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13 February 2019

Dear Councillor,

A meeting of **DISTRICT PLANNING COMMITTEE** will be held in the **Council Chamber** at these offices on **THURSDAY, 21ST FEBRUARY, 2019 at 2.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

**A G E N D A**

**Pages**

1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc.
  2. To receive apologies for absence.
  3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
  4. To confirm Minutes of the meeting of the Committee held on 18 December 2018. **3 - 6**
  5. To consider any items that the Chairman agrees to take as urgent business.
- Recommended for Approval.**
6. DM/18/3525 - Land At Lower Hollow Copse, Copthorne Road, Copthorne - opposite RH10 3PE **7 - 94**

**Recommended for Refusal.**

None.

**Other Matters**

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None.

7. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.

#### Human Rights Act

The reports and recommendations set out in this agenda have been prepared having regard to the requirements of the Human Rights Act 1998.

#### Risk Assessment

In formulating the recommendations on the agenda, due consideration has been given to relevant planning policies, government guidance, relative merits of the individual proposal, views of consultees and the representations received in support, and against, the proposal.

The assessment of the proposal follows the requirements of the 1990 Town and Country Planning Act and is based solely on planning policy and all other material planning considerations.

Members should carefully consider and give reasons if making decisions contrary to the recommendations, including in respect of planning conditions.

Where specifically relevant, for example, on some applications relating to trees, and on major proposals which are likely to have a significant impact on the wider community, potential risks associated with the proposed decision will be referred to in the individual report.

**NOTE:** All representations, both for and against, the proposals contained in the agenda have been summarised. Any further representations received after the preparation of the agenda will be reported verbally to Members at the meeting. Any other verbal or additional information will be presented at the meeting.

The appropriate files, which are open to Member and Public Inspection, include copies of all representations received.

Members are also reminded the representations, plans and application file will also be available for inspection at these offices from 6.00 p.m. on the day of the meeting.

To: **Members of District Planning Committee:** Councillors R Salisbury, J Wilkinson, C Hersey, C Holden, E Matthews, N Mockford, P Moore, D Sweatman, A Watts Williams and P Wyan

**Minutes of a meeting of District Planning Committee  
held on Tuesday, 18th December, 2018  
from 2.00 pm - 2.37 pm**

**Present:** R Salisbury (Chairman)  
J Wilkinson (Vice-Chair)

C Hersey  
E Matthews

P Moore  
D Sweatman

M Hersey

**Absent:** Councillors C Holden, N Mockford, A Watts Williams and  
P Wyan

**Also Present:** Councillors

**1. TO NOTE SUBSTITUTES IN ACCORDANCE WITH COUNCIL PROCEDURE  
RULE 4 - SUBSTITUTES AT MEETINGS OF COMMITTEES ETC.**

Councillor Margaret Hersey substituted for Councillor Watts Williams.

**2. TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies had been received from Councillors Holden, Mockford, Watts Williams and Wyan.

**3. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF  
ANY MATTER ON THE AGENDA.**

None.

**4. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS  
URGENT BUSINESS.**

None.

**5. DM/18/3617 - LAND TO THE NORTH OF THE A2300 CUCKFIELD ROAD, ANSTY,  
WEST SUSSEX**

The Chairman confirmed that the Committee had received and read the agenda update sheet.

Stuart Malcolm, Senior Planning Officer introduced the application seeking full planning permission for the installation of ground-mounted solar voltaic modules on land north of the A2300, Cuckfield Road, Ansty. He drew Members attention to the Agenda Update Sheet which included a request from the developer to extend the time limit in condition one to seven years and additional conditions regarding archaeological works and revised plans. The Officer advised that there was no significant justification to amend condition one, and noted that the developer could

apply again if works had not commenced within 3 years from the date on which the permission was granted. In response to a request from the developer concerning Condition 11, the Officer has agreed that the initial six months non-operational period be extended 12 months.

The Senior Planning Officer confirmed that the site was not within the boundary of the Northern Arc allocation or the land required to widen the A2300. He noted that the applicant would have to apply to divert two footpaths, and a formal diversion order should be made if this application was approved. He also noted that a similar solar farm was situated to the north east of site.

Andrew Marsh, local resident, spoke in objection of the application. He was concerned with the noise emitted from the proposed solar farm, proposed landscaping to screen the site, location of the access road and the effect the relocation of the footpaths could have on the local wildlife.

Councillor John Wilkinson, Ward Member, spoke in support of the application. He queried what control the Committee had over the landscaping conditions and he noted that the site would be accessed from the existing access.

The Members discussed the potential of noise from the ancillary plant on the site, landscaping conditions to screen the site and the impact to wildlife and residents.

The Senior Planning Officer confirmed that condition seven required the applicant to provide details of background noise levels and any mitigation measures prior to the development commencing. In response to a question he noted that the solar panels have a thick silicon layer and noise from rainfall would be similar to that on a house roof and he was not aware of any noise problems on other solar developments. Steve Ashdown, Team Leader - Major Development and Investigations commented that there would only be data from other solar farms if the Environmental Health Department had received complaints. He would check with the department and noise levels at the site would be mitigated by the condition.

Members commented on the trees and hedgerows around the site. The Chairman noted that the external planting was not in ownership of the applicant and was poorly maintained. The Senior Planning Officer confirmed that condition six was a standard landscaping condition, but it could be revised to refer to specific areas of the site to ensure a defensible boundary to the adjacent residential properties and to reduce wider visibility of the site.

The Senior Planning Officer confirmed that condition ten ensured anti-reflective properties were incorporated into the panel design to prevent glare to road users on surrounding roads and West Sussex County Council had no concerns with the application. He noted that the application was compliant with DP18 (Setting of the South Downs National Park).

The Chairman noted that no more Members wished to speak so moved to the recommendations. These were approved unanimously.

## **RESOLVED**

That planning permission be granted subject to the conditions listed in Appendix A, the agenda update sheet and revision of condition 6.

**6. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

None.

The meeting finished at 2.37 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

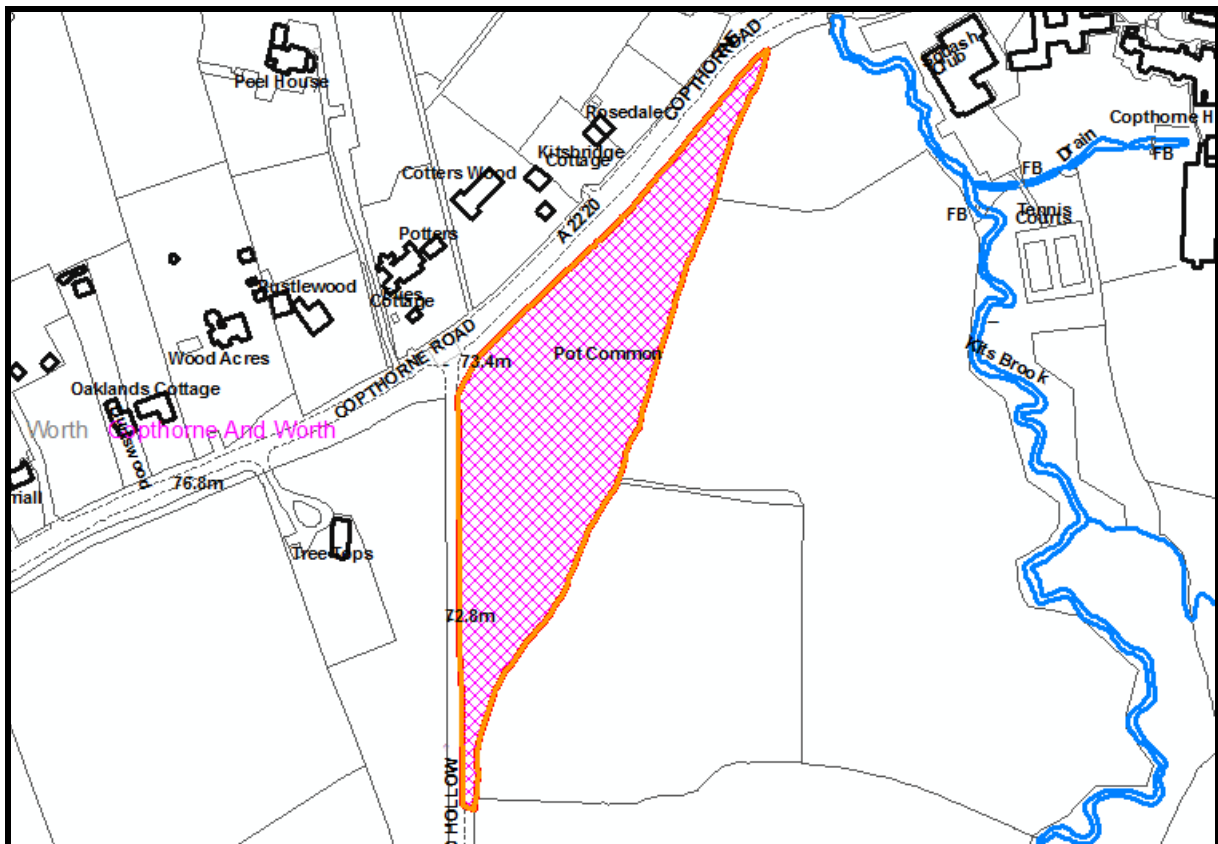
District Wide Committee

**21 FEB 2019**

RECOMMENDED FOR PERMISSION

Worth

DM/18/3525



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**LAND AT LOWER HOLLOW COPSE COPTHORNE ROAD COPTHORNE PROPOSED CHANGE OF USE OF LAND TO RESIDENTIAL TO FORM TWO SITES. SITE A - PROPOSED LAYING OUT OF 10 PERMANENT PITCHES FOR THE GYPSY AND TRAVELLER COMMUNITY. ERECTION OF A SITE MANAGER'S OFFICE AND AMENITY BLOCKS AND LAYING OUT OF INTERNAL ROADS, PARKING, AND ASSOCIATED DRAINAGE WORKS AND LANDSCAPING. SITE B - PROPOSED LAYING OUT OF 3 PERMANENT PITCHES FOR THE GYPSY AND TRAVELLER COMMUNITY; ASSOCIATED ACCESS ROADS, DRAINAGE WORKS AND LANDSCAPING. SINGLE VEHICULAR ACCESS TO COPTHORNE ROAD TO SERVE BOTH SITES. PROVISION OF FOOTPATH WITHIN THE**

**HIGHWAY VERGE ALONG COPTHORNE ROAD. UPDATED ECOLOGY REPORT RECEIVED 26 OCTOBER. ADDITIONAL PLANS RECEIVED 5 NOVEMBER SHOWING SWEEP PATH ANALYSIS PLANS WITHIN THE SITE. AMENDED PLANS RECEIVED 17TH DECEMBER SHOWING ADDITIONAL ACOUSTIC FENCING AROUND THE SITE, UPDATED ARBORICULTURAL IMPACT ASSESSMENT AND METHOD STATEMENT AND AN ENLARGED VISIBILITY SPLAY THAT COULD BE PROVIDED IF REQUIRED. ADDITIONAL INFORMATION RECEIVED 25 JANUARY 2019 REGARDING NOISE LEVELS AT THE SITE.  
MR PETER STUART; MRS LAYLA HEAL**

POLICY: Ancient Woodland / Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) / Tree Preservation Order /

ODPM CODE: Smallscale Major Gypsy

8 WEEK DATE: 27th November 2018

WARD MEMBERS: Cllr Edward Matthews / Cllr Anthony Dorey /

CASE OFFICER: Steven King

#### **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 for a change of use of a site adjacent to the junction of Old Hollow and Copthorne Road to a private gypsy and traveller caravan site to form two Sites. Site A - proposed laying out of 10 permanent pitches for the gypsy and traveller community. Erection of a site manager's office and amenity blocks and laying out of internal roads, parking, and associated drainage works and landscaping. Site B - proposed laying out of 3 permanent pitches for the gypsy and traveller community; associated access roads, drainage works and landscaping. Single vehicular access to Copthorne Road to serve both sites. Provision of footpath within the highway verge along Copthorne Road.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the District Plan (DP). The "in accordance" determination is one in accordance with the development plan when read as a whole.



The site lies within the countryside as defined in the DP and it is not allocated for any use within the DP. Policy DP12 in the DP seeks to protect the intrinsic character of the countryside. The policy states that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District and it is supported by a specific policy reference elsewhere in the plan.

Policy DP33 in the DP is the policy that deals with gypsies, travellers and travelling showpeople. The policy sets out that the Council will make provision for the allocation of pitches at the strategic development sites of the Northern Arc in Burgess Hill, Pease Pottage and Clayton Mills in Hassocks or the provision of an equivalent financial contribution towards off site provision if it can be demonstrated that a suitable, available and achievable site or sites can be provided and made operational within an appropriate timeframe. The policy also contains a criteria-based assessment against which individual planning applications for gypsy and traveller sites can be assessed. Your officer's view is that the proposal complies with policy DP33 on the basis that:

i) there is a clear need for the accommodation to be provided. An assessment of the housing need for travellers in Mid Sussex has been undertaken, in line with the requirements set out in the Government document entitled 'Planning Policy for Traveller Sites' (PPFTS) and published to inform the preparation of the Mid Sussex District Plan. The Mid Sussex Gypsy and Traveller Accommodation Assessment (2016) (GTAA) sets out this assessment. This identifies that there is a need to accommodate 23 households for settled Gypsies and Travellers for the period up to 2031.

ii) The site is appropriately located because it is reasonably accessible to schools, shops, health and other local services and community facilities. The site is 400m from the edge of the built-up area of Copthorne. At present, without any footway, it took your officer 3½ minutes to walk from the proposed site entrance to the roundabout at the end of the Copthorne Road. It is then some 1.3km to the centre of Copthorne village. The village benefits from retail facilities, primary school, village hall, health centre and recreational facilities. Copthorne is a category 2 settlement as defined in the DP, i.e., Larger villages acting as Local Service Centres providing key services in the rural area of Mid Sussex. The provision of a footway will make the site more accessible for pedestrians than at present. The Highway Authority are satisfied that this footway can be delivered.

iii) It is considered that the site is suitable to provide good quality living accommodation. Each plot has been designed so that it has two car parking spaces and a space for a larger vehicle (shown as being 10m in length). Each plot within site A has also been designed to have an amenity building and an amenity area around the plot, separated from the neighbouring plots by a 1m green mesh fence. The plots on site B do not have an amenity building but do have a larger amenity area around each plot. The plots will be clearly demarcated. Overall it is considered that the layout within the site is satisfactory. It is considered that the local environment in respect of noise and air quality would not have a detrimental impact on the health and well-being of the Travellers.

iv) The site is considered to be compatible with the neighbouring land uses of residential (to the north and west) and open fields (to the south and east). The plans show that at the closest point, the nearest pitch of plot 13 would be some 45m from Kitsbridge Cottage to the northwest. To the west the pitch on plot 1 would be some 65m from the property called Tree Tops. The surrounding uses will not have an adverse impact on the prospective occupiers of the site. Likewise, it is not considered that the proposed use of the site would have a significant adverse effect on the existing residential properties around the site. It is clear from National Guidance that it should be acceptable to have traveller sites in close proximity to the settled community.

There will be a change to the character of the site from one that is undeveloped to one that contains plots for 13 gypsies and travellers. The existing screening around the site will assist to minimise the impact of the proposal on the landscape character of the area, which is the requirement in policy DP33. In addition, a condition can be imposed to secure additional landscaping around the boundaries of the site. It is not considered that the proposal will result in coalescence between the settlements of Copthorne and Crawley and therefore there would be no conflict with policy DP13 of the DP.

v) Copthorne is a large village, with a population of about 5000. Given the population of Copthorne and the number of pitches proposed in the planning application, it is not considered that the scale of the development would dominate the settled community of Copthorne.

vi) The site is not within the 7km zone of influence around the Ashdown Forest. For completeness, the site is not within the High Weald area of outstanding natural beauty.

It is considered that the proposal will provide a satisfactory access onto the public highway. The Local Highway Authority (LHA) are satisfied with the proposed visibility splays and do not consider that the proposal would have a severe impact on the local highway network. The LHA are the statutory body responsible for the highway network within Mid Sussex and it is considered that their views should be accorded significant weight.

The Councils Drainage Engineer and the Lead Local Flood Authority (LLFA) have no objections to the application. As a matter of principle, it is considered that the site can be satisfactorily drained. The details of the final scheme for both surface and foul water can be properly controlled by a planning condition.

It is considered that the development can take place without causing harm to protected species. The Councils Ecological Consultant has no objection to the application. Subject to safeguarding conditions during construction it is also considered that the proposal would not have an adverse impact on the protected trees around the boundaries of the site. The modest number of trees that would need to be removed to accommodate the vehicular access to the site and not high-quality specimens and their loss would not damage the overall visual amenity of the tree belt around the site.

It is considered that it has been demonstrated that the site can be satisfactorily decontaminated. Concerns have been raised by objectors to the scheme regarding the costs that would be associated with this work. The applicants have stated that they are aware of the costs of this work and have confirmed that they would not be prohibitive in terms of being able to implement the planning permission and deliver the gypsy and traveller pitches as proposed. A planning condition can be imposed to secure the appropriate decontamination works so that the site is made suitable for its intended future use.

The Regulation 14 submission of the Copthorne Neighbourhood Plan is at an early stage of its preparation. As such it can be afforded little weight as a material planning consideration. An approval of this application would not be prejudicial to the plan making process for the Copthorne Neighbourhood Plan. As such in line with the guidance in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) it is not considered that this application should be resisted on grounds of prematurity relating to the Copthorne Neighbourhood Plan.

To conclude there is a requirement to provide gypsy and traveller accommodation within Mid Sussex. National Planning Policy in the Planning Policy for Traveller Sites (PPFTS) is clear in stating that Local planning Authorities (LPAs) should undertake an assessment of the need for traveller sites and then plan to meet that requirement. The DP contains a policy (DP33) that addresses this requirement and provides a set of criteria against which planning applications for individual gypsy and traveller sites can be assessed.

It is considered that there would be a benefit from the provision of 13 pitches for gypsy and travellers which would go towards meeting the identified need in the District. This weighs in favour of the application. For the reasons that have been set out above it is considered that the overall layout of the site, impact on trees and ecology, impact on the character of the area and impact on the highway are satisfactory. Planning conditions can be used to secure the satisfactory drainage of the site and its decontamination.

The application has been amended during its determination with additional acoustic fencing being proposed around the site and the applicants have provided additional acoustic information. The results of the applicant's information do indicate that daytime noise intrusion would be marginally above World Health Organisation (WHO) guidelines on site A with windows closed and daytime noise intrusion would also be marginally above these guidelines on site B. At night time with windows closed both site A and B would meet the WHO guidelines.

Whilst it would have been preferable for all of the plots to meet the WHO guidelines at all times with windows both open and closed, the test in policy DP33 of the DP is that the local environment in relation to noise would not have an adverse impact on the health and well-being of the Travellers. The Council's Environmental Health Officer concurs with the conclusions of the applicants Noise Assessment that the development is not expected to have an adverse impact on health and quality of life in respect of noise. Taken together with Government advice in the Planning Practice Guidance that noise should not be looked at in isolation, it is considered that the proposal would comply with policy DP33 in respect of noise.

Taking all the issues into account, it is considered that the application complies with the development plan when read as a whole, and there are no other material considerations that outweigh the statutory presumption that the application should be decided in accordance with the development plan. It is therefore recommended that planning permission is granted subject to the safeguarding conditions set out in the appendix.

### **Recommendation**

It is recommended that planning permission is granted subject to the conditions listed in the appendix.

