

MID SUSSEX DISTRICT COUNCIL

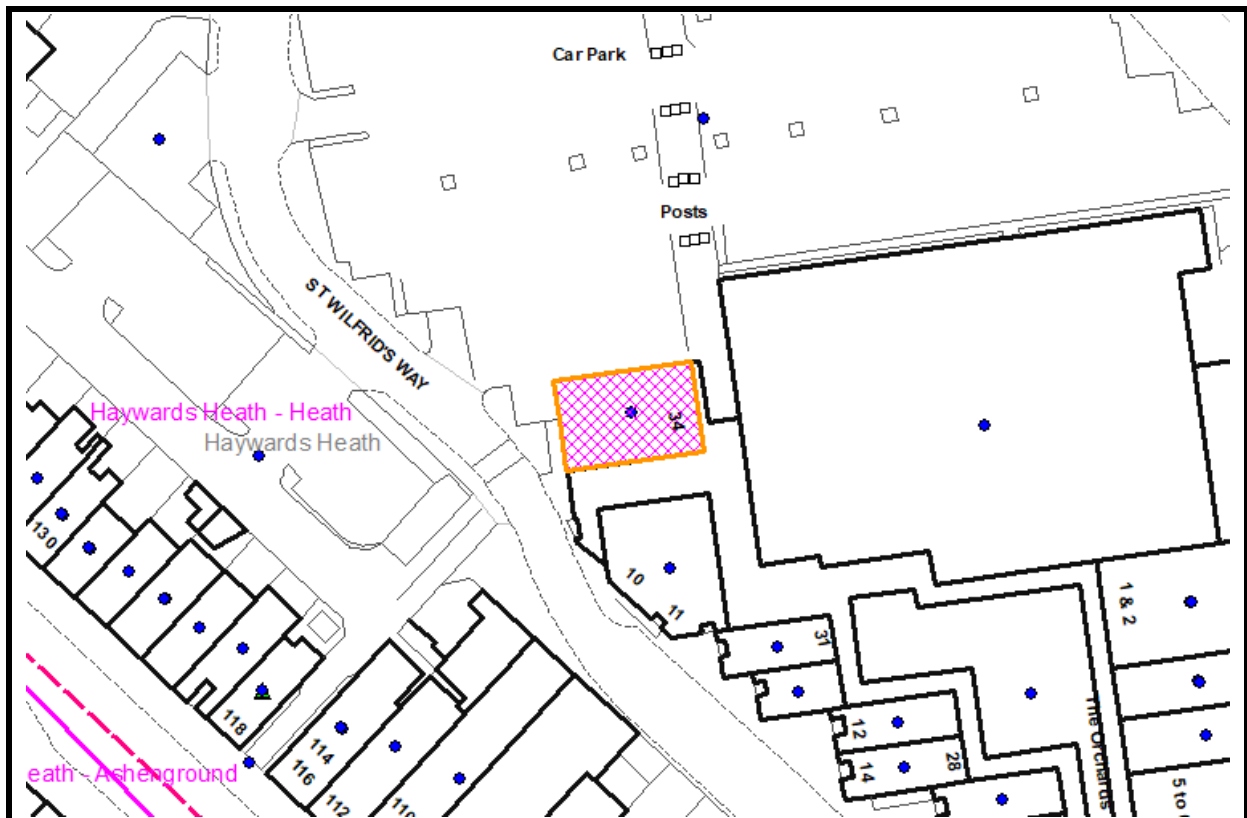
Planning Committee

12 MAY 2022

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/22/0803



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**COLLINGWOOD BATCHELOR UNIT 34 AND 35 THE ORCHARDS  
HAYWARDS HEATH WEST SUSSEX RH16 3TH  
AMENDMENTS TO FENESTRATION  
COLLINGWOOD BATCHELOR**

POLICY: Built Up Areas / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / Trees subject to a planning condition / Trees subject to a planning condition /

ODPM CODE: Minor Other

8 WEEK DATE: 13th May 2022

WARD MEMBERS: Cllr Sandy Ellis / Cllr Clive Laband /

CASE OFFICER: Andrew Horrell

**PURPOSE OF THE REPORT**

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

**EXECUTIVE SUMMARY**

Planning Permission is sought for amendments to the fenestration of shopfronts at Unit 34 and 35 the Orchards. The application has been referred to Committee because the building is on land owned by the District Council.

