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24 July 2019

Dear Councillor,

A meeting of **DISTRICT PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 1ST AUGUST, 2019 at 2.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

**A G E N D A**

**Pages**

1. To receive apologies for absence.
2. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
3. To consider any items that the Chairman agrees to take as urgent business.

**Recommended for Approval.**

4. DM/19/2197 - Land West of Copthorne Way, Copthorne, RH10 3RX **3 - 24**

**Recommended for Refusal.**

None.

**Other Matters**

None.

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

## Human Rights Act

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

## Risk Assessment

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

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

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

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

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

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

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

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

MID SUSSEX DISTRICT COUNCIL

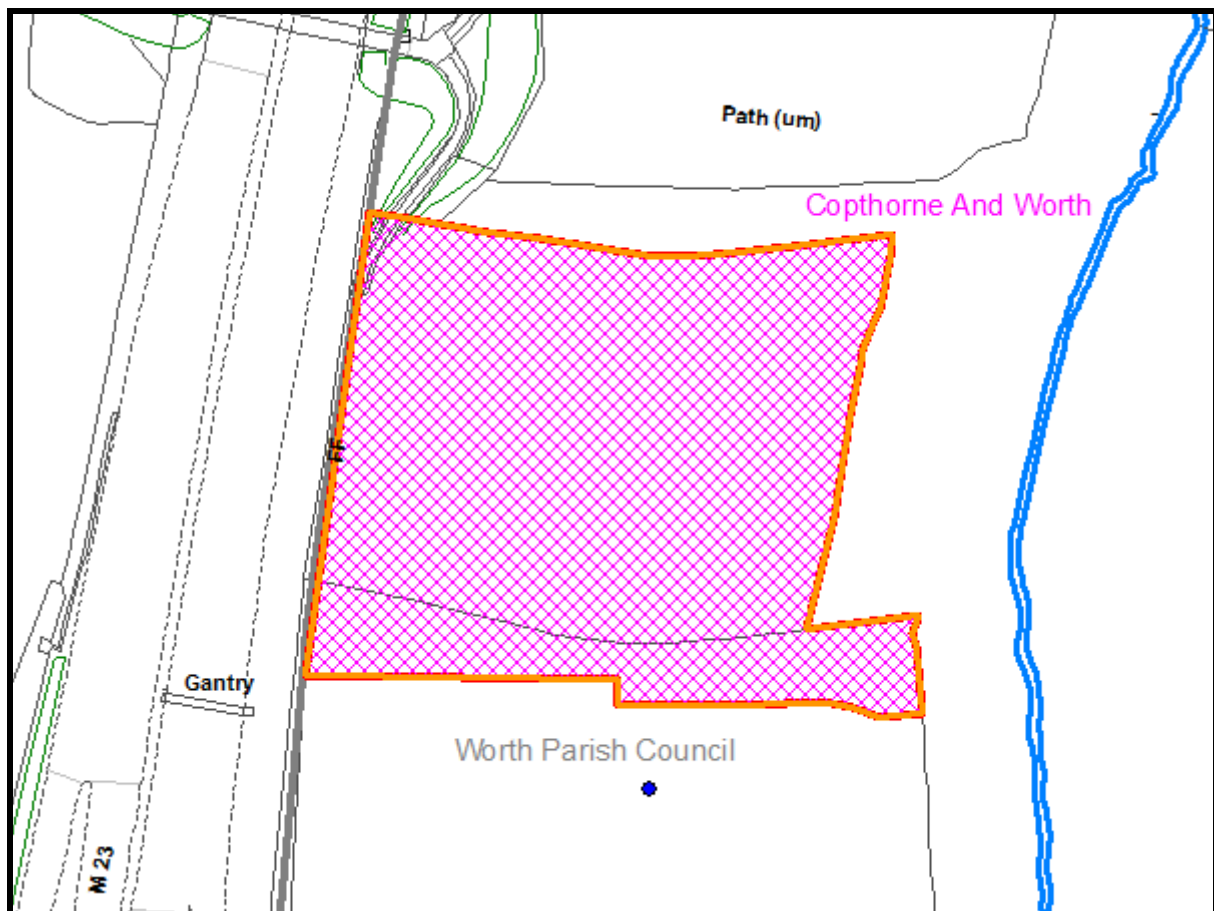
District Wide Committee

**1 AUG 2019**

RECOMMENDED FOR PERMISSION

**Worth Parish Council**

**DM/19/2197**



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**LAND WEST OF COPTHORNE WAY COPTHORNE WEST SUSSEX  
CONSTRUCTION OF A B8 BUILDING, ASSOCIATED HARD AND SOFT  
LANDSCAPING, INCLUDING PARKING, ACCESS AND ANCILLARY  
WORKS.**

**MS DINNY SHAW**

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) /

ODPM CODE: Smallscale Major Manufacturing

13 WEEK DATE: 11th September 2019

WARD MEMBERS: Cllr Paul Budgen / Cllr Christopher Phillips /

CASE OFFICER: Stephen Ashdown

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

This application seeks consent for the erection of building for use as Class B8 (storage and distribution) on land that forms the second phase of the commercial element of the wider development for land west of Copthorne permitted under outline planning permission 13/04217/OUTES.

A full application is being sought as the proposed building does not confirm to the parameters in respect of the floor space and overall height, as set out in the extant outline planning permission.

The principle of the proposed development needs to be considered in the context of the extant outline planning permission for a mixed used scheme that covers a much wider site, where the application proposal represents an increase in both floor space and building height, over that previously consented. Furthermore, the proposal would generate 90 full time jobs that would contribute towards the districts economic growth and employment needs. Having regard to the above it is considered that the principle of development is acceptable and the proposal is in accordance with policy DP1 of the Mid Sussex District Plan.