## **SUMMARY OF REPRESENTATIONS**

1 petition of objection with around 2500 signatures

357 letters of objection:

- the artificial subdivision of the site is a legacy of the commercial arrangement with the landowner which is now inappropriate as the sites are now effectively one site with a shared access and a shared off-site footpath and mutual requirements for chemical waste disposal
- the application should be withdrawn and resubmitted as one application by the Council
- a resubmitted application should be based on the following principles
  - i. Sonic fencing erected within root protection zones of all perimeter trees
  - ii. Bulk excavation of all equisetum within sonic fence
  - iii. Spray treatment of equisetum outside of sonic fence
  - iv. Enhanced landscaping around site perimeter with boundary areas outside of sonic fencing acting as wildlife corridors
  - v. Visibility splays to be correctly designed with any loss of trees required to facilitate them or the construction of an offsite path marked up, so the adverse impact of any loss can be properly assessed
  - vi. All sewerage options fully assessed following the EA hierarchy
  - vii. Layout to include an appropriate mix and density of pitches with appropriate amenity space
  - viii. Internal roads outside of root protection areas and designed to allow access for delivery of homes and refuse vehicle to each pitch
  - ix. Each pitch to have a usable and defensible rear garden
- Section 16 of the application form states the proposal will provide a total of 13 residential units and categorises them all as "social housing" but the Planning Statement fails to set out the basis upon which the pitches in Site B will be made available as "social housing"
- If the pitches on Site B are for occupancy by the Landowner, for private sale or private rent then the application form should state they are "private housing" or alternatively if they are "social housing" clarification is required on how they will be made available to qualifying occupants, for example by a Registered Social Landlord

- The Vehicle Classification and Speed Survey provided as Appendix B to the Transport Report was carried out between Wednesday 6<sup>th</sup> July and Wednesday 13<sup>th</sup> July 2016 and is potentially out of date due to a material change in circumstances as a result of the APH Airport Parking site for 3500 cars at Wakehams Green Farm, Copthorne Road becoming fully operational in recent months.
- The feasibility of delivering and positioning mobile homes must be proven by Swept Path Analysis as it goes to the core of the proposed operational use.
- The application is not accompanied by an Environmental Statement (which when required is a local list validation requirement) and neither has a screening opinion been requested to establish whether a full Environmental Impact Assessment is required. It is believed a screening opinion is required as the proposal falls within Section 10(b)(i) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as it includes "more than 1 hectare of urban development which is not dwelling house development".
- The application is not accompanied by a Planning Obligation Instruction Form (which when required is a local list validation requirement). As a major development of 13 residential units the proposed development will create significant demands on local infrastructure including highways, schools, amenity sites and leisure facilities yet no Section 106 agreement is in place to provide financial contributions to mitigate the impacts.
- The Ecological Appraisal has not been prepared to support the current application - it is a resubmission of the document provided in respect of the withdrawn application and erroneously refers to a development of 16 pitches instead of 13 and two accesses instead of one
- The Ecological Appraisal is dated July 2017 but based on a survey carried out on 5th July 2016 and crucially at Section 3.3 - Limitations states "The details of this report will remain valid for a period of two years (i.e. until July 2018). Beyond this period, it is recommended that a review of the ecological status of the site is undertaken"
- DCLG Guidance is clear that where a proposal is likely to affect a protected species planning permission can only be granted if an appropriate survey is carried out by a qualified ecologist at the time of year specified in the standing advice. The re-submission of an out of date report referring to a withdrawn scheme, based on just one survey outside of the badger surveying season and not covering the full extent of the extended application site is not acceptable.
- The Statement of Community Involvement (which is a local list validation requirement) is inadequate as it does not include any reference to consultation with the travelling community
- The revised proposals which form the basis of the current application have not been the subject of any further consultation or engagement work which the settled community has therefore not been consulted on prior to the application.
- The artificial separation of the site has imposed constraints on the ability to make best use of the available land or prepare an acceptable layout. The sizes of the pitches in Site B are still disproportionate to those in Site A with Pitch 11 in particular having an excessive width frontage and side garden areas as a result of where the notional boundary falls.
- MSDC have stated a preference for maximum site sizes of 10 - 12 pitches with the preference of the travelling community being maximum site sizes of 5 pitches

which are both thresholds the proposal of 13 pitches should be regarded as exceeding.

- The application should be withdrawn and resubmitted as one application with improvements to the layout which would then be achievable and conditions on any subsequent approval could be managed more efficiently in the event of an approval.
- If the application is resubmitted as one scheme and landowner requires three private pitches for personal reasons there is no reason why an option to acquire them could not be agreed with the Council as the lead developer but it would be to the benefit of all if a single applicant was responsible for delivering the project and ensuring compliance with all conditions imposed on the consent.
- The DCLG 2008 Guide states: 3. 7 "Where possible, sites should be developed near to housing for the settled community as part of mainstream residential developments." This approach is reflected by the now adopted MSDC District Plan making full provision for all GTA need within strategic sites at Burgess Hill and Hassocks. The relevant policies do however make provision for alternative sites to be provided although as the District Plan was only adopted in March 2018 the Council must now be regarded as having a five year supply of GTA pitches and the tilted balance is not engaged in the consideration of alternative sites.
- This strategic provision at the Northern Arc would meet current the overall District need of 23 pitches in one location with all supporting infrastructure provided as part of the overall new community.
- WYG as Lead Consultant are clearly not aware of the rationale for bringing forward a site remote from Burgess Hill as an alternative to the strategic plan approved by the Plan Inspector as despite specifically asking the Council the Planning Statement remains silent on this crucial issue.
- An enquiry has been made to Planning Policy to understand the breakdown of the requirement in the District Plan for 23 pitches as it cannot appear to be reconciled with the most recent evidence base in the ORS Report. The response was to refer to the Mid Sussex Gypsy and Traveller Accommodation Assessment (2016) which is the ORS Report so it is still not clear whether the overall need is from the waiting list, overcrowded pitches and unauthorised sites (immediate need) or forecast household growth (future need in later years if the plan). - The Housing Officer has stated in her consultation response that most of the households on the waiting list are families with children but eight pitches in Site A are designed as three person pitches and only two pitches are 6 person pitches. Site A is clearly not suitable for the intended households and needs redesigning from scratch with an appropriate mix of pitch sizes.
- Planning Policy have confirmed the known demand is not split into private and rented pitches so whilst there is a waiting list for Council pitches there is no policy basis or alternative evidence provided to demonstrate a demand for the private pitches in Site B.
- The site cannot be regarded as available for a minimum of 27 months with no guarantee as to when it will be available due to the need to eradicate an invasive weed infestation of equisetum covering large tranches of the site.
- The eradication of equisetum by bulk excavation in the centre of the site with spraying around the perimeter would take minimum of three months from the date of permission to carry out the necessary excavation element which would then require a two year monitoring period to enable a warranty against regrowth to be provided (the spray program would be ongoing)

- No part of the site can therefore be regarded as being available as an alternative to the strategic sites for a minimum of 27 months.
- The CVA are advised that if any regrowth occurs in either area during the two year monitoring period then the two year period would commence again after further eradication is complete and there is no absolute guarantee as to when the site can be regarded as being available.
- The Draft Copthorne Neighbourhood Plan ("The DCNP") which has passed the Regulation 14 stage has not made any provision for GTA pitches as there was no local identified need. Notwithstanding the current un-adopted status of the DCNP the proposed development falls within an area identified as a "Green Ring" in the DCNP.
- Site A should not be regarded as a rural exception site as it does not seek to meet the needs of current residents of, or those with a family or employment connection to the immediate area as set out in DCLG Policy 15.
- The Council served an enforcement notice requiring the removal of the recently imported materials but subsequently determined pursuing the improvement of the condition of the land through enforcement action was not in the public interest.
- No weight should be given to improving the condition of the land in this case as the Council could have achieved this objective through enforcement action and have deemed it is not in the public interest.
- The development cannot be regarded as acceptable without infrastructure contributions to mitigate the impacts on local infrastructure although arguably the social housing discount should be applied to the units on Site A
- If the construction of the required visibility splays will result in the loss of trees which are regarded as being of significance to the character of the local area it would be an unacceptable adverse impact which could not be mitigated by replacement planting.
- This issue is regarded as being too important for the application to be approved with a pre-commencement condition requiring details of the visibility splays to be approved prior to commencement.
- It is considered the construction of the path to WSCC standards will result in damage leading to the loss of these trees which are regarded as being of significance to the character of the local area and would be an unacceptable adverse impact which could not be mitigated by replacement planting.
- The Tree Officer and WSCC should both be consulted on this specific issue.
- This issue is regarded as being too important for the application to be approved with a pre-commencement condition requiring details of the footpath construction to be approved prior to commencement.
- The proposed footpath does not however provide safe access to the nearest bus stops in Copthorne Road and in 2004 your Officer stated in a refusal for an application for two bungalows on the application site
- Notwithstanding the issue that the proposed footpath is unlikely to be feasible without the causing root damage leading to the loss of significant trees the mere fact there is space within the publicly maintained highway to construct it does not mean it will be desirable for use by the elderly, children, the disabled or pedestrians with animals in order to meet their everyday needs.
- The construction of the proposed footpath will have an urbanising effect on the rural character south of Copthorne and provide no wider community benefit to

existing properties to the north of Copthorne Road due to the danger of crossing Copthorne Road where the footpath would terminate at the site entrance.

- The density of Site A in particular is entirely out of context with the density of surrounding detached properties located within large plots with dwellings set well back from their boundaries.
- The scale and density of the proposed development clearly dominates the residential properties forming the nearest part of the settled community to the application site resulting in conflict with DCLG Policy 25.
- The form of development is by nature utilitarian and the inappropriately urban design fails to respond at all with the rural location.
- The application site lies in an Area of Countryside Development Restraint and Policy C1 should be given appropriate weight in light of the Supreme Court judgement on May 10th 2017 in the case of Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant).
- The application site lies in the Strategic Gap at a point where the perception of having left Copthorne and entered the open countryside is critical as the boundary of Crawley is less than 0.6 miles to the west.
- There following issues are all indicators of overdevelopment and/or poor design:
  - i. Necessity within an overall area of 1.6 hectares to require a cellular road construction (which is less suitable for heavy vehicles and more expensive to maintain) within Site B as a result of poor positioning an internal road within a root protection zone
  - ii. Inadequate internal amenity/play space in Site A directly over a packaged sewerage treatment plant with no amenity space at all in Site B
  - iii. Inadequate and in any event unusable private garden areas (due to the shape and layout of each garden) to pitches 8 & 9 where it is inconceivable the 15m buffer zone required to protect the ancient woodland will not be used by these occupants as an extension to their garden areas or for children's play.
  - iv. The most usable section of the garden of pitch 9 is separated from the mobile home position by the amenity building resulting in the occupants having no natural surveillance of children at play in their own garden.
  - v. Impact of shading on Pitches 1, 2, 3, 4, 5, 9 10 & 13 and overbearing impact of trees resulting in pressure to carry out arboricultural work or the unauthorised carrying out of arboricultural work on preserved trees and other boundary trees post development.
  - vi. Open space at the end of the access road to Site A serving no apparent purpose
- No consultation has taken place to establish whether there is likely to be a demand for keeping animals including horses and ponies. It is highly unlikely the only possible adjacent land suitable for this purpose which is owned by the Copthorne Hotel would be made available.
- Any form of fencing will be to the detriment of the rural character of the immediate area, openness and street-scene.
- The plan of Site A shows 1m high separating fences between pitches but does not clearly indicate any proposed fencing to create private gardens or defensible space and the layout appears to be open plan. The indicative position of washing lines would prevent defensible garden space being formed on most pitches in



Site A. The suite is not gated and the inability to contain children and pets is a safety issue due to proximity of the busy Copthorne Road. The amenity/play space is also open to the internal road in Site A.

- The Planning Statement states significant weight should be applied to the provision of construction jobs but there is an unprecedented level of construction activity in the immediate area due to the simultaneous commencement of the St Modwen scheme, the Holly Farm development and ongoing work at Forge Wood so no weight or at the most minimal weight should be applied to this issue.
- Prior to determining the application with any possibility of a packaged sewerage treatment plant being the final drainage solution the following points should be considered:
  - i. The ditch which provides the initial discharge point for the proposed packaged treatment plant is dry and believed at least in part to run towards Old Hollow. A topographical survey of the ditch from the point of initial discharge should be provided to confirm there is a natural fall to the east.
  - ii. Treated effluent (which is 95% clean and not potable water) will not be contained within a ditch along full route to Kitsbrook and the middle section of the route relies upon overland fall through a basin in the wooded area at north eastern corner of site where there is no particular channel for the treated effluent to follow.
  - iii. The woodland basin is also an attenuation feature of the surface water scheme and in times of raised water levels treated effluent would be dissipated across the area.
  - iv. It is believed that the Building Regulations Part H, BS 6297 and EA rules require treated effluent to be contained within a ditch for the full length of its route to a watercourse. The route cannot be piped due to tree route constraints.
- The form of the proposed development is not sustainable due to the amount of surface water run-off it would generate as a combination of the density of the layout and the large areas of hard-surfacing on a site with poor natural drainage.
- The development would require disposal of over 5000 tons of historic landfill offsite and use of an estimated 5000 tons of primary aggregate to deliver the proposed surface water attenuation strategy which is not regarded therefore as representing a form of sustainable development.
- The first floor outside entertainment area of Acorns Leisure Club will potentially generate music and noise which will affect the amenity of residents in Site B in particular as mobile homes and caravans have lower levels of sound insulation than traditional homes.
- Highway Authority have incorrectly calculated the required visibility splays because they have used Manual for Street. The type of road and posted speed limit mean that the Design Manual for Roads and bridges should be used to calculate the required visibility splays
- proposal will reduce property values
- there is no need for this proposal in Copthorne
- proposal will result in an increase in crime and insurance premiums
- proposal will have an adverse impact on local businesses
- proposal will be a misuse of tax payers money
- council should spend money on social housing for local people instead
- one of the letters of support is from a fictitious person

- amenity buildings have no architectural merit
- there is already a site close by at Smallfield and we don't need another one
- concerned that the proposal will have an adverse impact on the properties opposite the site as a result of reflected noise from the proposed acoustic fencing
- additional acoustic fencing will screen a large section of plot 11 from natural surveillance and the proposed section of isolated fencing on the frontage of Pitch 11 which creates a barrier to lines of natural surveillance within the overall site and crucially provides a hiding position at the site entrance for intruders and trouble makers
- concerned that the WYG acoustic report is flawed and it is not capable of correctly informing a planning decision
- Doctors surgery is already full and Travellers are a disadvantaged group with significant medical needs, including their mental health and therefore the travellers medical needs cannot be met

2 letters of support:

- we need to make proper provision for the traveller community

### **SUMMARY OF CONSULTEES (full comments in appendices)**

#### **West Sussex County Council Lead Local Flood Authority (LLFA)**

Current surface water mapping shows that the proposed site is at low risk from surface water flooding although the southern section of the site is shown to be at higher risk. The majority of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.

The FRA for this application proposes that sustainable drainage techniques (permeable paving with a restricted discharge to the local watercourse) would be used to control the surface water from this development to Greenfield run-off rates. This method would, in principle, meet the requirements of the NPPF and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority.

#### **Highway Authority**

The proposed development is forecasted to generate a small increase in the number of vehicular movements to the site. These movements will be spread across the day.

A review of the proposed point of access onto Copthorne Road indicates that there have been no recorded accidents within the last 3 years and that there is no

evidence to suggest that the proposals would have an adverse impact on the Local Highway Network.

The LHA does not consider that the proposed change of use would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 109), and that there are no transport grounds to resist the proposal.

### **Sussex Police**

Clear demarcation lines are being proposed to demarcate each plots boundary. Site A has a manager's office that will effectively control access to the site. I would ask that consideration is given to implementing gates to site B that would restrict access to the site for unauthorised persons when the site is unoccupied.

### **Aerodrome Safeguarding Officer**

Would request a condition be imposed requiring the submission of a landscaping scheme.

### **NATS Safeguarding**

No objection.

### **Environmental Health Officer**

I am in agreement with the applicants Noise Assessment which concludes:

"The proposed development is not expected to have an 'adverse impact' on health or quality of life. Similarly, it is considered that all 'adverse impacts on health and quality of life' (relating to noise) are mitigated."

Request conditions regarding hours of work, burning and minimising dust emissions

### **Contaminated Land Officer**

A phased contaminated land condition should be attached to ensure the site is safely developed for its end use. This will require the submission of a remediation strategy prior to construction, and verification report prior to occupation.

### **Ecological Consultant**

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to conditions.

### **Tree Officer**

The access is stated as requiring the removal of 4 trees and their replacement should be conditioned elsewhere on the site, also additional planting could be required along Old Hollow boundary to fill in gaps. Whilst I am still concerned about

future pressure on the trees, this scheme is an improvement on the previous one and appears to be less cramped and the public amenity value of the trees is unlikely to be compromised.

### **Drainage Officer**

Suggest a condition be imposed to control the detail of the means of drainage.

### **Housing Enabling & Development Officer**

The provision proposed would assist in addressing this identified housing need in the district and as such receives our full support.

### **Planning Policy Officer**

The proposed development would make a contribution to the established need for Gypsy and Traveller site provision in the District and complies with the criteria set out in Policy DP33.

## **WORTH PARISH COUNCIL COMMENTS**

This application was discussed at last night's Planning & Highways Committee of Worth Parish Council and it was resolved to strongly object to the proposals.

The Council considers that the proposals do not comply with the following Mid Sussex District Plan Policies:

DP6: Settlement Hierarchy, in that the site is not allocated within the District Plan, is not fewer than 10 residential units, is not contiguous with the BUAB and is not in a sustainable location

DP12: Protection and Enhancement of Countryside, in that the proposals do not enhance the quality of the rural and landscape character of the area, and is not supported by DP33

DP13: Preventing Coalescence, in that the site is within the local gap between Copthorne and Crawley

DP15: New homes in the Countryside. Whilst it is recognised that the proposals are for change of use and not for built dwellings, the site will be used as residential land. As the proposals are contrary to DP12, there is no special justification for development even under DP33

DP20: Securing Infrastructure, in that whilst it is appreciated that the proposals do not trigger a s106 agreement being for change of land use, the intent of residential use is not supported by capacity within the existing infrastructure of the locality, in terms of transport, health, social infrastructure, green infrastructure, public and community services.

DP26: Character and Design, in that the proposals do not meet any of the criteria listed. The site is outside the BUAB and such does not prevent coalescence (DP13) and would cause harm to the amenities of local residents in relation to impact on privacy, outlook and noise pollution.

DP29: Noise, Air and Light Pollution, in that commercial activity is likely to take place on the site, as is customary for such usage (Planning Policy for Traveller Sites 2015 para 13 h) refers)

DP32: Rural Exception Sites, in that the proposals do not meet affordable housing criteria, so the site cannot be considered as such an exception.

DP33: Gypsies, Travellers and Travelling Showpeople, in that the District Plan has assessed local need as being a requirement to accommodate 23 households in the Plan area up to 2031. Pitches have been allocated in the strategic locations at Burgess Hill, Pease Pottage and Hassocks, and no evidence has been supplied that such provision will not be achievable. In particular;

- although a footpath is proposed from the site to the Copthorne Roundabout, this would be beside a main road, requiring people to cross at the roundabout itself which is a major junction of the A264 in order to access local services and schools. There is no formal crossing point at this location, nor is one proposed. The speed limit is 50mph on the Copthorne Rd, so cannot be considered a safe pedestrian route to access local amenities.
- the Environmental Protection Officer has highlighted that were this a housing development there would be a requirement for noise insulation conditions. It is intended that this site is residential, so it is not acceptable to expect the future residents to live with excess noise which could affect their health & well being
- the site would be high density housing in an area of low density, with properties in large plots, set back from the road, so would be out of character with the area
- the residential amenity of existing residents would be affected by the increase of traffic movements, including that of mobile homes/caravans and trailers arriving and departing from the site, plus noise, air and light pollution from commercial activity as per DP29 and the Planning Policy for Traveller Sites 2015

With regard to the District Plan Strategic Objectives, the Parish Council does not consider that these proposals meet:

- Protecting and enhancing the environment - 2 and 3
- Promoting economic vitality – 8
- Ensuring cohesive and safe communities - 12, 13 and 14
- Supporting healthy lifestyles - 15

The Council noted that the site was NOT submitted in either the MSDC Call for Sites or the Worth Parish Call for Sites.

