

MID SUSSEX DISTRICT COUNCIL

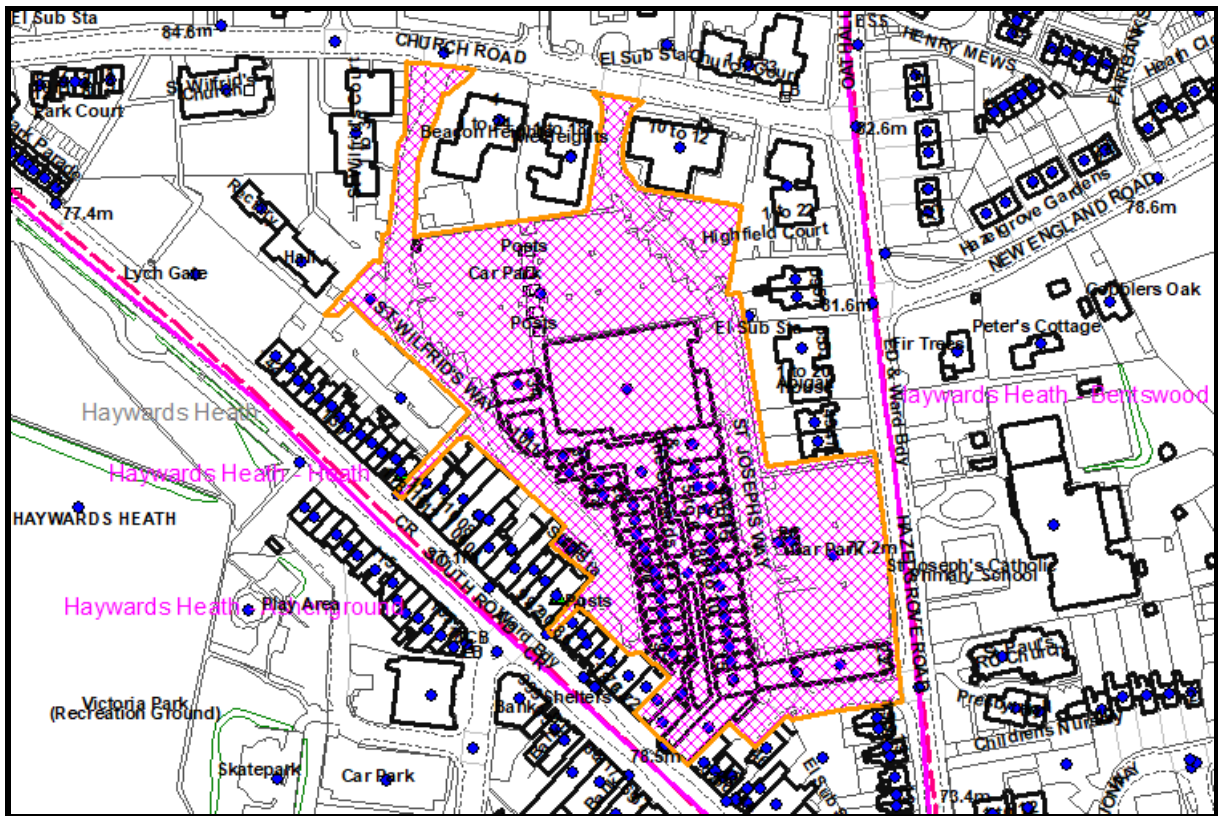
Planning Committee

12 MAY 2022

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/22/1098



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**MID SUSSEX DISTRICT COUNCIL HAZELGROVE ROAD CAR PARK ST JOSEPHS WAY HAYWARDS HEATH WEST SUSSEX**

**TO DEMOLISH THE EXISTING TOILET BLOCK AND BUILD A NEW TOILET BLOCK CONSISTING OF A CHANGING PLACES TOILET, A MALE TOILET AND FEMALE TOILET.**

**MR PAUL WILLIAMS**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / Tree Preservation Order / Tree Preservation Order Points / Trees subject to a planning condition / Highways Agreement (WSCC) /Miscellaneous Archived Charges (WSCC)

ODPM CODE: Minor Other

8 WEEK DATE: 2nd June 2022

WARD MEMBERS: Cllr Sandy Ellis / Cllr Clive Laband /

CASE OFFICER: Deborah Lynn

**PURPOSE OF REPORT**

To consider the recommendation of the Divisional Leader, Planning and Economy on the application for planning permission as detailed above.

**EXECUTIVE SUMMARY**

This application seeks planning permission to demolish the existing toilet block in Hazelgrove Road Car Park, Haywards Heath and erect a new block consisting of a changing places toilet, a male toilet and female toilet.

The application is before Committee as the site is located on land owned by Mid Sussex District Council.

The proposed replacement toilet block will improve upon existing facilities and is considered acceptable both in terms of its design and impact upon the character of the area.

The application therefore accords with policies DP25, DP26 and DP28 of the Mid Sussex District Plan and policies E9 and L5 of the Haywards Heath Neighbourhood Plan.

**RECOMMENDATION**

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

## **SUMMARY OF REPRESENTATIONS**

One letter received in support of application:

- It can only be good for the shopping centre
- May I strongly suggest that you consider a car wash which would make the centre even more attractive, previous car wash did good business with a real demand for this service.

## **HAYWARDS HEATH TOWN COUNCIL OBSERVATIONS**

No comments yet received.

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## **INTRODUCTION**

This application seeks planning permission to demolish the existing toilet block and erect a new block consisting of a changing places toilet, a male toilet and female toilet.