The proposed design of the building is similar to that consented immediately to the south as part of the wider outline permission scheme and while the layout is dictated by the need to service the building by vehicles, landscaping is proposed that will mitigate and soften the effects. Given the context of the site, the existing mature vegetation and the topography, the increase in the building height will not adversely affect the wider character and appearance of the area in accordance with the policy DP26 of the District Plan.

The proposal will maintain a 15m buffer to the adjacent ancient woodland, in accordance with policy DP37, and measures are proposed to help mitigate the

effects of the development on protected species, especially bats, by the use of sensitive lighting, in accordance with policy DP38. The proposal includes sustainability measures to help reduce energy consumption and carbon emissions that include 7 electric car charging spaces and in this regards the scheme complies with policy DP39 of the District Plan.

The level of proposed vehicle parking is considered acceptable and while the final comments of the Local High Authority are awaited, given the context of the extant outline planning permission it is not anticipated that the proposal would give rise to any highway network or highway safety concerns. Matters associated with drainage can be secured by condition and the adjacent residential amenity is protected by conditions attached to the extant outline consent that will need to be satisfactorily addressed regardless of whether this proposal comes forward or not.

Having regard to the above, it is considered that the proposal complies with the Development Plan, as a whole, and the decision should be taken in accordance with that, unless material considerations indicate otherwise. In this case, there are no material considerations that indicate a decision should be made contrary to the Development Plan.

The application complies with policies DP1, DP17, DP21, DP26, DP29, DP37, DP38, DP39 and DP41 and can be supported.

## **SUMMARY OF CONSULTATIONS**

### West Sussex County Council - Highways

To be reported

### West Sussex County Council - Lead Flood Authority

No objection

### MSDC Drainage

To be reported

### Gatwick Airport

No objection, subject to condition relating to Bird hazard Management Plan.

### NATS Safeguarding

No objection

### MSDC Environmental Protection

No objection. Environmental Protection is of the opinion that the current conditions contained in the outline planning permission for this site (13/04127/OUTES) are

suitable to protect residents from external noise. Environmental Protection therefore has no further comments concerning DM/19/2197.

#### MSDC Tree and Landscape Officer

No objection subject to conditions

### **WORTH PARISH COUNCIL**

Object. Outline permission was granted under 13/04127/OUTES which included B1 (light industry) and B8 (storage and distribution). Both this and warehouse permitted under DM/18/3874 are B8. Would prefer smaller B1 units which would promote sustainable economic development which in turn would provide a wider range of local employment opportunities. Still concerns over non-vehicular connectivity between the site and the village, as no plan of pedestrian/cycle network across and around the whole site previously requested has been supplied.