In addition to the above, the Council has concerns over the following:

- the pitches shown on the site plan for indicative purposes only and are of varying sizes. These may not reflect the size of trailers actually using the site. This poses

a question of what would happen when a large trailer arrives when only smaller pitches are available

- no swept path analysis has been provided to indicate the turning circles within the site to show that all pitches are accessible
- the Transport Plan indicates that 13 pitches will generate a total of 55 trips per day. The previous proposals for 16 units would apparently generate 51 trips per day, which does not seem to equate.
- no consideration has been given to the cumulative effect of development in the area, such as the West of Copthorne and Holly Farm sites, for example, the local doctors' surgery is at capacity, as are local schools. The adjacent road network of the A220 and A264 are at full capacity at peak times and at other times during the day.
- there will be no connection to the main drainage system, and residents with local knowledge have queried details of the discharge from the treatment system as being fit for the purpose.
- there will be a large area of hard standing on the site which will result in considerable run off. Commercial activity on the site will also generate run off. The route to a water way is convoluted; in some places the route is unditched over open ground which is unacceptable.
- the site is considered to be low risk from flooding; local knowledge and empirical evidence suggests otherwise.
- the area occupied by the treatment system is also shown as "amenity space" There is no communal amenity space other than this area; no play area for example. It is not acceptable for children to play in such an area.
- no water supplier has been consulted for the site; Thames Water and Southern Water have both confirmed it is not in their areas.
- The Preliminary Ecological Appraisal is dated July 2017, so would appear to be a document submitted for the previous application, especially as it refers to "15 to 19" pitches. The survey itself was carried out in July 2016, and advice is given that it is valid for two years to July 2018. As no other appraisal is documented, it would appear that the information is out of date. Since the date of the preliminary appraisal, considerable ground clearance work has taken place at the Holly Farm and West of Copthorne sites to the north in preparation for development. In addition, the new airport parking site further along the road has recently been completed. The Copthorne Village Association has supplied evidence that householders in the area have noted an increase in wildlife in their gardens, presumably being displaced from the formerly rural areas to the north, and from the airport parking site to the south west. A new survey must be undertaken as a priority before the application can be properly considered.
- the quality of the site is very poor with contaminated land, and considerable work will need to be done to bring it up to an acceptable standard to commence development of any type. Whilst the mitigation work is noted, the Council is concerned that the cost of mitigation work may be in excess of the value of the end result thus making the site unviable.

The site cannot be considered to be in a sustainable location as it does not meet the three criteria of economic, social and environmental considerations. For reasons given above, the development will not strengthen the local economy, it will not contribute to a vibrant social community with access to good local services

(Cophorne local infrastructure is already over-stretched having to incorporate the West of Cophorne and Holly Farm developments) and it will certainly not enhance the natural and built environment.

Finally, the Council is of the opinion that whilst the actual description for this application is for change of use of land, effectively, the proposal is for residential use. None of the evidence provided in support of this application prove that the site is suitable for such use, and that Gypsies and Travelling Showpeople should be entitled to the same considerations that would be applied to built residential development with regard to accessibility to local services, noise attenuation, site contamination, and amenity of existing and future residents.

Given the objections of the Parish Council and of local residents, the Council asks that this application be refused by Mid Sussex District Council as the Local Planning Authority.

### **Additional comments**

- The Committee notes the additional information that has been supplied but, this does not change our opinion.
- The Committee is concerned that the acoustic panels will create more noise for the properties on the opposite side of the road to this proposed site.
- The Committee is also concerned that it is anticipated that this application will go to the District Planning Committee on 21st February, just 3 days after the consultation period ends.

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## **INTRODUCTION**

This application seeks planning permission for a change of use of a site adjacent to the junction of Old Hollow and Cophorne Road to a private gypsy and traveller caravan site to form two Sites. Site A - proposed laying out of 10 permanent pitches for the gypsy and traveller community. Erection of a site manager's office and amenity blocks and laying out of internal roads, parking, and associated drainage works and landscaping. Site B - proposed laying out of 3 permanent pitches for the gypsy and traveller community; associated access roads, drainage works and landscaping. Single vehicular access to Cophorne Road to serve both sites. Provision of footpath within the highway verge along Cophorne Road.

## **RELEVANT PLANNING HISTORY**

An application for the erection of a new single storey dwelling with garage (reference 04/02876/FUL) was refused on 7th January 2005.

In 2014 the site was being used for unauthorised off airport car parking. A Stop Notice and an Enforcement Notice were issued to remedy this breach of planning control, with the Enforcement Notice coming into effect on 3rd October 2014. The Notice required the use of the land for the parking and storage of vehicles to cease, the vehicles to be removed from the land, the hardstanding that had been placed on

the site to be removed, fencing to be removed and the land restored to its former condition by seeding with grass/wild flower seed mix.

A previous planning application for the following development (reference DM/17/3519) was withdrawn on 5th October 2017:

Proposed change of use of land to residential to form two Sites. Site A - proposed laying out of 12 permanent pitches for the gypsy and traveller community. Erection of a site manager's office and amenity blocks and laying out of internal roads, parking, and associated drainage works and landscaping. Repositioning of vehicular access to Hollow Copse and close off the existing. Site B - proposed laying out of 4 permanent pitches for the gypsy and traveller community; associated access roads, drainage works and landscaping. Modifications to the existing vehicular access to Copthorne Road.

## **SITE AND SURROUNDINGS**

The site of the application is a broadly triangular shaped parcel of land that is located to the south of Copthorne Road and to the east of Old Hollow. It has a frontage onto the Copthorne Road of some 212m and extends some 220m along Old Hollow. All three sides of the site are bounded by trees and hedging.

To the north on the opposite side of Copthorne Road there are scattered housing. To the east of the site are open fields. Some 57m to the north east are the semidetached houses Kitsbridge Cottage and Rosedale. To the north west on the opposite side of the road are two detached houses called Cotters Wood and Potters. To the west of the site on the opposite side of Old Hollow is a detached house called Tree Tops.

The Copthorne Road is subject to a 50mph speed limit. There is a grassed verge on the southern side of Copthorne Road up to the main roundabout but no paved footway. The Copthorne Road is not street lit. Street lighting begins at the Copthorne roundabout.

In terms of planning policy the site lies in the countryside as defined in the DP.

## **APPLICATION DETAILS**

This application seeks planning permission for a change of use of the site to a private gypsy and traveller caravan site to form two Sites. Site A - proposed laying out of 10 permanent pitches for the gypsy and traveller community. Erection of a site manager's office and amenity blocks and laying out of internal roads, parking, and associated drainage works and landscaping. Site B - proposed laying out of 3 permanent pitches for the gypsy and traveller community; associated access roads, drainage works and landscaping. Single vehicular access to Copthorne Road to serve both sites. Provision of footpath within the highway verge along Copthorne Road.

The plan shows that vehicular access to the site would be from the Copthorne Road. The crossover would be some 65m to the east of the junction of Old Hollow with the



Copthorne Road. The access road would then run southwards within the site to serve the 10 proposed pitches in the site A. There would be a spur off the access road to serve the 3 pitches proposed on site B. The 10 pitches on site A would be public and the 3 pitches on site B would be private.

Within site A the plans show that each plot would also have an amenity building that would measure 4.7m by 3.4m with a pitched roof 3.9m in height. The amenity building would be brick with a grey tiled roof. Internally they would provide a utility room and shower/W.C. All of the plots would have two car parking spaces and a larger space for a touring style caravan. The plans show the plots separated by a 1m high mesh fence.

The plans show that there would be a 15m buffer between the pitches on plots 8, 9 and 10 and the ancient woodland to the southeast.

There would not be any amenity blocks on site B.

The plans also show a manager's office being accommodated in a building towards the north-western side of the site. This would measure 4.1m by 5.3m with a pitched roof 3.8m in height and would have two car parking spaces positioned in front of it. It would have brick elevations and a grey tiled roof. Internally it would provide a kitchenette, office, store and WC.

It should be noted that whilst the plans show a mixture of 3, 4-6 and 6 person plots, the annotation on the plans makes clear that the depiction of the caravans and mobile homes is for illustration only.

The intention is for the surface water drainage of the site to use a combination of permeable paving and on site storage before discharging at an attenuated rate to mimic the greenfield run off rate into an adjacent watercourse.

The preferred solution for draining foul effluent from the site will be to utilise a connection to the public sewer system. If this option is unviable, the applicants have stated that an alternative solution would be to drain the site to package treatment systems and using storage tanks to remove any chemical waste. Site A will have a single communal Package Treatment Plant (PTP); individual plots on Site B will have individual PTP's on a single outfall to the ditch and Kits Brook to the north.

The plans proposed a new footway to be provided on the southern side of Copthorne Road from the site up to the roundabout to the east on the edge of Copthorne village.

A 2m acoustic fence is proposed along the western boundary with Old Hollow and along part of the northern boundary up to the manager's office. Following concerns raised by your officers, amended plans have been received that show additional acoustic fencing along the frontage of the north eastern side of the site and in front of plot 11.

As well as the additional acoustic fencing referred to above, the applicants have also showed enlarged visibility splays for the proposed access that could be provided if this was deemed to be necessary by the LPA.

## **LIST OF POLICIES**

### **Mid Sussex District Plan**

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

Relevant policies:

DP12 Protection and Enhancement of the Countryside  
DP13 Preventing Coalescence  
DP21 Transport  
DP26 Character and Design  
DP29 Noise, Air and Light Pollution  
DP33 Gypsies, Travellers and Travelling Showpeople  
DP37 Trees, Woodlands and hedgerows  
DP38 Biodiversity  
DP41 Flood Risk and Drainage

### **Neighbourhood Plan**

Worth Parish have prepared a draft Neighbourhood Plan for Copthorne village and the surrounding areas.

The draft Plan was subject to public consultation at Regulation 14 stage. The consultation ran from 6 March to 28 April 2017. The Neighbourhood Plan has not progressed further.

Due to its stage in preparation the draft Neighbourhood Plan is a material planning consideration but it can be afforded little weight in the decision making process at present.

Policy COP08: Prevention of Coalescence (Actual or Perceived)

### **National Policy and Legislation**

*National Planning Policy Framework (NPPF) (July 2018)*

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 to 'boost significantly the supply of housing.'

Paragraph 12 of the NPPF states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

Paragraph 38 of the NPPF states that 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 Policy Guidance (PPG)*

#### *Planning Policy for Traveller Sites (August 2015)*

In association with the NPPF the Government has also published a document entitled Planning Policy for Traveller Sites (PPFTS). This statement must be taken into account in the preparation of development plans and is a material planning consideration in planning decisions. For the purposes of the planning system, 'Gypsies and Travellers' means:

*'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'*

Planning Policy for Traveller Sites requires local authorities to assess the need for Gypsy and Traveller and Travelling Showpeople sites within their area and develop planning policies to ensure that the need is met. Paragraph 10 states

*'Local planning authorities should, in producing their Local Plan:*

- a) identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets 4*
- b) identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15 5*
- c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)*

- d) *relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density*
- e) *protect local amenity and environment.'*

In relation to decision taking the PPFTS states in paragraph 24:

*'Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:*

- a) *the existing level of local provision and need for sites*
- b) *the availability (or lack) of alternative accommodation for the applicants*
- c) *other personal circumstances of the applicant*
- d) *that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- e) *that they should determine applications for sites from any travellers and not just those with local connections'*

Paragraph 25 states:

*'Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.'*

## **Other Material Considerations**

Some of the representations that have been received have referred to the Communities and Local Government publication "Designing Gypsy and Traveller Sites Good Practice Guide". This guidance was withdrawn on 1 September 2015. As such it is considered that this can be afforded very little weight in the determination of this application.

## **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;
- Impact on character and appearance of the area
- Coalescence
- Impact on settled community
- Highways and Transport matters
- Noise
- Drainage
- Ecological matters
- Decontamination of site
- Planning Balance and Conclusion

## Principle of Development

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 "in accordance" determination is one in accordance with the development plan when read as a whole.

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) (2018). The draft Copthorne Neighbourhood Plan (CNP) is not a made plan and therefore does not form part of the development plan.

Policy DP33 in the DP concerns Gypsies, Travellers and Travelling Showpeople. It states

*'The Mid Sussex Gypsy and Traveller and Travelling Showpeople Assessment does not identify any need for permanent pitches and plots for Gypsies and Travellers and Travelling Showpeople who still travel for the period up to 2031.*

*The Assessment identifies the need to accommodate 23 households for settled Gypsies and Travellers for the period up to 2031 and does not identify any need to provide sites for Travelling Showpeople who no longer travel.*

*To ensure that a sufficient amount of permanent culturally suitable housing for settled Gypsies, Travellers and Travelling Showpeople is delivered to meet identified needs within an appropriate timescale, the Council makes provision for:*

- the allocation of pitches within the strategic allocation to the north and north-west of Burgess Hill or the provision of an equivalent financial contribution towards the off-site provision of pitches if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an*

- appropriate timescale (Policy DP9: Strategic Allocation to the north and north-west of Burgess Hill refers);*
- *the allocation of pitches within the strategic allocation to the east of Pease Pottage; or the provision of an equivalent financial contribution towards the off-site provision of pitches if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale (Policy DP10: Strategic Allocation to the east of Pease Pottage refers);*
  - *the allocation of pitches within the strategic allocation to the north of Clayton Mills, Hassocks; or the provision of an equivalent financial contribution towards the off-site provision of pitches if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale (Policy DP11: Strategic Allocation to the north of Clayton Mills, Hassocks refers); and*
  - *the provision of such pitches on strategic sites (Policy DP30: Housing Mix refers) The Council is progressing a Traveller Sites Allocations Development Plan Document to allocate further sites over the Plan period as required.*

*The provision of permanent accommodation to meet the changing needs of current and future Gypsy and Traveller and Travelling Showperson households will be monitored to ensure a suitable supply of such sites is provided at the appropriate time.*

*The Mid Sussex Gypsy and Traveller and Travelling Showpeople Assessment does not indicate a need to consider transit provision at this time as there is an operational public transit site in Chichester. Levels of unauthorised encampments in Mid Sussex by Gypsies and Travellers and Travelling Showpeople will be monitored over the plan period to identify any additional requirement for such provision.*

*Existing Traveller sites will be safeguarded for Gypsy and Traveller use at:*

- *Fairplace Hill Caravan Site, Burgess Hill*
- *Bedelands Caravan Site, Burgess Hill*
- *Horsgate Caravan Site, Cuckfield*
- *Walstead Caravan Site, near Lindfield*
- *Highfields, near Warninglid*
- *Pitts Head (Woodside Park), near Warninglid*
- *Marigold Farm Caravan Site, near Ansty*

*Planning permission will not be granted for an alternative use on a safeguarded site unless an alternative, replacement site has been identified and developed to provide facilities of an equivalent or improved standard (including its location) whilst there remains a need for such sites as evidenced by the Gypsy and Traveller Accommodation Assessment or the best available evidence.*

*Any new or extensions to existing Gypsy and Traveller or Travelling Showpeople sites granted permanent planning permission shall also be safeguarded for such use.*

*New Gypsy, Traveller and Travelling Showpeople sites, and extensions to existing sites, including transit sites, will be permitted provided:*

- *The site or extension satisfies a clearly defined need, as evidenced by the Mid Sussex Gypsy and Traveller Accommodation Assessment or the best available evidence;*
- *The site is reasonably accessible to schools, shops, health and other local services and community facilities;*
- *The development is appropriately located and designed to/ or capable of being designed to ensure good quality living accommodation for residents and that the local environment (noise and air quality) of the site would not have a detrimental impact on the health and well-being of the Travellers;*
- *The sites are compatible with neighbouring land uses, and minimise impact on adjacent uses and built form and landscape character;*
- *In rural and semi-rural areas sites should not dominate the nearest settled community;*
- *Any site within the 7km zone of influence around Ashdown Forest will require an appropriate assessment under the Habitats Regulations to be undertaken and appropriate mitigation provided as required (Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) refers); and*
- *In the case of proposals within the High Weald AONB, Policy DP16: High Weald Area of Outstanding Natural Beauty will apply.*

*The determination of planning applications for new sites or extensions to sites providing accommodation for settled Gypsy and Traveller and Travelling Showpeople use will be considered under the relevant District Plan policies.'*

The DP is a recently adopted plan and is up to date. The policy identified a clear need to accommodate 23 households for settled gypsy and travellers for the period up to 2031. This requirement has been ascertained following the Mid Sussex Gypsy and Traveller Accommodation Assessment (2016) (GTAA) that formed part of the evidence base for the DP. This requirement was accepted by the independent Planning Inspector who examined the DP to ensure that it was sound. It is not considered that there is any convincing evidence to dispute the need for need for this type of accommodation as set out in the DP.

The first part of this policy is concerned with the allocation of pitches on strategic sites within the District and refers back to other policies in the DP. With regards to the strategic allocation at Pease Pottage, planning permission had been granted on this site prior to the DP being adopted. This planning permission did not make for provision for on site pitches or a financial contribution to pitches off site.

When planning applications are submitted for the strategic allocations at Burgess Hill and Hassocks it will be necessary for an assessment to be made against this part of policy DP33 for those applications in respect of gypsy and traveller provision.

Policy DP33 allows for a criteria based approach to the assessment of proposals for new or extensions to existing Gypsy and Traveller or Travelling Showpeople sites. The criteria in policy DP33 reflects that which is set out in the PPFTS. As such it is

necessary to make an assessment of this application against the criteria that are set out in policy DP33 and this will be done below.

- *The site or extension satisfies a clearly defined need, as evidenced by the Mid Sussex Gypsy and Traveller Accommodation Assessment or the best available evidence;*

An assessment of the housing need for travellers in Mid Sussex has been undertaken, in line with the requirements set out in the PPTS and published to inform the preparation of the Mid Sussex District Plan. The Mid Sussex Gypsy and Traveller Accommodation Assessment (2016) (GTAA) sets out this assessment. This identifies that there is a need to accommodate 23 households for settled Gypsies and Travellers for the period up to 2031.

- *The site is reasonably accessible to schools, shops, health and other local services and community facilities;*

The site is 400m from the edge of the built up area of Copthorne. At present, without any footway, it took your officer 3½ minutes to walk from the proposed site entrance to the roundabout at the end of the Copthorne Road. It is then some 1.3km to the centre of Copthorne village. The village benefits from retail facilities, primary school, village hall, health centre and recreational facilities. Copthorne is a category 2 settlement as defined in the DP.

In terms of distance the site is considered to be reasonably accessible to the amenities identified in the policy. The provision of a footway will make the site more accessible for pedestrians than at present. The footway would also be of some benefit to the occupiers of the existing houses on the northern side of the road as there is currently no footway provision for any of the houses for pedestrians to walk alongside Copthorne Road to the village although it is acknowledged they would have to cross the road to access it.

- *The development is appropriately located and designed to/or capable of being designed to ensure good quality living accommodation for residents and that the local environment (noise and air quality) of the site would not have a detrimental impact on the health and well-being of the Travellers;*

In relation to the location of the proposal, it is considered that the site is suitable to provide good quality living accommodation.

In terms of the design and layout of the proposed site, each plot has been designed so that it has two car parking spaces and a space for a larger vehicle (shown as being 10m in length). Each plot within site A has also been designed to have an amenity building and an amenity area around the plot, separated from the neighbouring plots by a 1m green mesh fence. The plots on site B do not have an amenity building but do have a larger amenity area around each plot.

The Designing Gypsy and Travellers Site Good Practice Guide was a document published by the Department for Communities and Local Government in May 2008. The document was withdrawn by the Government on 1 September 2015. As such it



is considered that it has little weight in the determination of planning applications. However, it is considered that it is helpful to refer to some of the broad principles within this document in relation to the layout of gypsy and traveller sites.

For individual pitches, the now withdrawn guide refers to each pitch being clearly demarcated to make it entirely clear what each individual household may occupy in return for the fee paid and their responsibilities for the pitch they occupy. The layout plans show that each site would be clearly demarcated and such demarcation will assist in providing good quality living accommodation.

In relation to hard standing, the withdrawn guidance advised that each pitch must include a hard-standing area constructed of concrete or a similar suitable hard-wearing material which extends over the whole area to be occupied by a trailer, touring caravan or other vehicle. The submitted plans show each plot with hard standing next to it for two cars and a larger vehicle. The entire width of each plot is not paved over, and this will assist to break up the layout of the site and prevent it looking monotonous.

Concerns have been raised as to whether the plot sizes are appropriate to meet the needs of those people who are on the waiting list for pitches. The plot sizes within the application vary from some 372sq m to 550. By way of comparison, the proposed pitch sizes at Fairplace Hill (re provided as part of the Fairbridge Way development in Burgess Hill) are between 230sqm and 270sq m. At Fairplace Hill the plots accommodate parking for two vehicles, a caravan, a trailer, an amenity building and a garden area. In light of the fact that the proposed pitch sizes are larger than those at Fairplace Hill, it is your officer's view that the proposed provision at Old Hollow is sufficient for family sized households.

