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7 October 2020

New regulations came into effect on 4 April 2020 to allow Councils to hold meetings remotely via electronic means. As such, Council and Committee meetings will occur with appropriate Councillors participating via a remote video link, and public access via a live stream video through the [Mid Sussex District Council's YouTube channel](#).

Dear Councillor,

A meeting of **DISTRICT PLANNING COMMITTEE** will be held **via REMOTE VIDEO LINK** on **THURSDAY, 15TH OCTOBER, 2020 at 2.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

#### **A G E N D A**

#### **Pages**

1. Roll Call and Virtual Meetings explanation.
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 previous meetings of the District Planning Committee held on 20th August and 3rd September 2020. **3 - 10**
5. To consider any items that the Chairman agrees to take as urgent business.

#### **Recommended for Approval.**

6. DM/20/1137 - Central House, 25 - 27 Perrymount Road, Haywards Heath, West Sussex, RH16 3TP. **11 - 84**

7. DM/20/1590 - Land at Lower Hollow Copse (Pot Common),  
Cophorne Road, Cophorne, West Sussex, RH10 3SQ.

85 - 184

**Recommended for Refusal.**

None.

**Other Matters.**

None.

8. Questions pursuant to Council Procedure Rule 10.2 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.

To: **Members of District Planning Committee:** Councillors R Salisbury, D Sweatman, R Bates, E Coe-Gunnell White, A Eves, S Hatton, R Jackson, C Laband, A Peacock, N Walker, R Webb and R Whittaker

**Minutes of a meeting of District Planning Committee  
held on Thursday, 20th August, 2020  
from 2.30 pm - 3.31 pm**

**Present:** R Salisbury (Chair)  
D Sweatman (Vice-Chair)

R Bates  
A Eves  
S Hatton

R Jackson  
C Laband  
A Peacock

R Webb  
R Whittaker

**Absent:** Councillors E Coe-Gunnell White and N Walker

**Also Present:** Councillor Webster

**1. ROLL CALL AND VIRTUAL MEETINGS EXPLANATION.**

The Chairman commenced the roll call to confirm the Members present. Tom Clark, Head of Regulatory Services provided a virtual meeting explanation.

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

None.

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

Cllr Laband declared a non pre-determined interest in Item 6 DM/19/5207 as he is a Member of Haywards Heath Town Council.

**4. TO CONFIRM MINUTES OF THE PREVIOUS MEETING OF THE DISTRICT PLANNING COMMITTEE HELD ON 16 JULY 2020.**

After an amendment to s are voting record the Minutes of the Committee meeting held on 16 July 2020 were agreed as a correct record after a minor amendment and signed electronically by the Chairman.

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

None.

**6. DM/19/5207 - ROOKERY FARM, ROCKY LANE, HAYWARDS HEATH, RH16 4RW**

Steve Ashdown, Major Development & Investigations Team Leader drew Members attention to the Agenda Update Sheet which had been emailed and was available online. The update sheet detailed comments received from Ansty Parish Council regarding the access to the site, comments by the Urban Designer and comments

from West Sussex Fire & Rescue Service which would be covered by an additional condition. He also provided, a verbal update, noting that conditions 19 and 20 were duplicates, and advised the committee of the increased contributions in relation to the additional buildings: formal sports £27,226, community building £16,120, and local community infrastructure £17,700. He confirmed that the West Sussex contributions are calculated by a formula to ensure no double counting of the properties in the application.

He introduced the report seeking planning permission for 72 residential dwellings, with changes to scheme already approved for 49 dwellings and therefore an additional 23 dwellings. The earlier schemes had already been approved under DM/16/4496 and DM/17/4190. He highlighted the dwellings that were part of the revised application, noted that the access had already been constructed, areas ancient woodland, to the south and east of the site which were not within the application site and were covered by extant permissions.

The site is within the Development Plan, Neighbourhood Plan and builtup area. He noted the changes to the layout of approved dwellings, providing semi-detached and terraced houses and an apartment block. The intensification of the site was due to a reduction in no of 4-bed units and an uplift in smaller units. The new mix was more in line with the District need and an additional 7 affordable units would be provided. He highlighted that the number of car parking spaces was just below West Sussex standards, but the site has a travel plan and the reduced level is acceptable. The Urban Designer comments had been addressed by the revised drawing detailing stepped gabled roofs. He concluded that the application was in accordance with the Development Plan and the principle of develop is acceptable. The increase in density is not a material impact on the character of the development.

Mrs Stephanie Went, local resident, spoke in objection to the application.

Mr R. Brocklehurst, local resident, spoke in objection to the application.

Ms J. Sparkes, agent, spoke in support of the application.

Members noted that the revised housing mix better meets the needs of the District and noted the increased number of affordable units. Members discussed the issues of sustainability including Electric Vehicle Charging points (EVC), installation of gas boilers and sustainable transport, the adjacent Ancient Woodland, footpath 104CR, condition 5 which related to asbestos on the site and the badger sett.

The Chairman stated that there was asbestos on the site as it used to be working farm and the Planning Officer could discuss the closure of footpath 104CR with the developer. He highlighted the swales and buffers which were outside the application site and had already been covered in previous applications.

A Member expressed concern about the contaminated land and queried whether conditions on the extant permissions should have been discharged. The Team Leader confirmed ongoing discussions with the Planning Officer, and that submissions had been received to rectify this. However, he noted that this was separate to this application and was being addressed as a matter of urgency.

In response to Members questions the Team Leader confirmed the badger sett had been secured through the outline permission was covered under conditions relating to ecology and had been approved. A licence can be obtained through Natural England if required. The developer has chosen a fabric first approach to address

climate change, with restrictions on daily water consumption and water butts; the application meets District Plan Policy DP39 on sustainability. ECVs were secured as part of air quality mitigations and details will be submitted in relation to condition 13, future proofing of the development for further provision can be discussed with the developer. He confirmed there was no footpath connection from the east of the site to Fox Hill. The site is permeable to footpath 104CR which goes south to Burgess Hill and there is a link north to Haywards Heath. The Ancient Woodland buffer zone has been secured and is not being altered as result of the application.

The Chairman noted that if the additional units are within development boundary of the extant permission, the developer can be flexible and react to market conditions. In response to Members comments he noted that the performance of South East Water is being investigated following the recent interruptions in the local water supply, but this is outside the control of the Council.

The Team Leader noted that speed indicator signs are outside the application, highway mitigations have been secured and no further additions are required. Condition 16 requires the developer to agree and implement a detailed landscaping scheme which will be maintained for a set time frame.

As there were no further speakers the Chairman took the Members to the recommendations and Councillor Laband proposed that the Committee approve the application in line with the Officer's recommendation, this was seconded by Councillor Sweatman.

The Legal Officer took a named vote on the recommendations with the changes in the update sheet and the Committee voted unanimously in favour of the motion.

<b>Councillor</b>	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Bates, R.	✓		
Eves, A.	✓		
Hatton, S.	✓		
Jackson, R.	✓		
Laband, C.	✓		
Peacock, A.	✓		
Salisbury, R.	✓		
Sweatman, D.	✓		
Webb, R.	✓		
Whittaker, R.	✓		

## **RESOLVED**

That planning permission be granted for this development subject to the conditions set out in appendix A and the Agenda Update Sheet.

### **Recommendation A**

It is recommended that permission be granted, subject to the completion of a section 106 planning agreement to secure the necessary infrastructure contributions and affordable housing and the conditions listed at Appendix A.

### **Recommendation B**

It is recommended that if a satisfactory legal agreement has not been entered into by 20th November then the application be refused at the discretion of the Divisional Leader, Planning and Economy for the following reason:

The proposal fails to provide the necessary infrastructure to serve the development and fails to provide the required affordable housing. The scheme therefore conflicts with policies DP20 and DP31 of the Mid Sussex District Plan 2014-2031.

### **7. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

None.

The meeting finished at 3.31 pm

Chairman

**Minutes of a meeting of District Planning Committee  
held on Thursday, 3rd September, 2020  
from 2.30 pm - 3.38 pm**

**Present:** R Salisbury (Chair)  
D Sweatman (Vice-Chair)

R Bates	S Hatton	A Peacock
E Coe-	R Jackson	R Webb
Gunnell White	C Laband	R Whittaker
A Eves		

**Absent:** Councillors N Walker

**Also Present:** Councillors Cllr P Chapman, R De Mierre, R Eggleston, J Henwood, A MacNaughton, N Webster.

**1. ROLL CALL AND VIRTUAL MEETINGS EXPLANATION.**

The Chairman commenced the roll call to confirm the Members present. Carolyn Forster, Business Unit Leader for Legal Services, provided a virtual meeting explanation.

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

Apologies were received from Cllr Walker.

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

Cllr. A. Eves declared that she was judged to be predetermined on Item 5. DM/19/3331 - The Martlets Shopping Centre, Burgess Hill, West Sussex, RH15 9NN and therefore agreed to remove herself from the discussion and voting on the item.

Cllr. E. Coe-Gunnell White declared a personal interest as she is a Member of Burgess Hill Town Council.

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

The Chairman confirmed that he had no urgent business.

**5. DM/19/3331 - THE MARTLETS SHOPPING CENTRE, BURGESS HILL, WEST SUSSEX, RH15 9NN**

The Chairman welcomed the speakers and he highlighted the public speaking procedure.

Steve Ashdown, Major Development & Investigations Team Leader, introduced the application which sought planning permission for the redevelopment of the Martlets Shopping Centre in the centre of Burgess Hill to provide additional retail floorspace, a cinema, a bowling alley, a gymnasium, a hotel and 172 residential units, along with the reconfiguration of a public carpark and public realm improvements. He drew Members attention to the Agenda Update Sheet which provided further information pertinent to the application, typographical corrections to the ground floor residential units that are referred to and a revision to the wording of Condition 24.

Cllr Henwood, Member for Burgess Hill Franklands Ward, spoke against the application.

Michael Wood, Agent of the Applicant, spoke in favour of the application.

Robert Eggleston, Ward Member, spoke in favour of the application and on behalf of his fellow Ward Member Cllr Hussain. He acknowledged the significance of the application which would undoubtedly assist and lift the town's economy, catering for the late evening and afternoon culture. He noted the reduction in commercial parking but took comfort that there are still 1100 parking spaces still available in the town and that DP21 of the District Plan highlights the need facilitate the shift of transportation to walking or cycling. It was noted that the statutory consultee made no comment on the application and drew Members attention to the Conservation Officer's consultation. He believed the application caused less than substantial harm to the heritage assets and the benefits of the scheme, to revitalise the town centre socially, economically and visually as well as boosting both the daytime and night-time economy of the town, should outweigh this less than substantial harm.

The Vice-Chairman outlined that it would be years before Burgess Hill has anything similar brought forward if the development would not be approved. He accepted the detrimental impact on light to Flats 105b and 107b Church Walk as any development in a town centre will always cause some degree of harm. He felt the design was suitable to the area and that the block of flats sat well within the whole development.

A Member highlighted that Burgess Hill Town Council did not criticise the scheme and that the scheme would bring more leisure facilities to the location. He noted the level of use of red brick in the scheme which he felt was over emphasising references to the Sussex vernacular and expressed a preference to the design of the opposite side of the development.

A Member sought clarification on the reference made to the Place and Connectivity Programme and how the proposals will complement the proposed development. He also sought clarification on the roundabout from which McDonalds can be accessed and their cooperation with the efforts to improve traffic flow on the roundabout.

Sally Blomfield, Divisional Leader for Planning and Economy, confirmed that the Place and Connectivity Programme has been progressing well; consultation took place in Summer 2020 and implementation on a number of Projects is expected to start this Autumn with delivery of the whole Programme to take place over the coming years. She also confirmed that West Sussex County Council Highways are partners and colleagues have raised no objection to the application scheme. She added that the proposed new egress right turn arrangements will assist to reduce congestion at the roundabout.

A Member reiterated the comments of the Ward Member and expressed support for the application.



A Member reiterated the concerns made by his colleagues with respect to the roundabout that McDonalds can be accessed from. He questioned the security of the cycling facilities at the flats and expressed concern about the new gymnasium that is being proposed given that there is a gym, operating out of a Council building, is only five minutes away. He felt disappointed that the development cannot facilitate any form of affordable housing, especially in light of the current pandemic. He believed that lot more work could be carried out to encourage a greater use of the bus service, that Burgess Hill had the great potential to become a cycling town and that there should be more investment in cycling and bus infrastructure.

The Chairman noted that the existing issues at the McDonalds roundabout relate to the operation of a private business and therefore resolution of the matter was not the responsibility of this proposal. He also highlighted that it is a matter for the developer whether a gym that they propose is too close to another gym.

The Major Development & Investigations Team Leader outlined that the all 172 cycle spaces will be reserved for the residential units and will be covered and secured through Condition 25. He drew attention to the extant permission which does not make any provision for public transport improvements. He noted that the proposed scheme doesn't make provision either however the scheme does improve the pedestrian and cycling accessibility through the provision of a cycle hub, potential for a car club and improves the pedestrian connectivity across the town in tandem with the Place and Connectivity Programme.

A Member noted that the report referred to spare capacity for car parking and sought clarification.

The Major Development & Investigations Team Leader highlighted that the most popular carpark is the car park that sits in front of Waitrose; at the proposed peak demand, the car park will operate 89% capacity. He stated that the existing multi-storey carpark is significantly underused and that officers are content with new reconfigured car park.

A Member believed that the development is key to the future of Burgess Hill. He noted that no parking provision for the hotel and in other areas he is aware of hotels in other authorities rent parking spaces from nearby paid car parks. He outlined that it was important to have sufficient disabled parking arrangements both on street and off street. He also expressed disappointment that no affordable housing is provided but felt that it highlighted the importance to tighten the viability review.

The Chairman believed that the solution for the car parking was sensible. He stated that he doesn't usually comment on planning application however he believed that the report was very comprehensive and that the presentation of the application encapsulates what Burgess Hill are getting. He complimented the modern architecture, the counterpoint of the tower block, the lowering of the height with the lead up to the Church.

The Chairman took Members to the recommendation to approve the application which was proposed by Cllr Coe-Gunnell White and seconded by Cllr Sweatman.

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Councillor R Bates	✓		
Councillor A Eves			

Councillor S Hatton	✓		
Councillor R Jackson	✓		
Councillor C Laband	✓		
Councillor A Peacock	✓		
Councillor R Salisbury	✓		
Councillor D Sweatman	✓		
Councillor R Webb	✓		
Councillor R Whittaker	✓		

The Business Unit Leader for Legal Services took a recorded vote and the Committee voted unanimously in favour of the motion.

### **RESOLVED**

That that permission be granted, subject to the completion of a section 106 planning agreement to secure the necessary viability review clause and sustainable transport measures and the conditions listed at Appendix A and revised conditions listed on the Agenda Update Sheet.

### **6. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

None.

The meeting finished at 3.38 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

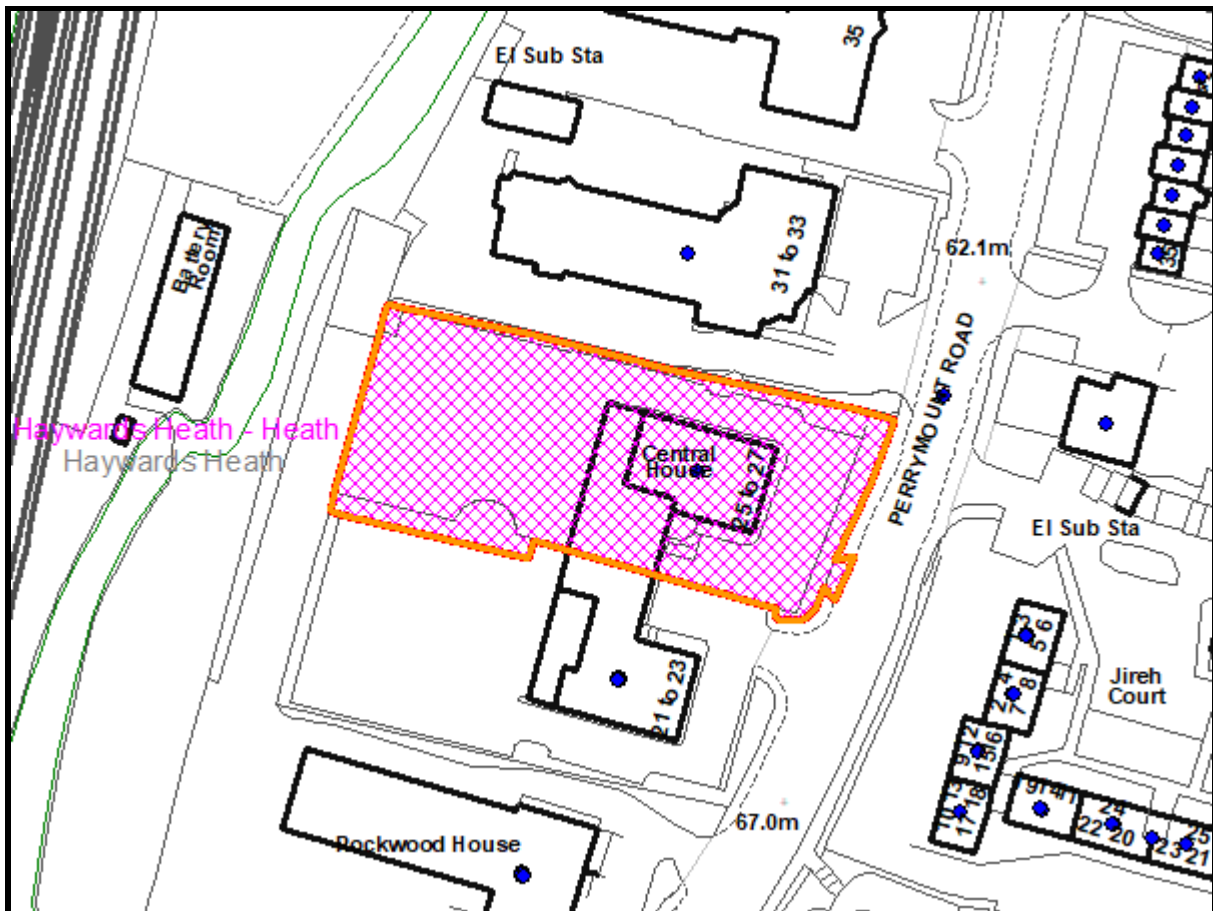
District Wide Committee

15 OCT 2020

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/20/1137



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## **CENTRAL HOUSE 25 - 27 PERRY MOUNT ROAD HAYWARDS HEATH WEST SUSSEX**

**OUTLINE APPLICATION TO DEMOLISH THE EXISTING OFFICE BUILDING AND THE ERECTION OF A NEW OFFICE (B1 USE) AND A MIXED USE (COMMERCIAL B1, D1, D2 USE AND RESIDENTIAL) BUILDING COMPRISING OF UP TO 38 FLATS AND UP TO 3,419 SQM OF COMMERCIAL FLOORSPACE TOGETHER WITH THE FORMATION OF A NEW ACCESS AND ASSOCIATED CAR PARKING. ALL MATTERS TO BE RESERVED EXCEPT FOR ACCESS.**

**C/O AGENT**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Bluebell Railway / Aerodrome Safeguarding (CAA) / SWT Bat Survey / Trees subject to a planning condition / Highways Agreement (WSSC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 30th November 2020

WARD MEMBERS: Cllr Sandra Ellis / Cllr Clive Laband /

CASE OFFICER: Joanne Fisher

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

Outline permission is sought to demolish the existing office building and the erection of a new office (B1 use) building and a mixed use (commercial B1, D1, D2 use and residential) building comprising of up to 38 flats and up to 3,419 sqm of commercial floorspace together with the formation of a new access and associated car parking. All matters to be reserved except for access at Central House, 25 - 27 Perrymount Road, Haywards Heath.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The NPPF states that planning should be genuinely plan-led. The Council has an up to date District Plan and is able to demonstrate that it has a 5 year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. The planning balance set out in the NPPF is an un-tilted one.

The NPPF seeks to promote an effective use of land in meeting the need for homes and other uses through encouraging mixed use schemes and promoting the development of under-utilised land and buildings. As such, in terms of principle, the replacement of the existing building with an enlarged building retaining and increasing the commercial office floor space for the site will provide economic benefits to the area and seek to retain employment land in Perrymount Road which is identified as a commercial area within the Haywards Heath Masterplan and the Haywards Heath Neighbourhood Plan. In addition the proposed rearward residential development on the site would result in the delivery of up to 38 residential units

including 30% affordable housing within a highly accessible and sustainable location, that would boost the Council's housing supply. The site is within the built up area of Haywards Heath which is a Settlement 1 Category. The site is therefore considered to be a suitable and sustainable location for residential development.

The means of access to serve the development with an additional access off Perrymount Road is considered acceptable.

Whilst the concerns from the Town Council concerning the amount of car parking proposed is noted, the site is within a highly sustainable location close to a mainline train station, bus stops and the Town Centre.

The proposal will deliver positive social and economic benefits through the delivery of additional commercial floorspace in a key commercial area within the town, as well as housing which reflects one of the key objectives of the NPPF. In the short term the proposal would also deliver a number of construction jobs and as a result of additional spending within the economy once occupied. The Council would also receive a new homes bonus. In addition, the additional commercial and residential uses would likely increase footfall in the town and help the local economy and local business during the current difficult time caused by the Covid-19 pandemic.

There will be a neutral impact in respect of the impact on the Ashdown Forest, ecology and archaeology.

As the application is in outline form only, consideration on the appearance, layout, scale, landscaping and the impact on the amenities of surrounding residential occupiers would be considered at the reserved matters stage.

On the basis of the above, the application complies with policies DP1, DP, DP6, DP20, DP21, DP26, DP30, DP31, DP38 and DP41 of the District Plan and policies E8, E9, B3, T1, T2, T3 and H8 of the Haywards Heath Neighbourhood Plan, and paras 8, 80, 103, 108, 117, 118, 124 and 127 of the National Planning Policy Framework. Accordingly the application is recommended for approval.

## **RECOMMENDATION**

### **Recommendation A**

It is recommended that outline planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure infrastructure contributions and affordable housing and the conditions set in Appendix A.

### **Recommendation B**

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments and affordable housing by the 15th January 2021, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure and affordable housing required to serve the development.'

## **SUMMARY OF REPRESENTATIONS**

5 letters of OBJECTION concerning the following points:

- Demolition crews and builders block the shared access with 21-23 Perrymount Road;
- Noise and disruption during construction works;
- Level of parking for development inadequate;
- Safety of use of access with adjoining building and impact on visibility;
- No level access for residential units;
- No community involvement with neighbours;
- Inclusion of residential development contradicts Neighbourhood Plan which identifies site in designated commercial area;
- Dominant massing of residential element inappropriate to context and provides minimal amenity space.

## **SUMMARY OF CONSULTEES**

### **WSCC Highways Authority**

No objection.

### **WSCC Planning Officer**

S106 Contributions Sought:

Primary Education - formula based  
Secondary Education - formula based  
Libraries - formula based  
Total Access Demand - formula based

### **WSCC Minerals & Waste**

No objection.

### **Southern Water**

We request that should this application receive planning approval, an informative is attached to the consent.

### **Sussex Police**

No comments at outline stage.

## **Network Rail**

Comments on Network Rail Guidance.

## **MSDC Urban Designer**

Observations on initial comments on the illustrative proposals raising concerns.

## **MSDC Leisure**

S106 Contributions Sought:

Play - £45,125

Kickabout - £37,905

Formal Sport - £51,680

Community Buildings - £29,640

## **MSDC Housing**

Onsite affordable housing requirement of 30% in line with District Plan Policy DP31.

## **MSDC Drainage**

No objection to principle subject to reserved matters and conditions.

## **MSDC Landscapes**

No objection.

## **MSDC Heritage Consultant**

No Archaeological Concerns.

## **MSDC Ecology Consultant**

No objection.

## **MSDC Environmental Protection**

No objection subject to conditions.

## **MSDC Street Name & Numbering**

Informative.

## HAYWARDS HEATH TOWN COUNCIL

### Amended

The Town Council notes the submission of revised plans (received by Mid Sussex District Council on 17/07/2020) showing a reduction of the scheme to 38 flats and 3,419m<sup>2</sup> of commercial floorspace. However, this latest proposal does nothing to alter the Town Council's objection to the application and, as well as reiterating the response submitted previously (on 12/05/2020), it is requested that the following additional comments and observations are given due consideration:

Extract from agent's rebuttal to Urban Designer's comments, as published on Mid Sussex District Council's Online Public Register (27/05/2020): 'A request has also been made to see the proposed residential units in relation to the consented office on the adjoining site. Whilst this is an extant Consent we are loathe to show such a relationship as the Approval has been granted on land not owned or controlled by the applicant. As the rear element of the adjoining office at ground and lower ground floor will need to be eased to the south by some 3 metres or more, with the resultant impact on the upper floors, to show an unrepresentative relationship would, we feel, be misleading.'

Following the Town Council's previous comments as a statutory consultee, the allergic reaction displayed by the agent's refusal to share site modelling relative to the neighbouring extant permission is frankly incredible. The Urban Designer noted: 'The approach to the residential block is poor and appears to be an afterthought. The only step-free access requires an inauspicious entrance via the undercroft parking. The stepped side alley access also does not announce itself and may suffer from a lack of natural surveillance outside working hours.' Further justifying the need to see greater transparency for this application.

The Town Council further notes the Urban Designer's comments: 'The front threshold also risks being dominated by hard surfacing and it is unfortunate that front parking is included given the undercroft capacity.' This negative aspect of the application should be strongly resisted as it is contrary to Policy DP26 (Character and Design) of the Mid Sussex District Plan 2014-2031. It also undermines the emerging Mid Sussex Design Guide Supplementary Planning Document objectives, providing further reason for refusal.

Moreover, the Case Officer has confirmed that the original application 'indicates that the proposal would result in an overdevelopment of the site.' The Officer advice relating to the commercial need for increased parking to attract tenants should be afforded considerable weight as a relevant planning consideration. It is not surprising that the interim report based on the original submission was to recommend refusal. Arguing over the quantum of parking provision is a race to the bottom, encouraging under-occupation of a prime site, with a concomitant reduction in sustainable employment for the town on this site.

The neighbouring John Baker Group objection (published on Mid Sussex District Council's Online Public Register on 02/06/2020) to various aspects also has considerable merit. In particular, the access and Perrymount Road comments in



Sections 1.1 and 1.2 are noted and should be given considerable weight. They have highlighted their dismay that the inclusion of another accessway to this site would greatly increase risk to the public in this busy vehicle and pedestrian location. Likewise, their observations relating to parking coefficients are noteworthy and apposite. The Town Council further notes their criticism of the poor public engagement this proposal offers to relevant stakeholders which again is echoed.

The proposal is a tepid attempt to improve the previous unacceptable application which, even though the revised proposal offers improved employment accommodation, this is critically undermined by a paucity of parking provision. If permitted, this would undermine nearby residential amenity.

Regarding the amenity space on offer for the flats, the provision of circa 5m<sup>2</sup> balconies and a communal courtyard area which would be overlooked, lacking in privacy and devoid of any pockets of quiet, is wholly inadequate and unacceptable and would not be conducive to the well-being of residents.

**The Town Council maintains its OBJECTION to this current application.**

**Original consultation response submitted on 12/05/2020:**

### **Issues**

Parking/ relevance to the Haywards Heath Neighbourhood Plan (HHNP)/Destination Haywards Heath (DHH) and Mid Sussex District Plan 2014-2031 (MSDP), together with any relevant considerations pertaining to the Haywards Heath Masterplan (HHMP) (not issued).

The application, if approved, would facilitate demolition of the existing commercial/office building, replaced by slightly larger (319m<sup>2</sup>) office accommodation together with a change of use for the site to include 42 units of residential accommodation.

### **Resident Comments**

Haywards Heath Town Council (HHTC) notes comments made to date by residents, which provide real and relevant feedback to some of the challenges this application presents.

