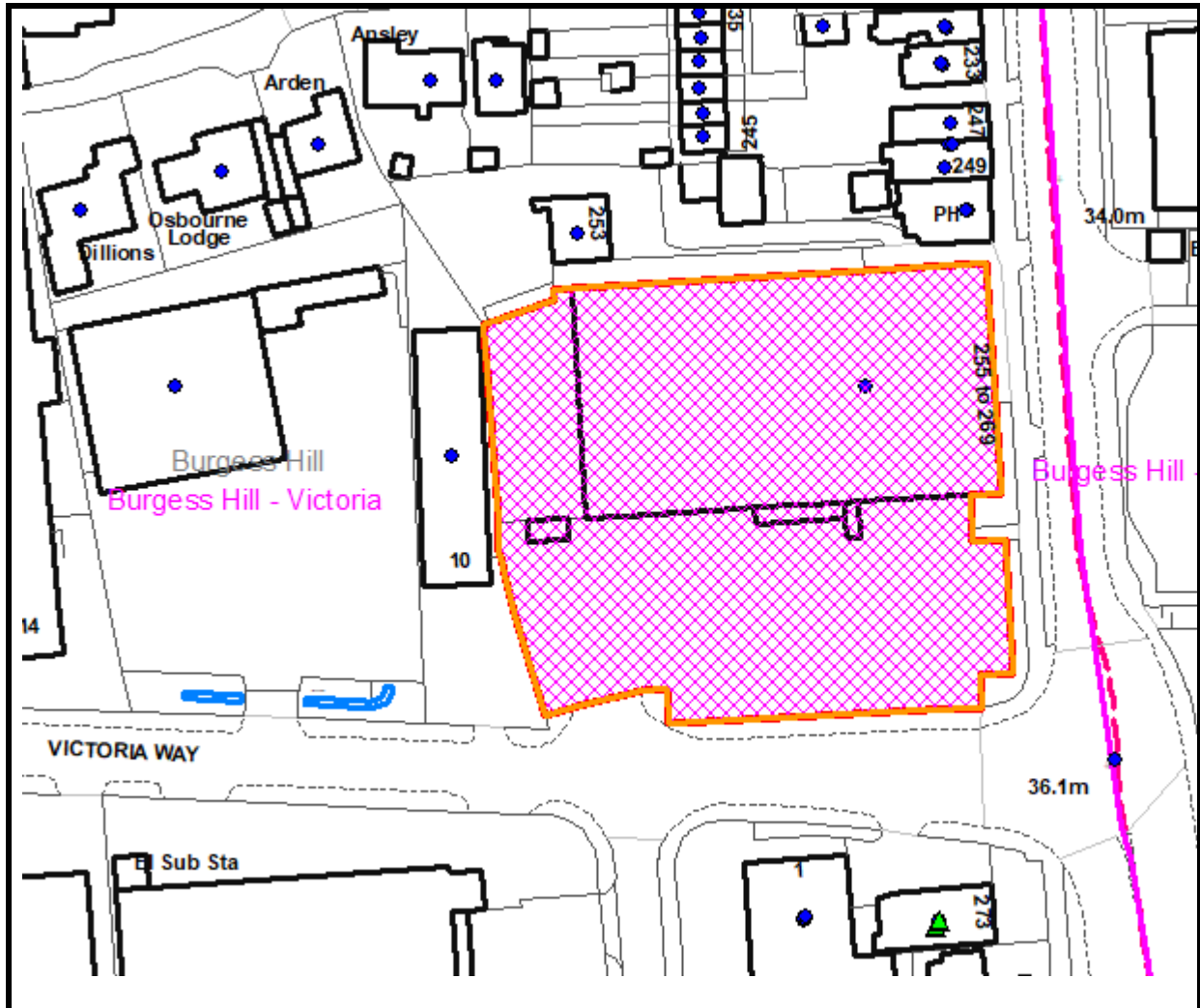


# Planning Committee

Recommended for Permission

11th January 2024

DM/23/2656



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<b>Site:</b>	Wickes 255 - 269 London Road Burgess Hill West Sussex RH15 9QU
<b>Proposal:</b>	Proposed external cladding to front and side elevations. Proposed car park alterations and bollards. Proposed covered trolley park. Proposed alterations to include window to first floor showroom and relocated entrance and exit.
<b>Applicant:</b>	Mr Mark Craft
<b>Category:</b>	Minor Other
<b>Target Date:</b>	12th January 2024