The withdrawn design guidance stated that it was essential for an amenity building to be provided for each pitch. The guidance stated that the amenity building must include, as a minimum: hot and cold water supply; electricity supply; a separate toilet and hand wash basin; a bath/ shower room; a kitchen and dining area. In this case, an amenity building would be provided for each plot on site A and this would provide a shower room, WC and utility room.

The amenity buildings will not contain a kitchen/dining area, however given the fact that this design guidance was withdrawn in 2015, it is not felt that this weighs significantly against the application. When assessed in the round it is considered that overall the site is designed to provide good quality accommodation. The plots are individually demarcated and have their own amenity area. Your Council's Housing Officer has advised that experience has shown that on other sites within the District, amenity buildings without kitchen and dining areas have proved to be satisfactory and that on such sites good quality accommodation is provided.

The site is semi-rural and is a short distance from the village of Copthorne. There are no issues in relation to the air quality of the site that would prevent good quality living accommodation for residents from being provided. The main source of noise for the site is the Copthorne Road. A more detailed assessment of this issue will be carried out later in this report but in summary it is considered that the proposal will be

capable of providing good quality living accommodation and that noise would not have a detrimental impact on the health and well-being of the Travellers.

- *The sites are compatible with neighbouring land uses, and minimise impact on adjacent uses and built form and landscape character;*

The neighbouring land uses are residential (to the north and west) and open fields (to the south and east). The plans show that at the closest point, the nearest pitch of plot 13 would be some 45m from Kitsbridge Cottage to the northwest. To the west the pitch on plot 1 would be some 65m from Tree Tops.

It is considered that the proposed use is compatible with the existing uses that surround the site. These surrounding uses will not have an adverse impact on the prospective occupiers of the site. Likewise it is not considered that the proposed use of the site would have a significant adverse effect on the existing residential properties around the site. It is clear from National Guidance that it should be acceptable to have traveller sites near the settled community.

Some objectors to the scheme have questioned the number of pitches that are proposed and have suggested that this is above the District Council's preferred number of pitches on a single site. In August 2014 the District Council published a draft Travellers Site Study. The purpose of that study was stated as being ...*"to identify and consider as many potential options as possible for accommodating the permanent needs of Gypsies and Travellers; and to develop a shortlist of sites with potential for allocation, safeguarding or extension through a site allocations document."*

With regard to the size and design specification of sites, this report stated *'With regard to the size of potential sites, evidence from the current provision of sites suggests that the Gypsy and Traveller community prefer smaller sites containing a small number of pitches to accommodate immediate and extended family. This is supported by best practice guidance 17 which suggests smaller sites (up to a maximum of 15 pitches) are conducive to providing a comfortable environment which is easy to manage. The same guidance also notes that there is a place for smaller sites of between 3 to 4 pitches for the purposes of one extended family and that unless there is clear evidence to suggest larger sites are preferred by the local Gypsy and Traveller community, sites should ideally consist of 15 pitches or less. West Sussex County Council who currently manages all the public sites within Mid Sussex recommend sites no larger than 12 pitches.'*

In terms of the number of pitches on this site it is considered that this would be acceptable from a management perspective and would be consistent with the draft Travellers Site Study.

- *In rural and semi-rural areas sites should not dominate the nearest settled community;*

The requirements of policy DP33 are reflected in the PPFTS. This states *When assessing the suitability of sites in rural or semi-rural settings, local planning*

*authorities should ensure that the scale of such sites does not dominate the nearest settled community'.*

It is your officer's view that the site is not the *'open countryside that is away from existing settlements'* referred to in paragraph 25 of the PPFTS. Whilst each case must be determined on its individual merits, it is worth noting that at an appeal for a gypsy and traveller site just outside the village of Fulking in February 2016, the Inspector who determined that appeal stated *'I do not consider this is the 'open countryside away from existing settlements' referred to in paragraph 25 of the PPFTS, where new gypsy sites should be very strictly limited.'* This site was outside the built-up area of Fulking but was in an area that contained scattered development. The site at Old Hollow is similar in this regard in that it is also outside the built-up area of Copthorne and there is scattered development in the vicinity.

It is felt that the site can be classified as semi-rural given its close proximity to Copthorne and the fact that there is ribbon development to the north along Copthorne Road. The Council has received a large number of objections to the application. A reoccurring concern of these objections is that the that the proposal will have an adverse impact on the settled community of Copthorne and beyond.

Copthorne is a large village, with a population of about 5000. It is classed as a category 2 settlement in the DP. These are defined as larger villages acting as Local Service Centres providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport.

Given the population of Copthorne and the number of pitches proposed in the planning application, it could not be said that the scale of the development would dominate the settled community of Copthorne.

It is also worth noting the conclusions of the same Inspector who determined the appeal at Fulking in relation to the issue of whether the proposed development would dominate the settled community. At Fulking the Inspector noted that the village had a population of around 100 people and that if he allowed the appeal about 10% would be gypsies. In allowing the appeal he stated that *'in my view three gypsy plots comes close to but does not dominate the settled community.'* It is considered that the findings of this Inspector lend weight to the view of your officer's that the scale of this development would not dominate the settled community of Copthorne.

### **Impact on character and appearance of the area**

The site is not within a nationally designated landscape. The area around the site has a sylvan quality that is derived from the trees that are on the boundary of this site and adjoin the surrounding highways. The area of land within the site has no special characteristics; there is some hard-core within the site and much of the site has become overgrown with vegetation.

The plans show that on the western boundary with Old Hollow there would be a 2m high acoustic fence that would be inset a minimum of 8m from carriageway at the southern most extent of the fencing. The fence would also run parallel to the

Copthorne Road for some 40m, where it would be inset a minimum of 16m from the carriageway. The application has been amended to now include a further section of 2m high acoustic fencing that would be some 43m in length that would be positioned to the east of the access and would be set back some 15m from the Copthorne Road.

The trees along the western boundary with Old Hollow are protected by a group tree preservation order (TPO), reference WP/07/TPO/85. The application does not propose that any of these trees are removed. Given the distance that the proposed acoustic fence would be set back from the highway, it is considered that there is sufficient scope for additional planting to be installed to help soften the impact of the proposed fence on the character of the area. The trees along the northern boundary of the site with Copthorne Road are also protected by the same TPO. Again it is considered that there is sufficient space for additional planting to be installed to help soften the acoustic fence from views along the Copthorne Road.

The plans show that the nearest area of hardstanding within this part of the site would be inset some 16m from the carriageway, with plot 13 being inset some 21m from the carriageway. At present there is a good tree screen along this boundary.

It is considered that there will clearly be an impact on the character of the area from the proposal because it would change from an undeveloped site to a site containing mobile homes, hardstanding and buildings. Policy DP12 in the DP seeks to protect the countryside in recognition of its intrinsic character and beauty. It states

*'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:*

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.*

*Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.*

*The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.*

*Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.*

*Economically viable mineral reserves within the district will be safeguarded.'*

Policy DP12 refers to development being permitted in the countryside where it is supported by a specific policy reference elsewhere in the plan. In this case the specific policy relating to gypsy and traveller provision is DP33. Policy DP33 refers to the need to '*...minimise the impact on adjacent uses and built form and landscape character.*' As was set out earlier in the report, the requirement to determine planning applications in accordance with the development plan set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 means one in accordance with the development plan when read 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.

In this case it is not considered that the proposal would enhance the quality of the rural landscape as set out in policy DP12 because there would be a significant change from an undeveloped to a developed site. However, it is considered that with appropriate planting to help soften the acoustic fence and the retention of existing boundary screening, the proposal would minimise the impact on the landscape character as required by policy DP33.

In light of this it is not felt that there is a conflict with the development plan when read as a whole in relation to the impact on the character of the area.

## **Coalescence**

Policy DP13 in the DP seeks to prevent coalescence between settlements. It states

*'The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at the next.*

*Provided it is not in conflict with Policy DP12: Protection and Enhancement of the Countryside, development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements.*

*Local Gaps can be identified in Neighbourhood Plans or a Site Allocations Development Plan Document, produced by the District Council, where there is robust evidence that development within the Gap would individually or cumulatively result in coalescence and the loss of the separate identity and amenity of nearby settlements. Evidence must demonstrate that existing local and national policies cannot provide the necessary protection.'*

The site lies within an area identified as a "Green Ring" in the draft CNP. Due to its stage in preparation little weight can be afforded to the draft CNP. Nonetheless, the prevention of coalescence remains a planning objective as identified in policy DP13. There is a gap of some 1.3km between the edge of the built up area of Copthorne and the edge of Crawley to the west.

There is scattered housing and other development along the north side of Copthorne Road between Copthorne and the bridge over the M23. These are houses directly opposite the site to the north. Given these facts and the intention to retain the boundary screening around the site, it is not considered that there would be a conflict with policy DP13. The sense of leaving one settlement (Copthorne) and arriving at the next (Crawley) would not be unduly impacted by the development. It is not felt that the proposal would have an unacceptably urbanising effect on the area between settlements because it would be well screened and also, whilst the site is within the countryside, there is existing development adjacent to the highway, including residential and commercial (for example the garden centre to the west).

### **Highways and Transport matters**

The application is accompanied by a Transport Statement (TS). The TS includes the results of a traffic survey that was carried out between 6 July and 12 July 2016. The survey was carried out in mixed weather conditions. A summary of the 85th percentile speeds that were found to occur within Copthorne Road and Old Hollow is set out below:

#### Copthorne Road surveyed 85th percentile speeds

- Eastbound 48.3mph
- Westbound 47.4mph

#### Old Hollow surveyed 85th percentile speeds

- Southbound 36.6mph
- Northbound 36mph

The applicants have stated that the visibility splays have been designed in accordance with the guidance in Manual for Streets (MfS) and MfS2. The splays shown on the drawing are 2.4m x 109m west of the access and 2.4m by 106m east of the access.

However, following comments received about the proposed access, the applicants have provided a revised drawing that shows that enlarged visibility splays that could be provided if this was deemed to be required by the LPA. The enlarged splay would be 138m to the west and 134m to the east. The applicants have stated that the enlarged splay can be accommodated within the existing highway boundaries. The applicants Transport Consultant states *'It is our contention that the visibility plays as proposed, i.e. 2.4 metres x 109 metres to the west and 2.4 metres x 106 metres to the east, are appropriate, in accordance with design guidance and have been agreed with the Highway Authority. It is our view that, for this reason, it is these visibility splays that should be conditioned if the Local Planning Authority were minded to approve the planning application. However, Drawing 16055-05 Rev H also details the extended visibility splays that could, if required by the Local Planning Authority or the Highway Authority, be secured through an appropriate planning condition.'*

The application proposes that vehicular access to the site would be from the Copthorne Road only. The existing crossover will be improved. The crossover would

be 7.3m in width and would narrow to 6m within the site. The application also proposes a new footway from the site to the roundabout to the east. This would be 1.5m in width with an additional 1m wide verge margin between the footway and the carriageway of the Copthorne Road. This would provide a continuous footway link from the site to Copthorne village.

Policy DP21 in the District Plan states

*'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:*

- *A high quality transport network that promotes a competitive and prosperous economy;*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- *Access to services, employment and housing; and*
- *A transport network that feels, and is, safer and healthier to use.*

*To meet these objectives, decisions on development proposals will take account of whether:*

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *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;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

*Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.*

*Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'*

The reference to development not causing a severe cumulative impact reflects the advice in paragraph 109 of the NPPF, which 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 would be severe.'*

The NPPF seeks to promote sustainable patterns of transport whilst recognising that decisions should take account of local circumstances including the different transport solutions that are available between urban and rural areas. Paragraph 103 of the NPPF states *'The planning system should actively manage patterns of growth in support of these objectives.'*

*Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'*

In relation to decision making paragraph 108 of the NPPF states *'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; and*
- c) 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.'*

It is considered that there are four key issues in relation to transport matters. These are the safety of the access proposed for the site, the impact of the development on the highway network, the adequacy of the parking within the site and the accessibility of the site to access shops, employment opportunities and other services.

#### Safety of vehicular access

Policy DP21 seeks to ensure that development protects the safety of road users and pedestrians. The NPPF makes it clear that development should be prevented in there would be an unacceptable impact on highway safety. A key issue in this application is therefore the safety of the proposed vehicular access into the site.

The LHA stated that the originally proposed visibility splays were in accordance with the recorded road speeds and concluded that they were satisfied with the proposed access arrangements. In relation to the type of vehicles that would be accessing the



site, swept path diagrams for a low loader, car with a caravan and a refuse vehicle have been provided with the application. The LHA stated *'With the low loader diagram there is a clear path into the other side of the estate road; however given the likelihood of this type of vehicle visiting the site (other than when mobile homes arriving) I don't foresee this causing a safety issue. Again refuse collection is only once per week and the drawings demonstrate the manoeuvre of this type of vehicle satisfactorily.'*

Some of the representations received about the application have questioned the advice provided by the LHA and have suggested that they have based their advice on an incorrect calculation of visibility splays. The specific criticism is that the LHA has used a methodology for calculating visibility splays contained in Manual for Streets (MfS) and Manual for Streets 2 (MfS2) that is not recommended for either the speed limit on the A220 or the 85th percentile speed as measured. The objectors contend that above 40mph the recommendations in the Design Manual for Roads and Bridges (DMRB) are appropriate.

The DMRB states that for a road with a design speed of 85kmph, the site line should be 160m. The splays proposed with this application (2.4m x 109 west of access and 2.4m x 106m east of access) are less than the splays set out in the DMRB.

The introduction to the DMRB states *'The DMRB sets a standard of good practice that has been developed principally for Trunk Roads. It may also be applicable in part to other roads with similar characteristics. Where it is used for local road schemes, it is for the local highway authority (local roads authority in Scotland and Northern Ireland) to decide on the extent to which the documents in the manual are appropriate in any particular situation.'*

MfS2 states *'For some time there have been concerns expressed over designers slavishly adhering to guidance regardless of local context. Local Transport Note 1/08 specifically advises:*

*'Regulations and technical standards have a key role in the delivery of good design, but, if used as a starting point, they may serve to compromise the achievement of wider objectives. A standards-based template view of road junction design, for example is inappropriate.'*

*In reality, highway and planning authorities may exercise considerable discretion in developing and applying their own local policies and standards.'*

The LHA provided further comments in response to the concerns that have been raised about the access into the site. They have stated *'My comments from the 15th September 2018 (using the MfS2 guidance for visibility) would still stand. This guidance is considered appropriate in this location with the recorded speed limits.'*

Notwithstanding the view of the LHA that the visibility splays as originally shown were satisfactory, the applicants have provided a plan that shows that enlarged splays could be provided within the highway boundary. This information has been publicised and the Highway Authority have provided further comments. They state *'Previously the LHA advised that splays of 109 and 106 metres would be satisfactory*

*based on the 85th percentile recorded road speeds. These splays were based on the parameters of Manual for Streets 2 (MfS2). Following representation relating to the splays, the LHA undertook a site visit on the site on the 5th December 2018. At this time we considered that additional visibility could be achieved along Copthorne Road. A further plan has now been produced with drawing number 16055-01 Rev H demonstrating visibility splays of 138 and 134 metres respectively. These splays would be accepted by the LHA and the improvement can be achieved with cutting back of the existing hedge row. A suitable condition is suggested below.'*

The LHA has therefore set out its view that whilst they were satisfied with the visibility splays as originally drawn, they consider that the enlarged splays could be provided within the highway boundary and could be secured by a planning condition if required.

Your officer agrees with the judgement of the LHA on this point. It is considered that as the enlarged splays can be provided within the highway boundary, it would be desirable to provide them. This can be secured by a planning condition.

#### Impact on highway network

As has been identified above, the test in both the development plan and national guidance in relation to the impact of a proposal on the capacity of the highway network is that such development should only be refused if the residual cumulative impacts would be severe.

In relation to assessing the impact of vehicular movements on the Network the Local Highway Authority (LHA) has stated '*In assessing trip generation and its impact, it is standard practice to do this on an hourly and daily basis in order to establish the day to day impact resulting from a development proposal. In addition to the information submitted by the Applicant, the LHA have used the Trip Rate Information Computer System (TRICS) to assess the likely trip generation of the proposed use. This is industry standard software that is supported as an assessment tool through the WSCC 'Transport Assessment Methodology' and the DfT 'Guidance on Transport Assessment'.*

*Based on the data within the TS the proposals for 13 pitches will result in up to 55 vehicular trips to and from the site across the course of a typical day.*

*The LHA accepts the data provided and that the development will not generate any material increase in vehicle movements on the surrounding highway network.'*

The LHA are the statutory body responsible for the highway network in Mid Sussex. Given the modest scale of the proposed development and the likely trip generation it is not considered that the proposal would have a severe impact on the highway network. An additional 55 vehicular movements to and from the site would make no material difference on either the Copthorne Road or the wider highway network. As such it is considered there are no grounds to resist the application based on the impact on the capacity of the highway network.

### Car parking and internal layout

The layout of the site provides for two car parking spaces per plot on site A and 3 spaces per plot on site B. There are also a further 5 spaces for visitors and the Managers Office. The LHA have advised that the development proposals provide car parking in accordance with West Sussex County Council's 'Revised Parking Standards and Transport Contributions Methodology'. The LHA are satisfied with the level of parking provision for the scheme. Your officer considers that the level of car parking provision is satisfactory and taking account of the views of the LHA, there is no reason to believe that this level of car parking provision would result in a highway safety problem.

In relation to internal movement within the site, the LHA state *'Swept path analysis has been undertaken to demonstrate the ability of the access to accommodate a 3.5 tonne panel van towing a twin axel caravan. Swept path analysis is demonstrated within the appendices. The swept path analysis includes analysis of this vehicle reversing into a space that is provided (within the site) for a touring caravan. The LHA are satisfied with the analysis which demonstrates that the access can accommodate the turning movements associated with this vehicle whilst adequate space is provided within the site to accommodate the manoeuvring space required for this vehicle when accessing onsite parking facilities.'*

Vehicle speeds within the site will be low as a result of the small scale of the site and its cul-de-sac layout. It is considered that it has been demonstrated that the site can operate satisfactorily in terms of vehicle manoeuvring within the site.

### Accessibility for pedestrians

As has been set out above, it is an aim of development plan policy and national guidance to seek to ensure the development is sustainable in relation to its accessibility. At present the site would not provide easy access for pedestrians to walk into Copthorne because there is no dedicated footway alongside the highway. At present there is a grass verge that would not make walking from the site to the village either a safe or attractive proposition.

It is considered that the provision of a footpath adjacent to the carriageway would be a significant improvement to the current situation. This would provide prospective residents of the site with an alternative to the private car to access shops and other services within Copthorne. The village would be within easy walking distance. Whilst it is acknowledged that the Copthorne Road is relatively busy and this may prove a disincentive to some from walking along the footway, it is not unusual to have footways adjacent to roads that carry a similar level of traffic to the Copthorne Road.

By way of comparison, at an appeal in February 2016 in Fulking where planning permission was sought for a private gypsy and caravan site consisting of 2 No pitches each of which to contain 1 No mobile home, 1 No touring caravan, 1 No amenity building, hardstanding and associated development, the Inspector noted that *'Fulking has no facilities except for a pub and no bus service. Henfield is the nearest settlement with doctors, schools and shops which is about 4 miles away. I was told the primary school catchment for Fulking is Albourne school which is about*

*4½ miles away. Hassocks is a reasonable sized town with secondary schools about 6 miles away.*' The Inspector concluded '*...it seems to me in this appeal the site is within 4-7km of most services that are required. For a rural site I consider this to be just about within a "reasonable distance of local services".*' The Inspector went on to allow the appeal.

In comparison with the site in Fulking, this site is considerably closer to shops, services and other facilities, whether these are accessed by foot or by a vehicle. Whilst it is well established that each case must be determined on its individual merits, it is felt that this appeal decision is a useful guide as to how Inspectors have considered the issue of accessibility in rural and semi-rural locations. It is also worth noting that national guidance in the PPFTS is the same as the Inspector took into account in determining the above appeal.

In light of all the above it is felt the application has taken up opportunities to facilitate and promote the increased use of alternative means of transport to the private car as required by policy DP21.