### **Community Involvement**

The Statement of Community Involvement does not include direct pre-application consultation with HHTC and thus fails to deliver the aspirations or indeed requirements outlined in the localism legislation. For the absence of doubt, any significant potential development within the town should include pre-application discussions with HHTC before detailed discussions with the local planning authority. A file note lodged in the planning application file, directing applicants to engage with HHTC, should ideally be recorded in the application records. We are disappointed that this did not occur.

## Haywards Heath Masterplan (HHMP)

Notwithstanding the lack of consultation, the application for this site potentially delivers many of the aspirations and requirements embedded in the development of a sustainable and growing urban town centre. The strategy to develop a town centre Masterplan for Haywards Heath, which HHTC aims to support, must include opportunities to create, develop and promote economic vitality, including provision of housing, business accommodation and sustainable transport, including adequate parking provision.

Any forthcoming HHMP must provide for increasing urbanisation in our town centre areas, to promote and support more high-density mixed-use development. This may include retail, commercial office space, home working, high-tech enterprise, artist/artisan professional activity, all alongside recreation/leisure facilities and critically residential homes to complete the urban cocktail required to deliver an aspirational town fit for the 21st century.

### Design

Design offers congruity with the extant permission granted for 21-23 Perrymount Road (DM/18/2581 refers) and is therefore welcomed.

### Landscaping

If the application is approved, to deliver the requirements in the Mid Sussex Design Guide Supplementary Planning Document, active measures should be installed to physically prevent pavement parking to protect resident amenity and deliver public road safety responsibilities. **This should be a planning condition.**

### Housing

The application delivers accommodation which complies with some of the HHMP and MSDP requirements, including 30% affordable housing.

### Parking

One of the primary obstacles undermining support for this application is the significant underprovision of parking and any credible detail as to how it will be delivered.

HHTC notes that section 8. of the application refers to parking spaces which are allocated solely for staff parking and therefore the quantum used in the application is misleading.

Even though there is a paucity of commitment in the combined parking plans, the current provisions of 77 = 38 + 39 spaces would undermine and directly conflict with Policy T3 of the HHNP, as evidenced by existing behaviour and underlined by resident comments. It is abundantly clear that parking provision is insufficient and even though the West Sussex County Council (WSSCC) Highways response unfortunately omits quantifying a requirement, it confirms that 'this is lower than the

WSSC guidance level.' Aiming for a quantum that we already know is too low to be sustainable is not an acceptable option. The current building of 3,250m<sup>2</sup> with 69 spaces generates parking excesses which already blight the surrounding residential developments in the neighbourhood. An increase in office accommodation from 3,250m<sup>2</sup> to 3,569m<sup>2</sup> proposes a reduction to just 39 spaces which, even if the present imbalance were maintained, would predicate 76 spaces versus the 39 offered.

### **Framework Residential Travel Plan and Framework Staff Travel Plan**

Section 1.3.2 of *both* Travel Plans states that 'Parking for some 77 vehicles is proposed at the ground/lower basement level of the development which will be accessed by one single access point from Perrymount Road.'

Section 2.1.2 of *both* Travel Plans states that 'The plan **will have** the following additional objectives:

(i) To manage car parking demand across the development;'

For the absence of doubt, '**will have**' does **not** deliver the policy integrity or sufficient detail to enable intelligent consideration of the proposal, as it is totally absent from the application.

Section 5.4.1 of the Framework Residential Travel Plan states 'The development provides just 38 spaces for a residential development of 42 units. Not all units will be entitled to a car parking space. This physical restriction on parking and the comprehensive parking controls in the local area encourages a no car lifestyle.' It is therefore implicit that the remaining 39 spaces will be allocated for the 297 employees in the 3,569m<sup>2</sup> office accommodation. The current 3,250m<sup>2</sup> for 271 staff provides 69 spaces. We are also cognisant that extant permission for 21-23 Perrymount Road has not been delivered and critically the current provision is deemed to be commercially unviable.

### **Further Engagement**

We note the adequacy of the 5 year land supply in Mid Sussex **and thus would prefer to see employment opportunities maximised for this site**, excluding the provision of residential accommodation. Moreover, the initiative should be undertaken to have meaningful dialogue with the owner/developer of 21-23 Perrymount Road to explore the economic and environmental benefits of combining the site to deliver a single larger building, sufficient to provide a headquarters-style building suitable for large corporate occupation.

### **HHTC Response**

In light of the comments above, HHTC **OBJECTS** to this application on the grounds of:

1. the significant underprovision of on-site parking facilities and the detrimental knock-on effect this would undoubtedly have on Perrymount Road, neighbouring

roads and existing residential developments in the locality. Parking provision must be increased to deliver 1 space per 2.5 staff, i.e. 119 spaces **in addition** to the 38 spaces designated solely for resident use. So, 157 spaces are needed in total;

2. the proposed commercial/residential mixed use of the site. HHTC feels that the introduction of a residential element on to the site would dilute the commercial offer of this particular section of Perrymount Road.

### **Section 106 Contributions**

If the application is approved, Section 106 funding should be allocated to the provision and installation of a new cycleway through Clair Park to join with the existing cycleway between Heath/Church Road towards The Orchards/town centre, together with extensive eco-friendly LED lighting to protect resident safety and amenity.

### **Relevant HHNP Polices include:**

E6, E8, E9, E10/E11, B2/B3 T1, T2 (see S106 note above) T3 (compromised).

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## **INTRODUCTION**

Outline permission is sought to demolish the existing office building and the erection of a new office (B1 use) and a mixed use (commercial B1, D1, D2 use and residential) building comprising of up to 38 flats and up to 3,419 sqm of commercial floorspace together with the formation of a new access and associated car parking. All matters to be reserved except for access at Central House, 25 - 27 Perrymount Road, Haywards Heath.

## **RELEVANT PLANNING HISTORY**

CU/95/82 - 5 storey office building of 2,869 sqm including covered parking and plant parking and associated landscaping. Approved 8th April 1982.

### Other relevant history

The adjoining building 21 - 23 Perrymount Road has an extant planning permission granted under planning reference DM/18/2581 for the demolition of the existing 2,995sqm office building and its replacement with a new 7,575sqm office (B1 use) building with parking for approximately 91 vehicles and landscaped public realm. This has not yet been implemented and the permission expires on the 29th March 2022.

## **SITE AND SURROUNDINGS**

The application site is located on the western side of Perrymount Road. It is the northern half (25 - 27) of one of the modern office buildings on the stretch between The Broadway and Clair Road. The building has a total width of approximately 50m

with wings on either end projecting towards Perrymount Road. The building contains 6 floors of offices, the top level being contained within a mansard roof, surmounted by a plant room.

The land slopes quite sharply downwards towards the north and the west. There is a floor difference in levels between the front and rear of the site.

The building is functional but could not be called attractive and its appearance is further marred by the majority of the remainder of the site being covered by car parking and an access road to the side of the building. The somewhat perfunctory planting and landscaping does little to improve the setting of the building.

As stated above, the other half of this block (21-23) abuts the application site to the south, beyond which are three modern office buildings to the south which reach to The Broadway. To the south are a series of modern and converted office buildings, reaching to Clair Road. Similarly, there are residential maisonettes which face the application site on the east side of Perrymount Road, from a raised setting.

To the rear, is a private access road, with vehicular parking, tree and vegetation screening beyond. Further to the west is railway land where there is a sharp drop between Perrymount Road and the railway tracks.

The site is identified as being with the built up area of Haywards Heath and within a commercial area as set out in the District and Haywards Heath Neighbourhood Plan.

## **APPLICATION DETAILS**

Outline permission is sought to demolish the existing office building and the erection of a new office building (B1 use) and a mixed use building comprising of residential flats and commercial floorspace (of B1, D1, D2 use) together with the formation of a new access and associated car parking. All matters to be reserved except for access.

The application was originally submitted for up to 42 flats consisting of 1 and 2 bed flats and a commercial floor space of 3,569 sqm, with 77 parking spaces. However, during the course of the development and to address concerns raised by your Officers, the description was amended to reduce the level of residential proposed to up to 38 flats and a reduction of commercial floorspace to up to 3,419 sqm.

The proposed development seeks the demolition of the existing 3,250 sqm B1 office building and its replacement with a new commercial floor space for B1 (offices), D1 (non-residential institutions e.g. health centres, day nurseries, education and training centres) and D2 (assembly and leisure) with a floor area of up to 3,419sqm. In addition to this there is to be residential development to the rear of the site of up to 38 units. The proposal would accommodate 77 car parking spaces (currently 69 car parking spaces on site), cycle parking and parking for motorcycles.

Matters for consideration under this outline scheme are access, with all other matters (appearance, landscaping, layout and scale) being reserved.

The existing access onto Perrymount Road is shared with the adjoining building 21-23 and will be retained. However, an additional new access is proposed from Perrymount Road to the north of the existing access which would provide independent access to the site. This would be some 5.5 metres in width with tactile paving and dropped kerbs. The introduction of the new access necessitates the relocation of the existing northbound bus stop adjacent to the site.

Whilst all other matters are reserved, illustrative plans have been provided showing the likely scale, appearance and layout of the scheme. This shows that the replacement building is to be of a modern design similar to that approved next door (not yet implemented). To the front, facing Perrymount Road would be a glazed commercial building some six storeys in height, with a separate residential block with two commercial elements at entrance level to the rear of the site. Due to the change in levels through the site, the flatted development would be lower in height to the front commercial building. There would be two levels of undercroft parking serving the development with access to the residential element through the parking level. Between the two buildings would be an open courtyard area.

The application has been accompanied with the following supporting documents:

- Planning Statement;
- Design and Access Statement;
- Statement of Community Involvement;
- Transport Assessment;
- Staff Travel Plan;
- Residential Travel Plan;
- Sustainability Statement;
- Arboricultural & Planning Integration Report;
- Historic Environment Desk-Based Assessment (Heritage Assessment);
- Preliminary Ecological Appraisal and Bat Scoping Assessment;
- Outline Surface Water and Foul Drainage Strategy;
- Air Quality Assessment;
- Noise and Vibration Impact Assessment;
- Phase 1 Land Quality Assessment; and
- Daylight, Sunlight and Overshadowing Report.

## **LIST OF POLICIES**

### **District Plan**

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

Relevant policies include:

DP1 - Sustainable Economic Development  
DP4 - Housing  
DP6 - Settlement Hierarchy  
DP20 - Securing Infrastructure  
DP21 - Transport

DP26 - Character and Design  
DP30 - Housing Mix  
DP31 - Affordable Housing  
DP34 - Listed Buildings and Other Heritage Assets  
DP38 - Biodiversity  
DP41 - Flood Risk and Drainage

## **Supplementary Planning Guidance and Documents**

*Mid Sussex Development Infrastructure and Contributions*

*Mid Sussex Affordable Housing*

*Sites Allocations DPD*

The Council has published a draft site allocations document for consultation which identifies sufficient housing sites to provide a five year housing land supply to 2031; and also makes sure that enough land is allocated to meet identified employment needs.

The District Plan policies are to be complemented by five additional strategic policies set out in the Site Allocations DPD. Policy SA34 relates to existing employment sites.

This document currently has little weight in the determination of planning applications. However, once adopted this document will be treated as a material consideration in the assessment of all future planning schemes

*Haywards Heath Town Centre Masterplan*

*West Sussex County Council Guidance on Parking at New Development, September 2020*

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

The Council is currently in the process of adopting a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide has been through public consultation and the Scrutiny Committee for Housing, Planning and Economic Growth have recommended to Council its adoption as an SPD for use in the consideration and determination of planning applications. While not yet adopted, it is considered that this document carries weight and is a material consideration in the determination of the application.

Principle DG31: Focus development in sustainable locations;  
Principle DG32: Managing increased density in town centres.

## **Haywards Heath Neighbourhood Plan**

The Neighbourhood Plan is made and forms part of the Development Plan for the District and can be given full weight. The following policies are relevant;

E6 - Green Infrastructure  
E8 - Sustainable Development  
E9 - Design and Character  
E11 - Visual impact  
B3 - Employment  
T1 - Connectivity  
T2 - Cycle Routes  
T3 - Car Parking  
H8 - Windfall sites

## **National Planning Policy**

*National Planning Policy Framework (NPPF)*

*National Planning Practice Guidance (NPPG)*

*National Design Guide*

*Technical Housing Standards: Nationally Described Space Standard (Mar 2015)*

## **ASSESSMENT**

The main issues for consideration are:

- Principle of the development;
- Redevelopment of the site for a mixed commercial and residential use;
- Highways;
- Design and impact to the character of the area;
- Impact to the amenities of surrounding occupiers,
- Infrastructure;
- Housing Mix and Affordable Housing;
- Drainage;
- Sustainability;
- Archaeology;
- Ecology;
- Ashdown Forest; and
- 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.'*

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 in this part of Mid Sussex consists of the Mid Sussex District Plan and the Haywards Heath Neighbourhood Plan.

The District Plan is up to date, and the Council can demonstrate a 5 year supply of deliverable housing land.

The proposal is for the redevelopment of the existing commercial site for a mixed use of commercial and residential.

Para's 117 and 118 of the NPPF seeks to promote an effective use of land in meeting the need for homes and other uses through encouraging mixed use schemes and promoting the development of under-utilised land and buildings.

It is considered that the principle of a mixed use commercial and residential scheme within this location is appropriate and is supported by the Governments requirement to maximise development on sites and promote mixed use schemes.

#### The redevelopment of the site for commercial use

Para 8 of the NPPF identifies the three overarching objectives of achieving sustainable development of an economic, social and environmental objectives. These are interdependent and need to be pursued in mutually supportive ways. The NPPF identifies the economic objective as *'to help build a strong, responsive and competitive economy'*.

Para 80 of the NPPF states:

*'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the*

*need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'*

Policy DP1 of the District Plan relates to Sustainable Economic Development. It states that amongst other criteria that the

*'Effective use of employment land and premises will be made by:*

- *Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;*
- *Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan;'*

Policy B3 of the Haywards Heath Neighbourhood Plan supports the:

*'modernisation/redevelopment of existing commercial sites to create an improved commercial offer in the Town and proposals which seek to improve existing employment areas'.*

In addition, Policy SA34 of the Councils draft Site Allocations DPD relates to existing employment sites which supplements Policy DP1 of the District Plan. This policy seeks to provide additional policy requirements relating to the protection of existing employment sites, whilst supporting their expansion where appropriate. It states in full:

### ***'Existing Employment Sites - Protection, Intensification and Redevelopment***

*Existing Employment Sites, classified as those in use classes B1: Business, B2: General Industrial or B8: Storage or Distribution (as shown in Appendix A and on the policies map) are protected; proposals that would involve their loss will be resisted. Proposals on Existing Employment Sites that would involve the loss of employment land or premises will only be supported where it can be clearly demonstrated by the applicant that the site/premises are no longer needed and/or viable for employment use.*

*Proposals for intensification within the boundary of Existing Employment Sites will be supported providing it is in accordance with other development plan and national policies.*

*Redevelopment for employment use within the boundary of Existing Employment Sites (as shown in Appendix A and on the Policies Map) will be supported where it does not result in the overall loss of employment floorspace. Proposals for alternative uses, with the exception of residential use, within Existing Employment Sites will only be supported where it can be demonstrated that the sequential approach has been applied to the redevelopment of the site, and the proposals support their integrity and function as centres of employment.*

## **Existing Employment Areas - Expansion**

*Within the built-up area, expansion of Existing Employment Sites and premises for B1/B2/B8 uses will be supported where the business requirements cannot be met within the existing site/premises through acceptable on-site expansion or intensification; and that relocation to existing stock is not preferable.*

*Outside the built-up area, expansion of Existing Employment Sites for B1/B2/B8 uses will only be supported where:*

- *Detailed layout and design are in keeping with its countryside location*
- *The expansion is contiguous with the boundary of an existing employment site*
- *Where the impacts of expansion are assessed in-combination with the existing site, and the overall impact of existing plus expansion is considered acceptable.'*

Whilst the Site Allocations DPD currently carries little weight in the determination of planning applications, it is considered that this policy is relevant as it highlights the Councils emerging policy stance for employment uses within the District and for the future use of employment sites and their redevelopment. It is considered that this application complies with this emerging policy as it seeks to retain the site for employment use and increase the amount of the commercial floorspace at Central House.

The proposal whilst replacing the existing building will retain the commercial use of the site and would increase the commercial floorspace. In addition, the additional commercial and residential uses would likely increase footfall in the town and help the local economy and local business during the current difficult time caused by the Covid-19 pandemic. As such, the proposal would provide economic benefits by providing a more modern building up to current standards which would provide further commercial investment to the town. The increase in floor area would be likely to result in the increase in employment opportunities to the site. These positive benefits to the local economy are supported by the NPPF.

The proposal is thereby considered to comply with policy DP1 of the District Plan, Policy B3 of the Neighbourhood Plan and paras 8 and 80 of the NPPF.

### The redevelopment of the site for residential use

The proposal is to also provide residential development to the rear of the site.

As the proposed development is within the built up area of Haywards Heath, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

*'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'*

The proposal falls within the built up area of Haywards Heath where windfall development is considered appropriate. In addition, Haywards Heath is classed as a category 1 settlement in the settlement hierarchy listed under MSDP policy DP6. As such, the application site can be considered to be a sustainable location for residential development.

Policy H8 of the 'made' Haywards Heath Neighbourhood Plan relates to windfall sites and states:

*'Housing Development within the Built up Area Boundary - Housing development within the Haywards Heath built-up area boundary, as defined, will be permitted including infill development and change of use or redevelopment to housing where it meets the following criteria:*

- *The scale, height and form fit unobtrusively with the existing buildings and the character of the street scene.*
- *Spacing between buildings would respect the character of the street scene.*
- *Gaps which provide views out of the Town to surrounding countryside are maintained.*
- *Materials are compatible with the materials of the existing building.*
- *The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded'.*

Policy H8 is a permissive policy for housing development in this location provided it complies with other policies within the plan.

The residential element is therefore considered to comply with Policy DP6 of the District Plan and Policy H8 of the Haywards Heath Neighbourhood Plan.

There are no objections therefore to the principle of the re-development of this site as proposed.

### **Highways, Access and Transport**

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking. It 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.'*

Policy T1 of the Neighbourhood Plan states:

*'Planning applications for new major development proposals will be required to provide good pedestrian and cycle connections with safe crossing points to the existing pedestrian and cycle network linking to the town centre and local services. Proposals for residential or commercial developments will be required to deliver good pedestrian and cycle connections as part of a comprehensive approach to movement that aims to encourage walking and cycling and reduce reliance on vehicles.'*

Policy T3 requires sufficient on site car parking and states:

*'Planning applications which result in the loss of existing off-street parking provision will be resisted unless it can be demonstrated that the development will enhance the vitality and viability of the town centre and, where possible, such schemes should aim to improve parking provision in the town centre. Development outside the defined town centre boundary should provide on-site parking in accordance with the standards adopted by MSDC.'*

Paragraph 108 of the NPPF is relevant in respect of transport matters and states that:

*'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.'*

In addition, para 109 of the NPPF 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 site lies close to Haywards Heath town centre. Continuous walking routes and suitable crossing points are available to meet likely travel demand. Haywards Heath train station is a short walk to the north.

As set out above, the proposal is to provide a new access onto Perrymount Road and 77 car parking spaces on the site. The existing shared vehicular access with the adjoining building is also to remain. As part of the proposal the existing bus stop will be moved further north to accommodate the proposed new access. The proposed new access will provide a 5.5 metre wide access with 3 metre kerb radii. Visibility splays of 2.4m x 43m in both directions will be provided onto Perrymount Road to be in line with current Manual for Streets guidance for a 30mph road.

It is acknowledged that the proposal falls below the parking standards as set out in the West Sussex County Council Guidance on Parking at New Developments (September 2020). This guidance identifies this location within parking behaviour zone 3. It seeks for non-residential development for business (office) use to provide 1 car parking space per 30sqm (some 114 car parking spaces for the commercial element) and some 38 residential car parking spaces. This would result in a requirement of some 152 car parking spaces for the proposed development.

The Town Council has raised concerns on the amount of parking proposed and considers that the on-site parking facilities would result in a detrimental knock-on effect on Perrymount Road, neighbouring roads and existing residential developments. Whilst there is potential for the demand for parking spaces to exceed

the number proposed on site, Perrymount Road is within a highly sustainable location within walking distance from the train station and bus stops. In addition, the development is to also provide cycle and motorbike parking to cater for additional modes of transport. Notwithstanding this, whilst there are restrictions in place to control how and where on-street parking can take place, the site is located close to public car parks within the town.

The Highways Authority has considered the proposal and raises no objection. They acknowledge that the proposed parking is lower than the guidance set out in the County Parking Standards document. However, they are satisfied with the proposal given the sites highly sustainable location, the implementation of the five-year staff and residential travel plan and the acceptance of a contribution to support the implementation of measures within the Haywards Heath Town Centre study which is to be secured through the S106 in relation to the TAD contribution.

Officers consider that due to the highly sustainable location of the site within Haywards Heath close to the train station, bus stops and the town centre, that the proposed reduction to car parking from that required by the WSCC Parking Guidance would be acceptable. The application includes a Staff and Residential Travel Plan which could be conditioned as part of an approval. These travel plans seek to promote public transport, the use of a car sharing scheme and cycling. Notwithstanding this, whilst there are restrictions in place to control how and where on-street parking can take place, the site is located close to public car parks within the town.

Consequently the proposal is deemed to comply with policy DP21 of the District Plan, policies T1 and T3 of the Neighbourhood Plan and para 108 of the NPPF.

### **Design and Impact on Character of the Area**

Policy DP26 of the District Plan deals with design matters and states the following;

*'All development and surrounding spaces, including alterations and extension to existing buildings and replacement dwellings, will be well designed and reflect and distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:*

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*

- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.*
- *creates a pedestrian friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300 plus unit) scheme will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

In addition, policy E9 of the Neighbourhood Plan requires proposals to protect and reinforce the local character within the locality of the site. This includes amongst other criteria having regard to the height, scale, spacing, layout, orientation, design and materials of buildings.

Para 127 of the NPPF relates to design and states:

*'Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

On the 1st October 2019 the Government published the National Design Guide which addresses the question of how well-designed places are recognised, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.

The Secretary of State for the Ministry of Housing, Communities and Local Government issued a Ministerial Statement on the 1st October 2019 stating that *'the*



*National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions. This should help give local authorities the confidence to refuse developments that are poorly designed.'*

While not yet adopted, the Council's draft Design Guide carries weight and is a material consideration in the determination of the application. This document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable. Within the Design Guide there is support for site optimisation and mixed use development which contributes to the overall town centre regeneration within principles DG31 and DG32. These state that there are opportunities to promote greater concentration of development in the District's three town centre locations within areas identified as being coarse grain (which Perrymount Road is identified as being within), where there is opportunity for site optimisation and increasing density. In addition it requires new development should generally respond to the scale, massing and grain of adjacent areas and the settlement context within which is located. However, the Design Guide does state that there may be potential for tall buildings. The Design Guide promotes high density development and mixed uses within sustainable locations and so the principle is considered acceptable. The submitted illustrative plans show the likely design and scale of the proposed development which seeks to complement the approved adjoining development (not yet implemented) and respond to the sloped nature of Perrymount Road.

The site is situated within an area characterised by large commercial buildings and residential development. The commercial buildings are at varying levels due to the sloping nature of the land.

Matters relating to appearance, landscaping, layout and scale of the development are reserved and not for consideration at this stage. However, illustrative plans have been provided showing the likely design of the site and to demonstrate that the development can be satisfactorily accommodated on the site. The expected design is to be of a similar appearance and scale to the consented scheme for the adjoining development of a contemporary design with the commercial element having high levels of glazing.

Whilst the plans are indicative and do not form part of the formal consideration of this application, the Council's Urban Designer has reviewed the proposal and provided comments on the illustrative plans. He considers that:

*'The existing building adjoins the similarly designed 21-23 Perrymount Road which received planning consent last year for the demolition of the existing building and replacement with a larger office block with undercroft parking (DM/18/2581). Like the previous scheme, this also proposes development across most of the site except that it also incorporates a residential block at the rear.'*

*The office element adopts a similar glazed contemporary street frontage and its overall height appears to be the same as the consented scheme at 21/23'*

However, he raises concerns in relation to the scale, the front projection and the entrance approach to the residential block. As the scale and appearance are not matters for consideration, the design and scale can be dealt with in the submission of any reserved matters application and further discussions with the Agent to address the matters raised.

Notwithstanding this, it is considered that the redevelopment of the site with a mixed use development could be acceptable subject to its design and scale to provide an attractive, contemporary development appropriate to its setting and wider street scene. Such redevelopment and higher density on this site with taller buildings is supported within the Councils Design Guide.

### **Impact on amenities of surrounding occupiers**

Policy DP26 of the District Plan requires developments to demonstrate that it does not cause significant harm to amenities of existing nearby residents (or future occupiers), taking into account matters such as impact on light, privacy and outlook.

As this application only seeks permission for the principle of the development and the means of access it is difficult to examine relationships with existing residents at this stage.

However, illustrative plans have been submitted for the proposal showing a potential layout of the development. These do not form part of the application and concerns are raised over this by the Urban Designer. The layout and scale are to be matters in relation to any subsequent reserved matters stage where this would need to be fully considered.

The illustrative plans show projecting triangle designed windows to the rear of the office building to restrict direct views of the flats to the rear. In addition, the indicative plans show that the relationship between the proposed commercial and residential development would be some 15 metres in length with the commercial rear windows angled to minimise direct views. A condition on the details of the window design and the use of obscure glass on one side of the window panels is considered necessary to ensure that the office development would not result in significant detriment to the amenities of future occupiers of the residential element through overlooking or a loss of privacy.

A Daylight, Sunlight and Overshadowing Report has been submitted with the application. This concludes that *'the proposed development will have no effect on existing potential sensitive receptors in the surrounding area. The initial calculations show that no residential properties will experience loss of daylight availability and therefore the impact of the new development should be negligible.'*

From the illustrative floor plans 10 of the proposed flats would have a single aspect either looking towards the proposed commercial development or to the west towards the railway line. The single aspect of the residential accommodation may result in a low quality of accommodation and further consideration of this would need to be made at the reserved matters stage.

It is considered that due to the proposed relationship between the office and residential buildings and the potential window configuration to the rear office commercial element that a satisfactory relationship between buildings would be possible subject to detailed design at Reserved Matters stage.

## **Infrastructure contributions**

Policy DP20 of the District Plan relates to infrastructure. It states:

*'The Council will expect developers to provide for, or contribute towards, the infrastructure and mitigation measures made necessary by their development proposals through:*

- *appropriate on-site mitigation and infrastructure provision;*
- *the use of planning obligations (s106 legal agreements and unilateral undertakings);*
- *the Community Infrastructure Levy, when it is in place.*

*A planning obligation can be used where it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The Council will assess each application on its merits to determine if a planning obligation is needed and the matters it should address. Planning obligations will only be entered into where planning conditions cannot be used to overcome problems associated with a development proposal.*

*Financial contributions will not be sought through planning obligations if 5 or more obligations for that project or type of infrastructure (other than for affordable housing) have already been entered into since 6 April 2010, or if it is a type of infrastructure that is funded by the Community Infrastructure Levy (this will be set out on a list of infrastructure that the Council proposes to fund from the Levy).*

*The Community Infrastructure Levy Charging Schedule will set out how development will fund the infrastructure needed to support it. The Levy will normally be spent on infrastructure needs in the locality of the scheme.*

*Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing communities will be encouraged and permitted, subject to accordance with other policies within the Plan.*

*Affordable housing is dealt with separately, under Policy DP31: Affordable Housing.'*

The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
- b) An Affordable Housing SPD
- c) A Development Viability SPD

Due to the number of units provided, the proposal will require affordable housing contributions as set out in Policy DP31 of the District Plan.