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### **INTRODUCTION**

This application seeks consent for the erection of building for use as Class B8 (storage and distribution) on land that forms the second phase of the commercial element of the wider development for land west of Copthorne permitted under outline planning permission 13/04217/OUTES.

A full application is being sought as the proposed building does not confirm to the parameters in respect of the floor space and overall height, as set out in the extant outline planning permission.

### **REVELANT PLANNING HISTORY**

#### 13/04127/OUTES

Outline planning application for up to 500 homes, a primary school and doctors surgery, up to 15,500sqm employment floor space (B1c light industry/B8 storage and distribution), public open space, allotments, associated landscaping, infrastructure (including sub stations and pumping station) and pedestrian and cycle access, with a principal vehicular access from the A264 and a secondary vehicular access from Shipley Bridge Lane with all matters reserved except for access. Approved 25th May 2016.

#### DM/17/4875

Reserved Matters application for the access road to the employment area (phase A4), cycle/footpath (phase A5iii), strategic landscape and land forming for phase L1 (including re-use of material from the excavations required to form the access roads to the site), a foul water pumping station and an electricity substation; pursuant to outline planning permission 13/04127/OUTES as amended by DM/17/1979. Approved 19th April 2018.

#### DM/18/2098

Reserved matters application in respect of outline planning permission 13/04127/OUTES for earthworks to create a development platform as part of Phases C1 and C2 detailing layout and landform. Approved 30th August 2018.

#### DM/18/1098

Reserved matters application in respect of outline planning permission 13/04127/OUTES for earthworks to create a development platform as part of Phases C1 and C2 detailing layout and landform. Approved 22nd October 2018.

#### DM/18/3874

Reserved matters application for B8 warehouse building, service yard, parking area, foul pumping station, electricity sub station and landscaping works. Approved 18th January 2019.

#### DM/19/0812

Reserved matters application for B8 warehouse building, service yard, parking area, foul pumping station, electricity sub station and landscaping works. Approved 29th May 2019.

### **SITE AND SURROUNDNG**

The wider development site is located immediately to the west of Copthorne, on land between the village and the M23 motorway. It covers approximately 54.2 ha and is currently a mixture of open land and woodland, with a former sewage works and an operational pumping station to the east.

The site subject to this application is located on the western side of the wider development and consists of one parcel of land, identified as C2 of the approved phasing plan.

The site is bounded to the east by ancient woodland and the M23 to the west. The northern boundary to the application site is formed of ancient woodland, while immediately to the south is parcel C1 (as identified on the site wide phasing plan) that will form the first phase of the consented commercial development.

### **APPLICATION DETAILS**

The proposal consists of the erection of a single building that will provide for 7,700sqm of floor space for B8 use (storage and distribution).

The proposed building will measure 117m by 62m under a shallow pitched roof with parapet walls to each elevation, to a height of 15.135m above finished floor level. The building will have a series of loading bays to its western elevation, with ancillary offices provided in the south-western corner, along with associated fenestration.

It is proposed that the building will be clad externally with a series of vertical cladding systems with a mix of Goosewing Grey and Merlin Grey. The office and reception area will be defined with a horizontal cladding panel coloured white. The roof will be clad with steel profile sheeting that hidden by the surrounding parapet wall.

The submitted plans show that a total of 67no. parking spaces are to be provided in a singular parking area to the west of the building, provision for 19no. HGV parking spaces and a total of 26no. cycle parking spaces split across two locations to the west of the building.