## **Noise**

Noise is a material planning consideration. Part of policy DP29 that deals with noise 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 Planning Practice Guidance (PPG) states neither the Noise Policy Statement for England nor the NPPF (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development. The PPG advises that increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or

avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout.

Since almost all sounds vary or fluctuate with time it is helpful, instead of having an instantaneous value to describe the noise event, to have an average of the total acoustic energy experienced over its duration. The LAeq, 07:00 - 23:00 for example, describes the equivalent continuous noise level over the 12 hour period between 7 am and 11 pm. The LMax is the loudest instantaneous noise level. This is usually the loudest 125 milliseconds measured during any given period of time. The applicants Noise Assessment has provide figures both both LAeq and LMax.

The main source of noise for future occupiers of the caravans would be from the Copthorne Road to the north and from Old Hollow to the east. The application is accompanied by a noise assessment that is available on file for inspection. Following a request for further information the applicants submitted a further noise assessment on 25th January 2019. These documents have been assessed by the Councils Environmental Health Officer (EHO). The applicants explain that a monitoring survey was undertaken to characterise baseline ambient noise levels currently experienced on the site and to establish the relative local background and traffic noise levels. The application has been amended from its original submission to include acoustic fencing around the plots on site B (11-13).

Some representations have been received that have criticised the reports that the applicants have submitted in relation to noise. A specific criticism is that the applicants data should be evaluated against 'World Health Organisation Environmental Noise Guidelines for the European Region' (ISBN 978 92 890 5356 3) published October 2018.'

The Councils EHO has considered this point and has stated *'the document in question is a supplement and does not supersede nor contradict the guidance used by WYG'*

The applicants' data shows that some of the plots on site A would be marginally above the World Health Organisation (WHO) for internal daytime noise intrusion with windows closed. The WHO criteria specify an internal level of 35 LAeq dB. The applicants' figures show that the largest exceedance of the guideline would be a figure of 37.1 LAeq dB near to plot 5. The applicants' data shows that all of the plots on site A would meet the night time WHO noise intrusion figures with windows closed.

With windows open the applicant's figures show that on site A daytime internal noise intrusion levels would be above the WHO guidelines for the majority of the plots, with the greatest exceedance of the guideline being a figure of 45.1 LAeq dB near to plot 5. With windows open the applicant's figures also show that the majority of the plots would have noise intrusion levels above the WHO guidelines, with the highest figure being 37.9 LAeq dB near to plot 5 against a guidance figure of 30 LAeq dB.

In relation to daytime noise intrusion, the assessment indicates that for plots 11-13 internal noise levels with windows closed would be marginally above the WHO

criteria. To achieve the criteria it would be necessary to have windows with a greater sound reduction than those on-site A. Given the fact that the proposal is for caravans rather than bricks and mortar housing it would be difficult to impose a planning condition regarding window details. This is because if a caravan meets the definition of a caravan in the Act then any caravan/mobile home could be brought onto the site and stationed on the owner's pitch. It would therefore be difficult to enforce a planning condition that required the glazing on the caravan to meet a particular standard.

With windows open the applicants figures show that on site B the day time noise intrusion level would be a maximum of 45.8 LAeq dB compared to the WHO guideline of 35 LAeq dB.

At night time with windows closed the applicant's figures indicate that the units on plot B would meet the WHO guidelines. With windows open the applicants figures show a maximum of 38.8 LAeq dB compared to the WHO guideline of 30 LAeq dB.

The Council's EHO has assessed the amended plans and the applicants further information and has stated *'Having reviewed the Noise Assessment produced by WYG (January 2019), I have the following comments to make.*

*I have confirmed with Graham Davis Principal Environmental Consultant at WYG that the table headings in Table 3.4 are LAmax measurements and not LAeq as the table headings show, it is a typographical error.*

*The night-time LAmax at source has been verified by the above report as 74.8dB. Table 5.3 details a number of locations on the site and provides the sound pressure levels at the façade, internally with the windows open and internally with the windows closed. The WHO guidance states that night-time internal LAmax measurements should not exceed 45dB.*

*To quote from the report:*

*"However, it should be noted that BS 8233:2014 explicitly states that "where necessary or desirable, despite external noise levels above the WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved."*

*British Standard 8233:2014 therefore sets out a case whereby internal target levels can be increased by up to 5dB and the report shows that that with the windows closed, none of the WHO criteria (plus 5dB) will be breached.*

*It is also noteworthy that this type of accommodation will be multiple aspect which would allow windows to be opened on a façade that does not face the noise source for ventilation purposes.*

*I am therefore in agreement with the above mentioned Noise Assessment which concludes:*

*"The proposed development is not expected to have an 'adverse impact' on health or quality of life. Similarly, it is considered that all 'adverse impacts on health and quality of life' (relating to noise) are mitigated."*

It is clear the Government does not expect noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development. With the additional acoustic fencing in place the applicant's data indicates that with windows closed all of the plots on site A would meet the WHO night time criteria for noise exposure and the plots on site B would be marginally above the WHO guideline figure. During the day time with windows closed the applicant's data shows that the some of the plots of site A would be marginally above the WHO criteria and the plots on unit B would be marginally above the WHO criteria.

Representations have also been received raising concerns about the possible impact of the acoustic fencing on the amenities of the existing occupiers on the opposite side of the road. The Councils EHO has considered these concerns and has stated *'We would consider this to be negligible. The doubling of a noise source, increases the dB rating by just 3dB, this would be barely perceptible. Because the acoustic fencing is further away from the buildings already exposed to road noise, we would view the additional reflected noise as being less than 3dB and this is on the assumption of the acoustic fencing being a hard flat surface, acoustic fencing is usually noise attenuating on both sides with disrupted surfaces'* It is therefore not considered that the proposed acoustic fencing would conflict with policy DP29 of the DP in terms of its impact on the properties outside the site.

The Councils' EHO does not object to the planning application. Your officer has no reason to disagree with the assessment of the EHO that in relation to noise intrusion the predicted noise levels will be satisfactory. Whilst it would have been preferable for all of the plots to meet the WHO guidelines at all times with windows both open and closed the test in policy DP33 in the DP is that *The development is appropriately located and designed to/ or capable of being designed to ensure good quality living accommodation for residents and that the local environment (noise and air quality) of the site would not have a detrimental impact on the health and well-being of the Travellers;* Given the views of the EHO on the information that has been submitted, in relation to noise, together with Government advice in the Planning Practice Guidance that noise should not be looked at in isolation, it is considered that the proposal would comply with the relevant criteria of policy DP33 and the proposed accommodation would not have a detrimental impact on the health and well-being of the Travellers in respect of noise.

## **Drainage**

### Surface Water

Policy DP41 in the District Plan seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. Paragraph 163 of the National Planning Policy Framework states: *'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific*

*flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*

The application is accompanied by a Flood Risk Assessment (FRA) that is available on file.

The site is entirely within Flood Zone 1, which is defined as having less than 1 in 1000 (0.1%) chance of flooding, from rivers and the sea, occurring each year. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

The FRA states that for drainage purposes the development would be split into two separate sites areas, Site A (owned and maintained by the Council) and Site B (owned and maintained by a private landowner). Therefore, to avoid issues relating to maintenance agreements it is envisaged that each part of the site (A and B) will have a separate drainage system with an independent outfall structure.

The FRA provides an indicative drainage plan and sets out how the site could be drained. For the access road into the site a cellular confinement system will be used in conjunction with granular infill material. This permeable access road would be constructed with no dig methods. Rain landing on the surface of the access road would percolate through the granular material allowing the system to manage run off in a way that replicates the natural conditions of the site.

For Site A all surface water from the roofs of the caravans and hardstanding areas is intended to be directed to permeable paving. This permeable paving would be laid on top of a minimum 800mm deep open graded sub-base that will provide storage for storm water, before it is discharged at an attenuated rate to the adjacent watercourse. For Site B all surface water from the roofs of the caravans and hardstanding areas is intended to be directed to permeable paving. This permeable paving would be laid on top of a minimum 500mm deep open graded sub-base that will provide storage for storm water, before it is discharged at an attenuated rate to the adjacent watercourse.

The FRA makes it clear that the future effectiveness of the drainage regime that is put in place is dependent of it being properly maintained. The FRA envisages a management company would be responsible for Site A and the individual residents would be responsible for the drainage features on site B.



The Council's Drainage Engineer has assessed the applicant's proposals and has raised no objection to the proposal subject to conditions. It is therefore considered that as a matter of principle it has been established that surface water from the site could be satisfactorily drained. The detailed design of the surface water drainage and the future maintenance plans can be properly controlled by a planning condition.

### Foul Drainage

The FRA notes that in general there are two methods for the disposal of foul water. The preferred method is a connection to the public sewer network. If there are no sewers near the development or a connection is not possible then the use of package treatment systems or cesspits is permitted. The FRA refers to the "Binding Rules" of the Environment Agency that control the use of package treatment systems by requiring developments to connect to the public sewer system if the site boundary is within 30m from an existing sewer.

The FRA goes on to note that to connect to the public sewer it may be necessary to construct a pumping station, upgrade the capacity of the existing infrastructure and make a new connection across the highway and third-party land. The FRA concludes that based on the current information available it is assumed that a connection to the public sewer will not be suitable.

The FRA states that if a connection to the public sewer is not possible an alternative will be to drain effluent to a package treatment system/s. Treated effluent could then be drained to the existing watercourse. Consent would be required from the Environment Agency and the LLFA.

Finally, the FRA notes that as the site would be used by mobile home and caravans there is the potential requirement to provide additional treatment for the disposal of waste from chemical toilets. The proposal could therefore include an underground storage tank and chemical toilet washing facility.

The Council's Drainage Engineer has assessed the information put forward by the applicants and raises no objection to the application. At this stage it is necessary for the applicants to demonstrate that in principle the foul water from the site can be properly drained. The details of this can be controlled by a planning condition. It is not necessary for the applicants to have a fully designed drainage system at the planning stage. The Council's Drainage Engineer is satisfied that as a matter of principle the foul water from the site can be properly drained and, on this basis the scheme would comply with policy DP41 in the DP.

### **Ecology and Trees**

Policy DP38 in the DP seeks to protect and enhance biodiversity. It states

*'Biodiversity will be protected and enhanced by ensuring development:*

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*

- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

*Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.*

*Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.*

*Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'*

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017/1012.

Paragraph 170 of the National Planning Policy Framework states:

*'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

- c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'*

The application is accompanied by the following documents that are available on file for inspection:

- a Preliminary Ecological Appraisal
- a Hazel Dormouse Presence/Likely Absence Survey Report
- an Arboricultural Impact Assessment and Method Statement
- an Update Ecology Walkover Survey

Criticisms have been raised by third parties about the content of the ecological information that was provided by the applicant. In response to these criticisms the applicants provided an update ecology walkover survey. A Phase 1 Habitat Survey was conducted within the site on the 19th October 2018. This additional information was publicised so interested parties could see and comment upon it.

The applicants state that the purpose of the updated Ecology Walkover Survey is to identify any ecological changes to the wider site since the 2016 Extended Phase 1 Habitat survey (WYG, 2017) highlighting any variation to habitat types, dominant vegetation, invasive species and protected species, and identifying any constraints they may pose to the development. It states the report should be read in conjunction with the 2016 Preliminary Ecological Appraisal report (WYG, 2016) and the dormouse survey report (WYG, 2017). It details how the habitats within the site have changed and describes new areas of the site (which were not included in the previous red line boundary).

In relation to protected species the updated Survey provides the following findings:

### Bats

*A total of seven trees with bat roost suitability were recorded along the boundaries of the site. TN4 are mature oak trees which have a moderate suitability for roosting bats, TN5 are oak trees which have a low suitability for roosting bats, TN6 is a dead tree which has a moderate suitability for roosting bats and TN7 is a Scot's pine tree which has a low suitability for roosting bats.*

## Reptiles

*Since the 2016 survey, scrub has encroached onto the site, particularly along the eastern site boundary. As such, the habitat within the site has become more suitable for reptiles over time. The habitats of most value to reptiles are the woodland / tree lines with adjacent tall ruderal, scrub and grassland and these features are well connected to the wider environment. These features could be used by reptiles to bask, shelter and hibernate. The site contains a total of 12 spoil heaps which are densely vegetated (see TN1 on Figure 2 for approximate locations) and these could also be used by reptiles for resting / hibernating. The monoculture of horsetail found in the southern half of the site provides sub-optimal habitat for reptiles. Historically, the site has been subjected to high levels of disturbance being once in use as a car park (unauthorised) for Gatwick airport. Furthermore, tipping of waste / spoil has been carried out at the site in the past. The boundary features of the site (as well as the habitat beyond the eastern site boundary) have a moderate suitability for reptiles whereas the central areas of the site have a low suitability for reptiles.*

## Badgers

*No evidence of badger was recorded during the survey, but it is likely that badger forage within the adjacent ancient woodland and agricultural field (although no foraging evidence was recorded within either of these habitats). A mammal trail was observed on the southern boundary of the site; however, this is likely to be from deer / fox rather than badger.*

The applicants updated Survey makes the following conclusions:

*'The habitats on site have remained of similar ecological value to what they were originally given. There has been the addition of one oak tree with moderate bat roost suitability, one oak tree, Scot's pine with low bat roost suitability and a woodpecker hole in a dead tree which has low bat roost suitability. All these trees are being retained therefore no further survey for roosting bats is required.*

*The number of trees which will be felled has reduced with the revised layout now only making use of one existing access. A total of four trees will be felled, one of these being TN5 located adjacent to the site access, which has low suitability to support roosting bats.*

*Removal of the amenity grassland for the proposed pedestrian footpath will have minimal / negligible impact on ecology as the grassland has a very low ecological value.*

*Some areas of the site have become more suitable (due to scrub encroachment) to support common reptile species. However, given that the area is small in extent, is newly established and the boundary habitats (which are being retained and enhanced for ecology) are of far higher value, no further surveys are recommended. Instead, a precautionary approach during habitat clearance will be implemented (see mitigation section below).*

*No badger setts of evidence of badger were found during the update survey. Badger may still forage within the site and surrounding areas.*

*Results from the 2017 dormouse surveys remain valid and dormouse are considered absent from the woodland and scrub habitat found along the boundaries of the site.'*

The applicants report then makes recommendations regarding the implementation of the scheme and mitigation and enhancement measures that can be introduced, including the creation of brash and log piles within the vegetative buffer to favour fauna such as invertebrates, hedgehogs, reptiles and amphibians, four bird boxes to be installed on mature trees surrounding the site. Boxes for blue tits / woodpeckers would be ideal for the site; and provision of two suitably positioned bat roosting boxes on mature trees located along southern and eastern boundary of the site.

All the applicant's submissions have been independently assessed by the Council's Ecological Consultant. He is of the view that there are no reasons to object to the application based on ecology matters subject to safeguarding conditions regarding the implementation of the development, habitat enhancement and management and a lighting plan. It is considered that all these conditions would be reasonable and would meet the relevant tests in the PPG. Your officer has no reason to dispute the views of the Ecological Consultant and therefore with appropriate safeguarding conditions in place the application is considered to comply with policy DP38 of the DP, the relevant legislation and the relevant guidance in the NPPF.

### Impact on Trees

Policy DP37 in the DP states

*'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.*

*Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.*

*Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.*

*Trees, woodland and hedgerows will be protected and enhanced by ensuring development:*

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*

- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

*Proposals for works to trees will be considered taking into account:*

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

*The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.*

*Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'*

Paragraph 175 of the NPPF states

*'When determining planning applications, local planning authorities should apply the following principles:*

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

The footnote to this policy in relation to the "*wholly exceptional reasons*" referred to in criteria c above states: '*For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.*'

It is therefore clear that in relation to the loss of ancient woodland national advice in the NPPF states that such loss should be wholly exceptional and provides some examples of what these exceptions might be and states that the public benefit would need to clearly outweigh the loss or deterioration of habitat. The revised NPPF sets a higher threshold for permitting the loss of ancient woodland than the previous version, which said that the benefits of the development must "clearly outweigh" the loss. It also makes clear that a suitable compensation strategy must be provided.

A Tree Preservation Order (TPO) covers two boundary tree belts on the western and northern sides of the site. To provide the access to the site four trees would need to be removed. These trees have been categorised as B2 in the applicants Arboricultural Impact Assessment and Method Statement. Whilst the loss of preserved trees is regrettable, given the length of the tree belt covered by the TPO and the comparatively small break in this belt to form the enlarged vehicular access, it is not considered that this would have a significant adverse impact on the character of the area that would warrant withholding planning permission on this ground. The Council's Tree Officer has not objected to the removal of these trees to facilitate the access.

The applicants have stated that the construction of all buildings would be outside the root protection areas (RPAs) of retained trees on the site. In relation to hard surfacing, the drive to service plot 13 would pass through the RPA of a high value Pine Tree. The applicants report advises that a "no Dig" approach should be taken here to limit the impact on the tree.

With regards to the proposed footway adjacent to the Copthorne Road, the applicants state that this will result in several minor incursions into the RPAs of trees alongside the road. To mitigate the impact on trees the pathway will use a permeable tarmac to allow water penetration. The details of this will be controlled by a planning condition.

The Council's Tree Officer has raised no concerns about these aspects of the proposal. Objectors to the scheme have questioned whether the County Council would adopt the footway if it is constructed in this way. The LHA have not objected to this element of the scheme. If the LHA did not wish to adopt the footway then the future maintenance of it would need to be controlled by a planning condition that would require a management plan to be approved by the LPA, which would need to specify where the future responsibility for the footway lay. This would not be a reason to resist the application. The planning issue is whether this path can be constructed without causing harm to the preserved trees along the northern boundary. It is your officer's view that it can.

Concerns have been raised about potential future pressure on the boundary trees arising once residents have moved onto the site. It is considered that this is a

legitimate concern. It is not good practice to permit development that will build in future pressure to carry out works on preserved trees. It is however the case that some Planning Inspectors, when considering this issue, have formed the view that when trees are protected by a TPO, this gives the LPA the necessary control over future works to trees. Whilst the concerns of the Tree Officer on future pressure of the trees are noted, it is not felt that the proposed plots are so close to preserved trees that the future amenities of prospective residents would be significantly impacted. If residents did wish to carry out works on the boundary trees the LPA would have control over this because an application to the Council would be required for the works. It is therefore felt that this issue would not justify withholding planning permission.

In relation the ancient woodland, the layout of the scheme shows a 15m buffer in the south eastern corner of the site between the rear gardens of plots 8 and 9 and the ancient woodland to the southeast. It is considered that such a buffer complies with the standing advice provided by Natural England. The Councils Ecological Consultant has raised no concerns about this issue. It is therefore felt that the ancient woodland would be preserved and there would be no conflict with the guidance in paragraph 175 of the NPPF.

### **Decontamination of site**

The PPG states:

*'When dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including:*

- *The system for identifying and remediating statutorily defined contaminated land under Part 2A of the Environmental Protection Act 1990. The government has published statutory guidance on Part 2A which concentrates on addressing contaminated land that meets the legal definition and cannot be dealt with through any other means, including through planning.*
- *Building Regulations, which require reasonable precautions to be taken to avoid danger to health and safety caused by contaminants in ground to be covered by buildings and associated ground.*
- *Environmental Permitting Regulations, under which an Environmental Permit from the Environment Agency is normally required to cover the treatment and/or redeposit of contaminated soils if the soils are 'waste'.*

*The contaminated land regime under Part 2A of the Environmental Protection Act 1990 provides a risk based approach to the identification and remediation of land where contamination poses an unacceptable risk to human health or the environment. The regime does not take into account future uses which could need a specific grant of planning permission. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes.'*

As such it is clear that contaminated land is a planning issue.



The application is accompanied by a Geo-environmental Assessment that is available on file for inspection. This document has been assessed by the Councils Contaminated Land Officer.

The report advises that no visual or olfactory (smell/odour) was identified during the investigation works and the results of chemical testing are not generally suggestive of contaminant concentrations likely to pose a high risk to future development. The report advises that topsoil and demolition rubble from the site will be removed and disposed of offsite.