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 54 and 56 which state:

*'54 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'*

and:

*'56 Planning obligations must only be sought where they meet all of the following tests:*

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.'*

These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework the infrastructure set out below is to be secured via a planning obligation.

#### *County Council Contributions*

Education - Primary: Formula based  
Education - Secondary: Formula based  
Libraries: Formula based  
TAD: Formula based

#### *District Council Contributions*

Children's Playing Space: £45,125  
Formal Sport: £51,680  
Community Buildings: £29,640  
Kickabout: £37,905  
Local Community Infrastructure: Formula based

It is considered that the above infrastructure obligation would meet policy requirements and statutory tests contained in the CIL Regulations.

The additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. Developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

The Applicants have confirmed agreement to the contributions and works are progressing on the legal agreement. The proposal therefore complies with Policy DP20 of the Mid Sussex District Plan.

## **Housing Mix and Affordable Housing**

Policy DP30 of the District Plan states that to support sustainable communities, housing development will provide a mix of dwelling types and sizes from new development that reflects current and future housing needs.

Policy DP31 of the District Plan relates to Affordable Housing and states:

*'The Council will seek:*

- 1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m<sup>2</sup>;*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 - 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
- 4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and*
- 5. free serviced land for the affordable housing.*

*All affordable housing should be integrated with market housing and meet national technical standards for housing including "optional requirements" set out in this District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.*

*Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.*

*The policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs.'*

As the application is an outline scheme, the proposed mix is not for consideration. However, the indicative plans provided show that the proposal would result in the development of up to 38 flats with a potential proposed mix of 6no studio flats, 22no

1-bed flats and 10no 2-bed flats. Full consideration of the mix would be made at the reserved matters stage should the application be approved.

As set out in the submitted Planning Statement, the proposal would provide a level of affordable housing in accordance with the requirements of Policy DP31 of the District Plan. Standards.

The proposal would be required to provide 12 units for affordable housing. The affordable housing provision would be secured through the S106 legal agreement.

It is considered that the proposed mix indicated would meet a broad range of housing needs.

The provision of affordable housing should attract significant positive weight in the determination of the application as there is a clear need for such accommodation.

The scheme provides a policy compliant level of affordable housing and thereby meets the requirements of Policy DP31 of the District Plan.

### **Drainage**

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 no historic records of flooding occurring on this site or in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

It is proposed that the development looks to discharge surface water to the existing surface water network. In respect of foul water drainage, it is proposed that the development will utilise existing foul drainage arrangements.

The Council's Drainage Engineer has been consulted on the scheme and has raised no objection subject to consideration of a reserved matters application and a drainage condition.

The proposal is thereby considered to comply with policy DP41 of the District Plan.

### **Sustainability**

Policy DP21 of the District Plan relates to transport. The full policy is set out above. In part it requires schemes to be *'sustainably located to minimise the need for travel'* and take *'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'*. In addition, it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It states:

*'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:*

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'*

Paragraph 148 of the NPPF states:

*'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'*

Paragraph 153 states:

*'In determining planning applications, local planning authorities should expect new development to:*

- a) *comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

Whilst the appearance and scale of the proposed buildings are not for consideration with this outline scheme, a Sustainability Statement has been submitted with the application which sets out a number of energy efficient measures to ensure the development minimises the potential carbon dioxide emissions from the site. These include building fabric U-values that exceed the minimum requirements of Part L of Building Regulations; centralised continuous mechanical ventilation with heat recovery (MVHR) to reduce heating loads; reduce energy requirements for internal lighting by utilising daylighting and by incorporating fixed energy efficient lamps to

100% of luminaires throughout; encourage the use of recycling and composting facilities; and limiting of water flow rates. These measures will be incorporated into the detailed design.

In addition, the accessibility of the site, or the sustainable location of it, is a key consideration.

The development is situated in a highly sustainable location close to the town centre as well as bus stops and the railway station.

Therefore, it is considered that the proposal complies with the relevant criteria policies DP21 and DP39 of the District Plan. The proposal is considered to be acceptable in sustainability terms.

### **Archaeology**

Policy DP34 of the District Plan seeks to conserve heritage assets in a manner appropriate to their significance. Significance can be defined as the special interest of a heritage asset, which may be archaeological.

This application is accompanied by a Historic Environment Desk-Based Assessment (Heritage Statement). There are no designated heritage assets, such as listed buildings, scheduled monuments or conservation areas within the site. The assessment concludes that there are no known designated heritage assets within the site. The site has been assessed as having a generally low theoretical potential for periods until the early 19th century, which is thought to have high potential in relation to two 19th century building phases preceding the modern development of the site. It considers that no further archaeological investigation is recommended in advance of the redevelopment.

The Council's Archaeological Consultant has considered the proposal. Given both the low archaeological potential and the limited likelihood of archaeological remains surviving on the site raises no archaeological concerns to the scheme.

The proposal thereby complies with Policy DP34 of the District Plan.

### **Ecology**

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 (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the District Plan refers to biodiversity and seeks to protect and enhance biodiversity. This 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.'*

Paragraph 175 of the National Planning Policy Framework sets out a number of principles that local planning authorities should apply in trying to conserve and enhance biodiversity, which includes the following;

- 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;*

The application is accompanied by a letter from the Ecology Co-op which refers to a Preliminary Ecological Appraisal and bat scoping assessment which was undertaken in 2019. This sets out that it is unlikely that bats would use the building due to the artificial light present at the site, the lack of foraging habitat that surrounds the building and the lack of evidence of past use by bats.

The Councils Ecology Consultant has reviewed the application. He considers that there *'appears to be negligible scope for bats or other protected / notable species to*

*be impacted'*. As such he raises no concerns in relation to the development in respect of impact on biodiversity.

In view of the above it is considered that there are no ecological or biodiversity issues regarding the proposed redevelopment of the site. It is thereby considered that the application complies with policy DP38 of the District Plan and para 175 of the NPPF.

### **Ashdown Forest**

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

#### Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

The proposed development is outside the 7km zone of influence and as such, **mitigation is not required.**

#### Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen

may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development was modelled in the Mid Sussex Transport Study as a **windfall development** such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

### **Conclusion of the Habitats Regulations Assessment screening report**

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

### **Other matters**

#### **Use Classes**

On the 20th July the Government made The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which take effect from the 1st September 2020, which make important changes to the existing 1987 Use Classes Order (as amended).

This is being highlighted as since the submission of the application, the changes have taken effect and the use set out within the description of the application, as defined within the Use Classes Order, will be consumed into new Classes. The 2020 Regulations include the revocation of Use Classes 'A', B1 and D and the introduction of new Use Class E (Commercial Business and Services), F.1 (Learning and non-residential institutions) and F.2 (Local Community Uses).

Due to the location of the site within the commercial area of Haywards Heath as identified in the Town Centre Masterplan and the Haywards Heath Neighbourhood Plan, and the Councils requirement to retain employment site, it is considered necessary and relevant to control the use of the proposed development for offices to the front of the site, and the commercial element to the rear of the site as identified in the description of the application and the submitted Planning Statement through a planning condition. This is to ensure that the commercial area and employment land for office development in this sustainable location is retained. In addition the proposed condition in relation to the office use was also applied to the recent permission on the neighbouring site.

## **PLANNING BALANCE AND CONCLUSION**

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The NPPF states that planning should be genuinely plan-led. The Council has an up to date District Plan and is able to demonstrate that it has a 5 year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. The planning balance set out in the NPPF is an un-tilted one.

The NPPF seeks to promote an effective use of land in meeting the need for homes and other uses through encouraging mixed use schemes and promoting the development of under-utilised land and buildings. As such, in terms of principle, the replacement of the existing building with an enlarged building retaining and increasing the commercial office floor space for the site will provide economic benefits to the area and seek to retain employment land in Perrymount Road which is identified as a commercial area within the Haywards Heath Masterplan and the Haywards Heath Neighbourhood Plan. In addition the proposed rearward residential development on the site would result in the delivery of up to 38 residential units including 30% affordable housing within a highly accessible and sustainable location, that would boost the Council's housing supply. The site is within the built up area of Haywards Heath which is a Settlement 1 Category. The site is therefore considered to be a suitable and sustainable location for residential development.

The means of access to serve the development with an additional access off Perrymount Road is considered acceptable.

Whilst the concerns from the Town Council concerning the amount of car parking proposed is noted, the site is within a highly sustainable location close to a mainline train station, bus stops and the Town Centre.

The proposal will deliver positive social and economic benefits through the delivery of additional commercial floorspace in a key commercial area within the town, as well as housing which reflects one of the key objectives of the NPPF. In the short term the proposal would also deliver a number of construction jobs and as a result of additional spending within the economy once occupied. The Council would also receive a new homes bonus. In addition, the additional commercial and residential uses would likely increase footfall in the town and help the local economy and local business during the current difficult time caused by the Covid-19 pandemic.

There will be a neutral impact in respect of the impact on the Ashdown Forest, ecology and archaeology.

As the application is in outline form only, consideration on the design and the impact on the amenities of surrounding residential occupiers would be considered at the reserved matters stage.

On the basis of the above, the application is considered to comply with policies DP1, DP, DP6, DP20, DP21, DP26, DP30, DP31, DP38 and DP41 of the District Plan and policies E8, E9, B3, T1, T2, T3 and H8 of the Haywards Heath Neighbourhood Plan, and paras 8, 80, 103,108, 117, 118, 124 and 127 of the National Planning Policy Framework.

Officers consider that in the context of the adopted District Plan and Neighbourhood Plan, the proposed re-development of the site complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it. Accordingly the application is recommended for approval.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

1. Approval of the details of the landscaping, scale, layout and appearance of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

### **Approved Plans**

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

### **Pre-Commencement conditions**

3. The development hereby permitted shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority, in consultation with Southern Water. The development shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

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

4. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. 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 DP41 of the Mid Sussex District Plan 2014 - 2031.

5. No development shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority samples and details of materials and finishes to be used for external walls and roofs of the proposed buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the District Plan 2014 - 2031.

6. No development shall commence until detailed 1:20 section and elevation drawings have been submitted to and approved in writing by the Local Planning Authority showing the proposed rear windows to the office building. The development shall only proceed in accordance with the agreed details. Any obscure glazing approved as part of these details shall be retained in perpetuity.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality, to safeguard the amenity of local residents and to accord with Policy DP26 of the District Plan 2014 - 2031.

7. No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- hours of construction working;
- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during construction works;
- measures to control noise affecting nearby residents;
- dust control measures;
- pollution incident control.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policies DP21 and 29 of the Mid Sussex District Plan 2014 - 2031.

8. No development shall take place unless and until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

9. No development shall take place until a Construction Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall also consider vibration from construction work, including the compacting of ground. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

### **Construction Phase**

10. 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 accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

11. 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 accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

### **Pre-occupation conditions**

12. Prior to the occupation of any part of the development, 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 and these works shall be carried out as approved. 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 and Policy E9 of the Neighbourhood Plan.

13. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access Location and numbered ITL 13219-GA-001.

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

14. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

15. Upon the first occupation/commencement of use, the Applicant shall implement the measures incorporated within the approved Residential Travel Plan (ref JN/AC/ITL13219-005a) and Staff Travel Plan (ref JN/AC.ITL13219-006a). The Applicant shall thereafter monitor, report and subsequently revise the travel plans as specified within the approved document.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

16. No part of the development shall be first occupied until details of electric charging vehicle points including the location of these spaces have been provided and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for their designated use.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

17. The development hereby permitted shall not be occupied/brought into use until the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos-containing materials, have each been submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified:
- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site

and unless otherwise agreed in writing by the LPA,

- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;



and, unless otherwise agreed in writing by the LPA,

c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Reason: Reason: In the interests of health of future occupiers and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

18. 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 a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation).

Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

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 and to accord with Policy DP1 of the District Plan.

19. 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: In the interests of health of future occupiers and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

20. Prior to the occupation of any part of the development, glazing and ventilation installed within the build shall meet the requirements laid out in the Noise and Vibration Assessment by Temple (ref: T4348), dated the 31st October 2019. Specifically glazing and ventilation will need to meet the standards laid out Section 6.3 of said report, with the exact criteria to be achieved being dependant on the particular façade of the room.

Reason: To safeguard the amenity of residents and accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

21. The floors/ceilings and walls that are between the commercial units at the first floor and the residential units adjacent and above shall be designed to achieve a minimum airborne sound insulation value of 55dB (DnTw+Ctr dB).

The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority a report by a competent person demonstrating that the attenuation measures are effective and achieve the specified criteria above. Should this test show that the criteria have not been complied with, a further scheme of attenuation works capable of achieving the criteria shall be submitted to the Local Planning Authority for approval. Once agreed, works should be completed within 3 months, and thereafter retained.

Reason: To safeguard the amenity of residents and accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

22. The development hereby approved shall be carried out in accordance with submitted details to provide at least 20% of dwellings to meet relevant Building Regulation Standards for Accessible and Adaptable Dwellings and a minimum of 4% of Wheelchair-user Dwellings.

Reason: To accord with District Plan Policy DP28 which seeks to maintain a high standard of accessibility.

#### **Post-occupation monitoring/management conditions**

23. Noise associated with plant and machinery incorporated within the development, that will be used between the hours of 23:00 and 07:00, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise-sensitive premises, shall not exceed 30dB. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014+A1:2019.

Reason: To safeguard the amenities of the local residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

24. Noise associated with plant and machinery incorporated within the development, that will be used between the hours of 07:00 and 23:00, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise-sensitive premises, shall not exceed 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014+A1:2019.

Reason: To safeguard the amenities of the local residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

25. The commercial building hereby permitted fronting Perrymount Road shall only be used for office use within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose.

Reason: To provide employment opportunities within the existing commercial area of Haywards Heath and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031 and Policy B3 of the Neighbourhood Plan.

26. The two commercial units within the rearward residential block hereby permitted shall only be used for commercial purposes within Class B1 (offices), Class D1 (Non-residential institutions) or D2 (Assembly and leisure) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purpose.

Reason: To provide employment opportunities within the existing commercial area of Haywards Heath and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031 and Policy B3 of the Neighbourhood Plan.

27. No commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours: 07:00 to 20:00, Monday to Friday and 08:00 to 18:00 on Saturdays and Sundays.

Reason: To safeguard the amenities of neighbouring properties and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

28. The proposed commercial units shall only be open to the public between the hours of 07:00 to 23:00.

Reason: To safeguard the amenities of neighbouring properties and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

#### INFORMATIVES

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

Accordingly, you are requested that:

- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

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

2. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. A formal application for connection to the public sewerage system is required in order to service this development, please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:  
[www.southernwater.co.uk/developing-building/connection-charging-arrangements](http://www.southernwater.co.uk/developing-building/connection-charging-arrangements).

4. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <http://www.midsussex.gov.uk/9276.htm> (Fee of £97 will be payable). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
5. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
6. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Access Plan	ITL13219-GA-001	A	19.03.2020
Location Plan	1907-PL01	A	19.03.2020
Existing Block Plan	1907-PL02	-	19.03.2020
Existing Floor Plans	1907-PL03	-	19.03.2020
Existing Floor Plans	1907-PL04	-	19.03.2020
Existing Floor Plans	1907-PL05	-	19.03.2020
Existing Floor Plans	1907-PL06	-	19.03.2020
Existing Floor Plans	1907-PL07	-	19.03.2020
Existing Floor Plans	1907-PL08	-	19.03.2020
Existing Roof Plan	1907-PL09	-	19.03.2020
Existing Elevations	1907-PL10	-	19.03.2020
Existing Elevations	1907-PL11	-	19.03.2020
Proposed Block Plan	1907-PL12	B	17.07.2020
Proposed Site Plan	1907-PL13	D	17.07.2020
Proposed Floor Plans	1907-PL14	D	19.03.2020
Proposed Floor Plans	1907-PL15	F	19.03.2020
Proposed Floor Plans	1907-PL16	J	17.07.2020
Proposed Floor Plans	1907-PL17	K	17.07.2020
Proposed Floor Plans	1907-PL18	E	17.07.2020
Proposed Floor Plans	1907-PL19	H	17.07.2020
Proposed Floor Plans	1907-PL20	E	17.07.2020
Proposed Floor Plans	1907-PL21	C	17.07.2020
Proposed Sections	1907-PL22	D	17.07.2020
Proposed Elevations	1907-PL23	E	17.07.2020
Proposed Elevations	1907-PL24	B	17.07.2020
Proposed Elevations	1907-PL25	B	19.03.2020
Proposed Elevations	1907-PL26	-	19.03.2020
Proposed Elevations	1907-PL27	-	19.03.2020

## APPENDIX B – CONSULTATIONS

### WSCC Highways Authority

#### Amended

These comments are additional and should be read alongside my previous comments which also from my overall WSCC Highways consultation response.

Revised plans have been submitted due to the above changes to the reduction in the number of flats (from 42 to 38) and the decrease in B1 floor space provided, (from an increase of 320sqm to 169sqm).

The new proposal will be a reduction on the original planning application where no objection was raised. As such a reduction in office space, and the number of flats on the site, will not create any additional highway safety or capacity issues.

No revised ground floor plan is submitted so it is assumed the car parking will remain. As this was slightly lower than the WSCC car parking standard, this will be a benefit providing 1 space per flat.

WSCC raise no objection to these changes.

#### Original

This is an outline application with all matters reserved expect for access. No objection is raised.

The above site is in Haywards Heath Town Centre and is currently a vacated office building. The proposal will see a net increase in B1 office space by 320sqm (from 3250sqm to 3570sqm). The site will also include a residential element which will provide a net increase of 42 apartments (26 x 1 bed, and 16 x 2 bed), and an additional 8 car parking spaces, from 69 spaces to 77.

#### Access

The application is supported by a Transport Assessment and Road Safety Audit, which has also had the benefit of being agreed in principle at scoping stage under pre-application advice PRE-56-19. As such the proposed new access arrangements are accepted by WSCC and will provide a 5.5m wide access with a 3m kerb radii. Visibility splays of 2.4m x 43m in both directions will be provided onto Perry mount Road, this is in line with current Manual for Streets guidance for a 30mph road.

The existing bus stop will need to be moved further north to accommodate the new access position. This has been considered in the RSA which is noted in more detail later. WSCC consider an opportunity here for the applicant to include some additional infrastructure to support its residential and staff travel plan. The travel plans objective is to increase sustainable travel by 15% in the next 5 years, and the installation of bus shelters and real time information to encourage more bus use would help in making this change.

#### Road Safety Audit

A Stage 1 RSA was undertaken by M & S Traffic Ltd in August 2019. Five problems were identified with recommendations given, and a designer's response submitted.

3.1.1 - Access junction with Perrymount Road. Relates to drainage and ponding of surface water at the new access junction with Perrymount Road. Recommendation for it to be designed so it drains correctly at detailed design stage, RSA Stage 2. Designer Agrees.

3.1.2 - Access junction with Perrymount Road. Insufficient construction details could compromise road safety. Recommendation to be designed correctly at detailed design stage, RSA Stage 2. Designer Agrees.

3.2.1 - Proposed bus stop position. Notes issues with driver intervisibility at the bus stop as it pulls away due to a curve in the road that may restrict visibility, and vegetation. Recommendation for vegetation to be cut back and maintained. Designer Agrees.

3.3.1 - Proposed access junction with Perrymount Road. There is concern lack of visibility due to vegetation may cause side impact collisions. Recommendation for vegetation to be cut back and maintained. Designer Agrees.

3.3.2 - Proposed access junction with Perrymount Road. Insufficient carriageway space could cause conflict with vehicles travelling in the opposing direction. Recommendation for enough space to be provided for all movements. Designer agrees this needs to be shown and full swept paths will accompany the Transport Assessment in the reserved matters application.

#### Trip generation

A transport scoping note was undertaken, and it was agreed no further assessment of junctions would be required. The TRICS database has been used to calculate the expected number of additional trips the site is likely to generate. This is shown as a net change and there would be a minimal increase of 13, two-way movements during the morning peak and 13, two-way movements during the afternoon peak. Overall this equates to a net increase in 114 daily movements which is not considered to be a material consideration.

The implementation of the residential and staff travel plan would also help to reduce this figure further over the five-year plan period.

#### Sustainability

The site is in a highly sustainable location, within good distance of rail and bus services. Cycle parking will be provided on-site (66 spaces) to encourage this form of travel for commuting and leisure purposes and is supported with initiatives in both staff and residential travel plans.

#### Parking

The site is also providing a lower level of car parking due to its sustainable location and the site will also offer EVC points. Recent guidance asks for 28% of all spaces to be allocated with active provision whilst the remaining spaces will be passive. This rises yearly to reflect the changing market in the use of these types of vehicles and to support the governments road to zero strategy, and NPPF guidance. It is noticed the lower level of 20% has been quoted but this is now out of date. The whole site will offer 77 spaces which has been reviewed against WSCC most recent car parking in new developments guidance document, and car parking calculator. Whilst this is lower than the guidance level WSCC are satisfied with this proposal given the sites highly sustainable location, the implementation of the five-year staff and residential travel plan and the acceptance of a contribution to support the implementation of measures within the Haywards Heath Town Centre study. This is accepted.

## **S106 contributions**

As mentioned above there would be some scope to enhance the sustainability of the area and the Haywards Heath Town Centre Study includes several schemes to enhance the town centre. This includes accessibility improvements. There are several schemes in the vicinity that could benefit the development and the achievement of the targets within the proposed travel plan. It is recommended that if this application is permitted a contribution is taken towards bus service improvements including bus shelters and RTPI in the parish, and/or the south road pedestrian improvement scheme.

For simplicity and as suggested at the pre application stage, it is recommended that the contribution is based on the WSCC Total Access Demand methodology. At this time, we are unable to give an exact figure however a separate consultation response will provide the level of s106 contributions expected from this development based on the information above.

This approach has been applied at both the adjoining development site and others in the close vicinity.

### Conditions

#### *Access (Access to be provided prior to first occupation)*

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access Location and numbered ITL 13219-GA-001.

Reason: In the interests of road safety.

#### *Construction Management Plan*

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

*Car parking space (details approved)*

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

*Cycle parking*

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

*Travel Plan (approved document)*

Upon the first occupation/commencement of use, the Applicant shall implement the measures incorporated within the approved travel plan. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport.

*Vehicle parking and turning*

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

*Works within the Highway - Implementation Team*

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

**WSSC County Planning Officer**

S106 Contributions Sought

Primary Education  
Secondary Education  
Libraries  
Total Access Demand

Without prejudice to the informal representations of the County Council in respect of the above planning proposal, I am writing to advise you as to the likely requirements for contributions towards the provision of additional County Council service infrastructure, other than highways and public transport that would arise in relation to the proposed development.



The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions July 2018.

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2019.

The advice is as follows:

#### 1. School Infrastructure Contribution

1.1 The Director for Children and Young People's Services advises that it appears that at present primary/secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested. However, the situation will be monitored and further advice on all of the main education sectors, (i.e. Primary/Secondary/Further Secondary) should be sought if this planning application is to be progressed.

#### 1.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings, with a 33% discount, for occupation by persons already residing in the education catchment area; the County Council's adopted floorspace standard for education provision; and the estimated costs of providing additional education floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the school infrastructure contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the School Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

$(\text{DfE figure (Primary)} \times \text{ACP} = \text{Primary Education Contribution}) + (\text{DfE figure (Secondary)} \times \text{ACP} = \text{Secondary Education Contribution}) = \text{Education Contribution}$  where:

Note: x = multiplied by.

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of Housing Units, less any allowance for Affordable Housing Units, as approved by a subsequent reserved matters planning application. The current occupancy rates are as follows:

	Dwelling Size	Occupancy
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

Using the latest published occupancy rates from the census statistics published by the Office for National Statistics to determine an overall population increase the following factors are applied. According to 2001 census data, there are 14 persons per 1000 population in each school year group for houses and 5 persons per 1000 population in each school year group for flats. There are 7 year groups for primary (years R to 6) and 5 for secondary (years 7 to 11). For Sixth Form, a factor of 0.54 is applied to the Child Product figure as this is the average percentage of year 11 school leavers who continue into Sixth Form colleges in West Sussex.

DfE Figure = Department for Education (DfE) Secondary/Further Secondary school building costs per pupil place) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2020/2021 is £18,933 - Primary, £28,528 - Secondary; updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

1.3 The contributions generated by this proposal shall be spent on additional equipment at Warden Park Primary Academy.

1.4 The contributions generated by this proposal shall be spent on additional facilities at Oathall Community College.

## 2. Library Infrastructure Contribution

2.1 The County Librarian advises that the proposed development would be within the area served by Haywards Heath Library and that the library would not currently be able to adequately serve the additional needs that the development would generate.

However, a scheme is approved to provide additional floorspace at the library. In the circumstances, a financial contribution towards the approved scheme would be required in respect of the extra demands for library services that would be generated by the proposed development.

### 2.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development; the County Council's adopted floorspace standard for library provision; and the estimated costs of providing additional library floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the library contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the Libraries Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

$L \times AP = \text{Libraries Infrastructure Contribution}$  where:

Note: x = multiplied by.

AP (Additional Persons) = The estimated number of additional persons generated by the development calculated by reference to the total number of Open Market Units and shared Ownership Affordable Housing Units as approved by a subsequent reserve matters planning application. Using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

	Dwelling Size	Occupancy
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

L = Extra library space in sqm. per 1,000 population x the library cost multiplier (which currently for the financial year 2020/2021 are [30/35 sq.m] and £5,549 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on providing additional stock at Haywards Heath Library.

### 3. Transport (TAD) Contribution

3.1 The Total Access Demand Contribution will be calculated by the County Council in accordance with the following formula:

Total Access Demand Contribution = Sustainable Access Contribution + Infrastructure Contribution, where:

Sustainable Access Contribution = (C - D) x E, where:

C (Total Access) = (A (number of dwellings) x B (Occupancy per dwelling)) using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

	Dwelling Size	Occupancy
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

D = Parking Spaces provided by the residential development element of the Proposed Development

E = Standard multiplier of £724

Infrastructure Contribution = D x F, where:

D = Parking Spaces provided by the residential development element of the Proposed Development

F = Standard multiplier of £1450

Where affordable dwellings are involved, the appropriate discount is applied to the population increase (A x B) before the TAD is formulated.

3.2 The contributions generated by this proposal shall be spent on bus service improvements including bus shelters and RTPi in the Parish, and/or the South Road Pedestrian Improvements Scheme.

#### General points

Please ensure that the applicants and their agents are advised that any alteration to the housing mix, either size, nature or tenure, may generate a different population and require re-assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.

It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.

Review of the contribution towards the provision of additional County Council services should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

Appropriate occupancy rates using the latest available Census data will be used.

Should you require further general information or assistance in relation to the requirements for contributions towards the provision of County Council service infrastructure please contact, in the first instance, the Planning Applications Team officer, named above.

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

Any payment required for a Traffic Regulation Order (TRO) in respect of the proposed development is due either on the commencement of development or receipt of a TRO application to the County Council, whichever is the earlier.

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

#### **WSCC Minerals & Waste**

##### West Sussex Joint Minerals Local Plan (July 2018)

The proposed development site does not fall within a designated Mineral Safeguarding Area. For this reason, no mineral sterilisation would occur and, as a result, the Minerals and Waste Planning Authority would raise no objection to the development on these grounds.

##### West Sussex Waste Local Plan (April 2014)

There are no identified waste operators within the vicinity of the application site who's operations would be prevented or prejudiced as a result of the development. Therefore the

Minerals and Waste Planning Authority would raise no objection to the development on these grounds.

The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23).

### **Southern Water**

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: [www.southernwater.co.uk/developing-building/connection-charging-arrangements](http://www.southernwater.co.uk/developing-building/connection-charging-arrangements)

Southern Water has undertaken a desk study of the impact of the proposed development on the existing public surface water network. The results of this assessment indicate that with a connection at the "practical point of connection", as defined in the New Connections Services implemented from 1st April 2018, there is an increased risk of flooding if the proposed surface water run off rates are to be discharged at proposed connection points.