## **LIST OF POLICIES**

### Mid Sussex District Plan 2014-2031

DP1	Sustainable Economic Development
DP12	Protection and Enhancement of Countryside
DP14	Sustainable Rural Development and the Rural Economy
DP17	Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP21	Transport
DP26	Character and Design
DP37	Trees, Woodland and Hedgerows
DP38	Biodiversity
DP39	Sustainable Design and Construction

### Neighbourhood Plan

Regulation 14 Draft Plan published. Consultation finished 30th April 2017. Material planning consideration but little weight. Relevant policies include;

COP06	Sustainable Drainage Systems
COP07	Retention of Existing Employment Sites and Use of Vernacular Buildings
COP09	Protect and Enhance Biodiversity
COP11	Promoting Sustainable Transport

## **ASSESSMENT**

In determining this application it is considered that the main issues that need to be taken into account are as follows;

- Principle of development
- Impact on visual amenity
- Design and layout
- Highways and parking
- Biodiversity
- Sustainability

### **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 Mid Sussex consists of the adopted District Plan.

The site is located with the Countryside Area of Development Restraint as defined by the District Plan where policy DP12 seeks to protect the countryside in recognition of its intrinsic character and beauty. Development will be permitted where it maintains or where possible enhances the quality of the rural/landscape quality and meets other criteria, including where the development is supported by specific policies within the Development Plan.

Policy DP1 of the District Plan deals with Sustainable Economic Development and sets out that the total number of additional jobs required within the district over the plan period is estimated to be an average of 543 jobs per year and this will be achieved by a number of supportive objectives. Furthermore, the policy sets out that the provision of new employment land/premises will be made by incorporating employment provision within large scale housing development as part of a mixed use development where it is appropriate.

Policy DP14 deals with sustainable rural development and the rural economy and providing that proposals do not conflict with Policy DP12 and DP13 (preventing coalescence), new small-scale economic development will be permitted providing it meets certain criteria.

The proposed development represents major development outside the defined settlement boundary of Copthorne however, a significant material consideration in this case is the extant outline planning permission that exists on the application site, as part of a wider the development consented under 13/04127/OUTES, and while the proposal represents a relatively modest increase in overall floor space, the use has been previously accepted in principle and this should be given significant weight.

The information submitted with the application indicates that the proposal would generate 90 full time jobs that that will make a positive contribution to towards meeting the employment needs of the district, in accordance the policy DP1.

The comments of the Parish are noted regard the proposed use and the size of the unit however, it should be remembered that the extant outline planning permission does not restrict the use split between classes B1 and B8 (i.e. it can all be class B8) nor does it stipulate the maximum of size of the units(s), other than the overall limit on floor space. Given this context it would be unreasonable to require the applicant to provide smaller units or restrict the use to Class B1, the application should be determined on its merits based upon the details submitted before members.

### **Impact on Visual Amenity**

There are various landscape assessments published at national, county and local level, identifying the general characteristics of the area within which the site is located, adjacent to. These are set out in supporting Landscape and Visual Impact Assessment (LVIA) submitted with the application. Within the Mid Sussex Landscape Character Assessment (2005), the application site falls within the High Weald Plateau character area (Area 7), the key characteristic included 'significant woodland cover, busy lanes and roads (particularly the A264 through Copthorne) and a rural settlement pattern dispersed and scanty (with expanded settlements at Copthorne and Crawley Down)'. The character area is considered to have a high value because much of it has retained a distinctive rural character, its susceptibility change is considered to be medium, with the overall sensitivity also considered to be medium.

From a policy perspective, policy DP12 has already been identified as seeking to protect the countryside in recognition of its intrinsic character and beauty. Furthermore, policy DP26 of the District Plan, while dealing with design matters requires developments to demonstrate that they are sensitive to the countryside. The site is not located within a national designated area (i.e. AONB or National Park) and as such there are no specific policies within the Development Plan or the NPPF indicating that development on a site such as this should be restricted.

In granting outline planning permission on the site, under the wider 13/04127/OUTES consent, it has been accepted that development can occur on the site without causing unacceptable harm to the landscape character of the area, although it is noted that the maximum height assessed under that application was 11m. The additional height proposed as part of this application offers the potential to have a greater impact.