<b>Parish:</b>	Burgess Hill
<b>Ward Members:</b>	Cllr Peter Chapman /
<b>Case Officer:</b>	Hamish Evans

**Link to Planning Documents:**

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2H1WGKT0GL00>

**1.0 Purpose of Report**

1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

**2.0 Executive Summary**

2.1 Planning permission is sought for external cladding, alterations to existing car park and bollards, proposed covered trolley park, replacement first-floor showroom and replacement entrance and exit at Wickes 255-269 London Road Burgess Hill RH15 9QU.

2.2 The application is being reported to Planning Committee as the Council is the landowner.

2.3 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.

2.4 The site lies within the defined built-up area of the Burgess Hill where the principle of development is acceptable under policy DP6 of the Mid Sussex District Plan. The proposed works would maintain the existing retail provision and the proposed appearance of the site is considered to be an improvement over the existing site's dilapidated appearance.

2.5 The proposed works would reflect the character and scale of the existing site and surrounding townscape. The proposal is not considered to cause significant harm to the amenities of existing nearby residents including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. The resulting parking arrangement is also considered to be acceptable.

2.6 For the above reasons, the proposal is deemed to comply with policies DP1, DP6, DP21 and DP26 of the Mid Sussex District Plan, the Burgess Hill Neighbourhood Plan, policy SA34 of the Site Allocations DPD, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

### **3.0 Recommendation**

3.1 It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

### **4.0 Summary of Representations**

4.1 No third-party letters of representation have been received in respect of this application.

### **5.0 Summary of Consultees**

5.1 WSCC Highways- No objection.

### **6.0 Town/Parish Council Observations**

6.1 Burgess Hill Town Council – Recommend approval.

### **7.0 Introduction**

7.1 The application seeks planning permission for external cladding, alterations to existing car park and bollards, proposed covered trolley park, replacement first-floor showroom and replacement entrance and exit at Wickes 255-269 London Road Burgess Hill RH15 9QU.

### **8.0 Relevant Planning History**

8.1 DM/23/2842. 1 no. built up Wickes sign part illuminated, 2 no. non-illuminated product trays, 1 no. Wickes chevron flex part illuminated, 1 no. welcome sign, 1 no. totem sign. PENDING CONSIDERATION.

### **9.0 Site and Surroundings**

9.1 The site is designated as being within the Burgess Hill built up area it is also considered to be within the Victoria Road industrial estate. The application site consists of an existing two-storey commercial building which is characterised by bare brown brick, metal panelling and corrugated metal walls, grey felt roofing and grey, blue and white uPVC and aluminium window and door frames. There is also a variety of signage on the elevations of the existing building. The existing building is considered to be of a dilapidated appearance and there are several extractor units attached to the exterior of the building.

9.2 The existing car park is located to the south of the existing building and provides some 69 off-street parking spaces and 2 off-street disabled parking spaces. There is an existing covered trolley park and uncovered trolley park within the existing car park and several bollards within the car park. The existing boundary treatment consists of bare brickwork walls that vary in height from 1.0 metre to 2.0 metres.

9.3 London Road is located to the east of the site, Victoria Way is located to the south of the site, commercial buildings are located to the west and north of the site and residential properties are located to the north of the site. Victoria Road industrial estate is located to the west and south of the site, which includes several

commercial buildings similar to the application site. The locality consists of a variety of commercial, industrial and residential buildings.

## **10.0 Application Details**

- 10.1 The proposed works consist of:
- 10.2 Installation of cladding to the front southern elevation and side eastern facing elevation. The cladding is to be insulated steel-faced panels which are some 0.4 metres in depth and would be affixed to existing aluminium window frames. The proposed colour would be RAL:5008 a grey blue.
- 10.3 The proposed covered trolley park would measure some 4.0 metres in width, 5.0 metres in depth and a total height of 2.6 metres. It would be characterised by steel frames and polycarbonate sheets for the roofing and side walls. It would be located within the existing car park to the south of the main building.
- 10.4 The proposed replacement first-floor showroom would predominantly consist of internal works however it would also include the installation of a first-floor side east facing window which would be characterised by RAL:5008 grey blue aluminium frames.
- 10.5 The proposed replacement entrance would consist of new entrance and exit doors to the southern facing front elevation they would be located more to the east of the elevation than the existing entrance and exit. It would also include cladding similar to the other proposed cladding which would be situated above the proposed entrance and exit. The proposed entrance and exit doors would be framed by aluminium power coated frames and coloured RAL:5008 a grey blue. The proposed entrance and exit would also include extending the existing paving area and includes 23 new steel bollards within the existing car park.