We request that should this application receive planning approval, the following condition is attached to the consent: Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority, in consultation with Southern Water.

The disposal of surface water from this development should be in compliance with the following hierarchy of Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

Alternatively, the developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. You will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

[www.water.org.uk/sewerage-sector-guidance-approved-documents/](http://www.water.org.uk/sewerage-sector-guidance-approved-documents/)

[ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](http://ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

Where SUDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

The design of the proposed basements and on site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

## **Sussex Police**

Thank you for your correspondence of 21st July 2020, advising me of an outline application to demolish the existing office building and erection of a new office building and a mixed use building comprising of up to 42 new 1 and 2 bedroom flats together with the formation of a new access and associated car parking. All matters to be reserved except for access.

REVISED PLANS received 17/7/2020 showing reduction of scheme to 38 flats and 3,419 sqm of commercial floor-space.

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 UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security - Dwellings), that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found at [www.securedbydesign.com](http://www.securedbydesign.com)

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that 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 and site specific requirements should always be considered.

I note the revised instructions show a reduction in the dwellings from 43 to 38 and a reduction in commercial floor-space from 3,569m<sup>2</sup> to 3,419 m<sup>2</sup>. This will have no material bearing upon my previous crime prevention comments within correspondence PE/MID/20/04/A dated 25th April 2020, which remain extant.

Given that the application is still outline, I look forward to delivering more in-depth advice at the reserved matters stage.

I thank you for allowing me the opportunity to comment.

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.

## **Network Rail**

Due to the close proximity of the proposed development to Network Rail land, the developer must follow the attached Network Rail guidance.

### **Guidance for works in close proximity to Network Rail's infrastructure**

The developer must ensure that their proposal, both during construction and after completion does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Network Rail strongly recommend the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

### **Future maintenance**

The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/ or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings should be situated at least **2 metres (3m for overhead lines and third rail)** from Network Rail's boundary. Network Rail require the **2m (3m for overhead lines and third rail)** stand off to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than **2m (3m for overhead lines and third rail)** and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works.

The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs).

However, Network Rail is not required to grant permission for any third-party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

### **Drainage**

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

### **Plant and Materials**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

### **Scaffolding**



Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

### **Piling**

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

### **Fencing**

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

### **Lighting**

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

### **Noise and Vibration**

The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

### **Vehicle Incursion**

Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

## **MSDC Urban Designer**

### **Amended**

The revisions chiefly apply to a reduction of one storey in the residential block and do not appear to alter the building envelope and design of the commercial block or the street threshold. I note that some dual aspect flats have also been introduced, however there are still single aspect flats facing the commercial building which will suffer a poor outlook, limited daylight/sunlight penetration and an impact upon their privacy. Therefore, my comments below are largely the same as before with a few alterations in respect of the revised residential block:

This is an outline scheme, in which appearance, design, landscaping and scale are reserved matters. These observations are therefore initial comments on the illustrative proposals.

The existing building adjoins the similarly designed 21-23 Perrymount Road which received planning consent last year for the demolition of the existing building and replacement with a larger office block with undercroft parking (DM/18/2581). Like the previous scheme, this also proposes development across most of the site except that it also incorporates a residential block at the rear.

The office element adopts a similar glazed contemporary street frontage and its overall height appears to be the same as the consented scheme at 21/23 (NB: the building envelope of the latter was negotiated to allow it to fit comfortably within its street context despite its greater size). Unfortunately, the projecting front bay of the current proposal, which will be the most visible part of the building along the street, is larger as it rises a floor higher than 21-23; its prominence is exacerbated by its greater projection and an eye-catching protruding raked canopy design. Because the building sits down the slope from 21/23, it should if anything be echoing the slope by stepping down from 21-23 rather than rising higher. Its solid flanks risk appearing over-dominant within street, particularly when viewed down the slope from the northern approach. I therefore recommend this element of the building envelope is reduced.

The front threshold also risks being dominated by hard surfacing and it is unfortunate that front parking is included given the undercroft capacity.

This scheme now proposes a slightly reduced residential building with commercial at ground floor that rises 7 storeys above the ground and lower ground floor parking that altogether results in a 9-storey façade rising above the railway cutting at the rear. While it is less sensitive at the rear, it will nevertheless be visible from Boltro Road between the gaps in the street frontages and because the proposed building will sit on the rear boundary some of the existing tree screen will need to be lost that may reveal it more. The reduced height should though allow it to appear to step down a little from 21-23 so that it responds to the slope.

The proximity of the residential block to the rear of the proposed office building appears to be at the cost of residential amenity. This is especially in respect of the rear single aspect flats that face the office building which are likely to suffer from problems of enclosure and overshadowing, particularly on the lower floors (which are unlikely to be significantly mitigated by the staggered profile); daylight/sunlight standards also need to be tested. While privacy may be mitigated by the diagonal configuration of the windows on the commercial block, this may be still be a problem given the size of the building.

The entrance approach to the residential block is poor and appears to be an afterthought. The only step-free access requires an inauspicious route via the undercroft parking. The

stepped side alley access also does not announce itself and may suffer from a lack of natural surveillance outside working hours.

## **Original**

This is an outline scheme, in which appearance, design, landscaping and scale are reserved matters. These observations are therefore initial comments on the illustrative proposals.

The existing building adjoins the similarly designed 21-23 Perrymount Road which received planning consent last year for the demolition of the existing building and replacement with a larger office block with undercroft parking (DM/18/2581). Like the previous scheme, this also proposes development across most of the site except that it also incorporates a residential block at the rear.

The office element adopts a similar glazed contemporary street frontage and its overall height appears to be the same as the consented scheme at 21/23 (NB: the building envelope of the latter was negotiated to allow it to fit comfortably within its street context despite its greater size). Unfortunately, the projecting front bay of the current proposal, which will be the most visible part of the building along the street, is larger as it rises a floor higher than 21-23; its prominence is exacerbated by its greater projection and an eye-catching protruding raked canopy design. Because the building sits down the slope from 21/23, it should if anything be echoing the slope by stepping down from 21-23 rather than rising higher. Its solid flanks risk appearing over-dominant within street, particularly when viewed down the slope from the northern approach. I therefore recommend this element of the building envelope is reduced.

The front threshold also risks being dominated by hard surfacing and it is unfortunate that front parking is included given the undercroft capacity.

This scheme also proposes a residential building with commercial at ground floor that rises 8 storeys above the ground and lower ground floor parking that altogether results in a 10-storey façade rising above the railway cutting at the rear. Unfortunately, the drawing of the residential block does not show the relationship with the consented scheme at 21-23, but I have calculated it rises higher, again defying the natural slope. While it is less sensitive at the rear, it will nevertheless be visible from Boltro Road between the gaps in the street frontages and because the proposed building will sit on the rear boundary some of the existing tree screen will need to be lost that may reveal it more.

The proximity of the residential block to the rear of the proposed office building appears to be at the cost of residential amenity. As most of the flats are organised with just a single aspect, the rear ones are likely to suffer from problems of enclosure and overshadowing, particularly on the lower floors; daylight/sunlight standards also need to be tested. While privacy may be mitigated by the diagonal configuration of the windows on the commercial block, this may still be a problem given the size of the building.

The approach to the residential block is poor and appears to be an afterthought. The only step-free access requires an inauspicious entrance via the undercroft parking. The stepped side alley access also does not announce itself and may suffer from a lack of natural surveillance outside working hours.

## **MSDC Leisure**

### **Amended**

One bed flats are not required to contribute toward formal sport, play and kickabout but as the total number of units is indicative only I have used a per head formulae and an average occupancy of 2.5 persons per unit to calculate the revised contributions as follows:

Play £45,125  
Kickabout £37,905  
Formal Sport £51,680  
Community Buildings £29,640

### **Original**

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

#### **CHILDRENS PLAYING SPACE**

Clair Park, owned and managed by the Council, is the nearest locally equipped play area approximately 300m from the development site. This facility will face increased demand from the new development and a contribution of £49,875 is required to make improvements to play equipment. A further contribution of £41,895 is required for kickabout provision for older children at Victoria Park. These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

#### **FORMAL SPORT**

In the case of this development, a financial contribution of £57,120 is required toward formal sport facilities at Haywards Heath Recreation Ground.

#### **COMMUNITY BUILDINGS**

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £32,760 is required toward improved community facilities at the Redwood Centre and / or Clair Hall or a replacement building which is a project identified in the Council's draft infrastructure development plan.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development.

The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

## **MSDC Housing**

### **Original**

The applicant is proposing a mixed development including 42 residential dwellings, which gives rise to an onsite affordable housing requirement of 30% (13 units) in line with District Plan Policy DP31. The proposal is for a 100% flatted development consisting of 1 and 2 bed flats. 4 x 1 bed/2 person flats (min 50m<sup>2</sup>) and 6 x 2 bed/4 person flats (min 70m<sup>2</sup>) will be

required for social/affordable rent and 3 x 2 bed/4 person flats (min 70m<sup>2</sup>) will be required for shared ownership. The rented and shared ownership units will need to be located on separate floors or accessed via a separate core to each other and to the open market units. The units will also need to be tenure blind.

### **MSDC Drainage**

Approve Principle

Subject to Reserved Matters and Condition

### **FLOOD RISK**

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site 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**

The application for this proposed development has supplied a drainage strategy report, which has been revised and supplemented by a justification letter, which I have read.

It is proposed that the development looks to discharge surface water to the existing surface water network at 15.6 ls-1, which would be a 66% reduction, whilst still catering for 1:100+40%. It is the preference of the LLFA that Brownfield development tries to limit discharge from the development to better match greenfield values, unless it can be proven that this is not achievable. The proposed design informs that matching to greenfield or QBar discharge rates would require the need for surface water pumps. In addition, Southern Water have advised that a discharge rate of 15.6 ls-1 would be acceptable, albeit slightly ambiguously.

Therefore, I am satisfied that the proposed development has demonstrated that it can, in principle, be drained safely and in line with current best practice and policy, and I advise that the application can be handled under reserved matters and an appropriate condition within this consultation response.

Further information into our general requirements for surface water drainage is included within the 'Further Advice' section.

### **FOUL WATER DRAINAGE**

It is proposed that the development will utilise existing foul drainage arrangements.

Further information into our general requirements for foul water drainage is included within the 'Further Advice' section.

### **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 ADVICE**

### **SURFACE WATER DRAINAGE**

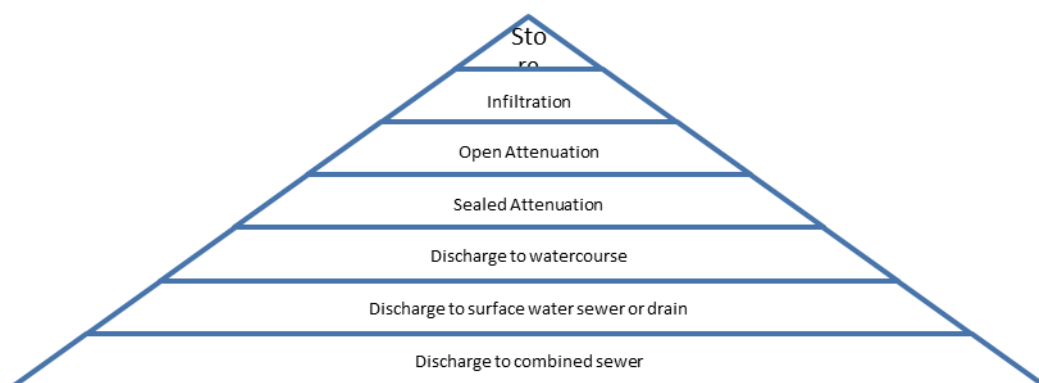
This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to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

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

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.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal, as set out below.



- 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.

## FOUL WATER DRAINAGE

This proposed development will need to fully consider how it will manage foul water drainage. The preference will always be to connect to a public foul sewer. However, where a foul sewer is not available then the use of a package treatment plant or septic tank should be investigated.

The use of non-mains foul drainage should consider the Environment Agency's General Binding Rules. We would advise applicants that 'General Binding Rules 2020' came into force as of 1st January 2020.

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the 2020 Binding Rules will need to be replaced or upgraded. As such any foul drainage system which proposed to utilise a septic tank will need to comply with the new 2020 rules. Guidance into the General Binding Rules can be found on the government website (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>)

## 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](#). Additional information may be required under specific site conditions or development proposals.

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

### **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

Climate change allowances - Detailed guidance - Environment Agency Guidance

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

### **INFORMATION REQUIREMENTS**

The following provides a guideline into the specific information required based on the type of development, location and type of surface water drainage management proposed. Multiple lists may be relevant to a single application.

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
<p>Located in Flood Zone 2 or 3.</p> <p>Located in Flood Zone 1 and greater than 1 hectare in area.</p> <p>Located in an area where a significant flood risk has been identified.</p>	<p>Flood Risk Assessment which identified 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.</p>
<p>Multiple plot development</p>	<p>A maintenance and management plan will need to be submitted that shows how all drainage 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.</p>



DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
Public sewer under or adjacent to site	<p>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.</p>
MSDC culvert under or adjacent to site	<p>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 Flood Risk and Drainage Team via <a href="mailto:drainage@midsussex.gov.uk">drainage@midsussex.gov.uk</a>.</p>
Watercourse on or adjacent to site	<p>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.</p>

## INFORMATION REQUIREMENTS - SURFACE WATER DRAINAGE

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
<p>Infiltration</p> <p>e.g. Soakaways</p>	<p>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. Climate change allowances for residential development is 40% and for commercial development is 30%.</p> <p>It will also need to be demonstrated that the proposed soakaway will have a half drain time of 24 hours or less.</p>
<p>Outfall to watercourse</p>	<p>You cannot discharge surface water unrestricted to a watercourse.</p> <p>Any proposed run-off to a watercourse will need to be restricted in accordance with the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (<a href="https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf">https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf</a>).</p> <p>Discharge rates should be restricted to the Greenfield 1 in 1 year runoff rate for the positively drained area for all events up to and including the 1 in 100 year rainfall event with climate change.</p> <p>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 <a href="https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/">https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/</a></p> <p>OWC applications can also be discussed and made with Mid Sussex District Council Flood Risk and Drainage Team via <a href="mailto:drainage@midsussex.gov.uk">drainage@midsussex.gov.uk</a>.</p>

<p style="text-align: center;"><b>PROPOSED SURFACE WATER DRAINAGE METHOD</b></p>	<p style="text-align: center;"><b>INFORMATION REQUIRED</b></p>
<p>Outfall to public sewer</p>	<p>You cannot discharge surface water unrestricted to a sewer. Discharge of surface water into a foul sewer system is not usually acceptable.</p> <p>Any proposed run-off to a sewer will need to be restricted in accordance with the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (<a href="https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf">https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf</a>).</p> <p>Discharge rates should be restricted to the Greenfield 1 in 1 year runoff rate for the positively drained area for all events up to and including the 1 in 100 year rainfall event with climate change.</p> <p>Both the connection point and discharge rate must be agreed with the relevant owner or responsible body including sewerage undertakers.</p> <p>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.</p>

<p><b>PROPOSED SURFACE WATER DRAINAGE METHOD</b></p>	<p><b>INFORMATION REQUIRED</b></p>
<p>SuDS and attenuation</p>	<p>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.</p> <p>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.</p> <p>Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (<a href="https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf">https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf</a>). You cannot discharge surface water unrestricted to a watercourse or sewer.</p> <p>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.</p> <p>A clear timetable for the schedule of maintenance can help to demonstrate this.</p>

**MSDC Landscapes**

While we are supportive of this planning application we would like to see the planting plans, planting schedule and the management plans for the small green open spaces.

## **MSDC Heritage Consultant**

### **Amended**

I have reviewed the updated submitted information in respect of this application and I can confirm that I have No Change to make to my previous comments on this application, dated 16/04/2020, and copied below for reference.

#### No Archaeological Concerns

The Heritage Conservation Team, Surrey County Council provides advice to Mid Sussex District Council in accordance with the Mid Sussex Local Plan and the National Planning Policy Framework. The district council is located within the County Council of West Sussex.

The National Planning Policy Framework (Section 12) emphasises that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted, paragraph 141 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

The application site is large, and new development has the potential to destroy any surviving archaeological horizons. As such, I am pleased to note the application has been submitted with an Archaeological Desk Based Assessment, produced by the applicant's archaeological contractor Archaeology South East. The Assessment provides a useful overview of the archaeological potential of the area based on known finds, and assessed the site as having a generally low theoretical archaeological potential for all periods up until the 19th century, although this is based on known finds rather than intrusive investigation and should be approached with some caution.

In addition the assessment has considered the previous land use and demonstrated that any archaeological horizons which may have been present on the site, will have been subject to widespread destructive impact from the construction of the existing building and basement, and also from previous successive phases of development. Therefore given both the lower archaeological potential and the limited likelihood of archaeological remains surviving on the site I confirm have no further archaeological concerns regarding this proposal.

Please note that these comments are from the perspective of below ground archaeological issues only and the views of the Conservation Officer should also be sought regarding any potential setting issues.

### **Original**

#### No Archaeological Concerns

The Heritage Conservation Team, Surrey County Council provides advice to Mid Sussex District Council in accordance with the Mid Sussex Local Plan and the National Planning Policy Framework. The district council is located within the County Council of West Sussex.

The National Planning Policy Framework (Section 12) emphasises that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should submit desk-based assessments, and where

appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted, paragraph 141 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

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In addition the assessment has considered the previous land use and demonstrated that any archaeological horizons which may have been present on the site, will have been subject to widespread destructive impact from the construction of the existing building and basement, and also from previous successive phases of development. Therefore given both the lower archaeological potential and the limited likelihood of archaeological remains surviving on the site I confirm have no further archaeological concerns regarding this proposal.

Please note that these comments are from the perspective of below ground archaeological issues only and the views of the Conservation Officer should also be sought regarding any potential setting issues.

## **MSDC Ecology Consultant**

### Recommendation

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

### Comments

There appears to be negligible scope for bats or other protected / notable species to be impacted.

## **MSDC Environmental Protection**

The application looks to redevelop the site in order to create 42 residential units, with commercial on the first floor, offices in a sperate building and associated car parking at the ground and lower ground floors.

### Environmental Noise and Vibration

Given the proximity of the site to the railway line and a B road, there are concerns over the level of environment traffic noise that new residents are likely to be exposed to. Environmental Health does not have any legislative powers to retrospectively deal with road traffic noise, and it is therefore important that such matter is dealt with at the planning stage.

A Noise and Vibration Assessment by Temple (ref: T4348), dated the 31st October 2019 has been submitted as part of the applications and addresses concerns over environmental noise levels. Having assessed the acoustic report I believe that the recommendations listed

in the report should ensure that future residents are protected in regards to current environmental noise levels.

As environmental noise levels vary throughout the site, the report has shown that a different level of protection, in terms of glazing and ventilation, will be required depending on the façade in order to ensure habitable rooms meet BS8233:2014 and WHO requirements.

Section 6.3 of the Temple report (ref: T4348) that the East façade will require high-performance glazing (with table 9 giving specifications) and mechanical ventilation to habitable rooms. The other facades will require standard double glazing, with the East façade also requiring acoustically rated trickle vents.

A condition is therefore recommended to ensure that the proposed protection is put in place and that internal levels within the proposed properties, therefore, meet World Health Organisation Guidelines on Community Noise and BS8233:2014 and WHO standards.

Additionally, as habitable rooms with an Eastern Façade will also require mechanical ventilation, this should also be conditioned.

It is noted that the Temple report (ref: T4348) found that there is a low probability of adverse impacts from vibration based on the BS 6472 criteria.

#### Noise emissions from the completed development

Given the size and scope of the project, it is understandable that at this stage it is not known precisely what machinery or plant will be contained within the end build.

For that reason, Temple has taken background readings and recommended the maximum rating level that the combined plant noise level from the proposed should achieve. I note that they go on to recommend that any plant or machinery achieve the same background level at 1 metre from the nearest noise sensitive façade. However, we would look to recommend 5dB background at 1 metre from the nearest faced as a standard and that is, therefore, my recommended condition.

However, the background is so low at night this would be unachievable, and I have therefore recommended a rating level of 30dB be achieved at night at 1 metre from the nearest façade.

#### Additional noise concerns

It appears in the plans that two commercial units will be placed on the first floor of the building containing the residential units. Given the mixed uses of the building, a higher level of insulation will be needed between these commercial units and the residential units in order to protect future residents. I would also recommend that given the unknown nature of these commercial units, time restrictions are put in place to protect future residents from noise during night-time hours.

Additionally, as Temple notes in section 6.4 rubbish and recycling collections, especially those involving glass, and commercial deliveries can cause a disturbance. For that reason, a condition for the times that collections and delivery can take place at the site has also been suggested.

## Construction Noise

There are also concerns about how local's residents and businesses will be affected during the construction of the proposed. The proposed build is in very close proximity to existing residential and commercial premises.

Construction by its very nature does have noisy phases and will inevitably be noticeable at various stages to various individuals throughout the build. This is why it is important to put the onus onto the developers to come up with a plan to minimise complaints, design their timetable with best practicable means in place, meet with residents, have a complaint handling systems in place and generally be a good neighbour. Therefore, if the application was to precede it is recommended that a Construction Environmental Management Plan be required and that additional conditions in regard to minimising the construction passes impact be attached.

## Contamination

Residential usage will result in an increased sensitivity of the Site, and therefore as part of the application a desktop study has been undertaken by Temple, reference: 67108R1, dated 22nd October 2019.

The preliminary risk assessment shows a moderate/low-risk rating for the pollutant linkages identified for on-site sources of potential contamination. As such the report recommends that a proportionate level of site investigation is undertaken to inform the existing land quality status of the Site and the requirement for remedial and/or risk management measures.

It is recommended therefore that a phased contaminated land condition be attached to the application.

This proposal is therefore agreed upon, and conditions are suggested to ensure the levels recommended are achieved.

## Recommendation: Approve with conditions

1. Glazing and ventilation installed within the build shall meet the requirements laid out in the Noise and Vibration Assessment by Temple (ref: T4348), dated the 31st October 2019. Specifically glazing and ventilation will need to meet the standards laid out Section 6.3 of said report, with the exact criteria to be achieved being dependant on the particular façade of the room.
2. Noise associated with plant and machinery incorporated within the development, that will be used between the hours of 23:00 and 07:00, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise-sensitive premises, shall not exceed 30dB. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014+A1:2019.
3. Noise associated with plant and machinery incorporated within the development, that will be used between the hours of 07:00 and 23:00, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise-sensitive premises, shall not exceed 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014+A1:2019.
4. No commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site



outside the hours: 07:00 to 20:00, Monday to Friday and 08:00 to 18:00 on Saturdays and Sundays.

5. The proposed commercial units shall only be open to the public between the hours of 07:00 to 23:00.
6. The floors/ceilings and walls that are between the commercial units at the first floor and the residential units adjacent and above shall be designed to achieve a minimum airborne sound insulation value of 55dB (DnTw+Ctr dB).

The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority a report by a competent person demonstrating that the attenuation measures are effective and achieve the specified criteria above. Should this test show that the criteria have not been complied with, a further scheme of attenuation works capable of achieving the criteria shall be submitted to the Local Planning Authority for approval. Once agreed, works should be completed within 3 months, and thereafter retained.

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

8. Deliveries: 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

9. Construction Environmental Management Plan: Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority. Reason: to protect the amenity of local residents from noise and dust emissions during construction.

10. No burning materials: 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.

11. The development hereby permitted shall not be occupied/brought into use until the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos-containing materials, have each been submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified:
- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site

and unless otherwise agreed in writing by the LPA,

- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

- c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

12. 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 a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation).? Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

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.

13. 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.

## **MSDC Street Name & Numbering**

Informative (Info29)

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of

fees and advice for developers can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.

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MID SUSSEX DISTRICT COUNCIL

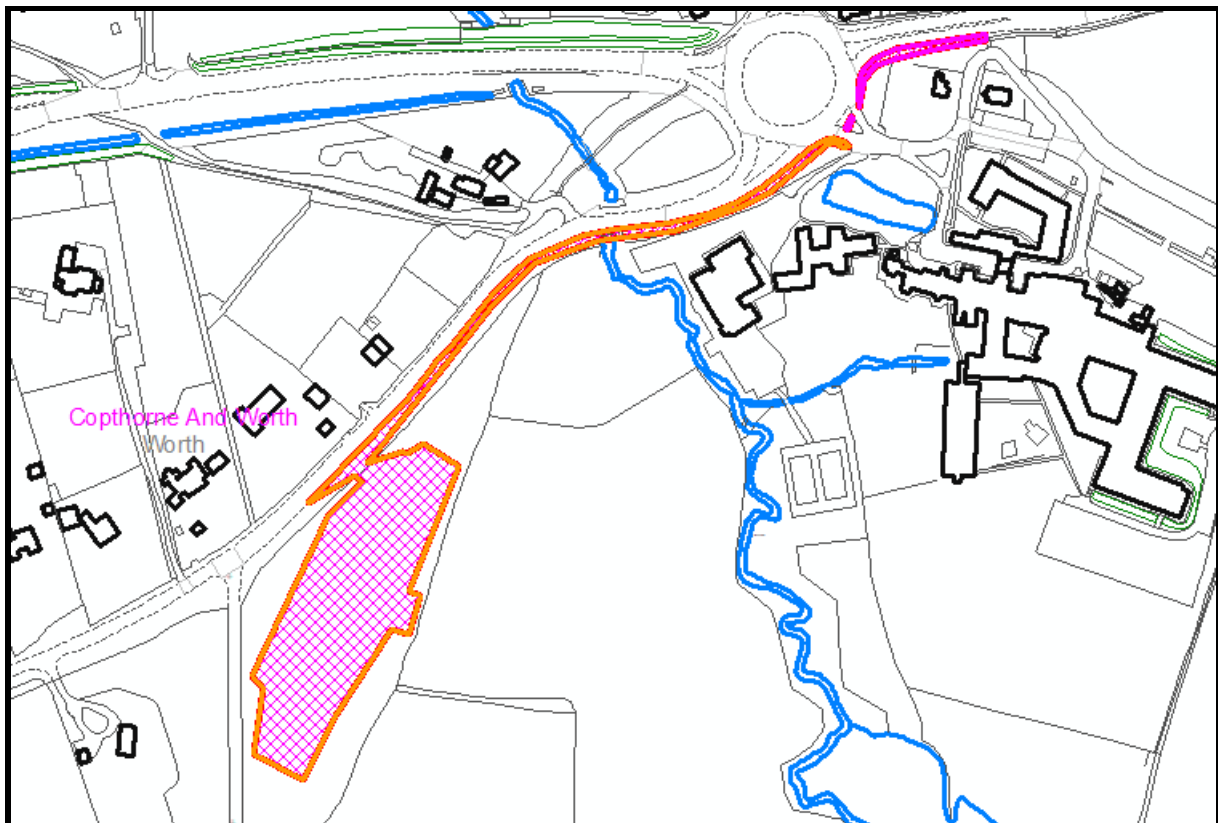
District Wide Committee

15 OCT 2020

RECOMMENDED FOR PERMISSION

Worth

DM/20/1590



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**LAND AT LOWER HOLLOW COPSE (POT COMMON) COPTHORNE ROAD COPTHORNE WEST SUSSEX  
PROPOSED USE OF LAND TO FORM TWO SITES FOR 8 PERMANENT GYPSY AND TRAVELLER PITCHES. SITE A - PROPOSED LAYING OUT OF 5 PERMANENT PITCHES FOR THE SETTLED GYPSY AND TRAVELLER COMMUNITY. ERECTION OF A SITE MANAGER'S OFFICE AND UTILITY BLOCKS AND LAYING OUT OF INTERNAL ROADS, PARKING AND ASSOCIATED DRAINAGE WORKS, BOUNDARY TREATMENTS AND LANDSCAPING. SITE B - PROPOSED LAYING OUT OF 3 PERMANENT PITCHES FOR THE SETTLED GYPSY AND TRAVELLER COMMUNITY, ASSOCIATED ACCESS ROADS, DRAINAGE WORKS, BOUNDARY TREATMENTS AND LANDSCAPING. SINGLE**

**VEHICLE ACCESS TO COPTHORNE ROAD TO SERVE BOTH SITES. PROVISION OF FOOTPATH WITHIN THE HIGHWAY VERGE ALONG COPTHORNE ROAD. ADDITIONAL SUPPORTING DOCUMENTATION RELATION TO FLOOD RISK ASSESSMENT, JAPANESE KNOTWEED AND REMEDIATION RECEIVED ON 20TH AND 21ST MAY. ADDITIONAL INFORMATION RECEIVED 13 JULY 2020 RELATING TO NOISE AND 16 JULY RELATING TO VARIOUS MATTERS.  
MR PETER STUART; MRS LAYLA HEAL**

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

ODPM CODE: Minor Gypsy

8 WEEK DATE: 6th July 2020

WARD MEMBERS: Cllr Christopher Phillips /

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 proposed use of land to form two sites for 8 permanent gypsy and traveller pitches. Site A - proposed laying out of 5 permanent pitches for the settled gypsy and traveller community. Erection of a site manager's office and utility blocks and laying out of internal roads, parking and associated drainage works, boundary treatments and landscaping. Site B - proposed laying out of 3 permanent pitches for the settled gypsy and traveller community, associated access roads, drainage works, boundary treatments and landscaping. Single vehicle access to Copthorne Road to serve both sites. Provision of footpath within the highway verge along Copthorne Road. The 5 pitches on plot A would provide public pitch provision and the 3 pitches on plot B would provide private pitch provision.