The report concludes as follows:

Future users (caravan park) - MODERATE - risks can be mitigated through removal or capping of the made ground

Construction workers (during redevelopment of the site) - MODERATE- risks can be mitigated through appropriate working practices

Groundwater - VERY LOW

Surface water - LOW - risk can be mitigated through appropriate working practices (such as made ground soils removal/suitable drainage scheme)

Onsite property/buildings and services - VERY LOW

Offsite workers and residents - VERY LOW (noting that in order to keep risks as low during any redevelopment works measures may need to be employed to minimise windblown dust)

The Contaminated Land Officer has no objection to the application, subject to the imposition of a phased contaminated land condition. This will require the submission of a remediation strategy prior to construction, and verification report prior to occupation. The PPG states *'Local planning authorities should work with developers to find acceptable ways forward if there are concerns about land contamination. For example, planning permission can be granted subject to conditions and/or planning obligations can be sought in the light of the information currently available about contamination on the site and the proposed remediation measures and standards. Responsibility for securing a safe development rests with the developer and/or landowner.'* It is considered that a condition as recommended by the Contaminated land Officer is necessary and would comply with the relevant tests in the PPG.

### Japanese Knotweed

Japanese Knotweed is a particularly virile and aggressive weed. Horsetail is one of the oldest living plants. Left untreated the plant can rapidly colonise and cause damage to hard-landscaping surfaces. Under Section 14 of Wildlife and Countryside Act 1981, it is illegal to release or allow to escape into the wild any plant or animal as listed in Schedule 9 of the Act. Schedule 9 includes the Invasive Non-Native plant species Japanese knotweed. Horsetail is not listed under Section 14 of Wildlife and Countryside Act 1981; it is native invasive plant species (not non-native). To assist with controlling the spread of Horsetail, it is recommended that any soil containing Horsetail when taken off-site is also regarded as 'controlled' waste, and is disposed of at a licenced facility.

The application is accompanied by a survey and management plan relating to Japanese Knotweed and Horsetail. The survey records that an area of Japanese knotweed, consisting of two stands, was identified on a mound situated within the north-eastern area of site. Horsetail was identified along the western, central and southern area of the site.

The purpose of the management plan is to control and prevent the spread of Japanese knotweed and Horsetail situated within the site boundary, during the future proposed development, implement ongoing monitoring pre and post development, ensure that the site is protected from the migration of Japanese knotweed and Horsetail from adjacent sites and to ensure that all works relating to Japanese knotweed and Horsetail are carried out in accordance with the relevant laws and statutes.

The management plan outlines 3 options that can be summarised as follows:

Option 1. Excavation and disposal of materials containing Japanese knotweed and Horsetail at a licenced landfill facility.

Option 2. Excavation and burial of materials containing Japanese knotweed and Horsetail.

Option 3. Excavation and screening.

The report recommends that option 1 would be the most feasible for this site. It is further recommended that a monitoring programme is implemented to monitor the site for potential sporadic areas of re-growth which may emerge in the future. An initial 3 year monitoring programme can be implemented, which can then be re-assessed upon completion of the 3 year period. Should any re-growth be identified, an appropriate strategy (i.e. chemical or mechanical) will then be recommended to be implemented. The report states that Horsetail which is located within areas that are not subject to excavation (i.e. situated within the wooded areas, to be retained on site) will be included within a 3 year monitoring and treatment programme. Upon completion of the 3 year period, the maintenance area will be re-assessed to determine whether additional monitoring/treatment is required.

The PPG advises that planning should not be used to duplicate controls that exist through other legislation. In the case of Japanese Knotweed there are legislative controls that have been outlined above. In addition to this Section 215 of the Town and Country Planning Act 1990 provides local authorities with a discretionary power to require the landowner to clean up 'land adversely affecting the amenity of the neighbourhood'. Local authorities also have the power to undertake clean-up works themselves under Section 215 and to recover costs from the landowner. Depending on the circumstances a Local Planning Authority could use this route for taking action against Knotweed and Horsetail.

In this case, there are considered to be two issues relating Knotweed and Horsetail that are relevant to the determination of the planning application. Firstly, can these species be controlled and removed from the site in a satisfactory way. Secondly, can these works take place within a timescale that means that the site is deliverable.

With regards to the first issue, it is considered that there is no reason in principle why a remediation and management plan cannot be used to remove these species from the site. The details of such a management plan could be reasonably controlled by a planning condition. It would be necessary to ensure that any excavation works did not have an adverse impact on the trees that mark the site boundaries. The survey plans show that the Knotweed is within the north eastern part of the site rather than being on the site boundary. The Council's Tree Officer has not raised any objection to the proposed remediation strategy in relation to Knotweed.

The survey indicates that Horsetail extends adjacent to the northern and western boundaries of the site as well as being within the centre of the site. There should be no issue with the excavation of this material in the centre of the site. Horsetail which is located within areas that are not subject to excavation will be included within a 3 year monitoring and treatment (herbicide) programme. The report recommends that any excavation works within the route protection areas of trees on the boundary of the site should be carried out with a tree consultant on site.

It is considered that there is no reason in principle why this method cannot be used to remove Horsetail from the site. The Council's Tree Officer does not object to the application.

Concerns have been raised by third parties about the timescale for the carrying out of these works and what this means for the deliverability of the site. The programme that has been outlined refers to an initial 3 year monitoring programme being implemented, which can then be reassessed upon completion of the 3 year period. The report advises that should any re growth of Japanese knotweed or Horsetail be identified, an appropriate strategy will then be recommended to be implemented.

The PPFTS requires LPAs to identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. The PPFTS states that to be considered deliverable, sites should be available now, offer a suitable location for development, and be achievable with a realistic prospect that development will be delivered on the site within five years. In light of the programme of works set out in the application it is considered that there is a realistic prospect that the development could be delivered on the site within five years. As such the site would be classed as being deliverable for planning purposes.

Concerns have also been raised about the costs of carrying out remediation works on the site. The applicants have stated that they are aware of the costs of this work and have confirmed that they would not be prohibitive in terms of being able to implement the planning permission and deliver the gypsy and traveller pitches as proposed. A planning condition can be imposed to secure the appropriate decontamination works so that the site is made suitable for its intended future use.

### **Impact on Ashdown Forest**

Under the Conservation of Habitats and Species Regulations 2017/1012 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) is not likely to have a

significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Where the likelihood of significant effects exists the District Council must carry out an Appropriate Assessment, and only grant planning permission if satisfied that there would be no adverse effect on the integrity of the sites concerned, unless certain strict conditions are met.

The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

A HRA screening assessment for the development has been undertaken. The outcome is that there is not considered to be a significant in combination effect on the Ashdown Forest SAC. The screening assessment is available to view on the planning file. Given the fact that the application site is not within 7km of the Ashdown Forest SPA there is not considered to be any likely significant effect on the Ashdown Forest in relation to recreational pressure.

## **Other matters**

### Strategic sites in the District Plan

Concerns have been raised about why this application has been made and the relationship of this application to the strategic site allocations that are referred to in policy DP33. Policy DP33 has been set out in full earlier in this report. It refers to three strategic sites within the District (Burgess Hill, Pease Pottage and Hassocks) and for each strategic site refers to pitches being provided on site or the provision of an equivalent financial contribution towards off site provision of pitches if it can be demonstrated that a suitable, available and achievable site can be provided and made operational within an appropriate timescale.

In the case of Pease Pottage, planning permission was granted for approximately 600 dwellings (Use Class C3), (including affordable housing), 48 bed care facility (Use Class C2), Community building (Use Class D1), cafe (Use Class A3) and retail (Use Class A1), up to 1 form-entry primary school (Use Class D1), hard/soft landscaping including a noise bund/fence, infrastructure provision, creation of accesses and car parking on 28 November 2016 (reference DM/15/4711). This planning permission did not have any on site provision for gypsy and traveller pitches and does not provide any contributions towards off site provision. The reason for this is that at the time this planning application was determined, the District Plan was undergoing its examination in public and at that point in time it could only be afforded limited weight as a material planning consideration in the determination of planning applications.

An application for the strategic site at the Burgess Hill, known as the Northern Arc was submitted to the LPA and registered as a valid application on 8th January 2019 (reference DM/18/5114). The description of this planning application is as follows: 'Outline application for a comprehensive, phased, mixed-use development comprising approximately 3,040 dwellings including 60 units of extra care accommodation (Use Class C3) and six permanent gypsy and traveller pitches,

including a Centre for Community Sport with ancillary facilities (Use Class D2), three local centres (comprising Use Classes A1-A5 and A1-A5 and B1, and stand-alone community facilities within Use Class D1), healthcare facilities (Use Class D1), and employment development comprising a 4 hectare dedicated business park (Use Classes B1 and B2), two primary school campuses and a secondary school campus (Use Class D1), public open space, recreation areas, play areas, associated infrastructure including pedestrian and cycle routes, roads, car parking, bridges, landscaping, surface water attenuation, recycling centre and waste collection infrastructure with associated demolition of existing buildings and structures, earthworks, temporary and permanent utility infrastructure and associated works. All matters reserved except for access. Full planning permission for a new roundabout on the A2300.'

The application at the Northern Arc therefore proposes six gypsy and traveller pitches on that site. That application is at an early stage of consideration and it is intended that this will be determined later this year.

An application for the strategic site at Hassocks (reference DM/18/4979) was submitted to the Council on 11th December 2018. The description for this application is as follows: 'Outline planning application with all matters reserved except for access for up to 500 residential dwellings and land for a two-form entry primary school and community building, land for a bridleway link between Hassocks and Burgess Hill, associated infrastructure including informal open space, hard and soft landscaping, sustainable drainage features and a new site access onto Ockley Lane, and provision of improved pedestrian access across the railway line.'

Again, this application is at an early stage of consideration and it is intended that it will be determined later this year.

A key point of policy DP33 is that it allows for the submission of planning applications for new gypsy and traveller sites and provides a list of criteria for such applications to be assessed against. As such there is no conflict with policy DP33 in relation to the principle of making planning applications for new gypsy and traveller sites on sites other than the strategic housing sites referred to in policy DP33.

## Crime

Section 17 of The Crime and Disorder Act 1998 places a duty of the police and local authorities to exercise their functions with due regard to the likely effect on crime and disorder. The comments of Sussex Police are summarised at the start of the committee report. In summary Sussex Police recommends that consideration be given to gates for site B, makes recommendations in respect of lighting and in respect of the locks for the doors and windows of the amenity blocks and managers office. It is your officer's view that whilst a planning condition could be used to require details of gates for site B, on balance it is considered that this is not essential given the location of the manager's office near the entrance to the site.

There have been a considerable number of objections to the scheme that have raised the issue of crime. Specifically, there is a concern that if the application is permitted, crime in the area will increase. The risk of crime and disorder, and the

perception of it, arising from the proposed use is a material planning consideration. To carry weight in the determination of a planning proposal fear of crime must be based on sound reasons and that there needs to be reasonable evidential basis for that fear.

In this case it is your officer's view that the fear of crime in this instance cannot be afforded significant weight because there is not a reasonable evidential basis for that fear. The fact that a site is proposed to be used a gypsy and traveller site does not provide any evidence that crime will increase.

A concern has been raised about the additional acoustic fencing that has been put forward and its impact on natural surveillance at the site. Sussex Police have been consulted on these changes and their comments are in the appendices. Sussex Police state *'The proposed fence running parallel with the road does not give me cause for concern. This also doubles as a secure boundary treatment. It is the proposed fence sited across plots 11's frontage that causes me to raise a number of observations. These being;*

- *The proposed acoustic fence to the front of plot 11 forms a demarcation line that effectively creates a definitive boundary between site A and Site B.*
- *The purpose of the acoustic fence is to protect plot 11 from harmful noise.*
- *The acoustic fence restricts observation from Site A across plot 11 in Site B.*

*To summarise, the presence of the acoustic fence creates a separation of Site A from Site B. It restricts surveillance of the entrance from plot 11 and its form may appear unsightly when entering the development. However given the observation available between plots 11, 12 & 13 within Site B, and that there is direct separation of Site A from Site B, I do not consider its presence to be a negative point as each site is independent from the other. They both have good levels of observation within them. I do not have concerns with the proposal from a crime prevention viewpoint.'*

Your officer agrees with the conclusions of Sussex Police on this matter, namely that the additional acoustic fencing does not result in a layout that causes a problem in relation to crime prevention.

### Impact on property values

Concerns have been raised about the potential impact of the proposal on property values. As Members will be aware the potential impacts on property values is not a planning consideration.

### Infrastructure

Policy DP20 of the DP states that the Council expects developers to provide for, or contribute towards, the infrastructure and mitigation measures made necessary their development proposals through appropriate on-site mitigation and infrastructure provision and the use of planning obligations. This policy is supported by a supplementary planning document (SPD) entitled Development and Infrastructure Contributions SPD. The SPD identifies that Gypsy and Traveller accommodation is a type of infrastructure.

Objections to the application have been raised on the basis that as the site would have people living there in the same way as a bricks and mortar scheme, it should contribute towards infrastructure provision in the same way as if this was a bricks and mortar housing scheme.

It is not considered that this is the correct approach. Firstly, caravans are a use of the land rather than operational development. The SPD refers to the thresholds for requiring infrastructure payments based on numbers of dwellings. As the scheme is not proposing any dwellings but is proposing 13 plots for caravans, the scheme does not fall within a category of development that is required to pay infrastructure contributions. Secondly it is clear from the SPD that Gypsy and Traveller accommodation is a type of infrastructure for which contributions can be sought to provide it.

### Statement of Community Involvement

Objectors to the scheme have criticised the statement of community involvement (SCI) that was submitted with the application. The specific concern relates to the lack of involvement with the gypsy and traveller community in preparing the application. The SCI is available on file for inspection. It is a requirement of the District Council that a SCI is provided to validate planning applications such as this. The guidance on the Council's website states that *"The Statement of Community Involvement should demonstrate that the views of the local community have been sought and taken into account in the formulation of development proposals. This may include:*

- *Reports following discussions with the District, Town, or Parish Councils,*
- *Reports of feedback obtained from public exhibition,*
- *Details of leafletting or other advertisements in the local area and a report of any feedback received."*

The SCI fulfils the requirements of the District Council in terms of validating the planning application. As well as detailing the public exhibition that took place prior to the submission of the planning application, the SCI also explains that pre-application discussions also took place with the Gypsy Liaison Officer at West Sussex County Council. The SCI sets out how the applicant has sought to address concerns that were identified during the consultation process. For example the number of pitches proposed has reduced from 16 to 13.

It is considered that there are no grounds to resist the application based on the contents of the SCI.

### Neighbourhood Plan

Worth Parish have prepared a draft Neighbourhood Plan for Copthorne village and the surrounding areas. The draft Plan was subject to public consultation at Regulation 14 stage. The consultation ran from 6 March to 28 April 2017. The PPG sets out the Government's guidance on what circumstances might it be justifiable to refuse planning permission on the grounds of prematurity. It states

*"arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting*

*permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

*(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and*

*(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process."*

The draft Neighbourhood Plan for Copthorne village shows the site of this application lying within a "Green Ring". Policy COP08 in the Regulation 14 Neighbourhood Plan states

*'Development outside the built-up village area which impinges on local gaps and the Green Ring (see Definitions for description) as shown in Figures 1 and 3 will only be permitted if it can be demonstrated that:*

- a) It does not detract from the openness and character of the landscape, or have a detrimental impact on the perception thereof.*
- b) It does not contribute to 'ribbon development' along the roads or paths linking the village to neighbouring settlements of Crawley Down, Snow Hill, Burstow and Crawley.*
- c) It does not reduce individually or cumulatively the gaps between the village and the neighbouring settlements of Crawley Down, Snow Hill, Burstow, Shipley Bridge, Smallfield, Rowfant, Domewood and Crawley.'*

The Regulation 14 Neighbourhood Plan is at a stage where it can be afforded little weight as a material planning consideration. It is not considered that an approval of this application would prejudice the Copthorne Neighbourhood plan. It is a modest scheme and its approval would not prejudice the outcome of the plan making process. As such there are no grounds to resist this application based on prematurity.

It is also worth noting that for the reasons outlined previously in this report, it is not considered that the proposal would conflict with policy COP08 in the Regulation 14 Neighbourhood Plan.

### **Previous use of the land and enforcement**

A concern has been raised that the current condition of the land should not be counted as a material planning consideration that weighs in favour of approving this



application. The planning history section of the report set out the relevant planning history in respect of the unauthorised use of the site for off airport car parking and the enforcement action that was taken to remedy this breach of planning control.

The enforcement notice that was issued required a number of steps to be undertaken. The use of the site for off airport car parking has ceased and all the cars have been removed from the site. The hard core that was put down on the site has not yet been removed.

Members are advised that the current condition of the site is not a material planning consideration that weighs in favour of this application. Members are advised that they should proceed on the basis that the enforcement notice had been fully complied with and the site had been fully restored to its previous condition.

### **Previous applications**

A concern has been raised about consistency in decision making on the basis that previous applications for residential development have been refused on the site. Specifically planning permission was refused in 2003 for a single storey dwelling and garage (reference 03/03139/FUL) and planning permission was refused in 2004 for a single storey dwelling with garage (reference 04/02876/FUL).

It is considered that these applications have very little relevance to the determination of the current application for the following reasons. Firstly they were for a different form of development. Secondly, they were made against a different development plan background; the 2003 application was assessed against the now superseded 1993 Structure Plan, West Sussex Structure Plan 2001-2016 Deposit Draft and Mid Sussex Local Plan and the 2004 application was assessed against the West Sussex Structure Plan 2001-2016 and the Mid Sussex Local Plan. Thirdly the national planning policy background has changed with the publication of the NPPF and the PPFTS.

The current application must be assessed against the relevant policies in the Development Plan and have regard to current national policy and guidance.

### **Subdivision of the site**

A concern has been raised about the way the application has been submitted and the site subdivided into site A (public) and site B (private). The planning application is a single application and the red line that has been drawn around the site on the submitted site plan denotes the extent of the planning application. The issue before Members is to assess the merits of the proposal, namely the provision of a site to provide 13 permanent pitches for travellers, 10 of which would be publicly available and 3 of which would be private. A planning condition would be used to ensure that future residents of the site (both site A and site B) met the Government's definition of Gypsies and Travellers as defined in the PPFTS.

It is your officer's view that the fact that the site has been subdivided internally into a public and private site does not count against the planning application. If approved

there would be a single planning permission with planning conditions that the LPA would enforce to ensure compliance.

### Environmental Impact Assessment

Objectors to the scheme have suggested that a screening opinion is required for the development to establish whether an Environmental Impact Assessment is required. The process of Environmental Impact Assessment in the context of town and country planning in England is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the '2017 Regulations'). These regulations apply to development which is given planning permission under Part III of the Town and Country Planning Act 1990.

The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.

There are 5 broad stages to the process, the first being Screening. This is determining whether a proposed project falls within the remit of the Regulations and whether it is likely to have a significant effect on the environment and therefore requires an assessment. The LPA should determine whether the project is of a type listed in Schedule 1 or Schedule 2 of the 2017 Regulations. If the project is listed in Schedule 2, the local planning authority should consider whether it is likely to have significant effects on the environment. Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development.

Objectors have stated that they believe a screening opinion is required as the proposal falls within Section 10(b)(i) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as it includes "more than 1 hectare of urban development which is not dwelling house development". Section 10 (b) of the Schedule 2 tables refers to "Urban development projects, including the construction of shipping centres and car parks, sports stadiums, leisure centres and multiplex cinemas". Whilst this is not a closed list in the sense that it gives examples of the types of urban development projects that are covered rather than listing every single potential project that might be covered, it is your officer's view that the type of development that is proposed in this application is not the type of development that falls within this part of Schedule 2.

Alternatively, objectors have also suggested that the nature of the proposal is also materially similar to that of "permanent camp sites and caravan sites" on a site of more than 1 hectare as set out in Schedule 12 (a). Column 1 of Schedule 2 relates to Tourism and Leisure. The PPG makes it clear that *'Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or*

*meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development.* It is your officer's view that as this is not a proposal for tourism or leisure it does not fall within section 12 and therefore there is no requirement for a screening opinion to be carried out on this basis.

### **Separation of Council roles**

Concerns have been raised about the separation of the Council's role as an applicant and its role as the LPA. Objectors are concerned about the transparency of the process and that there is an in built bias towards approval of the application.

