, the proposal would enlarge an existing business premises, in a town centre location supported by the Neighbourhood Plan. Ecological benefits would also arise from the proposal. It is considered that, on balance, that the design and impact to

neighbouring properties would be acceptable. On this basis, the proposal would accord with policies DP1, DP2, DP26 and DP38 of the Mid Sussex District Plan and policies EG3 and SS1 of the East Grinstead Neighbourhood Plan as well as the Mid Sussex Design Guide.

Decision: Permission

Case Officer: Caroline Grist