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. In this case there is a clear need for culturally appropriate accommodation for settled gypsies and travellers as set out in policy DP33. The preamble to policy DP30 (Housing Mix) in the DP acknowledges the difficulties in the delivery of permanent gypsy and traveller sites. It is therefore considered that the policy support in terms of the need for this type of accommodation is provided by policy DP33.

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. It is considered that the quality of the rural landscape would not be maintained for the same reason, namely that there will be a significant change on the site from it being undeveloped to a site providing 8 plots for settled gypsies and travellers. 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. The proposed layout plan shows a 1m wide planting buffer located in front of the acoustic fence on the northern and western sides of the site. The provision of such planting can be secured by a planning condition. The application drawings note that all lighting to access roads and pitch frontages to be either cowled or low level lighting. This can be controlled by a planning condition.

It is also considered that the impact on the character of the area will be limited to a modest area around the site. The zone of theoretical visibility plan submitted with the application indicates that allowing for the existing screening features, the majority of the site will be visible from a maximum of some 275m away to the northeast and east.

Therefore in summary in relation to the impact on the character of the landscape, it is acknowledged that there is a conflict with policy DP12. It is relevant to note that the landscape impacts are limited to a relatively modest area in and around the site. It is felt that whilst the impact on the character of the landscape has been minimised from the proposal, it would not be retained or enhanced as set out in policy DP12.

Policy DP6 relates to the settlement hierarchy in the District. The site is outside the built up area of Copthorne, is not allocated within the District Plan for development and is not contiguous with the built up area boundary of Copthorne. Therefore there is a conflict with policy DP6 as the proposal is for a development of 8 plots for culturally appropriate housing for settled gypsies and travellers in the countryside. However the strategic objectives of policy DP6 should also be noted. These are:

*'Strategic Objectives: 2) To promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character and prevents coalescence; 8) To provide opportunities for people to live and work within their communities, reducing the need for commuting; 9) To create and maintain town and village centres that are vibrant, attractive and successful and*

*that meet the needs of the community; 12) To support sustainable communities which are safe, healthy and inclusive; and 13) To provide the amount and type of housing that meets the needs of all sectors of the community.'*

The provision of 8 plots of culturally appropriate housing for settled gypsies and travellers would contribute towards strategic objectives 12 and 13 as defined above. It is also relevant that Copthorne is a category 2 settlement as defined in the DP, 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. The location of the site will allow residents access to the services provided in this category 2 settlement. Therefore whilst there is a conflict with the text of policy DP6, the proposal would accord with the strategic objectives of policy DP6 that have been identified above.

Policy DP33 in the DP is the policy that deals with gypsies, travellers and travelling showpeople. There is a clear need for culturally appropriate accommodation for settled gypsies and travellers as set out in policy DP33. This proposal would go towards meeting that identified need. 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. Policy DP33 allows for the assessment of individual planning applications for gypsy and traveller sites against the relevant policies in the DP.

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.

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 Local Highway Authority (LHA) are satisfied that this footway can be delivered. This can be secured by a planning condition.

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.

It is considered that the site is suitable to provide good quality living accommodation.



The plots on site A would all have an amenity building. The plots on site B do not have an amenity building but do have a good sized external amenity area. The plots will all be clearly demarcated. The fencing within the site will not be overly dominant. Overall it is considered that the layout within the site is satisfactory.

The impact of noise is a material planning consideration. 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.

World Health Organisation (WHO) guidelines suggest a maximum daytime internal noise level of 35LAeq dB, and a maximum night time internal level of 30LAeq dB. It should be noted however that the guidance in BS 8233:2014 states that '*where necessary or desirable, despite external noise levels above the World Health Organisation (WHO) guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved.*'

In the present case, on the facades facing the road and with windows open, daytime and night time internal LAeq dB would be above the WHO guidelines. With the windows closed, there are 7 plots where internal LAeq daytime noise levels on those facades would exceed the WHO guidelines (the greatest exceedance would be 38.5LAeq dB); and 4 plots where the internal night time noise levels would exceed the WHO guideline (the greatest exceedance being 31.6LAeq dB). However it should be noted that these exceedances are within the guidelines set out in BS 8233:2014.

On the shielded facades, both internal daytime and night time LAeq dB levels would be met on all plots with windows closed. With the windows open, daytime and night time internal LAeq dB would be above the WHO guidelines. However the modelling shows that the levels would be within the 5dB relaxation referred to in BS 8233:2014.

With regards to noise, the Councils' Environmental Health Officer (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, it is relevant to note that BS 8233:2014 allows for a relaxation of these guidelines. The predicted exceedances of the WHO guidelines with windows closed would be within the 5dB referred to in BS 8233:2014. Given the views of the EHO on the information that has been submitted, in relation to noise, it is considered that the proposal would comply with policy DP29 and that the quality of resident's lives will be protected from unacceptable levels 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 8 would be some 44m from Kitsbridge Cottage to the northwest. To the west the pitch on plot 3 would be some 71m 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.

Copthorne is a large village, with a population of about 5000. It is classed as a category 2 settlement in the DP. 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.

The Council's 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 Council's 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 are 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 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) it is not considered that this application should be resisted on grounds of prematurity relating to the Copthorne Neighbourhood Plan.

To conclude it is acknowledged that there is a conflict with policy DP12. It is felt that whilst the impact on the character of the landscape has been minimised from the proposal, it would not be retained or enhanced as set out in policy DP12. There is also a conflict with policy DP6 as the site is outside the built up area of Copthorne and is not contiguous with the built up area.

There is a need to provide culturally appropriate housing for settled gypsies and travellers as established by policy DP33 and policy DP33 does not preclude planning applications for such development from coming forward from sites that are located within the countryside. In assessing whether the proposal complies with the development plan, it is necessary to look at the development plan as a whole. It is not the case that a planning application must comply with each and every policy in the development plan for it to comply with the development plan when read as a whole.

In this case it is considered that the proposal complies with policies DP13, DP17,

DP21, DP26, DP29, DP33, DP37, DP38 and DP41 of the DP. There is conflict with policies DP6 and DP12 of the DP, but this is outweighed by the benefits of the proposal. In light of all the issues set out in this report it is considered that the proposed development does accord with the development plan when read as a whole and that there are no other material planning considerations that would justify a decision that was not in accordance with the development plan. The planning application is therefore recommended for approval.

### **Recommendation**

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

## **SUMMARY OF REPRESENTATIONS**

62 letters of objection

- 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 proposed access will result in a highway safety hazard
- Each time this unsuitable scheme is presented it does not change much
- Will cause coalescence between Copthorne and Crawley
- Is unsuitable for families to walk along a narrow footway in the dark to Copthorne
- Crossing point at Copthorne roundabout is dangerous
- Pavement will be too narrow for families walking with pushchairs
- Transport statement is inadequate as it uses out of date data and only shows two full days of data for the Copthorne Road and three for Old Hollow
- Increase in road traffic since APH airport facility came into use is not accounted for
- Road traffic data was obtained when the weather was inclement, and roads flooded meaning traffic slowed significantly so the results are not fit for purpose
- The MSDC Local Plan makes provision for such traveller and gypsy facilities at specified sites notably Northern Arc Burgess Hill, Pease Pottage Development and the Hassocks Development. The Pot Common site is not included in the Local Plan. Such development is contrary to its own policy.
- The site falls into the Strategic Gap between Crawley and East Grinstead and is therefore another example where it is contrary to its own policy.
- The Western side of the site has several trees which are protected by the Council having issued a TPO.
- there is Japanese Knotweed and Mares tail. These are highly invasive and regulated weeds and moving this will be hugely expensive.
- why is MSDC going to such expense when it would be far cheaper and far more environmentally friendly and sustainable for the Gypsies and Travellers to be given a site on the developments listed in the Local Plan rather than expending

huge public funds on a site where the village residents have already made it clear on two previous occasions that this is not an application that has any support in the village

- will be too expensive to decontaminate the site
- will be unneighbourly and overbearing and will cause a loss of outlook
- acoustic fencing will be an eyesore and create a hideous outlook
- vehicles parked outside the site would be a hazard to road users
- The gates create an unnecessary obstruction to the safe access and egress from Pitch 6 in particular, as the right-hand gate swings across the entrance to Pitch 6. A tracking exercise would clearly demonstrate the difficulties the gates would create for the occupants of Pitch 6 in accessing it in a vehicle, in a vehicle towing a caravan, or placing a mobile home
- Entrance gate will create a hostile barrier to site B which is contrary to government guidance that directs decision makers to not having so much hard landscaping, high walls or fences that the impression may be given that the site and its occupants is deliberately isolated from the rest of the community
- There are no visitors spaces for postal vehicles, delivery vehicles
- No allocated space for refuse collection outside of the gates
- 2m high gates will be difficult to open, especially by children, the elderly or infirm creating an accessibility issue
- Floor level of a mobile home is typically 700mm above ground level so window heads could be 2.7m above ground level and would be higher than the fences separating the plots. This would make the relationship between plots 7 and 8 uncomfortable
- The trees to the west of pitch 8 will have an overbearing impact on it
- Site floods when we have bad weather
- Site is contaminated and will not be deliverable within 3 years
- The site would not facilitate or aid the cohesion of a fully integrated social community, as the isolation would prevent healthy relationships developing within the local community, hindering the natural ability to form good integrated society
- This site fails in many aspects of how a gypsy and traveller site should be designed. It offers very little amenity and will appear as an isolated barricaded compound and clearly fails under paragraph 26 of the PPTS.
- The noise report is using an incorrect method of calculation and is therefore inaccurate and I have concerns that noise levels will be well above recommended levels, causing detrimental effects to health.
- I have concerns over the foul water drainage as, although the applicant has offered two alternatives for this, it seems they are likely to choose a packaged treatment solution and there is no clear detail of how this effluent will find its way into a water course. I believe it will need piping through an informal ditch which will result in the loss of more trees along Copthorne Road.
- It conflicts with policies DP11, DP12, DP15, DP21, DP26 and DP33 of the district plan and as such should be recommended for refusal.
- Will cause damage to Ancient Woodland
- Council has tried to rush this through during the Covid pandemic
- Has been inadequate consultation and the Council has ignored local opinion
- Single dwellings have been refused in the locality so how can this proposal be acceptable

- Enforcement should have been pursued about the previous use of the land and it should have been restored to its former condition
- Lighting would cause harm to the rural setting and adversely affect the neighbours
- Sewage should be removed by mains drainage not via a package treatment plant. If a package treatment is used the discharge should be into a running water course, but the stream proposed is dry for a substantial part of the year, therefore this contravenes the guidance in General Binding Rules.
- Japanese Knotweed Plan and the Noise reports are not up to date
- Landscaping will not hide ugly fencing
- The development cannot be regarded as acceptable without infrastructure contributions to mitigate the impacts
- 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
- There are already two new developments (one of which is for 500 new homes) nearby and these plans will only add to the problem of insufficient school places, shops, doctor's surgeries (which are already at capacity) along with other infrastructure required to cope with expansion
- Copthorne Road is one of the main roads into Crawley from the M23 Motorway and the whole area including Copthorne gets heavily congested at busy times. Also, APH Airport parking has opened further along from the proposed site which will add to the road congestion especially during busy holiday periods.
- There are already two huge gypsy traveller sites in the area and I cannot see that another site would be of benefit to either community.
- I do appreciate that the council has to provide sites for the Gypsy and traveller community but does it have to be in the Sussex/Surrey Border Area.
- Will be an intrusion into the countryside
- This is a naturally wooded area
- Would it not be a better solution for MSDC and a better spend of tax payers money to find a bigger more suitable site that can accommodate a better number of units.
- Will harm wildlife
- Development should be required to make infrastructure contributions
- Development is contrary to the local plan and the inconsistency in policy approach is rooted in the Councils vested interest in the application
- Site is in the countryside where policy DP12 applies. Policy DP33 does not refer to development in the countryside at all but contemplates allocating sites through a future DPD
- Council is incorrectly interpreting policy DP12
- Proposal conflicts with Government guidance in Planning Policy for Traveller Sites, including paragraph 26, criteria A to D
- The Landscape and Visual Impact Assessment with the application is inaccurate and the impacts are plainly worse than claimed

- Play space is inadequate, the site is not gated so unsafe, no land is supplied for horses which is reasonably necessary as part and parcel of a gypsy/traveller lifestyle
- Application site has been deliberately reduced to be less than 1 hectare to drop below the EIA screening threshold
- Council should consider whether the scheme is likely to have significant environmental effects
- The claimed site area of 0.92hectares omits works outside the rede line including landscaping and drainage
- An application for an infill at Rustlewood opposite the site was refused and no rational decision maker without a vested interest in the application could approve this application having refused the scheme at Rustlewood
- Council has failed to secure proper provision on the strategic sites in the District as required by the District Plan
- Noise report is misleading and does not take account of The World Health Organisation Night Noise Guidelines for Europe 2009 (NNG), The World Health Organisation Environmental Noise Guidelines for the European Region 2018 (ENG2018) or the Acoustics and Overheating Residential Design Guide published by the Association of Noise Consultants in January 2020 (AVO)
- Proposal will not create a good quality for prospective residents in relation to noise
- Children on the site will play in the Ancient Woodland and the buffer will not be a barrier to this
- Council now accepts that this site will only be acceptable if a BS 8233:2014 relaxation of 5dB applies on the basis that the site is necessary or desirable and the following apply:
  - Mobile homes and caravans must have a particular layout in order to allow the opening of windows on shielded faces
  - Gates must be kept shut at all times
  - Landscapes and screening need to provide the same level of noise attenuation through all seasons
  - Recent WHO guidance must be ignored
  - Special ventilation measures must be installed in mobile homes and caravans unless doors and windows are to be kept shut at all times

Conditions would be required to achieve the above points

1 letter of support

- There is a need for additional pitches in this area
- Shortages of gypsy and traveller sites result in unauthorised developments and travellers having no place to stop and access to water, sanitation and services
- The implications of refusal to grant permission for the application must also be a material consideration in terms potential conflict with Article 8 of the Human Rights Act 1998 which protects the right to respect for private and family life

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

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

Current surface water mapping shows that the majority of the proposed site is at low risk from surface water flooding.

The Flood Risk Assessment included with this application states that permeable paving with a controlled discharge to the watercourse would be used to control the surface water runoff from the site.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

The maintenance and management of the SUDs system should be 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.

### **Thames Water**

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

### **Southern Water**

The development site is not located within Southern Water's statutory area for water supply, drainage and wastewater services. Please contact, the relevant statutory undertaker to provide water supply, drainage and wastewater services to this development.

### **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 a '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. Any approval planning permission would be subject to conditions.

### **Minerals and Waste Authority**

No objection.

### **Crawley Borough Council**

No objection.

### **Sussex Police**

Sussex Police have no objections to this application from a crime prevention perspective. Recommend conditions regarding boundary treatment, locks and lighting.

### **Aerodrome Safeguarding Officer**

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

### **NATS Safeguarding**

No objection.

### **Environmental Health Officer**

- The consultants have adequately addressed the concerns raised, in my view.
- By keeping most windows closed, internal noise levels can be kept to a level described as "reasonable" by BS8233.
- On this basis, there is no demonstrable significant adverse effect from noise.
- When orienting the homes, internal layout should be considered in order to maximise ventilation from the sheltered façade.

### **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 site is mainly hard surfaced and I am satisfied that the AIA and method statement dated 4/12/19 are satisfactory and adherence to this should be conditioned. I raise no objection to this application.



## **Drainage Officer**

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

## **Housing Enabling & Development Officer**

The applicant is proposing a development comprising of a total of 8 permanent pitches for the gypsy and traveller community. This provision would assist in addressing a known housing need in the district and as such receives our full support.

## **Planning Policy Officer**

DP33 sets out that to ensure a sufficient amount of permanent culturally suitable housing to meet identified needs for the settled Gypsy and Traveller and Travelling Showpeople. This need is to be met through the provision of pitches on strategic sites allocated in the Development Plan or through a financial contribution from the strategic sites towards the offsite provision of pitches providing certain criteria are met.

To date, 13 pitches have been secured on the strategic allocation at the Northern Arc, leaving an outstanding need of 10 units. Therefore, there is still an unmet need that has not been secured through an allocation or planning permission at this point.

## **PARISH COUNCIL COMMENTS (received 12th June 2020)**

This application was discussed at Planning & Highways Committee held remotely on Tuesday, 9th June 2020 when 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 in the District Plan, it is in a rural location, is not contiguous with an existing built up area, and is not sustainable.

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

DP21: Transport, in that the site is not sustainably located. There is no provision for cycle storage on the site. Despite the provision of a footpath, due to the site's rural

location it is likely that there will be reliance on the use of private cars for the necessities of daily life.

The proposed footpath itself is cause for concern. On the south side of the A264, to the east of the roundabout, there are what appear to be electrical cupboards, plus signage for the roundabout itself, which would seem to impede the implementation of the path. The Council considers the existing crossing point dangerous. The A264 is a 50mph limit at this point, it is very busy at all times of the day and night being a major artery onto the M23 and Crawley and it can take some time to navigate ones way across, especially difficult for children and mothers with buggies. There is no signage on the A264 to warn of pedestrians crossing.

There is no existing or proposed footpath to the south of the site entrance, which precludes access to bus stops.

The Council has concerns over the data supplied under the traffic survey. Limited data was recorded - we have been informed that this is due to the equipment malfunctioning. It was carried out at a time of heavy rainfall; indeed, the road was partially blocked by flooding at the time, which would have severely impacted on traffic data collected. This calls into question the safety of an additional access onto this road, especially with large trailer vehicles manoeuvring in and out of the site.

DP26: Character and Design, in that 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. The refusal of DM/18/4671 for a new dwelling on Copthorne Rd in March 2019 sets a precedent for this area, where the officer's report states that "properties in this location are set back from the highway and are on large spacious plots with a good degree of separation between properties and landscaped boundaries between them. (There is) no significant development on the opposite side of the road ... which contributes to its informal and semi-rural area". The proposed high-density accommodation, surrounded by acoustic fencing will be detrimental to the character of this rural area.

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. This assessment refers the MSDC Gypsy & Traveller & Travelling Showpeople Assessment which was last updated in July 2016. Previous Assessments were carried out in 2013 and 2014 which would imply that a review is well overdue and that local need figures are not substantiated.

Pitches were allocated in the strategic locations at Burgess Hill, Pease Pottage and Hassocks. Whilst these allocations were thought to be achievable in March 2018 when the District Plan was published, it now appears there were errors in assessing these strategic sites; for example, the site at Hassocks is apparently no longer large enough to accommodate Gypsy & Traveller pitches.

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

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

- site was NOT submitted in any of the MSDC Calls for Sites or the Worth Parish Call for Sites.
- When considering suitable sites for Gypsy & Traveller pitch provision, 154 were selected for further assessment and two were finalised to go forward. The Copthorne site was not submitted during this process
- there will be no connection to the main drainage system, and no information as to how foul water will be discharged to the local ditches and water courses. The route to a water way is convoluted; in some places the route is unditched over open ground which is unacceptable.
- the contaminated land remains a serious concern. Whilst the mitigation work is noted, this is based on limited test sites and 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 proposals allow for continuous testing for e.g. asbestos and lead throughout development, which would imply that higher toxic levels could be found to preclude any work on the site.
- The proposals include 2 metre acoustic fencing on the frontage of the site, and also dividing the public and private pitches. Not only is this contrary to DP26 as indicated above, it prohibits the social integration of future residents, not only within the wider community, but also within the site itself. The gates to the private pitches further inhibit social cohesion.
- Documents continued to be loaded onto the planning portal throughout the consultation period leading to an extension of the deadline by one week. There are very few representation letters and many of the usual consultation responses are not there, such as comments from WSCC Highways.
- Lack of documents is perhaps understandable during this period of Covid-19 lockdown, with many staff working from home. However, this would suggest that this is not the best time for MSDC to lodge a potentially contentious application, when resources are limited.
- The timing is also relevant to the last public consultation for the site, which ran from 18th February to 31st March. No exhibitions were held, responses being online only, and the latter part of the consultation period was during Covid-19 restrictions and lockdown.

In summary, 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 (Copthorne local infrastructure is already over-stretched having to incorporate the West of Copthorne 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, site contamination, and amenity of existing and future residents. DM/18/4671 sets a precedent for the unsustainability of this rural area for additional residential development

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.

### **Further comments from Worth Parish Council received 5th August 2020**

The additional documents lodged against this application were discussed at Planning & Highways Committee held remotely on Tuesday 4th August 2020 when it was resolved to continue to strongly object to the proposals.

The objections cited in my letter of 12th June remain; however, the Committee wishes the following additional comments to be taken into account.

The additional information relating to the noise survey were noted, but the Committee does not consider that this affects its original opinion. I draw your attention to the comments made in my letter of 12th June in that the proposals include 2 metre acoustic fencing on the frontage of the site, and also dividing the public and private pitches. Not only is this contrary to DP26 as such fencing would severely impact upon the rural character of the area, but it also prohibits the social integration of future residents, not only within the wider community, but also within the site itself. The gates to the private pitches further inhibit social cohesion.

The Committee looked again at the single width carriage way access from the highway and has concerns regarding the potential obstruction of the highway during vehicle ingress and egress and the impact on safe manoeuvring within the site. For example, there is a gate to site B from site A on the left shortly after the site entrance from the highway. This means that any stopping vehicle gaining entrance to site B cannot help but obstruct the site entrance onto the highway on this 50mph stretch of road.

On the subject of roads, Covid 19 has significantly reduced the volume of road traffic on the Copthorne Road including those vehicles that would otherwise be using the APH Gatwick Parking facility. Economic recovery is expected to take several years but even Gatwick Airports Ltd are optimistic about a full recovery to 2019 levels and intend to progress the Development Control Order for the use of the Northern Runway. It follows that any traffic, noise, or other environmental surveys conducted during the present circumstances are not applicable to the situation that will exist when the site is brought into use.

Another effect of the pandemic has been higher vehicle speeds in the area generally and on 50mph roads such as the Copthorne Road in particular. This, combined with

the lack of street lighting in this area, means that movement between the site and the local facilities at the nearby garage or in Copthorne by pedestrians and cyclists will be extremely dangerous.

The Committee has looked again at the proposed footpath between the site to Copthorne roundabout and beyond. The route along the southern side of the A264 to the crossing point is impeded by an electrical substation, and street furniture such as signage for the roundabout itself, all of which would be costly to move; this does not seem to have been taken into account.

Should the District Council be minded to approve this application, the Parish Council asks that:

- That the site has single site management
- That a telecoms structure to include broadband, is provided to each pitch
- That electric vehicle charging points are supplied on site

I reiterate the comments made in my letter of 12th June in that whilst the actual description for this application is for a 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, site contamination, and amenity of existing and future residents. DM/18/4971 sets a precedent for the unsustainability of this rural area for additional residential development.

Given the continued strong 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.

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## **INTRODUCTION**

This application seeks planning permission for a proposed use of land to form two sites for 8 permanent gypsy and traveller pitches. Site A - proposed laying out of 5 permanent pitches for the settled gypsy and traveller community. Erection of a site manager's office and utility blocks and laying out of internal roads, parking and associated drainage works, boundary treatments and landscaping. Site B - proposed laying out of 3 permanent pitches for the settled gypsy and traveller community, associated access roads, drainage works, boundary treatments and landscaping. Single vehicle access to Copthorne Road to serve both sites. Provision of footpath within the highway verge along Copthorne 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.'

An application for the following development was approved by the District Planning Committee on 21st February 2019:

'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.'

An application for a judicial review of this decision was sought in March 2019 and cited 6 grounds of challenge to the decision of the Local Planning Authority (LPA) to grant planning permission for this development. On 17th May 2019 John Howell QC (sitting as a Deputy High Court Judge) ruled that permission was granted on one of the Grounds sought but refused on the other five.

The challenge succeeded on Ground 6, which related to how the LPA had dealt with the issue of the Environmental Impact Assessment (EIA) Regulations. The previous report stated that the proposal was not the type of development that fell within paragraph 10(b) (i) of the EIA Regulations and therefore the LPA did not have to issue a screening opinion to determine whether the proposal was or was not EIA development. John Howell QC stated that it was at least arguable that the proposal did fall within this paragraph and it was therefore on this technical point on whether the LPA should have issued a screening opinion that the judicial review challenge to the previous planning permission succeeded.

In light of that decision the LPA agreed that the planning permission granted under reference DM/18/3525 should be quashed, meaning that the application reverted

back to the LPA to be determined afresh. The applicant subsequently withdrew this planning application on 3rd December 2019.

## **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. The trees on the northern and western sides of the site are protected by a group tree preservation order (TPO). To the southeast of the site is an area of Ancient Woodland. There would be a buffer of 15m between the boundary of the site and the Ancient Woodland.

To the north on the opposite side of Copthorne Road there is 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. Cotters Wood is some 45m from the entrance to the site. To the west of the site on the opposite side of Old Hollow is a detached house called Tree Tops, which is some 63 from the western boundary of the site.

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 proposed use of land to form two sites for 8 permanent gypsy and traveller pitches. Site A - proposed laying out of 5 permanent pitches for the settled gypsy and traveller community. Erection of a site manager's office and utility blocks and laying out of internal roads, parking and associated drainage works, boundary treatments and landscaping. Site B - proposed laying out of 3 permanent pitches for the settled gypsy and traveller community, associated access roads, drainage works, boundary treatments and landscaping. Single vehicle 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 5 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 5 pitches on site A would provide public pitch provision and the 3 pitches on site B would provide private pitch provision.

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 the amenity building 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 2m high timber fence.

The plans show that there would be a 15m buffer between the pitches on plots 1 and 2 and the ancient woodland to the southeast.

On site B there would be 3 plots. Each plot would have space for one caravan, 3 marked parking spaces and additional hardstanding. Each plot would also have an amenity area. There would not be any amenity blocks on site B. The plans show that there would be a set of gates on the internal access road within the site which provides access into 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 5.4m with a pitched roof 3.9m in height and would have two car parking spaces positioned to the south of it. It would have brick elevations and a grey tiled roof. Internally it would provide a kitchenette, office, store and WC.

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 the northern boundary with Copthorne Road. This fencing would also be erected on the north eastern boundary of the site and the southwestern boundary. Internally there would also be 2m high acoustic fencing to the west of plot 6.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

*'In dealing with such an application the authority shall have regard to:*

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

*'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*



The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) (2018). The draft Copthorne Neighbourhood Plan (CNP) is not a made plan, is subject to revision, and therefore does not form part of the development plan. It is a material consideration but, for the reasons set out below, it is not a document on which it would be appropriate to place significant weight.