It is not unusual for Council's to propose development. This is a separate role from that of the Council acting as the LPA. In this case the planning application has been prepared by a planning agent acting on behalf of the instructing Property Section. There are different reporting lines within the Council between the Property Section and the Planning Department. Officers involved in the Property Section do not have any influence over the recommendations of the planning staff.

In line with the law, this planning application must be determined in accordance with the development plan unless material considerations indicate otherwise. This report sets out the officer's recommendation on the application. This recommendation will be considered by the Members of the planning committee at a public meeting where they will make the decision on whether or not to agree with the officer's recommendation and approve the application.

### Type of accommodation

Objectors to the scheme have questioned how section 16 of the application form has been completed. This is the section of the application form that relates to the type of residential/dwelling units that are proposed. The form has been ticked to say that 13 social residential/dwelling units would be proposed. The description of the application and the details within the application are clear in stating that 10 public pitches would be provided and 3 private pitches would be provided and retained by the current owner. It is considered that it is quite clear what is being proposed in the application and that any interested parties have been able to comment on the application in the full knowledge of what is being proposed.

### Consultations

Objections have been raised about the consultations carried out by the LPA. Specifically objectors are concerned that neither Crawley Borough Council nor Tandridge District Council has been consulted about this planning application. The Town and Country Planning (Development Management Procedure) (England) Order 2015, Schedule 4 sets out when LPAs should consult the neighbouring Council about planning applications. It refers to the type of development where consultation would need to be carried out as *"Development likely to affect land in a non-metropolitan county other than land in a National Park."*

In this case the application site is some 765m as the crow flies from the boundary with Crawley Borough Council to the west and some 855m as the crow flies from the

boundary with Tandridge District Council to the north. Given the scale of the development proposed it is not likely to affect land within either of these two neighbouring Councils. As such there is no requirement to consult either Council. It is of course open to both neighbouring Councils to submit representations on the application if they wish to do so.

## **PLANNING BALANCE AND CONCLUSION**

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the DP. The "in accordance" determination is one in accordance with the development plan when read as a whole.

The site lies within the countryside as defined in the DP and it is not allocated for any use within the DP. Policy DP12 in the DP seeks to protect the intrinsic character of the countryside. The policy states that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District and it is supported by a specific policy reference elsewhere in the plan.

Policy DP33 in the DP is the policy that deals with gypsies, travellers and travelling showpeople. The policy sets out that the Council will make provision for the allocation of pitches at the strategic development sites of the Northern Arc in Burgess Hill, Pease Pottage and Clayton Mills in Hassocks or the provision of an equivalent financial contribution towards off site provision if it can be demonstrated that a suitable, available and achievable site or sites can be provided and made operational within an appropriate timeframe. The policy also contains a criteria-based assessment against which individual planning applications for gypsy and traveller sites can be assessed. As has been set out earlier in this report, this planning application has been assessed against the criteria that are set out in policy DP33.

To summarise the assessment against policy DP33, there is a clear need for the accommodation to be provided. An assessment of the housing need for travellers in Mid Sussex has been undertaken, in line with the requirements set out in the PPFTS and published to inform the preparation of the Mid Sussex District Plan. The Mid Sussex Gypsy and Traveller Accommodation Assessment (2016) (GTAA) sets out this assessment. This identifies that there is a need to accommodate 23 households for settled Gypsies and Travellers for the period up to 2031.

The site is reasonably accessible to schools, shops, health and other local services and community facilities. The site is 400m from the edge of the built-up area of Copthorne. At present, without any footway, it took your officer 3½ minutes to walk from the proposed site entrance to the roundabout at the end of the Copthorne Road. It is then some 4.3km to the centre of Copthorne village. The village benefits from retail facilities, primary school, village hall, health centre and recreational facilities. Copthorne is a category 2 settlement as defined in the DP. In terms of distance the site is considered to be reasonably accessible to the amenities

identified in the policy. The provision of a footway will make the site more accessible for pedestrians than at present.

It is considered that the proposal will provide a satisfactory access onto the public highway. The LHA are satisfied with the proposed visibility splays and do not consider that the proposal would have a severe impact on the local highway network. The LHA are the statutory body responsible for the highway network within Mid Sussex and it is considered that their views should be accorded significant weight. The applicants have shown that greater visibility splays than they originally proposed could be provided within the highway boundary. Whilst the LHA were satisfied with the visibility splays as originally submitted, given the fact that enlarged splays can be provided it is considered that it would be desirable to do so.

It is considered that the site is suitable to provide good quality living accommodation. Each plot has been designed so that it has two car parking spaces and a space for a larger vehicle (shown as being 10m in length). Each plot within site A has also been designed to have an amenity building and an amenity area around the plot, separated from the neighbouring plots by a 1m green mesh fence. The plots on site B do not have an amenity building but do have a larger amenity area around each plot. The plots will be clearly demarcated. Overall it is considered that the layout within the site is satisfactory.

With regards to noise, the Councils' EHO does not object to the planning application. Your officer has no reason to disagree with the assessment of the EHO that in relation to noise intrusion the predicted noise levels will be satisfactory. Whilst it would have been preferable for all of the plots to meet the WHO guidelines at all times with windows both open and closed the test in policy DP33 in the DP is that *'The development is appropriately located and designed to/ or capable of being designed to ensure good quality living accommodation for residents and that the local environment (noise and air quality) of the site would not have a detrimental impact on the health and well-being of the Travellers;'* Given the views of the EHO on the information that has been submitted, in relation to noise, together with Government advice in the Planning Practice Guidance that noise should not be looked at in isolation, it is considered that the proposal would comply with the relevant criteria of policy DP33 and the proposed accommodation would not have a detrimental impact on the health and well-being of the Travellers in respect of noise.

The neighbouring land uses are residential (to the north and west) and open fields (to the south and east). The plans show that at the closest point, the nearest pitch of plot 13 would be some 45m from Kitsbridge Cottage to the northwest. To the west the pitch on plot 1 would be some 65m from Tree Tops. It is considered that the proposed use is compatible with the existing uses that surround the site. These surrounding uses will not have an adverse impact on the prospective occupiers of the site. Likewise, it is not considered that the proposed use of the site would have a significant adverse effect on the existing residential properties around the site. It is clear from National Guidance that it should be acceptable to have traveller sites in close proximity to the settled community.

There will be a change to the character of the site from one that is undeveloped to one that contains plots for 13 gypsies and travellers. The existing screening around

the site will assist to minimise the impact of the proposal on the landscape character of the area, which is the requirement in policy DP33. In addition, a condition can be imposed to secure additional landscaping around the boundaries of the site. It is not considered that the proposal will result in coalescence between the settlements of Copthorne and Crawley.

Copthorne is a large village, with a population of about 5000. It is classed as a category 2 settlement in the DP. These are defined as larger villages acting as Local Service Centres providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport. Given the population of Copthorne and the number of pitches proposed in the planning application, it could not be said that the scale of the development would dominate the settled community of Copthorne.

It is considered that the proposal will provide a satisfactory access onto the public highway. The LHA are satisfied with the proposed visibility splays and do not consider that the proposal would have a severe impact on the local highway network. The LHA are the statutory body responsible for the highway network within Mid Sussex and it is considered that their views should be accorded significant weight.

The Councils Drainage Engineer and the LLFA have no objections to the application. As a matter of principle, it is considered that the site can be satisfactorily drained. The details of the final scheme for both surface and foul water can be properly controlled by a planning condition.

It is considered that the development can take place without causing harm to protected species. The Councils Ecological Consultant has no objection to the application. Subject to safeguarding conditions during construction it is also considered that the proposal would not have an adverse impact on the protected trees around the boundaries of the site. The modest number of trees that would need to be removed to accommodate the vehicular access to the site and not high-quality specimens and their loss would not damage the overall visual amenity of the tree belt around the site.

It is considered that it has been demonstrated that the site can be satisfactorily decontaminated. The potential costs of carrying out this work are not a planning matter; the relevant matter for planning is securing the appropriate decontamination works so that the site is made suitable for its intended future use.

The Regulation 14 submission of the Copthorne Neighbourhood Plan is at an early stage of its preparation. As such it can be afforded little weight as a material planning consideration. An approval of this application would not be prejudicial to the plan making process for the Copthorne Neighbourhood Plan. As such in line with the guidance in the PPG it is not considered that this application should be resisted on grounds of prematurity relating to the Copthorne Neighbourhood Plan.

To conclude there is a requirement to provide gypsy and traveller accommodation within Mid Sussex. National Planning Policy in the PPFTS is clear in stating that LPAs should undertake an assessment of the need for traveller sites and then plan

to meet that requirement. The DP contains a policy (DP33) that addresses this requirement and provides a set of criteria against which planning applications for individual gypsy and traveller sites can be assessed.

It is considered that there would be a benefit from the provision of 13 pitches for gypsy and travellers which would go towards meeting the identified requirement in the District. This weighs in favour of the application. For the reasons that have been set out above it is considered that the overall layout of the site, impact on trees and ecology, impact on the character of the area and impact on the highway are satisfactory. Planning conditions can be used to secure the satisfactory drainage of the site and its decontamination.

Weighing against the scheme is the fact that three of the proposed pitches may have noise levels above the WHO criteria. Given the type of development proposed it is not considered that it would be possible to use a planning condition to require specific levels of glazing on the mobile homes within the affected pitches. However, noise impacts must be considered in the round and not in isolation.

Taking all the issues into account, it is considered that the application complies with the development plan when read as a whole. It is therefore recommended that planning permission is granted subject to the safeguarding conditions set out in the appendix.

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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.

### **Pre commencement conditions**

2. No development shall commence until the following details have been submitted to, and approved by, the local planning authority:
  - A practical wildlife and habitat protection and mitigation plan covering site clearance and construction phases of the development;
  - Details of habitat enhancements and a management plan, including monitoring and maintenance of the ancient woodland buffer (which may be integrated with landscape proposals); and
  - A wildlife sensitive lighting plan showing how light pollution of wildlife habitat (especially ancient woodland) will be avoided.

The approved details shall be implemented in full unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 175 of the NPPF.

3. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

4. Prior to the commencement of construction of any hard surfacing or building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

5. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority a programme of works to control and remove Japanese knotweed and Horsetail from the site. The programme of works shall include details of a monitoring programme.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

6. 1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

~~a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites – code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;~~



~~and unless otherwise agreed in writing by the LPA,~~

~~b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;~~

Please note: sections a) and b) of this condition have been purposely stricken through, as the Geo-environmental Assessment undertaken by WYG (ref: A098027), dated the August 2018 is deemed to have met this requirement.  
and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person<sup>1</sup> to oversee the implementation and completion of the works.

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a) Description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress
- d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (i)c

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall

be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. No development shall take place to construct the footway from the site to the Copthorne roundabout until details of the construction of this path have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided before occupation of any of the plots hereby permitted.

Reason: To ensure the provision of a footpath to provide pedestrian access into the village and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

### **Construction**

9. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday - Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

10. Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hrs

Saturday: 09:00 - 13:00 hrs

Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

11. No burning of demolition/construction waste materials shall take place on site.

Reason: To protect the amenity of local residents from smoke, ash, odour and fume and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

12. Demolition/Construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the construction phases of the development.

Reason: To protect the amenity of local residents from dust emissions and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

## Post occupation

13. The site shall only be occupied by gypsies and travellers as defined in Annex 1 of the DCLG document entitled Planning policy for traveller sites dated August 2015.

Reason: To ensure that the accommodation hereby provided is retained for gypsy and travellers and to comply with policy DP33 of the Mid Sussex District Plan 2014-2031.

14. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on each plot within the site.

Reason: To ensure a satisfactory standard of accommodation within the site and to protect the character of the area and to comply with policy DP33 of the Mid Sussex District Plan 2014-2031.

15. No commercial activities shall take place on the land, including the storage of materials.

Reason: To ensure a satisfactory standard of accommodation within the site and to protect the character of the area and to comply with policy DP33 of the Mid Sussex District Plan 2014-2031.

16. No part of the development shall be first occupied until visibility splays of 2.4 metres by 134 and 138 metres have been provided at the proposed site vehicular access onto Copthorne Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

17. No part of the development shall be occupied until details of the acoustic fencing to be provided at the site have been submitted to and been approved in writing by the Local Planning Authority and the approved details then implemented on site.

Reason: To ensure a good quality of living accommodation for future residents and to comply with policy DP33 of the Mid Sussex District Plan 2014-2031.

## INFORMATIVES

1. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please email: [gal.safeguarding@gatwickairport.com](mailto:gal.safeguarding@gatwickairport.com)

The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

## Plans Referred to in Consideration of this Application

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

| Plan Type                          | Reference | Version | Submitted Date |
|------------------------------------|-----------|---------|----------------|
| Topographical Survey               | SUR/01    | -       | 28.08.2018     |
| Topographical Survey               | SUR/01    | F       | 28.08.2018     |
| Topographical Survey               | LEG-01    | -       | 28.08.2018     |
| Proposed Floor and Elevations Plan | L01       | B       | 28.08.2018     |
| Proposed Floor and Elevations Plan | L02       | A       | 28.08.2018     |
| Location Plan                      | C01       | A       | 28.08.2018     |
| Location Plan                      | S01       | A       | 28.08.2018     |
| Existing Block Plan                | S03       | A       | 28.08.2018     |
| Existing Block Plan                | S05       | A       | 28.08.2018     |
| Proposed Site Plan                 | SO2       | D       | 17.12.2018     |
| Proposed Block Plan                | SO6       | B       | 17.12.2018     |
| Proposed Block Plan                | SO4       | B       | 17.12.2018     |
| Highways Plans                     | 16055-01  | H       | 17.12.2018     |
| Highways Plans                     | 16055-05  | C       | 05.11.2018     |
| Highways Plans                     | 16055-06  | C       | 05.11.2018     |
| Highways Plans                     | 16055-07  | C       | 05.11.2018     |

## APPENDIX B – CONSULTATIONS

### Parish Consultation

See separate letter of objection sent via email to Steven King

### Parish Consultation

The amended and additional plans and documents were discussed at the Worth Parish Council Planning and Highways Committee on 7th January 2019.

The Council reiterates its comment in my letter of 9th October 2018 in that the District Plan has assessed local need as being a requirement to accommodate 23 households in the Plan area up to 2031 under DP33.

Pitches have been allocated in the strategic locations at Burgess Hill, Pease Pottage and Hassocks, and no evidence has been supplied that such provision will not be achievable.

DP9 relating to the strategic allocation north and north-west of Burgess Hill allow for Gypsy and Traveller pitches; it seems, inconceivable to the Council that within a new development of 3500 dwellings, space cannot be found to meet this strategic objective.

The Council notes that DP9 does allow a financial contribution for the provision of pitches elsewhere. However, as all current strategic Gypsy and Traveller locations are to the south and east of the district, it assumes that the demand for such provision is in that area. It cannot understand the need for such provision in the north on a site which is an entirely unsuitable and unsustainable location. Such a view is reinforced by the ample provision of sites just over the border in Surrey.

With particular regard to the current proposals, the Council is of the opinion that the acoustic fence does not comply with DCLG Planning Policy for Traveller Site Guidance Para 26d, as it will "enclose the site with so much hard landscaping that the impression may be given that the site and its occupants are deliberately isolated from the community". This fence enclosure only serves to increase the perception of social isolation.

The Council considers that the proposed degree of hard landscaping constitutes a form of development with an unacceptable impact on the character and appearance of the area, and therefore contrary to DP33.

The fence design is such that as it does not enclose plot 13. Plots 11 and 12 are likely to be exposed to unacceptable and avoidable noise. The need for such a fence enforces the Council's view that this is an inappropriate site for this development.

As cited in my letter of 9th October, the relocation of APH parking has impacted on local wildlife, causing displacement to other areas. In addition, the parking site has led to an appreciable difference in the volume and type of vehicular movements on Cophthorne Rd, such as parking shuttle buses.

As a result, the Council suspects that the traffic survey data is out of date, and that this should be revisited as a matter of urgency, particularly in relation to the proposed extended sight lines, which could prove to be necessary and not optional as at present.

In summary, the Council continues to object to the proposal, as indicated in correspondence of 9th October and 6th December 2018.

Again, given the views of the Parish Council and of local residents, the Council asks that this application be refused by Mid Sussex District Council as the Local Planning Authority.

### **Parish Consultation**

Object.

- The Committee notes the additional information that has been supplied but, this does not change our opinion.
- The Committee is concerned that the acoustic panels will create more noise for the properties on the opposite side of the road to this proposed site.
- The Committee is also concerned that it is anticipated that this application will go to the District Planning Committee on 21st February, just 3 days after the consultation period ends.

### **Parish Consultation**

The Council does not consider that the additional information affects its objections to the application, and refer the Planning Officer to our letter of 9th October. In addition, query if Tandridge District Council has been consulted on the proposals.

### **West Sussex County Council Lead Local Flood Authority (LLFA)**

#### **Flood Risk Summary**

|   |          |
|---|----------|
| Modelled surface water flood risk   | Low risk |
| Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding although the southern section of the site is shown to be at higher risk.<br><br>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events. |          |

Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.

Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’

Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.

Modelled ground water flood risk susceptibility

Low risk

Comments: The majority of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.

Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Records of any flooding of the site?

No

Comments: We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Ordinary watercourses nearby?

Yes

Comments: Current Ordnance Survey mapping shows an ordinary watercourse either within the boundary of the site or adjacent to the site.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent.

### **Future development - Sustainable Drainage Systems (SuDs)**

The FRA for this application proposes that sustainable drainage techniques (permeable paving with a restricted discharge to the local watercourse) would be used to control the surface water from this development to Greenfield run-off rates. This method would, in principle, meet the requirements of the NPPF and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development

have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

### **Highway Authority**

The Local Highways Authority (LHA) has been consulted for the proposed traveller/gypsy pitches at Land on Copthorne Road/Old Hollow, Copthorne. The proposals have been considered on the plans and information provided. There has been a reduction in the number of pitches. It is proposed to have 13 whereas the previous proposal (DM/17/3519) included 16 pitches. There have been a number of alterations to the proposed access arrangements, both in terms of access to/from the site and access and manoeuvring space within the site (to address comments received). In addition, the proposals now include the provision of a footway to provide a pedestrian link between the site and Copthorne Common Road. The LHA engaged in further pre-application advice with the applicant in June 2018. At this time we advised that the applicant provided the following documents:

- Stage 1 Road Safety Audit on the sites access
- TRICS (Trip Rate Information Computer System) data
- Confirmation of parking spaces

To address the above the proposals are supported by way of a Transport Statement (TS) which includes a speed survey, Stage 1 Road Safety Audit (RSA) and Trip Rate Information Computer System (TRICS) data. These documents were all provided and the LHA provided a response to the LPA in September 2018 recommending No Objection to the proposals.

### **The Site**

The site is currently undeveloped land, but benefits from having existing vehicular accesses to both Copthorne Road and Old Hollow. Further to concerns being raised in respect to the proposed vehicular access from Old Hollow, the site layout has been redesigned with access gained solely from Copthorne Road. The road is subject to a 50 mph speed limit. Copthorne Road is an 'A' class road and Old Hollow is classified as a 'D' class road.

### **Access Summary**

The site is accessed from Old Hollow which is classified as part of the A2220 and is subject to a 50 mph speed limit. Previously a speed survey was carried out and the LHA indicated that the splays were in accordance with the recorded road speeds. For ease of reference the 85th percentile speeds along Copthorne Road were the following:

- Eastbound: 48.3 mph
- Northbound: 47.4 mph

The access will require a full Section 278 Agreement. The access should be 6 metres in width with 6 metre kerb radii. Internal service margins have now been provided within the site.

The Stage 1 RSA has been undertaken in accordance with HD19/15 parameters, the RSA has not identified any issues with the proposed access arrangements. The LHA is satisfied with the proposed access strategy.

### **Additional Plans**

**Visibility** - Previously the LHA advised that splays of 109 and 106 metres would be satisfactory based on the 85th percentile recorded road speeds. These splays were based on the parameters of Manual for Streets 2 (MfS2). Following representation relating to the splays, the LHA undertook a site visit on the site on the 5th December 2018. At this time we considered that additional visibility could be achieved along Copthorne Road. A further plan has now been produced with drawing number 16055-01 Rev H demonstrating visibility splays of 138 and 134 metres respectively. These splays would be accepted by the LHA and the improvement can be achieved with cutting back of the existing hedge row. A suitable condition is suggested below.