The supporting LVIA submitted with the application makes the following conclusion on the impact of the proposed development;

*'The visual assessment concludes that the visual effects of the proposed development would be localised and there would be no significant effects.'*

*In all cases, it is assessed that the proposed development would not significantly alter the principle of built development already established by the outline consent. The proposed commercial unit 2 is located within an area where consent has been obtained for an employment area with buildings up to a height of 11m. It has been assumed that commercial development forms the baseline and would be characteristic of views. The increase in the proposed height of buildings (15.135m) would not significantly increase the level of visibility assessed in the outline*

*application. Existing retained trees and scrub has become taller and more established and limit the perception of the proposed increase in height.'*

The site is not located within a national designated area where the NPPF places great weight on conserving landscape and scenic beauty and is not open to wider long distance views due to its existing screening and surrounding topology. The baseline of considering the impact of the proposal is that of the extant outline consent and while the proposal will be higher than that consented, the retained vegetation has matured and the submitted LVIA does not identify any significant harm to landscape character as a result of the proposal. There is no other evidence before officers that indicate that this will not be the case.

It is considered that the proposal will be not harm the intrinsic character and beauty of the countryside in this location and application complies with policies DP12 and DP26 in this regard.

### **Design and Layout**

Policy DP26 of the District Plan requires all development to be well designed and that the applicant demonstrates that proposals are of high quality (both in terms of design and layout) and include appropriate landscaping. Proposals should also positively contribute to the public realm and protect the character and scale of its surroundings.

The outline planning permission included a number of parameter plans, one of which relates to proposed building heights, and in respect of the commercial phases of the development that is limited to 11m above finished ground floor levels.

The proposed design of the building is appropriate for the intended use and the positioning of the office/reception area to the south-eastern corner of the building helps create an active frontage to the access road frontage, while the use of differing colour external materials along the northern and southern elevations will help temper the overall bulk of the building.

The proposed building design and use of materials is the same as that consent on phase one immediately to south and will help ensure that there is some underlying order to the appearance of the entire commercial element of the wider development, helping create a greater sense of place.

Given the intended use, there is a requirement for extensive serving and parking and this has been positioned to be as unobtrusive as possible. Although it will be still clearly visible, planting is proposed along the exterior boundaries of the site and it considered that every effort has been made to screen these elements as much as practically possible. The comments of the Council's Tree and Landscape Officer are noted and the requested further information and revised planting specification can be secured through the use of a suitably worded planning condition.

It is considered that the proposal provides for an acceptable standard of design and layout, as such the application complies with policy DP26 of the Mid Sussex District Plan.

## **Highways and parking**

Access to the site would be taken through phase one of the commercial element approved under the wider development proposal, which in turn is served by a newly constructed road from the main access of the site, which itself is served from the new roundabout arrangement to the A264. The principle of the access and the general capacity issues associated with the form of the development proposed were established as part of the outline planning permission, albeit that the current proposal provides for an increase in floor space.

The current application includes the following parking provision;

67 car parking spaces  
19 HGV parking spaces (including servicing bays)  
26 cycle parking spaces

Policy DP21 of the District Plan deals with transport matters and requires proposals to provide adequate parking taking into account the accessibility of the development, the type, mix and use of the proposals. Parking standards are also contained with the Council's SPD on 'Development Infrastructure and Contributions'.

At the time of writing the report the comments from the Local Highway Authority are still awaited but given the context of the extant outline planning permission it is not anticipated that any in principle issues will arise but members will be updated at the committee.

Having regard to the Council's parking standards as set out in the SPD, it is recognised that the proposed number (67no.) only represents approximately 75 per cent of the provision that should be made. As part of the outline planning permission the wider development site will be served by an existing bus route that is to be diverted through the site, in addition a draft travel plan has been submitted that seeks to achieve a 10 per cent reduction in vehicle trips by introducing measures to encourage alternative means of travel (a final travel plan will be secured via condition). In matters relating to HGV space and cycle space provision, the proposal is in compliance with the Council's standards.

Having regard to the accessibility of the site, the availability and opportunity for public transport and the use of the of the development, it is considered, notwithstanding the shortfall in provision, that adequate care parking is being provided and as such the proposal complies with the Development Plan.

Overall on this matter, and subject to the receipt of satisfactory comments from the Local Highway Authority, it is considered that the proposal is acceptable and accords with policy DP21 of the District Plan.