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

### **Mid Sussex District Plan**

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

Relevant policies:

- DP6 Settlement Hierarchy
- DP12 Protection and Enhancement of the Countryside
- DP13 Preventing Coalescence
- DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- 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 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 did not progress further. The Parish subsequently confirmed with the District Council that they are preparing a revised Reg 14 Neighbourhood Plan.

Worth Parish Council are now undertaking a new Regulation 14 consultation that runs from 18th September until 13th November 2020.

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.

CNP1 General Development Requirements  
CNP11 CA3: Copthorne Common and Woodland  
CNP15 Sustainable Transport

#### National Planning Policy Framework (NPPF) (Feb 2019)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is '*significantly boosting the supply of homes.*'

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 38 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 59 of the NPPF states '*To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.*'

## National Planning Policy Guidance

### 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 (PPTS). 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.'*

### **Other Material Considerations**

The Communities and Local Government publication "Designing Gypsy and Traveller Sites Good Practice Guide" was withdrawn on 1st 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;

- Principle of Development
- Impact on Landscape
- Coalescence
- Highways, Transport and Access
- Design and layout of the site
- Noise
- Drainage
- Ecology and Trees
- Ashdown Forest
- Decontamination of site
- Crime
- Impact on property values
- Infrastructure
- Neighbourhood Plan
- Previous use of the land and enforcement
- Previous applications
- Environmental Impact Assessment
- Separation of Council roles
- Planning Balance and Conclusion

## Principle of Development

### Development plan policy DP33

The key policy in the DP relating to the provision of sites for Gypsies, Travellers and Travelling Showpeople is Policy DP33, which 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.'*<sup>17</sup>

*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.'*<sup>18</sup>

*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<sup>19</sup> granted permanent planning permission shall also be safeguarded for such use.*

*New Gypsy, Traveller and Travelling Showpeople sites<sup>20</sup>, 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<sup>21</sup> use will be considered under the relevant District Plan policies.'*

<sup>17</sup> For Gypsies, Travellers and Travelling Showpeople who meet the definition of a Gypsy and Traveller and Travelling Showperson for planning purposes, provided in Annex 1- Planning Policy for Traveller Sites (August 2015)

<sup>18</sup> For Gypsies, Travellers and Travelling Showpeople who do not meet the definition of a Gypsy and Traveller and Travelling Showperson for planning purposes, provided in Annex 1- Planning Policy for Traveller Sites (August 2015)

<sup>19</sup> For Gypsies and Travellers who meet and do not meet the definition of a Gypsy and Traveller and Travelling Showperson for planning purposes, provided in Annex 1- Planning Policy for Traveller Sites (August 2015) i.e. Gypsies and Travellers who still travel and settled Gypsies and Travellers who no longer travel

<sup>20</sup> For Gypsies, Travellers and Travelling Showpeople who meet the definition of a Gypsy and Traveller and Travelling Showperson for planning purposes, provided in Annex 1- Planning Policy for Traveller Sites (August 2015)

<sup>21</sup> For Gypsies, Travellers and Travelling Showpeople who do not meet the definition of a Gypsy and Traveller and Travelling Showperson for planning purposes, provided in Annex 1- Planning Policy for Traveller Sites (August 2015)

The DP is a relatively recently adopted plan and is up to date. The policy identifies a clear need to accommodate 23 households for settled gypsy and travellers for the period up to 2031 in culturally appropriate accommodation. 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 Parish Council have suggested in their comments that local need figures are not substantiated. The figure to accommodate 23 households for settled gypsy and travellers for the period up to 2031 is a district wide requirement; it is not a requirement of policy DP33 for this need to be broken down on a parish by parish basis.

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. 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. 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 28th 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 development was as follows:

'Comprehensive, phased, mixed-use development comprising approximately 3,040 dwellings including 60 units of extra care accommodation (Use Class C3) and 13 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 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, means of access, 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.'

Planning permission was granted on 4th October 2019 for this development. The Northern Arc will therefore provide 13 gypsy and traveller pitches to go towards meeting the identified need in the District.

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.'

Planning permission was granted on 16th March 2020 for this development in Hassocks. This planning permission in Hassocks provides for a payment to be made towards the provision of offsite gypsy and traveller accommodation.

A judicial review challenge to this decision has been made by the Copthorne Village Association (CVA). The CVA contends that this decision was unlawful because:

a. *'The OR misdirected members by treating site constraints at Clayton Mills as justifying off site provision. That was inconsistent with a proper interpretation of the development plan, failed to have regard to material considerations, and in breach of the statutory duty in s 19 and s 149 Equality Act 2010;*

*b. The OR misdirected members in its consideration of the Copthorne site by failing to grapple with constraints on that site, and by failing to consider whether it could be delivered within an appropriate timescale.'*

On 19th June 2020 Mrs Justice Lang granted permission for this challenge to proceed, stating *'In my view, the Claimant's grounds are clearly arguable.'* The LPA are defending the decision to grant planning permission for the site in Hassocks.

As noted above, the first part of Policy DP33 allows the strategic sites to contribute to meeting the need for Gypsy and Traveller Sites on site or by making a contribution to alternative provision. The policy thus expressly contemplates that other sites, outside the strategic sites, will come forward. It is therefore clear that it is not a requirement of policy DP33 that the identified need for gypsy and traveller pitches must be met on the strategic sites (the Northern Arc in Burgess Hill and Clayton Mills in Hassocks) that are allocated for housing and other development in the District Plan. Policy DP33 allows for other sites to be considered in order to meet the need for gypsy and traveller pitches. 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.

Where proposals are made for new Gypsy and Traveller or Travelling Showpeople sites for gypsies, travellers and travelling showpeople who meet the definition of a gypsy and traveller and travelling showperson provided in Annex 1 - Planning Policy for Traveller sites (PPTS) (August 2015), policy DP33 sets out a criteria based approach. However, the need that was identified by the Mid Sussex Gypsy and Travelling Showpeople Accommodation Needs Assessment, and which formed the basis of the need for 23 households referred to in policy DP33, is for settled gypsies and travellers who do not fall within the definition of a gypsy and traveller as set out in Annex 1 of the PPTS. Consequently, the 7 bullet point criteria in policy DP33 are not strictly applicable to this application, which the policy indicates should be considered "under the relevant District Plan policies". Nevertheless, the provision of culturally suitable accommodation for settled gypsies and travellers gives rise to similar issues to the provision of accommodation for gypsies and travellers falling within the Annex 2 definition. It is therefore considered appropriate to have regard to the criteria in the assessment of this application. In any event, most of the criteria are reflected in other policies of the DP, which would be considered "relevant District Plan policies" for the purposes of DP33.

In this regard:

- There is an identified need for the provision of culturally suitable accommodation for settled gypsies and travellers
- For the reasons explained later in this report, the site is reasonably accessible to schools, shops, health and other local services and community facilities. 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. This can be secured by a planning condition.
- It is considered that the site is suitable to provide good quality living accommodation. The plots on site A would all have an amenity building. The plots on site B do not have an amenity building but do have a good sized external



amenity area. The plots will all be clearly demarcated. The fencing within the site will not be overly dominant. Overall it is considered that the layout within the site is satisfactory.

- 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 8 would be some 44m from Kitsbridge Cottage to the northwest. To the west the pitch on plot 3 would be some 71m 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. The proposed mitigation will minimise the impact of the development on landscape character.
- Copthorne is a large village, with a population of about 5000. It is classed as a category 2 settlement in the DP. 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.
- There would be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC); and
- The proposal is not within the High Weald AONB.

In the circumstances, the application accords with Policy DP33.

Against this, the site lies within the countryside as defined in the DP, where policy DP12 applies. Policy DP12 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 therefore seeks to protect the countryside in recognition of its intrinsic character. Development in the countryside will be permitted where it maintains, or where possible, enhances the quality of the rural and landscape character of the District and is supported by a specific policy reference elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.

In this case there is a clear need for culturally appropriate accommodation for settled gypsies and travellers as set out in policy DP33. The preamble to policy DP30 (Housing Mix) in the DP acknowledges the difficulties in the delivery of permanent gypsy and traveller sites. It is therefore considered that the policy support in terms of the need for this type of accommodation is provided by policy DP33.

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. The impact of the development on the character and appearance of the area will be discussed later in this report, but for the reasons set out here officers consider there is some conflict with policy DP12. It is worth noting that this is likely to be the case whenever a site is provided in a rural location. It is a matter of judgement for the decision maker to determine whether this degree of conflict with DP12 (together with any other conflicts) is sufficient to mean there is a conflict with the development plan when read as a whole. In this regard, it is relevant that, while Policy DP12 requires development to maintain or enhance landscape character, the criteria in Policy DP33 merely require proposals for sites for gypsies and travellers to "minimise" the impact. Policy DP33 thus expressly recognises that such proposals may have an impact on landscape character.

Policy DP6 relates to the settlement hierarchy in Mid Sussex. It states:

*'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.*

*The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:*

- 1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
- 2. The site is contiguous with an existing built up area of the settlement; and*

3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy. The developer will need to satisfy the Council that:*
- *The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*
  - *A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

The site is outside the built up area of Copthorne, is not allocated within the District Plan for development and is not contiguous with the built up area boundary of Copthorne. Therefore there is a conflict with this policy as the proposal is for a development of 8 plots for culturally appropriate housing for settled gypsies and travellers. However the strategic objectives of policy DP6 should also be noted. These are:

*'Strategic Objectives: 2) To promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character and prevents coalescence; 8) To provide opportunities for people to live and work within their communities, reducing the need for commuting; 9) To create and maintain town and village centres that are vibrant, attractive and successful and that meet the needs of the community; 12) To support sustainable communities which are safe, healthy and inclusive; and 13) To provide the amount and type of housing that meets the needs of all sectors of the community.'*

The provision of 8 plots of culturally appropriate housing for settled gypsies and travellers would contribute towards strategic objectives 12 and 13 as defined above. It is also relevant that Copthorne is a category 2 settlement as defined in the DP, 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. The location of the site will allow residents access to the services provided in this category 2 settlement. Therefore whilst there is a conflict with the text of policy DP6, the proposal would accord with the strategic objectives of policy DP6 that have been identified above.

### **Impact on Landscape**

With regards to the impact on character and appearance of the area, policy DP12 in the DP is relevant and the requirements of this policy have been set out in full earlier in this report.

Paragraph 170 of the NPPF 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'*

There have been a number of appeals and Court cases where the meaning of the term 'valued landscapes' in the NPPF has been debated. It has been stated by Inspectors that to be a valued landscape, the site had to show a demonstrable physical attribute rather than just popularity.

The site is not within a nationally designated landscape (it is not within the High Weald Area of Outstanding Natural Beauty for example). The Landscape Character Assessment for Mid Sussex was published in November 2005. The site is located within the Landscape Character Area 7: High Weald Plateau and the key characteristics are identified as:

- Headwater drainage of the Eden, Medway and Mole Rivers originates here, the significant little valleys of the streams bounding the plateau to the south and dissecting it to the north east.*
- Significant woodland cover, a substantial portion of it ancient, including some larger woods and a dense network of hedgerows and shaws, creates a sense of enclosure, the valleys secluded.*
- Small assemblies of assorted pastures contrast with blocks of larger, modern fields.*
- Heathland cover is remnant, most of the former heaths today covered with regenerated woodland.*
- Busy lanes and roads, particularly the A264 through Copthorne along the Crawley-East Grinstead corridor and the B2038 running north into the area from Turners Hill.*
- Pockets of rich biodiversity concentrated in the valleys, heathland, and woodland.*
- Rural settlement pattern dispersed and scanty, with expanded settlements at Copthorne and Crawley Down, ribbon development along some roads, and plotlands in woodland settings.*
- Mill sites and hammer ponds.*
- Varied traditional rural buildings built with diverse materials including timber framing and varieties of local brick and tile hanging.*
- Designed landscapes and exotic treescapes associated with large country houses.'*

This 2005 Landscape Character Assessment for Mid Sussex report notes *'Adjoining Crawley at the M23 Motorway, and with Gatwick Airport only a couple of miles away, the area lies on the edge of a part of West Sussex where, arguably, change has been the greatest since the Second World War. The area itself contains two greatly expanded villages, at Copthorne and Crawley Down. Long established ribbon development and settlements at Effingham Park and Domewood in Surrey characterise the corridor of the busy A264, which weaves in and out of the County between Crawley and East Grinstead.'*

It is relevant to note that policy DP12 states that the Mid Sussex Landscape Character Assessment, West Sussex County Council strategy and the Capacity of Mid Sussex to Accommodate Development Study will be used to assess the impact of development proposals on the quality of rural character. One of the management objectives for this area of the District in the Mid Sussex Landscape Character Assessment is to *'Ensure that any new development has a minimum impact on views into and from the area and is integrated within the landscape.'*

The applicant has provided a Landscape and Visual Impact Appraisal (LVIA) that is available on file for inspection. The LVIA provides an assessment of the effects of the proposed development, on the landscape of the site and its context. The LVIA sets out in detail a professional assessment of the landscape impacts of the proposal. There are no reasons to question the methodology of this assessment. It is however clearly the case that an assessment of the impact of the proposal on the character of the landscape is ultimately one for the decision maker to make. The LVIA concludes as follows:

*'The predicted effects on landscape character as a result of the proposed development is concluded to be no greater than minor. The proposed development is likely to have a minor effect on the site's sense of enclosure and the pattern of development along a short section of the A2220 Copthorne Road. However, the proposed development would be located outside of the 15m buffer zone to the ASNW and would ensure the protection and retention of the trees that line the field boundary adjacent to the site. The irregular shaped field within the historic field pattern would also be retained, minimising adverse impacts to the landscape character of the area.*

*The predicted visual effects of the proposed development would be no more than moderate for residents within the immediate vicinity of the site. For surrounding users of public footpaths and roads, the visual effects would be no more than minor. As distance increases from the site, the visual effects would reduce. The proposed development would be surrounded by mature trees and woodland, which restricts views towards the site and any potential views of the proposed development to within the immediate vicinity of the site.*

*This Landscape and Visual Appraisal concludes that the site represents an opportunity to accommodate the proposed development without unacceptable adverse impact to the surrounding landscape character and visual amenity.'*

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 surrounding

countryside comprises a mixture of woodland, linear development along Copthorne Road and the commercial development of the hotel to the northeast. The site is close to the built up area of Copthorne. The area of land within the site has no special characteristics; it is a fairly level parcel of land with some hard-core within the site and much of the site has become overgrown with vegetation.

It is not considered that the site is a valued landscape as this term is understood in the NPPF. The site itself does not contain any physical attributes that take the landscape out of the ordinary and the surrounding land also does not have such physical attributes.

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.

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. It is considered that the quality of the rural landscape would not be maintained for the same reason, namely that there will be a significant change on the site from it being undeveloped to a site providing 8 plots for settled gypsies and travellers. 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. The proposed layout plan shows a 1m wide planting buffer located in front of the acoustic fence on the northern and western sides of the site. The provision of such planting can be secured by a planning condition. The application drawings note that all lighting to access roads and pitch frontages to be either cowled or low level lighting. This can be controlled by a planning condition.

It is also considered that the impact on the character of the area will be limited to a modest area around the site. The zone of theoretical visibility plan submitted with the application indicates that allowing for the existing screening features, the majority of the site will be visible from a maximum of some 275m away to the northeast and east.

Therefore in summary in relation to the impact on the character of the landscape, it is acknowledged that there is a conflict with policy DP12. It is relevant to note that the landscape impacts are limited to a relatively modest area in and around the site. The proposed development has minimised the impact on the character of the area, in accordance with one of the management objectives in the Landscape Character Assessment for Mid Sussex 2005. It is felt that whilst the impact on the character of the landscape has been minimised from the proposal, it would not be retained or enhanced as set out in policy DP12.

The Regulation 14 draft Neighbourhood Plan identifies a number of character areas within the plan area. The site of this application is within CA3 in the draft Neighbourhood Plan, which is called 'Copthorne Common and Woodland'. Policy CNP11.1 in the draft Neighbourhood Plan states:

*'Development proposals must preserve and enhance the positive aspects of CA3. These are:*

- a) The large number of mainly 19th century cottages attests to the area's recent past and adds character to the area. The majority are kept in good condition and while amendments have been made the worst excesses of late 20th century home improvement have been avoided. The larger properties have also been well kept which adds to the area's character.*
- b) The extensive network of paths including the long distance Sussex Border Path;*
- c) The roundabout on Copthorne Common Road (A220) acts as a node and a gateway to the settlement of Copthorne;*
- d) Large areas of woodland which have a high degree of connectivity stretching across the CA west to east and have a rural character and provide a sense of enclosure and tranquillity;*
- e) Large areas of common land within the CA well connected to the PRoWs and easily accessed from the surrounding settlements and feature areas important for biodiversity;*
- f) Views typically are of rural landscapes; either of woodland or agricultural landscapes;*
- g) Copthorne Common and rural areas surrounding Copthorne provide a verdant backdrop for the settlement; and*
- h) The area of Copthorne Common within the settlement envelope of Copthorne north of Copthorne Road bringing green infrastructure into the settlement.*

*CNP11.2 Proposals for commercial uses on the A2220 and A264 Copthorne Common Road or uses that serve the nearby urban areas are incongruous within the otherwise rural setting and should be refused.*

*CNP11.3 Development proposals should actively seek to reduce severance caused by primary roads (including the M23, A2220 and A264) by providing improved pedestrian accessibility.*

*CNP11.4 The suburban development on Newlands Park is not characteristic of this area and should not be considered a suitable design/style/layout cue for further development within this character area.*

*CNP11.5 Development that would increase the presence of manmade features in views of agricultural landscapes, such as pylons, agricultural vehicles or caravans should be avoided.'*

There would be a degree of conflict with this draft policy as views of the site would change as outlined above. Whilst this conflict weighs against the proposal, due to its stage in preparation, the Regulation 14 draft of the Neighbourhood Plan can be afforded little weight as a material planning consideration.

## **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.'*

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. There 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 considered that 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 planting would help to soften the development 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). As such there would be no conflict with policy DP13 of the DP.

Policy CNP1 in the Regulation 14 Neighbourhood Plan states in part '*Development proposals should be laid out to maintain the perception of separation between Copthorne Village and other surrounding settlements.*' For the reasons outlined above it is considered that the perception of separation between Copthorne and surrounding settlements would not be unduly impacted by the development and there are no grounds to resist the application based on policy CNP1 in the Regulation 14 draft Neighbourhood Plan.

## **Highways, Transport and Access**

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.'*

The site access has been designed with a carriageway width of 7.3 metres (to accommodate large vehicles turning into and out of the site access), whilst the width of the access road narrows to 6 metres 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.

The application is accompanied by a Transport Statement (TS). The TS includes the results of a traffic survey that was carried out between 13th November 2019 and 20th November 2019.

A summary of the 85th percentile speeds that were found to occur within Copthorne Road and Old Hollow from the November 2019 survey is set out below:

#### Copthorne Road surveyed 85th percentile speeds

- Eastbound 43.2mph
- Westbound 42.3mph

#### Old Hollow surveyed 85th percentile speeds

- Southbound 34.7mph
- Northbound 35.8mph

The findings indicate a minor reduction in speeds compared to the previous 2016 data. The TS notes that both of the surveys were carried out in mixed weather conditions, the lower surveyed speeds found to occur during 2019 may be (at least partly) due to the time of the year that the surveys were conducted (i.e. during November the weather conditions are less favourable, there may be greater

incidences of the carriageway surface being wet and there are less hours of daylight. All of these factors may influence vehicle speed).

The applicant has shown that visibility splays of 2.4m x 138m to the west and 2.4m x 134m to the east can be accommodated within the highway boundary. This is in excess of the splays of 2.4m by 109m to the west and 2.4m by 106m to the east that would accord with the guidance in Manual for Streets 2. The larger splays relate to the standards in the Design Manual for Roads and Bridges, which applied to trunk road design.

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 Highway Authority have stated *'Previously a speed survey was carried out and the LHA indicated that the splays were in accordance with the recorded road speeds. In November 2019 a further speed survey was undertaken by the applicant. These produced slightly lower speeds than the July 2016 survey, the weather being cited as the key factor. The LHA would still consider the 2016 survey relevant in this application's supporting information. For ease of reference the 85th percentile speeds along Copthorne Road were the following from 2016:*

- *Eastbound: 48.3 mph*
- *Northbound: 47.4 mph*

*109 metre and 106 metre visibility splays are available in to the north and east. The LHA would be satisfied with these splays based on 85th percentile road speeds.'*

It is clear from the above that the Highway Authority are satisfied that visibility splays of 109m and 106m are acceptable. The applicant's access plan demonstrates that enlarged visibility splays of 138 and 134 metres respectively are achievable. These splays can be achieved with cutting back of the existing hedge row.

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. It is considered that the views of the Highway Authority should be given significant weight as they are the statutory body responsible for highways within the district. Given the view of the Highway Authority that the proposed access arrangements are satisfactory, it is considered that there are no grounds to resist the application based on this matter.

### 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 Highway Authority 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'. The LHA previously accepted the 2018 applications TRICS assessment based on 13 pitches and accepts the data provided for this assessment. The development will not generate any material increase in vehicle movements on the surrounding highway network compared to the previously agreed application.'*

On the previous application for 13 pitches, the applicant's Transport Statement forecast that the proposal would generate up to 55 vehicular trips to and from the site during the course of a typical day. On the current application for 8 pitches this is forecast to be 41 trips.

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 41 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 manoeuvring, the Highway Authority have stated *'Swept path analysis has been undertaken to demonstrate the ability of the access to accommodate a 3.5 tonne panel van towing a twin axle 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.'*

Concerns have been raised by objectors to the scheme about the internal access arrangements for vehicles accessing site B. The concern is that if the access gates are closed, vehicles could be parked on the internal access road and cause a highway safety hazard for other vehicles seeking to access the site. A further concern has been raised about vehicles manoeuvring within site B to access the plots.

The centre of the access gates is set back 21m from the edge of the carriageway. The details of the access gate can be controlled by a planning condition. For example, it could be remote operated with the occupiers of the units on site B being able to quickly open the gates to access the site. With regards to vehicles manoeuvring within site B, this would be on private land within the site and would not result in a highway safety hazard. The Highway Authority have not raised an objection to the layout of 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.

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.

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 PPTS is the same as the Inspector took into account in determining the above appeal.

The plans provided with the applicant's Transport Statement show an annotation in relation to the proposed pavement that states 'localised narrowing within available highway margins.' The annotation relates to an area to the east of the Copthorne roundabout. The Highway Authority have provided a map that indicates the extent of the publicly maintainable highway. This shows that at the pinch point the width of the publicly maintainable highway scales off as some 2.7m. The intention is to provide a 1.5m footway with an additional 1m wide verge margin between the footway and the carriageway of Copthorne Road. The plans provided by the Highway Authority show that even with the localised narrowing of the publicly maintainable highway, it would be possible to provide a footway from the site up to the Copthorne roundabout as shown on the applicant's plans. The provision of this footway can be secured by a planning condition.

Concerns have been raised about the safety of the proposed crossing for pedestrians. At the point where the path would end, the Copthorne Common Road has a central refuge in the carriageway for pedestrians. At this point the carriageway is single width both east and west bound. Visibility at this point is good in both directions for those crossing the road. Whilst the Copthorne Common Road is clearly a busy strategic route through the District, at this point vehicles will be slowing down for the roundabout, which is some 68m from the crossing and those driving from the west will have just exited the roundabout. The Highway Authority have not raised an objection to the proposed pedestrian crossing. It should also be noted that this crossing point on the Copthorne Common Road already exists.

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.

Policy CNP15 in the Regulation 14 draft of the Neighbourhood Plan states:

*CNP15.1 'Development will be supported providing it promotes sustainable transport within the Plan Area by:*

- a) Demonstrating that adequate sustainable transport links to the principal village facilities including the village centre, the primary school, retail facilities, GPs'*

*Surgery, recreation open space and other transport links already exist or will be provided as part of the development.*

- b) Identifying and undertaking appropriate measures, such as highway improvements, to address any transport infrastructure inadequacies prior to new development being occupied.*
- c) Where development would add to traffic congestion within the village or routes into and out of the village and rural lanes, proposals should be brought forward to mitigate any traffic impact or contribute funding towards local transport schemes, including the introduction of speed management systems.*
- d) Enhancing the existing public footpath, rights of way, bridle paths, cycle ways and twittens.*

*CNP15.2 Proposals for new footpaths and/or cycle lanes, or other routes for non-motorised users will be supported.*

*CNP15.3 For new development, all off road car parking spaces must be ready for electric charging. This means:*

- a) The installation of electric car chargers. OR*
- b) The installation of cabling or ducting (designed to accommodate the easy installation of cabling in the future) between the relevant customer unit and location designed for the installation of a car charger in future.*

The proposed footway from the site to the Copthorne roundabout would accord with the aims of CNP15.1 (a) of this policy in the Regulation 14 draft Neighbourhood Plan. Whilst the proposal does not include electric charging points, this is not a requirement of policy DP21 in the DP and it must be noted that the Regulation 14 draft Neighbourhood Plan can be afforded little weight as a material planning consideration due to its stage of preparation.

## **Design and layout of the site**

Policy DP26 in the DP states:

*'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:*

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*
- protects valued townscapes and the separate identity and character of towns and villages;*
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on*

*privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*

- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

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

The application seeks to provide culturally appropriate housing for settled gypsies and travellers to meet a need set out in policy DP33. Therefore not all of the criteria that are contained within policy DP26 are directly applicable to this application because policy DP26 relates to 'all development', which clearly includes traditional bricks and mortar housing. Nonetheless policy DP26 is a 'relevant' policy as referred to in the last line of policy DP33.

In terms of the design and layout of the site, each plot on site A has been designed to have two car parking spaces and a space for a touring caravan (shown as being some 10m in length). Each plot within site A has also been designed to have an amenity building around the plot. The internal boundaries within site A would be marked by a mixture of 2m timber fencing and 1.2m green mesh fencing. The plots on site B do not have an amenity building but do have a good sized amenity area on each plot. They are shown as having 3 car parking spaces together with an area of hard standing adjacent to the area where the caravan would be stationed.

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 1st 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 on site A with hard standing next to it for two cars and a touring caravan. On site B, the plans show



hardstanding marked out for 3 cars with additional hardstanding around these marked out spaces.

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 private plots on site B would not have an amenity building but they all have a good sized external amenity area.

The amenity buildings will not contain a kitchen/dining area, however 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. In the assessment of the previous planning application on this site, your Council's Housing Officer 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.

In relation their external appearance, the amenity buildings and the office manager's building are modest pitched roofed buildings, whose design is felt to be acceptable. The external materials of these buildings can be controlled by a planning condition.

The proposed development is to allow for mobile homes to be placed on the site and these will be different in character to the surrounding bricks and mortar housing to the west and north. It is considered that the provision of suitable landscaping around the site will help to soften the development.

## **Noise**

Noise is a material planning consideration. The section 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;*

Under the heading 'Can noise override other planning concerns?', the Planning Practice Guidance (PPG) states *'It can, where justified, although it is important to look at noise in the context of the wider characteristics of a development proposal, its likely users and its surroundings, as these can have an important effect on whether noise is likely to pose a concern.'* 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. The PPG notes *'While such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused.'*

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 LAm<sub>ax</sub> is the loudest instantaneous noise level. This is usually the loudest 125 milliseconds measured during any given period of time. The applicant's Noise Assessment has provided figures for both LAeq and LAm<sub>ax</sub>.

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. 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. Following a request for further information the applicant submitted a further noise assessment on 13th July 2020. These documents have been assessed by the Councils Environmental Health Officer (EHO).