The proposed amendments to the shopfronts are considered to be of a design, size and scale appropriate to the site and character of the area.

The proposed development is therefore deemed to comply with policies DP26 of the Mid Sussex District Plan and E9 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**

None received

## **SUMMARY OF CONSULTATIONS**

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

*No Comment*

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## **INTRODUCTION**

The application seeks planning permission for amendments to the fenestration of shopfronts at Unit 34 and 35 the Orchards.

## **RELEVANT PLANNING HISTORY**

HH/198/97 - Refurbishment of public areas of shopping centre, including new canopies and entrance treatment. Extension of one shop unit. (approved)

00/02079/FUL - Demolition of Unit 34/35, creation of larger shop unit incorporating units 32/33; new mezzanine level, external glazed covered way (withdrawn)

## **SITE AND SURROUNDINGS**

The application relates to an existing retail unit, located on a corner plot, at the entrance to The Orchards shopping centre.

The ground floor units are occupied by Collingwood Batchelor, with an existing fascia on three sides (northern, southern and eastern elevations). Externally the walls have a red brick finish, with regularly spaced windows that have grey aluminium frames.

The site is located within Hayward Heath Town Centre, on the primary shopping frontage. Adjacent facing units are located to the south and east of the site (Units 32 and 33 - Also Collingwood Batchelor and Marks and Spencer). To the west is the public highway whilst the car park serving The Orchards is to the north.

## **APPLICATION DETAILS**

The two new shop windows on the southern rear elevation facing units 32 and 33 measures 4.9m and 4.192m in width and 2.982m in height. The width is to match the existing windows, with the height increased from 2.1m.

The new shop window on the eastern side elevation facing Marks and Spencer measures 3.722m in width and 2.8m in height. The width is to match the existing windows, with the height increased from 1.944m. A new front door, to match the existing is also proposed.

## **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 (DP) and Haywards Heath Neighbourhood Plan (HHNP).

National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (PPG)) does not form part of the development plan, but is an important material consideration.

### **Mid Sussex District Plan**

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP26 (Character and Design)

## **Haywards Heath Neighbourhood Plan**

The Haywards Heath Neighbourhood Plan has been formally 'made' as of 15th December 2016.

Relevant policies:

E9 (Design)

*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 Policy**

National Planning Policy Framework (July 2021)

### **ASSESSMENT**

The main issues are considered to be the design and scale of the scheme and resulting impact on the character and appearance of the area.

#### **Scale, design and character impact**

DP26 of the 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;*
- *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.'*

Policy E9 of the Haywards Heath Neighbourhood Plan has a similar ethos and 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'.*

Section 6.3.1 of the Mid Sussex Design Guide SPD states: *'a contemporary design typically incorporates a higher proportion of glazing with large windows and greater variety of fenestration which can make it appear light and airy'.*

It is noted that the opposite western elevation of Marks and Spencer's is characterised by full height windows.

The use of enlarged windows are considered to be appropriate in terms of the resulting appearance and is consistent with the evolving, modernising contemporary character of the shopping centre. It is considered that the proposal will be of a high standard of design that would comply with the above policy requirements.

## **CONCLUSION**

The proposed development complies with policies DP26 of the Mid Sussex District Plan and E9 of the Haywards Heath Neighbourhood Plan.

The application is therefore 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 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 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.

### 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>
Existing and Proposed Floor Plan	EP01	-	10.03.2022
Existing and Proposed Elevations	EP02	-	10.03.2022
Block Plan	BP	-	10.03.2022
Location Plan	SLP	-	10.03.2022

### **APPENDIX B – CONSULTATIONS**

#### **Parish Consultation**

No Comment.

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

*No Comment*