The application has been referred to Committee as the site is located on land owned by Mid Sussex District Council.

## **RELEVANT PLANNING HISTORY**

CU/026/82 - Construction of male, female and disabled persons public convenience. Permission granted 23.03.1982.

## **SITE AND SURROUNDINGS**

The application site is a toilet block located to the east of The Orchards shopping centre on St. Josephs Way. The toilet block lies on the western side of Hazelgrove Road car park which is owned by MSDC; the existing building is constructed from brick with a tile hipped roof.

The entrance and exit to the car park lie to the south of the toilet building, with parking bays located to the north, east and further south. The Orchards shopping centre lies to the west, with residential flats above.

A two storey building occupied by Tesco Express and Switch Gym adjoins the car park to the south. The northern boundary of the car park is lined with an established hedge, with the semi-detached building at no. 47 Hazelgrove Road adjoining the car park.

In terms of planning policy, the site lies within the built up area of Haywards Heath and Haywards Heath town centre.

## **APPLICATION DETAILS**

Plans show that the existing toilet building, which measures 9.58 metres long by 4.3 metres wide and 4.45 metres high will be replaced with a modern flat roofed building, manufactured off site, that measures 10.2 metres long by 3.4 metres wide and approximately 2.8 metres high. The walls will be clad with white coloured fibre cement boarding with a GRP roofing system with 3 no. skylights.

The new toilet block will consist of a ladies toilet with 3 no. cubicles, a men's toilet with 1 no. cubicle and 2 no. urinals, and a changing places toilet, for people with learning or physical disabilities, who may require additional equipment and space in order to use the toilets safely and comfortably.

The building will be mounted on six concrete block foundation pads, with an insitu concrete ramp at a gradient of 1:15 built between the unit and existing pavement.

## **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 Mid Sussex District Plan 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:

DP25 community facilities and local services  
DP26 character and design  
DP28 accessibility

### **Haywards Heath Neighbourhood Plan**

The Neighbourhood Plan for Haywards Heath was 'made' on the 15th December 2016. It forms part of the development plan and carries full weight.

Relevant policies:

E9 design  
L5 community and sporting facilities

### *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) (July 2021)

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. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is *'significantly boosting the supply of homes.'*

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 38 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 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

### National Planning Practice Guidance

#### *National Design Guide*

### **ASSESSMENT**

The main issues deemed relevant to the consideration of this application are:

- Principle of development
- Design and impact on character of the area.

#### **Principle of development**

Policy DP25 of the District Plan relates to community facilities and local services and states in part that 'the provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.'

Policy DP28 relates to accessibility and states in part that 'all development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.'

At neighbourhood plan level, policy L5 states that 'the provision of new community service buildings including medical and educational services in the Plan area will be supported where demand exists, provided the proposal can demonstrate the site is suitable in terms of access, servicing, car/cycle parking and design and will not lead to a loss of amenity for local residents.'

The replacement toilet block will include a changing places toilet, which is significantly larger than the existing disabled toilet on site. This will allow people with learning or physical disabilities to use the toilets safely and comfortably.

As such, it is considered that the development will represent an improvement upon existing facilities, providing greater accessibility for all users.

The principle of development is therefore supported by the above policies.

### **Design and impact on character of area**

Policy DP26 of the District Plan relates to character and design and states in part that:

*'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 DP29);*
- *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;'*

At neighbourhood plan level, policy E9 relates to design and states in part that:

*'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:*

- *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.'*

The proposed building has a similar sized footprint to the existing building and is of a reduced height. The design, form and scale of the building is considered appropriate to its setting and should not detract from the appearance and character of the area. Plans show that the building will be clad with white coloured fibre cement weatherboarding; this colour has been chosen as it is easier to clean and therefore considered to be more hygienic, and also allows the building to stand out for the partially sighted. Whilst it is considered that a brown colour would blend in better against the backdrop of The Orchards shopping centre, it is not considered that the colour would be out of keeping or harmful to the visual amenity of the area.

The proposal is considered to accord with policy DP26 of the District Plan and policy E9 of the Neighbourhood Plan.

### **Other matters**

At 10.2 metres long, the proposed building will be slightly longer than the existing building, indicating that the building will encroach onto an adjoining parking bay to the north. The loss of 1 parking space to accommodate the replacement building is not considered to represent a highways issue in terms of a reduction in parking provision within the car park.

Whilst comments received in respect of a car wash facility are noted, these are not deemed pertinent to the consideration of this planning application, which concerns a replacement toilet block.

### **PLANNING BALANCE AND CONCLUSION**

The proposed replacement toilet block will improve upon existing facilities and is considered acceptable both in terms of its design and impact upon the character of the area.

The application therefore accords with policies DP25, DP26 and DP28 of the Mid Sussex District Plan and policies E9 and L5 of the Haywards Heath Neighbourhood Plan.

Accordingly, the application is recommended for approval subject to the conditions listed in Appendix A.



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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.

### **Approved Plans**

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 Applications".

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 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 and policy E9 of the Haywards Heath Neighbourhood Plan.

## 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>
Location Plan			04.04.2022
Location and Block Plan	PL002	-	04.04.2022
Existing Floor and Elevations Plan	PL 003	-	04.04.2022
Proposed Site Plan	PL004	-	04.04.2022
Proposed Floor and Elevations Plan	PL005	-	04.04.2022

### **APPENDIX B – CONSULTATIONS**

#### **Haywards Heath Town Council**

*No comments received as yet*