The applicant has provided predicted noise levels at different receptor points within the proposed site. In response to a criticism about the height at which the noise level receptors had been modelled, the applicant has modelled the receptors at a height of 2m as well as the initially modelling 1.5m. The noise receptor points that have been modelled are for all of the plots and have been modelled for a minimum of two of the facades of each plot.

World Health Organisation (WHO) guidelines suggest a maximum daytime internal noise level of 35LAeq dB, and a maximum night time internal level of 30LAeq dB. It should be noted however that the guidance in BS 8233:2014 states that *'where necessary or desirable, despite external noise levels above the World Health*

*Organisation (WHO) guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved.'*

In the present case, on the facades facing the road and with windows open, daytime and night time internal LAeq dB would be above the WHO guidelines. With the windows closed, there are 7 plots where internal LAeq daytime noise levels on those facades would exceed the WHO guidelines (the greatest exceedance would be 38.5LAeq dB); and 4 plots where the internal night time noise levels would exceed the WHO guideline (the greatest exceedance being 31.6LAeq dB). These exceedances would be within the 5dB allowance that is set out in BS 8233:2014.

On the shielded facades, both internal daytime and night time LAeq dB levels would be met on all plots with windows closed. With the windows open, daytime and night time internal LAeq dB would be above the WHO guidelines. However the modelling shows that the levels would be within the 5dB relaxation referred to in BS 8233:2014.

For the night time noise intrusion levels for the LAmax, the modelling shows that on the unsheltered facades on site A, with windows open, the WHO guidelines would be exceeded but with windows closed they would be met on three of the plots and would be within the allowance made in BS 8233:2014 on the remaining two plots. The same exercise for site B shows that with windows open the WHO guidelines would not be met but with windows closed the plots would all be within the exceedance that is allowed by BS 8233:2014.

On the sheltered facades the modelling for the LAmax shows that on site A with windows open the WHO guideline would be exceeded (but would within the allowance made for in BS 8233:2014) and with windows closed it would be met. On site B the modelling also shows that with windows open the WHO guidelines would be exceeded (but would within the allowance made for in BS 8233:2014) but with windows closed they would be met.

The Council's EHO has referred to the detailed criticisms that were made in relation to the applicants Noise Report and the subsequent response from the applicant to the points that had been raised. The EHO has stated:

*In my view, these responses have adequately addressed the issues raised. In any assessment of this nature, there will be some uncertainty so the noise report has used cautious assumptions in order to build in a margin of error.*

*The conclusion presented, using these assumptions, is that the development is acceptable overall with regard to noise levels. It should be noted that the most appropriate guidance (BS8233) gives guideline noise values to be met, but states that "where development is considered 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". The report finds that, using the "worst-case" assumptions, the 5dB relaxation is required and reasonable internal conditions are still achieved.*

*In order to achieve this, most windows need to remain closed, day and night, apart from for short periods for purge ventilation, for example. For most of the mobile*

*homes, only windows away from the road should be opened long-term, otherwise noise levels may exceed the guidelines. For the 2 northernmost units, this will mean windows on the narrow façade, so ventilation levels will be affected to some degree. The homes should be oriented in such a way as to minimise the impact of this.*

### Summary

- *The consultants have adequately addressed the concerns raised, in my view.*
- *By keeping most windows closed, internal noise levels can be kept to a level described as "reasonable" by BS8233.*
- *On this basis, there is no demonstrable significant adverse effect from noise.*
- *When orienting the homes, internal layout should be considered in order to maximise ventilation from the sheltered façade.'*

The test in policy DP29 of the DP is that development can be permitted where the quality of people's lives will be protected from unacceptable levels of noise pollution. Policy DP26 in the DP, which relates to all development, refers to development not causing significant harm to the amenities of future occupants, taking account of the impact of noise. These tests are similar to the requirement in policy DP33 when assessing sites for gypsies and travellers who meet the definition of a gypsy and traveller in Annex 1 of PPTS, which refers to the need for noise to not have a detrimental impact on the health and well being of the Travellers.

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 advice in the PPG is that the Government does not expect noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development. 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 the EHO has advised that on plots 7 and 8, ventilation levels would be affected to some degree if only the windows on the southeast façade are opened long term, it is not felt that that this in itself would justify a refusal of planning permission. Given the views of the EHO on the information that has been submitted, in relation to noise, it is considered that the proposal would comply with the relevant criteria of policy DP29 and that the proposed occupants of the development would be protected from unacceptable levels of noise pollution.

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 applicants Noise Assessment Report states that with the inclusion of 2m high acoustic barriers *'the maximum increase in road traffic noise at nearby properties would be no greater than 0.7 dB. It is identified in DMRB (Vol 11, Section 3, Part 7, section 3.37) that the smallest perceptible change in noise level as a result in a change in road traffic noise level is 1 dB. Therefore, the worst-case change in noise level predicted would be unlikely to be perceptible.'* The EHO raised no concerns in relation to this point. 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.

Policy CNP1 in the Regulation 14 Neighbourhood Plan states in part '*Proposals for new development should have neutral or positive impact on the amenities of existing residential properties including (such as access, noise, privacy, daylight, and sunlight).*' It is considered there is no conflict with this policy from the proposal.

## **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. It states:

*'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.*

*Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.*

*Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.*

*For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.*

*SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.*

*The preferred hierarchy of managing surface water drainage from any development is:*

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

*Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'*

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 existing site currently discharges surface water runoff informally to an existing watercourse located to the North and South east of the site.

The application states that the development will be split into two separate site areas; Site A (owned and maintained by the Council), and Site B (owned and maintained by a private landowner). To avoid the need for a complex covenants and issues in relation to maintenance agreements, it is envisaged that each part of the site, Site A and Site B, will have a separate drainage system with an independent outfall structure for each.

The application envisages that the access road into the site will be permeable. On site A all of the surface water runoff discharged from the roofs of the proposed units and hardstanding areas within Site Area A (south) will be directed to permeable paving. The permeable paving will 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 into the adjacent watercourse. All of the surface water runoff discharged from the roofs of the proposed units and areas of hardstanding within Site Area B (north), will be directed to permeable paving. The permeable paving will be laid on top of a 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 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 nearest sewer to the development is located approximately 75m to the west of the site, within land owned by a third party. The depth of this sewer has been extracted from the asset location data and the information suggests that this sewer is too shallow to drain to using gravity alone. Consequently, the use of pumps would be required to drain effluent from the development into this sewer and therefore, this option would require the construction of a pumping station on the development site.

The applicant's Flood Risk Assessment (FRA) states that to drain foul effluent from the development to the public sewer system it may be necessary to construct a pumping station, upgrade the capacity of the existing sewerage infrastructure, and make a new connection across the highway and other third party land.

The FRA states that if a connection to the public sewer system is not possible, the alternative solution could be to drain foul effluent from the development to a package treatment system(s). For package treatment systems to be acceptable it will be necessary to meet the requirements of the Environment Agency and Lead Local Flood Authority. If package treatment systems are used, it will be necessary to obtain an environmental permit from the Environment Agency before construction of the foul drainage system can commence. The FRA notes that before any treated effluent can be discharged to the neighbouring watercourse, it will be necessary to obtain ordinary watercourse consent for the new connections.

The FRA notes that as the proposed development will be used by mobile homes and caravans, there is a potential requirement to provide additional treatment for the disposal of waste from chemical toilets. The proposals could therefore include a large underground storage tank and chemical toilet washing facility.

The layout plan submitted with the application indicates the location of a package treatment system in the centre of the site and package treatment plants for the 3 plots on site B. This indicates that if this is the final solution for foul drainage, that there would be sufficient space for this to take place.

The FRA concludes by stating *'The opportunities for managing foul effluent discharged from the proposed development have been assessed and it is concluded that whilst a connection to the public sewer system would be the preferred solution for draining foul waste from the development, the potential to do so may be restricted by site constraints or costs. As a result, an alternative solution for managing foul wastewater has been proposed and this approach relies on the use of package treatment systems designed to treat wastewater onsite before it is discharged to the adjacent watercourse.'*

The Council's Drainage Engineer has assessed the information put forward by the applicant and raises no objection to the application. At this stage it is necessary for the applicant 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 applicant 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 (July 2017)
- a Hazel Dormouse Presence/Likely Absence Survey Report (March 2020) (survey carried out in March 2017)
- an Arboricultural Impact Assessment and Method Statement (August 2017, revised April 2020)
- an Update Ecology Walkover Survey (March 2020)

The purpose of the Update Ecological Walkover Survey is to identify any ecological changes to the site since the 2018 update ecological walkover survey (WYG, 2019) highlighting any variation to habitat types, dominant vegetation, invasive species and protected species, and identifying any constraints they may pose to the development. The Update Ecological Walkover Survey is stated as being valid until September 2021 after which point it should be reviewed to determine whether further updates are necessary.

The Update Ecological Walkover Survey summarises the suitability of the site for various species as follows:

- Great crested newts - negligible
- Reptiles - moderate (but no reptiles found during further survey)
- Roosting - bats low to moderate
- Commuting and foraging bats - low (although surrounding habitats are considered high)
- Protected and notable flora - negligible
- Invertebrates - moderate
- Breeding birds - high
- Dormouse - moderate (but no dormouse found during further survey)
- Badger - no evidence, but likely present in the wider area
- Otter and water vole - negligible
- Other mammals - likely to support occasional foraging hedgehog

The above report notes the following limitations:

- Access around the boundaries of the site (particularly in the southern half) was limited due to the presence of dense bramble and gorse. As such, it was not possible to carry out a thorough inspection for badger setts in this area. However, if a badger sett was present, it would be expected that there would be obvious badger paths / trails leading to / from the dense vegetation. No such features were recorded.
- The area within 50m from the northern and western boundaries of the site was not accessible due to access restrictions, as such, a search for badger setts was not possible in these areas. These access restrictions have been taken into consideration within the results and recommendations section of this report.
- The update walk over survey was carried out within the suboptimal time of year for plant identification. However, as the previous 2016 survey was carried out in July (which is within the optimum season), this is not considered to be a significant limitation.

The applicant's 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.

In relation to 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 1 and 2 and the ancient woodland to the southeast. The boundary of the site would be marked by a 2m timber fence, with the buffer beyond this. It is considered that such a buffer complies with the standing advice provided by Natural England. The Council's Ecological Consultant has raised no concerns about this issue.

Some objectors have raised concerns that occupiers of the site, particularly children, would still access the Ancient Woodland. It is your officer's view that this is unlikely to happen. The entire boundary on the eastern side of the site will be marked by a 2m

timber fence. As this is a modest sized site, it should be straightforward for those managing the site to make sure that the boundary fencing remains in place and the buffer zone is protected.

In light of the above it is felt that the ancient woodland would be preserved and there would be no conflict with the guidance in paragraph 175 of the NPPF.

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 applicant's 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 proposed buildings within the site would be outside the root protection areas (RPAs) of retained trees. In the case of drive to service plots 6 to 8, it passes through the RPA of a high value pine tree (T1). The applicants' plan shows this drive being constructed using a no dig method.

The proposed pedestrian footpath would result in some minor incursions into the RPAs of trees along Copthorne Road. The applicant states that this path will use a permeable tarmac to allow water penetration and when the pathway is excavated, it will be conducted under the supervision of a competent person.

With regards to the removal of Japanese Knotweed from the site, the Arboricultural Impact Assessment submitted with the application states that excavation of soils will be kept outside the RPAs. Where Japanese Knotweed requires removal within RPAs non-excavation methods such as chemical treatment will be used. The Arboricultural Impact Assessment concludes that it is confident that chemical treatment will not have a significant detrimental effect on the vitality of the trees.

### **Ashdown Forest**

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

### Recreational Disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

### Atmospheric Pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as windfall development, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

### Conclusion of the Habitats Regulations Assessment screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

## Decontamination of site

The PPG states:

*'To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for development should be considered through the planning process to the extent that it is not addressed by other regimes. The latter includes:*

- *The system for identifying and remediating statutorily defined contaminated land under Part 2A of the Environmental Protection Act 1990, which 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 government has published statutory guidance on Part 2A which focuses on addressing contaminated land that meets the legal definition and cannot be dealt with via any other means, including planning.*
- *Building Regulations, which require that reasonable precautions are taken to avoid risks 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.'*

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. The report concludes as follows:

*'Based on the review of desk study information and site investigation data the following risk levels have been identified:*

- *Future site users (caravan park) - MODERATE - risks can be mitigated through removal or capping of the Made Ground.*
- *Construction workers (during redevelopment of site) - MODERATE - risks can be mitigated through appropriate working practices)*
- *Groundwater- VERY LOW*
- *Surface Water - LOW - risks 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).*

*In summary, the overall risk to the human health of proposed future site users in terms of ground contamination presented by this site is considered to be Low to Moderate. The principal risk driver behind this determination is the potential presence of Asbestos in Made Ground that might pose a risk to future occupants, through dust generation and inhalation of the soil.'*

This document has been assessed by the Council's Contaminated Land Officer. 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:

*'Responsibility for securing a safe development rests with the developer and/or landowner. However, local planning authorities should be satisfied that a proposed development will be appropriate for its location and not pose an unacceptable risk.'*

*Local planning authorities should work with applicants to find acceptable ways forward if there are concerns about land contamination. For example, establishing or retaining areas of green infrastructure may serve to limit harmful disturbance of the ground. To help secure necessary mitigation, planning permission can be granted subject to conditions and/or planning obligations, where the relevant tests are met.'*

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. The report recommends that prior to the mechanical remediation strategy being implemented, a herbicide treatment programme is implemented. The report states an initial herbicide application will reduce the general viability and spread of both the Japanese knotweed and Horsetail on site. The herbicide treatment programme can then be continued within areas where mechanical remediation strategy is not being implemented.

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.

With regards to the chemical treatment set out in the Japanese Knotweed Plan, the applicants state that the chemical treatment during the 3 year monitoring period can be undertaken in parallel with site construction and occupation of the traveller pitches.

The applicant has provided a Delivery Plan Schedule with their application. This sets out a schedule for the project beginning with the preparation of the planning application through to construction being completed. This schedule states that if planning permission was granted on 29th July 2020, the construction of the site would be complete by 3rd December 2021.

There has already been some slippage in the timetable that the applicant set out as planning permission was not granted for this development in July 2020. However, allowing for this slippage, it is considered that it can reasonably be concluded that the site is available, achievable and can be made operational within an appropriate timescale.

A planning condition can be imposed to secure the appropriate decontamination works so that the site is made suitable for its intended future use.

Finally in relation to this issue, concerns have been raised about the costs of carrying out remediation works on the site. This is only a planning issue if the costs of decontamination were known to be such that they made the development undeliverable. On the previously withdrawn application for 13 pitches the applicant stated that it was aware of the costs of the decontamination work and confirmed that these would not be prohibitive in terms of being able to implement the planning permission and deliver the gypsy and traveller pitches as proposed. There have been no changes in circumstances in relation to this matter and it is considered that the scheme is capable of being delivered.

## **Other matters**

### Crime

Section 17 of The Crime and Disorder Act 1998 places a duty on 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 the standards that any doors and windows for the amenity blocks should conform to, advises that lighting will be an important consideration and that bollard lighting is not appropriate and that the demarcation of pitches is done with galvanised weld mesh panels for longevity. Sussex Police state they *'have no objections to this application from a crime prevention perspective.'*

There have been 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 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 specific evidence that crime in this area will increase.

## 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. It is clear from the SPD that Gypsy and Traveller accommodation is itself a type of infrastructure for which contributions can be sought to provide it. Under the title 'Securing Gypsy and Traveller sites' the SPD states:

*'To ensure that a sufficient amount of accommodation for Gypsies and Travellers is delivered to meet identified needs within an appropriate timescale, policy provision is made in District Plan Policy DP33: Gypsies, Travellers and Travelling Showpeople for the delivery of permanent pitches and to monitor the need for the supply of such sites or other forms of accommodation over the plan period.'*

*'Permanent accommodation is proposed to be delivered as part of the District Plan strategic development allocations; and as part of any future strategic development site that may come forward over the plan period if a need is identified. Provision is proposed to be secured on-site, or through 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 timescale, secured through a planning obligation.'*

It is considered to be material to note the comments of John Howell QC (sitting as a Deputy High Court Judge) when he made his decision about which grounds the judicial review against the previous application on the site could proceed on. In relation to the challenge on policy DP20 he stated:

*'The Officer's Report addressed policy DP20 and whether a contribution to infrastructure should be provided, having regard to the relevant Supplementary Planning Document by pointing out (a) that the application was not one for a development for which a contribution was required (as it did not involve the construction of dwellings) and (b) that the accommodation to be provided was a type*

*of infrastructure for whose provision contributions could be sought: see [CB160]. This was unarguably a basis on which the Council might decide, not unreasonably, not to require a planning obligation to require the making of another contribution having regard to its Supplementary Planning Document.'*

In light of all the above it considered it is appropriate to not seek infrastructure contributions for this development.

### 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. Worth Parish Council are now consulting on a revised Neighbourhood Plan for Copthorne village at Regulation 14 stage. The consultation runs from 18th September 2020 until 13th November 2020. The NPPF sets out the Government's guidance on the circumstances in which it might be justifiable to refuse planning permission on the grounds of prematurity. Paragraphs 48 to 50 state:

*'48. Local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

*49. However in the context of the Framework - and in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances 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 plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area*

*50. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft 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 on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.'*

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.

#### 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 sets 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.

Concerns have also been raised regarding consistency in the LPA's decision making in relation to the enforcement action undertaken at the site in the past. The concern is that because enforcement action was taken against the use of the site for off airport car parking, it would be inconsistent to permit the current planning application. It is not considered that this is a sound point. The current application must be assessed against the relevant policies in the development plan and have regard to current national policy and guidance. The use of the site for off airport car parking did not comply with the policies in the development plan and there were no other material planning considerations to justify the use of the site for that purpose; therefore it was appropriate to undertake enforcement action to remedy that breach of planning control.

#### 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 PPTS.

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

The Parish Council have referred to a planning application at Rustlewood, Copthorne Road, which is located in close proximity to the northwest of the site, and have stated there would be an inconsistency if planning permission was granted for this development. Rustlewood is a detached dwelling with an outbuilding to the west side of the property. Planning application reference DM/18/4671 sought consent to convert the outbuilding into a 3 bedroom bungalow. This was refused in March 2019 for the following reasons:

1. The application site lies within the countryside outside any defined built up area of Copthorne. The proposal would cause detriment to the character of the area and result in an intensification in development out of keeping with the semi-rural character of the area. Such a development fails to preserve and enhance the character of the countryside. In addition, the site is in an unsustainable location, where occupants would be reliant on the use of a private car to gain access to local services. There are not considered to be any other material considerations that would warrant determining the planning application otherwise than in accordance with the development plan. The development thereby conflicts with policies DP12, DP15, DP21 and DP26 of the District Plan and paragraphs 8, 11, 108, 110 and 170 of the NPPF.
2. The proposal will result in the material intensification of use of a sub-standard point of access onto an 'A' classified road. The proposal has not demonstrated that safe and suitable access to the highway is achievable. As such the material intensification of use of this existing point of access would result in an unacceptable impact on highway safety thereby contrary to policy DP21 of the District Plan and paras 108 and 109 of the National Planning Policy Framework (NPPF).

It is not considered that the decision on the application at Rustlewood sets a precedent that the current planning application at Old Hollow should be refused. The circumstances between the sites are different and each application must be assessed on its individual merits. The application at Old Hollow has been assessed against the relevant policies, including the specific policy for Gypsy and Traveller provision. The access to the Old Hollow site has been judged to be acceptable by the Highway Authority whereas at Rustlewood the Highway Authority did not consider the access to be satisfactory. In terms of sustainability, the application at Old Hollow proposes a pedestrian footpath to Copthorne to improve sustainability whereas the application at Rustlewood did not propose such provision.

## 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. It has been asserted that the site area for the application has been reduced to less than 1 hectare to avoid the need for a screening opinion to be undertaken by the LPA.

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.

Schedule 2 of the EIA Regulations, Column 1, specifies descriptions of different types of development and Column 2 then provides the applicable threshold and criteria as to whether a screening opinion is required. 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.

Section 10 (b) of the Schedule 2 table refers to 'Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas'. The thresholds for requiring an EIA screening opinion for 10 (b) projects are as follows:

- i. The development includes more than 1 hectare of urban development which is not dwellinghouse development; or
- ii. the development includes more than 150 dwellings; or
- iii. the overall area of the development exceeds 5 hectares.

The site area for the current application is 0.92 hectares. As this is less than 1 hectare, it is not Schedule 2 development and it is not strictly necessary to go on and

consider whether the development is likely to have significant environmental effects. However, notwithstanding the fact that a screening opinion is not required in this case, the LPA have nonetheless undertaken a screening opinion and this is on file. In the opinion of the LPA, having taken into account the criteria in Schedule 3 of the 2017 Regulations, and having regard not only to the area of land within the application boundary, but also to the wider area of land owned by the applicant which was included within the previous application, the proposed development would not be likely to have a significant effect on the environment by virtue of the factors such as its characteristics, location and characteristics of potential impacts. Consequently, even if the application area had exceeded the 1ha threshold, the proposal would not be EIA development.

### 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 Councils 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.

### **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.

Policy DP33 in the DP is the policy that deals with gypsies, travellers and travelling showpeople. There is a clear need for culturally appropriate accommodation for settled gypsies and travellers as set out in policy DP33. This proposal would go towards meeting that identified need. 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. Policy DP33 thus expressly recognises that the need can be met on sites outside the strategic allocations, and



allows for the assessment of individual planning applications for gypsy and traveller sites against the relevant policies in the DP.

Although the seven bullet-point criteria in Policy DP33 are directed at applications for gypsies and travellers falling within the definition provide in Annex 1 of the PPTS, the provision of culturally sensitive accommodation for settled gypsies and travellers gives rise to similar issues, and it is therefore relevant that:

- There is an identified need for the provision of culturally sensitive accommodation for settled gypsies and travellers
- 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 Highway Authority are satisfied that this footway can be delivered. This can be secured by a planning condition.
- It is considered that the site is suitable to provide good quality living accommodation. The plots on site A would all have an amenity building. The plots on site B do not have an amenity building but do have a good sized external amenity area. The plots will all be clearly demarcated. The fencing within the site will not be overly dominant. Overall it is considered that the layout within the site is satisfactory.
- 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 8 would be some 44m from Kitsbridge Cottage to the northwest. To the west the pitch on plot 3 would be some 71m 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. The proposed mitigation will minimise the impact of the development on landscape character.
- Copthorne is a large village, with a population of about 5000. It is classed as a category 2 settlement in the DP. 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.
- There would be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC); and
- The proposal is not within the High Weald AONB.

The impact of noise is a material planning consideration. 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.

World Health Organisation (WHO) guidelines suggest a maximum daytime internal noise level of 35LAeq dB, and a maximum night time internal level of 30LAeq dB. It should be noted however that the guidance in BS 8233:2014 states that *'where necessary or desirable, despite external noise levels above the World Health Organisation (WHO) guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved.'*

In the present case, on the facades facing the road and with windows open, daytime and night time internal LAeq dB would be above the WHO guidelines. With the windows closed, there are 7 plots where internal LAeq daytime noise levels on those facades would exceed the WHO guidelines (the greatest exceedance would be 38.5LAeq dB); and 4 plots where the internal night time noise levels would exceed the WHO guideline (the greatest exceedance being 31.6LAeq dB). However, it should be noted that these exceedances are within the guidelines set out in BS 8233:2014.

On the shielded facades, both internal daytime and night time LAeq dB levels would be met on all plots with windows closed. With the windows open, daytime and night time internal LAeq dB would be above the WHO guidelines. However the modelling shows that the levels would be within the 5dB relaxation referred to in BS 8233:2014.

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, it is relevant to note that BS 8233:2014 allows for a relaxation of these guidelines. The predicted exceedances of the WHO guidelines with windows closed would be within the 5dB referred to in BS 8233:2014. Given the views of the EHO on the information that has been submitted, in relation to noise, it is considered that the proposal would comply with policy DP29 and that the quality of resident's lives will be protected from unacceptable levels of noise.

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.

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 Council's Drainage Engineer and the LLFA have no objections to the application. As a matter of principle, it is considered that the site can be satisfactory

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 Council's 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.

In all these respects, it is considered that the application accords with the development plan.

Against this, 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.

It is considered that the policy support in terms of the need for this type of accommodation is provided by policy DP33, but 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. It is considered that the quality of the rural landscape would not be maintained for the same reason, namely that there will be a significant change on the site from it being undeveloped to a site providing 8 plots for settled gypsies and travellers.

However, the impact on the character of the area will be limited to a modest area around the site. The zone of theoretical visibility plan submitted with the application indicates that allowing for the existing screening features, the majority of the site will be visible from a maximum of some 275m away to the northeast and east.

Further, 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 (which is the test set out in the criteria in Policy DP33). The proposed layout plan shows a 1m wide planting buffer located in front of the acoustic fence on the northern and western sides of the site. The provision of such planting can be secured by a planning condition. The application drawings note that all lighting to access roads and pitch frontages to be either cowed or low level lighting. This can be controlled by a planning condition.

Therefore in summary in relation to the impact on the character of the landscape, it is acknowledged that there is a degree of conflict with policy DP12. It is however relevant to note that the landscape impacts are limited to a relatively modest area in

and around the site, and that the impact on the character of the landscape has been minimised.

Policy DP6 relates to the settlement hierarchy in the District. The site is outside the built up area of Copthorne, is not allocated within the District Plan for development and is not contiguous with the built up area boundary of Copthorne. Therefore there is a conflict with policy DP6 as the proposal is for a development of 8 plots for culturally appropriate housing for settled gypsies and travellers in the countryside. However the strategic objectives of policy DP6 should also be noted. These are:

*'Strategic Objectives: 2) To promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character and prevents coalescence; 8) To provide opportunities for people to live and work within their communities, reducing the need for commuting; 9) To create and maintain town and village centres that are vibrant, attractive and successful and that meet the needs of the community; 12) To support sustainable communities which are safe, healthy and inclusive; and 13) To provide the amount and type of housing that meets the needs of all sectors of the community.'*

The provision of 8 plots of culturally appropriate housing for settled gypsies and travellers would contribute towards strategic objectives 12 and 13 as defined above. It is also relevant that Copthorne is a category 2 settlement as defined in the DP, 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. The location of the site will allow residents access to the services provided in this category 2 settlement. Therefore whilst there is a conflict with the text of policy DP6, the proposal would accord with the strategic objectives of policy DP6 that have been identified above.

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 NPPF it is not considered that this application should be resisted on grounds of prematurity relating to the Copthorne Neighbourhood Plan.

To conclude it is acknowledged that the proposal would not retain or enhance the character of the landscape, and that there is consequently a conflict with policy DP12. There is also a conflict with policy DP6 as the site is outside the built up area of Copthorne and is not contiguous with the built up area. However, in assessing whether the proposal complies with the development plan, it is necessary to look at the development plan as a whole. In the present case, the impact on the character of the area has been minimised, and will be limited to a modest area around the site, and the development would help meet two of the strategic objectives of CP6. There is a need to provide culturally appropriate housing for settled gypsies and travellers as established by policy DP33 and policy DP33 does not preclude planning applications for such development from coming forward from sites that are located within the countryside. Further, it is considered that the proposal complies with policies DP13, DP17, DP21, DP26, DP29, DP33, DP37, DP38 and DP41 of the DP.

In light of all the issues set out in this report it is considered that the proposed development does accord with the development plan when read as a whole; there are no other material planning considerations that would justify a decision that was not in accordance with the development plan. In any event, it is considered that the benefits of the proposal in meeting the need identified in Policy DP33 outweigh any harm which arises from the conflict with Policies DP6 and DP12.

The planning application is therefore recommended for approval.

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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 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 development shall be carried out in accordance with the approved details.

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 plots 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.

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. 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.

7. 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 the footpath 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.