**Swept Path Diagrams** - the additional plans (16055-05 and 06) showing swept path diagrams for a low loader, car with a caravan and a refuse vehicle. Having assessed each diagram each vehicle can enter the site from Copthorne Road. With the low loader diagram there is a clear path into the other side of the estate road; however given the likelihood of this type of vehicle visiting the site (other than when mobile homes arriving) we do not foresee this causing a safety issue. Again refuse collection is only one visit per week and the drawings demonstrate the manoeuvre of this type of vehicle satisfactorily.

### **Conclusion**

Following the additional information, the LHA are still satisfied with the proposals and the additional plans provide additional clarity on visibility and turning within the site. A revised visibility condition is provided below:

### **Visibility (details approved)**

No part of the development shall be first occupied until visibility splays of 2.4 metres by 134 and 138 metres have been provided at the proposed site vehicular access onto Copthorne Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

### **Sussex Police**

Thank you for your correspondence of 31st August 2018, advising me of a planning application for the proposed change of use of land to residential to form two Sites. Site A - proposed laying out of 10 permanent pitches for the gypsy and traveller community. Erection of a site manager's office and amenity blocks and laying out of internal roads, parking, and associated drainage works and landscaping. Site B - proposed laying out of 3 permanent pitches for the gypsy and traveller community; associated access roads, drainage works and landscaping. Single vehicular access to Copthorne Road to serve both sites. Provision of footpath within the highway verge along Copthorne Road, at the above location, for which you seek advice from a crime prevention viewpoint.



I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the Police service and supported by the home office that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found on [www.securedbydesign.com](http://www.securedbydesign.com)

The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

I note this is an amended application from previously withdrawn planning application DM/17/3519, the difference being the reduction from 12 pitches to 10 on site A, and a reduction in pitches from 4 to 3 on Site B. I would like to take this opportunity to reiterate my previous comments.

Clear demarcation lines are being provided to demarcate each plot's boundary. This will assist in protecting the amenity of each user. Boundary treatment for the development consists of; 2 m timber close boarded acoustic fence (Site A) to rear of pitches on northern side of internal access road; 2m green mesh fencing to rear boundaries of pitches to south side of internal access road; 2 m timber close boarded acoustic boundary fence between Sites A and B; 2 m close boarded fencing between amenity areas rear of pitches; 1m mesh fencing on frontages between pitches.

Site A has a manager's office that will effectively control access to the site, however I do not see any evidence of gates at the entrance to site B, and I therefore ask that consideration is given to implementing gates there, that would restrict access to the site for un-authorised persons when the site is unoccupied.

Where there are communal amenity blocks at the site, I recommend that the doors and any windows to the amenity blocks and the manager's office conform to either PAS 024-2016 / STS 202 BR2 or LPS 1175 SR2.

In order to provide a safe environment for the development during the hours of darkness, lighting is to be considered for each of the self-contained mobile homes, amenity block's entry points and the site's waste disposal areas. This should be vandal resistant and dusk till dawn operated.

Bollard demarcation lighting is being proposed for the development.

Electrical facilities must be securely housed and protected.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

This letter has been copied to the applicant or their agent who is asked to note that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended,

therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.

### **Additional comments**

Thank you for bringing to my attention an amended plan concerning Site B at the above development. The Amended plans relate to fencing being introduced into site B in the form of 2 metre high acoustic fencing where previously there was no acoustic fencing proposed for Site B.

The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

With the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

I have had the opportunity to view the additional fencing to Site B and I offer the following comments from a crime prevention viewpoint.

The proposed fencing consists of a 2 metre high acoustic fence running parallel with Copthorne Road to the front of plots 11 & 12 and the side elevation to plot 13. There is an additional proposed fence sited directly across plot 11's frontage facing the entrance to the development.

Whilst the purpose of the fencing is to alleviate noise that may impact upon the amenity of the residents, there is also a surveillance issue to be regarded and balanced within the requirement for noise protection.

The proposed fence running parallel with the road does not give me cause for concern. This also doubles as a secure boundary treatment. It is the proposed fence sited across plots 11's frontage that causes me to raise a number of observations. These being;

- The proposed acoustic fence to the front of plot 11 forms a demarcation line that effectively creates a definitive boundary between site A and Site B.
- The purpose of the acoustic fence is to protect plot 11 from harmful noise.
- The acoustic fence restricts observation from Site A across plot 11 in Site B.
- At 2 metres in height it restricts natural surveillance into and out of development from plot 11 (the majority of Site A plots have no surveillance of the entrance).
- Observation from plot 11 is not restricted across site B.
- Observation from plots 12 & 13 is still maintained over plot 11.

To summarise, the presence of the acoustic fence creates a separation of Site A from Site B. It restricts surveillance of the entrance from plot 11 and its form may appear unsightly when entering the development. However given the observation available between plots 11, 12 & 13 within Site B, and that there is direct separation of Site A from Site B, I do not consider its presence to be a negative point as each site is independent from the other. They both have good levels of observation within them. I do not have concerns with the proposal from a crime prevention viewpoint.

I do feel that careful consideration is to be applied to ensure a balance of security, surveillance, noise reduction and an ascetic appearance for the development is created.

May I ask that during the design, construction and erection of the acoustic fencing that consideration is given to ensure that no climbing aids are present on the attack face of the said fence to prevent easy access.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

This letter has been copied to the applicant or their agent who is asked to note that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.

### **Aerodrome Safeguarding Officer**

Thank you for your email/letter dated 31 August 2018, regarding the above mentioned consultation.

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the condition detailed below:

#### Submission of Landscaping Scheme

No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- Any earthworks
- Grassed areas
- The species, number and spacing of trees and shrubs

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Gatwick Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

**For Information:** For further general information please refer to AOA Advice Note 3, 'Wildlife Hazards Around Aerodromes', available from: <http://www.aoa.org.uk/policy-campaigns/operations-safety/>

We will need to object to these proposals unless the above mentioned condition is applied to any planning permission.

We would also make the following observation:

## Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please email [gal.safeguarding@gatwickairport.com](mailto:gal.safeguarding@gatwickairport.com)

The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

If you have any queries please do not hesitate to contact me.

It is important that the condition requested in this response is applied to a planning approval. Where a Local Planning Authority proposes to grant permission against the advice of Gatwick Airport Limited, or not to attach conditions which Gatwick Airport Limited has advised, it shall notify Gatwick Airport Limited, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

### **NATS Safeguarding**

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

### **Environmental Health Officer**

The revised plans with additional acoustic fencing still has predicted noise levels that exceed WHO guidelines for daytime noise levels but where there is a particular need for housing, the guidelines provide some flexibility. Whilst I note that the modelling predicts that none of the units will experience noise levels that exceed the WHO guideline limits for night-time noise which would impact on sleep, some of the units are predicted to experience daytime noise levels of up to 39.0dB. The WHO daytime noise intrusion (guideline) level is set at 35dB but the British Standard on Sound and Noise Reduction for Buildings (BS8233) states that "Where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved". Additionally BS8233 also states that "...it is necessary to remember that people vary widely in their sensitivity to noise, and the levels suggested might need to be adjusted to suit local circumstances"

Therefore, I would consider the proposed amendment to be satisfactory.

## Additional comments

Having reviewed the Noise Assessment produced by WYG (January 2019), I have the following comments to make.

I have confirmed with Graham Davis Principal Environmental Consultant at WYG that the table headings in Table 3.4 are L<sub>Amax</sub> measurements and not L<sub>Aeq</sub> as the table headings show, it is a typographical error.

The night-time L<sub>Amax</sub> at source has been verified by the above report as 74.8dB. Table 5.3 details a number of locations on the site and provides the sound pressure levels at the façade, internally with the windows open and internally with the windows closed. The WHO guidance states that night-time internal L<sub>Amax</sub> measurements should not exceed 45dB.

To quote from the report:

"However, it should be noted that BS 8233:2014 explicitly states that "where necessary or desirable, despite external noise levels above the WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved."

British Standard 8233:2014 therefore sets out a case whereby internal target levels can be increased by up to 5dB and the report shows that that with the windows closed, none of the WHO criteria (plus 5dB) will be breached.

It is also noteworthy that this type of accommodation will be multiple aspect which would allow windows to be opened on a façade that does not face the noise source for ventilation purposes.

I am therefore in agreement with the above mentioned Noise Assessment which concludes:

"The proposed development is not expected to have an 'adverse impact' on health or quality of life. Similarly, it is considered that all 'adverse impacts on health and quality of life' (relating to noise) are mitigated."

## Contaminated Land Officer

### Recommendation: Approve with conditions

1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

~~a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;~~

**and unless otherwise agreed in writing by the LPA,**

~~b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic~~

~~Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme ([MCERTS](#)) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end use or that will be made so by remediation;~~

Please note: sections a) and b) of this condition have been purposely stricken through, as the Geo-environmental Assessment undertaken by WYG (ref: A098027), dated the August 2018 is deemed to have met this requirement.

**and, unless otherwise agreed in writing by the LPA,**

- c) A *remediation method statement* detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a *design report* and an *installation report* for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person<sub>1</sub> to oversee the implementation and completion of the works.
- 2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):
- a) Description of remedial scheme
  - b) as built drawings of the implemented scheme
  - c) photographs of the remediation works in progress
  - d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (i)c

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

In addition, the following precautionary condition should be applied separately:

- 3) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and

prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

## **Ecological Consultant**

### Recommendation

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

- A practical wildlife and habitat protection and mitigation plan covering site clearance and construction phases of the development;
- Details of habitat enhancements and a management plan, including monitoring and maintenance of the ancient woodland buffer (which may be integrated with landscape proposals); and
- A wildlife sensitive lighting plan showing how light pollution of wildlife habitat (especially ancient woodland) will be avoided.

The approved details shall be implemented in full unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 175 of the NPPF.

## **Tree Officer**

I note the reduction of units which will reduce pressure on the trees, as will the provision of one, instead of two accesses.

It appears that both the invasive species report and the AIA make reference to the need for an arboriculturist to be present for excavations and I would recommend a condition requiring adherence to the AIA.

The access is stated as requiring the removal of 4 trees and their replacement should be conditioned elsewhere on the site, also additional planting could be required along Old Hollow boundary to fill in gaps.

Whilst I am still concerned about future pressure on the trees, this scheme is an improvement on the previous one and appears to be less cramped and the public amenity value of the trees is unlikely to be compromised.

There are no details of service provision and a condition should be attached to ensure any excavations within the RPAs should be hand dug or air spaded.

## **Thames Water**

### Waste Comments

The planning application proposal sets out that Foul Waters will NOT be discharged to the public network and as such Thames Water has no objection. Should the applicant subsequently seek a connection to discharge Foul Waters to the public network in the future then we would consider this to be a material change to the application details, which would require an amendment to the application and we would need to review our position.

### Water Comments

With regard to water supply, this comes within the area covered by the Mid Southern Water Company. For your information the address to write to is: Mid Southern Water Company, Frimley Green, Camberley, Surrey GU16 6HZ.

### **Drainage Officer**

#### **Recommendation: No objection subject to conditions**

### **Flood Risk**

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

### **Surface Water Drainage Proposals**

It is proposed that the development will create two separate surface water drainage systems for Areas A and B of the site to facilitate the proposed separate ownerships.

- Area A will utilise permeable paving on deep open graded sub-base to provide attenuation before discharging via an orifice plate to the watercourse adjacent to the site.
- Area B will utilise cellular confinement structure / geo-web to provide attenuation before discharging via an orifice plate to the watercourse adjacent to the site.

This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus 40% allowance for climate change.

As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded. As there will be two separate drainage schemes we will require two separate maintenance and management plans.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing Greenfield rates and follow natural drainage routes as far as possible.
- Calculate Greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.



- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Further guidance in relation to this and guidance for specific disposal methods can be found in the 'Further Drainage Advice' section.

### **Foul Water Drainage Proposals**

Two alternative options for the foul water drainage have been initially proposed; discharge to the public sewer or the use of package treatment systems and discharge to the watercourse. There is also the potential requirement to provide additional treatment for the disposal of waste from chemical toilets.

It is envisioned at this time that package treatment systems would be utilised on site due to the constraints in joining the main sewer system.

### **Suggested Conditions**

#### **C18F - Multiple Dwellings**

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

### **Further Drainage Advice**

Applicants and their consultants should familiarise themselves with the following information:

### **Flood Risk and Drainage Information for Planning Applications**

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the [Practice Guidance for the English non-statutory SuDS Standards](#)

| Pre-app | Outline | Full | Reserved | Discharge | Document submitted  |
|---------|---------|------|----------|-----------|---|
| √       | √       | √    |          |           | Flood Risk Assessment / Statement (checklist)   |
| √       | √       | √    |          |           | Drainage Strategy / Statement & sketch layout plan (checklist)  |
|         | √       |      |          |           | Preliminary layout drawings   |
|         | √       |      |          |           | Preliminary "Outline" hydraulic calculations  |
|         | √       |      |          |           | Preliminary landscape proposals   |
|         | √       |      |          |           | Ground investigation report (for infiltration)  |
|         | √       | √    |          |           | Evidence of third party agreement for discharge to their system (in principle / consent to discharge) |
|         |         | √    |          | √         | Maintenance program and on-going maintenance responsibilities   |
|         |         | √    | √        |           | Detailed development layout   |
|         |         | √    | √        | √         | Detailed flood and drainage design drawings   |
|         |         | √    | √        | √         | Full Structural, hydraulic & ground investigations  |
|         |         | √    | √        | √         | Geotechnical factual and interpretive reports, including infiltration results                         |
|         |         | √    | √        | √         | Detailing landscaping details   |
|         |         | √    | √        | √         | Discharge agreements (temporary and permanent)  |
|         |         | √    | √        | √         | Development Management & Construction Phasing Plan  |

Additional information may be required under specific site conditions or development proposals

**Useful links:**

[Planning Practice Guidance](#) – Flood Risk and Coastal Change

[Flood Risk Assessment for Planning Applications](#)

[Sustainable drainage systems technical standards](#)

[Water.People.Places.](#) - A guide for master planning sustainable drainage into developments

Further guidance is available on the Susdrain website at <http://www.susdrain.org/resources/>

**1.**

***For a development located within Flood Zone 2, Flood Zone 3, which is greater than 1 hectare in area, or where a significant flood risk has been identified:***

A Flood Risk Assessment will need to be submitted that identifies what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.

**2.**

***For the use of soakaways:***

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. It will also need to be demonstrated that the proposed soakaway will have a half drain time of at least 24 hours.

**3.**

***For the use of SuDs and Attenuation:***

Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken.

Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.

You cannot discharge surface water unrestricted to a watercourse or sewer.

**4.**

***Outfall to Watercourse:***

Any proposed run-off to a watercourse will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. You cannot discharge surface water unrestricted to a watercourse.

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an

Ordinary Watercourse Consent (OWC) may need to be applied for. Guidance into the OWC application process can be found on West Sussex County Council's website at

<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/>

OWC applications can also be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.

## **5.**

### ***Outfall to Public Sewer:***

Any proposed run-off to a sewer will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. You cannot discharge surface water unrestricted to a sewer.

Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining greenfield area, is not an increase above the pre-developed greenfield rates.

## **6.**

### ***Public Sewer Under or Adjacent to Site:***

Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or within close proximity to such sewers will require prior permission from the sewerage undertaker. Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.

## **7.**

### ***MSDC Culvert Under or Adjacent to Site:***

Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an "easement" strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council, Scott Wakely, 01444 477 055.

## **8.**

### ***Watercourse On or Adjacent to Site:***

A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.

## **Housing Enabling & Development Officer**

The applicant is proposing a development comprising of a total of 13 permanent pitches for the gypsy and traveller community. There are currently 89 households on the waiting list for a pitch on a gypsy and traveller site in West Sussex with 14 of those having indicated Mid Sussex as a preference and 24 indicating that they will accept any pitch in West Sussex. The majority of the households are families with children. The provision proposed would

assist in addressing this identified housing need in the district and as such receives our full support.

## **Planning Policy Officer**

### Response

The NPPF (2018) requires Local Planning Authorities to determine the minimum number of homes needed, including the size type and tenure of housing needed for different groups in the community including travellers, which should be assessed and reflected in planning policies,.

Planning Policy for Traveller Sites (DCGL 2016) (PPTS) sets out the government Planning Policy for traveller sites.

An assessment of the housing need for travellers in Mid Sussex has been undertaken, in line with the requirements set out in the PPTS and published to inform the preparation of the Mid Sussex District Plan. The Mid Sussex Gypsy and Traveller Accommodation Assessment (2016) (GTAA) sets out this assessment. It forms part of the evidence submitted at the District Plan Examination and informs Policy DP33: Gypsies, Travellers and Travelling Showpeople. Policy DP33 was found to be a sound policy at the District Plan Examination.

Policy DP33 states that there is an identified need to accommodate 23 households for settled Gypsies and Travellers for the period up to 2031. The policy sets out how the Council will secure that a sufficient amount of permanent culturally suitable housing is delivered to meet identified needs. Policy DP33 also provides criteria based approach (reflecting criteria established in the PPTS) to the assessment of proposals for new or extensions to existing Gypsy and Traveller or Travelling Showpeople sites.

The policy states:

*New Gypsy, Traveller and Travelling Showpeople sites, and extensions to existing sites, including transit sites, will be permitted provided:*

- *The site or extension satisfies a clearly defined need, as evidenced by the Mid Sussex Gypsy and Traveller Accommodation Assessment or the best available evidence;*
- *The site is reasonably accessible to schools, shops, health and other local services and community facilities;*
- *The development is appropriately located and designed to/ or capable of being designed to ensure good quality living accommodation for residents and that the local environment (noise and air quality) of the site would not have a detrimental impact on the health and well-being of the Travellers;*
- *The sites are compatible with neighbouring land uses, and minimise impact on adjacent uses and built form and landscape character;*
- *In rural and semi-rural areas sites should not dominate the nearest settled community;*
- *Any site within the 7km zone of influence around Ashdown Forest will require an appropriate assessment under the Habitats Regulations to be undertaken and appropriate mitigation provided as required (Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) refers); and*
- *In the case of proposals within the High Weald AONB, Policy DP16: High Weald Area of Outstanding Natural Beauty will apply.*

*The determination of planning applications for new sites or extensions to sites providing accommodation for settled Gypsy and Traveller and Travelling Showpeople use will be considered under the relevant District Plan policies.*

The proposed provision of 13 permanent pitches will contribute towards the established need for pitches as identified in the GTAA, for 23 pitches.

The proposals subject of this application will be permitted provided they meet the relevant criteria of the policy. Taking each policy criteria in turn:

The policy requires that the site is reasonably accessible to local services. The site lies close to the village of Copthorne, which is a category 2 settlement (as set out in policy DP6: Settlement Hierarchy). A category 2 settlement is characterised as being a larger village acting as a Local Service Centre providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport. There is an infant and junior school within Copthorne village, along with a doctor's surgery, local shops, post office and other local services. The planning statement notes that a footpath will be provided from the site along Copthorne Road, westwards to link with Copthorne Common Road. This will provide a safe pedestrian route into Copthorne village.

The site is adjacent to the Copthorne Road; this is a main road which has the potential to cause noise disturbance on the site. An assessment of noise has been provided to support the planning application. The planning application includes proposed provision of a 2m high acoustic fence within the eastern boundaries of the site. It is suggested that Environmental Health are consulted to establish that good quality accommodation can be provided on site, in relation to noise.

The site is adjacent to open countryside to the south and bordered by Copthorne Road and Old Hollow to the north west and east. There is sporadic residential development along both these roads, as well as some commercial development to the east along Copthorne Road and on Old Hollow. To the north east of the site lies the Copthorne Hotel complex. It is considered that the site is compatible with neighbouring land uses.

The provision of 13 permanent pitches on a site of 4.23 acres is not considered to dominate the nearest settled community, taking into account the size of Copthorne village and the sporadic nature of the residential properties and commercial premises within the vicinity of the site.

The site lies outside the 7km zone of influence around the Ashdown Forest. The site is not within the High Weald Area of Outstanding Natural Beauty and therefore these policy criteria do not apply in the determination of this application.

In summary, the proposed development would make a contribution to the established need for Gypsy and Traveller site provision in the District and complies with the criteria set out in Policy DP33.