## **11.0 Legal Framework and List of Policies**

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 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.”*
- 11.3 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.”*
- 11.4 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.

- 11.5 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.
- 11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Burgess Hill Neighbourhood Plan and the Site Allocation DPD.
- 11.7 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**

- 11.8 The District Plan was adopted at Full Council on the 28th March 2018. Relevant policies include;

DP1	Sustainable Economic Development
DP6	Settlement Hierarchy
DP21	Transport
DP26	Character and Design

#### **Site Allocation DPD**

- 11.9 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. No policies are considered relevant to this application.

SA34	Existing Employment Sites
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#### **The Burgess Hill Neighbourhood Plan**

- 11.10 The Burgess Hill Neighbourhood Plan was adopted in January 2016.  
No relevant policies.

#### **Mid Sussex District Plan 2021-2039 Submission Draft (Regulation 19)**

- 11.11 The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current adopted District Plan 2014-2031 and its policies will have full weight.
- 11.12 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.

11.13 As the submission draft District Plan 2021-2039 (Regulation 19) will be published for public consultation on 12th January 2024 for six weeks, and therefore at this stage the Local Planning Authority does not know which Policies will be the subject of unresolved objections, only minimal weight can be given to the Plan at this stage.

11.14 As such, this planning application has been assessed against the policies of the adopted District Plan. Relevant policies include;

DPB1 Character and Design

### **Mid Sussex Design Guide Supplementary Planning Document (SPD)**

11.15 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.

### **West Sussex County Council Guidance on Parking at New Developments (September 2020)**

### **National Planning Policy Framework (NPPF) (December 2023)**

11.16 The NPPF is a material consideration with specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

### **National Planning Policy Guidance**

*National Design Guide*

*Ministerial Statement and Design Guide*

11.17 On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

11.18 The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

## 12.0 Assessment

### Principal of Development

- 12.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 12.2 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Burgess Hill Neighbourhood Plan and the Site Allocation DPD.
- 12.3 The site lies within the defined built up area of the town and Policy DP6 of the Mid Sussex District Plan states in part:
- “Development will be permitted within towns and villages with defined built-up area boundaries”*
- 12.4 Policy DP1 of the Mid Sussex District Plan states in part:
- “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:*
- Encouraging high quality development of land and premises to meet the needs of 21st century businesses;*
  - Supporting existing businesses, and allowing them room to expand;*
- ...
- Effective use of employment land and premises will be made by:*
- Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;*
  - Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan;”*
- 12.5 A similar ethos is contained with policy SA34 of the Site Allocations DPD.
- 12.6 The proposal seeks to redesign the existing building and the submitted planning statement sets out that the proposal will improve the customers shopping experience and bring the appearance of the site in-line with the Wickes corporate image. The existing retail use of the site will be retained. The appearance of the site is considered to be somewhat dilapidated and the proposal is considered to improve the appearance of the site. Taking into account the above and subject to the proposal’s compliance with other policies within the Plan, the proposal is considered to comply with the above-mentioned part of policies DP1 and DP6 of the Mid Sussex District Plan and policy SA34 of the Site Allocation DPD.

## Character and Design

12.7 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.”*

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

12.9 The proposal does not seek to enlarge the existing building but seeks to alter the external materials used in the site. It is considered that the proposals would improve and enhance the appearance of the site and are considered to be appropriate to the local context and townscape. There are also similar external materials within sites within the locality. The proposed works do not significantly alter the highways access which is considered acceptable and the parking arrangements are



considered in a subsequent part of this report. As such the above the proposal is considered to comply with the above part of policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

### **Impact on Amenity**

- 12.10 Policy DP26 of the Mid Sussex District Plan seeks to ensure that development:

*“does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);”*

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

- 12.11 The proposal does not seek to enlarge the existing building and the existing use of the site will remain. It should also be noted that the residential properties within the surrounding area are set away from the application site. The proposed first-floor side facing window would provide views to the east of the site. There are no residential properties immediately to the east of the site and as such the proposed window would not have direct views into nearby residents private amenity spaces.