## **Pre Occupation**

8. 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 that any remediation required by the Remediation Strategy written by WYG (ref: A098027), dated August 2018 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 the remedial scheme
  - b) as-built drawings of the implemented scheme
  - c) photographs of the remediation work in progress
  - d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

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.

9. 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 have been 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.

10. No part of the development shall be occupied until details of all the fences and gates within 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.

## **Construction**

11. 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.

12. 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.

13. 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.

14. 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**

15. The site shall only be occupied by 'non-travelling' gypsies and travellers as defined in the Mid Sussex Gypsy and Traveller Accommodation Assessment update report July 2016.

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.

16. 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.

17. 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.

18. 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.

### **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 applicants'



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
Other	A098027[LHC][ST3]BOU-01	A	11.05.2020
Block Plan	A098027[LHC][ST3]S09		11.05.2020
Landscaping Details	LA100	C	11.05.2020
Location Plan	LA01		11.05.2020
Site Plan	LA02		11.05.2020
Other	LA03		11.05.2020
Other	LA04		11.05.2020
Other	LA04-1		11.05.2020
Other	LA04-2		11.05.2020
Other	LA05		11.05.2020
Proposed Site Plan	LA06		11.05.2020
Photographs	LA07-1		11.05.2020
Photographs	LA07-2		11.05.2020
Other	LA08-1		11.05.2020
Other	LA08-2		11.05.2020
Photographs	LA09-1		11.05.2020
Photographs	LA09-2		11.05.2020
Photographs	LA10		11.05.2020
Proposed Floor and Elevations Plan	01	C	11.05.2020
Proposed Floor and Elevations Plan	02	B	11.05.2020
Location Plan	s01	B	11.05.2020
Proposed Site Plan	s02-2	N	11.05.2020
Planning Layout	s08		11.05.2020
Block Plan	s09		11.05.2020
Street Scene	LSK.01	H	11.05.2020
Tree Survey	PRI20702-03	G	11.05.2020
Topographical Survey	SUR/01		11.05.2020
Topographical Survey	LEG-01		11.05.2020

## APPENDIX B – CONSULTATIONS

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

<b>TO:</b>	Mid Sussex District Council FAO: Steve King
<b>FROM:</b>	WSSC – Lead Local Flood Authority
<b>DATE:</b>	1st June 2020
<b>LOCATION:</b>	Land At Lower Hollow Copse (Pot Common) Copthorne Road Copthorne West Sussex
<b>SUBJECT:</b>	DM/20/1590  Proposed use of land to form two sites for 8 permanent gypsy and traveller pitches. Site A - proposed laying out of 5 permanent pitches for the settled gypsy and traveller community. Erection of a site manager's office and utility blocks and laying out of internal roads, parking and associated drainage works, boundary treatments and landscaping. Site B - proposed laying out of 3 permanent pitches for the settled gypsy and traveller community, associated access roads, drainage works, boundary treatments and landscaping. Single vehicle access to Copthorne Road to serve both sites. Provision of footpath within the highway verge along Copthorne Road. Additional supporting documentation relation to Flood Risk Assessment, Japanese Knotweed and Remediation received on 20th and 21st May
<b>RECOMMENDATION:</b>	Advice - No Objection

West Sussex County Council (WSSC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations and advice.

#### Flood Risk Summary

Current surface water flood risk based on 30year and 100year events	Low risk
<p>Comments: Current surface water mapping shows that the majority of the proposed site is at low risk from surface water flooding.</p> <p>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.</p> <p>Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.</p> <p>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</p>	

Modelled groundwater flood hazard classification	Low risk
<p>Comments: The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.</p> <p>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.</p>	

Ordinary Watercourses nearby?	Yes
<p>Comments: Current Ordnance Survey mapping shows an ordinary watercourse near to the site.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.</p> <p>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.</p>	

Records of any historic flooding within the site?	No
<p>Comments: We do not have any records of historic surface 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.</p>	

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

The Flood Risk Assessment included with this application state that a permeable paving and with a controlled discharge to the watercourse would be used to control the surface water runoff from the site.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

The maintenance and management of the SUDs system should be 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.

**Kevin Brook**  
**Flood Risk Management Team**

### **Thames Water**

#### **Waste Comments**

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically

result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk).

Application forms should be completed on line via <https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.thameswater.co.uk%2F&data=02%7C01%7Cplanninginfo%40midsussex.gov.uk%7Ce05d0edf36e64661a56808d7f8b67c99%7C248de4f9d13548cca4c8babd7e9e8703%7C0%7C0%7C637251334968553284&reserved=0>. Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website:

<https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdevelopers.thameswater.co.uk%2FDeveloping-a-large-site%2FApply-and-pay-for-services%2FWastewater-services&data=02%7C01%7Cplanninginfo%40midsussex.gov.uk%7Ce05d0edf36e64661a56808d7f8b67c99%7C248de4f9d13548cca4c8babd7e9e8703%7C0%7C0%7C637251334968553284&reserved=0>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

### **Southern Water**

The development site is not located within Southern Water's statutory area for water supply, drainage and wastewater services. Please contact, the relevant statutory undertaker to provide water supply, drainage and wastewater services to this development.

For any queries please contact us at [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk)

### **Highway Authority**

#### **Background**

WSCC in its role of Local Highway Authority (LHA) has considered the application on the basis of highway safety, capacity and parking measures. The proposals are as outlined above.

The site is located within a semi-rural location to the south-west of Copthorne and is positioned to the south of Copthorne Road (A2220) and to the east of Old Hollow. The site is currently undeveloped land but has existing vehicular accesses to both Copthorne Road and Old Hollow.

Previous applications for the same land use at this location have been submitted in the recent past, including in 2018 application DM/18/3525 a scheme for 13 pitches. Application DM/18/3525 was approved in February 2019 and subsequently withdrawn post Judicial Review. WSCC in its role of LHA did not raise an objection to these proposals in the 2018 application. Two site visits were undertaken to the site in 2018 and 2019 respectively. The current proposals are a revised scheme for a reduced number of pitches on a smaller site at Lower Hollow Copse site (known locally as Pot Common)

### **Access**

The existing vehicular access to Copthorne Road will be retained in modified (enhanced) format. Vehicular access to the redeveloped site will be gained via the modified access to Copthorne Road. There will be no vehicular access to Old Hollow and the existing access to Old Hollow will be permanently closed. The site in its entirety will be served from the single vehicular access to Copthorne Road.

As part of the previous proposals the access and its particulars and Stage 1 RSA 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. In November 2019 a further speed survey was undertaken by the applicant. These produced slightly lower speeds than the July 2016 survey, the weather being cited as the key factor. The LHA would still consider the 2016 survey relevant in this applications supporting information.

For ease of reference the 85th percentile speeds along Copthorne Road were the following from 2016:

- Eastbound: 48.3 mph
- Northbound: 47.4 mph

109 metre and 106 metre visibility splays are available in to the north and east. The LHA would be satisfied with these splays based on 85th percentile road speeds. 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, these have been subsequently superseded by GG/119 however given the Audit is less than 5 years in age and no changes are proposed to the previously approved access the LHA is satisfied with the proposed access strategy.

### **Pedestrian Link and Accessibility**

A 1.5 metre wide footway is proposed within the existing verge margin on the south side of Copthorne Road leading to the Copthorne Road roundabout. This will provide a direct link to the east of the site and towards Copthorne. The footway can be provided with the extent of the public highway and a width of 1.5 metres is considered sufficient for two opposing pedestrians to pass one another safely. A proportion of the area is lit by street lighting; consideration should be given to extending the street lighting to incorporate the whole of the pedestrian link. The link has been subject to the RSA process and the Auditor has not raised any concerns with this. The addition of the footway will be subject to a Section 278 Agreement which will require a technical check prior to any Technical Approval being issued.

## **Parking and Internal Layout**

As requested in our pre-application response the site layout accommodates a total of 19 'allocated' (on-plot) parking spaces, four 'unallocated' visitor parking spaces plus one car parking space for the site manager. On this basis the development proposals provide car parking in accordance with West Sussex County Council's 'Revised Parking Standards and Transport Contributions Methodology'. The spaces should be designed and laid out in accordance with WSCC Parking Dimensions of 2.4 by 4.8 metres. 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.

## **Capacity**

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'. The LHA previously accepted the 2018 applications TRICS assessment based on 13 pitches and accepts the data provided for this assessment. The development will not generate any material increase in vehicle movements on the surrounding highway network compared to the previously agreed application.

The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highway grounds where the residual cumulative impacts are severe. The LHA do not consider the potential impacts to be severe.

## **Conclusion**

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. Any approval planning permission would be subject to the following conditions:

Access and Footway (details approved, access provided prior to commencement)  
No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety.

### *Construction Management Plan Management Plan (CMP)*

No development shall be undertaken until a CMP has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented

and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

*Visibility (details approved)*

No part of the development shall be first occupied until visibility splays of 2.4 metres by 106 and 109 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.

**INFORMATIVE**

Section 278 Agreement of the 1980 Highways Act - Works within the Highway The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process.

The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

**WSCC Minerals and Waste Authority**

On behalf of the Minerals and Waste Planning Authority, I would offer No Objection to the application as per subject line as the application site is not within any identified Mineral Safeguarding Area or within proximity of any operational waste infrastructure.

The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23).

**Crawley Borough Council**

In terms of the principle of the use, Crawley Borough Council supports Mid Sussex District Council in seeking to meet its Gypsy and Traveller needs within its district. This is in accordance with agreements that Crawley Borough Council has with the other authorities across the Gatwick Diamond whereby each authority will seek to meet its own Gypsy, Traveller and Travelling Showpeople permanent pitch/plot needs arising within its own area (paragraph B.8, page 35, Crawley Borough Local Plan Duty to Cooperate Statement: <https://crawley.gov.uk/sites/default/files/documents/PUB228635.pdf>).

The site lies close to the district's administrative boundary with Crawley, and a junction with main road links into the town (A2220 and A264/A2011). It is therefore likely that some of the town's facilities and services will be accessed by the residents of this development. The development is relative small scale (8 permanent pitches for the settled Gypsy and Traveller community, along with a site manager's office and utility block), and it is therefore considered that there would not be a detrimental impact from this development on infrastructure within Crawley.

The site itself appears well contained within the landscape and has no visual impact on Crawley Borough. It is also not considered that there would be any negative impacts on Crawley's local road network due to the limited scale of the development. Crawley Borough Council therefore raises **NO OBJECTION** to the proposal.

### **Sussex Police**

Thank you for your correspondence of 14th May 2020, advising me of a planning application for the proposed use of land to form two sites for 8 permanent gypsy and traveller pitches. Site A - proposed laying out of 5 permanent pitches for the settled gypsy and traveller community. Erection of a site manager's office and utility blocks and laying out of internal roads, parking and associated drainage works, boundary treatments and landscaping. Site B - proposed laying out of 3 permanent pitches for the settled gypsy and traveller community, associated access roads, drainage works, boundary treatments and landscaping. Single vehicle 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.

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that 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 and site specific requirements should be considered.

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 UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security - Dwellings), that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found at [www.securedbydesign.com](http://www.securedbydesign.com)

Previous applications for the same land use at this location have been submitted in the recent past, including in 2018 application DM/18/3525 a scheme for 13 pitches to which this office commented upon. Application DM/18/3525 was approved in February 2019 and subsequently withdrawn post Judicial Review. The current proposals are a revised scheme for a reduced number of pitches on a smaller site at Lower Hollow Copse site (known locally as Pot Common).

I do not have any overriding concerns from a crime prevention perspective with the design and layout of either of the sites. I would however like to raise the following observations and recommendations.

Site A is controlled by the use of the manager's office and presence whilst Site B has gates controlling its access.



It is being proposed that the pitches are to be demarcated with wire mesh treatment. I recommend that this is replaced with galvanised weld mesh panels for longevity and aesthetics.

From a security perspective, I recommend that any doors and windows for the communal 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 both sites during the hours of darkness, lighting throughout each site will be an important consideration. Where it is implemented it should conform to the recommendations within BS 5489-1:2013, be vandal resistant and dusk till dawn operated. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

From a security and safety viewpoint, all electrical facilities must be securely housed and protected.

Sussex Police have no objections to this application from a crime prevention perspective. I thank you for allowing me the opportunity to comment.

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 14 May 2020, 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:

- 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.

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**

#### Original comments

##### Summary

The site is adjacent to a busy road, so noise impacts upon future residents must be considered. The noise assessment shows that due to high traffic noise levels, most windows

facing towards the road would need to be kept closed in order to meet World Health Organisation and BS8233 internal noise standards.

This in turn would mean that additional ventilation may be required, with adequate air flow to allow thermal comfort.

Accordingly, there are two questions which the Planning officer may wish to consider:

- 1) How acceptable is it to have residents in this development sleeping all year round in a windows closed environment?
- 2) If acceptable, what type of ventilation would be deemed appropriate for these residents?

#### Detail

The assessment establishes that the site is medium risk for traffic noise (as per ProPG guidance) at the worst parts but that recommended noise levels for the inside of the mobile homes can be met with the acoustic barriers in place. This will also require that windows on certain facades (facing or close to the road) will need to be kept closed day and night to avoid excessive noise. Whilst this is not ideal, it is often considered acceptable as long as another means of ventilation is available. This is likely to depend on the internal layout of the mobile home being dual aspect OR the applicant having a means to ensure that the units are parked with the bedroom window facing away from the road.

In my view the conclusions of the acoustic report are robust as long as the ventilation issue can be addressed. Careful thought should be given to the 2 units at the NE end of the site as it appears that the only façades where windows can be opened without allowing excessive internal noise are those on the narrow end of the units. The consultant should be asked to clarify if this is the case, particularly as the South West facing aspect may lead to thermal comfort issues.

Should the development receive approval, Environmental Protection recommends the following conditions:

#### Conditions:

- Construction hours: 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.

- Smoke: 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.

Soundproofing (Road Noise): No development shall take place until a detailed scheme for protecting the residential units from noise generated by traffic has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall be in accordance with the Noise Impact Assessment (ref 402.08979.00001) submitted by SLR as part of the application,

particularly section 7.0 Noise Impact on the Proposed development. Details of post installation acoustic testing shall be submitted to and approved in writing by the Local Planning Authority upon request.

### Final comments

The issues raised by Mr Thornely-Taylor were (in summary, with applicant's subsequent responses, also summarized, in blue):

- The noise modelling has not been suitably "verified".  
The model has been used in conjunction with measured data from a long-term survey and the model takes other factors into account such as distance, screening, noise reflection etc. The methodology minimises uncertainty.
- The sound mitigation values used for the fabric of the mobile homes may be based on incorrect assumptions and without quantification of uncertainty levels.  
The values used are conservative and the mobile homes are likely to have much greater noise attenuation more in line with British Standard BS3632:2015 Residential park homes. Specification.
- Receptor height in the model is too low, resulting in over-estimation of the mitigation provided by the noise barrier.  
Noise levels have been re-calculated using 2m and results are provided. Noise levels are slightly higher but still within the reasonable internal conditions criteria specified in BS8233.
- The assessment does not take account of all relevant guidance e.g. WHO NNG, WHO ENG and AVO and therefore uses the wrong noise guidelines or methodology.  
The most appropriate recognised guidance has been used i.e. BS8233 and ProPG. Other guidance such as WHO guidelines have no formal UK status. Furthermore national planning policy does not specify particular guidance and allows different approaches to be used as appropriate. AVO is aimed at certain types of development and does not reference mobile homes.
- The assessment does not assess the effect of open windows (for ventilation) on sheltered facades.  
Additional modelled data has been provided supporting the conclusion that reasonable internal conditions (as per BS8233) are still achieved with these windows open.
- LAmax night noise has been assessed with a method of unknown certainty.  
The method used (10th highest LAmax) is in accordance with the ProPG guidance and together with worst-case assumptions, provides a robust assessment.

In my view, these responses have adequately addressed the issues raised. In any assessment of this nature, there will be some uncertainty so the noise report has used cautious assumptions in order to build in a margin of error.

The conclusion presented, using these assumptions, is that the development is acceptable overall with regard to noise levels. It should be noted that the most appropriate guidance (BS8233) gives guideline noise values to be met, but states that "where development is considered 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". The report finds that, using the "worst-case" assumptions, the 5dB relaxation is required and reasonable internal conditions are still achieved.

In order to achieve this, most windows need to remain closed, day and night, apart from for short periods for purge ventilation, for example. For most of the mobile homes, only windows away from the road should be opened long-term, otherwise noise levels may exceed the guidelines. For the 2 northernmost units, this will mean windows on the narrow façade, so ventilation levels will be affected to some degree. The homes should be oriented in such a way as to minimise the impact of this.

#### Summary

- The consultants have adequately addressed the concerns raised, in my view.
- By keeping most windows closed, internal noise levels can be kept to a level described as "reasonable" by BS8233.
- On this basis, there is no demonstrable significant adverse effect from noise.
- When orienting the homes, internal layout should be considered in order to maximise ventilation from the sheltered façade.

Please let me know if further details are required.

#### **Contaminated Land Officer**

Comments: The application looks to change the use of the site to residential, in the form of two traveller community sites.

As part of the previous application DM/18/3525 a Geo-environmental Assessment undertaken by WYG (ref: A098027), dated August 2018, and a Remediation Strategy undertaken by WYG (ref: A098027), dated August 2018 were submitted.

The site investigation report detailed that areas of soil contamination exceeding guidance levels for residential use with plant uptake had been found. Specifically the results with exceedances related to boreholes TP03 and TP04, and the stockpiles of topsoil and demolition rubble on the site. There were also traces of asbestos fibres detected at TP01 and TP02.

Due to the exceedance within the soil, the remediation report has noted that 500mm of clean cover, comprised of subsoil and topsoil, will be required in any proposed soft landscaped areas of the site.

Therefore verification report will be required to show this work has been carried out prior to occupation.

Additionally, a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study and intrusive investigation is found during groundworks, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with conditions

1. 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 that any remediation required by the Remediation Strategy written by WYG (ref: A098027), dated August 2018 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 the remedial scheme
  - b) as-built drawings of the implemented scheme
  - c) photographs of the remediation work in progress
  - d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.
2. 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 (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.

## **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 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 DP37 and DP38 of the District Plan and 175 of the NPPF.

## **Tree Officer**

I raise no objection to this application.

I note that 4 trees only are to be removed from a group of trees protected by TPO for their group value, rather than the 9 originally proposed under application DM/18/3525. These trees should be replaced in accordance with policy DP37.

There is also an opportunity to replant around some perimeter gaps. A tree replacement/landscaping plan should be the subject of condition.

I note the integrity of the 15m buffer zone adjacent to the AW has been maintained.

The site is mainly hard surfaced and I am satisfied that the AIA and method statement dated 04/12/19 are satisfactory and adherence to this should be conditioned.

## **Drainage Engineer**

### **FLOOD RISK**

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is not within an area identified as having possible surface water (pluvial) flood risk, but the outer edges of the site may be.

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**

It is proposed that the development will attenuate surface water on site via permeable hardstand structures, with a controlled discharge to the existing ditches that abut the site. This is an acceptable method and detail can be managed under condition.

In order to meet with any future drainage condition, we will require the supporting calculations to be submitted that demonstrate the proposed surface water drainage systems of A and B are able to cater for the 1 in 100 year rainfall event, plus 40% extra capacity for climate change predictions. In addition, we will need to receive and approve the discharge rates for the two outfalls of A and B.

Further information into our general requirements for surface water drainage is included within the 'Further Advice' section.

### **FOUL WATER DRAINAGE**

Two potential methods have been proposed for the management of foul water drainage. Either, installation of a new sewer to connect to the local public foul, or installation of package treatment. Connection to the public foul would be the preferred option, as it does not rely on any special maintenance and careful use, which a package treatment system does. Both options are acceptable, and any detail can be managed under condition.

In order to meet with any future drainage condition, we will require the supporting calculations to be submitted that demonstrate the function of the proposed foul water drainage systems of A and B.

If the development considers the use of foul sewer connection, we will need to see evidence of the appropriate permissions and agreements with the sewerage undertaker.

If the development considers the use of package treatment, we will need to see evidence of the appropriate permission from the Environment Agency for the discharge of treated foul water to the adjacent ditch. In addition, we will need to see a copy of a site specific "Package Treatment Use and Care" document that will be given to each plot holder, to ensure that the bacteria within the system will not be killed by the use of unsuitable chemicals (such as bleach in sinks and toilets) and will continue to operate at its optimum.

Further information into our general requirements for foul water drainage is included within the 'Further Advice' section.

### **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.

#### ***PROTECTIVE MEASURES DURING CONSTRUCTION***

No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the Local Planning Authority. Site protection measures in respect of the adjacent watercourses shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the features to be retained and protected during construction works; and
- b) The position and details of warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

#### ***WORKS WITHIN 20M [OR OTHER SPECIFIED DISTANCE] OF DRAIN OR WATERCOURSE***

No part of any concrete foundations and no construction activities shall be within 5 metres of any drain or watercourse.

Reason: In the interests of protecting the natural environment.

### **FURTHER ADVICE**

#### **SURFACE WATER DRAINAGE**

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



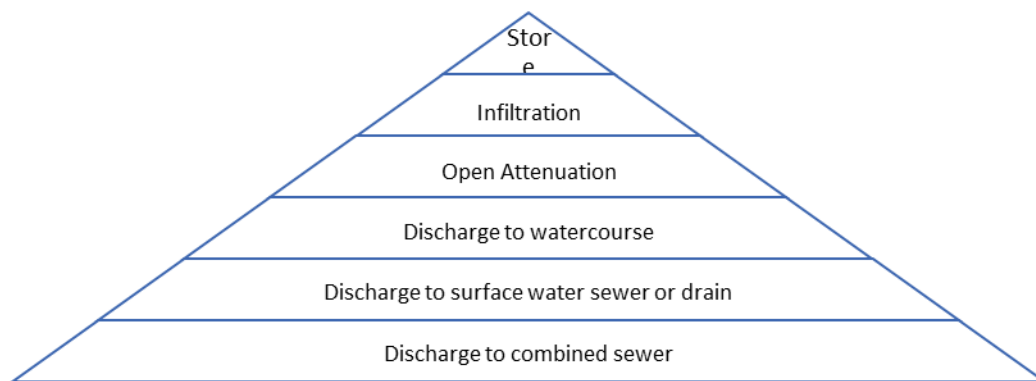
methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

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.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal, as set out below.



- 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.

## **FOUL WATER DRAINAGE**

This proposed development will need to fully consider how it will manage foul water drainage. The preference will always be to connect to a public foul sewer. However, where a foul sewer is not available then the use of a package treatment plant or septic tank should be investigated.

The use of non-mains foul drainage should consider the Environment Agency's General Binding Rules. We would advise applicants that 'General Binding Rules 2020' came into force as of 1st January 2020.

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the 2020 Binding Rules will need to be replaced or

upgraded. As such any foul drainage system which proposed to utilise a septic tank will need to comply with the new 2020 rules. Guidance into the General Binding Rules can be found on the government website (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>)

## 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](#). Additional information may be required under specific site conditions or development proposals.

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

### 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

Climate change allowances - Detailed guidance - Environment Agency Guidance

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

### **INFORMATION REQUIREMENTS**

The following provides a guideline into the specific information required based on the type of development, location and type of surface water drainage management proposed. Multiple lists may be relevant to a single application.

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
<p>Located in Flood Zone 2 or 3.</p> <p>Located in Flood Zone 1 and greater than 1 hectare in area.</p> <p>Located in an area where a significant flood risk has been identified.</p>	<p>Flood Risk Assessment which identified 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.</p>
<p>Multiple plot development</p>	<p>A maintenance and management plan will need to be submitted that shows how all drainage 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.</p>
<p>Public sewer under or adjacent to site</p>	<p>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.</p>

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 Flood Risk and Drainage Team via <a href="mailto:drainage@midsussex.gov.uk">drainage@midsussex.gov.uk</a> .
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.

**INFORMATION REQUIREMENTS - SURFACE WATER DRAINAGE**

<b>PROPOSED SURFACE WATER DRAINAGE METHOD</b>	<b>INFORMATION REQUIRED</b>
Infiltration e.g. 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. Climate change allowances for residential development is 40% and for commercial development is 30%.  It will also need to be demonstrated that the proposed soakaway will have a half drain time of 24 hours or less.

<p><b>PROPOSED SURFACE WATER DRAINAGE METHOD</b></p>	<p><b>INFORMATION REQUIRED</b></p>
<p>Outfall to watercourse</p>	<p>You cannot discharge surface water unrestricted to a watercourse.</p> <p>Any proposed run-off to a watercourse will need to be restricted in accordance with the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (<a href="https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf">https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf</a>).</p> <p>Discharge rates should be restricted to the Greenfield 1 in 1 year runoff rate for the positively drained area for all events up to and including the 1 in 100 year rainfall event with climate change.</p> <p>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 <a href="https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/">https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/</a></p> <p>OWC applications can also be discussed and made with Mid Sussex District Council Flood Risk and Drainage Team via <a href="mailto:drainage@midsussex.gov.uk">drainage@midsussex.gov.uk</a>.</p>

<p>Outfall to public sewer</p>	<p>You cannot discharge surface water unrestricted to a sewer. Discharge of surface water into a foul sewer system is not usually acceptable.</p> <p>Any proposed run-off to a sewer will need to be restricted in accordance with the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (<a href="https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf">https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf</a>).</p> <p>Discharge rates should be restricted to the Greenfield 1 in 1 year runoff rate for the positively drained area for all events up to and including the 1 in 100 year rainfall event with climate change.</p> <p>Both the connection point and discharge rate must be agreed with the relevant owner or responsible body including sewerage undertakers.</p> <p>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.</p>
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SuDS and attenuation	<p>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.</p> <p>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.</p> <p>Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (<a href="https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf">https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf</a>). You cannot discharge surface water unrestricted to a watercourse or sewer.</p> <p>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.</p> <p>A clear timetable for the schedule of maintenance can help to demonstrate this.</p>
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### **Housing Enabling & Development Officer**

The applicant is proposing a development comprising of a total of 8 permanent pitches for the gypsy and traveller community. This provision would assist in addressing a known housing need in the district and as such receives our full support.

### **Planning Policy Officer**

Updated comments 07.09.2020

Proposed use of land to form two sites for 8 permanent gypsy and traveller pitches. Site A - proposed laying out of 5 permanent pitches for the settled gypsy and traveller community. Erection of a site manager's office and utility blocks and laying out of internal roads, parking, and associated drainage works, boundary treatments and landscaping. Site B - proposed laying out of 3 permanent pitches for the settled gypsy and traveller community; associated

access roads, drainage works, boundary treatments and landscaping. Single vehicle access to Cophthorne Road to serve both sites. Provision of footpath within the highway verge along Cophthorne Road.

### Response

The NPPF (2019) 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 (DCLG 2015) (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 Show people.

Policy DP33 states that there is no identified need for permanent pitches and plots for Gypsies and Travellers and Travelling Showpeople who still travel and that there is an identified need to accommodate 23 households for settled Gypsies and Travellers for the period up to 2031.

DP33 sets out that to ensure a sufficient amount of permanent culturally suitable housing to meet identified needs for the settled Gypsy and Traveller and Travelling Showpeople. This need is to be met through the provision of pitches on strategic sites allocated in the Development Plan or through a financial contribution from the strategic sites towards the offsite provision of pitches providing certain criteria are met.

To date, 13 pitches have been secured on the strategic allocation at the Northern Arc, leaving an outstanding need of 10 units. Therefore, there is still an unmet need that has not been secured through an allocation or planning permission at this point.

DP33, provides criteria to assess applications for new Gypsy, Traveller and Travelling Showpeople sites, that meet the PPTS definition set out in Annex 1 of the PPTS and states that applications for sites that do not meet the definition should be considered under the relevant District Plan policies. It is important to note that this application is not for bricks and mortar housing but is for culturally suitable housing in the form of pitches. In addition, notwithstanding that the criteria DP33 applies to sites that would meet the PPTS definition those criteria are imbedded into other policies of the District Plan and should therefore still be referred to as part of the consideration of the application.