## **Biodiversity**

The site is bounded to the north and east by ancient woodland while the main body of the site has been previously cleared as part of preparatory works approved under the wider outline planning permission. The application is supported by an ecological

assessment, a Construction Environmental Management Plan (CEMP) and a lighting assessment, which sets ecological value of the site and mitigation measures to be implemented both to facilitate the development and during the construction phase.

It should be noted that Ecological Mitigation and Enhancement Scheme (EMES) has been approved for the entire site under the outline planning permission.

The supporting ecological assessment sets out that as part of the above EMES a reptile capture plan was implemented on the site and a total of four common lizards and two slow worms were captured and relocated to the retained receptor to the north of the wider development site. There is no evidence of badgers using the site, while dormice are present within woodland, scrub and hedgerow habitats that surround the site, all of this is retained and protected. Similarly, there will be no direct impact on trees with bat roosting potential as these are located within the adjacent woodland and its edges.

Policy DP38 of the District Plan sets out that biodiversity will be protected and enhanced by ensuring development puts in place appropriate measures to avoid and reduce disturbance to sensitive habitats and species and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure. Policy DP37 sets out that development should be positioned as far as possible from ancient woodland with a minimum buffer of 15m maintained.

The proposal shows that a 15m buffer will be maintained between the development boundary and the ancient woodland, and this will appropriately be fenced. The scheme provides for opportunities to improve biodiversity, as set out in the EMES, through the proposed landscaping scheme with new grasslands and new tree/scrub planting. The submitted CEMP sets out how the ecological value (amongst other things) will be protected and managed during construction and this is very much in line with measures approved in relation to other phases within the wider outline permission. Furthermore, the submitted lighting details set out that appropriate bat sensitive light sources will be provided, in respect of the colour temperature and a very low light emissions in the ultra violet part of the spectrum.

There is no evidence in front of officers to suggest that the proposals would have a detrimental impact on the ecological value of the site both in respect of protected habitats of species and as such the application complies with policies DP37 and DP38 of the Mid Sussex District Plan.

## **Sustainability**

Policy DP39 of the District Plan seeks to improve the sustainability of development and proposals should, where appropriate and feasible, incorporate measures to reduce energy consumption and carbon emissions.

The submitted details show that the development will provide for the following;

- 7 electric vehicle charging spaces
- Maximisation of daylight

- Targeting 'A' rated Energy Performance Certificate
- Water efficient fittings/appliances

The applicant has demonstrated that they are incorporating sustainable measures where appropriate and feasible and as such the proposals complies with Policy DP39 of the Mid Sussex Local Plan.

### **Impact on Ashdown Forest Special Protection Area and Special Area of Conservation**

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.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so **mitigation is not required**.

#### **Atmospheric pollution**

Increased traffic emissions as a consequence of new development may result in additional 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 potential effects of the proposed development are incorporated into the overall results of the transport model (Mid Sussex Transport Study (Updated Transport Analysis)), which indicates there would not be an overall impact on 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.

### **Other Matters**

It is recognised that as the time of writing the report comments from the Council's drainage officer are awaited, however, the site does form part of wider development proposal where an overall drainage strategy has been approved and it the current proposal will need to take into the account this strategy, which includes approved discharge rates. There is no evidence to suggest that the application site cannot be adequately drained and the details of the drainage proposals for this scheme can be adequately controlled through appropriately worded conditions. In this context, it is considered that the application complies with Policy DP 41 of the Mid Sussex District Plan.

As part of the application, the applicants have submitted a Construction Management Plan that sets how the measures that will be put in place to mitigate the impacts of the construction programme. The submitted details are very much inline with the details approved as part of the wider outline planning permission and a suitable condition is proposed to ensure that the development is implemented in accordance with the details of the submitted document.

Given the proximity of Gatwick Airport, the applicants have submitted a bird hazard management plan that will be used to mitigate against large number of birds congregating on large buildings or open water close to the airport. Comments from the airport have been received agreeing with the submitted plan and suitable worded condition is proposed to ensure that it is followed.