- 12.12 As such the proposal is not considered to cause significant harm to the amenities of existing nearby residents including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution and is considered to comply with the above-mentioned part of policy DP26 of the Mid Sussex District Plan.

### **Transport**

- 12.13 Policy DP21 of the Mid Sussex District Plan in part states:

*“The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;”*

And:

*“The scheme protects the safety of road users and pedestrians;”*

- 12.14 The proposal involves the reorganisation of the existing car park to facilitate the other improvements subject of this application. This results in a reduction in the number of spaces from the current 71 to 63 spaces. The number of spaces for persons with accessibility issues would, however, increase from 2 to 3. West Sussex County Council Guidance on Parking at New Developments (September 2020) advises that for a site of this size and use there should be some 131 off-street parking spaces provided. This application cannot, however, address this issue. The number of off-street parking spaces that would be lost as part of the proposal is, however, modest.

- 12.15 The Local Highways Authority have been consulted on the application and note the overall net loss of car parking spaces however it does not consider that the proposal would give rise to a highway safety concern or parking capacity issue in this location. The Local Highways Authority raise no objection to the proposal.

12.16 Whilst the loss of parking is regretted, your officers are not aware of any significant problems with parking at the store and none have been brought to the attention of the Council as a result of this application. The site is located within the Burgess Hill built area boundary and as such the site is considered to be sustainably located. It should also be noted that there are several bus stops within short distance of the application site. The proposal is considered to comply with policy DP21 of the Mid Sussex District Plan.

### **13.0 Planning Balance and Conclusion**

13.1 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.

13.2 The site lies within the defined built-up area of the Burgess Hill where the principle of development is acceptable under policy DP6 of the Mid Sussex District Plan. The proposed works would maintain the existing retail provision and the proposed appearance of the site is considered to be an improvement over the existing site's dilapidated appearance.

13.3 The proposed works would reflect the character and scale of the existing site and surrounding townscape. The proposal is not considered to cause significant harm to the amenities of existing nearby residents including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. The resulting parking arrangement is also considered to be acceptable.

13.4 For the above reasons, the proposal is deemed to comply with policies DP1, DP6, DP21 and DP26 of the Mid Sussex District Plan, the Burgess Hill Neighbourhood Plan, policy SA34 of the Site Allocations DPD, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

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## APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading “Plans Referred to in Consideration of this Application”.  
  
Reason: For the avoidance of doubt and in the interest of proper planning.
3. No external materials shall be used other than those specified on the approved plans and application form without the prior approval of the Local Planning Authority.  
  
Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 – 2031.

### INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 – 1800 hrs, Saturdays 0900 – 1300 hrs, No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### **Plans Referred to in Consideration of this Application**

The following plans and documents were considered when making the above decision:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Block Plan	SBD/23/2343/P6		18.10.2023
Proposed Site Plan	SBD/23/2343/P1		13.10.2023
Proposed Elevations	SBD/23/2343/P2		13.10.2023
Proposed Floor Plans	SBD/23/2343/P3		13.10.2023
Proposed Floor and Elevations Plan	SBD/23/2343/P4		13.10.2023
Location Plan	SBD/23/2343/P5		13.10.2023
Existing Site Plan	SBD/23/2343/S1		13.10.2023
Existing Floor Plans	SBD/23/2343/S3		13.10.2023
Existing Elevations	SBD/23/2343/S5		13.10.2023

## **APPENDIX B – CONSULTATIONS**

### **Burgess Hill Town Council**

Recommend Approval

### **Local Highways Authority West Sussex County Council**

This application seeks external cladding to front and side elevations, alterations to car park and relocated entrance and exit. The site is accessed from Victoria Way, an unclassified road subject to a speed restriction of 30 mph.

The proposed car park alterations will result in an overall net loss of three car parking spaces. This loss of parking is not considered significant and is not anticipated to give rise to a highway safety concern or parking capacity issue in this location. No concerns are raised regarding the revised parking layout.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.