Comments have been received from the Council's Environmental Protection officer relating to possible noise and air pollution in relation to the proposals, particularly in relation to possible impacts on residential properties within the wider the scheme. As noted, the outline planning permission contains conditions that require residential properties (within the wider development) to be adequately protected from noise generated by the commercial elements of the scheme and in respect of residential phases one and two, details relating to these conditions are still to be submitted and approved. In light of this, your officers are content that the residential amenities of

future occupiers are protected through the existing outline permission and no further conditions are required in respect of the current proposal.

## **PLANNING BALANCE AND CONCLUSION**

The principle of the proposed development needs to be considered in the context of the extant outline planning permission for a mixed used scheme that covers a much wider site, where the application proposal represents an increase in both floor space and building height, over that previously consented. Furthermore, the proposal would generate 90 full time jobs that would contribute towards the districts economic growth and employment needs. Having regard to the above it is considered that the principle of development is acceptable and in accordance with policy DP1 of the Mid Sussex District Plan.

The proposed design of the building is similar to that consented immediately to the south as part of the wider outline permission scheme and while the layout is dictated by the need to service the building by vehicles, landscaping is proposed that will mitigate and soften the effects. Given the context of the site, the existing mature vegetation and the topography, the increase in the building height will not adversely affect the wider character and appearance of the area.

The proposal will maintain a 15m buffer to the adjacent ancient woodland and measures are proposed to help mitigate the effects of the development on protected species, especially bats, by the use of sensitive lighting. The proposal includes sustainability measures to help reduce energy consumption and carbon emissions that include 7 electric car charging spaces.

The level of proposed vehicle parking is considered acceptable and while the final comments of the Local High Authority are awaited, given the context of the extant outline planning permission it is not anticipated that the proposal would give rise to any highway network or highway safety concerns. Matters associated with drainage can be secured by condition and the adjacent residential amenity is protected by conditions attached to the extant outline consent that will need to be satisfactorily addressed regardless of whether this proposal comes forward or not.

Having regard to the above, it is considered that the proposal complies with the Development Plan as a whole and the decision should be taken in accordance with that, unless material considerations indicate otherwise. In this case, there are no material considerations that indicate a decision should be made contrary to the Development Plan.

The application complies with policies DP1, DP17, DP21, DP26, DP29, DP37, DP38, DP39 and DP41 and can be supported.

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## APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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

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

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

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the District Plan 2014 - 2031. (This pre-commencement condition is necessary as it requires the submission of fundamental details of how the development is to be drained. Such details are necessary before the development commences.)

4. Prior to the commencement of development protective fencing in accordance with the details shown on Barrell Tree Protection Plan (ref: 13242-BT16) shall be erected along the ancient woodland zone line and maintained throughout the duration of the construction. At no time shall any work, including any alterations to ground levels take place with the ancient woodland buffer zone without the written consent of the Local Planning Authority.

Reason: To protect the ecological value of the site and to accord with the Policy DP38 of the Mid Sussex District Plan 2014-2031. (This pre-commencement condition is necessary as it protects the ecology value of the site. Such details are measures are necessary before the development commences.)

5. Prior to the commencement of construction of any dwelling 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 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.

6. The building(s) shall not be occupied until the parking spaces shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the District Plan 2014 - 2031.

7. The development hereby permitted shall only be constructed in accordance with the details contained in the submitted and approved Construction Management Plan and Construction Environmental Management Plan, whose measures shall be applied throughout the entire construction period, unless first agreed in writing with the Local Planning Authority.

Reason: To protect local amenities and the ecological value of the site and to accord with policies DP21, DP26, DP37 and DP38 of the Mid Sussex District Plan 2014-2031.

8. The building hereby permitted shall be occupied until a Travel Plan has been submitted to and approved by the Highway Authority after consultation with the Local Planning Authority and the plan shall include arrangements for monitoring its implementation and effectiveness together with targets to reduce private car movements to and from the site. The implementation of such approved Travel Plan shall be within three months of the occupation of the development hereby permitted.

Reason: To seek to reduce the reliance on the use of the private motor car and to comply with Policy DP21 of the Draft District Plan 2014 - 2031.

9. The building shall not be occupied until provision for the parking of bicycles in accordance with the details submitted and approved as part of this application have been proved and thereafter be used other than for the purposes for which it is provided.

Reason: To enable adequate provision for a facility which is likely to reduce the amount of vehicular traffic on existing roads and to accord with Policy DP21 of the District Plan 2014 - 2031.

10. The building shall not be occupied until the lighting scheme detailed in the Cudd Bentley Consulting 'External Lighting Assessment Rev V1 has been completed in full and thereafter maintained in accordance with such details unless first agreed in writing with the Local Planning Authority.

Reason: To protect the ecological value of the site and to accord with policy DP38 of the Mid Sussex District Plan 2014-2031.

11. No external materials shall be used other than those specified on approved drawing no. 19085-P2004 Rev A without the prior written approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

12. No means of enclosure shall be used other than those specified on approved drawing no. 17174-P0206 Rev A without the prior written approval of the Local Planning Authority.

Reason: To protect the appearance of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

13. The development of the site levels shall only be undertaken in accordance with those approved under planning permission DM/18/1098 unless first agreed in writing with the Local Planning Committee.

Reason: To protect the appearance of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

#### INFORMATIVES

1. 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.
2. 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. 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: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). 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.

## 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
Location Plan	185004J/001		12.06.2019
General	17174 P0004	A	12.06.2019
Existing Site Plan	19085 P0202	A	12.06.2019
Proposed Site Plan	19085 P0203	A	12.06.2019
General	17174 P0205	A	12.06.2019
General	17174 P0206	A	12.06.2019
General	17174 P0207	A	12.06.2019
General	17174 P0208	A	12.06.2019
Planning Layout	19085 P2001	A	12.06.2019
Planning Layout	19085 P2002	A	12.06.2019
Proposed Roof Plan	19085 P2003	A	12.06.2019
Proposed Elevations	19085 P2004	A	12.06.2019

## APPENDIX B – CONSULTATIONS

### Parish Consultation

Object. Outline permission was granted under DM/13/04127 which included B1 and light industry and B8 storage and distribution. Both this and warehouse permitted under DM/18/3874 are B8. Would prefer smaller B1 units which would promote sustainable economic development which in turn would provide a wider range of local employment opportunities. Still concerns over non-vehicular connectivity between the site and the village, as no plan of pedestrian/cycle network across and around the whole site previously requested has been supplied

### MSDC Tree and Landscape Officer

I have reviewed the planting schemes for the above application which are detailed and clearly labelled showing tree and coppice planting, hedgerows and ornamental planting, and grass seeding.

#### Trees and Coppice planting

The choice and mix of trees species are all acceptable. However the sizes of all but one of the individual trees appear to be whips. Can we ask for a proportion of the individual trees to be more substantial than just whips.

#### Hedgerows

The choice and mix of species within the hedgerows are all acceptable. Whips are acceptable sizes for hedge planting.

#### Ornamental planting and grass seeding

These schemes are acceptable.

#### Planting and post development management

In addition can we be provided with details of planting methods and protection for new plantings and details of post development management.

## **West Sussex County Council Lead Local Flood Authority**

West Sussex County Council (WSCC), 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

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

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

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

Modelled groundwater flood hazard classification - Low risk

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.

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.

Ordinary Watercourses nearby? Yes

Comments: Current Ordnance Survey mapping shows ordinary watercourses in close proximity to the site.

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.

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.

Records of any historic flooding within the site? No

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.

### Future development - Sustainable Drainage Systems (SuDS)

The Flood Risk and Drainage Statement included with this application state that Sustainable Drainage techniques (permeable paving, below ground storage and a detention pond) would be used to control the surface water runoff from the site. These methods would, in principle, meet the requirements of the NPPF and associated guidance documents.

It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

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

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

### **NATS Safeguarding**

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (Ren 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 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 prior to any planning permission or any consent being granted.

### **Gatwick Airport**

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:

#### Implementation of Bird Hazard Management Plan

The Bird Hazard Management Plan dated 23 May 2019 shall be implemented as approved upon completion of the roof and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary to manage the roof in order to mitigate bird hazard and avoid endangering the safe movements of aircraft and the operation of Gatwick Airport through the attractiveness of birds.

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.

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